THE STORY

OF

LORD BACON'S LIFE.
Francis Bacon. Aged, 18.


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THE STORY
OF
LORD BACON'S LIFE.

BY W. HEPWORTH DIXON,
BARRISTER-AT-LAW.

WITH PORTRAIT OF BACON, AND VIGNETTE OF OLD YORK HOUSE,
BY E. M. WARD, R.A.

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The brief Essay on the Personal History of Lord Bacon was published about a year ago, and a second edition followed the first too quickly to allow of my profiting by the discussions to which it gave rise. In the wide and warm acceptance which it gained, an acceptance more immediate than I had dared to hope for, some critics said, most truly, that many things were left unexplained, particularly as to the Apology and the Confession. In truth my book was a chapter, not a history—a contribution of new materials, not a summary from other books. It was a review article, somewhat enlarged. When, however, it appeared that nearly all objections to a true theory of Bacon's life arose either from forgetfulness of what was otherwise known, or from carelessness in fitting the new matter to the old, and that these objections would vanish on the facts being set in their true order, it was clear that if some one would tell the story of Bacon's life, in a brief space, and in such a way as to deal with all the facts under controversy, he would be doing a service. I had not sought this labour; circumstances thrust it on me. My Essay was reprinted in Boston and Leipsic. Requests were made to translate it into French, German, and Italian. A new edition was called for in London. How could I give it to the world again without answering by facts the objections still urged against the nobler view of Bacon's life? Voices from many sides called on me to proceed in the work I had begun. The Hatfield Papers offered me much new detail on the Essex Plot; and the important discovery in the Six Clerks' Office of Bacon's Chancery-books, put me in possession of new and official materials for a history of the charges of Judicial Bribery. Finding my former case strengthened at every point by these reve-
lations, I fell to work, cheerily obtained from Sir John Romilly free access to the Chancery-books, and from Mr. T. Duffus Hardy valuable aid in deciphering and abstracting them. I sought the advice and obtained the approval of some of the most eminent lawyers on the Bench. The result of these labours is now before the reader. I ought to say that in two or three chapters of this 'Story' I have freely used the substance of my previous Essay; but the present work is substantially a new book.—W. H. D.
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CHAPTER I.

THE STORY.

In the world of familiar illustration there are two Francis Bacons: one of legend, one of story; a Figure which Edward Coke opposed, which Simon d'Ewes and Anthony Welden traduced; and, a Man whom Raleigh admired, whom Ellesmere assisted, whom Falkland and Herbert loved. The first is a fool, a pretender, an ingrate; the other a wit, a reformer, a mediator, a gentleman, the soul of courtesy and grace, the most forgiving of adversaries, the most steadfast of friends. The spurious Bacon was branded by Alexander Pope; the true Bacon described by Ben Jonson and John Aubrey. Coming four generations after Bacon, Pope could know nothing of the facts; while Jonson, a higher judge, had lived at the same time, had been a witness of his career, had enjoyed the affection and confidence of those who knew him best. Aubrey, too, though he never saw Bacon in the flesh, had peculiar means of arriving at the truth; for he associated familiarly with those who had been Bacon’s secretaries and friends, and his anecdotes
and impressions were derived from the lips of Sir John Danvers and Thomas Hobbes.

These legends come down to us in broken but connected lines: the false Bacon through Welden, Goodman, d’Ewes, and Pope; the true Bacon through Raleigh, Jonson, Tenison, Aubrey, Hobbes, and Carte.

In our own days, a band of writers who proclaim that “a dash of caricature” is necessary and justifiable in historical composition, have set parts of this true and of this false Bacon together—the head of gold upon the feet of clay. In this idol of a school we have a man immeasurably high and unfathomably low: a wit and a fool, a sage and a cheat; a nature at the same time splendid and mean, gracious and spiteful, courteous and insolent, bountiful and grasping, chaste and lewd. The creation is not amenable to any theory of human nature, or any array of personal facts. But the “dash of caricature” is strong, the result striking. Who can resist a shock of surprise and expectancy on meeting a character with Sir Charles Grandison in the premiss, and in the conclusion Jerry Sneak?

The three or four contemporaries who set their teeth against Bacon, if not less mistaken, were less illogical than these moderns. Coke thought him a fool, his philosophy bad as his law, his ‘Instauratio Magna’ the silliest of printed books:

“Instaurare paras veterum documenta sophorum:
Instaurae leges justitiamque prius.”

D’Ewes imagined Bacon a man of immoral life; Welden and Goodman believed he had no genuine
parts. If these men were wrong, they were consistent. Coke never described Bacon as wiser than Socrates, meaner than Scapin; Welden, as higher in intellect than Raleigh, lower in character than Cuffe. Even d'Ewes, who knew so little and imagined so much, never pretended that the same man could have the purity of an English girl and all the vices drowned by the Dead Sea. It remained for a professed lampooner to suggest a combination of qualities never to be found in human nature—

"The wisest, brightest, meanest of mankind;"

and for those who taught the doctrine that "a dash of caricature" is useful and legitimate, to preach a sermon and draw a character on the suggestions of this immoral and impossible text.

In the Story of Lord Bacon's life it will be found that the facts, when told in the order of their occurrence, sustain, both in the mass and in particular, the noble and magnanimous character which was conceived by Raleigh, described by Jonson, witnessed by Falkland and Herbert, defended by Tenison and Aubrey.

A Fictitious Biography has been invented to sustain a Fictitious Character. The caricaturists paint Bacon in the House of Commons, as playing now the patriot, anon the courtier; one day speaking on behalf of the widest popular liberties, another day battling to increase the supplies and strengthen the prerogative, just as might suit his interest for the hour. The Story will show that his policy in the House of Commons never varied from the day on which he entered it as burgess for Melcombe, at the
age of twenty-four, to the day on which he quitted it, thirty years later, to accept the Seals. His policy, if new, was clear and consistent. Going into the House of Commons in a time of internal change and external danger, the feudal system dying out, the constitutional system still unborn, the Puritans crying out for change, the Spaniards threatening a descent, Bacon found that House divided, as the whole nation was divided, into two camps: the Court unduly jealous of the people, the Puritans unduly jealous of the Crown. Neither a courtier nor a Puritan, but a man of brilliant insight who had given his mind to politics, he yearned to see a strong government established in the midst of a free people. The Crown could not be weakened without giving advantages to Spain, and Spain was the one sleepless, unappeasable enemy of the English Church and the English power. In office or out of office, Bacon voted for supplies and for the Union; in office or out of office, he resisted the sectarian lawyers and politicians who attempted to invade the ancient and constitutional prerogatives of the Crown; yet in the true interests of prince and people he spent his whole life in the House of Commons in what were called acts of opposition, in reforming the laws, in resisting the excesses of Government, in promoting peace and charity among rival sects, in purifying the prerogative from its needless and obnoxious powers. His vote was always with the reformers, except on those rare occasions when the reformers were clearly in the wrong; but even when he voted against them, the Puritans, who knew his honour and respected his independence, never drew from his
side. To the last hour of his parliamentary life he was their orator and their favourite. The Court, though it had his voice on its money bills and Union bills, considered him an opponent, and only admitted him to office when the House of Commons could no longer be managed without his help.

The Fictitious Biography paints him as bound by the sacred ties of gratitude and affection to the Earl of Essex, who, after striving in the most disinterested spirit to procure for him a great office and a wealthy wife, and failing in these efforts, had generously bestowed upon him Twickenham Park; as helping and advising that Earl so long as he could do it safely and with profit, but as going over to his enemies when the hour of danger came; and when the rash Earl’s rash enterprise gave those enemies a legal advantage over him, as straining his utmost skill as an advocate, his pre-eminent vigour as a writer, to take away the life and to damn the memory of a noble and confiding friend.

A plain story of the times will show that the connexion of Bacon with Essex was one of politics and business; that this connexion was in the highest degree injurious to Bacon and to Bacon’s family; that Essex caused him to lose for fourteen years the post of Solicitor; that Twickenham Park had never been the property of Essex, and was not given by him to Bacon; that the connexion between them ceased by the Earl’s own acts, Essex abandoning the national party, to which both he and Bacon belonged, and opposing himself in the House of Lords to Bacon’s measures of reform; that the “rash enterprise” for which Essex suffered on the block
was treason of so black a shade—so odious in the conception, so revolting in the details—as to arm against him every honest man; that Essex not only sought to subvert the Government, but to subvert it by means of an Irish army for the benefit of Rome, not only to remove his rivals from power, but to assassinate Raleigh and Cecil, and, on resistance, the Queen herself; that, while Essex was yet free from overt and unpardonable crimes, Bacon went beyond the extremest bounds of chivalry to save him; that in acting against Essex, when Essex had stained his hands with blood and his soul with treason, he did no more than he was bound to do as a public man; that, though he could not save the guilty chief, he strove, and not in vain, to rescue from the gallows his misled accomplices; finally, that to the generous suppressions of the State Paper which he drew up under her Majesty's command, was due the fact that Essex's name could be pronounced without a curse, and his son could one day be restored in blood.

The Fictitious Biography describes Bacon as having arrested, prosecuted, and condemned a very eminent lawyer, Oliver St. John, in after-life the famous Lord Chief Justice of the Commonwealth, for pronouncing a legal opinion on the legal question of a benevolence. The Story will show that the person arrested was not the Lord Chief Justice St. John, was not a lawyer at all; that the man was not prosecuted for expressing a legal opinion, but for an overt political crime; that he was condemned and sentenced not by Francis Bacon, but by Edward Coke.
The same Fictitious Biography describes him as having caused the arrest of an aged Puritan minister, for writing a sermon which he had never preached and never meant to preach, reflecting on the tyranny of Government; as urging the case forward with unseemly and malignant haste; as, out of mean subservience to his Majesty, stretching this old man on the rack, and as wishing to hang him for an offence which he knew was not high treason.

The Story will for the first time state the true facts of this case, and establish Bacon's personal relations to them. The new light will exhibit Bacon's action in this matter as natural and commendable. It will be seen that Peacham was not a Puritan, or a man with whom any Puritan divine or writer has ever sympathised; that he was a scandal to his neighbours and to his calling; that he was not arrested by the Government for a political offence, but by Archbishop Abbott for a personal and ecclesiastical outrage; that a commission of prelates, after a patient hearing of his excuses, cast him out from the Church; that the ecclesiastical commissioners found in his desk the papers which became the subject of a political prosecution; that these political papers were not a sermon but a book—a book ready for the press; that Peacham, to excuse himself, accused an innocent family—to which Bacon was bound by the most sacred ties—of complicity in his crime; that the members of this innocent family were arrested by Winwood on suspicion; that the only way in which they could be saved from shame, and perhaps from ruin, was by compelling the false accuser to withdraw his charge; that the exa-
mination to that end by torture was the act of the Privy Council, of which Bacon was not even a member; that his duty as Attorney-General bound him to witness the confession, but that Winwood, the Secretary of State, and chief of the commission, was alone responsible for it; that, while Bacon showed his resolution to make Peacham tell the truth, he allowed the public to know that he should counsel the Crown not to deal harshly with him; that the leniency thus announced while the offender was in the Tower was extended to him during his trial and after his trial; for as soon as the false accuser confessed his lies, and the innocent men were safe, he was sent into his own county to be tried at the ordinary assizes, and when he was convicted of high treason by a jury of his neighbours the Government spared his life.

The Fictitious Biography makes much of the charge of Judicial Corruption, of the Submission, of the sentence of the House of Lords. In dealing with this passage of his life, it strays farthest perhaps from fact, from logic, and from good sense. It asserts that Bacon was impeached by the House of Commons for corruption in taking bribes to pervert justice on the bench; that he was tried for this offence by his peers; that he fully and without reserve confessed himself guilty of it; that he was judicially condemned for it; and that no man in the generation of these events was either weak or brazen enough to contest the truth of this charge, the sincerity of this confession, or the justice of this condemnation. Now, what are the facts?

A glance at the Journals of Parliament will show
that he was not impeached by the House of Commons, not tried by the House of Lords. The proceeding was an inquiry, not a trial; a political, not a judicial act. A personal enemy and a discharged servant brought forward this charge of corruption. Some of the ablest men, some of the best reformers of that time—Sackville, Wentworth, Meautys, Finch, and May—resisted the introduction of such a charge; the majority, though bent on winning reform, and told they could only get at Chancery through the Chancellor, refused, on a motion to that effect, to send up the accusation as an impeachment or in any other form than as a simple relation "without prejudice or opinion." In the Lords there was an inquiry, not a trial. No court was constituted, nor was any legal indictment drawn. The difference between such an inquiry as took place, and a proper trial under the King's commission, is immense. The inquiry was not public, the witnesses were not sworn to speak the truth under the usual penalties of perjury, their statements were all delivered *ex parte*, there was no cross-examination, no sifting of evidence, no inquiry into the characters of the deposing witnesses. The accused Chancellor was not present, either in person or by his counsel. Not a single fact in the accusation against him was proved. There was consequently no trial in either a legal or in a moral sense.

It is not true that Bacon confessed himself guilty of taking bribes to pervert his judicial opinions. His act of submission consists of two parts: a general plea and a statement of the particulars. This statement of particulars limits and explains the sense in
which the general plea of guilty is to be received; and it cannot, without garbling and injustice, be divorced from that general plea. Much of the error as to this part of Bacon’s life has sprung from separating two clauses of an instrument, which are grammatically and logically necessary to each other. If the general plea runs “guilty of corruption,” the statement of particulars explains the nature and degree of the corruption to which this confession is made. This statement nowhere admits that Bacon had taken bribes to pervert justice. In two or three cases it allows that suitors in his court had been suffered by his servants to pay their fees, the legality of which was incontestable, at irregular times. So far he could plead guilty; not to an actual and personal, but to an official and hypothetical offence; one which Finch told the House of Commons that no judge on the bench could help. That Bacon pleaded guilty in this sense, and in no other, is apparent in the limitations of his public text and in all his private declarations. From a sick-bed, in what appeared to his physicians as the extremity of his life, he wrote: “I take myself to be as innocent as any born on St. Innocent’s Day in my heart.” Again: “There be three degrees or cases, as I conceive, of gifts or rewards given to a judge. The first is, of bargain, contract, or promise of reward, pendente lite; and of this my heart tells me that I am innocent; that I had no reward in my eye or thought when I pronounced any sentence or order.” And to Buckingham he wrote: “I know I have clean hands and a clean heart.” Thus, in words which had the sanctity and force of a dying confession, he put an Explana-
tion by the side of his Admission. The assertion of purity was made at the same period and to the same persons as the confession of corruption. It is certain, therefore, that the two statements were reconcileable in Bacon's mind; that the fault which he admitted was not incompatible with the virtue which he claimed; that the corruption to which he pleaded was a necessary adjunct of his office. In a word, he confessed no more than that he was guilty of being Lord Chancellor.

That the vote of the Peers was a political, not a judicial act, is obvious from the forms observed: Sir James Ley occupying the chair in place of the Lord High Steward of England; the House sitting in its own chamber instead of in Westminster Hall. An attempt to procure from the Peers a sentence which implied personal guilt was made and was defeated; for even those who consented to his political ruin refused to assist in branding him with personal shame. He retained his honour; he only lost his place.

The whole world did not acquiesce in the justice of the verdict. Indeed, the world protested against that verdict by its noblest voices and its highest tribunals, and in the end it was completely set aside. Not a clause in the Lords' Resolution was meant in earnest or was ever really enforced; some of the Peers confessed it was a cover for leaving him in the King's hands, and the Privy Council treated it as a parliamentary form.

Half a day in the Tower, a week at Parson's Green, a year at Gorhambury, were the personal inconveniencies of the vote. In the end he was not fined;
not banished from the Court; not really imprisoned; not held incapable of office; not excluded from the House of Lords.

After his retirement from public life, neither the Crown nor society treated him as a man guilty and condemned. The King received him; the most eminent members of the Government corresponded with him; ambassadors from foreign princes waited on him; the most learned bishops, the most famous poets, the most upright reformers, instead of shunning him as a guilty wretch, clung to him as a suffering martyr. Not a friend fell from him. In his poverty and retreat he was surrounded by men whom no money could buy and no sophistry could blind: by George Herbert, by Lord Falkland, the Earl of Arundel, Sir Henry Savile, Ben Jonson, Sir Edward Sackville, by John Selden, Bishop Andrews, Lord Cavendish, and Thomas Hobbes. Who will assert that one thus loved, thus followed in his retirement, stood before the world in the character of a guilty rogue? Herbert and Andrews, Sackville and Falkland, knew the truth. Their opinions on his case are not a secret: for they published them, not in words only, but in beautiful and expressive acts. Does any one believe that either Lancelot Andrews or George Herbert could have kept his friendship for a man really convicted of dishonesty? that either Lord Falkland or Sir Edward Sackville could have given his heart to a corrupt and degraded judge? Where men so noble and acute saw no offence, we may conclude there had been no offence.

That the Judges on the bench, that the Members
of both Houses of Parliament, concurred with the most eminent of their contemporaries, native and alien, in treating the offence, the charge, the submission, and the sentence as things hypothetical and political, which had hurt Bacon's fortune, but had not touched his honour, is apparent in the failure of every attempt, whether made in Parliament or in the courts of law, to disturb the judicial decisions recited in the Act of Submission. "Never any decree made by him," says Rushworth, "was reversed as unjust." These efforts failed because there was no injustice to overthrow, and there was no injustice to overthrow because there had been no corruption on the bench.

The true causes of Bacon's fall, which lay far away from his actions in the Court of Chancery, will appear as we follow the Story of his life.
CHAPTER II.

A FAMILY PICTURE.

Francis Bacon, son of Sir Nicholas and Lady Anne Bacon, was born on the 22nd of January 1561, at York House in the Strand. This house, a fief of the Crown, stood next to the palace, from which it was parted by lanes and fields; the courtyard and the great gates opening to the street; the main front, with its turrets, facing to the river. The garden, of unusual size and splendour, fell by an easy slope to the Thames, which it communicated with by stairs, and commanded as far south as the Lollards' Tower, as far east as London Bridge. All the gay river life swept past the lawn; the shad-fishers spreading their nets, the watermen paddling gallants to Bankside, the city barges rowing past in procession, and the Queen herself, with her train of lords and ladies, shooting by in her journeys from the Tower to Whitehall stairs. From the lattice out of which he gazed, the child could see, over the palace roof, the pinnacles and crosses of the old abbey.

The story of York House had been that of the great contest between ecclesiastical and lay society. In ancient times, when the Crown was under clerical rule, that house had been leased to the see of Norwich.
for a bishop's inn; when the Church fell into trouble, William Rugge had restored it to the Crown. King Harry had then given a place, which he thought too sumptuous for a prelate, to the gay Charles Brandon, lover and husband of his beautiful sister Mary, the Queen of France. When the Church rose again, on the accession of Mary, it had gone to her Roman Catholic Lord Chancellor and Archbishop of York, Nicholas Heath. On the fall of that minister it had passed by lease to Sir Nicholas Bacon, his lay successor to the Seals.

No other place, not Gorhambury or Gray's Inn, is so closely connected with Bacon's life and fortunes as York House. It was the scene of his gayest hours and of his sharpest griefs, of his highest magnificence and of his profoundest prostration. In it his studious childhood passed away. In it his father died. On going into France he left it a lively and splendid home; on his return from that country he found it a house of misery and death. From its gates he wandered forth with his widowed mother into the world. Though it passed into other hands, his connexion with it never ceased. Under Egerton its gates again opened to him. It was the scene of that inquiry into the Irish treason, of which he was the Queen's historian. During his courtship of Alice Barnham, York House was his second home. In one of its chambers he watched by the sick-bed of Ellesmere, and, on Ellesmere's surrender of the Seals, presented the dying Chancellor with the coronet of Brackley. It became his own during his reign as Keeper and Chancellor. From it he dated his Great Instauration; in its banqueting-hall he feasted poets and scholars; from
one of its bedrooms he wrote his Submission and Confession; in the same room he received the Earls of Arundel, Pembroke, and Southampton as messengers from the House of Lords. To regain York House, when it had passed into other hands, was one of the warmest passions of his heart; and the resolution to retain it against the eager desires of Buckingham was one of the secret causes of his fall.

At the time of his son's birth the Lord Keeper was fifty-one, the father of eight children, the husband of a second wife. Huge in person, gouty, asthmatic, high in flesh, Sir Nicholas could not walk from Whitehall to York House without sitting down to rest and blowing for his breath; and this weakness in his legs and chest descended to both his sons by Lady Anne. Queen Elizabeth, laughing, used to say the soul of her Lord Keeper was well lodged—in fat; but the lusty old knight, who had mother wit of his own, could have been as brightly sarcastic as the Queen. His was the shrewd saying, Let us take time that we may have sooner done. When Elizabeth, tripping into the hall at Redgrave, cried, "My lord, what a little house you have gotten!" he adroitly answered, "Madam, my house is well, but you have made me too great for my house." When an impudent thief named Hogg asked mercy from him, as judge, on the plea of kindred between the Hoggs and Bacons, he replied, "Ah! you and I cannot

1 'Civitas Londinum,' by Radulphus Aggar, 1560; Wyn Graede's drawing, 1563. I am indebted to my friend E. M. Ward, R. A., for the drawing after Wyn Graede which adorns the title-page of this volume.
be of kin until you have been hanged." The wise old man, if he loved his joke, knew well how a word may wound, and would never sacrifice his friend for his jest. Though he seemed to be slow, and had scarcely any ambition, Sir Nicholas had an original and projective mind. The grounds laid out by him at Gorhambury suggested to his son those ideas on gardening which, developed in his Essays and other writings, have led to the foundation of an English style. The scheme which he presented to King Henry for the endowment of a school of law, policy, and languages in London, was perhaps the original germ of the New Atlantis, the idea being transferred from statecraft to nature. In politics the Lord Keeper held to the English party; that party which set its face against Rome and those who represented Rome, against the Jesuits, the Spaniards, and the Queen of Scots. By help of his clear head and resolute tongue, the great change of religion had been brought about. On that change he had staked his fortunes, and had only won when England had won. Burghley himself was scarcely more honoured by invective from Jesuit pens. On the bench he had neither an equal nor an enemy; his rule over the Court of Chancery recalling the golden age of Sir Thomas More. If he felt warm against any one in the world, it was against the mistress of Rizzio, whom he detested not only as an adulteress and a murderess, but as a political tool in the hands of France and Spain. A stout, easy man, full of contrivance, and humour, and homely sense, with no very dangerous qualities, no very sparkling talents: such was the father of Francis Bacon. People said of him,
with truth and point, "Some men look wiser than they are,—the Lord Keeper is wiser than he looks.""

The Lord Keeper’s first wife, Jane Ferneley, a daughter of William Ferneley of West Creting in Suffolk, had left him three sons and three daughters: Nicholas, Nathaniel, and Edward; Anne, Jane, and Elizabeth; all of whom had been born to him in his days of obscurity, when he had no desire beyond making money, and no distinction beyond being a bencher of Gray’s Inn. After Jane’s death he had married Anne Cooke, a sister of Burghley’s second wife; from the date of which marriage he had risen high in the world. Lady Anne’s first son, called Anthony after her father, had been born in 1558. At the close of that year Sir Nicholas received the Seals from Heath. Of his eight living children, Francis, who appears to have been named after his noble aunt, Frances Grey, was the only one born to him in the purple, in the noon of his success, amid the splendours of York House.

Lady Anne was a woman of higher birth, of loftier character, than her husband. The daughter of Sir Anthony Cooke of Geddy Hall in Essex, a scholar and a gentleman who had put King Edward through his gradus and his catechism, she inherited the whole of her father’s religious creed and not a little of his accomplishments in Greek. That religion was to fear God and hate the Pope. If a gentle nature caused her to pity the sufferings of Roman Catholics, she only prayed the more that

2 Bacon’s Apophthegms, Works, vii. 144; Caulfield’s ed. of Fragmenta Regalia, 52.

3 Wotton’s Baronetage, i. 3; Athenæ Cantabrigienses, ii. 314.
such dangerous persons might be kept far distant from her and hers. She translated Jewell's Apology into English; a work which was praised by critics and printed by command of an archbishop for public use; yet she was not more at home with Plato and Gregory than with her dovecote, her stewpans, and her vats of ale. When a fine lady called at Gorhambury, she found Sir Nicholas in his study with Quintilian, Lady Anne in her kitchen with her herbs, her jelly-pots, and her game. Her step-son Nathaniel, who took to the arts and painted pictures which have been praised by Walpole, made a portrait of her standing in a pantry, babited as a cook. Strict in her religious duties; in the words of her affectionate and illustrious son, "a saint of God;" she was kind to the preachers though herself not a Puritan; and when they got into trouble with the Council she spoke for them to her powerful kinsman that word which spoken in season is quick to save. But for a Roman Catholic she had no tolerance. To her a Papist was always either a courtesan or a rogue: if a woman, a Mary Stuart; if a man, a Christopher Blount. This repugnance to Rome and the things of Rome had been born in her blood and bred in her bone.

Anne had three brothers and four sisters: Richard, William, Edward; the second of whom, William, afterwards Sir William Cooke, married Frances Grey, a niece of Henry Duke of Suffolk and a first-cousin of Lady Jane Grey. Of her sisters, Margaret became the wife of Sir Ralph Rowlett; Mildred, the second wife of Lord Burghley; Elizabeth, the wife of Sir Thomas Hoby, and, after his death, of John
Lord Russell; Catherine, the wife of Sir Henry Killegrew, and, after his death, of Sir Henry Neville. Thus the whole kindred of Francis Bacon by the male and female lines professed the severest principles of the Reformation. Some of them had suffered persecution, some had been exiled, some sent to the block. Could Lady Anne forget that her father had been driven from his country, that the kin of her sister Frances had been murdered by a Papist queen? In her own fierce repugnance to the Italian creed she trained her sons.

A keen, bright woman was Lady Anne; more loving and more hating, sterner in her opinions, gentler in her deeds, than the majority of her sex; a little high and masterful; apt, as many good women are, to give strong advice. In her motherly eyes her two sons remained always the same little fellows who had played in the galleries of York House or rolled on the sward at Gorhambury; boys needing a mother’s eye and a mother’s voice; and, in truth, when they were grown up into men, full of the experience of travel, the knowledge of books, she continued to feed them from her own barn and cellars, to look sharp after their pills and confections, to send them game from her own larder and beer from her own vats, to lecture them soundly on what they should eat and drink, when purge or let blood, how far they might ride or walk, when safely take supper, and at what hour of the morning rise up from bed.4

From notices, scant but clear, of the Lord Keeper’s

4 Lansdowne MSS. xliii. 48; Lady Bacon to A. Bacon, printed in the ‘Personal History of Lord Bacon,’ App. II.
household, we may see the two boys growing up together; both gentle and susceptible in genius; as strong in character as they were frail in health; now sporting in the oak-wood at Gorhambury, now playing their little parts among the pomps of York House. Francis was like his mother; had the same pouting lip, the same round head, the same straight nose and Hebe chin. As a child he was very beautiful; his chubby cheeks, his grey-blue eyes, his curly and silken locks, might have fitted him to sit for one of the angels painted by Raffaell. These children lived in the hurry and vicinity of great events. When Anthony was eleven and Francis nine years old there opened at York House the famous conferences on Mary's complicity in Darnley's death; only two years later the Duke of Norfolk, sentenced by his peers for treason, was conveyed from Westminster to the Tower, past the garden stairs, the headsman standing in the barge, his uplifted axe turned towards the duke. Lady Anne felt no compassion for the sinful queen and her infatuated dupe; and her younger son, at least, imbibed her pious and lofty scorn for all the personages concerned in that romantic plot. We see him, in those early years, a man among boys; now playing with the daisies and speedwells, now with the mace and seals; one day cutting posies with the gardener or crowing after the pigeons, of which he was fond, as his mother tells us, roast or in a pie; the next day paying his pretty little compliment to the Queen. "How old are you, my child?" "Just two years younger than your Majesty's happy reign." Such a
child was a courtier born. Every tale told of him in his childhood wins on the imagination: whether he hunts for the echo in St. James's Park, or eyes the jugglers and detects their trick, or lisps wise words to the Queen and becomes her young Lord Keeper of ten.  

At twelve years and three months old he and Anthony were sent down to Cambridge, where they entered as fellow commoners of Trinity College, of which John Whitgift, afterwards Archbishop of Canterbury, was then Master. The boys appear to have resided in his house. From him they learned what he had to teach, though little Anthony paid more for pills and potions, for meat from the Dolphin tavern, and for Dr. Hatcher's drugs, than for Latin and Greek. Outbreaks of plague drove the brothers from Cambridge; once for so long a time as eight or nine months; yet Francis made such progress in his studies, not only in the arts and languages, which his father had told him he must seize as the weapons of public life, but in the higher methods and philosophy of learning, as enabled him to detect, while yet a boy of sixteen, some of the vice and barrenness of the old academical scheme. Three years in all he spent at Trinity. One walks with a tender step over the green lawn, and through those rooms of Trinity which his fame now glorifies, and which his feet must have trodden in the life.

5 Athenæ Cantabrigienses, ii. 314; Mignet's Life of Mary Stuart, c. vii.; State Trials, i. 958; Lady Bacon to Anthony Bacon, Lambeth MSS. 650, fol. 54 (printed in 'Personal History,' App. II.).
One sees him, by the light of Hilyard’s portrait, as he strolled along the Cam or reclined under the elms, with his fat round face, his bluish-grey eyes, his fall of dark brown curls, and his ripe, jesting mouth; with his hose puffed out, his ruff and rapier as the scholars then wore them; in his face a thought for the bird on the tree, the fragrance in the air, the insect in the stream, no less than for the Greek dialectics and the twelve books of Euclid. To a mind susceptible of all impressions, one which, fitted by nature for the subllest speculations of philosophy, had yet been trained by the Lord Keeper in a statesman’s contempt for theories, the state of the university, when Bacon went to Trinity, was miserable indeed; the academical bodies being divided into factions, the doctors at open war. Cartwright, the most popular preacher of his age, had just been vanquished by force, deprived of his fellowship, forbidden to read public lectures, expelled from the university. Their Master, Whitgift, had been the leader in this High Church conflict; but his triumph, when it came, was more disastrous and vexatious than defeat. St. Mary’s church, from which the people had taken the windows when Cartwright preached, was now empty; but the solitude at St. Mary’s had not brought peace into the town. Charke, Aldrich, and Browne were as troublesome as Cartwright had been; and if Whitgift at length succeeded, by the help of Parker and the Privy Council, in crushing these opponents, the balance of logic and learning was supposed by the laity to lie on the losing side. Of course, in all
these frays the Lord Keeper had to sustain the official powers; but the men who practised in their lives the doctrines which they proclaimed from the pulpit found an abiding advocate in the heart of Lady Anne. To her sons these quarrels in the Church were a warning rather than a snare. Francis, on his part, showed an early impatience with debates on "things indifferent." Before he left Cambridge to enter on the business of the world he had begun to suspect the radical unsoundness of the Greek dialectics taught in the universities. If he left his college without taking a degree, he carried away from Cambridge, as he afterwards told William Rawley, the germs of his plan for reconstituting the whole round of the physical sciences.6

The Lord Keeper, meaning his son for a man of state, not of books and ideas, withdrew him at the age of sixteen from the scene of these unprofitable studies and debates. Would the wrangle of Cartwright and Parker bring him the Seals or the White Staff? French, Latin, law, history, politics, were the things which Sir Nicholas thought a boy should learn. Latin and history his son already knew. That he might catch up something of law, he put his name on the books of Gray's Inn; that he might perfect himself in French and politics, he proposed to send him into France. Some hints of his son's

6 Whitgift's Accounts, in British Magazine, xxxii. 365; Montagu, xii. 189; Heywood's University Transactions during the Puritan controversies of the sixteenth and seventeenth centuries, i. 123-156; Rawley's Life of Bacon, reprinted in Spedding's edition of Bacon's Works, i. 4.
magnificent intellect were perhaps vouchsafed to him; while of his personal beauty, his gracious manners, his industry, his acquirements, and his wit, the whole world could judge. To Paris the youth should go. Sir Amias Paulett, a gentleman of probity and fortune, was about to start, with his wife, Lady Margaret, on a public mission to the Court of Henri III. Under their eyes Lady Anne could trust her son, even in a Papist country and among a people on whose hands the blood of St. Bartholomew's day was red. She had no fears for him; for if young in years, he had the gravity and sense of age. To France he went. In the train of Sir Amias Paulett he rode at seventeen with that throng of nobles who attended the King and the Queen-mother down to Blois, to Tours, to Poictiers; mixed with the fair women on whose bright eyes the Queen relied for her success even more than on her regiments and fleets; glided in and through the hostile camps, observed the Catholic and Hugonot intrigues, and saw how the great men of either Court made love and war. The French historian of the war, though a witness and an actor in this comedy, turned from it in disgust: "When two Courts which rivalled each other in gallantry were brought together," says Sully, "the consequence may be guessed. Every one gave himself up to pleasure; feasts and ballets followed each other, and love became the serious business of life." But Lady Margaret, kind to Francis as a mother, watched over his steps through these immoral scenes with the warmest love and care; a kindness which he remembered to the
good lady, and repaid to her kin by the most signal services in his later years. 7

The Lord Keeper died of a cold, with a merry saying upon his lips. The winter had been keen; a sharp frost had been followed by a sudden thaw; and the stout old gentleman, who in the best of seasons had to fight for his breath, sat down at an open window while his barber trimmed his beard and combed his hair. As the man snipped and combed, the Lord Keeper fell asleep in the draught of air. "Why did you let me sleep?" "Why, my lord," said the frightened servant, "I durst not wake your lordship." "Then," said the old gentleman, "you have killed me with kindness." In a few days he died.

So far as concerned his youngest son, his affairs were in some confusion. The six children of Jane, and the eldest son of Lady Anne, were well off; Sir Nicholas having Redgrave and the broad Suffolk acres; Edward a lease of Twickenham Park, and, through his wife, Shrubland Hall, in Suffolk; Nathaniel, besides a settlement made by his father, a fortune with his wife, a daughter of Sir Thomas Gresham; the girls being all married; Lady Anne having Gorhambury for life; and Anthony, besides the reversion of Gorhambury on his mother’s death, the family estates of Redburn and Barley. Francis was the only one left poor. The Lord Keeper had begun to lay aside funds for him, when that

7 Pearce’s History of the Inns of Court and Chancery, 358; Burghley’s Diary in Murdin, 778; Mémoires de Sully, i. 55; Paulett’s Despatches, Cott. MSS. Calig. E. vii. 3, 8, 16, 31, 57.
gust of wind from the river cut him off. Francis, summoned by his mother from Paris, came home with prospects thus suddenly and darkly changed; in place of returning to his home at York House a gentleman of good estate, with an immediate opening into public life, the companion of wits and nobles, of Judges and Privy Councillors, he found himself a stranger at his father's door, deprived of an inheritance which he had thought his own. The change left its stamp on his character for life.

The remains of the Lord Keeper interred in St. Paul's, the widow and her two children had to quit York House for a less public and less princely home. They went down to Gorhambury, a country-house in Hertfordshire, close to St. Albans, which the Lord Keeper had bought for his second wife, had enlarged with new rooms, and surrounded with extensive gardens, woods, and ponds. There Lady Anne settled for life. Anthony started for France, and his unprovided brother betook himself to the law. All the Lord Keeper's sons had been entered as ancients on the books of Gray's Inn; and at this Inn, of which his uncle Burghley was a bencher, and his cousins Robert Cecil and Nicholas Trott were students, Francis began, in June, 1579, at the age of eighteen, to keep his terms. Anthony went to Paris, then to Geneva, next to Bordeaux and Béarn; now discussing politics with William Parry, now cracking jokes with Michael de Montaigne, or gaily carousing with the courtiers of Henri of Navarre; from all

8 Bacon's Apophthegms, vii. 183; Rawley's Life of Bacon in Sp. i. 5; Wotton, i. 3, 4.
which places of his travel he sent home to Walsingham and Burghley notes on politics and parties, showing the most subtle insight and capacity for so young a man.

The chambers occupied by Francis in Gray's Inn were in Coney Court, looking over the gardens, and past St. Pancras church to Highgate Hill. The pile is no longer standing; the site is that of No. 1, Gray's Inn Square. It was a good house, of three or four stories. In his later days, when Attorney-General and Lord Chancellor, he had a lease of the whole.

Anthony, the more easy and elastic son of Lady Anne, found life in the south of France more pleasant than among the Hertfordshire flats and fogs. Master of the manor and priory of Redburn, of the manors of Abbotsbury, Minchinbury, and Hores, in the parish of Barley, in the county of Hertford, with the Brightfirth wood, Merydan meads, and Pinner-Stoke farm, in the county of Middlesex, why should he race and harry with the world? But Francis, till his own abilities should give him bread, would have to live on the slender means of his mother, on the charity of his half-brother Sir Nicholas, on the friendship of his cousin Trott; and, when these should fail him, on those bankers and Jews who were only too eager to oblige the nephew of a Prime Minister with loans. The aids from his family were scant. Lady Anne allowed him all she could; and Trott, a man of wealth as well as a lover of

9 Athenæ Cantabrigienses, ii. 314; Lambeth MSS., 640-50; Lansdowne MSS. xliii. 48; Pearce's Inns of Court, 358.
poetry and wit, advanced him money. Sir Nicholas would not see him. The Queen remembered and was kind to her Lord Keeper of ten; but her Majesty was far off, his need of a daily dinner and change of raiment near. In these dark times, when a proud and affectionate heart forbad him to press too close on his mother’s means, the Lombard-street bankers were often his sole resource. Yet his high spirits never sunk, his capacity for labour never tired. Of Burghley he begged some place in which he could earn his bread. Trained by his father in public affairs, he believed that in a public office he would be worth his pay; but while Burghley pondered on his suit, he pursued his studies, sniffing at a flower or listening to a bird, when he had never a cork to draw; prying into life and manners no less than into law and nature; and by the solid work which men of less noble gifts despise as drudgery, tempering his intellect for those labours in the law courts and in the House of Commons which led him to the Seals, as well as for those exercises in the school of thought through which he was to emancipate the human mind.10

On the 22nd of January, 1682, he was twenty-one; five months later, June 27th, on the completion of three years’ terms, he was called to the bar. By that time he had made up his mind to follow the law as a profession, though not to give up for it the more brilliant pursuits of politics and letters. Science was, indeed, the passion of his life; the Great In-

10 Bacon’s Letters to Burghley, in Montagu, xii. 471-474; Pearce’s Inns of Court, 93.
stauration was already taking shape in his mind; but, even at twenty-one, he had seen enough of the world to be aware that a preacher must have a platform and an audience. Would the renowned universities of Europe listen to an unknown man? Would scholars grown grey in arts and humanities be told by an obscure dreamer that their learning was a delusion, their method a snare? To speak with effect he must speak from a height, from the bench, from the council-chamber, from the steps of the throne. An Aristotle must have an Alexander. But to win his way in the world he must show that he meant to stick by the law,—a noble and an independent profession, in which his fortune would depend on his own industry and powers. As soon as he was called, he appeared in Fleet-Street in his serge and bands, a sign that he was going to practise for his bread; for though the regulations declared that every member of the Inn must wear his gown in public, few of the lawyers obeyed the rule. Nicholas Faunt, Sir Francis Walsingham's secretary, wrote the good news to Anthony, adding that his brother would do well at the bar. Two years later he found a seat in the House of Commons, where, after a brief and modest silence, he commenced a career of eloquence which soon dimmed by contrast the brightest reputations of his time. In this session he sat for Melcombe Regis, then a flourishing seaport on the Dorset coast.\(^{11}\)

On swearing the oaths as member for Melcombe

\(^{11}\) Pearce's Inns of Court, 358; Notitia Parliamentaria, iii. 99; Lambeth MSS. 647, f. 75.
Regis, Bacon took his seat on the same benches with the chief lights of law and government—with Hatton and Bromley, Egerton and Walsingham—as well as with those younger glories of the Court, the poets and warriors compared to whom secretaries of State were clerks, with Philip Sydney, Walter Raleigh, Francis Drake, Charles Blount, and others no less renowned in poetry and war. Yet from this group he leapt like fire into fame. At twenty-five he had won the ear of that fastidious House. Wit so radiant, thought so fresh, and lore so prompt, had not before (and have never since) been heard within those walls. Yet the hold which he so suddenly acquired, and never lost, on the men of his generation, was due less to an intellectual than to a moral cause. They trusted him—early and late—when he voted with them and when he voted against them—because he represented what was best in each. The slave of Whitgift, and the dupe of Brown, could each give ear to a churchman who sought reform of the Church, a lawyer eager to amend the law, a friend of the Crown pleading against feudal privileges and unpopular powers. When a colleague proposed some change in the Church which would have destroyed it, he replied, "The subject we talk of is the eye of England; if there be a speck or two in the eye, we endeavour to take them off; he would be a strange oculist who would pull out the eye." Of no sect, he represented in Parliament the patriotic spirit of all the sects. Not a Puritan, he spoke with Hastings for reform; not a Roman Catholic, he lifted his voice against persecution for concerns of faith; not a courtier, he
voted with Cecil for supplies. In one word, he was English. To sustain the Queen in her great strife with Spain, to guard the Church from abuse and from destruction, were as much the objects of his life as to break the bonds of science and lead inquiry back from clouds to earth. When he struck at corruptions in the State, when he resisted usurpations of the Peers, when he corrected the privileges of the Crown, he spoke in the name of English progress and English strength. He fought for reform of the law, for increase of tillage, for union with the Scots, for plantations in Ulster, for discovery and defence in Virginia, for free Parliaments, and for ample grants, because he saw that increase, union, freedom, and a rich executive were each and all essential to the growth and grandeur of the realm. 12

At the close of his first session he was raised to the bench of Gray's Inn. He was then twenty-five—an early age for so great a professional distinction. Few lawyers under forty ever dined at the upper table. Coke was not raised to the Inner Temple bench till he was past thirty-eight, nor Egerton to that of Lincoln's Inn till he was two years more. So long as Bacon fought for himself, untrammelled by a party and a patron, every office which he sought—whether legal or parliamentary—he won at an earlier age than the run of men. It is a law of nature that the race shall be to the swift, the battle to the strong. When we see a Fleming or a Coke outstrip a Bacon, we may be sure it is not in a fair race. As

12 Rot. Parl. iii. 99, 107; Bacon's Essays, No. 3.
a bencher, Bacon became the light and genius, as in after years he was the glory, of Gray’s Inn; laid out the gardens, planted the elm-trees, raised the terrace, pulled down and rebuilt the chambers, dressed the dumb show, led off the dances, invented the masques; a genial and original nature, panting for work, and undertaking that which lay nearest to his hand.¹⁸

Yet politics had the best of his mind. Those plots in support of Mary Stuart and the Romanist faction, which had so often been discussed at the Lord Keeper’s hearth, having come to a head, the government of Burghley and Walsingham was about to show its strength. The sky was, indeed, black with storm, for Babington’s plot was exploding, squadrons were arming in Cadiz Bay, money and men were being massed in Naples, Rome, and Livorno; Parsons was hounding on the Pope, Sixtus hounding on Philip; in the Tagus, at the Groyne, in the cities of Brabant and Flanders, armaments waited but a word to cross over into Kent, and, by the fortune of war, should it favour them, seat Mary on the throne and reduce England to a fief of the Church. England flushed with heroic pride. London, Dover, Portsmouth swarmed with soldiers; drums were rolling in every hamlet, yeomen mustering in the market-places of every shire. No part of England burned with more fervent heat than the western counties, nor in those counties than the town of Taunton. Taunton was the seat of trade and manufacture; next to Bristol the richest town between the Severn and

¹³ Pearce’s Inns of Court, 93, 95, 358.
the Scilly Isles; next to London the most patriotic town between the Irish Sea and Dover Straits. When the Queen appealed to her people, this populous and enterprising town sent Francis Bacon, son of the Protestant and patriotic Lord Keeper, to speak in its name and give its vote.  

The writs having gone out while the ruffians Babington, Salisbury, and their accomplices, were on trial for their crimes, the passionate patriotism of the land stormed up, too strong for Burghley to breast, too strong for Elizabeth herself to ride. When the Peers and Commoners met, a cry went up to the throne that Mary, the Queen of Scots, should be brought to trial, and, on proof of her guilt, should be put to death. In this stern prayer the burgess for Taunton, tolerant as he was of opinion, joined. The Crown dared not refuse this cry of a whole people: menaced on every side, by fleets and armaments, England could give no answer to these threats of invasion save an open trial and solemn execution of the Queen of Scots.

What to do with Mary had been a question for honest men since the day when she first sought refuge in Carlisle. In her room at Chartley, guarded by the old moat, shut in with her women and her priests,—in her lodge at Fotheringay, under the watchful eyes of Sir Amias Paulett,—she had scared the Protestant imagination more than either the Kaiser in Vienna or the Pope in Rome. Her posi-

14 Dom. Papers of Elizabeth, ccxxii.; Toulmin's History of Taunton, 365.
15 State Trials, i. 1127-1162; D'Ewes, 393.
A FAMILY PICTURE.

tion was, indeed, strange: to-day a prisoner, to-morrow she might become a queen. She had no need to make a party, to risk her head, in order to win her game. She had only to live: certain, as spring will follow winter, of rising one day from her bed to find the necks of her enemies beneath her feet. An accident might bring her, any hour, this change; a stumbling jennet, an unwholesome meal, a prick of Babington's knife, a snap of Salisbury's dagg, sufficing to take away the only life which stood between her and the English crown.

When she had been put on trial, and her complicity proved, her royal cousin would still have spared her life. But the Burghleys, Davisons, and Pauletts were in no position to treat her with the leonine clemency of the Queen. To Elizabeth she was, indeed, a danger and a snare; but to Protestant gentlemen who loved their religion and their country, her removal was a question of life or death. She could neither break Elizabeth on the wheel nor roast her at the stake; for, unless the Spanish forces should succeed in seating her on the throne, her day of evil could not come until the Queen would be safe from the revenges of King and Pope. But what prelate on the bench, what councillor at the board, what magistrate in his shire, would have felt his head safe on his shoulders when the trumpeters had brayed the accession of Mary to the English throne? They had seen one Mary. Old men could recall the day when Latimer perished; half the citizens of London could tell how Rogers had gone to heaven in the Smithfield fires; all England still
shuddered at the recent massacres of Paris—massacres solemnly approved and commemorated in Rome as services to God. Men firm in their own faith, loyal to their own Queen, pretended no pity, and felt no pity, for a wife who had married three husbands and was eager to marry more, for the murderer of Darnley, the destroyer of the Kirk, for a pretender to the crown, in whose name Sixtus had resumed the kingdom, and Philip was preparing to lay it waste. Was such a woman to live and become their Queen?

Could Mary have refrained from plots, content to bide her time, the peril of such a future would have been hard to meet; but when her complicity in Babington's treason was proved in court, then Davison urged, and the House of Commons demanded by petition, that for the security of life, liberty, and true religion in time to come, the prisoner of Fotheringay should suffer the just sentence of the law. 16

Elizabeth still held out. A grand committee, of which Bacon was a member, went into the presence, and the lords spiritual and temporal, the knight and squire, the lawyer and goldsmith, kneeling together at her feet, demanded that the national will should be done—that the Protestant faith should be saved. She would not hear them. When the deed that made England free was at length done—done by Davison's command if not by the Queen's—she cast that courageous minister from power; nor would she ever

16 Dom. Papers of Eliz. exciv.; D'Ewes, 393-410; Davison to Walsingham, Oct. 10, 1586, in the Record Office; Burghley to Davison, Nov. 24, 1586, R. O.
again to her dying day consent to see his face or hear his name. There ought to be no doubt of the sincerity of her grief.17

Bacon's fame as a patriot, and as an orator, was fixed in these transactions. The breadth of his views, the comprehensiveness of his politics, the solidity of his understanding, were observed by his contemporaries with as much admiration as the flash of his wit and the wealth of his illustrations. Ere Parliament met again he was chosen for the honourable post of Reader to his Inn. To be known to the young member for Taunton was already a distinction; to have been at school with him was thought a claim to preferment.18

On the prayer of Lady Anne an express had been sent from the Queen herself, commanding Anthony to return from abroad, ere news of the great act of political justice at Fotheringay should reach and exasperate the Roman Catholic courts. Anthony had long since left Bordeaux and the society of Montaigne, for Montauban and the house of Philip de Mornay. Montauban was then the head-quarters of Henri of Navarre, and all the great Hugonot princes gathered within its walls. Madame de Mornay had a fair child, with whom she expected her young English guest to fall in love; but Anthony, enjoying the wit, the sunshine, the vintages, the politics and poetry of France, never troubled his

17 Nicolas' Life of Davison, 1823; D'Ewes, 394-400; Camden, Ann. 1586.
18 Harl. MSS. 1912; Phillippes to Davison, Oct. 5, 1586, R. O.
sleep with the dream of a French wife. Everywhere at home, a true citizen of the world, he had made many friends in France, and, whatever might be doing at Fotheringhay or in London, he felt himself secure. The persecution he suffered was not for his want of religion, but his want of love. Partly from a roving and mercurial temper, partly from a wish to reserve Gorhambury for his younger brother, he set his face against marriage, not only to the mortification of Madame de Mornay, but to the deep distress of Lady Anne. But his indifference to the young lady was not his worst offence. Madame de Mornay chose to appear at church in a head-dress at which her pastor preached and her companions jeered. When the young Englishman joined in this laugh, Madame not only wrote to tell Lady Anne that her son was going headstrong to perdition, but persuaded her husband, Philip, to withhold from Anthony fifteen hundred crowns which had been sent from London for his use; so that, being without funds, in a strange city, he might have starved in the streets, or even been compelled to marry Mademoiselle, had he not been saved by a Roman Catholic prelate, the Bishop of Cahors; a city which had recently been captured and sacked by the Hugonot troops. The bishop lent him a thousand crowns. To show his sense of this kindness, Anthony proffered to use his word with Burghley for the discharge of two Roman Catholic priests then detained in an English prison; but on his servant, Lawson, reaching London with a packet of recent news, and a note in behalf of these priests, he
also was lodged in jail. Madame de Mornay had the ear of Lady Anne, Lady Anne that of Lord Burghley; and the good lady, ignorant of the poor joke about the head-gear, but trembling for the faith of her son, requested her brother-in-law, the Prime Minister, to lay up the rogue who dared to bring him such a message out of France.19

In 1588 the Invincible Armada sailed from Coruña, to meet with that obstinate resistance and with that fatal weather, which, in fifteen days of rout and storm, reduced to a miserable wreck the magnificent fleet that was to have made of England a province of Spain. While the watchfires were yet burning on the cliffs, the wrecks of a hundred keels yet tossing in the foam from Devon to Caithness, Parliament met again. Bacon sat for Liverpool. Danger was past; the Queen had been to thank God at St. Paul's, and a merry Christmas had been kept in hall and cottage, many a spar washed up from the wrecks of the Spanish fleet crackling in the festive fires.

In this new session Bacon served on the most important committees, spoke on the most important bills: now standing for the privileges of the House of Commons, now assaulting the Royal purveyors, now denouncing the forestallers, regrators, and engrossers. The great debates of this year occurred on subsidies and grants.

Hatton, acting for the Crown, proposed two subsidies and four fifteenths and tenths; to which Bacon, whose soul was in the patriotic tug, agreed:

19 Athenæ Cant. ii. 315; Lambeth MSS. 647, fol. 113.
he moved, however, to insert in the bill a clause explaining that these grants were extraordinary and exceptional, meant for the war and only for the war. To this the Queen objected, as fettering her future acts: enough for the squires to pronounce their Yea or Nay. The squires stood firm; for many will support what one man dares. After much debate, the Crown proposed to lay the bill, with Bacon’s amendments to it, before the Learned Counsel; to which the House of Commons, insisting first that the author of the amendments should be present at the sittings of that learned board, consented. Under his soft, persuasive tact, the interests of the sovereign were reconciled with the interests of her people, and the bill was passed to the satisfaction of Queen and Commons. Power and fame now seemed to be in his grasp. Elizabeth sent for him to the palace; the electors of Middlesex cast their eyes upon him; and, when Parliament met again, he represented the wealth and courage of that great constituency. From the session of 1589 dated his firm ascendancy in the House of Commons.

Anthony, having come home from abroad, went to lodge at his brother’s chambers in Coney Court. After the quarrel with Madame de Mornay he had gone to reside once more at Bordeaux, the sunny home of his friend Montaigne; where some bigots had assailed him for procuring the discharge from jail of Anthony Standen, an English Roman Catholic, accused by his enemies of being a Spanish spy.

20 Not. Parl. iii. 121; D’Ewes, 430-439; Statutes of the Realm, 31 Eliz., c. 15.
Hearing this news about Standen, Lady Anne became yet more alarmed for her son's religious faith; nor was she satisfied of his safety from the scarlet woman until she pressed him once more in her arms at Gorbahmury. Anthony, hoping to receive some public trust—for during his long residence in France, Italy, and Navarre, his quick eye and nimble tongue had been employed in the unpaid public service—applied to his uncle for a place. Clever, passionate, inventive, like his brother Francis, Anthony had none of that brother's patience. Burghley, moreover, feared all rapid action, distrusted all brilliant men. “Seek not to be Essex, shun to be Raleigh,” was his solemn admonition to his son Sir Robert. The impetuous youth must wait. 21

Two young men, cast on the world with little money but great connexions and expensive ways, could ill afford to wait. The rents from Redburn and Barley fell much below the needs of one who was a kinsman and companion of earls and ministers, not to speak of the needs of a brother who, without a shilling in his pocket, was a person at Court, a leader of the House of Commons, a candidate for the metropolitan shire. Their half-brother Sir Nicholas, if he had a large estate, had also a large family by his wife Anne Butts of Thornage—nine sons and three daughters; weight enough, he thought, for him to bear, without being asked to support the offspring of Lady Anne. Nathaniel might paint their portraits or present them with game on canvas;

21 Athenæ Cantabrigienses, ii. 314.
he would do nothing else, except quarrel with them, as he did, for the family crumbs. Edward, having a lease from the Crown of Twickenham Park, a delightful house on the Thames, allowed Francis to make it now and then a home, while he and his household were at Shrubland Park. When all was done, a bed and a garden were the chief helps which Francis could ever obtain from the elder branch.

Lady Anne pinched herself at Gorhambury, that she might send to her sons in Gray's Inn ale from her cellars, pigeons from her dovecots, fowls from her farmyards; gifts which she seasoned with a full share of motherly love, and not a little motherly advice. The young men took the love, and were very proud of it, and very warmly returned it; but Lady Anne fancied they were not so eager as they might have been to profit by her good advice. In truth, their lives were not her life, and could not follow the rules which she had laid down and by which she lived. They were young men, with the wants of young men. Like Buckhurst, Herbert, and other gay fellows of their acquaintance, while waiting for brighter days, they helped themselves through the Lombards and the Jews.22

While waiting for some post which the Queen or his uncle Burghley might give him, and by which he could earn his bread, the young barrister fagged

22 Wotton's Baronetage, edited by Johnson and Timber, i. 8; Patent Rolls, 16 Eliz., par. 6, mem. 5; Lady Bacon to Anthony Bacon, Lamb. MSS. 648, 106, 650, 75, 651, 54 (printed in 'Personal History,' App. II.); Lady Bacon to her brothers Francis and Anthony Bacon, Lamb. MSS. 648, fol. 10.
at his books, framing in his mind a scheme for reducing and codifying the whole body of English law, as well as working out those colossal schemes for reconstituting the whole round of the physical sciences which he had first conceived at Trinity College. For he felt that his reforms should proceed in parallel lines; that his speculative ideas should be illustrated by practice; as the intellectual movement which he proposed, though infinitely more important than the personal one, would gather force and authority not only from his own success in life, but also from the success of such applications of it to affairs of state as might be made by a single politician working on a true plan.  

His fame was now growing fast and wide. When the brothers had made themselves known in the world—one by his travels in foreign lands, the other by his speeches in the House of Commons—Sir Nicholas Bacon, living in the midst of his fat cornlands at Redgrave, began to notice them, and to feel proud of them. The rise of Francis at the bar had at least kept pace with his advances in public life. At twenty-six he had been made a bencher of Gray’s Inn, Lent Reader at twenty-eight, by which time he had established himself as principal orator of the House of Commons in the face of rivals so distinguished as Cecil, Raleigh, and Coke. The echoes of his fame having found their way to Redgrave, and roused the affections of Sir Nicholas and his wife, the lady, being about to give away one of her daughters in marriage, thought good to invite her husband’s long-
neglected brothers to Redgrave. Her letter tells but too plainly how little she had seen of her kinsmen for many years.

**Lady Anne Bacon to her brothers Francis and Anthony Bacon.**

"**GOOD BROTHERS,**

"Guilford, 16th March, 1592.

"Being very desirous to see you both at Redgrave, and yet loth to put you to that pain which might by my desire impair your health by entreatyng your repair into this country, yet can I not refrain, upon this occasion offered of the marriage of my daughter, heartily to pray you both to bestow your travels to Redgrave to the same, where if it shall please God so to dispose of your business and healths as I may see you, I shall think myself greatly beholden to you, and the feast greatly honoured by your presence. I hope also it will be comfortable to you, both in rejoicing with my husband and me in the action itself, and also in the intercourse and meeting of many good friends which you there shall see and meet with, especially your brother Anthony having been so long absent from us all, and by that means have not seen sundry of those good friends of yours which I hope you shall there see. The day is appointed to be on the Thursday, the 6th of April; and even so, with my very hearty commendations to you both, and wishing you all good as to myself, I cease to trouble you.

"Your very loving sister,

"**Anne Bacon."**

If they made the visit, they found no cause to
repeat it. Sir Nicholas could not yet forgive his brothers for being men of genius; and Francis was never heartily welcomed at Redgrave until he arrived there late in life as Lord Chancellor of England.  

24 Spedding's Works of Bacon, i. 5; Lambeth MSS. 648, fol. 10; Monro's Acta Cancellariae, 252.
CHAPTER III.

AT THE BAR.

The world of politics into which the young men threw themselves, one as a lawyer and orator, the other as a statesman and diplomatist, had two centres of life. Near the throne stood Burghley and Essex; each powerful in his gifts and excellences; neither of them able to discredit and supplant his rival with the Queen. The party of Burghley reigned in the Privy Council, that of Essex in the Privy Chamber; and the positions of these two parties resulted from the characters and policies of the two men.¹

The figure of an old man, white with age and wisdom, pondering in a state chair, is the popular notion of Lord Burghley. As the oldest, most trusted, of the many eminent servants of Queen Elizabeth, he enjoyed in his own day a reputation for sagacity which was well deserved, and which has passed through the lines of poets and dramatists into a proverb. The shake of his head was awful; his silence had an eloquence unfelt in another man's flowers of speech. If his judgments were slow, they were rarely unsound; if he pondered long on acts

¹ Cam. Ann., 1592; Birch's Mem. of Eliz., i. 75.
which could only be done once, neither the country nor the Queen found cause to regret his caution. She had tried him long. Without those advantages of birth, of fortune, of personal beauty, of commanding genius, which opened the court to Dudley and Devereux, to Sydney and Raleigh, he had made himself, by infinite skill and assiduity, the most powerful person in her council; having, in circumstances of peril and difficulty, when the ardour of Dudley seemed unsafe and the judgment of Walsingham unsound, proved himself to be her most prudent and successful guide. She knew this well, and, knowing it, she had clothed him with riches and dignities; he was a Knight of the Garter, a Baron of the Realm, her Lord High Treasurer, and her Master of the Wards. She allowed him the very high privilege of sitting in her presence, and with princely generosity forbade the world to construe this mark of her esteem into a concession to his infirmity or his age. "Sit down, my lord," she would say to him, "not for your bad legs, but for your good head."

Striking in every sense were the contrasts offered by this aged minister and his sprightly rival. Burghley was seventy-two, Essex twenty-five; the old man so humbly born that his father could be entitled a gentleman only by courtesy; the young man, through his mother an immediate kinsman of the Queen, through his father a descendant of Edward III. Burghley had spent his years at the council-table and at the desk; Essex had spent his years in camps
and on the quarter-deck. While the Lord Treasurer had been writing letters and auditing accounts, the General of the Horse had been marauding into Portugal with Don Antonio, and dashing at the walls of Rouen with Henri. The aged councillor had passed his time in studying rubrics and articles of faith, the young favourite in arraying his handsome person and making illicit love to his neighbour's wife. If Burghley would do nothing but what satisfied his conscience, Essex would do anything that amused his idleness, or procured him popular applause. Burghley was incapable of taking any but the middle course, here between the Puritans and Papists, there between the Dutch and Spaniards; Essex would have rushed into every extreme, one day going beyond Cartwright for religious licence, another day crossing hands with the Jesuits and missionary priests. The manners of the men were as different as their lives: Burghley being cold, severe, and formal; Essex easy, graceful, and familiar. One, despising for himself the voices of the crowd, gave his praises to others with a niggard breath; the other, unable to live without popular applause, bestowed a bounty of good words upon every man in his way. Burghley had a good, but not a gay, nature; Essex a gay, but not a good, nature. Burghley had every one's respect, and no one's fellowship; Essex every one's fellowship, and no one's respect. Those who named the Protestant minister in their prayers, huzzaed in the streets after his rival's coach. To say all in a few words, Burghley had the approval of experienced and prudent men, Essex the noisy admiration of the daring, the ambitious, and the young.
Burghley had the Queen's confidence, Essex had her love.¹

One of the nearest friends of Queen Elizabeth had been Catherine Carey, afterwards Lady Knollys, her cousin in the first degree of the Boleyn blood. They had been sisters' children, had loved each other with more than sisters' love, and Catherine, dying young in years, had been buried by her friend in Westminster Abbey with regal pomp. Essex was this Catherine Carey's grandson; in everything but the name a grandson to the childless Queen. This tie of blood the slanderers of her fame forgot to state. Yet Essex and the two Careys were her only male relations on her mother's side, as James of Scotland was her sole surviving kinsman of the royal race. Essex had been born into her lap and into her heart. She loved him, too, for his father's sake; Walter Devereux having been a friend to her in days when her companions were few and cold. As she seared into age, it pleased her eye to see the sons of her first stanch peers around her throne. She had made Hunsdon chamberlain. She meant to make Cecil Secretary of State. She had loved Sydney for his father's virtues. She endured much that was galling to her in the conduct of Essex in remembrance of his father's fate. She had indeed much to bear with and forgive. More profuse than generous, more rash than brave, he tried her affection by his petulance and brawls; but she clung to the orphan boy with that clannish pride which she

¹ Lives and Letters of the Devereux Earls of Essex, by Captain Devereux, 1853; Wotton's Remains, 174.
had always felt for her mother's kin. She loaded him with favours and offices, with a command in the army, with the Order of the Garter, with a mission into France. His jerks and whims, so offensive to the Council and the Court, amused the Queen as signs of the Boleyn blood. Her mother had them; his mother had them. She smiled at his fits of rage and passion; and when she could not give him her regiments or her state secrets, she could lavish on him the tenderness of her heart. But this tenderness was not immoral. That Elizabeth loved Essex more than a lady of sixty years may love her cousin's grandchild was a monstrous lie. No woman can believe it; no man but a monk could have dreamed it.*

Love for Essex warmer than that of an aged gentlewoman for a young and dashing kinsman would have been in her sin against nature not less than sin against nature's God. The letters of Catherine's grandson to the Queen, if bright with poetry, playfulness, and compliment, are, in tone and substance, dutiful and chaste. In the Queen's letters to him there is not a line which she might not have written to a grandson of her own.

Guarding him with the fondness and with the fear of a mother, she never sent him from her side without a pang; for she knew that in his headlong bravery he would knock his head against stone walls, that he would hurry brave men to a foolish end. Though his temper was proud and high, he could

* Craik's Romance of the Peerage, i. 5; Council Reg., April 13, 1589, April 14, 1591, June 21, 1592.
neither lead others to victory like Raleigh, nor defend his own face from harm like Montjoy. If he sailed for Cadiz with Nottingham and Raleigh to slack his fire, her work might be done, and he himself might shine the bravest of the brave; but if he went to Rouen alone, he would scare the sleep from her pillow, and wring the blood from her heart, by his reckless waste of her veteran troops. She petted him as a boy hopelessly brave, heroically frail; but she deemed him such a fool, though a charming one, that anything he raved for must be wrong. If he fumed and fretted, put his head on her footstool, rushed into the country, pouted and sulked, and raged like a great spoiled child, she would not yield to his caprice.  

Yet, with all her strength of mind, she could not easily say her kinsman nay. When the spoiled boy had set his heart on gaining anything from her, she had so much love for him that she could not pain him by an absolute and prompt refusal. At the time of Anthony Bacon's return from France, a contest for the great post of First Secretary of State was at its height. Walsingham having died in 1590, Essex begged the place for Davison; but, on finding that her Majesty would not hear the name, he proposed to her Thomas Bodley, a man to whom he lay under obligations which he was willing to discharge at the public cost. Burghley opposed this nomination, at least so far as to get it put off; having made up his mind, more rapidly than usual, that his son, Sir Robert, Bacon's first-cousin, should succeed to Walsingham's vacant post; the Prime Minister taking on himself the official

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duties, in the discharge of which duties he was allowed the help of his son.  

Habit and kinship would have led Anthony and Francis Bacon to take their uncle's side in this and in every other dispute; but while Burghley was pondering heavily on their claims, their opinions and their necessities drew them over to the Earl. Travel and association with men had made Anthony tolerant, just as profound study and reflection had made Francis tolerant of religious creeds. Anthony had lived that Essay on Toleration which his brother afterwards wrote. Neither of them strayed from the line of his religious faith, though, in their lives and in their parliamentary speeches, they opposed the unbending and successful harshness of Burghley's rule. The Queen's young kinsman appeared to share their tolerant creed. The men with whom he acted thought less of dogmas than of political facts; to them the war with Spain was a war of soldiers and statesmen more than of controversialists and priests. The two brothers believed, and they had every reason to believe, that in entering the service of Lord Essex they would be placing themselves on the true side in politics, and in the position for most efficiently serving their country and their Queen. Thus Francis became his lawyer and man of political business, Anthony his secretary and foreign correspondent; hoping, as the wisest men then hoped, that Essex might be reclaimed from the follies of his youth, and established as the courtly and official leader of that patriotic cause of which Raleigh,
Drake, and Vere were the adventurous fighting chiefs. For such a part he was supremely fit. The Queen loved him, and would have been pleased to employ him; he possessed grace, and talent, and insinuating manners in a remarkable degree; he was popular in the city and a ruling favourite in the court. The advantages brought to him by the two Bacons were immediate, and while he acted on their counsels they were considerable. Under their eyes he became a new man, appeared to have left off swearing, cards, wenches, and in some measure strong wines. Every eye now turned to him with hope. The Queen not only took him into her Privy Council, but employed him in some of her most important correspondence abroad. Anthony wrote his letters, instructed his spies, drafted his despatches to secret agents in foreign lands; Francis aided him in getting information, in steering his course through the shifting sands of the political stream; and drew up for him that remarkable paper on his conduct at court, which should have been the rule, and would certainly have been the salvation, of his life.7

These services, occasional on the part of Francis, daily on the part of Anthony, led them into expenses which they ought to have been repaid. No salary had been fixed for Francis; Anthony was to have had a thousand pounds a-year; a sum which Sir Henry Wotton, also one of the Earl’s secretaries, supposed that he actually was paid. They could never get a penny of their wages. Both being

7 Ath. Cant. ii. 315; Devereux’ Lives of the Earls of Essex, i. 277; Sydney Papers, i. 360.
frail in health, and Anthony, from his lameness, being unable to take the air, or go to Barn Elms or Essex House on foot, they bought a coach. Lady Anne, in a letter, exquisite in its pathos and unconscious humour, and full of particulars about her younger son, exhorted them against such follies:

**Lady Bacon to Anthony Bacon.**

"Gorhambury, 24th May, 1592.

"Grace and health. That you increase in amending I am glad. God continue it every way. When you cease of your prescribed diet, you had need I think to be very wary both of your sudden change of quantity and of season of your feeding, specially suppers late or full; procure rest in convenient time, it helpeth much to digestion. I verily think your brother's weak stomach to digest hath been much caused and confirmed by untimely going to bed, and then musing, I know not what, when he should sleep, and then, in consequence, by late rising and long lying in bed, whereby his men are made slothful and himself continually sickly. But my sons haste not to hearken to their mother's good counsel in time to prevent. The Lord our heavenly Father heal and bless you both, as His sons in Christ Jesus!

"I promise you, touching your coach, if it be so to your contention, it was not wisdom to have it seen and known at the Court. You shall be so much pressed to lend, and your man for gain so ready to agree, that the discommodity thereof will be as much as the commodity. I would your health had been such as you needed not to have provided a coach but for a wife; but the will of God be done. You were
best to excuse you by me, that I have desired the use of it, because, as I feel it too true, my going is almost spent, and must be fain to be bold with you. It is like Robert Bailey and his sons have been to seek some commodity of you; the father hath been but an ill tenant to the wood, and a wayward payer, and hath forfeited his bond, which I intend not to let slip; his son a dissolute young man, and both of them crafty. Likewise young Carpenter may sue to be your man. Be not hasty; you shall find such young men proud and bold, and of no service, but charge and discredit. Be advised. Overshoot not yourself undiscreetly. I tell you, plain folk in appearance will quickly cumber one here, and they will all seek to abuse your want of experience by so long absence. Be not hasty, but understand well first your own state. There was never less kindness in tenants commonly than now. Farewell in Christ.

"Let not your men see my letters. I write to you, and not to them.

"Your mother,

"A. Bacon."

Like the ways of all deep dreamers, especially of those who combine extreme intellectual activity with extreme fragility of health, Bacon's habits were odd, and vexed Lady Anne's affectionate and methodical heart. The boy sat up late at nights, drank ale-posset to make him sleep, started out of bed ere it was light, or may be, as the whimsy took him, lolled and dreamed till noon, musing, said the good lady with loving pity, on — she knew not what! Her own round of duty lay in saying her morning and evening prayers, in hearing nine or ten sermons in the week,
in caring for her kitchen and hen-roost, in physic-ing herself, her maids, and her tenants, in making
the rascals who would cheat her pay their rent, and
in loving and counselling her two careless boys.

In the autumn of 1592, when Anthony had gone
to Gorhambury on a visit to his mother, leaving
Francis alone at Coney Court, the pest broke out.
The law-reader of Gray's Inn suspended his lec-
tures, and Francis rode down to Twickenham Park,
in company with his friends Richard Cecil, Robert
Gosnold, and Richard Field. Lancelot Andrews,
preacher of Gray's Inn, and one of Bacon's nearest
friends, was to have joined them; but this eminent
divine excused himself on the ground of parochial
duties at St. Giles, Cripplegate, where he held a
cure. They fled from pestilence, not like the Flo-
rentines in Boccaccio, to play and revel, but to pursue
philosophy and discuss the laws of thought.

Twickenham Park, a lovely villa, lying close
to the old Bridgetine nunnery, fronting Elizabeth's
palace, had been in possession of the Bacon family
for eighteen years. It belonged to the Crown,
and had been leased, together with More Mead and
Ferry Mead, to Edward Bacon, one of the Lord
Keeper's sons by his first marriage, since the year
1574. Twickenham Park had all the delights of a
good country house; a green landscape, wood and
water, pure air, a dry soil, vicinity to the Court and
to the town. From the windows of his villa Bacon
looked into the Queen's alleys; in an hour he could
trot up to Whitehall or Gray's Inn. Every plant

8 Lambeth MSS. 648, f. 5, 106, 110.
that thrives, every flower that blows, in the south of England, loves the Twickenham soil. There were cedars in the Great Park, swans on the river, singing birds in the copse; every sight to engage his eye, every sound to enchant his ear. When he could steal a day from his London labours, he rode to his delicious nest on the Thames, which became his house of philosophy and letters, as the lodging in Gray's Inn was his house of politics and law.

In 1592 he composed the first of that remarkable series of State Papers in which, to the pride of Lady Anne, he defended the Queen and her government against the libels of native conspirators and foreign priests. Among the men, at once conspirators and Jesuits, who had been driven from their country by their own fanatical passions, the most conspicuous, by his learning and his daring, was Robert Parsons. A native of Somersetshire, born in the last year of Henry's reign, educated at Baliol College, Parsons had quitted Oxford for Rome in his twenty-eighth year. Admitted into the order of Jesus, he had soon become the soul of every intrigue and enterprise against the religious settlement of his country. Bold and fertile, his brain seethed with plans for subjugating the faith in which he had been nursed; plans which embraced a conflict of the preacher's tongue and the writer's pen—of the soldier's sword and the assassin's knife. Backed by that noiseless, powerful, and ubiquitous Society, which boasted of having a director in the closet of every influential woman—an avenger by the side of every conspicuous

9 Rolls, Mar. 3, 16 Eliz., Record Office; Lambeth MSS. 648, folio 134 (printed in the 'Personal History,' App. V.).
man from Naples to Brussels—Parsons prepared to invade his country at the head of a band of Jesuits. Aware that some of his followers would be trapped, he proposed to educate in Spain and Flanders a school of fanatics, trained to follow in his wake and give their lives to the completion of his work. To these ends he put the English College at Rome into Jesuit hands, founded seminaries at Valladolid, Seville, and Madrid, proposed to establish at St. Omer's a great college for the training of English and Irish priests. In these seminaries and colleges, amidst the divine and secular studies which became the sacred calling, he introduced those speculations on the power of the Church to bind and loose, to suspend the oaths of allegiance, to set aside the laws of morality, which led to the crime of Balthazar Gérard, to the treachery of Sir William Stanley, and the rebellion of Hugh O'Neill. Raised to the rank of Provincial, Parsons started on his mission; but the English secular clergy, offended by his pretensions, received him coldly, while the Roman Catholic laity, disgusted by his slanders of the Queen, declared that, unless he retired from the country, they would deliver him up to justice. On the arrest of Campian, he fled beyond sea, never again to set foot on the ungrateful English soil. His mission, however, had not been idle; for he had converted Francis Tresham and Robert Catesby from the error of their ways. From the day of his escape, Parsons confined himself to vilifying his country, and raising up enemies against her, from a distance. In three years he had sent from his college of Valladolid thirteen pupils to dare those trials from which he had personally withdrawn; reserving him-
self for the safer task of inventing the foulest lies against England and her Queen. Men who had themselves no learning called Parsons learned; but even those who had themselves no humility never thought of calling him meek. His style was singularly coarse, his temper supremely arrogant. Bitter as were his feuds with the Protestants, his quarrels with the Roman clergy were still more acrimonious. Emperor Parsons was a name bestowed upon him, not by English Puritans, but by Roman priests.

The libel which procured for this Jesuit the honour of a reply from Bacon, and for Bacon his first commission to write in defence of Elizabeth and her government, was called 'A Declaration of the true Causes of the great Troubles presupposed to be intended against the Realm of England,' a pamphlet in which Parsons traduced the policy of the country, the power of the Queen, the administration of justice, the motives of Lord Burghley and Sir Robert Cecil.10

Calm in tone, lofty in statement, generous in spirit, Bacon's answer was in every sense a noticeable work. What will most strike the admiring reader of the Essays and the 'De Augmentis' is the style of this State Paper. Ben Jonson has remarked the absence of imagery in Bacon's early writings: in this answer to Parsons, the light, the gaiety, the abounding and poetical illustration, which blend in the true Baconian manner, are not yet present; scarcely a figure of speech yet sparkles on the page; but massive thought and felicitous phrases everywhere abound. The famous passage, "War is the highest trial of

10 Watson's Important Considerations, 1601; Butler's Historical Memoirs of the Roman Catholics, i. 319.
right," occurs in the opening sentence. But the people read it for other reasons than the vigour and simplicity of its style. The lies of Parsons touched them in their credit and in their peace; these Jesuit slanders being composed, as Bacon showed, for circulation in the Catholic courts and camps; meant to take shape in every form of offence against England, from the launching of an armada to poisoning by a ring. Every lie was a weapon, and every man who heard it felt the weapon at his breast. Bacon's answer was magnificent. His picture of the state of England in 1592, if but a sketch, was outlined with a master's strength. The defence of Elizabeth was noble, of Burghley and Cecil affectionate. Not a word of rancour, not a sneer, not a threat, disturbed his pen. He treated the King of Spain with respectful courtesy; he found a word of toleration for the Pope of Rome; he refrained from abusing Parsons himself; but he whipped with the terrible logic of truth and fact the Jesuitical slanderers of his Queen. In the voluminous pamphlets written by Parsons and his adversaries, these 'Observations on a Libel' stood alone for manliness of tone and decency of invective. Bacon touched the poor Jesuit with Ithuriel's spear. Abuse and recrimination he left to Parsons's Catholic adversaries, Watson and Clarke.  

Aided by this patriotic service, he claimed and received the suffrages of Middlesex. Anthony, though he lay sick and lame at Gorhambury, was returned for Wallingford. On the 19th of February the Houses met. If the post of orator of the House

11 Certain Observations upon a Libel published this Year, 1592.
of Commons is no easy one to win, it is one more difficult to hold. Wit, sense, readiness, repartee, power, patience, mastery of men and books, are parts of the round of faculties and acquirements for one who is to seize the direction and sway the votes of an English House of Commons. At thirty-two, when Bacon, in the session of 1593, took his seat for Middlesex, he found on the benches right and left of him men the most renowned in English story. Edward Coke, the Solicitor-General, was the Speaker; Cecil led for the Crown; Raleigh and Vere sat nigh him; Fulk Greville, John Fortescue, Lawrence Hyde, Henry Yelverton, Edward Dyer, Henry Montagu, rival orators and lawyers, were but six of a conspicuous crowd. The great war continued, and events looked grave. If impotent in London, the libels of Emperor Parsons had produced their effect in Madrid and in Brussels, in Derry and in Cork. London stood under arms; troops hurried for Flanders, for Dublin, and Kinsale; the Sussex foundries cast guns; and fort on fort rose proudly along the coast from Margate to Penzance. Yet the war without was not more harassing than the disease within. London gasped with plague. No lute or tabor sounded from the tavern-porch; no play drew dames and gallants to the Globe; no pageant crowded the Thames with citizens and apprentice boys. An order from the Lord Mayor put down all games—the bear-bait at Paris Garden, the sports of the inns, the song and jollity of the ale-clubs. Yet, in the midst of woe and death, the recruiting-sergeant beat to arms. Henri of Navarre, who had mounted the throne of France, pressed by the victorious
Spaniards, called for help, and levies were being raised for him in London and in places usually exempt from such a tax. Yet the young burgess of Middlesex, while yielding the Queen's government support on her money bills, the feeders of the war, forced on the topic of reform, and defeated an extraordinary attempt at dictation by the ministers of the Crown.  

The House had not sat a week—not yet proved its returns—before he hinted at his scheme for amending and condensing the whole body of English law. The House started up. The tide might have come in from the Thames. Reform the code! Bacon tells a House full of Queen's serjeants and utter barristers that laws are made to guard the rights of the people, not to feed the lawyers. The laws should be read by all, known to all. Put them into shape, inform them with philosophy, reduce them in bulk, give them into every man's hand. So runs his speech. A noble thought—a need of every nation under the sun—a task to be wrought at by him through a long life—to be then left to his successors, who, after revolutions and restorations, commissions and reports, have it still in hand—undone. The plan, of which this fragment of a speech was the root, developed in his Maxims of the Law, and proposed as part of his great reform in the Instauratio Magna, has had more success abroad than it has found at

12 Not. Parl. iii. 131; Council Reg., Jan. 28, July 19, 1593; Mem. of Men for Ireland, April 6, 1593, R. O.; Elizabeth to Godolphin, May 9, 1593, R. O.; Mem. by Burghley, May 9, 22, 31, 1593, R. O.; List of Parishes in London infested with Plague, Lamb. MSS. 648, fol. 152.
home. It has been universally read, and most of all in France. It was translated by Baudoin, and inscribed to Segrier, Chancellor of France. In that country it has blossomed and come to fruit. But a French revolution alone had power to achieve this vast design against established things; and the Code Napoléon is even now, in 1862, the sole embodiment of Bacon's thought.¹³

Ten days later he gave a check to the Government, which brought down upon his head those censures of Burghley and Puckering which are said to have represented in fact, if not in word, the personal anger of the Queen. The story of this speech has been told by some writers so as to rob Bacon of all credit for his daring, the ministers of all reason for their wrath.

Lord Campbell says that Bacon voted for the grants proposed by the Crown, but pleaded for time in which the people should be called upon to pay them; that Burghley and Puckering bullied and threatened him; that he bowed to this storm of indignation a penitential face. Lord Campbell pictures the young barrister as whining under the lash, kissing the rod that smites him, pledging the tears in his eyes that he will never, in that way, offend her Majesty again.¹⁴

The offence lay deeper. Burghley sought from the House of Commons a very extraordinary grant of

¹³ Townshend's Historical Collection, 60; Bacon's Works, vii. 313; Les Aphorismes du Droit, traduits du Latin de Messire François Bacon, Grand Chancelier d'Angleterre, par J. Baudoin, 1646.

¹⁴ Campbell's Lives of the Lord Chancellors, iii. 15.
money. It was usual to ask for half a subsidy a year, half a subsidy being ten per cent.—two shillings in the pound a year. Burghley proposed to demand from the burgesses a double rate: one whole subsidy a year; four shillings in the pound. So high a tax would not, he knew, be voted by the House, with all its eagerness for war, unless the whole authority of the Crown and Government were brought to bear. He sent word to Mr. Speaker Coke that, in the Queen's name, he must beat down all such noisy members as should presume to prate of things in Church and State: no idle threat, as Bromley and Wentworth found; ere many days were gone, Wentworth talked himself into the Tower, Bromley into the Fleet; but even Edward Coke, with all his authority as Speaker and Solicitor-General, and with all his mastery over the language of Moorfields, could not repress the young member for Middlesex. In this session of Parliament began that conflict between these famous men, which was to renew itself at every turn of their career—a deadly duel, to be fought in the House of Commons, in society, and at the bar; to know no pause or shade of enmity; to be as rancorous on the side of their domestic affections as on that of their professional duties; to continue until Bacon was laid in the vaults of St. Michael's church, and even then to burn on in the breast of Coke.

Burghley asked the House to confer with the Peers on a grant of money for the Queen's service; when a committee went up; among them, in frill and feather, gown or sword, Vere, Raleigh, Greville, Hastings, Cecil, Bacon, and Coke. They heard the Lord Trea-
surer's words; and the next day Cecil reported, in their name, to the Commons, that the Peers had decided for them what they were to give, and at what times: three subsidies in three years—four shillings in the pound each year. Knight and squire gazed at each other. Four shillings in the pound a year—and the Commons robbed of even the credit of their own gifts! Such a speech they resented as a slur on their patriotism, a curb on their debates.15

Who rose to warn the minister of this grave mistake? Was it the fiery Raleigh, the martial Vere? Where sat the noisy Hastings, the sagacious Greville, the turbulent Coke? Not one of these men flamed up. Soldiers who had pushed through Parma's lines, advocates bronzed in cheek, and Puritans steeled in the fire of controversy, stood aside. No marvel either. Not one of these men, in a plain, good cause, would have shrunk from a threat of Little Ease or Beauchamp Tower. The difficulty was, to defend their right of making grants and subsidies without seeming to oppose the war on which the country had set its soul, and without showing to the hosts of home and foreign enemies a broken front. To the bill itself the capital objection was one of form. Cecil counted on the heat for battle; to fight for the power of free taxation, against the passionate haste of the people for clash of pikes and roar of guns, needed courage of a loftier and peculiar kind. Coke might fear to offend the Queen, Raleigh to embolden

15 Inhibitions delivered to Coke from the Queen, Feb. 28, 1593, R. O.; Message from Coke to the House of Commons, Feb. 28, 1593, R. O.; Confession of Laton, Feb. 1593, R. O.
the King of Spain, Hastings to vex the musters and the fleet. Bacon stood up.

A few clear words declared that he should not touch the grant; no man would grudge the funds to fit out ships and man the guns; but there he stopped. To give was the prerogative of the people—to dictate what they should give was not the duty of the House of Peers. In framing this bill, the Government, he said, had gone beyond its powers; and he counselled the Commons, in their own defence, to decline any further conferences on a money-bill. From his pocket he took an Answer to the Lords, which he proposed should be read, and, if approved, sent up. This Answer was referred to a committee of fifty-one; which committee, unable to agree, returned their commission to the House. Debates ensued. Burghley shielded himself behind the Queen: but even her august and sacred name appeared to have lost its force. Broad lines were drawn; the members of the House of Commons falling into camps, the courtiers siding with Cecil for the conferences, the reformers with Bacon for resisting an encroachment on the constitutional laws. Coke put the question from the chair—for a conference; yea, or nay? A hundred and twenty-eight gentlemen cried Yea, two hundred and seventeen gentlemen, Nay.16

A raid of Parma's pikes through Kent would have startled Burghley less than such a vote. It was the first great check he had ever known; it stopped the machinery of legislation, and covered himself, his measures, and his friends with public shame.

16 D'Ewes, 468-83.
Forgetful of his nephew's recent defence of him and of his son, he scolded and set the Lord Keeper on to scold; but when these functionaries threatened him with the Queen's ire, Bacon defended what the Knight for Middlesex had done. If words not used by him were put upon him, he would deny them; if his words were misunderstood, he would explain them; but to the sense of his speech he must hold fast. How could he unsay the truth? This was his apology and defence. If her Highness, as they urged, was angry with him, he should grieve; if she commanded him into silence, he must obey; but in thwarting this invasion of popular rights by the House of Peers, he had done no more than his duty to his country and his Queen.  

Though the progress of the bill was stopped, all sides agreed that the fleets must be manned, the musters armed. Raleigh started a compromise. Red with spoil from the Santa Clara and the Madre de Dios, the adventurer burned to be again at sea, chasing the Spanish ships, or forcing the rivers of Guiana. Every day given to debate, he grudged as lost to victory and revenge. To him delay was disaster; talk was treason. Vote the supplies—send out the fleet—dash at Cadiz or Malaga—sweep the plantations—snap up galleon and carrack—down with the yellow flag! cried that impetuous tongue. The members warmed to his voice. Resolve, he said, to confer with the Lords on the perils of the realm. Say no more about this irregularity in the form

Bacon to Burghley and to Puckering, Montagu, xii. 275, Note E E.
of proposing the grants. Listen to what the Government have to say about the Papal bull and the Spanish fleet. When you have saved the point of form, vote the money-bill as you list.\textsuperscript{18}

Set free by Raleigh to discuss the money-bill, the Commons fell to work. Cecil stood to the old plan of three subsidies, to be paid in three years. Bacon, neither cowed nor penitent, as the writers fancy, rose once more to oppose the court; not on the amount, which he approved, but on the time, which was, indeed, the essential point. He asked for six years in the stead of three; in other words, for two shillings in the pound a year, in the place of four. Even for the joy of smiting Spain, he could not consent that the Government should have power to drain the sources of industry, seize the craftsman's tools, the farmer's cider-presses and milk-pans. Raleigh stormed upon him. Would he starve the war? Cecil smiled and cajoled; but Bacon, against the warmth of Raleigh and the wiles of Cecil, compelled the Government to meet his proposal half-way, to extend the period proposed for the raising of these taxes a year (in other words, to take three shillings in the pound each year in place of four), and to insert a clause in the bill declaring that the money was given solely for the war against Spain.\textsuperscript{19}

Such votes and speeches would do nothing to promote his suit with Burghley, however much they may have pleased the freeholders at Brentford. An-

\textsuperscript{18} Townshend, 67; D'Ewes, 488.

\textsuperscript{19} Lords' Jour., ii. 184; D'Ewes, 493; Townshend, 72; Statutes, 35 Eliz. c. 13.
Anthony, too, as became the common friend of Beza and Montaigne, of Du Plessis Marly and the Bishop of Cahors, had spoken in the House against his uncle's policy; so that he who in Bordeaux had been denounced by the Jesuits as a Puritan, was now denounced in London as a Papist. Neither Anthony nor Francis could be made to see the justice or the policy of meeting Jesuit arguments by manacles and stripes, not even when their personal fortunes stood upon their willingness to fight for the popular and prosperous side. Though urged by want, and tempted by ambition and by opportunity, they would not consent to meet the pen otherwise than with the pen, Libels with Observations, falsehood with truth. That coach, as necessary to Anthony as the food he ate and the air he breathed, was, in the eyes of Lady Anne, but a minor evil of the political connexions which her sons had formed. She suspected the Earl's company; she knew that he loved plays and dice, that he neglected his wife for strange women, that he received in his familiar hours at Essex House and Barn Elms a rabble of foreign diplomatists and spies. A Spaniard who arrived in London in the summer of 1593, and immediately appeared in the train of Essex, by whom he was presented to Elizabeth, excited her vehement wrath. This stranger was Antonio Perez, the renowned and mysterious fugitive from Spain.

As to the true character and crimes of Antonio Perez, after two centuries and a half of fierce debate

20 Lambeth MSS. 649, f. 109 (printed in 'Personal History,' 46); Antonio Perez et Philippe II., par M. Mignet, 36.
upon them, historians are still at war. Some deem him a martyr; others condemn him as a spy. Lady Bacon, who never doubted that he was a rogue, regretted that her sons should have either social or political intercourse with such a man. The story of his life before he came into England was, in the highest degree, romantic. A natural son of the famous minister and scholar Gonzalo Perez, Antonio had been trained in the court of Philip II., had been from his birth the companion of princes and grandees, had been raised, on the death of his father, to the post of sole Secretary of State. For a few years he had governed Spain, and, through it, Europe and the world. An intrigue of Don John, the hero of Liptanto, to obtain for himself a crown, had been the occasion of his fall. Don John had sent to Madrid, to push his fortunes, Juan de Escobedo, a man who had taken Philip's money, and whom Philip believed to be his own trusty spy upon Don John. Vexed at the deception, but unable to try the offender, Philip had instructed Perez to have Escobedo put out of his way. In Spain a man's life was then a question of dollars. Escobedo, as he left the palace late at night, was set upon by ruffians, who killed him on the spot. Perez, though he had taken care to have the King's written command for this murder, had a secret motive of his own for the deed —revenge for a threatened exposure of his own lawless love. A very beautiful and licentious lady of the Court, Anna de Mendoza, wife of the Prince of Eboli, had been honoured with the admiration of King Philip, to whom she was believed to have borne
a son, the Duke of Pastrana. With this favourite mistress of the King, Perez had fallen in love, and Escobedo, having discovered the Secretary’s intrigue, was contriving, under cover of regard for the Prince of Eboli, to turn his knowledge to political use when he was suddenly struck down by the assassin’s knife. Don John demanded justice for his servant, while the kinsmen of Escobedo ventured to accuse the Secretary of his death. Philip was silent, and the magistrates held their peace. When tired of invoking justice, the murdered man’s friends appealed to the King’s jealousy, laying before him proofs that Perez visited his mistress at untimely hours, often staying with her alone until deep in the night. The hoary old monarch, who had married four wives, and who affected the discipline of a monk, transported with passion, commanded the instant and secret arrest of Perez and the Princess. An hour before midnight, Alvaro Garcia de Toledo, alcalde of the palace, seized Antonio, and conveyed him to the Pinto. At the same hour the king himself, slouching beneath the portico of the old church of Santa Maria, in front of the Casa Eboli, saw the officers of justice drag his charming and unfaithful mistress from her husband’s house and carry her away to jail. To the world abroad, Philip gave out that his Secretary had been arrested at the call of Don John, until such time as he should be able to acquit himself of any share in the murder of Escobedo; to the world at home, he pretended that Perez had been seized for communicating to the Princess of Eboli important secrets of state. Perez was kindly treated in his confinement, and was even
employed as usual in his functions as Secretary, until Philip procured from him all the papers which might have proved the royal participation in his crime. He was then put to the rack, and would have been sent to the block, had not his wife, Maria de Coello, found means to effect his escape from prison and flight to Zaragoza, the capital of his native state. From his house at Zaragoza the fugitive appealed to the laws of Aragon; and when a mandate from Philip instructed the magistrates to throw him into the royal jail, the citizens rose in arms. Foiled in this attempt to arrest Perez contrary to law and justice, Philip, on the pretext of his correspondence with Catherine of Navarre and the French Protestants, accused him of heresy and sorcery. Officers of the Inquisition, at the instance of Don Iñigo de Mendoza, the King's representative in Aragon, seized him as a prisoner of the Church; on which the citizens, taking arms in his defence, surrounded the prison of the Holy Office and the palace of the minister, took the men out of them by force, liberated Perez, and put Mendoza to death. A great army soon approached Zaragoza to restore the King's authority, when the offender, unable to resist, fled into France, where the Hugonots received him as a martyr, and Henri offered him his august protection. From Paris he came to London, where he was well received by Essex, and introduced by him to Francis and Anthony Bacon.

Assassins, hired by Philip, followed him from Zaragoza to Paris, from Paris to London; against whom the liberal party in England, like the liberal
party in France, protected him, not only on the ground of generosity and manliness, but as an act of hostility towards the Government of Spain.\(^\text{21}\)

Antonio Perez was a man of wit and learning, as well as of singular political experiences. Francis thought highly of his abilities, but to Lady Anne his character and his cause were alike abominable. The reasons which induced her sons to receive with kindness a man who was the enemy of their enemies, the friend of their friends, were worthless in her eyes. She was not a politician, nor a woman of the world. The fact that Perez had been in arms against Philip, that he had come to England with a recommendation from Henri, could not persuade her to pardon him for being a Papist and a Spaniard. In Lady Anne’s belief a Papist and a Spaniard was necessarily a misbeliever and a rogue. “Be not too frank,” she wrote to Anthony, “with that Papist; such have seducing spirits to snare the godly. Be not too open.”\(^\text{22}\)

As the main objects of Perez were to restore that old friendly sentiment of Elizabeth towards Henri which had been shaken by his wish to make peace with Rome, and to provoke among English noblemen a more animated and aggressive spirit against Philip,—he naturally addressed himself to that party of which Essex and Raleigh were the chiefs, Francis and Anthony Bacon the scribes. Events in France had wounded Elizabeth and fright-

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\(^\text{21}\) Miñana Historia de Espagña, iii, 532; Antonio Perez, Relations, 31-36; Mignet, 139-327.

\(^\text{22}\) Lambeth MSS. 649, fol. 100.
ened Burghley. Spain still appeared bent on placing the Infanta Clara Eugenia, with the Cardinal de Bourbon, on the throne of France; a design against which all the powers of England must, in the end, be put in motion; yet Henri's reconciliation with the League, and his submission to the Pope, had perplexed the aged and prudent statesman, who, jealous of Philip, would still not hear of venturing on active measures against Spain. Burghley would not man a ship or fire a gun. More adventurous and more youthful, Essex would have sent a fleet to Cadiz or Lisbon, and entered into a more cordial alliance with the King of France. Cecil, of course, took his father's side; and while making a show of deference for Essex, and of friendship for his cousins Francis and Anthony, was eager and successful in thwarting the bolder and more glorious policy recommended to the Queen. Perez, perceiving the great, though masked, abilities of Cecil, gave him that name of Roberto il Diavolo, which he well deserved, and which clung to him for life.23

A man of much inferior genius and experience, who, from political motives, had become an associate of Francis Bacon, caused Lady Anne more pain than even Antonio Perez. This man was Anthony Standen, who had not made love to a king's favourite, procured an assassination, or set armies in motion, but who had, nevertheless, lived a stormy, and Lady Anne thought a disreputable, life. Born a Roman Catholic, Standen had quitted England to escape

23 Mignet, 336-341; Birch, i. 352.
from that reaction which gave to Lady Anne's family a country and a home; in his exile, he had taken pay from Mary Queen of Scots, in whose behalf he went to Italy; had entered Philip's service on a salary of fifty pounds a year; had been bought for double that sum by Walsingham, by whom he was sent on a secret mission into Spain. On his return to Bordeaux Standen had been cast into jail as a Spanish spy; and Walsingham being dead, he might have been left to rot, had not Anthony Bacon, hearing that an Englishman was in prison, applied to the Governor, and set him free. As Standen had seen much of the world, Anthony, zealous for his uncle's service, asked him to continue to Burghley the correspondence he had begun with Walsingham. On his arrival in London, the Queen, who had seen some of his letters, and saw the use to be made of him, commanded him to take up his abode in Francis Bacon's lodgings, at Coney Court.24

Both Burghley and Cecil neglected Standen, though he had brought them important news from Spain. Sir Robert took him to the Queen, who allowed him to kiss her hand, and afterwards honoured him with a knighthood. Essex, on the advice of Bacon, took him into his service, and for four or five years Standen was in daily intercourse with the two brothers, greatly to Lady Anne's discomfort.25

That Bacon, though he sometimes appeared at Court, was sick the whole summer of 1593, a note to

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24 Birch, i. 66, 69.  
25 Ibid., i. 108, 116, 443.
his old friend Margaret Lady Paulett shows. Her ladyship, who had been so kind to him in his younger days in France, was now a widow; his good friend Sir Amias sleeping the great sleep under a splendid tomb in the chancel of St. Martin's church. Bacon, who never remembered an injury nor forgot a kindness, felt proud and glad to do the widow service.

**Francis Bacon to Lady Paulett.**

"Madam, "Twickenham Park, Sept. 23, 1593.

"Being not able myself, by reason of my long languishing infirmity, to render unto your ladyship by a personal visitation the respect I owe unto your ladyship, I would not fail to acquit some part of my debt by sending this bearer, my servant, expressly to know how your ladyship doth, which I beseech God may be no worse than I wish and have just cause to wish, considering your ladyship's ancient and especial kindness towards me. Which if I have not hitherto acknowledged, it hath been only for want of fit occasions, but no way of dutiful affection, as I hope in time, with God's help, I shall be able to verify by good effects towards the young gentleman Mr. Blount, your nephew, or any other that appertains unto your ladyship. This is, good madam, much less than you deserve and yet all I can offer, which, notwithstanding, I hope you will accept, not that it is aught worth of itself, but in respect of the unfeigned good will from whence it proceedeth. And so, with my humble and right hearty commendations unto your good ladyship, I beseech God to bless you"
with increase of comfort in mind and body, and admit you to his holy protection.

"Your ladyship's assured and ready in all kind affection to do you service,

"Fr. Bacon."

Anthony, the eldest son of Lady Paulet, had been knighted by Elizabeth, made Governor of Jersey and Captain of the Guard. Many years later, when this Sir Anthony's son, John Paulet, was charged by Peacham, the infamous rector of his parish, with complicity in a seditious writing, Bacon, by his zeal and perseverance, saved the family of his old friends from ruin.*

* Lambeth MSS. 649, fol. 214.
CHAPTER IV.

RIVALRY OF COKE.

Towards the fall of 1593 Bacon's hopes of advancement at the bar began to quicken. Sir Gilbert Gerard, Master of the Rolls, having died in the early spring, Essex, to discharge some part of his many obligations, promised that Bacon should succeed Gerard on the bench, just as he had promised that Bodley should succeed Walsingham in the office of Secretary of State. Bacon's claims to the Rolls were not contemptible; not only had his father been a faithful servant of the Queen, but he himself, born at the bar, and nursed on the knowledge of judgments and decrees, had now served to his trade an apprenticeship of fourteen years. If Philosophy had been his Rachel, Law had been his Leah. A bencher and a reader of his Inn, he enjoyed a good reputation in chambers, and a brilliant reputation in the courts. But once again Essex overrated both his own earnestness of purpose and his influence with her Majesty. Walsingham's place was still void, the contest of the two factions still fierce; Burghley supporting his son Sir Robert, Essex his friend Sir Thomas; yet on Gerard's death the very same parties began to wrangle for the Rolls. The patronage of Essex made Burghley turn his face from his
nephew; and the claims of Sir Thomas Egerton, Attorney-General, to go up to the bench, made this Cecil opposition to Bacon’s appointment easy. After some months of pouting on the part of Essex, Elizabeth did her duty to the bar and to the courts by raising Egerton to the bench.¹

So soon as her mind was known, Essex brought up Bacon’s name for Egerton’s place of Attorney-General. The Queen seemed pleased; but her hands being full of business, she told her kinsman she must first dismiss the French and Scottish ambassadors, getting rid of those projects of Antonio Perez, ere she could look in earnest after these home affairs. Essex would not wait. Had he not been foiled in the cause of his servant Bodley? Must he now suffer shame on account of his servant Bacon? The Cecils took advantage of this heat; for, though they might be loth to injure a kinsman who had publicly avenged them on Emperor Parsons, they had to struggle against the Earl of Essex for every rag of power; and in opposing his scandalous mode of paying off private debts with public offices, they had the advantage of appearing to act on principles of high political morality, and according to the practices of the bar. Edward Coke was the Queen’s Solicitor, and the right of succession derived from his legal rank was, in his case, strengthened by age, experience, high repute as a jurist, eminent services to the Crown. Some of the judges, and among them Egerton, wished to make Bacon Attorney-General; for the great common-lawyer, if a giant in legal erudition, had the

¹ Life of Egerton, by the Rev. Francis Egerton; Birch, i. 113.
manners of a bully and the spirit of a slave. In the long succession of English judges, it is doubtful whether any one has left on the bench so distinct an impression of having been a cold, harsh, brawling, ungenerous man as Coke. Other judges may have been cruel, overbearing, bigoted, despotic; Puckering narrow-minded, Popham vindictive, Jeffreys bloody, Ellenborough unscrupulous; but in every case, except Coke's, there appears, on looking into it, some excuse of nature for the flaw. Popham had admirers, and Jeffreys friends. But neither at the bar nor in society had Coke one genuine partizan. The courts disliked him for his foul language, the House of Commons for his bitter heart. Yet this cruel despot and crawling slave was the most learned jurist England had ever bred, and the design of lifting above him a young man, chiefly distinguished by gracious bearing and speculative genius, was an act of folly that deserved to fail.  

The income drawn by Francis from the bar was still below his needs as a student and collector of books, an admirer of trees and flowers, a courtier, a gentleman, a knight of the shire. His brother's purse was his own; but the pockets of a young fellow with a small rent-roll, and a taste for horses and French wines, were seldom full. From Essex he could get no shilling of his hire. Anthony thought of raising his rents, and some of the men about him—godless rogues, Lady Bacon called them—proposed that he should let his farms to the highest bidders. Goodman Grinnell, who had the land at Barley, paid

2 Lambeth MSS. 649, fol. 145, 195, 197.
less than he ought: let him go out and a better man come in. But Goodman Grinnell sped with his long face to Lady Anne. "What!" cries the good lady to her son, "turn out the Grinnells! Why, the Grinnells have lived at Barley these hundred and twenty years!" So the brothers had to look elsewhere. The great city miser, Alderman Spencer, offered four thousand pounds for Barley farm; but Sir Nicholas of Redgrave, who had a reversionary interest in the land, refused his consent. All the notes from Francis to his mother, in the autumn of 1593, relate the sad romance of brotherly love and debt.

A mysterious hint of crime, which came to dismay the Christmas revellers, fed the great feud between the Essex and Cecil factions, and procured fresh employment for Bacon's pen. The arrest of Ferrera de Gama, a Portuguese servant of Don Antonio, raised a suspicion that Roderigo Lopez, a Portuguese Jew, was a pensioner of Spain and a proposed assassin of the Queen. This Jew, a medical quack, in a few years of London practice had made a fortune by his pills and potions. Most of the fine court ladies took his stuff; and he was allowed to trifle with her Majesty's health. It was supposed that Lopez, tempted by Spanish gold, had consented to poison the Queen with a slow and subtle drug, and on this suspicion Lopez was arrested. That Philip, desiring to remove a friend who had served him too well, or an enemy who had treated him too ill, would not scruple to employ the apothecary's phial or the mur-

3 Lambeth MSS. 649, f. 274, 298 (printed in 'Personal History,' 50, 52).
derer's knife, had been proved by the poisoning of Alexander Farnese at Arras, and by the assassination of William the Silent at Delft. Bacon believed the plot genuine, the danger imminent; but the Cecils, who prided themselves less on their personal advantages or brilliant talents than on their perfect mastery of political facts, fearing lest a discovery which concerned the Queen's life, were it ever made good by proofs, might bring such credit to Essex as would settle against them the questions of Attorney-General and Secretary of State, jeered at this pretended plot, and avowed their belief that Lopez was the victim of a paltry jest. Sir Robert rode from the house in which the prisoner was examined to the Palace, and, being an admirable wit and mimic, convulsed the court with his comedy of the Jew. When Essex appeared, the Queen began to laugh. But Essex and Bacon, confident of their case, persisted in the charge; and the Privy Council, unable to enjoy the joke, put the Lord Admiral Howard in commission with Essex, Burghley, and Cecil, to collect the evidence and pronounce on the reality of this projected crime.4

These inquiries caused fresh delay. Burghley and Cecil were in favour of a plan for making Coke Attorney, Bacon Solicitor—an arrangement to have satisfied every claim; but Essex would hear of no terms of settlement save his own. Had he not sworn that his servant should be Attorney? Not to have him made such would be a political defeat; and a new political defeat neither his pride nor his interest would permit him to endure. One day a conversa-

4 Camden, 623; Birch, i. 150.
tion took place between Essex and Cecil; the words of which, reported by Standen to Anthony Bacon from the Earl's own lips, may not have been correctly given; it being hard to believe that Cecil, so cold and cautious, would have spoken thus strongly and openly against his cousin; yet the report represents the personal nature of the contest, as it was understood by Essex, and the words are such as he wished the Bacons to believe Cecil had spoken and himself had replied. The Queen told Essex that she was being pressed to put an end to the war in her private cabinet, by making Cecil her Secretary of State, with Sir Edward Stafford as Second Secretary, and Coke her Attorney-General. The Cecils, she said, were anxious to have the thing done by Candlemas-day, or, at the latest, within a week—the Lord Keeper Puckering, with many great officers of state, being then in attendance at the Court to see it done. Essex and Cecil, having met at the Tower on the affair of Lopez, were riding back in a coach together, when Cecil began this conversation:

"My Lord, the Queen has resolved, e'er five days pass, without farther delay, to make an Attorney-General. I pray your Lordship to let me know whom you will favour." To which the Earl is made to answer—that he wondered Sir Robert should ask him that question, seeing it could not be unknown to him that resolutely, against all men soever, he stood for Francis Bacon. "Good Lord!" said Cecil, "I wonder you should go about to spend your strength in so unlikely a matter;" desiring his Lordship to name a precedent for so raw a youth being raised to a place of such moment. "The Earl," says Standen,
"very cunningly working upon him, said, that for the Attorneyship, which was but an ordinary office, other than prince's favour he could produce no pattern, because he had not made any search for that purpose, but that a younger than Francis Bacon, of less learning, and of no greater experience, was suing and shoving with all force for an office of far greater importance, greater charge, greater weight, than the Attorneyship. Such an one, the Earl said, he could name him. Sir Robert answered that he knew he meant him, and, admitting that both his years and experience were small, yet weighting the school which he studied in, and the great wisdom and learning of his schoolmaster, and the pains and observations he daily passed in that school, he thought his force and wisdom sufficient to sway the machine, alleging withal his father's deserts in these his long and painful travels of so long an administration to merit a mark of gratitude from her Majesty in the person of his son. And with regard to the affair of Mr. Francis Bacon, he desired his Lordship to consider of it. If at least, said he, your Lordship had spoken of the Solicitorship, that might be of easier digestion to her Majesty. The Earl answered—Digest me no digestions; for the Attorneyship for Francis is what I must have, and in that will I spend all my power, might, authority, and amity, and with tooth and nail defend and procure the same for him against whomsoever, and that whosoever getteth this office out of my hands for any other, before he have it, it shall cost him the coming by. And this be you assured, Sir Robert, I think strange both of my Lord Treasurer and you, that can have the mind to seek
the preference of a stranger before so near a kinsman. For if you weigh in a balance the parts every way of his competitor and him, only excepting five poor years of admitting to a house of court before Francis, you shall find all other respects whatsoever no comparison between them.”

The examination of Lopez proved that Bacon was right. By the end of February his case was ready for trial; the confessions of Manuel Louis Tinoco and Stephano Ferrera de Gama having left no doubt that Lopez had sold his services to the King of Spain, that he had received presents from Madrid, that he had undertaken for a recompense of fifty thousand crowns to kill the English queen. The blood-money was to have been paid in Antwerp, and Lopez had arranged to fly to his kinsman, Don Salomon, a wealthy Jew residing at Constantinople. Bacon was present, though not in a legal capacity, during the trial at Guildhall; and after the execution of Lopez he was employed to draw up a report of the treason and condemnation. This able report entirely justifies the proceedings of the Crown.

Such services to the government would have made his promotion at the bar easy, had he not been cursed with a patron so impracticable as Essex. Bacon begged the Earl to act for him in concert with Burghley, his uncle and his friend; but Essex, selfish, insolent, and personal, would

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8 Birch, i. 152.

6 A true Report of the detestable Treason intended by Dr. Roderigo Lopez, a Physician attending upon the person of the Queen’s Majesty.
admit no partner in his work. In one sense he was right. He owed a large sum of money to the two Bacons, which he could not pay. If Francis gained his rise through anybody's influence save his own, even through the favour of her Majesty, the object he had in view would not be attained. Alone, as he said, he must do the work. Bacon, who could have no doubts about the mischief thus done to his prospects, wrote to the Queen:—"I affect myself of no great matter, but only to a place of my profession, such as I see divers younger in proceeding than myself, and men of no great note, do without shame aspire unto; but if any of my friends do press this matter, my spirit is not with them." To his indiscreet and insincere patron he made no complaint.

At a word from Burghley, Elizabeth had bestowed on Bacon the reversion of a place in the Star Chamber worth sixteen hundred pounds a-year; so that neither the friendship of Her Majesty, nor the favour of his powerful kinsman, could be mistaken by the world. Two or three brilliant speeches in the King's Bench having drawn attention to his claims, Burghley wrote from a sick-bed to congratulate him. The Queen herself spoke of him. Some of his speeches in the courts made a noise like the production of a new play at the Globe: the great officers of state going down to Westminster Hall to hear him plead, and Burghley sending to him for the notes of his speech, that he might read them to the Queen. Never had Bacon's prospects been so bright. A little art, a little

7 Lambeth MSS. 649, fol. 315.
honesty, on the part of Essex, would have secured his fortune; but the Earl had neither honesty nor art.

**The Earl of Essex to Francis Bacon.**

"Sir, "

"24 March, 1594."

"The Queen did yesternight fly the gift, and I do wish, if it be no impediment to the cause you do handle to-morrow, you did attend again this afternoon. I will be at the Court in the evening, and go with Mr. Vice-Chamberlain, so as, if you fail before we come, yet afterwards I doubt not but he or I shall bring you together. This I write in haste because I would have no opportunity omitted in this point of access. I wish to you as to myself, and rest"

"Your most affectionate friend,"

"Essex."

Her Highness could not see him; for, however much she admired his eloquence, she would not take one step against the wishes of her sick and faithful minister. It was not the only, not the most serious question. Essex made far more noise about his suit for Bodley than about his suit for Bacon; his obligations to Bodley being larger and of longer standing; and in the end he abandoned Bacon's claim to the office of Attorney-General as the means of getting Cecil's nomination to the Secretaryship postponed. On the 10th of April Coke received his patent.⁸

⁸ Lambeth MSS. 649, fol. 37, 653, 101; Birch, i. 147-164.
To the post of Solicitor now left vacant Bacon had claims in which every man on the bench concurred. The Lord Keeper, the Master of the Rolls, each urged this suit. Burghley lent his aid; Cecil made a party for his cousin; Elizabeth was courteous. It only needed that the grant should be made in the proper way: because it was right—not because this or that lord of her Court had sworn that it should be made; but the incredible arrogance and levity of Essex again brought ruin to Bacon’s hopes. Bound to make Bacon’s fortune, he could not stoop to see his debt discharged by another hand. “Upon me must lie the labour of his establishment; upon me will light the disgrace of his refusal.” As Bacon begged that he would only move in his cause with Burghley’s concurrence, Essex yielded so far as to say he would see and speak with the old Earl; the interview to take place at Burghley House, where the aged minister lay sick. The hour had therefore come for testing the sincerity of Essex, whose conduct at this hour was a true expression of his devotion to the man of genius. Going over to Burghley House, he found the sick Treasurer fallen into a doze, and, the physicians not liking to wake him, Essex strolled into the tennis-court, asked for balls, and began to play. In a few moments he was called to the sick-room. He refused to go. Standen, who had gone with him to Burghley House, on giving him his drink, reminded him that Bacon’s fortunes, for a time at least, depended on this interview; but the giddy young lord, excited by the play, would not quit his sport for a few minutes to save the fortunes of a man
whom he called his friend! The occasion passed by, never to present itself again.9

So certain had Bacon's appointment seemed to every one, that Egerton had drawn up for him special instructions how to conduct the business of his office, and Cecil had written in terms too earnest to have been insincere to thank the Master of the Rolls for this act of friendship towards his cousin. All these hopes were now dashed, and Bacon felt that his only chance of succeeding at a better time, and under wiser guidance, was to induce the Queen to defer appointing a Solicitor-General as she had deferred appointing a Secretary of State. With this design he wrote to Sir Robert Cecil:—"I am now only to fall upon that point of delaying and preserving the matter entire till a better constellation, which, as it is not hard, as I conceive, considering the French business and the instant Progress, &c., so I commend in special to your honour's care, who in sort assured me thereof, and upon [whom] now in my lord of Essex' absence I have only to rely. And if it be needful, I humbly pray you to move my Lord your father to lay his sure hand to the same delay." Cecil, knowing that the Earl, and none but the Earl, stood in his cousin's light, wrote back:—"Cousin, I do think nothing cuts the throat more of your present access than the Earl's being somewhat troubled at this time. For the delaying, I think it not hard; neither shall there want my best endeavours to make it easy, of which I hope you shall not need to doubt. By the judgment which I gather of divers circumstances con-

9 Lambeth MSS. 650, fol. 109, 113.
firming my opinion, I protest I suffer with you in mind that you are thus yet gravelled; but time will founder all your competitors and set you on your feet, or else I have little understanding.”

Anthony had been living for some months either at Gorhambury, with his mother, or on the estate at Redburn, where he had a good house, when Essex, who wished to have his accomplished secretary near his person, drew him away to London, and induced him to hire a place in Bishopsgate-Street, near the famous Bull Inn, where Tarleton cracked his jests. Lady Anne was hurt, for she understood the parson of that parish to be no better than his flock. Two of her household had been taken from her side by plague or fever; she herself was down with ague, and had made up her mind to die. Francis wrote to her, and went to her, wrestling against her resignation, praying her to use all helps and comforts for her health, to the end that she might be spared to her children and to that church of God which had so much need of her. Of his own affairs he wrote, “It may be I shall have occasion, because nothing is yet done in the choice of a Solicitor, to visit the Court this vacation, which I have not now done this month’s time.” When he waited on the Queen, she was so kind to him and so merry with him that men who had been reared in the palace laid two to one on his success? “I will lay a hundred pounds to fifty you shall be her Solicitor,” said Fulke Greville. She began to use him in her legal business, as she had begun to use Sir Robert in her correspondence;

10 Birch, i. 167-173; Lambeth MSS. 650, fol. 125 (printed in full in the ‘Personal History,’ 53, 54).
and the University, which he had left without a degree, chose this happy time to pay him a compliment,—a grace being now taken to confer on him the rank of Master of Arts.  

When he rode down to Gorhambury, he found his mother weak with pain, her memory failing like her health, but her tongue as sharp, her brain as clear, as in her younger time. She wanted Anthony to marry and amend his ways. If he would give up Essex, and live a sager life, she was ready to strip her house for him, to send him her carpets, pictures, plate, and chairs; but every pretty face was the same to him,—the daughter of Madame de Mornay or an English girl selected by Lady Anne. When Francis returned to Gray's Inn, she sent after him a string of pigeons and a world of loving and pious counsels.

Like his brother, Anthony was also a great experimenter in draughts, and essences, and pills. Their rooms in Coney Court were like an apothecary's shop, their bills for physic longer than their bills for meat. Troubled at once by stone and gout, by a lame foot and by decaying lungs, Anthony spent his money and his time in search of that ease from pain which no skill on earth could give. He had just found a new doctor, whom his mother declared an impostor: writing to him:—"If you prove your new-in-hand physic, God give you good of it. My Lord...

11 Lambeth MSS. 649, f. 232, 650, f. 140 (printed in the 'Personal History,' 55, 56); Tarleton's Jests; Collier's Annals of the Stage, iii. 292; Birch, i. 174-80.

12 Lambeth MSS. 650, f. 168 (printed in the 'Personal History,' 57).
Treasurer about five years past was greatly pressed by the great vaunt of a sudden start-up glorious stranger, that would needs cure him of the gout by boast; 'but,' quoth my Lord, 'have you cured any? Let me know and see them.' 'Nay,' said the fellow, 'but I am sure I can.' 'Well,' concluded my Lord, and said, 'Go, go, and cure first, and then come again, or else not.' I would you had so done. But I pray God bless it to you, and pray heartily to God for your good recovery and sound.' She added, 'I am sorry your brother and you charge yourself with superfluous horses. The wise will but laugh at you both; being but trouble, besides your debts, long journeys, and private persons. Earls be Earls.'

She also wrote to Essex, exhorting him to lead a worthier life, to which he answered that he would, and before his ink was dry fell back into his ancient riot. When the Countess was about to become a mother, Lady Bacon hoped the Earl might be won by domestic love from the wanton women whose society he preferred to that of his neglected wife. "I wrote yesterday," she said, "to my Lady Walsingham, and by her to the Countess. She took it well, and thanked me. The Countess is very near her travailing time. I beseech God of His goodness make her a joyful mother, with daily increase of God's blessing upon her and hers." Referring to the Earl, she said, "My grief is great about Essex, and truly I fear lest opportunity should have given rise to most shameful and grievous adultery and the midst of evils and"—(Here follow five words of her letter blotted and unreadable.)

13 Lambeth MSS. 650, f. 171, 223.
The Queen was full of care; the tug and tempest of her reign being close at hand. The league of Pope and King, baffled by the swift scene at Fotheringay, broken by the loss of the Invincible Armada and the victories of Henri Quatre, had again been formed. Plans for seizing Guernsey and Jersey, for arming the Ulster insurgents, for throwing troops into Wales, and for rousing a London mob, had been warmly debated in Madrid. Medina Coeli commanded a mighty force at Cadiz. Philip at Madrid, Cardinal Archduke Albrecht at Brussels, were counting, pensioning, directing the English exiles, men amongst whom Wright and Winter, Stanley and Tresham, enjoyed conspicuous favour. Father Parsons, Father Creswell, and Father Holt, busied themselves among the needy and fanatical desperadoes of foreign courts and camps, everywhere vilifying the land which had cast them out, and whetting against their Queen the assassin's knife. Nor did they toil in vain. Two military ruffians, Captain Richard Williams and Captain Edward Yorke, offering to become the Clements, the Gérards, of a more atrocious crime, crossed the sea, and when taken, knife in hand, and flung into the Tower, confessed that they had come into England commissioned by their spiritual and military chiefs for murder. They implicated by name Sir William Stanley and Father Holt. 14

Bacon was sick of heart; looked wan and thin, as all the world took note. The heady Earl had proved to him a pernicious friend. Lady Anne, in a letter to Anthony, poured on her sons her counsels and consolations.

**Lady Bacon to Anthony Bacon.**

"June 3, 1595.

"I am sorry your brother with inward secret grief hindereth his health. Everybody saith he looketh thin and pale. Let him look to God and confer with Him in godly exercise of hearing and reading, and continue to be noted to take care. I had rather ye both, with God’s blessed favour, had very good healths, and were well out of debt, than any office. Yet though the Earl showed great affection, he marred all with violent courses.

"I pray God increase His fear in his heart and a hatred of sin; indeed, halting before the Lord and backsliding are very pernicious. I am heartily sorry to hear how he [the Earl of Essex] sweareth and gameth unreasonably. God cannot like it.

"I pray show your brother this letter, but to no creature else. Remember me and yourself.

"Your mother,

"A. B."

All these delays and disappointments broke Bacon’s health. To fail of office would be more to him than a personal disgrace. It would be loss of power and opportunity for carrying out his Great Reform. In the first stupor of dismay he retired to Twicken-
ham, and talked of retiring to Cambridge; but the bounty of Elizabeth soon removed his misconception, and restored him to the world. Indeed, the more her Majesty felt that a post like that of her Solicitor ought not to be filled up as a sign of her concession or submission to Essex, the more she strove to prove by her acts that the advocate, not the candidate, was in fault.15

On the suggestion of Burghley she appointed Bacon to the office next in rank to the Solicitorship—that of her Counsel learned in the Law; at the same time conferring on him, at a mere nominal rent, a small estate. The grant comprised sixty acres more or less of wood in the forest of Zelwood, in the county of Somerset, known as the Pitts; which Bacon received from the Crown on a rent of seven pounds ten shillings a year, payable at the feasts of St. Michael the Archangel, and of the Annunciation of the Virgin.16

Even in appointing another man as her Solicitor, she was careful not to wound his pride. If she postponed his own nomination, she selected from his rivals the one whom he himself had pointed out to her as a man whose elevation would give him no pain. “If I see her Majesty,” he had written to Puckering, “settle her choice upon an able man, such as Mr. Serjeant Fleming, I will make no means to alter it.” Fleming was chosen. Lady Anne wrote to her elder son:

“If her Majesty have resolved upon the negative for your brother, as I hear, truly, save for the brust

15 Lambeth MSS. 651, fol. 144.
16 Patent Rolls, 38 Eliz., par. 51, 23.
a little, I am glad of it. God in His time hath better in store I trust. For considering his kind of health and what cumber pertains to that office, it is best for him I hope. Let us all pray the Lord He make us to profit by His fatherly correction; doubtless it is His hand, and all for the best, and love to His children that will seek Him first, and depend upon His goodness. Godly and wisely love ye, like brethren, whatsoever happen, and be of good courage in the Lord, with good hope."

Fleming was a dry, laborious lawyer, of good repute in the courts, though he is now only known to the world for having dropped into Bacon's place, and to the legal profession for his disputed ruling in the case of Bates.  

One fleet had gone from Plymouth under Drake; a second was arming under Raleigh. Drake was a marauder, Raleigh a statesman. If he could burn Nombre di Dios and spoil the carracks of Margarita, Drake would feel that his work was done; while Raleigh, fresh from his romantic voyage to the Amazon, flushed with the pride of conquest and discovery, had bent his mind on founding States.

Bacon, who saw in Raleigh, not alone the nimble wit, the proud courtier, the dashing seaman, but the leader of vast horizon, of philosophic thought, would have kept Essex on terms with him; the two men holding a common course in politics and in war. Their loves and hates were the same. Each longed for war; a war of books and laws

17 Lambeth MSS. 657, fol. 211.
against Rome, a war of pikes and culverins against Spain. Each in his own person represented the youth and genius of the time: Essex that of the nobles, Raleigh that of the gentry. Each of the two seemed to Bacon needful to the other and to the common cause: the Queen’s kinsman to uphold it against timid counsels at court, the founder of Virginia to maintain it against Philip’s admirals on the Spanish Main. A frank and loyal union of these two men would have given England the free use of all her arms; in the long run it would have saved them both from the block. With tongue and pen Bacon laboured to make peace between them. In spite of Raleigh’s pride, which often marred his work, he told Essex day by day that Raleigh would be his safest political friend.

As the time for passing Fleming’s patent as Solicitor drew nigh, Bacon, if comforted by the Queen’s favour, felt the defeat in his heart of hearts. This defeat, though no longer a slight, was not the less a most grievous loss. The Solicitor-Generalship was worth in money some five or six thousand pounds a year: to Essex, so deeply in his debt, and in his brother’s debt, he owed this loss. Lady Anne wrote to Anthony:

“Since it so pleaseth God, comfort your brother kindly and Christianly, and let me, mother, and you, both my sons, look up to the correcting hand of God in your wants every way, with humble hearts before Him, and with comfort, and procure your health by good means carefully. . . . We have all dallied with the Lord, who will not ever suffer Himself to be
mocked. I send you xij pigeons, my last flight, and one ringdove beside, and a black coney taken by John Knight this day, and pigeons, too, to-day. Lawrence can tell you my Lady Stafford's speech was of you, as she hath heard from her Majesty, marvelling you came not to see her in so long space. Consider well and wisely. Where you be, you must needs disorder your time of diet and quiet; want of which will still keep you in lame and uncomfortable. I hear the Lord Howard is too often with you. He is subtilly deceitful. Beware! beware! Burn this. The Lord of heaven bless you from heaven, in Christ our Lord and hope.”

The Fictitious writers say that Essex atoned to Bacon for this loss of office by a gift of Twickenham Park, which had never been his to give. What Essex really did, was to relieve himself from an obligation by the discharge of his debt. Unable to pay either Anthony or Francis by public office, he proposed to pay them, as it were, in kind; Anthony in a lodging and a table, Francis in a patch of land. The bargain was a bad one; and Francis demurred to it. Not that he felt scruples at taking wages for the work which he had done—not that the mode of paying was unusual, or the offer beyond his claim. The patch was worth some fifteen hundred pounds; less than three months' income of the Solicitor-General. But he shared his mother's feeling of distrust, and shrank from incurring an appearance of obligation to one so hot and weak. Anthony took

18 Lambeth MSS. 652, f. 86 (printed in full in the 'Personal History,’ App. II.).
the Earl at his word, broke up his establishment, removed to York House. Hurt by the hesitation of Francis, Essex declared that, having been the cause of his loss of office, he should die of vexation were he not allowed in some small measure to repair it. Bacon at last succumbed; yet, even when accepting the strip of ground, he 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 saving of his faith to the King."\textsuperscript{19}

Writers who never tire of lauding the generosity of a man who would not leave his tennis-ball for half an hour to make Bacon's fortune, never tire of denouncing the stinginess of a woman to whom Bacon owed everything he possessed on earth. Long ago Elizabeth had bestowed on him a reversion of the Registry of the Star Chamber—a post worth 1600\textpounds a-year. More recently she had made him her Learned Counsel, and enriched him with the grant of Zelwood Forest. Before passing the patent of Solicitor to Fleming, she arranged a more striking tribute of her love for him. The lease of Twickenham Park having just expired, that lovely seat by the Thames, in which he had found a refuge from the pest, in which he had probably written his earlier Essays, would be his home no more, were she not bountifully inclined. Fourteen years ago the park had been granted to Milo Dodding for thirty years, commencing from the expiration of Edward Bacon's term; but on signing

\textsuperscript{19} Sir Francis Bacon his Apologie in certain imputations concerning the late Earl of Essex, written to his very good Lord the Earl of Devonshire, 1604, 13, 16.
Fleming's patent, her Majesty made over to Francis Bacon a reversion of this lease. On the fifth of November Fleming got his commission as Solicitor-General; on the seventeenth of November Bacon's grant of the reversion of Twickenham Park passed the Seal.  

20 Rot. 38 Eliz., pars. vi. 20, Record Office. Printed in 'Personal History,' App. V.
CHAPTER V.

BACON AND ESSEX.

During the spring and summer of 1596 Bacon's prospects looked most bright. The Queen, who had given him Twickenham Park and Zelwood Forest, appointed him her Registrar of the Star Chamber in reversion, her Learned Counsellor in possession, sent for him to the palace and employed him in her legal and political business. She spoke to him of his brother Anthony, whom she had never seen since he was a child at York House. Anthony wrote to Lady Anne: "My brother hath within this sevennight spoken twice with her Majesty a full hour each time; whom she used at both times with grace and trust; and sent me comfortable speeches that she did remembrance me and trust me, and would give me, sooner than perhaps I looked for, good proof thereof. Thus your ladyship sees that, though loyalty, patience, and diligence may for a time be shadowed and disgraced by malice and envy, yet it pleaseth God, the fountain of all goodness, by His extraordinary power to make them shine to the prince's eyes through the closest mists of cunning and misreports." The business which her Majesty placed in Bacon's hands was various and important, including the prosecution of William Randal and charges against Sir John Smyth.
On the death of Sir John Puckering and the elevation of Egerton to the Seals, many persons at court believed that he would at length obtain the Rolls.  

Francis desired that his brother's extraordinary accomplishments in languages and foreign politics should be brought into her Majesty's more immediate service, either as a Secretary of State or as a minister to some friendly power. France would have suited him best, he being intimate with Henri and the Princes of the League; next to France he would have preferred Venice, or Savoy, where he had many friends. He found the service of Essex an ungrateful task, his removal to Essex House a grave mistake. Instead of lessening his expenses, he had much increased them. Under the Earl's roof he expected shelter and good cheer, if not money; he found an empty chamber to lodge in; no wine, no food, not even a fire. To keep the frost from his heart, he was compelled to send out for coals on his own account, and the table spread by his cook he often had to share with the great nobleman's guests. Lady Anne was so justly vexed with her son for squandering his substance in such a cause, and she expressed her opinions with so much point, that even the mercurial Anthony, unable to obtain his due or prevent the waste of his capital, was at length indolently conscious that he ought to accept some nobler work.

The Queen was willing to obtain his service. A

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1 Egerton, Fleming, and Bacon to the Council, May 3, 1596, R. O.; Lucas to the Council, June 23, 1596, R. O.; Birch, i. 468.
2 Birch, ii. 372.
secret expedition was being prepared in the Thames, of which the destination was unknown, though some of those who read her Majesty's mind suspected that a blow was to be dealt at the most beautiful and prosperous of Spanish ports. Raleigh was detained at home by the government, while his servant Keymish, taking his command, went out to alarm the Spanish governors at Trinidad and Margarita. Every one was at his post. Effingham and Vere were drilling troops, Essex was intriguing for command, and Burghley and Cecil, who wished him far away, were aiding to procure him his desire. The Bacons busied themselves in collecting news from foreign spies and foreign Gazettes for the Queen's immediate use. In the unpublished correspondence we have a glimpse of these employments:

Francis Bacon to Anthony Bacon.

"Good Brother, "From the Court, May 31st, 1596.
"Yesternight Sir John Fortescue told me you had not many hours before imparted to the Queen your advertisement, and the Gazettes likewise, which the Queen desired Mr. H. Stanhope to read all over unto her; and her Majesty commandeth they be not made vulgar. The advertisement her Majesty made estimation of, as concurring with the other advertisements, and belike concurring also with her opinion of the affairs. So he willed me to return to you the Queen's speeches. Other particulars of any speech from her Majesty of yourself he did not repeat to me. For my Lord of Essex and your letters he said he was ready and disposed to do his best. But I seemed to make it only a love-suit, and passed
presently from it, the rather because it was late in the night, and I was to deal with him on some better occasion after another manner, as you shall hereafter understand from me. I do find in the speech of some ladies, and the very face of this court, some additions of reputation as methinks to us both; and I doubt not but God hath an operation in it that will not suffer good endeavours to perish. The Queen saluted me to-day as she went to supper. I had long speech with Sir Robert Cecil this morning, who seemed apt to discourse with me. Yet of your hest not a word. This I write to you in haste, aliud ex alio. I pray you, in the course of acquainting my Lord, say, where presseth, at first by me, after from yourself, I am more and more bound to him. Thus, wishing you good health, I commend you to God's happy preservation.

"Your entire loving brother,

"FR. BACON."

Bacon strove against the Earl's desire to go out to Cadiz. Essex had no genius for war; yet, if he went out with the expedition, his high rank and the Queen's immediate kinship and affection must place him above the heads of such masters of the art as Sir Walter Raleigh and Sir Francis Vere. Burghley wished him to go for the very reason which should have kept him at home. The Earl's favour with his aged sovereign was a personal, not a political fact, arising from his youth and gaiety, not from his wisdom or experience of the world. The childless

* Lambeth MSS. 657, fol. 29, 30.
lady yearned to the child of her early friend—disliked to see him sulk and pout. Nature pleaded for him in the Queen's heart so strongly, that, while he sparkled in her presence, and amused her by his dash and prattle, she was unable to decide against him the contest for her Secretary of State. Burghley and Cecil knew this well. But let Essex go to Spain, allow her Majesty time to forget, and Roberto il Diavolo might soon be secured in Walsingham's place. Blinded by his vanity, led away by his high spirit, Essex played the game into their hands. The Queen consented with extreme dislike, and the Privy Council, in which Burghley's influence was supreme, made out his commission as commander of the troops.

In June they were gone; Effingham, Raleigh, Vere, Montjoy, all the great fighting men, on board; leaving England for the moment bare of fleets and troops. Twelve days passed by since the ships weighed anchor in Plymouth Sound, and not a word of news came in from them. They might be fathoms deep in the Bay of Biscay, they might be crushed and strewn under Lisbon rock. Should they have perished as the Invincible Armada perished! It was known that the Twelve Apostles, gigantic Andalusian war-ships, floated in Cadiz bay; that a fleet of transports rode at the Groyne; that a Spanish army crouched behind the heights of San Sebastian and the walls of Bilboa; that a body of victorious troops, flushed with the assault of Calais, occupied the dunes which look on Dover cliffs. It was felt that a storm, a

4 Cayley, i. 285; Birch, ii. 5, 7.
repulse, even a dead calm, might give the signal for a swarm of Walloons to burst into Kent.

Some, in this day of suspense, disputed the policy of having sent the fleet on such a cruise—many blamed the ambition which pulled the weaver from his loom, the hind from his plough. Every one had to submit to loss of money or loss of time. The train-bands garrisoned the city and protected the Court. Lord Cobham held the Cinque Ports. Sir Thomas Lucas put the men of Colchester under drill. The bombardiers of Dover, Plymouth, and Milford Haven stood to their guns. Musters for defence were gathering even in the midland and northern shires; where, at a call from the Privy Council, yeomen snatched down their bills and pikes, often rusty and out of date, bills which had been swung in Bosworth field, bows which had been drawn at Agincourt. On every village green, and under every market-cross, drums were beating and tabors sounding the local force to arms.5

Now was the time for the friends of Rome to strike. Where there is much to bear, a man of weak understanding will infer that, despite the promptings of ambition and pride of race, there must be fires of discontent ready to flare out. When discontent is armed, it may be led to abuse its strength; so at least reasoned a country gentleman of Essex, Sir John Smyth.

Smyth was a Roman Catholic, owner of Baddow

5 Gilbert to Raleigh, Mar. 16, 1596, R. O.; Gorges to Burghley, April 12, 1596, R. O.; Proclamation by the Earl of Essex, April 14, 1596, R. O.; Queen Elizabeth to Cobham, June 7, 1596, R. O.; Council Reg., June 1 to August 7, 1596.
and Coggeshall; a friend of the great Seymour family; an ally of Catherine de’ Medici; a correspondent of the foreign Jesuits and priests. His life had been one long plot. In the war between England and Spain his love and his hopes were all with Spain; for, like all the men who had been influenced by the Jesuits, he thought less of his country than of his creed. The doctrine taught by Parsons and Bellarmino, that a good Roman Catholic must fight and pray for his Church, even against his native sovereign and his native land, was an active portion of Smyth’s religious faith; while, to his disordered and prostrate intellect, the King of Spain appeared a sacred and infallible personage like the Pope. Many weak women, and a few bad men, were faithless enough to pray that storms might disperse, or the enemy’s guns destroy, the English fleet; Smyth was fanatical enough to risk his neck by active measures in support of the allies of his Church. The fighting men gone, he beheld the Queen, the lords of her Council, all the peers of her realm, at the mercy of an armed, uncertain mob. A march on London, a fight under the windows of Whitehall, might cause the fleets to hie back to Plymouth, or the Spaniards to cross the Straits.

Cries are never wanting to a traitor. There is the old feud of poor against rich; the old aversion of local troops to foreign wars. Unhappily both these feuds were then malignant: that between rich and poor being embittered by the recent conversion of a vast extent of plough-land into pasture, by the destruction of a great number of cottages and hold-
ings, and by the increase of sheep-walks and of parks for the preservation of red and fallow deer; that between the local troops and the Crown, by reports that the musters had been forced to go on board the fleet, and that soldiers raised in the metropolitan shires had been sent by the Government into France. Smyth, as a country gentleman, saw these sores, and fancied he could turn the yeoman's discontent against his Queen.  

Like his neighbours, though in another spirit, Smyth took down from his walls the rusty arms, calling in Frost of Colchester to edge his swords and string his bows. Thomas Seymour, one of those weak descendants of Mary, Queen of France, whose blood was too red for their sovereign's comfort, or their own, joined him in his freak. Seymour had pretences to the throne, through his descent from Henry the Seventh; his brother, Lord Beauchamp, was then a prisoner in the Tower. With two mounted servants in their wake, Smyth and Seymour rode into the field at Colchester in which Sir Thomas Lucas, fiercely loyal, was engaged in drilling his troop. Reining their steeds in front of the yeoman line, Sir John cried, "Who will go with me? There are traitors round the Queen, men who grind the poor into bondmen; who send them out of the realm; who break the laws; who weaken the country, who

6 Elizabeth's Letters Patent to raise troops in Kent, Sussex, Middlesex, and Surrey, for relief of Calais, April, 1596, R. O.; Smyth to Cecil, Mar. 14, 1600, R. O.; Discourse of the Providence necessary to be had for the setting up of the Catholic Faith, Aug. 1600, R. O.
ruin the yeomen; traitors who have killed nine thousand foot in their foreign wars, and who will send you also out of England to be slain."

"Shall we go with you, Sir John?" asked a trooper.

"You shall go with a better man than me—than Sir Thomas Lucas," shouted Smyth. "Here is a noble man of the blood royal, brother to Lord Beau-champ; he shall be your captain. I myself shall be his assistant. Down with Burghley! Who goes with me, hold up his hand."

Not one. No hand, no cry was raised. Treason that halts is lost; and whoever is not with the traitor is against him. Compromised in an unsuccessful crime, the four horsemen pricked from the field, parted in the slob, and hid themselves from pursuit in the sands of the sea-shore. Smyth sought a boat for France; but the summer morning dawned on him staggering, hopeless, on the coast; when he skulked home to Baddow, hoping that he should be able to hide his face from the local magistrates, now hurrying on his track.7

Sent up to London and lodged in the Tower, he confessed his crime. Coke and Fleming received orders from the Privy Council to call in Bacon and Waad, a clerk of the Council, and then to take the evidence, look up the law, and, if they found the offence treason, prepare articles of indictment against Smyth. The four commissioners met, found the acts

7 Examination of John Lucas and others, June 12, 1596, R. O.; Examination of Frost, June 22, 1596, R. O.; Smyth to Mannocke, June 13, 1596, R. O.
done at Colchester treason, and reported that the offence was punishable by a special statute. But Bacon, not content, like the Attorney-General and the Solicitor-General, with setting the law in motion to hang this wretched man, asked himself how a country knight, not wholly crazed, could ever have dreamt that, on a cry of "Down with sheep and deer," honest yeomen could be roused to mutiny against their Queen. To a philosophic mind the reason of a thing is often of larger interest than the thing itself. Was there discontent among the yeomen? If so, was there cause for it? He studied this question of Pasturage versus Tillage, of Deer versus Men, against which the yeomen kicked: a study which convinced him of the cruelty and peril of depopulating hamlets for the benefit of a few great lords. When Parliament met again this study produced a memorable debate and an extraordinary change of law.

While Coke and Bacon wound out of Smyth's confessions the threads of his interrupted treason, there came in, wave on wave, the news of such a victory as only twice or thrice in a thousand years has stirred our English phlegm. It came in first by a Dutch skipper, who landed three men on the Devonshire coast. The tale they told was beyond belief: the city of Cadiz taken, an armada sunk, Porto Santa Maria wrapt in flame, the Duke of Medina Coeli driven from his lines, the road from San Lucar to

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8 Smyth to the Council, June 19, 1596, R. O.; Council to Coke, Fleming, Waad, and Bacon, June 27, 1596, R. O.; Smyth's Examination, June 28, 1596, R. O.; Abstract of Evidence against Sir John Smyth, July, 1596, R. O.
Seville blocked up with the fugitive population of a great province. Nine days passed by, when a Scotch boat dropped into Dartmouth with the news. A few hours later still, the van of the victorious fleet rode into Plymouth Sound, laden with such spoil, such heaps of plate, gold, jewels, damasks, silks, hangings, carpets, scarfs, as living Englishmen had only seen in dreams. To hear that the fleet was safe would have been joy enough; this fiery triumph of our arms, this glow of spoil and conquest, almost drove men mad.⁹

If many were made giddy by this great success, the head of Essex was completely lost. Much of the glory was his own, but he insisted that it was all his own. Grace, courage, generosity, insistance, could not be denied to him; no man had exposed his life with greater freedom; but he arrogated to himself the merit of plans which he had scarcely training enough to understand, and depreciated the genius of commanders without whose help he could not have handled a regiment in the field. An event at home made him still more sour. As Bacon foresaw, the Cecils took advantage of his absence to arrange with Her Majesty the succession to Walsingham. On every side he found offence. If the glory obtained by Raleigh and Effingham chafed his pride, the elevation of Cecil into First Secretary of State disturbed his power. If much remained to him, much was not enough. A warrior who could push through the Puerta de la Tierra, and see the loveliest city

⁹ Carey to Cecil, July 16, 1596, R. O.; Report from Cadiz, July 16, 19, 21, 1596, R. O.; Report of the Spoil taken at Cadiz, Aug. 11, 1596, R. O.
in the west of Europe at his feet, should enjoy a monopoly of power and fame. Yet a senseless country shared the credit with his rivals, while a forgetful Queen had given the most active place in her government to his foe. On every side he was robbed: getting neither his fair part of the spoil, nor anything like his fair part of the reputation. So he printed his own account of the voyage; found fault with the generals and admirals; told the sailors of the fleet and the soldiers in the camp that their success would have been far more prompt, their prizes far more abundant, had his command of them been unfettered by a council of fools and cowards. But Cecil's rise at home provoked him more than Raleigh's success abroad: for he saw, when too late, that he had only been sent away for Sir Robert's gain. He stormed upon the Queen; he would not stay at court to be mocked; he would bury himself at Wanstead; he would rush to the wars in Flanders, and find peace of heart on a Spanish pike.  

The quick eye of Lady Anne perceived that with Cecil's rise and the Earl's folly a change had come upon the scene, affecting many at the Court, and most of all her sons. She wrote to Anthony at once: "Now that Sir Robert is fully stalled in his long longed-for Secretary's place, I pray God give him a religious, wise, and an upright heart before God and man. I promise you, son, in my conjectural opinion, you had more need now to be more circumspect and advised in your troublous discoursings and doings...

10 Lambeth MSS. 658, fol. 21; Censures of the Omissions in the Expedition to Cadiz, 1596; Camden's Ann. Eliz., 1596; Bacon's Apologie, 19, 20; Devereux, i. 380.
and dealings in your accustomed matter, either with or for yourself or others, whom you heartily honour, nor without cause. He now hath great advantage and strength. . . . . If all were scant sound before betwixt the Earl of Essex and him, friends had need to walk more warily in his days; for all affectionate doing, he may hurt though pretending good. The father and son are joined in power and policy. The Lord ever bless you in Christ. . . . . You know what you have to do in regard touching the Spaniard. I reck not his displeasure; God grant he mar not all at last with Spanish popish subtlety. Alas! what I wrote touching the poor sum of five pounds to your brother [Francis], I meant but to let you know plainly. I would rather nourish than any little way weaken true brotherly love, as appeareth manifestly to you both. God forbid but that you should always love heartily, mutually, and kindly. God commandeth love as brethren, besides bond of nature. This present time I am brewing but for hasty and home drinking. In truth, if I should purposely make a tierce somewhat strong for you, I know not how to have it carried through. It were pity that you and I both should be disappointed. Burn, burn, in any wise.”

In one of the wisest letters ever penned to a favourite, Bacon warned the Earl against acts and speeches which he foresaw would prove his ruin; but Essex was now in no mood to profit by good advice. After his return from Cadiz he affected Puritanical ways, left off some of his more licentious

11 Lambeth MSS. 658, f. 21.
courses, but only that he might cultivate in their place the harsher vices of obstinacy and revenge. Had he not been deceived by Cecil, defrauded by Raleigh? Should not the Queen be constrained to do him justice? Bacon strove to appease this fury, warning him to be gentle and humble with his sovereign, to abstain from offending her by his petulance, by his importunity, and by his greed. With a craft as remarkable in its line as anything to be found in his writings, Bacon taught him how he might gain his ends from the Queen without appearing to force her will. Essex swore that the rough way was the only way. She might be driven, he said, but she would never be led. "My lord," answered Bacon, "these courses are like hot water: they may help at a pang, but they will not do for daily use." All that was most faulty in Essex before the Cadiz expedition, his vanity, his violence, his suspicion, grew worse. Even the Puritanical virtue and continency which he affected on his return from Spain gave way, and a fresh outbreak of immorality on his part distressed not only his patient wife but his impatient Queen.

Beyond the two State Papers on Parsons's Libel and Lopez's Treason, Bacon had yet done nothing publicly as an author. A few Essays, a few Religious Meditations, with some other short pieces of his composition, were passing, as Shakespeare's sugared sonnets and Raleigh's fugitive verses were at the same time passing, from hand to hand; but a rogue of a printer being about to publish these scraps, their author, in fear of imperfect copies, put them with his own

12 Bacon to Essex, Oct. 4, 1596.
hands to press: "like some that have an orchard ill-neighboured, that gather their fruit before it is ripe to prevent stealing." This little book, the famous first edition of the Essays, he affectionately dedicated to his brother Anthony, or rather to the deep love that burned between them. "I disliked," he said, "to put them out, because they will be like the late new halfpence, which, though the silver were good, yet the pieces were small. But since they would not stay with their master, I have preferred them to you that are next myself, dedicating them, such as they are, to our Love, in the depth whereof I assure you I sometimes wish your infirmities translated upon myself, that her Majesty might have the service of so excellent and able a mind, and I might be with excuse confined to those contemplations and studies for which I am fittest." This book, unequalled in any language for its wisdom, brightness, insight, and condensation, raised its author at once into repute, and the sprightly little notes have continued for two hundred and sixty years to be the delight of thousands to whom his Instauratio Magna is scarcely anything beyond a name. 18

At the ripe age of thirty-six Bacon fell into love, or perhaps, as Lord Campbell thinks, he only fell into debt. Like every good woman, his mother was anxious that her sons should marry; and as Anthony, thirty-eight years old, lame, sickly, epicurean, would not hear of a wife, the duty of continuing his line and finding heirs for Redburn and Gorhambury fell on her younger son. Francis must marry. The lady

18 Essays, Religious Meditations, Places of Persuasion and Dissuasion, 1597.
whom he wooed was rich and of his kin. Elizabeth Cecil, a daughter of Sir Thomas Cecil, Burghley's elder son (subsequently the second Lord Burghley and Earl of Exeter), was a widow, having been married to Sir William, nephew and heir of the Lord Chancellor Hatton, but a few months. Young, lovely, rich, the mistress of Purbeck Island, of Corffe Castle, of Hatton House—a woman whose beauty was the theme of celebrated poets:

"Mistress of a fairer table
Hath no history nor fable:"

she had crowds of lovers at her feet; among these crowds men no less renowned for birth, estate, and genius than William Herbert, Fulk Greville, and Francis Bacon. That youth, so idolized by Shakespeare—the son of Mary Sydney—

"Thou art thy mother's glass, and she in thee
Calls back the early April of her prime,"—
threw himself at her feet in vain. The beauty might have smiled, but that the politician frowned. Regarding the young lady and her fortune as their own, the Cecils rejected Herbert and Greville, who were neither of their party nor of their mind. Bacon appeared to have better hopes. Since his appointment as Secretary, Sir Robert had been more than ever friendly with his cousins, especially with Francis, whose magnificent abilities he admired and feared—a change of disposition which Anthony said could be only due to the grace of God; he, at least, on his part, having done nothing to deserve it.

Essex was cooling towards Bacon, and Cecil knew

14 Birch, ii. 240; Bankes's Story of Corffe Castle, 34.
it. Bacon never ceased to dissuade him from his lust for arms—never ceased to tell him that his proper weapon was a chamberlain’s stick. In happy phrase he warned the heady and ambitious youth that his haughty bearing to the Queen, his insolent craving for command, would prove to him the two wings of Icarus—wings joined on with wax; wings which would melt as he soared to the sun. Essex shrank from a man whose talk was wiser than he liked to hear: they had no scene, no quarrel, no parting; there were no sympathies to sever, no friendships to dissolve; but Essex rode less frequently to Twickenham Park or Coney Court, and ceased to request the counsels he had no will to follow. Yet, aware that he owed Bacon more than he could hope to pay, he was ready to serve him if he could do it by a word, and at anybody’s cost but his own. When on the point of sailing for the Azores, he told Sir Thomas Cecil that, if he had a sister of his own to give in marriage, he would gladly give her to Francis Bacon. But Sir Thomas Cecil declined the suit, and the Earl’s two sisters were most happily beyond his reach. It would have been bad enough for Bacon to win Lady Hatton; it would have been awful to stand in the shoes of Northumberland or Rich.\footnote{Bacon’s Apologie, 19, 20; Birch, ii. 347.}

Enraged by the loss of Cadiz, Philip had sent a mighty armada to invade the English and Irish coasts, to ravage the Channel towns, and inflame the rebellion of O’Neile; but storms had shattered this armada, sinking no less than thirty sail, and driving the
broken squadron into the nearest Biscay ports. To return this call, as Raleigh had proposed to return the visit of '88, an English fleet was hurried to Plymouth and got ready for sea. Essex was vain enough to believe that with a hundred and forty ships and eight thousand troops he could fight his way from Gibraltar to San Sebastian: Raleigh and Effingham were of another mind. The Spaniards, whom the great captains hated with heroic glow, as adversaries worthy of their prowess, had enormous armaments at Lisbon, Vigo, and Coruña, and their Atlantic cities had been strengthened by such defensive works as left no room for a second surprise. All that could now be got in Spain must be won by hard fighting, on equal terms, and on the enemy's field of battle. Raleigh was of opinion that the Plymouth fleet was too large for observation, too weak for conquest; but even when a council of war had confirmed this opinion, Essex would not be taught his trade by those who knew what valour, genius, and experience could do, and what they could not do, in war.  

Bacon, who saw this folly as Raleigh saw it, strove to arrest the Earl on his road to ruin. He had now ceased to dream of Essex assuming his place at court, yet he gave him the best advice whenever he sought his help; more than ever he urged him to abandon this unpromising voyage. Finding him deaf to reason, Bacon said, "My Lord, when I first came to you, I took you for a physician who desired to cure the disease of the state; but now I doubt you will be like those physicians who keep their patients

16 Camden, 684; Essex's Apology, 45.
long that they may be always in request." "The case of the realm," said Essex, drily, "requires that course." 17

Raleigh, too, could neither agree with Essex nor leave him to his fate. For the moment the Earl was identified with the adventurous and protesting spirits of his country, with the more warlike section of the Council, and the more liberal passions of the Queen. With all his errors of temper, and all his defects of nature, he was fighting in their battles, and conquering at their side. If they disapproved his acts, they did not part from him. Bacon, who saw him sail with sorrow, in his absence from London sustained him at Court. Raleigh went with him; bearing with his petulance on the voyage; and, on his return, discredited by failure, defending him with as much generosity as warmth. During his absence at the Azores, Effingham, the Lord Admiral, was made an Earl; a fitting reward for his splendid services; but the young favourite resented his step in the peerage as an insult deeper than the rejection of his suits for Bodley and Bacon. Again he had been sent away and tricked. This creation, the more galling that it had been made in the hour of his own disgrace at Terceira and San Miguel, not only robbed him of the glory of Cadiz, but entitled a man of whom he was jealous to walk before him in the Queen's train, and to sit above him in the House of Peers. When he heard that this grant had passed the Seal, and that Nottingham's patent recited the conquest of Cadiz as the source of these new honours,

17 Birch, ii. 345.
Essex quitted his command without leave, hurried up to town, and, finding the act done, insulted the Queen, and spurred away to Wanstead, where he defied the entreaties of the Council to return, and the advice of his best friends to submit. Raleigh, whom he tried to disgrace, and whom he suffered his parasites to talk of hanging, had the magnanimity to rescue him from blame. But Essex, at once obstinate and ungrateful, drew himself away from the men with whom he had long been associated, and of whom he had been the evil genius. This political apostacy was not completed in a day; an influence from the better time was often visible in his acts; yet from the date of his return, baffled, from the Azores, he began to part from his old Protestant and patriotic allies, from Bacon and Raleigh, from Cecil and Grey; turning his eyes and ears to the blandishments of loose women and the suggestions of discontented men; to such wantons as Elizabeth Southwell and Mary Howard, to such plotters as Robert Catesby and Christopher Wright. A craze was in his blood and in his brain. "It comes from his mother," sighed the hurt and angry Queen.¹⁸

First as Lettice Knollys, then as Countess of Essex, afterwards as Lady Leicester, and next as wife of Sir Christopher Blount, the Earl's mother was a barb in Elizabeth's side for thirty years. Married as a girl to a noble husband, she gave up his honour to a seducer, and there is reason to

¹⁸ Patent of the Earldom of Nottingham, Oct. 22, 1597, R. O.; Elizabeth to Essex, Oct. 28, 1597, R. O.; Raleigh to Cecil, July 20, 1597, R. O.; Cecil to Essex, July 26, 1597, R. O.; Devereux, i. 467.
fear that she consented to the taking of his life. While Devereux lived, she deceived the Queen by a scandalous amour, and after his death by a clandestine marriage, with the Earl of Leicester. While Dudley lived, she wallowed in licentious love with Christopher Blount, his groom of the horse. When her second husband expired in agonies at Cornbury, not a gallop from the place in which Amy Robsart died, she again mortified the Queen by a secret union with her seducer Blount. Her children rioted in her vices. Essex himself, with his ring of favourites, was not more profligate than his sister Lady Rich. In early youth Penelope Rich had been the mistress of Sydney, whose stolen love for her is pictured in his most voluptuous verse. After Sydney's death she lived in adultery with Lord Montjoy, though her husband Lord Rich was still alive. Her sister Dorothy, after wedding one husband secretly and against the canon, had married Percy, the wizard Earl of Northumberland, whom she led the life of a dog, until he indignantly turned her out of doors. Save in the Suffolk branch of the Howards, it would not have been easy to find out of Italian story a group of women so detestable as the mother and sisters of the Earl.19

The third husband of Lady Leicester was her match in licentiousness, more than her match in crime. By birth a papist, by profession a bravo and a spy, Blount was incapable of feeling for his wife the manly love of Essex, or of treating

19 Papers of Mary Queen of Scots, xvi. 7, 15, 16, 17; Camden's Ann. Eliz., 632; Craik's Romance of the Peerage, i. 5, 338.
her with the lordly courtesy of Leicester. Brutal and rapacious, he married her, not for her bright eyes, now dim with rheum and vice, but for her jewels, her connexions, and her lands. Blount had fawned on Mary Stuart, that he might tempt her into conspiracy, and betray her to the block. He had cringed to Leicester, that he might sell the secrets of his cabinet and enjoy the pleasures of his bed. With the same blank conscience, he wrung from the widow of Leicester her ornaments and goods: chain, armlet, necklace, money, land, timber, melting from his prodigal palm. He beat her servants; he thrust his kinsfolk upon her; he snatched the pearl from her neck, the bond from her strong box. So black a villain would have frightened a novelist or a playwright; Iago, Overreach, Barabas—all the vile creatures of poetic imagination, being to him angels of light. What would have been any other man's worst vice, was Blount's sole virtue—a ruthless and unreasoning constancy to his creed. Fear and shame were to him the idlest of idle words; and, just as he would have followed the commands of his general, he obeyed the dictations of his priest. As a libertine and as a spy, his days had been spent in dodging the assassin or in cheating the rope. Waite had been sent by Leicester to kill the villain who had defiled his bed; and Blount, who evaded the assassin, had repaid the courtesy by prompting or conniving at Leicester's death. Taught by Cardinal Allen, deep in the Jesuit plots, he had more than once put his neck so near the block, that a world which neither loved nor understood him believed he had bought his safety.
from arrest and condemnation by selling to Walsingham or Cecil the blood of better and braver men than himself.  

This bravo subdued the imperious Countess of Leicester to his will. She was an easy, if not an ignoble prey; for the profligate woman doted on her tyrant; so that she who in her youth could barely stoop to the kiss of Devereux and Dudley, prided herself in her age on being robbed and cuffed by a wretch without grace, accomplishments, or parts. When, for his private gain and the promotion of his faith, it served Sir Christopher's turn to win over Essex the same brutal ascendancy which he had established over Lady Leicester, he felt no pang of heart in turning her tenderness as a mother into the abominable instrument of his guile. His bold, coarse arts were soon successful with the giddy youth; who drew closer and closer to his mother's husband, put him into places of trust near his person, listened to his counsels, made associates of his male and female friends, got him a command in the army, and gave him a seat in the House of Commons.

Bacon and Blount proposed to Essex the two courses most opposed to each other: Bacon the abandonment of his military pomp and of his opposition to the Queen, with an acceptance now and for ever of that part which Leicester had filled for so many years; Blount the pursuit of war and glory, so as to dazzle the multitude, overawe the Council, find employments for his companions, and consolidate his
personal power. Bacon would have made him chief of the Protestant nation, Blount of a discontented and disloyal Roman Catholic sect. One asked him to be grave, discreet, and self-denying; the other fired his blood with maddening and dramatic hopes. He clave to Blount, who tempted him with the things for which his restless and evil nature panted. His political apostacy began by his admitting Roman Catholics of sullied reputation and suspected loyalty into his confidence; and by interfering to protect from justice the Colchester traitor Sir John Smyth.

At the end of those four years for which Bacon had compelled the Government to accept of subsidies, the money being spent, writs for a new Parliament went out. Bacon now stood for Ipswich, the family county town; having for his colleague Michael Stanhope, a grand-nephew of Lady Anne. His kinsmen mustered strong in Westminster; Anthony sitting for Oxford, Nathaniel for Lynn; Henry Neville, his sister's son, for Liskeard; Sir Edward Hoby, his cousin, for Rochester; Sir Robert Cecil, his cousin, for Herts. Benedict Barnham of Cheapside, whose pretty little daughter, Alice, Bacon was some years later to make his wife, was returned for Yarmouth, having represented Minehead in the former Parliament. Raleigh sat for Dorsetshire; Christopher Yelverton, the Speaker nominate, for Northants. Sir Christopher Blount, by command from the Earl of Essex, served for Staffordshire. In this new session, the member for Ipswich sat, not, as Lord Campbell writes, a burgess prostrate, penitent, under

21 Devereux, i. 281; Council Reg., Mar. 16, 1600.
the royal ban, anxious by his silence and servility to efface the recollection of his former speech. No voice was raised so often or so loud as his. Again he spoke for ample grants; again he voted with the reforming squires; again he waged battle of privilege against the Privy Council and the House of Lords. He served on the Committee of Monopolies. He seconded Sir Francis Hastings' motion for amending the penal laws. But the great contest of this session, the one that made it memorable in English history, was fought on a bill of his own, framed on the treason of Sir John Smyth, and meant to arrest the decay of tillage, the perishing of the yeomen from the English soil.

Yelverton chosen Speaker, Bacon rose with a motion on the State of the Country. State of the Country meant to him the relation of the people to the land. The population lived on the soil. Mining was in its cradle, though the iron ordnance of Sussex and Arden had been heard on the Rhine and the Theiss; manufactures were few and scant, though the dyed wools of Tiverton and Dunster had begun to find markets on the Elbe and the Scheldt. To grow corn, to herd cattle, to brew ale and press cider, to shear sheep, to fell and carry wood, were the main occupations of every English shire. The farms were small and many; the farmers neither rich nor poor; the breeder of kine, the grower of herbs and wheat, being a yeoman born; not too proud to put hand to plough, not too pinched to keep horse and

pike. A link between the noble and the peasant, he was the very thew and marrow of the state; a man to stand at your shoulder in the day of work or in the day of fight. Yet this sturdy class was dropping the plough for the weaver’s shuttle and the tailor’s goose; the rage for enclosing woods and commons, for impaling parks, for changing arable land into pasture, for turning holdings for life into tenancies at will, having driven thousands of yeomen from fields and downs which their fathers had tilled before the Conqueror came in. Whole districts had been cleared. Where homesteads smoked and harvests waved, there was now, in many parts, a broad green landscape, peopled by a shepherd and his dog. Where the maypole sprang, and the village green crowed with frolic, were now a sheepwalk and a park of deer.23

The loss of this martial race was a weakness for the Crown; thinning the musters for defence, while swelling the materials for mutinies and plots. Nor had this change escaped the Jesuits, or those who lived to watch and thwart the Jesuits. A paper of instructions for the Roman Catholic priests and gentry, On the means of recovering England to the Holy See (a copy of which is in the State Paper Office), laid stress on the discontent caused by these enclosures of commons and village greens. Smyth used this argument at Colchester. The Catholic peers were not slow to increase an evil which their party treated as a means of future good to the Church. James, the Dean of Durham, warned

Lord Burghley of the consequences of this waste of tillage and population in the shires of Durham and Northumberland; shires in which two or three Roman Catholic earls owned nearly all the soil. The yeomen had embraced the national faith, while most of the old nobility clung to the foreign creed; and a fanatic like Percy or Seymour might often find a legal form of persecution in the pretence of converting his arable land into pasture, or of forming a park for deer. But if this rage for enclosure was abused by sectarian spite, it was very far from being confined to the Roman Catholic lords. From Durham to Devon the tenants were being chased from their farms that sheep might feed and stags disport. Ire filled and inflamed the yeomen's veins. In every park-wall they saw a menace, in every fawn the substitute of a child. They threw down the pales and ensnared the deer. A youth of Stratford-upon-Avon killed his buck in Charlcote Park; a crowd from Enfield scoured the preserves of Hatfield Chace. Every spark became a new Robin Hood, and haunches of venison smoked on the tables of Cheapside and Paternoster Row. In the most popular comedies and songs, the act of snaring deer was treated as a protest or a frolic, never as a crime.24

Unlike the Jesuits and the peers whose purpose it was to thin the fibre and relax the power of England in the field, Bacon sought to arrest this evil in its

24 Discourse of the Providence necessary to be had for the setting up of the Catholic Faith when God shall call the Queen out of this life, Aug. 1600, R. O.; Dr. James to Burghley, May 26, 1597, R. O.; Stillman to Cecil, Jan. 2, 1600, R. O.
Placed by his birth between the nobles and the commons, he shared neither the pride of the superior nor the envy of the inferior rank. His genius, too, was singularly free from taint of sect or class. It was his glory to reconcile classes through reform, to strengthen the Crown by justice. Concord, tolerance, loyalty at home; sway, extension, trade abroad; these were the points at which he aimed. Not so the Jesuits. They began to despair of aid from Spain; after the wreck of the Armada, the sack of Cadiz, they feared lest England might be found too strong for subjection to Rome by either foreign guile or foreign steel. They turned their eyes, therefore, to the men with sore hearts and brawny arms, and, taking note of the discontent among the yeomen, began to count with confidence on the approaching days of civil war.

Bacon's plan for staying the decline of population was to reconvert this new grass-land into arable, to put these new parks once more under the plough. A committee of the House of Commons, named to consider this plan, having voted in its favour, the House commissioned its author to frame and introduce his bill. He brought in two bills: one bill for the Increase of Tillage and Husbandry; one for the Increase of People; which bills provided that no more land should be cleared without special reason and a special licence. They provided that all land turned into pasture since the Queen's accession, no less a period than forty years, should be taken from the deer and

25 Discourse of Providence necessary to be had for the setting up of the Catholic Faith, Aug. 1600, R. O.
sheep within eighteen months, and restored to the yeoman and the plough. 26

The Commons passed these bills at once, but the Peers, whose right to clear or enclose the soil of England they contested and controlled, received them with amazement. Ask the Shrewsburys, Worcesters, and Northumberlands to dispark their chaces and restore the plough! As well ask Regan for the hundred knights. The Peers named a committee to oppose the two bills; which committee called to its aid the legal dexterity of Chief Justice Popham and Attorney-General Coke. 27

In these debates the Earl of Essex parted still more from Bacon and from the national party of which he was the orator. While the enemy was at the gate and every true man at his post, Vere in the Low Countries, Raleigh and Montjoy at Plymouth, Essex still sulked at Wanstead; the Lord Treasurer coaxing him in vain, his friends remonstrating with him on the wickedness of dividing or distracting his country at such a time in vain. In vain they begged him to put aside his wrongs, if he had any wrongs, until the danger of a fresh invasion from Spain, of a fresh massacre in Ireland, should have passed away. The Queen declared herself more hurt by this desertion than by his failures at sea. But nothing moved him until Bacon's


27 Lords' Jour., ii. 212, 217.
patriotic bills came up before the Peers, when he hastened to town, and, on receiving the nomination of Earl Marshal, which gave him precedency over Nottingham, took his seat. As he had not been named to the hostile committee of the Lords, he begged that his name might be added to the list.

For this committee Coke drew up thirty-one legal objections to Bacon's bills. Thus armed to contest the Reformer's logic, and to deny his law, the Peers sent Black Rod down to request a conference with the Lower House.28

Aware of these hostile preparations in the other House, the Commons, ere entering into conference, wished to have a copy, for Bacon's use, of Coke's thirty-one legal objections to their bills. The Lords refused to give it. But Bacon would not bend; if the Commons were to meet objections, they must know what these objections were. No copy, no conference! After much debate between the two parties, the Peers, unable to maintain their ground, consented to give their written answer to the bills when the gentlemen of the Commons came up to confer.

Conference now met, the burgesses employing Bacon as their champion, the barons employing Coke. After day on day of talk, after many proposals and some amendments, Coke gave way on the main points in dispute, when the worsted Peers accepted the two

28 Burghley to Essex, Nov. 9, 19, 30, 1597, R. O.; Remonstrance with Essex, Nov. 16, 1597, R.O.; Howard, Montjoy, and Raleigh to the Council, Nov. 9, 1597, R. O.; Hunsdon to Essex, Nov. 1597, R. O.
The bills did not pass, says Lord Campbell:—they are in the Statute Book, 39 of Elizabeth, 1 and 2.29

No love for enclosures which thinned her hamlets of their strength prevented the Queen from receiving most graciously and rewarding most nobly this service to her crown. Bacon knew her well. A law case having been referred to some of the judges and counsel, she inquired his mind on the course she was pursuing. "Madam," said he, "my mind is known: I am against all enclosures, and especially against enclosed justice." Only two weeks after signing her name to Bacon's bill for replacing the yeoman on the soil from which he had been driven, she set her hand to the grant of a third estate. This act of grace conferred on him the rectory and church at Cheltenham, together with the chapel at Charlton Kings, in the lovely valley nestling under Cleve and Leckhampton hills; a valley not yet famed for those mineral springs, those shady walks, those pretty spas and gardens, which in the days of Victoria have transformed Lansdowne and Pittville into suburbs of delight; but even then rich in the voluptuous charms of nature, blessed with a prodigal fertility of corn and fruit, of kine and sheep. With the rectory and chapelry she granted to him all the lands, houses, meadows, pastures, gardens, rents—all services—all views of frankpledge, courts leet, fines, heriots, mortuaries,

29 Lords' Jour., ii. 217; Statutes 39 Elizabethæ, c. 1 and 2.
and reliefs—all tithes of fruit and grain—all profits, all royalties—save only the usual crown rights reserved on crown lands, with a fee to the Archdeacon of Gloucester, and an obligation to support two priests and two deacons—on payment of the nominal rent of seventy-five pounds a year.30

30 Resuscitatio, 40; Patent Rolls, 40 Elizabethæ, pars iii. 26. Printed in the 'Personal History,' App. V.
CHAPTER VI.

POLITICAL APOSTACY OF ESSEX.

The design of reconciling Essex with Raleigh, and of making him the courtly chief of a national party, having failed, the intercourse between Essex and Bacon dropped. Their connexion had begun with politics and business, and it now ceased with politics and business. Bacon's service had been ill paid; and he was now relieved of a disastrous patronage. To Anthony the Earl was in arrears of two thousand pounds; but Anthony, whose health was ruined, at forty years of age was too old to enter on a more lucrative and active service. The falling away of Essex brought Cecil nearer to his cousins, especially to his cousin Francis, whose endowments were no secret to that admirable judge of men. Francis appears to have now acted for him, as he had formerly acted for Essex—drafting his letters and guiding him by advice; some of Cecil's official letters are certainly in his cousin's hand. With Egerton he was still more familiar; and in York House, under the new Lord Keeper, he found himself once more at home.¹

The Earl's descent was now quick. The barges

¹ Egerton Papers, 205, 266, 269, 395; Chamberlain's Letters, 52.
which came to Essex Stairs brought other company than the Bacons, Raleigh, Nottingham, and Vere. Northumberland, the Catholic Earl, a bad man who had married the Earl’s bad sister, was the most respectable and the most frenzied of Essex’ new adherents; Blount became his main political agent; and a Jesuit prisoner, who pretended to have left the order, his secret guide. Sir Charles Danvers, Sir Charles and Sir Jocelyn Percy, Sir William Constable, Captain Thomas Lea—all discontented and disloyal Roman Catholics—were now becoming his household and familiar friends. The young apostate Lord Monteagle sat at his board. But in rear of Danvers and Percy, Constable and Lea, wicked and dangerous as these men were, lurked a crowd of ruffians at whose side they seemed well nigh respectable. Tresham was seen coming and going at Essex House. Catesby sat at the Earl’s table. All the slums and jails of London began to stir with a new life. As a Privy Councillor, Essex could send into the prisons and fetch their inmates to his private house. Light broke into the cells of Bridewell and the Fleet. Sir John Smyth was liberated on bond: Essex himself coming forward as the traitor’s friend and surety. A secret and unlawful correspondence was begun with the King of Scots. Father Thomas Wright, a Jesuit deep in the secrets, high in the confidence, of the Courts of Rome and Madrid, a man who had been for months in trouble, at first confined in Goodman’s house, but of late transferred to a common jail, was brought after dusk from the Bridewell to Essex House for secret interviews with the Earl and Blount. Nor was this bustle confined to the London taverns and the
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London jails. The cloughs of Lancashire, the ridges and heaths of Wales, sent up to London the most restless of their recusants and priests. Vaughan, the Bishop of Chester, noted a mysterious change in that Papist district, and warned the head of the Government to look for storms. The recusants of his diocese, he said, refused to pay their usual fines, defied the clergy and magistrates, talked of the support which they expected from powerful friends, and when pressed too hard, instead of bowing to the laws as they had been wont to do, jumped to horse and spurred away.

These Papist conspirators who at the call of Blount began to gather into force round the Earl of Essex, proposed to themselves not only to escape from fine and imprisonment, but to dethrone the Queen, to restore the faggot to Smithfield and the mass to St. Paul's. They hoped to effect this change by a military surprise and a secret understanding with the Pope. Essex, in his midnight conferences with Father Wright, told the Jesuit he could become a Roman Catholic, only that the Roman Catholics had always been against him. Wright assured him that these Roman Catholics would now be his surest friends. The plotters laid down their plans, in which they meant to use and deceive the infatuated King of Scots. To surprise the Queen they must have the command of an armed force; Raleigh and Cecil must be killed; a military faction

2 Lodge's Illustrations, ii. 545; Devereux, i. 475; Birch's Memoirs of Queen Elizabeth, ii. 70; Vaughan to Cecil, Jan. 29, 1598, R. O.; Vaughan to Hesketh, Jan. 29, 1598, R. O.; Council Reg., Mar. 16, 1600.
must be formed, an army raised, and the places of trust secured to the leaders in the plot."

The obstacles in their way to a great command for Essex were many, and had been much increased by his failures at sea. Since his return from the Azores, Henri had signed a separate peace with Philip, leaving England no allies on the continent of Europe save the Dutch; an event which had not only discouraged the war party in the country, but divided the Council into two equal camps. Essex was for pushing the campaign, Burghley for concluding an advantageous peace. In their debates over the Council board, Burghley's white hairs and long experience of mankind gave weight to his words. Essex stormed at the old man, as he raged at the Queen; denouncing the cravens who talked of peace; when the venerable minister, rising from his seat, took from his girdle the Book of Psalms, and handed it to the speaker, with the page turned down on this passage—"Bloody and deceitful men shall not live out half their days."

A yet more remarkable scene occurred at the Council. If the war waxed faint in Flanders, it broke into sudden violence in Ulster; where that Hugh O'Neile, a son of the bastard of Dundalk, who owed to the policy and generosity of Elizabeth his life, his education, his nobility, even his ascendancy in his sept, turned on his benefactress; laying down his earldom of Tyrone; assuming the sovereign

3 Examination of Thomas Wright, July 24, 1600, R. O.; Abstract of Evidence against the Earl of Essex [July 22, 1600], R. O.; Correspondence of King James VI. of Scotland and Sir Robert Cecil, 109.

4 Sully, i. 529; Camden, 717.
and rebellious style of The O'Neile, raising the unkempt Ulster savages, and filling the valleys from Inishowen to Monaghan and Down with the tumult of war. Through the wild province of Ulster, where the English language was unknown, the libels of Parsons and the promises of Philip, propagated from the pulpit and whispered in the confessional, raised the kernes into fanatical revolt. Churches were profaned and homesteads razed. The Galloglass, mounted on his brisk marron, pricked through the country, spearing his enemies, driving off their kine; while hordes of shaggy and ill-fed kernes, their arms a skean and pike, their dress a blanket or a shirt, plunged into the English houses. A small force kept front to these rebels; but the fires darted out in a hundred places; in towns far apart, where the settlers were few; Connaught kindling into insurrection, Ulster pressing on the Pale. Drogheda was in danger, Dublin itself not safe. In this extremity the Queen proposed to send her kinsman, Sir William Knollys, as Lord Deputy to Dublin. Knollys, a son of Catherine Carey and uncle to Lord Essex, was a staid and able man, bound to her Majesty by ties of affection as much as by the ties of blood. On him she could always count; but Essex, at a meeting of the Council, objected to her Majesty's choice, and suggested in preference to his uncle the name of Sir George Carew. When the Queen put aside this foolish nomination, Essex so far forgot his duty to his sovereign and his kinswoman as to turn his back upon her with a petulant and insulting gesture. Walking straight up to him, she gave him a box on the ear, and bad him
go and be hanged! The silly young fellow put his hand on his sword, and, when Nottingham strode between them, he bounced from the room, swearing that he neither could nor would endure this blow—that he would not have taken it even from her father. Egerton, the peace-maker, wrote to warn him against behaviour which could only end in his ruin—a wise and kindly letter, full of respect and courtesy; which Essex answered to the Lord Keeper in terms which Bacon was obliged to admit were "bold and presumptuous, and derogatory to her Majesty."  

As the fires burned fiercer and fiercer round the rebel camps, the Irish Council sued for help, and the London pulpits and theatres took up their cry. Shakespeare gave the passion voice:

"Now for our Irish wars!
We must supplant these rough, rug-headed kernes,
Which live like venom where no venom else,
But only they, hath privilege to live!"

So cried the English king in that new play of Richard the Second, which drew its crowds of citizens and courtiers to the Globe. The Queen answered promptly to this call; levying men and fines for the new war; drawing in from her foreign garrisons and from her county musters such a force as she had never yet sent into an Irish field; and mulcting in heavy fines those recusants who refused to arm in her defence; such creatures of the Jesuits as Tresham, Talbot, Rookwood, and Throckmorton, all of them friends of Blount, and most of them.

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5 Irish Correspondence, 1595-98, R. O.; Annals of the Four Masters, 591-645; Council Reg., Oct. 29, 1595, July 19, 1598; Birch, ii. 384-8.
companions of the Earl. This time the pacification of Ireland should be complete. Two thousand veteran soldiers were withdrawn from Vere, their places in his camp being filled by youngsters from the loom and plough. In all some twenty thousand horse and foot were on the march. Who should conduct this army to the coast of Down, the passes of the Foyle?

A man of stronger head than Knollys or Carew being now required to check the ravages of O'Neile, the general voice declared for sending out Raleigh, Sydney, or Montjoy; but the party of Essex, eager for commands, and finding the war in Ulster favourable to their designs, brought up his claim. The Queen would not hear of it; yet in a few weeks a great political event induced the Council to recommend her Majesty to place the expedition under his control. That political event was Burghley's death. The decease of her aged minister not only deprived the Queen of her chief adviser, but left in her hands the two great offices of the Treasury and the Court of Wards. For these there were Cecil candidates and Essex candidates; when Sir Robert, who had played this game so often, lent his secret and powerful aid to procure for Essex a command which would put the sea between him and the court. But though Buckhurst, Nottingham, Raleigh, Cecil, and Knollys, backed this suit, it was not easy to persuade the Queen.

7 Chamberlain to Carleton, May 30, Aug. 30, Nov. 8, 1598, R. O.; Lytton to Carleton, Aug. 29, 1598, R. O.; Mathews to Carleton, Sept. 15, 1598, R. O.
To strengthen himself, Cecil entered into a family alliance with Coke. A wife, who brought him money and left him ten children, scarcely cold in her grave, Coke became a candidate for the money of Lady Hatton; and the young widow, who had waved away lovers like Greville, Bacon, and Herbert, was persuaded to accept the Attorney-General, with his sour looks, his foul mouth, and his house full of children. Old, grim, penurious, shy, methodical, slow, Coke was in every element of character the opposite to herself. He had neither the wit that wins nor the fame which fills a lady’s ear. No one admired him, no one could be expected to envy her. Why did she marry him? Envy whispered that she meant to break his heart. He was rich; she had gained one fortune by marriage; why not a second? Cecil had need of an instrument such as Coke; close, supple, grinding, harsh to his dependants, crawling to his superiors. Nor was he disappointed in his gains from the match. By aiding an attempt to rob the Countess of Northumberland of her property from her first husband, Coke had excited the fiercest rage of the Devereux family; Cecil could count with confidence on every help which a lawyer so adroit, and so powerfully placed for mischief, might supply in ruining that haughty and wicked race; and on Coke’s marriage into the Cecil family, though the young wife whom he vowed to love brought shame on him at the altar and destroyed the peace of his home, he became to the faction of Cecil a ready and unreasoning slave.  

8 Autobiographical Notes of Coke in Harl. MSS. 6687, transcribed by John Bruce for the Collectanea Top. et Gen., vi. 108.
By the friends of Buckhurst and Cecil the claims of Essex to the Irish command were so put before the Queen that, after long and painful hesitations, she at last succumbed to them. The business was conducted by a part of the Council, and with all the mystery of a plot; Egerton, Nottingham, Pembroke, and Grey, being excluded from a share in it; the commission of Lieutenancy, which made Essex master of Ireland and of the Irish army, was drawn at a private meeting of the Council, at which Cecil, Buckhurst, Fortescue, and Essex only were present, and which was called for the purpose, not at Whitehall, but at Essex House.¹

For more than eighteen months past Bacon and Essex had never met, unless by chance. Since Essex had fallen away from the political faith in which they had both been trained, their ways in the world lay far apart. The antagonist of Parsons could have nothing to say to Father Wright. When they had met on public business, as in the conference on Deer and Men, the Earl had thrown himself into the hostile camp. More recently, he had squared accounts with Anthony, not by paying him the wages due, but by passing to him, for two thousand pounds, a lien on Essex House, redeemable in money at a future time. But on the eve of his voyage to Dublin he rode over to his old consulting-rooms in Coney Court. Francis received and heard him. Had he come to seek good advice, no living man could have given him safer. Neither Lord Montjoy nor Sir

¹ Council Reg., Mar. 8, 1599.
Arthur Chichester saw more clearly than Bacon through the Irish question. Sure that Ulster would not be calmed by the sword and the rope, that no dash from Cork to Coleraine would make a savage sept, ruled by a Brehon law, prefer husbandry to theft, his plan was to clear the forests, to drain the bogs, to lay out roads, to build ports and havens, to plant new towns. His hope for Ireland lay in the plough, not in the sword. With Shakespeare he would have said, though in gentler phrase:

"We must supplant these rough, rug-headed kernes."

He would have the great officers of the Queen's government and army live in the country, build in it their houses, as Sir Arthur Chichester, whom Cecil sent from Flanders to Dublin, afterwards built his house on the Lough of Belfast. A man like the Earl of Essex, living only in the air of courts and the light of camps, had neither temper, hardihood, nor patience for such a work; and Bacon told him to give up, even at the last moment, the command of an enterprise which would be bad for himself, bad for her Majesty, and bad for the State. But Essex had not come to Coney Court for lessons in political science. Full of schemes which he could not avow to her Majesty's Learned Counsel, he turned his back and went his way.¹⁰

Father Wright consulted Cresswell and Parsons,

¹⁰ Chamberlain's Letters, 52; Bacon's Remains, 39, 48; Certain Considerations touching the Plantation in Ireland, 1606; Bacon's Apologie, 23; Essex to Cecil, Mar. 29, 1599, Add. MSS. 4160.
those experienced chiefs of the English conspiracy in Madrid and Rome, on the course to be held by the priests in the midst of these bold and perilous plots. The Jesuit Fathers, who thought it would be sin and folly to shed Catholic blood that Essex might gain a throne, urged Wright to persuade him to adopt the Infanta’s claim in preference to his own; a course to which Essex most sternly demurred, as became a descendant of John of Gaunt. Philip and Clement, less deep in guile than the Jesuits, agreed to recognize, and if need be to aid, a rebellion of the Earl and his partisans against the Queen, on this understanding: that Essex, when king, should become reconciled to the Church of Rome, should leave Ireland to be ruled by O’Neile as viceroy, should abandon the Protestant Netherlanders, should yield up Raleigh’s conquests and plantations in America, and should recognize the rights of Spain to an exclusive possession of both the Indies. It was understood that the Irish army was to effect this plot, of which all the details were to be settled with O’Neile.11

Twenty thousand men marched down to the coast and crossed the sea. In this force, Lea, Danvers, Percy, had commands; Constable, who had been broken for bad conduct, was restored by Essex to his rank. Father Wright begged hard to be taken with them; but, although a Privy Councillor might fetch a prisoner to his house, a Lord-Lieutenant of Ireland had no authority to empty the London jails; and all

11 Abstract of the Evidence against Essex [July 22, 1600], R. O.; Examination of Wright, July 24, 1600, R. O.
that he could do for Wright was to get him removed from Bridewell to the more congenial company of the Clink. From the hour of his quitting Whitehall Essex assumed the authority of a sovereign prince. From Drayton Bassett, where Blount and Lady Leicester lived, he wrote for leave to appoint Sir Christopher his Marshal of the Camp and a member of the Irish Council. A marshal of the camp was the second in command, the first in activity and influence; even that was conceded: but against putting a fellow like Blount into a Councillor's place the Queen indignantly demurred. "If she grant me not this favour," Essex wrote to Cecil, "I am maimed of my right arm." Cecil took care he should have his way.\(^{12}\)

So soon as he landed in Dublin he cast to the winds his commission and instructions. One of his first and most insolent acts was to appoint the Earl of Southampton Master of the Horse. This patron of Shakespeare was not a Papist, not an ally of Blount; he was a patriot, though not a wise one; a Protestant, though not a zealous one. Heady, amorous, quarrelsome, swift to go right or wrong as his passions tempted him, he had vexed the Queen by falling in love with Elizabeth Vernon, a maid of honour, and filling her court with the fame of his amours. Elizabeth Vernon was the Queen's kinswoman, and in his offences against modesty Southampton had been abetted by the young lady's first-

\(^{12}\) Council Reg., Mar. 11, April 2, 1599; Essex to Cecil, Add. MSS. 4160; Abstract of Evidence against Essex, July 22, 1600, R. O.
cousin Lord Essex, himself too frail as regards the passions, and too familiar with his mother's vices and his sister's infidelities to feel the shame thus brought upon his kin. Sent away from London, Southampton returned in secret, to marry the lady without her sovereign's knowledge and consent. For this wilfulness he had been ordered into free custody. Breaking his gage of honour, he stole away to Dublin, where Essex, in place of sending back the Queen's fugitive, gave him the welcome which a prince at war might have given to a general deserting from the hostile camp.\(^\text{13}\)

Every one knows how this campaign resulted in a lost summer, a corrupted army, a traitorous truce. Bacon, unaware of the Earl's guilt, sent over to him the sagest counsels; but, in place of smiting the rebels and returning to London, Essex sent his servant Thomas Lea into the Irish camp, with proposals for an interview with the Celtic chief. The ground had been prepared by others; and when Essex and O'Neill shook hands at the Lagan the terms of a league which reserved England for Essex, Ireland for O'Neill, were soon arranged; terms in which the old English families of Desmond and Fitzmaurice agreed no less than the Celtic O'Donnels and O'Kanes. As the stronger party in this league, the Celts took the lion's share of advantages; for, while they kept the whole of Ireland to themselves, the Roman Catholics stood out for immunities in England which

\(^{13}\) Cecil to Southampton, Sept. 3, 1598, R. O.; Council to Essex, June 10, 1599, R. O.; Elizabeth to Essex, July 19, 1599, R. O.; Devereux, i. 474.
would have put them on an equal footing with members of the English Church. By the Lagan compact they were to enjoy in London not only freedom of conscience, but street processions and public performance of the mass. This treaty—a secret one—was so well kept that probably no one in the Council was aware of its existence save Cecil and his creature Coke."

But the Queen knew enough of her kinsman's doings to incense her in high degree. When Bacon waited on her at Nonsuch, she not only complained to him of Essex, of his arrogance, his stubbornness, his disobedience, but hinted her suspicion that he had some private ends in view. "Madam," said Bacon, with extraordinary boldness and sagacity, "I know not the particulars of state, and I know that princes' occasions 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 yourself and for honour and ornament to your court, then were he in his right element. 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 cumbersome and unruly." The Queen seemed to ponder on his words. "If you would send for him," Bacon added, "and satisfy him with honour near you—if your affairs, which, as I have said, I am not ac-

14 Annals of the Four Masters, 646-54; State Trials, i. 1415; Camden, 736.
quainted with, will permit it—I think this were the best way."  

Had Bacon only known her affairs, had he heard what Cecil knew of the interviews with Wright and of the compact with O'Neill, he would have felt that the day for saving Essex, and putting him in his uncle's place, had passed away. It was now too late for Essex to rise into Leicester, though too early perhaps for him to sink into Babington. The Council, moreover, met the danger promptly. After his interview with O'Neill, Essex broke up his camp at Drogheda, hurried to Dublin, and crossed the sea. At Milford Haven he received intelligence which broke down all his plans. The country rang with arms, for, while he and Blount had been conspiring with O'Neill, the Privy Council, under guise of preparing to repel an expected landing of the Spaniards, had drawn out the musters, equipped the fleet, set the train-bands in motion, filled the city with chosen troops. Wags mocked and jested over the invisible Armada; but when Essex landed at Milford Haven he found his retreat to Ireland cut off by sea, and his road to London barred by a formidable force. Nottingham covered the capital with a camp of six thousand horse and foot; twenty-five thousand men answered to the roll-call in Kent and Essex; the midland shires were all in motion; and the Government had, within beat of drum, three thousand horse and thirty thousand foot under arms. Under such a change of affairs, even Blount dissuaded a march on London. The road was long; halberdiers could not fly, like

15 Birch, ii. 432.
Imogen, on the wings of love; and the very maddest of the plotters knew that the Protestant gentlemen of Gloucester, Wilts, and Berks would not stand by while gangs of mutinous troops, led on by Papist captains, marched past to dethrone their Queen. With the whole army of Drogheda at their backs, they could not have forced their way through six or eight warlike shires. Better, said Blount, prick on alone. A chance remained that by dash and swiftness Essex might surprise the Queen, depose his enemies, put his friends in power, and return to Dublin to mature his plans. To horse, to horse! No pause in the ride till the Earl flung himself, splashed and faint, at his sovereign's feet.  

Lea, Danvers, Constable, St. Lawrence, Davis, spurred after him into London. News-writers stared at the swarms of captains and commanders from the Irish camp which suddenly hustled through the taverns of Paternoster Row and filled the pit of Blackfriars, where Shakespeare's company, in the great play of Richard II., had for more than a year been feeding the public eye with pictures of the deposition of kings. But the plotters had met their masters. Essex was in custody, the captains under watch and ward. Bacon saw the Earl a few hours after he dashed into Nonsuch stained with the dust of his long ride. "What is your opinion of the Queen's proceedings?" "It is but a mist," said Bacon, in

16 Annals of the Four Masters, 655; Blount's Confessions, State Trials, i. 1415; Bacon's Notes to Camden, Works, vi. 359; Memorandum of Precautionary Measures, Aug. 1599, R. O.; List of Army in Kent and Essex, Aug. 1599, R. O.
the dark; "but it is as mists are: if it go up, it may cause a shower; if downward, it will clear up." He told the Earl to avoid giving her Majesty offence, to speak of the peace he had made with O'Neile as a sad necessity, not to ask leave to return to Ireland; above all things, to seek access to his kinswoman and Queen. Essex shook his head, and he might well do so, for Bacon was talking in one language, he thinking in another. From the presence at Nonsuch Essex passed into the free custody of Egerton at York House.

The captains and commanders who followed him from Milford to London made his situation worse. St. Lawrence offered to kill Cecil and Grey; and, when arrested at a public ordinary for drinking confusion to the Earl's enemies, he impudently told Lord Buckhurst he would draw on any man who spoke ill of Essex. Menaces like these incensed the Government; and an act of the Council having declared Essex unfit to discharge the offices of Earl Marshal, Privy Councillor, and Master of the Ordnance, a writ from the Star Chamber cited him to appear in that Court and answer for his suspicious dealings with O'Neile.  

The Queen's first thought being the safety of Ireland, she consulted Bacon on the choice of Lord Montjoy. "Madam," said he, "if you mean not to employ my Lord of Essex thither again, your Majesty

17 Rowland White, Oct. 3, 11, 1599, in Sydney Papers, ii. 130, 132; Devereux's Lives of the Earls of Essex, ii. 76-117; Speeches in the Star Chamber on Essex's Expedition to Ireland, Nov. 1599, R. O.; Essex to Eliz., Feb. 11, 22, 1600, R. O.
cannot make a better choice.” And he said well. A nobler gentleman than Lord Montjoy never drew sword in her name; yet his passionate slavery to Lady Rich, which, even after his commission was signed, led him to the verge of constructive treason, made it desirable he should be sent away. Essex closed his eyes to his sister’s shameful connexion with Montjoy; who on his part had no wife, no love but Lady Rich. Essex, well aware of his sister’s power, sent Danvers to beg that the new Deputy would use all his means to relieve him from custody at York House. Montjoy called Lord Southampton into conference, and, having first sworn the three to defend her Majesty to the death and her government so long as she should live, he agreed to send Thomas Lea to Edinburgh with the errand of engaging King James in a plot for the Earl’s release. On pretence of fixing at once the true line of succession, James was to march an army to the Borders, in case of need across them; Essex was to raise his friends in the city of London; Montjoy, after quelling the Irish kernes, was to throw himself and his victorious army into England. By his oath to defend the Queen, and by his association with King James, Montjoy imagined he should redeem this abuse of the military power. Lea went into Scotland, and the new Deputy crossed the seas. But in the tug of actual war, on the scene of Blount’s intrigues, Montjoy regained his clear sense of right. Away from the blandishments of Lady Rich, his reason got the better of his love, and his actions before the enemy soon convinced his Queen that among her camp of heroes she had
none more true in faith, more brilliant in valour, than himself.  

When Elizabeth learnt from the confessions the depths of her kinsman's guilt, she would have brought him to public trial, and she spoke with Bacon about the point of form. But Bacon, not aware of his intercourse with Father Wright, of his understanding with the Jesuits, of his compact with O'Neile, of his suggestion to King James, endeavoured, as he had done before, to dissuade her Majesty, using all the blandishments of policy, of tenderness, and of law, to divert her mind. When she asked him what he thought of the Earl's case, he answered her that the Earl had undoubtedly committed great faults—faults which the law might term contempts; but he showed her that Essex might defend himself on the ground of his great place, his ample commission, the nature of his charge, the concurrence of his council, and the uprightness of his intentions. He begged her Majesty to seek advice again and again before she allowed this question to be mooted in a judicial or political court. He ventured to suggest that she might fail. The Earl, he said, was an eloquent man; with more than the eloquence of art and nature in his favour; the pity and the benevolence of hearers ever prone to take part with sorrow against might—with the suffering man against the inflexible law. The Queen seemed touched. A few days later she informed him she had thought of a better course: she would have a declaration of the reasons for the Earl's imprisonment.

18 Correspondence of King James and Sir Robert Cecil, edited by John Bruce, App. X., XI.; Birch, ii. 440.
made in the Star Chamber, without calling upon the Earl himself to appear; this would prevent scandal, yet the world would be taught that her proceedings had been just. Bacon opposed this scheme. "Why," he urged, "the people will say the Earl has been stabbed in the back; they will say that Justice has been robbed of her scales." The Queen was displeased: she wanted his concurrence, and he could not give it. She frowned on him in public and in private; she ceased her confidential talk with him; and for three whole terms, when he went to her on legal business, she maintained towards him the same haughty and freezing look.19

On the last day of Michaelmas Term a crowd of Privy Councillors, judges, officers of state, and persons of distinction, met by her command in the Star Chamber, to hear the declaration read. Egerton and Buckhurst, Raleigh and Nottingham, were there. Bacon, who should have been there, was not. So long as he could believe that Essex had committed "faults," not crimes, he protested by his words and by his actions against these proceedings as ungenerous and unwise. The Queen was so angry at his absence from the Star Chamber, that he was forced to plead sickness as an excuse.

The Declaration satisfied the people, yet left them wholly in the dark. Essex fell ill, or feigned to fall ill, under this triumph of his enemies; so ill that his physicians said they feared for his life. Prayers were put up for his soul; and the death-bell even tolled for his demise; but the Queen, who was

19 Bacon's Apologie, 40; Birch, ii. 440.
at first deceived into sending the whole body of her own physicians to attend him, saw through the trick, and refused to send them any more. In a few days he got well; on his complaining of the air of York House, and expressing a desire to get back to his own residence, she gave orders for the instant removal of Anthony Bacon, Fulke Greville, and Lord and Lady Southampton from their lodgings, and the transfer of Essex, under charge of Sir Richard Berkeley, to his own rooms. Still his imprisonment was strict as it would have been in the Tower. Berkeley kept the keys and slept in an adjoining room. No one could see Essex without a pass; even the Countess could be with him only during certain hours of the day. The gates and the gardens were under guard. In every sense he was a state prisoner.

The world parted suddenly from the fallen man. Those who knew the depth of his guilt shunned him as one who had sinned past hope; those who saw no more than his disgrace fell off from a losing cause. Cecil spurned his advances; when the old Countess of Leicester begged of the Secretary to save her son, he answered her that his fate was with a higher power. Babington, Bishop of Worcester, glanced at him cautiously in a Court sermon; but when sent for by the angry Queen he denied that his allusions had been made to the Earl. Save his cousin Lady Scrope, and his sisters Lady Rich and the Countess of Northumberland, not one of his confederates or companions dared to speak for him a word. Blount slunk with his wife to Drayton Bassett. Southampton went abroad

20 Sydney Papers, ii. 145, 179, 181.
to fight Lord Grey, breaking his parole for the second time; an offence for which the Council, though loth to strike the amiable and misled young gentleman, stripped him of his company of horse. Lea made no sign. St. Lawrence drank no more toasts in public. Danvers and Constable hid their heads. The Bobadils of Drogheda and Milford skulked about the kens of Newgate Street and Carter Lane; and only a group of kinswomen, who gloomed about the court in black, found courage for even tears and weeds.

Yea; there was one. In this silence of despair, one voice alone dared to breathe the Earl's name, to whisper in the royal ear excuses for his fault, to plead with that leonine heart for the mercy which becomes a monarch better than his crown.21

The affections of Bacon and Essex lay distant as the temperate and torrid zones. For two whole years they had met but once; to part less near in opinions than before. All that Bacon foresaw from the Irish expedition had come to pass. The voyage had failed; and the Lord Lieutenant's enemies had taken advantage of his absence and his errors to augment their power. More than the visible failure Bacon did not know; Cecil keeping the more formidable secrets close, or sharing them only with his counsellor and dependant Coke. In other business of the Crown, in admiralty affairs, revenue affairs, in debts, in grants, and fines, above all in arbitrations, Bacon was now constantly employed by the Crown. Instructions from the Privy Council ran to Yelverton, Coke,

21 Chamberlain to Carleton, Feb. 22, Mar. 5, 1600, R. O.; Cecil to Countess of Leicester, Mar. 21, 1600, R. O.; Sydney Papers, ii. 132, 213; Council Reg., Aug. 3, 17, 1600.
Fleming, and Bacon. In cases of dispute, as in those of Blundel, of Perrim, of Trachey, Bacon was often employed alone; but in taking the confessions, in confronting the spies and prisoners of the Irish plot, he was allowed no share. Yet, knowing no more of it than all men knew, why should he have risked his future to save a man who covered him with misfortunes, and who sought his advice to cast it in his teeth? 22

Bacon was not the man to ask. Seeing the Earl whom he had once served, and for whom there was still an unoccupied place, crushed, he carried his plea of clemency to the throne. Often in the Queen's closet on public duty, he seized every opening for this plea. Never had such an offender such an advocate. Gaily, gravely, in speech, in song, he beset the royal ear; kneeling to her Majesty at Nonsuch, coaxing her at Twickenham Park. When she ferried to his lodge, he presented her with a Sonnet on Mercy; when she called him to the palace, he read to her letters purporting to come from the penitent Earl. What Babington dared not hint from the pulpit, Bacon dared to urge in the private chamber. Wit, eloquence, persuasion of the rarest power, he lavished on this ungrateful cause. At times the Queen seemed shaken in her mood; but she knew her kinsman better than his advocate knew him. The confessions of Wood, the nephew of Lord Fitzmaurice, left not a doubt that Essex had proposed to divide her kingdoms with O'Neile; Spain still threatened a descent; and Ireland still rocked

22 Council to Yelverton, Coke, Fleming, and Bacon, Nov. 9, 1600, R. O.; Council Reg., Feb. 2, 28, July 6, Sept. 29, Dec. 24, 1600.
with the tumult of civil war. Those scenes of Shakespeare's play disturbed her dreams. This play had had a long and splendid run, not less from its glorious agony of dramatic passion than from the open countenance lent to it by the Earl, who, before his voyage, had been a constant auditor at the Globe, and by his noble companions Rutland and Southampton. The great parliamentary scene, the deposition of Richard, not in the printed book, was probably not in the early play; yet the representation of a royal murder and a successful usurpation on the public stage was an event to be applied by the groundlings in a pernicious and disloyal sense. Tongues whispered to the Queen that this play was part of a plot to teach her subjects how to murder kings. They told her she was Richard; Essex, Bolingbroke. These warnings sank into her soul. When Lambard, Keeper of the Records, waited upon her at the palace, she exclaimed to him, "I am Richard, know you not that?"

Nor did the play by Shakespeare stand alone. John Hayward, a young Doctor of Civil Law, a pleader in the Ecclesiastical Courts, published on this story of the deposition of Richard the Second a singular and mendacious tract, which, under ancient names and dates, gave a false and disloyal account of things and persons in his own age: the childless sovereign; the association of defence; the heavy burthen of taxation; the levy of double subsidies; the prosecution of an Irish war, ending in general discontent; the unauthorised return of a popular favourite; the boundless applause by which he was

23 Abstract of Evidence against Essex, July 22, 1600, R. O.; Shakespeare's Richard II., editions of 1598 and 1608.
welcomed; the outbreak of blood; the solemn deposition and final murder of the prince. Bolingbroke was made the hero of the tale; and that even the grossly stupid might not miss its meaning, this lump of sedition was dedicated to the Earl—magnus siquidem es, et presenti judicio, et futuri temporis expectatione. In one place Hayward affirmed the existence of a title to the throne superior to that of the Queen. 24

This book proved too much for Elizabeth's patience. Packing the scribe in jail, she sent for Bacon to draw up articles against him. Had she sent for Coke! To Bacon's tenderness of human life the poor scribbler owed his subsequent length of days and authorship of many books. "There is treason in it," said the Queen; as indeed there was. "Treason, your Grace?" replied Bacon; "not treason, Madam, but felony, much felony." "Ha!" gasped her Highness, willing to hang a rogue for one crime as for another: "felony—where?" "Where, Madam? Everywhere: the whole book is a theft from Cornelius Tacitus." A light of laughter broke the cloud. "But," said her darkening Highness, "Hayward is a fool; some one else has writ the book; make him confess it; put him to the rack." "Nay, Madam," urged the advocate of mercy; "rack not his body—rack his style. Give him paper and pens, with help of books; bid him carry on his tale. By comparing the two parts, I will tell you if he be the true man." 25

24 Hayward's First Part of the Life of Henry IV., 1599; Papers concerning the History of Henry IV., the Letter Apologetical written by Dr. Hayward, 1599, R. O.

25 Bacon's Apologie, 36; Bacon's Remains, 42; Matters where-
Aware how strong were Bacon's views on political crime, some of the captains and conspirators, conscious of their own guilty thoughts, and fearful lest the Government had begun to learn the truth, suspected that in these frequent passages with the Queen he might be taking part against them and their lord. Fear lent this suspicion wing. Among themselves they whispered that in the royal presence Bacon had pronounced their offence treason. The offence was treason; but Bacon had not called it such; having no knowledge of its darker facts. He therefore met and spurned the misrepresentation of his words. In a note to Lord Henry Howard, one of those who affected friendship for Essex, while working secretly with Cecil, he wrote with honest heat: "I thank God my wit serveth me not to deliver any opinion to the Queen which my stomach serveth me not to maintain; one and the same conscience guiding and fortifying me. The untruth of this fable God and my sovereign can witness, and there I leave it. . . . . For my Lord of Essex, I am not servile to him, having regard to my superior duty. I have been much bound unto him; on the other side, I have spent more time and more thoughts about his welldoing than ever I did about mine own. I pray God you his friends amongst you be in the right." 26

Coke, among other merits, never could help hitting a man when he thought him down. Bacon, having to make a motion in the Court of Exchequer before

with Dr. Hayward was charged, and Dr. Hayward's Confession, 1599, R. O.

26 Bacon's Apologie, 47; Birch, 459; Montagu, xii. 168.
his brother-in-law, Sir William Peryam, the Lord Chief Baron, for the seizure of some land belonging to George More, a recusant, a fugitive and a traitor, spoke for the Crown, as his wont was when he prosecuted Roman Catholics, in the gentlest terms. Coke took offence, and a passage of arms ensued:

Coke: “Mr. Bacon, if you have any tooth against me, pluck it out, for it will do you more hurt than all the teeth in your head will do you good.”

Bacon: “Mr. Attorney, I respect you; I fear you not; and the less you speak of your own greatness, the more I will think of it.”

Coke: “I think scorn to stand upon terms of greatness towards you, who are less than little; less than the least.”

Bacon: “Mr. Attorney, do not depress me so far; for I have been your better, and may be again, when it please the Queen.”

Bacon describes what followed:—“With this he spake, neither I nor himself could tell what, as if he had been born Attorney-General; and in the end bade me not meddle with the Queen’s business, but with mine own; and that I was unsworn, &c. I told him, sworn or unsworn was all one to an honest man; and that I ever set my service first, and myself second; and wished to God he would do the like. Then he said, it were good to clap a ‘cap. ut legatum’ upon my back! To which I only said he could not; and that he was at fault; for he hunted upon an old scent. He gave me a number of disgraceful words besides, which I answered with silence, and showing that I was not moved with them.”  

Of Coke's many disgraceful spirits of temper, this threat of a capias ut legatum was perhaps the most disgraceful to him. Coke referred to an indignity which had been put on Bacon, in common with so many sons of genius—an arrest for debt; but in his case an unjust arrest. Every true lawyer and every honest man took Bacon's part. The Queen's Counsel, it appears, having borrowed three hundred pounds from Simpson, a money-lender of Lombard Street, a dispute arose about the bond; and, the matter having been argued during Trinity Term, 1598, the settlement was postponed, with Simpson's consent, until Michaelmas Term. On the twenty-fourth of September, two or three weeks before the time of settlement arrived, Bacon, going down to the Tower on her Majesty's affairs, had been arrested at the suit of Simpson, and lodged by his captors in a sponging-house in Coleman Street, whence he sent to Lombard Street for Simpson, who, perhaps aware that he had no power to arrest a queen's officer actually engaged in her Majesty's service, even if the days of grace were fully expired, refused to come. Bacon appealed to the Lord Keeper and to the Secretary of State against this illegal arrest. The bond was discharged before it was due; and Bacon returned to his lodgings in Coney Court.

The Fictitious Biographers, going far beyond Coke, not only threaten him with a capias ut legatum, but put him absolutely in the wrong by a simple alteration of the date. He was arrested by Simpson in September; he is arrested by Lord Campbell in October. September must have been in the vacation, October may have been in Michaelmas Term; in Sep-
tember the arrest must have been illegal, in October it might have been legal; in September Simpson was in the wrong, and Bacon an innocent sufferer by his violence; in October Simpson might have been acting on his bond, and Bacon the victim of his own neglect.  

Early in May the Queen told Bacon she found his words true: the proceedings in the Star Chamber had done her no good; factious bruits had grown out of them, and her government was misunderstood and abused. She had therefore fixed in her mind to proceed against Essex by an information ore tenus; but her purpose was to correct her kinsman, not to ruin him for ever. Bacon opposed this project. "It is too late," he said, "to do further good." He must speak as Friar Bacon's Head spake—Time is, time was, and time shall never be. If she must do more than she had done, let her make a council-table business of it, and there an end. The Queen was angry that he would not see the thing as she saw it; yet his words sank into her mind; and for a few days after speaking with him her project slept. She then hit on a compromise: it should be a council-table business, as Bacon proposed; but a council-table business of a very unusual kind. Egerton should summon the judges, bishops, councillors, and peers to York House; the Earl should be brought up in person, and the charges against him should be ...
be solemnly heard. When Bacon was told that, like Yelverton, Coke, and Fleming, he must bear his part in these proceedings, he wrote to the Queen, that if she would be pleased to spare him from that service he would esteem it one of her greatest favours; adding that he knew his duty, and, if she imposed the task upon him, no obligation to particular persons should supplant or weaken his devotion to her and to her service. She would not spare him. When the peers and judges met at York House, Yelverton opened the charge, and Coke followed him in a violent mood. Bacon closed the case, in an eloquent and memorable speech. His own relations with the Earl of Essex, he said, were at an end. Yet, in spite of this avowal, he spoke as the Earl's advocate rather than as the Queen's; charging him with hasty expressions, but distinctly freeing him from the charge of disloyalty. Bacon's speech at York House saved Essex in his fortunes and in his fame.29

29 Chamberlain to Carleton, July 1, 26, 1600, R. O.; Confession of D. Hayward, July 11, 1600, R. O.; Abstract of Evidence against Essex, July 22, 1600; Examination of Thomas Wright, July 24, 1600, R. O.; Moryson, pt. ii. 68; Sydney Papers, ii. 200.
CHAPTER VII.

THE PAPIST INSURRECTION.

Easier in mind than he had been before the charge, Essex now knew how far the government would press him, and he hoped that the Queen, having had her way, would forget and forgive. She, too, felt easier, since she had taken her course and justified herself to her Council. By preserving a record of the sitting at York House she could at any time justify herself to the world; and to this end she commanded her Learned Counsel to write down the proceedings. When Bacon brought her the draft of a report, glancing through it, and perceiving that it put Essex's conduct in too fair a light, she said, laughing, "Bacon, I see old love will not be forgotten;" to which remark he answered swiftly, "I hope your Majesty means that of yourself." Gradually her heart began to open. When the Earl asked for an enlargement, she was more than ever inclined to grant his prayer; for an advocate stood by her side, who in season and out of season, in the midst of a dispute on law, in the turn of an anecdote, in a casual laugh or sigh, searched and found a way to her heart. One day she asked Bacon about his brother's gout. Anthony's gout was sometimes better, sometimes worse. "I tell you how it is, Bacon," said her sagacious Majesty; "these physicians give
you the same physic to draw and to cure; so they first do you good, and then do you harm." "Good God, Madam!" cried Bacon, "how wisely you speak of physic to the body! Consider of physic to the mind. In the case of my Lord of Essex, your princely word is, that you mean to reform his mind, not to ruin his fortune. Have you not drawn the humour? Is it not time to apply the cure?"

Another day she told him the Earl had written to her so dutifully, that she felt moved by his protestations; but, on coming to the end, it was all to procure from her a patent of sweet wines. "How your Majesty construes!" said Bacon; "as if duty and desire could not stand together! Iron clings to the loadstone from its nature. A vine creeps to the pole that it may twine." "Speak to your business," said the Queen; "speak for yourself: for the Earl not a word."

Yet drop by drop the daily oil softened her heart. At length the Earl was enlarged; though as one to whom much was pardoned; one who should never again command armies, or even approach the Court. The kinsman was forgiven, the traitor remembered. Elizabeth would look upon that face no more. Should he go back to the Irish camp? "When I send Essex back into Ireland," said the Queen, "I will marry you—you, Mr. Bacon. Claim it of me."\footnote{Bacon's Apologie, 41, 57; Essex to Elizabeth, June 21, 1600, R. O.}

Being now armed, by Bacon's eloquence, with fresh powers of evil, Essex, in the secrsery of his country house, renewed the plot. Already, in the
vain delusion that Montjoy would risk life and honour in his cause, he had sent Southampton over to Ireland with proposals for completing their scheme of a Scottish movement on the Border, an invasion by the Irish army, and a rising of the Earl’s partisans in London; but Southampton, on his arrival in Dublin, found the Lord Deputy greatly changed. Away from the fascinations of Lady Rich, face to face with those Celtic hordes in whom Blount had sought for allies against his Queen, Montjoy had seen the enormity of that course of which in England he had been the ardent dupe. Deceived by dreams, he could not be deceived by acts. He would no longer listen to Southampton’s words; and Essex’s life being out of danger, he urged his guest to dismiss his disloyal thoughts. Saved by Montjoy’s advice, Southampton, instead of returning to London, repaired into Holland, hoping by his penitence and valour to regain Elizabeth’s grace; resolved, should he fail to appease her by submission, to retire into the country, live on his estate, and, away from courts, put up his daily prayers for her prosperity. Thus, the last of the Earl’s Protestant friends fell off.2

Their places at his board and in his confidence were filled by others. Blount returned from Drayton Bassett to Barn Elms, a house on the Thames which had once belonged to Secretary Walsingham, and which had passed into the possession of Essex with his wife. But the obscure Roman Catholics led by Blount, the Catesbys, Lyttletons, Treshams, Grants, and Leas, having no power in the country, could do

2 Southampton’s Confession, in Bruce’s Correspondence of King James and Sir Robert Cecil, App. X.
nothing against a government defended by Raleigh, Nottingham, and Vere, with a considerable army and a powerful fleet. Indeed, their help would have been an embarrassment to a wiser man or a better cause. Though less well known to their countrymen in the summer of 1600 than they became after Essex's treason and the Powder Plot, these men were sufficiently well known for loyal gentlemen to shun them and the party which they embraced. Even Blount knew enough of his country to be aware that, unless he acted with the sanction of more popular and gracious names, his plans must fail. It being necessary, therefore, to regain the countenance of Lord Southampton and Lord Montjoy, Lyttleton was despatched to the Low Countries, and Danvers instructed to repair to Dublin.

Not so blind as his chief, Sir Charles Danvers told Essex that Montjoy would never send a man from the Irish army into England, and that they would do well to put hopes of any such aid away. Essex, though he bad him depart, felt uneasy at this speech; and when Danvers was gone, he sent Cuffe, his confidential secretary, after him with fresh instructions. Cuffe came up with Danvers at the Cross Inn, Oxford, where he told him he was to ask Montjoy for aid in money and men; but should the Lord Deputy refuse it, he was then to ask him to write such a letter of complaint against the Council as would justify an appeal to arms, and to send over as many captains and gentlemen as could be spared from the Irish camps. The two men parted at the Cross. Essex supposed that with a

3 Southampton's Confession, ibid., App. X.; Harrington's Nugas Antiquae, i. 179.
troop of captains and gentlemen from Ireland he might ride down to Whitehall, overpower Raleigh, and, when master of the palace and the Queen, dispose of the government at his will; his plans being to send Raleigh, Cobham, Grey, and Cecil to the Tower, to appoint Sir William Russell captain of the guard, and either Neville or Bodley Secretary of State. The first step in the business was to persuade Montjoy to write the accusing letter and send over the valiant captains; but when Danvers arrived at Dublin Castle, the Lord Deputy received him with an echo of Bacon's words. "Tell the Earl," said Montjoy, "he must have patience; must endeavour by ordinary means to regain the favour he has lost. If he cannot win it back in such measure as before, he must be content with less." The Lord Deputy said he hoped that Essex would do nothing but what might be justified in honour and in honesty; in which case he promised, when he came back to London, to do for him like a friend.  

Thus, each in turn, his associates fell away: first Grey, Cobham, Nottingham; then Raleigh, Vere, and Howard; now Southampton and Montjoy. Is it not strange that the man who owed him least should stand by him when the rest were gone? that the man for whom he would not suspend a game at tennis should fight for him against every enemy, even against majesty itself? Bacon supposed him honest, and painted him as he conceived him, sorrowful and broken; drafted letters from him to the Queen, such as he thought would

* Cuffe's Confession, ibid., App. VI.; Danvers's Declaration, ibid., App. XI.
melt her heart. But Elizabeth knew too much; and every hour brought in fresh evidence of his guilt. Lea had been arrested: for Cecil, who had also opened a correspondence with James, and Howard, who had become the bitterest enemy of Essex, knew every secret of the King of Scots. The Privy Council were now aware of Father Wright's visits to Essex House, and of all the miserable details of the compact with O'Neile,—discoveries which hardened the Queen's heart against her kinsman, and caused her brow to darken against his advocate. For three whole months she would not speak a word with Bacon. If he begged an audience on legal business, she put him off; if she met him in her court, she turned haughtily aside. From Michaelmas to Christmas she went on treating him with that cold and silent anger which smote brave hearts more terribly than the sword. The Queen was resolute that her Learned Counsel should choose whom he would serve; and the courage to resist her as he resisted her, no second man in her court ever exercised and was forgiven.  

At New Year's tide he obtained from her a moment's hearing. "Madam," he then said, "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 Frenchmen call enfans perdus, that serve on foot before horsemen; so have you put me into matters of envy without place or without strength; and I know at chess a pawn before the King is ever much played

5 Bacon's Apologie, 41; Abstract of Evidence against Essex, July 22, 1600, R. O.
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 caution to myself. And therefore vivus vidensque pereo. If I do break my neck, I shall do it in a manner as Master Dorington did it, who walked on the battlements of the church many days, and took a view and survey where he should fall. And so, Madam, 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.” Her Majesty, touched by his appeal to her good sense and to her knowledge of the true part he had played in these quarrels, spoke softly and generously to him. She bad him trust himself to her. Of his own affairs he might always speak, though of Essex she would not hear from him another word. Bacon left the presence with a certainty that no power on earth could now restore the Earl.

Essex, knowing that he had sinned past hope, and maddened by the cold response from Dublin, began to crowd Barn Elms and Essex House with his more desperate followers, who proposed to do without an army that which they had failed to do with one. Enough, they said among themselves, if we kill Raleigh, Cobham, and Cecil, set Nottingham, Egerton, and the Council aside, seize her Majesty’s person, and call a Parliament of our own! In the city they gained

* Bacon's Apologie, 62.*
an important dupe. Sir Thomas Smith, sheriff of London and colonel of a City band, was one of those patriotic men who would have leapt into the sea or rushed into fire to inflict an injury on Spain. Essex whispered to Smith that Sir Robert Cecil, abusing the Queen's confidence, had sold himself for money to the Court of Madrid, engaging to support the Infanta's claims to the English Crown. To act against such a traitor, Smith very promptly pledged his men. Southampton came back from Flanders; and Rutland was drawn like Southampton by a pair of bright eyes to York House, though he knew no more of Blount's designs than the poor sheriff of London knew. The true partners of Blount's secrets were not such Roman Catholic noblemen as the Earl of Rutland and Viscount Montagu, but those pupils of Emperor Parsons who were the terror and the shame of England for twenty years. Danvers, Davis, Percy, Cuffe, Monteagle, were not the worst. Four of the five monsters who some years later dug the mine in Vineyard House—Robert Catesby, John Wright, Christopher Wright, and Thomas Winter—gathered at the call of Blount; as well as Ogle, Baynham, Whitelocke, Throckmorton, Lyttleton, and Grant.\footnote{Nottingham to Montjoy, Goodman, ii. 14; Jardine's Criminal Trials, i. 342; Chamberlain to Carleton, Oct. 10, 1600, R. O.; List of Prisoners in the Compter and the Poultry, Feb. 8, 1601, R. O.; Lodge, ii. 545.}

There is unhappily no doubt that these ruffians meant to kill the Queen—a palace murder if she resisted them, a Pomfret one if she succumbed; and that Raleigh and Cecil were to share the fate of
Bushey and Green. Should Essex be more squeamish than Bolingbroke? Was Blount less bold than Piers of Exton? If they told their dupes that they only wished to free her Majesty from men who held her will in thrall, the confession of Blount, when in jail and at the scaffold, removed all doubt: "I know and must confess," said the impenitent villain, "if we had failed in our end, we should have drawn blood from herself." Some fear of this desperate crime had caused Montjoy, on the eve of his voyage to Dublin, to swear Southampton and Danvers to aid him in defending against all enemies whomsoever the Queen's life and crown.

The parts in the play were now given out. While Sir Thomas Smith secured the city in their rear, a force was to march from Essex House and seize the avenues of Whitehall, Blount to keep the palace-gates, Davis the hall, Danvers the entrance of the presence-chamber, Essex himself, pushing into the royal closet, was to force his aged Queen and kinswoman, sword in hand, to yield. To prepare the citizens for news of a royal deposition, the chiefs of the insurrection thought it would be well to revive for a night their favourite play. They sent for Augustine Phillips, manager of the Blackfriars theatre, to Essex House, where Monteagle, Percy, and two or three more—among them Cuffe and Meyrick, gentlemen whose names and faces were not known to him—received him, and said they wanted to have played next day Shakespeare's deposition of Richard the Second. Phillips objected that the play was stale, a

* Correspondence of King James, App. XII.; State Trials, i. 1415.
new one running, and that the company would lose money by a change. Monteagle met these objections: the theatre should not lose; a host of gentlemen from Essex House would fill the galleries; if there was fear of loss, here were forty shillings to make it up. Phillips took the money; and King Richard was deposed for them and put to death.⁹

The government, though it kept the secret, was not supine. Early on the Sunday morning, as the drunken crew were rising from their sleep, the Lord Keeper Egerton, the Lord Chief Justice Popham, and the Lord Chamberlain Knollys, knocked at the gates of Essex House. The Council was already sitting, Nottingham and Raleigh were at their posts. This arrival of three great dignitaries, with orders for the bands to disperse, brought the plotters to a pause; compelling them either to submit to the law, or retreat into the city and call the people to arms. Their deliberations were short; they knew nothing of what was passing in their front; in their rear they had friends, or fancied they had friends. Smith having assured the Earl that his men would fight against the Infanta, they inferred that London would rise at a foolish cry against the Queen's government. Essex drew the sword. "Kill them! kill them!" yelled this mob of madmen, brandishing their pikes at the three councillors, one of them the Earl's uncle; but as Sir Ferdinando Gorges felt it better to be sure of victory before murdering a Lord Keeper and a Lord Chamberlain, they put the ministers under

⁹ Examination of Augustine Phillips, Feb. 18, 1601, S. P. O. This examination has been printed by Mr. Collier, but with an error in the names.
guard, threw open the gates, and rushed tumultuously towards Temple Bar.¹⁰

The Queen sat in her palace superbly calm. Raleigh himself had scarcely her nerve of steel. Told at dinner that her faithless kinsman was in arms against her, she ate her meal, no more disturbed than by a tumult on the stage. When, some minutes later, there came in news that London had risen for the Earl, she proudly put aside the lie: “He who placed me in this seat will preserve me in it.”¹¹

Essex was no more Bolingbroke than Elizabeth Richard. The streets were filled with people, some making holiday, some on their way to church. Yet from Temple-bar to Cheapside not a man took up arms for the rebellious Earl. In vain he cried out to them that religion was in danger, that the crown had been sold by Cecil, that the Infanta was coming with a mighty power. Not a soul was touched. As the insurgents wheeled into the city, the inhabitants of Fleet-street and Ludgate-hill closed the barriers, beat up the trainbands, and stood upon their guard. Sir Thomas Smith, himself deceived by Essex, had neither the will nor the power to deceive his troops; and the rabble of Papist soldiers, unknown in the city, fell back from the lanes round Guildhall. Cursing the city and the citizens, Essex returned with his broken line to St. Paul’s Churchyard, in the hope of regaining Essex House and the hostages he had left. But the game was now up; Gorges had made his peace by releasing the prisoners, and the pass of Ludgate was occupied by Leveson’s troops. Blount

¹⁰ Council Reg., Feb. 14, 1601; State Trials, i. 1333-1409.
¹¹ Birch, ii. 468; Jardine, i. 309.
sounded a charge. Some fell, some turned, some cut their way through. Seeing his adversary Waite in the ranks before him, Blount rushed upon and chopped him down. Dying of his wounds, the desperate leader of the revolt was carried into Newsom's house, when his forces melted into air. Some crawled into alehouse vaults, some leapt into boats, not a few sought shelter at Essex House; but every hand was against them, and at sundown all who had been pursued were safe in jail. Essex himself regained his gates just as Nottingham and the trainbands appeared in sight, and when he saw the Queen's troops making ready to cannonade the place he pleaded the presence of Lady Essex and Lady Rich. Let them come out, said Nottingham; they shall pass the lines freely. Essex, seeing that Nottingham was resolute, and that the house would be blown up with powder, laid down his arms.

In less than forty-eight hours from the first rebellious shout near Temple-bar, Ogle and Throckmorton were in the Gatehouse; Baynham, Lyttleton, and Percy in the Fleet; Smith and Constable in the Poultry; Blount in Newsom's house in Paul's Churchyard,—when his wounds allowed, to be carried to the Tower; Whitelocke in the Marshalsea; Catesby in Sheriff Gamble's house; Grant and the two Wrights in the White Lion; Essex, Danvers, Sir Henry Lea, Southampton, and Monteagle in the Tower.\textsuperscript{12}

Swift justice was the only mercy they could expect from man. Never had criminal fairer trial, less

\textsuperscript{12} Council Reg., Feb. 13, 14, 1601; Jardine, i. 376; Lodge's Illustrations, ii. 545; List of Prisoners in the Poultry and the Compter, Feb. 8, 1601, R. O.
partial judges, than the Earl. His peers, the companions of his youth, the connexions of his blood, were summoned by a special message from the Crown; the most odious of the facts against him were withheld from the indictment; the Privy Council wishing to spare his memory, though they could not in honour, and dared not in policy, spare his life. They shrank from proclaiming to the world that a kinsman of the Queen had been in treacherous intercourse with Jesuits and the Pope. Not a word was whispered of his midnight interviews with Father Wright, of his complicity in the publication of Hayward's tract. Only the obvious facts were stated; but the obvious facts sufficed. From the hour of his descent into the streets his fate was sealed. That girlish romance of the ring, that still more girlish tale of Elizabeth's weakness and change of mind, are idle mirage of the poetic brain. Camden, indeed, speaks of the Queen's hesitancy; but Camden wrote when it had become fashionable at court to speak lightly of the Earl's crimes and disparagingly of the Queen. Jardine was the first to observe that this rumour of her changes and hesitations is unsupported by any one passage in the State Papers. In fact, Elizabeth never in her life showed less weakness than in the case of her rebellious kinsman. For a crime like his there was no mercy but the grave.\textsuperscript{13}

Among those who were at large, obscure and safe, was Thomas Lea, of kin to Sir Henry Lea, the prisoner in the Tower. This Lea, the man who had arranged the meeting of Essex and O'Neill, and who

\footnote{\textit{Notes of Evidence against Essex, July 22, 1600, R. O.}}
had been sent into Scotland, seeing his party broken up, proposed to Bacon's kinsman, Sir Henry Neville, that four good men, himself being one of them, should arm themselves, go to the palace, seize the door of the Privy Chamber, rush in upon her Majesty, and either force her to sign a release for Essex and Southampton, or stab her to the heart. Neville ran with this news to Cecil, and Lea, arrested at the door of the Queen's chamber, was hurried to the Old Bailey, sentenced on the clearest evidence, and hung at Tyburn on the very day of his projected crime. 14

No government could have trifled with such villains. Two days after Lea's execution, Essex and Southampton came up for trial; the venerable Buckhurst—poet, soldier, philanthropist—sitting as Lord High Steward of England; Raleigh in command of the Guard; all the peers in their places; all the judges and crown lawyers at their posts; the two Chief Justices, Popham and Anderson; the four Justices, Gaudy, Fenner, Walmsley, and Kingsmill; the baron Clerke, the Queen's serjeant Yelverton, the Attorney-General Coke, the Solicitor Fleming, and the Learned Counsel Bacon—each with his duty for the day. Bacon had not sought the employment; neither had he shrunk from it when pressed upon him. Called to his duty by an order from the Council, he could no more shirk it than Raleigh could have thrown up his commission at Charing Cross, or Nottingham have refused to act against Essex House. 15

14 Winwood's Mem., i. 301; Chamberlain's Letters, 104; State Trials, i. 1405.
15 Council to Bacon, Feb. 18, 1601, R. O.
The evidence against the prisoners was overwhelming. Essex pretended that the gathering of armed men, the refusal to disperse on the Queen's command, the imprisonment of the Lord Keeper and Lord Chief Justice, the rush into the city, the resistance offered to the royal troops, were but the incidents of a private quarrel. Bacon, who followed Yelverton and Coke, felt surprised at the Earl's assertion; yet he envenomed nothing; and, while condemning the offence, abstained from any needless condemnation of the offender.

"My Lord," he said, "I expected not that the matter of defence would have been excused this day; to defend is lawful, but to rebel in defence is not lawful; therefore what my Lord of Essex hath here delivered, in my conceit, seemeth to be simile prodigio. I speak not to simple men, but to prudent, grave, and wise peers, who can draw up out of the circumstances the things themselves. And this I must needs say, it is evident that my Lord of Essex had planted a pretence in his heart against the Government, and now, under colour of excuse, he layeth the cause upon his particular enemies. My Lord of Essex, I cannot resemble your proceedings more rightly than to one Pisistratus, in Athens, who, coming into the city with the purpose to procure the subversion of the kingdom, and wanting aid for the accomplishing his aspiring desires, and as the surest means to win the hearts of the citizens unto him, he entered the city, having cut his body with a knife, to the end they might conjecture he had been in danger of his life. Even so your Lordship gave out in the streets that your life was sought by the Lord Cobham and
Sir Walter Raleigh, by this means persuading yourselves, if the city had undertaken your cause, all would have gone well on your side. But the imprisoning the Queen's councillors, what reference had that fact to my Lord Cobham, Sir Walter Raleigh, or the rest? You allege the matter to have been resolved on a sudden. No, you were three months in the deliberation thereof. Oh! my Lord, strive with yourself, and strip off all excuses; the persons whom you aimed at, if you rightly understand it, are your best friends. All that you have said, or can say, in answer to these matters, are but shadows. It were your best course to confess and not to justify."

Essex had the ill taste to declare that Bacon once held a better opinion of him; had been a means of entreating the Queen for him; and had drafted a letter from him to her Majesty. "My Lord," said Bacon in reply, "I spent more hours to make you a good subject than upon any man in the world besides. But since you have stirred up this point, my Lord, I dare warrant you this letter will not blush; for I did but perform the part of an honest man, and ever laboured to do you good, if it might have been, and to no other end."

Essex excused the lie with which he rode into the city—that the crown was sold to the Spaniards—by asserting that Sir Robert Cecil told a Privy Councillor that no one in the world save the Infanta had a right to the English crown. Cecil, coming forward, and dropping on his knee, declared

\[16\] Jardine, i. 316-321.
that this report was foul and false. Buckhurst told
the Secretary he might treat such accusations from
the prisoner with contempt; but Cecil would not be
appeased by words. "Name the Councillor, if you
dare!" he cried to Essex; "if you do not name him, it
must be believed a fiction." Essex said Southampton
knew it to be true. "Then, my Lord of South-
ampton," said Cecil, "I abjure you, by the duty you
owe to God, by the loyalty and allegiance you owe
to your Sovereign, by all tokens of true Christianity,
and by the ancient friendship and acquaintance once
between us, that you name the Councillor!" South-
ampton named him—Sir William Knollys, the Earl's
uncle, the Queen's kinsman. "Let a messenger be
sent to the Queen entreatling her to command Sir
William's attendance in Westminster Hall," cried
Cecil. Knevet, a gentleman of the Privy Chamber,
was despatched, the Secretary charging him before
he started, in open court, that as he was a gentleman,
and tendered his reputation, he would not inform
Sir William of the cause of this summons; and re-
quiring him to tell the Queen, that, if she declined
to send her kinsman to give evidence, he (Cecil)
had vowed to serve her no more as Councillor
while he lived. When Sir William came in, the
whole court was hushed. Lord Buckhurst put the
question: "Did you, Sir William, ever hear Mr.
Secretary say that the Infanta's title to the crown
was better than any other in the world?" The
answer crushed his miserable nephew to the earth:
"I never heard him speak any words to that effect."
Sir William added: "There was a seditious book
written by one Doleman, which very corruptly dis-
puted the title of the succession, inferring it as lawful to the Infanta of Spain as any other; and Mr. Secretary and I being in talk about the book, he spoke to this effect: 'Is it not strange impudence in that Doleman to give an equal right in the succession to the Infanta of Spain as to any other?' Here-upon was grounded the slander upon Mr. Secretary, whereof he is as clear as any man here present.' 17

Essex mumbled an apology for the lie; but he maintained that his quarrel was a private one against Raleigh and Cecil, and that he had never entertained a thought of drawing his sword against her Majesty.

"My Lord," said Bacon, in his final reply, "I have never yet seen, in any case, such favour shown to any prisoner; so many digressions, such delivering of evidence by fractions, and so silly a defence of such great and notorious treasons. Your Lordships may see how weakly my Lord of Essex had shadowed his purpose, and how slenderly he hath answered the objections against him. But admit the case that the Earl's intent were, as he would have it, to go as a suppliant to her Majesty, shall petitioners be armed and guarded? Neither is it a mere point of law, as my Lord of Southampton would have it believed, that condemns them of treason, but it is apparent in common sense; to consult, to execute, to run together in numbers, in doublets and hose, armed with weapons, what colour of excuse can be alleged for this? And all this persisted in after being warned by messengers sent from her Majesty's own person. Will any man be so simple as to take this to be less

17 Jardine's Criminal Trials, i. 322 et seq.
than treason? But, my Lord, doubting that too much variety of matter may occasion forgetfulness, I will only trouble your Lordship's remembrance with this point, rightly comparing this rebellion of my Lord of Essex to the Duke of Guise's, that came upon the barricadoes at Paris in his doublet and hose, attended upon but with eight gentlemen; but his confidence in the city was even such as my Lord's was; and when he had delivered himself so far into the shallow of his own conceit, and could not accomplish what he expected, the King taking arms against him, he was glad to yield himself, thinking to colour his pretexts and his practices by alleging the occasion thereof to be a private quarrel."

After trial and condemnation, when the Garter was plucked from his knee and the George from his breast, the Earl's pride and courage gave way. He closed a turbulent and licentious life by confessing against his companions, still untried, more than the law officers of the Crown could have proved against them; and, despicable to relate, most of all against the two men who had been his closest associates—Blount and Cuffe. His confessions in the face of death deprived these prisoners of the last faint hope of grace, and they went with Meyrick and Danvers to the gallows or to the block.18

Though no one dared to approach her Majesty with pleas for the great insurgent, Bacon strove, and with success, to save some of the less guilty participators in his crime. The case prepared by Coke for the prosecution confounded the whole band of prisoners

18 Council Reg., Feb. 24, 1602; Jardine's Criminal Trials, i. 366-372; State Trials, i. 1412, 1414.
in a common guilt; the rank-and-file with the general, the deceived with the deceiver, Smith with Blount. But when the evidence came to be sifted by a more kindly intelligence than Coke's there appeared to be among them some who were almost innocent. Many, like Rutland and Montagu, were deceived. Coke would hang them all; Bacon would make distinctions. For those who had been privy to the treason, who had drawn the sword with a knowledge of what they did, and who, to achieve their end, had caused innocent lives to be lost, it would have been idle and weak to plead. But the offenders in this high class were few; a majority of those who filled the jails and awaited trial had known no more than Sir Thomas Smith. In behalf of these men Bacon exerted all his powers. From nine who were being tried under one indictment he saved no less than six. John Lyttleton, Henry CUFFE, Sir Robert Vernon, Sir William Constable, Sir Edward Baynham, Captain Whitelocke, John Wright, Christopher Wright, and George Orell were put in the dock together; the jury were sworn; when Bacon arrived in court with letters from the Privy Council to stay proceedings against all except Lyttleton, Baynham, and Orell. The rest were returned to prison, all of them to escape with fines and ransom, save only Cuffe, who, next to Blount, was the most guilty of the conspirators. Among the many who owed their lives to Bacon was the sheriff Sir Thomas Smith. When the Learned Counsel was shown the indictment drawn against Smith by Coke, assuming that the facts could be proved, he told her Majesty that this case was as bad as the rest. But
finding on inquiry how Smith had been deceived by the Earl, no pride in his skill as a lawyer prevented him from going straight to the palace and withdrawing his words. Smith was saved. Among many who were innocent, some who were probably guilty, escaped with life. Grant, Catesby, Winter, Tresham, Baynham, were imprisoned or fined. Justice and clemency went hand in hand. Southampton was respited; and in less than three months the last of the inferior rank of prisoners left the Tower.¹⁹

That the lofty and gentle course which Bacon pursued through these memorable events commanded the admiration of all his contemporaries save a fraction of the defeated band, is a fact of which the proofs are incontestable. While the spirits of men were yet warm with remembrance of the scenes at Tyburn and on Tower Hill, writs for a new Parliament travelled down into the shires. Now, therefore, came the test how far he had fallen. If he were thought of with aversion, here were the means, the opportunities, and the scenery for a condign revenge. The scot and lot men of Elizabeth were not nice. A candidate cross to the moods of squire and freeman often found himself burned in straw, pelted with foul eggs, or drummed by humorous rogues from the county town. Did the friends of Lord Essex rise on his adversaries? Was the drum beaten against Raleigh, or the stone flung at Bacon? Just the reverse. The world had not been with the rebellious Earl, either in his treason at Temple Bar or in his suffering at Tower Hill; and

¹⁹ Bacon's Apologie, 66; Jardine, i. 366; Birch, ii. 495.
those who had struck down the papist plot were foremost in the ranks of the new Parliament. Four years ago Bacon had been chosen to represent Ipswich, and the chief town of Suffolk again ratified its choice. But his public acts had won for him a second constituency in St. Albans. Such a double return—always rare in the House of Commons—was the highest compliment that could be paid to the purity of his political life.  

When law and justice were appeased, the Queen commanded Bacon to draw up for publication a brief and simple narrative of these events. An appeal to the judgment of her people and of her allies had been usual with Elizabeth whenever state crimes, most of all crimes against the national faith, were repressed and punished by her government: an open statement of the facts, given in her name and on her responsibility to the world, being her best defence against the calumnies whispered at home and the brazen falsehoods published by her Jesuit enemies abroad. On such narrations it had been her habit since Bacon's appointment as her Learned Counsel to employ his pen. Indeed, the writing of State Papers had become his peculiar function; he had written the answer to Parsons, vindicated the law against Lopez, and, more recently, drawn up the Report of Proceedings against Essex at York House. When, therefore, the partizans of Rome began to calumniate English justice, the Queen, sending for him to the palace, commanded him, on hints and materials furnished by herself and

20 Not. Parl., iii. 149.
by members of her Privy Council, to draft such a State Paper as should satisfy the world that in all the proceedings which she had taken against her guilty kinsman law had been respected and justice done. The task required a tender hand. Though unable to save Essex's life, her Majesty was earnest to spare his name. How could she bear to tell the enemies of her country and her faith that one of her own blood had been in clandestine and criminal correspondence with the Pope? What she kept back on the trial she wished to keep back now. The dealings with O'Neile—the conferences in London—the attempt on Raleigh—the imprisonment of her ministers of state—the rising in the streets, with the bloodshed at Ludgate Hill—were enough to justify the sentence and execution. Bacon took her materials, and wove them into a tale so much more generous to the dead Earl than just to the living Queen, that the Declaration sounded to her ears like an explanation, almost an excuse, for the plot. It must be mended. Pen in hand, she weighed and slashed at Bacon's words; her Privy Council did the same, until the story acquired a new form and a new sense. She had him write out the whole afresh. When the Declaration, so changed, was put into type, she again sent for him. The style was too soft, the tone too lenient. "It is my Lord of Essex, my Lord of Essex," she cried, "on every page; you can't forget your old respect for the traitor; strike it out; make it Essex, or the late Earl of Essex." She printed the whole book anew. Yet, even when it was made thus sternly true and just by the Queen, the Declaration of the Practices and Treasons attempted and
committed by Robert late Earl of Essex and his Complicences, was perhaps the most gentle and moderate State Paper ever published in any kingdom. It was conceived in sorrow, not in anger. Not a word of insult, not a hint of accusation, beyond the needs of the case, disfigured it. The facts which no impartial judge could have pardoned were suppressed; and the whole Declaration was so mercifully worded, that it saved the memory of Essex from public execration, if it could not save it from public contempt, while it left the future open to his misguided followers and to his innocent son.\textsuperscript{21}

\textsuperscript{21} A Declaration of the Practices and Treasons attempted and committed by Robert late Earl of Essex, 1601; Bacon's Apologie, 1604.
Anthony's death, which took place in the very heat of the Devereux trials, left Bacon the house and gardens of Gorhambury, but scarcely a shilling or an acre beyond them; for his brother had spent not only his health but his estate in serving the Earl; and the Queen had cancelled his lien on Essex House for the debt of two thousand pounds. Essex died deep in Anthony Bacon's debt; the whole of which debt was ultimately his brother's loss. Some compensation her Majesty made to Francis Bacon by a grant of twelve hundred pounds out of Catesby's fine; yet his losses in mere money, through his own and his brother's connexion with the Earl of Essex, would have been for him a very considerable fortune.¹

His losses did not end with Essex's fall. The accession of James Stuart to the throne of Elizabeth brought a change of policy and of persons; for while James was yet King of Scots, he had been weak enough to imagine that every one who gave the Queen trouble was his friend; and on coming into the South, he found a childish pleasure in discarding the heroic men and in reversing the heroic principles of her reign. He took Essex's accom-

¹ Council Reg., Aug. 6, 1601; Birch, ii. 499.
plies under his protection, sent Lindsay as a secret agent to the Pope, and announced in Brussels and Madrid his desire to enter into a peace with Spain. Bacon rode north, the draft of a proclamation, worthy of Elizabeth, in his pocket, which he hoped his Majesty would sign; but James had already published his Basilicon Doron, and his ambassadors had pledged his word to the Spanish King. Bacon’s proclamation was set aside as too liberal, too conceding, too national. A man of weak nerve and small quick brain, fond of his joke and of his bottle, a friend of controversies and a stranger to religion, James could neither tolerate nor understand the passionate fervour of the realm for this foreign war. By war he saw that he might offend the Jesuits and the Spaniards, men who could put poison into his wine or sharpen against him an assassin’s knife. What were the Dutch to him, that he should offend for them the masters of a hundred legions and twenty secret fraternities? Why, the Dutch were in arms against lawful kings! England, it is true, had undertaken their defence, and, in league with Henri Quatre, had for many years past occupied their towns and commanded in their camps. But the treaties of Elizabeth, he said, were not his treaties, nor could he hold himself bound by the acts of a woman and a fool. But the desertion of a cause which every man between the four seas possessing high spirit and sound faith felt to be his own could not be the act of a day. A path must be prepared. The more eager spirits must be discountenanced or stunned, the great fighting-men must be crushed or bribed: among the former, Francis Bacon; among the latter, Walter
Raleigh: each of whom, at an audience of the new King, was received with killing civility, and then dismissed. Bacon, in one pregnant line, described the King to Northumberland as one who would ask counsel of the time passed, not of the time to come.²

The kinsmen, the companions, the retainers of Essex filled the court of the new King; Lady Rich and the Countess of Northumberland receiving high appointments near the Queen; the lover of Lady Rich being made Earl of Devonshire, Master of the Ordnance, and a Privy Councillor; the husband of Lady Northumberland being sworn of the Council, and enriched with the manor of Sion; Southampton being restored in blood and in estate; Sir Henry Danvers becoming a peer; and Rutland obtaining the reversion of a royal park. Robert Devereux, the son of Essex, was to be educated with the young prince, so as to continue the royal friendship into succeeding generations. If Cecil was to keep his place, he must make his peace with these ruling powers. Lord Henry Howard, who, while working with Cecil in his secret plans, had the wit to stand well with the Devereux people, arranged the terms of a league between the three houses of Cecil, Devereux, and Howard, to be afterwards cemented by a family alliance, on the basis of a mutual forgetfulness of past injuries, a mutual surrender of their present friends and enemies, and a vigorous support of the King’s foreign policy of peace. Raleigh and Cobham were to be sacrificed to Lady Rich; Grey was to be given up to Southampton; Watson and Clarke, two

² Harl. MSS. 532; Correspondence of King James with Sir Robert Cecil, 1601; Bacon to Northumberland, 1603.
secular priests, were to be hung as a boon to the Jesuits. A double marriage was to unite the Howards to the Cecils and Devereux. Lord Henry had himself no children, but his nephew, Lord Thomas Howard, whose wife, Lady Catherine, was Roberto il Diavolo's mistress, had two daughters growing up, Frances and Catherine, who, while yet mere children, were contracted by these political hucksters to Robert Devereux and William Cecil. The year of the new reign closed on the first triumphant act of this political comedy: Spain having been propitiated by the reception of her ambassadors; the Jesuits won by the execution of Watson and Clarke; Nottingham gained over by a Royal bride; Vere recalled from the fields made glorious by his arms; Raleigh, Grey, and Cobham lodged in the Tower; Bacon put aside with a knighthood, and his customary service of tongue and pen refused.

Under these changes of men and of ideas, Bacon became unpopular, as Raleigh became unpopular, in the Privy Council and the royal closet, among the Riches, the Howards, and the Percys; but not among the readers of his Essays, which were now reprinted; not among the freeholders of Ipswich and St. Albans, who were again proposing him as their member; not among those gentlemen who had in past times represented a majority of the English cities and shires. The court, but only the court, was closed to him. As he could not be idle, he turned with ardour to his earlier love, the Interpretation of Nature; and while Cecil and Howard were engaged in suborning witnesses to swear

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3 Grant Book of James I., 2, 3; Doquets, Nov. 13, 1604; Dom. Papers, vols. i.-iv., R. O.; Harl. MSS. 123.
away Raleigh's life, he was quietly conducting that survey of the state of human knowledge in all its branches which he meant as the starting-point and as a key or opening to his intellectual schemes. Yet while engaged upon his noble task, he was not indifferent to the gossip of pages and bedchambermen. Their tattle annoyed him; for his good name in the world, his access to the King, his advance at the bar, and his ascent into power, were essential to the success of his Great Reform. When stung by these insects, he laid aside, for a few hours, his Advancement of Learning, to compose and address to Montjoy, the one honourable gentleman whom a guilty passion for Lady Rich leagued with his traducers, 'The Apology of Sir Francis Bacon in certain imputations concerning the late Earl of Essex.' In the vast range of letters there is no piece of personal history more remarkable. Some persons affect to see baseness in the title: forgetting that in the language of Bacon's day an apology might be a defence of what was right, as well as an excuse for what was wrong; as in Jewell's 'Apology for the Church of England,' in Sir Philip Sydney's 'Apology for his uncle Robert Earl of Leicester,' and in King James's 'Apology for the Oath of Allegiance.' They do not seem to know that Essex had himself written an 'Apology' which he addressed to Anthony Bacon: though the publication of that 'Apology' was one of the offences charged against him on his trial. As a sequel to that paper, Francis Bacon wrote his 'Apology' addressed to Lord Montjoy. In this memorable composition there is a very
minute and interesting statement of facts; from the first line to the last there is not one word of excuse.⁴

Bacon addressed this explanation to Montjoy, as he told him, for three reasons:—first, because he had been Essex's friend, and would judge him strictly; next, because he had been his own friend, and would judge him justly; and, most of all, because he was versed in those high political and moral laws by which the conduct of public men must be tried. In a few bold lines he stated and illustrated the principle on which he himself acted through the melancholy course of the Essex plot:—"Every honest man," he said, "that hath his heart well planted will forsake his king rather than forsake his 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." And then he added: "My Lord, my defence is simple and brief. Whatever I did concerning that action and proceeding was done in my duty and service to the Queen and State, in which I could not show myself faint-hearted or weak-hearted for any man's sake living." With regard to Essex, his conscience was at rest. "For any action of mine towards him," he wrote, "there is nothing that passed me in my lifetime 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

⁴ The Essayes, 1604; Spedding's Preface to the De Augmentis, i. 418; The Apologie of Sir Francis Bacon, 6.
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 proper, 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 add; 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.”

The “reserve” of much that would have made for him included all that he had lost, and nearly all that he had done for Essex; yet he told enough; and the publication of his ‘Apology’ so far silenced his detractors that neither the sisters nor the friends of Essex ever again raised their voices against him. By one blow he slew the calumny. Coke himself, who afterwards accused him of ingratitude to Somerset and Buckingham, never dreamt of reviving these slanders of ingratitude to Essex.⁵

So soon as writs went out for a new Parliament his name was again brought forward at St. Albans as well as at Ipswich, and, though the Court weighed heavily against him, he was sent up to Westminster

⁵ The Apology of Sir Francis Bacon, 9.
by a double return. So soon as the Houses met he became again what he had been before in every session for twenty years. Some proposed him as Speaker of the House; a fact unknown to Lord Campbell; yet worth a word in reference to the report of his lying at that very moment under public ban. By ancient usage, the Crown appointed the Speaker to be chosen by the House. A leave to elect came down, with a particular recommendation; and, like a dean and chapter in the election of a bishop, the squires and burgesses were expected to adopt the royal choice. A time had come for trying what force remained in these feudal forms; some members thinking this leave to elect a Speaker should be taken in its open sense: that the House should choose its officers, causing these old pretensions of the Crown to cease. When, therefore, the Court proposed Sir Edward Phelips, a buzz and hum of opposition rose; why not elect a Speaker of their own—elect Sir Francis Hastings, Sir Henry Neville, or Sir Francis Bacon? Hastings was a Puritan, Neville an opponent of the Court. Bacon was neither a Puritan nor an enemy of the Court, as he differed from the Puritans on some of their principles, particularly on their intolerance for errors of faith, and supported the King against many of their most obstinate prejudices, particularly their repugnance to a union with the Scots. Yet the gentlemen who lived with him and served with him, who dined at the same tables, laughed over the same jests, and sat on the same committees, believed he might be played, in a good cause, even against the King.
These gentlemen had no suspicion that Sir Francis was a corrupt and obsequious rogue.

If the House of Commons, not strong enough to give battle to the Crown on such a field as the choice of Speaker, accepted the nomination of Phelips, it put Bacon forward as its man of confidence, electing him on the Standing Committee of Privileges, on the Committee of Grievances, of which he was named reporter, on the Committee for Conference on the Restraint of Speech, on the Committee for Union with Scotland; in all, on twenty-nine committees. All through this opening session of the new reign, Sir Francis spoke with a boldness, an ability, a frequency unrivalled in the House of Commons before his day or since. The topics were great and various: abuses in the taverns, the laws against witchcraft, the licence of purveyors, the election of members, the sin of adultery, the increase of drunkenness, the sale of Crown offices and lands; but still two topics stand out from the rest with almost solid brightness of historical outline. These were the Grievances and the Union.

On the first Bacon had the disadvantage of differing from the Crown; on the second from a majority of those country gentlemen with whom he usually spoke. James would not hear of the List of Grievances, nor would the burgesses vote his Bill of Union with the Scots, each side having its personal feeling and its narrow view. With a deeper wisdom and a larger patriotism, Bacon, while he saw with the King that these claims to suspend the penal laws, to

6 Com. Jour., i. 141; Bacon's Essays, No. 3; Bacon's Speech on the Naturalization of the Scots, State Trials, ii. 575.

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grant private monopolies, to command personal service, to sign away heiresses in marriage, to supply his kitchen from the poulterer's basket and his cellars from the vintner's store at his own price, were each founded in custom older in date than the oldest statute in the book, saw also with the complaining citizen or squire that the progress of manners had made these feudal claims disgusting as well as unjust, and his genius, at once conservative and innovating, sought the means for improving the old ways before improvement should be too late. But James was deaf. To take from him the right to reward a barber with a wine patent, to compel the young noble to hold his reins or feed his dogs, to match his favourites of the bedchamber with the daughters of English earls, to fetch in ale from Blackfriars and fish from Billingsgate wharf, to grant leave to his groom, or the darling of his groom, to vend pardons for rape and arson, burglary and murder, would, in his opinion, be to rob him of the most princely attributes of his high rank.  

Some among the Commons were no less weak than James. When they saw him break his word, turn his back on the List of Grievances, nip in the flower their hopes of a Church reform, begin a secret correspondence with the Cardinal Archduke and with the Pope, they set themselves to oppose his policy even in the few particulars on which his personal policy was just and sound. In a union with the Scots Bacon found a measure of defence against Spain,

7 Com. Jour., i. 142-253; Lords' Jour., ii. 206, 309.
while an angry squire saw in it only an opening for the rush into London of savages with red beards, bare legs, and scurvy tongues.

Waiving his own wrongs for the public good, Bacon drew for the King the draft of a Bill of Union, which he introduced into the House of Commons in a splendid speech, opening to the view a political scene, in which he pictured to the knight and squire the contending nationalities and hostile creeds of Europe, striving, by his persuasive eloquence, to lure them into pondering less on the ancient feud of Saxon and Scot, more on the permanent safety of the English faith and power. With all the lights of fancy, all the subtleties of logic, he met on one side the obstinacy of his colleagues, on the other side the perverseness of his prince. Each, however, held to his own. The Grievances were not heard at the Palace, the Bill of Union was not passed through the House of Commons.  

In the summer of 1603 we hear for the first time of Bacon being in love with the lady whom, three years later, he made his wife. Among those who had long served with him in the House of Commons was Benedict Barnham, member for Yarmouth, a merchant of Cheapside and alderman of his ward, who, dying in middle age, had left a widow, with four daughters and a handsome fortune. This young widow, Dorothy, daughter of Humphrey Smith, a silkman to Queen Elizabeth, had the beauty and the force of character by which women rise in the world, and she was bent

8 Abstract by Bacon of Objections in the House of Commons, April 25, 1604, R. O.; Speech on the Union, April 25, 1604, R. O.
on raising not herself only, but all who belonged to her. She had begun with marrying money. She was next to marry rank. Of the four husbands whom she in turn made the happiest and most miserable of men, each overtopped the one who had gone before him; having already changed her alderman for a knight, she was next to wed a Viscount, and on her third husband’s death an Earl. When Benedict Barnham left her for a better world, Sir John Pakington, of Hampton Lovet, ancestor of that Worcestershire baronet who is said to have sat to Addison for the portrait of Sir Roger de Coverley, proffered to console her with his hearty affection and his good old name. The widow was not perverse. If she wept for the alderman of Cheapside, it was in a coach emblazoned with the mullets and wheatsheafs, and with a handsome and jovial knight at her side.  

Sir John, a gentleman proud of his long line, his broad lands, his length of leg and width of chest, had been known at Christ Church and on Richmond-Green as Lusty Pakington; and the old Queen, who liked to see a man a Man, had made him, for his brave looks, a Knight of the Bath. Few who could help it waited the shock of his hasty temper or his vigorous thrust. The great man of his country side, he would send his buck to the judge’s table, and have his name put first on every commission from the Crown, whether

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9 Bacon to Cecil, July 3, 1603; Notes on the Pakington Family in Wotton’s Baronetage, ed. by Kimber and Johnson, i. 180. Wotton’s account was derived from a MS. History of Sir John Pakington written by the Rev. Mr. Tomkins, a Prebendary of Worcester, preserved in Wotton’s time at Westwood Park. The MS. is now lost.
the shire were called upon to raise forces against Spain, build lighthouses in the Bristol Channel, or provide for the wants of sick and disabled troops; but when orders from the Crown opposed his own particular humour, as they sometimes would, he put them in the fire. The Privy Council had to be plain and rough with the jovial knight. Once he laid a wager to swim against three stout gallants from Westminster to London-bridge; but the Queen had forbad the match, lest some of the fools should get drowned. Having a passion for building and digging, he bought a whole forest of trees for his salt-pits and for the great house which he was raising at Westwood Park, and sank a farm of a hundred acres under water that he might have room to swim and fish. Debt, which could not force him into meanness, lured him, at the age of fifty, into love. Maddened by duns, he swore to be free of such rogues, even if he had to give up London, and live on bread and verjuice; and the news that Sir John was going to forsake the town, to sell horses and dogs, and, for the time to come, live on his own estate, shoot in the woods round Hampton Lovet, and stick to the Worcester sessions, having got wing, sixty stout gentlemen and yeomen of the shire, his friends and tenants, seated in their own saddles, pricked up to London, and waited for him at the palace-gates while he went in to bid the Queen adieu. Sorry to miss so fine a gentleman from her court, Elizabeth gave him an estate in Suffolk, worth eight or nine hundred pounds a year, of traitor’s land. Off he spurred to take possession; but, on
gaining the door of his new house, he found there a mourning lady, surrounded by a group of children in despair. In place of kicking them out into the street, he ran away himself, nor ever rested in his bed until he got the Queen to take back her gift and bestow it on the weeping lady and her little brood. When a friend from the city whispered in his ear the name of widow Barnham, the great affectionate fellow, wanting to dig and build, and having no objection to four pretty girls to romp with him and love him, as they were sure to do, dashed into Cheapside, told his tale, and the young widow, wooed for the second time in her life, did not say Nay.¹⁰

A race of rosy Pakingtons joined the race of Barnham. The daughters of Benedict were Elizabeth, Alice, Dorothy, and Bridget, for all of whom, as for herself, Lady Pakington was ambitious of rich or noble husbands, and in the end she had her will: Elizabeth marrying Sir Mervin Tuchet, a son of Baron Audley; Alice, Francis Bacon, Viscount St. Albans; Dorothy, Sir John Constable; Bridget, Sir William Soame; through whose descendants, the Audleys, Pelham-Andersons, and Soames, the blood of Dorothy Smith flows in the veins of half the English peerage. By Sir John Pakington she had a

¹⁰ Council Reg., Aug. 24, 1600, June 6, Oct. 13, 1601; Wotton, i. 180; The Camden Society’s Miscellany, iv. 50. There is a portrait of Sir John at Westwood Park. My impressions of him are mainly derived from a multitude of private papers preserved at Westwood, free access to which I owe to the obliging courtesies of the Right Hon. Sir John Pakington, Bart., his descendant and successor.
second family, two girls and one boy: Anne, Mary, and John; all of whom rose in the world: Anne becoming first Lady Ferrars, then Countess of Chesterfield, and, through her son, Alexander Stanhope, father of James Stanhope, first Lord Mahon, ancestress of the present Earl Stanhope, the historian; Mary marrying Sir Robert Brook of Nockton, in the county of Suffolk; John living to become the first baronet of his line. His son, also John, was the famous cavalier, who married Lady Dorothy Coventry, one of the reputed authors of 'The Whole Duty of Man.'

The Barnhams and Pakingtons kept house together; in summer-time at Hampton Lovet, among the oaks and apple-trees; in term and sessions, when the world rode up to town, they hired a lodging in the Strand, over against the door of the Savoy church. Their home was in Worcestershire: a big stone house, in a wooded dell, close by Hampton-brook, and at the foot of Hornsgrove-hill: a pile with flanking wings, an open court in front, and five huge lanterns on the roof, from which nothing could be seen save the square plain tower of the village church, the clasping zone of wood, and now and then a curl of ascending smoke from the Droitwich salt-panes. Near a mile from Hampton Lovet lie the ruins of an ancient abbey, which may have been the scene of Sir Roger's ghost. A chain of ponds, alive with fish and fed by natural springs, drips past the ruin, and beyond these slants a bright green grassy upland, bare of wood, from the top of which, a level

11 Douglas's Peerage of Scotland, ii. 17; Wotton's Baronetage, i. 180, ii. 481.
table-land, the eye sweeps lovingly over wood and water, hill, hamlet, and orchard; near it the village spires of Ombersley and Hampton; far away the cathedral towers of Worcester; in the distance, over leagues of country, powdered in May with the pink and white of innumerable apple-trees, the bold purple ridge of the Malvern hills. On this plateau, high above the low-lying woods, Sir John, before Bacon went a-courting into his family, had begun to build a house and dig a lake: a house of rough red brick, with a grand hall and a state-room above it, panelled, carved, and tapestried: a house like himself, thoroughly genuine and English, in which he was to die, and in which his descendants were to live. His new lake, close by his house, was the wonder and bugbear of the shire.  

Between the ambitious mother and the burly knight, the course of Bacon's love had no hope of running smooth. Lady Pakington, in her upward flight, adored great people; thinking more of Sir Francis Bacon as a friend and favourite of the Lord Chancellor, than she would have thought of him had he already published the Great Instauration. Lady Egerton condescended to keep her in good humour while the man of genius waited and laboured for a better time.

He had still to wait, even for that rise in his profession which was incontestably his due. On the death of his brother-in-law, Sir William Peryam,  

I derive these details from the Westwood MSS., the stained glasses of Hampton Lovet church, and personal inspection of the localities, with the valuable aid of Sir John and Lady Pakington.
Chief Baron of the Exchequer, Fleming was raised to the bench. Yet the Solicitorship, vacant once again, was given over his head to Sir John Doderidge, serjeant of the Coif. 13

Bacon sought consolation in nobler work than the passing duties of a crown lawyer, in composing the two books of his 'Advancement of Learning,' until time and events should weaken that Devereux faction which held Raleigh in the Tower, and confined his own activity to Coney Court. If the chiefs of that faction were softened by grants of honours and estates, the obscure Roman Catholic conspirators who had followed Essex into the city, and who had been saved by Bacon from the gallows, finding their state under the new reign worse than under the old, began to murmur and conspire. Having been told by Howard that their future King would be one of themselves, when they found that he was in truth more episcopalian than Bancroft or Neile, their rage and disappointment knew no bounds. Under Elizabeth they had nursed the pleasures of hope, for a Queen of seventy could not plague them long; but the King was only thirty-nine, and might live to be a hundred. Elizabeth, an open enemy, they could forgive; but what law required them to forgive a deceitful friend? In a mood inspired by fanaticism and revenge, Catesby, Winter, and the two Wrights, with Thomas Percy, a kinsman and steward of Northumberland, entered into a plot to destroy at one blow the prince who had betrayed them, together with the Queen, the Prince, the peers, judges, privy councillors,

13 Bacon to Egerton, in Tanner MSS. 251, fol. 38 b; Doquets, Aug. 18. Oct. 28, 1604, R. O.
knights, and burgesses of Parliament. Had they succeeded, Bacon would have fallen, and his Great Reform of the Sciences would have been lost to the world. Northumberland, angry with a government by which his merits were overlooked, was compromised in the plot, though Cecil was either unable or unwilling to touch his life. For his name was used, his money spent by the conspirators: one of his servants hired the vault, and procured the lease of Vineyard House. Thomas Percy supped with him on the very night of the plot. There was more than suspicion. Sir Dudley Carleton, the servant through whom Vineyard House was hired, was cast into the Tower; and the Earl himself received orders from the Privy Council to keep his house.  

A brief reference in the charge against William Talbot, and a phrase dropped here and there in the Essays, have told the world what Bacon thought of the Powder Plot. It has not been known that he had any part in repressing this foul conspiracy. A few slight facts are found in an unpublished letter from Bacon to Cecil.

The crime of Essex, the patronage of his companions, bore their fruit in the Westminster mine. It was the 8th of November, four days after the strange discovery made by Lord Monteagle: Fawkes was in the Tower, Catesby, Percy, Christopher and John Wright, were riding through the midland shires; the fight was not yet over; and the citizens kept watch and ward lest, maddened by

14 Harl. MSS. 589, fol. 111; Powder Plot Book, 219, 220; Dom. Papers of James, xviii. 117, R. O.
defeat, some desperate villain should commit midnight murder or scatter midnight fire.

John Drake, serving-man to Reynolds, a gentleman living in Holborn, heard a fellow named Beard declare that the plot was a brave plot, and that he for one regretted its failure. Drake ran to his master, and Reynolds repeated to the Principal of Staple Inn the suspicious words his servant had overheard. The Principal saw that here was no case for a city Dogberry to inspect: Beard must be a Papist, might be a plotter; so away he posted, with the ancients of his Inn, to Bacon's rooms in Coney Court. The words were bad, but general—might mean little, might mean much. The knave should certainly be caught and questioned. Bacon sent the examination of Drake to Cecil:

"I send an examination of one who was brought to me by the Principal and Ancients of Staple Inn, touching the words of one Beard, suspected for a Papist and practiser,—being general words, but bad, and I thought not good to neglect anything at such a time."\(^\text{15}\)

Even the plot of Fawkes, though its success would have been death to him, as to so many more, did not sour Bacon into a persecutor. He classed their crime with the massacres of Paris; but while the bigots found in these monstrous aberrations a plea for hanging and embowelling Roman Catholics who had taken no part in them, he found, as wise and tolerant men see in them now after a lapse of two

\(^{15}\) Bacon to Cecil, Nov. 8, 1605, R. O. (printed in 'Personal History,' 143); Examination of John Drake, Nov. 8, 1605, R. O.
hundred and sixty years, an argument against arming any one sect of men with the persecutor's sword. The traitors he gave up to the law, as he had given up Essex, their first seducer. The heretic was to him no worse than a brother who had lost his way. In the noblest and most original of his Essays, penned in the prime of his intellectual powers, he explains and defends this principle of toleration; but the doctrine of his book had been previously exercised as a virtue in his life. The lapse of Tobie Mathews from the English Church to Rome put his tolerant philosophy to the proof. Born on the steps of the episcopal bench, his grandfather a bishop, his father a bishop, four of his uncles bishops, all his connexions in the Church, this young man, when he fell from his religion, made a noise in England loud as the apostacy of Spalatro made in Rome. The Puritans would have cut off Mathews branch and bole. When he came from Italy to London, having given up his old delights—cards, wenches, wine, and oaths—some who were not saints would have flung him into the Tower and left him there to die, as Spalatro, venturing into Rome, was sent to perish in the dungeons of St. Angelo. James was bitterly incensed against him, looking on his fall as that of a column of his church; his father drove him from his heart with a curse; yet, when his whole kin spat on him and cast him forth, Bacon took the outcast and regenerate man to his house. If he fought against his friend's new doctrines, he never would consent, with the less tolerant world, to hunt him down for a change in his speculative views, which every eye could see had made him a better and a happier man.
The philosopher might not be always able, by any sacrifice of name and credit, to shield the enthusiast from the rage of sects, but he comforted him when in jail, procured leave for him to return from exile, softened towards him the heart of his father, and obtained for him indulgences which probably saved his life.\footnote{Mathews to Carleton, July, 1606, R. O.; Ap. to Sainsbury's Original Papers relating to Rubens, 341, 343; Bacon's Essays, ed. of 1625, No. 3; Mathews to Bacon, April 14, July 16, 1616; Lambeth MSS. 936 (printed in the Personal History, 143).}

In the session which met after the Gunpowder Plot, Bacon played an active and brilliant part. The whole world had come to town: some to see that the King was safe, many to see the traitors hang. Among others, Sir John and Lady Pakington, with the young ladies from Westwood Park.

Leaving behind him for a few weeks his brine-pits, his great pool, his herds of deer, his new house in the wood, his petty squabbles with the neighbouring squires, Sir John penned himself and the young ladies in a lodging of the Strand, not only to see the opening of Parliament and hear the news, but to fight his way through two or three ugly scrapes. In digging his huge pond in Westwood Park, he had put under water some part of an old road, never doubting his power to do what he saw good on his own estate; the more so that he had given a turn to the road more convenient for himself and for every one else. A neighbour, having procured from the Crown an order to remove the pond and restore the King's highway, sent news to Westwood, saying, with a politeness which the hot old
gentleman read for insult, that, though he had such an order, he should not use it if the knight would be good enough to live with him on friendly terms. Scorning to owe his pleasures to such a fellow, Sir John broke down his banks, and, the pool lying high, the waters raced and crashed through the orchards, strewing the fields with fish for a mile or more, and discolouring the Severn as far off as Worcester for a week. Having let out his pool, he came up to London ready to answer for himself.

A yet more serious quarrel with Lord Zouch helped to bring him up. As President of the Council of Wales and the Welsh Marches, Lord Zouch had for a long time claimed a certain jurisdiction over the four border counties of Gloucester, Hereford, Salop, and Worcester; a claim which the shires denied and resisted with loud speeches from the gentry, met by threats of force on the part of Zouch, tumultuous riding, signing, and protesting, ending for a time in solemn appeals from the four shires to the House of Commons, and from the angry Council of Wales to the King. Sir Herbert Crofts, knight of the shire for Hereford, had the cause against Lord Zouch in hand. Sir John, the sheriff of Worcester, seconded his case; for Lord Zouch not only claimed a certain authority in the county, but showed no sense of the respect due, even from a peer, to so great a man as Sir John.17

Alice was now in the Strand, near her lover, whom she might spy as he trotted from Gray’s Inn to West-

17 Carleton to Chamberlain, May 11, 1600, R. O.; Wotton, i. 184; Heath’s Preface to Bacon’s Speech on the Jurisdiction of the Marches, vii. 569; Dom. Papers James I., x. 86.
minister, or lounged from the House towards Chancery- lane. Bacon saw many a rock ahead. He was still a simple knight, with no higher office than that which he had held for a dozen years; he had, besides, the misery of differing from Sir John on the great question of Lord Zouch and the shires.  

Yet his day of power and riches was much nearer than it may have seemed to Alice. He fought for himself, and events favoured him; that survey of human knowledge, to which he turned when deprived of his usual work, was completed in his 'Advancement of Learning,' published to the world, and dedicated to the King; a book which, failing in its first purpose, of winning over James as a convert to the new science of nature, succeeded in convincing him of the extraordinary depth and mastery of the writer. Too old to go to school at the age of thirty-nine, too vain of his skill to be persuaded of the worthlessness of dialectics, the King had still wit enough to see that a mind of such practical force would be well employed in his legal affairs. Since Percy's flight, the Devereux faction had gone to pieces: Lady Rich and Lady Northumberland being both banished from the court. Montjoy, to gain the sanction of Holy Church for his love, procured a divorce from Rich; and his chaplain, William Laud, made lover and mistress man and wife—an uncanonical marriage, which proved fatal to Montjoy, and all but fatal to Laud. Montjoy soon died of a broken heart; and the woman whom he

18 Com. Jour., i. 286, 299; App. to the Verney Papers, ed. by John Bruce, 281.
loved so madly passed for ever from the public sight. Northumberland, too, was on the brink of ruin; his Countess being in disgrace, and he himself on the eve of being cited into the Star Chamber, vilified by Coke, and flung into the Tower. Rutland and Southampton were not received at Court, and the Devereux party was represented by a child. Of what use was such a party in the House of Commons? On the day when Parliament met in Westminster, Bacon was master, and Cecil had to beg his aid in governing the country. Coke sneered, as he had done for a dozen years, at his youth, his inexperience, his scientific ideas; but the time had come when Bacon could make his terms; and as he would not serve under Coke, he insisted on the Attorney going up to the bench. To this Coke objected; his gains as Attorney, and his practice at the bar, being far beyond anything he could hope to receive as a judge. Bacon wrote to him:

"Mr. Attorney, I thought best, once for all, to let you know in all plainness what I find of you, and what you shall find of me. You take to yourself a liberty to disgrace and disable my law, my experience, my discretion. What it pleaseth you I pray think of me; I am one that knows both mine own wants and other men's; and it may be, perchance, that mine mend, others stand at a stay. And surely I may not endure in public place to be wronged, without repelling the same to my best advantage to right myself. You are great, and therefore have the more enviers, which would be glad to have you paid at another's cost. Since the time I missed the Solicitor's place, the
rather I think by your means, I cannot expect that you and I shall ever serve as Attorney and Solicitor together; but either to serve with another, upon your remove, or to step into some other course; so as I am more free than ever I was from any occasion of unworthy conforming myself to you more than general good manners or your particular good usage shall provoke; and, if you had not been shortsighted in your own fortune, as I think, you might have had more use of me; but that tide is passed. I write not this to show my friends what a brave letter I have written to Mr. Attorney; I have none of those humours, but that I have written is to a good end; that is, to the more decent carriage of my master's service, and to our particular understanding one of another. This letter, if it shall be answered by you in deed and not in word, I suppose it will not be worse for us both; else it is but a few lines lost.  

As the day drew nigh for raising a debate on the settlement for the new reign, Cecil felt how much he required a ready tongue and a commanding person in the Lower House, and Bacon, on his side, was ready, as he had always been, to assist the Crown in obtaining an ample grant. On this point his opinions were strong and well known: his first vote in the House of Commons was for supplies; and his last speech and vote, after thirty-one years of active parliamentary life, were to be for supplies. With no fear of the controversial power of Rome, he felt a very wholesome dread of the fleets

19 The Two Books of Sir Francis Bacon, Of the Proficience and Advancement of Learning, 1605; Montagu, xvi. part i. cxliii.
and regiments of Spain; and while those tracts by which Parsons, Schiappius, and Bellarmino stung the sleep from so many pillows passed him by, he could not hear unmoved of the same Paul who had launched an interdict on Venice forming a Roman Catholic League against England; of those O'Neiles and O'Donnels who had been driven out from Ireland by Montjoy hurrying home from Brussels and Madrid; of rebels drilling in the wilds of Connaught and Ulster; of Fajardo manning his ships in Cadiz bay, and Brochero proffering his red hand to brush away the infant homesteads of Virginia with steel and flame. Willing to meet the men of words with words, he was no less eager to meet the men of war with steel and lead, the midnight assassin with the chain, the gibbet, and the cord. Now, to starve the Crown was to leave England weak. True, the Prince was lax, and moneys voted for the musters and the fleets might chance to drop into the pouches of Hume and Carr: yet of two dark evils he chose to face the least; seeing that to pare down the subsidies, as many virtuous and unreasoning squires proposed, was to subject James and his servants to the magnificent corruptions of Lerma, the minister of Spain, already suspected, and with truth, of taking the chief men of the Privy Council and the Bedchamber into his pay. Better own the King's debts than let Lerma pay them. Therefore, while Bacon was ready to speak with Hastings and Hyde against patents, wardships, private monopolies, the whole tag-rag of feudal privilege, he was ready to help the Prime Minister in obtaining such supplies as were necessary to maintain the splendour of the Crown and the efficiency
of the musters and the fleet. Cecil took him at his word, and Bacon drafted for him the preamble of a bill.\textsuperscript{20}

After warm debates in the Lower House a bill was sent up to the throne for two subsidies and four fifteenths, payable in eighteen months. It was not enough. Hitcham, member for Lyme, a patriotic fighting town on the Dorset coast, proposed in committee a second grant of two subsidies, four in all. A dozen members rose at once to resist a war-tax in a time of peace. Peake said he would hear no more about the royal debts. Holt declared the proposition of Hitcham dangerous. Paddye would tell the King that even kings must not do wrong. Noydeclaimed against spoiling the poor to gorge the rich. Dyer and Holcroft hinted that more than once demands like these had been met by the cry, To arms! But the warmest speaker was Lawrence Hyde of West Hatch, member for Marlborough. Courtiers shrank from the unequal contest. Sir Edward Hoby, an observant politician, friendly to his kinsman Cecil and the court, noted how poor a figure the King's official friends made in that masculine and stormy House.\textsuperscript{21}

Bacon now came to the front. In the midst of a noisy sitting of the committee, word came down from Whitehall that James would not wait—that the bill must be passed, or the undutiful members should feel his ire. Such words—now frequent—made the King

\textsuperscript{20} Bacon to Cecil, Feb. 10, 1606, R. O. (printed in the 'Personal History,' 149, 150).

\textsuperscript{21} Hoby to Edmonds, Mar. 7, 1606; Cecil to Earl of Mar, Mar. 9, 1606, R. O.; Com. Jour., i. 281-84.
odious and contemptible. A storm set in; the members flung back threat for threat; the bill was lost.

This scene took place on Tuesday. On Thursday the committee met again; the King had not accepted his defeat, nor would the Commons enlarge their vote. Saturday brought no change of mood. On Monday the committee must report to the House; and Bacon, who had been named reporter, would have to report against his own convictions of what was best for the country and for the Crown. He saw the committee sullen, almost savage. Monday would be the anniversary of the King's accession, yet no one rose to propose a holiday. Fagged with work, he must ride down to Gorhambury for a day of rest; but, wishing his cousin to know that he was not flying from his post, he took up his pen and wrote: "I purpose upon promise rather than business to make a step to my house in the country this afternoon, which, because your Lordship may hear otherwise, and thereupon conceive any doubt of my return to the pursuance of the King's business, I thought it concerned me to give your Lordship an account that I purpose (if I live) to be there tomorrow in the evening, and so to report the subsidy on Monday morning; which, though it be a day of triumph, yet I hear of no adjournment, and therefore the House must sit. . . . I doubt not the success, if those attend that should."

An hour after this note was penned a rumour rose, no one knew how, that the King was dead. Some said he had been shot, some stabbed, some smothered in his bed. No one asked where the King was; all
agreed that he had been killed. Members rushed to the council, to the city; but the ministers, the aldermen, knew as little as themselves. Some spurred for Theobalds, some for Royston. London yielded itself to the wildest terrors. Hundreds of men concerned in the Powder Plot were still at large. Garnet was still unhung; the priests were sworn to have blood for blood; the Jesuits, it was said, threatened to burn London to ashes, to massacre all the Protestants, should that shining example of Christian virtue come to harm. Citizens barred their doors, and swung on their Toledo blades. The bloodshed of the Essex rising might be renewed, with no Elizabeth at Whitehall, no Raleigh at Charing Cross.

A horseman, Sir Herbert Crofts, dashed into Palace Yard. He had seen the King! The King was safe, and near the town. Fear now mutinied into joy. Bells laughed over London roofs, and crowds rode out in procession to meet their Prince. If he was safe, the realm was safe. The Peers and Commons went to Whitehall. Ben Jonson burst into music. As night came down on the tumultuous city, the streets started out with fire, and the taverns of Fleet-street and Cheapside roared with patriotic songs. 22

Sunday and Monday passed in rejoicings and receipts. Tuesday brought up Bacon. He had not, he told the House of Commons, drawn up a word-for-word report from the committee, for his soul was shaken with too much fear and joy. What, he cried, were a few debts to the exultation then straining

22 Bacon to Cecil, Mar. 22, 1606, R. O.; Com. Jour., i. 288; Jonson's Epigrams, 41; A Proclamation touching a Seditious Rumour, Mar. 22, 1606.
every loyal heart? These debts were less the King's than the late Queen's. England had made war, and England must repair the ravages of war. Reparation costs money. The Crown debts, too, must be paid in full, next year if not this year; and why prefer a vote one session to a vote another session? The House could name its time; but he said, Vote today! In that rapturous and sacred moment, when a great alarm pressed heart to heart, making the whole nation one, he called on the gentlemen of England to crown their own happy work by voting the subsidies necessary to support the power of the country, the independence of the Crown.

His eloquence bore away the House. Hyde fronted the stream; but the tide now turned towards Whitehall, and he strove against genius and enthusiasm, if manfully, yet in vain. A bill for another subsidy passed.23

In the flush of this triumph, with his fame as the orator of the new reign fixed, and with a great place, won by himself, not tossed to him by a patron, within reach of his hand (not, as Lord Campbell says, when he was poor and down in the summer of the Queen's death), he begged the lady of his love to name her day. Three years ago they had been pledged to each other; he could have made her Lady Bacon then, or at any time since then; but he hoped to bring to his bride a more settled fortune and a more illustrious name. He was no longer poor. Besides the grants bestowed upon him by Elizabeth—the reversion in the Star Chamber (not yet fallen in),

23 Com. Jour., i. 286, 299; Cecil to Wotton, Mar. 19, June 18, 1606, R. O.; Statutes 3 Jacobi, c. 26.
the leases of Cheltenham and Charlton Kings, of Zelwood Forest and Twickenham Park—Anthony’s death had given him the manor of Gorhambury, where he now lived when not at Gray’s Inn; and, more than all, the patent of Solicitor-General might be sealed to him any week; a post of three or four thousand pounds a-year, with openings to higher office and greater pay, to the Privy Council, the Peerage, and the Seals. He was rich, too, in genius, in literary and philosophical renown, and in noble friends. If Cecil, though he could not manage the House of Commons without his aid, hung back from him in fear of the Devereux party, his noble friend the Lord Chancellor pushed his fortunes at the bar and with the King, while Lady Ellesmere, on her part, smoothed his suit with the young beauty and with her domineering kin. Sir John was in high spirits. True, the bill to exempt the four shires from Lord Zouch’s jurisdiction had been dropped by the House of Lords; but the King assured Sir Herbert Crofts with his own lips that right should be done; and the loyal country gentleman believed that when a prince promised to do right he would of course maintain his word.

The day was named; the tenth of May.

By help of Sir Dudley Carleton we may look upon the pleasant scene, upon the pretty bride, the jovial knight, the romping girls, and the merry company, as through a glass. Feathers and lace lighted up the rooms in the Strand. Cecil was invited to come over

24 Bacon to Egerton, Tanner MSS. 251, fol. 38 b; Rawley’s Resuscitatio, 41; Domestic Papers, James I., xix. 33; Heath’s Preface, Bacon’s Works, vii. 576.
from Salisbury House and taste the feast; but the hunchback Earl would not cross the street. Three of his gentlemen, Sir Walter Cope, Sir Baptist Hicks, and Sir Hugh Beeston, hard drinkers and men about town, strutted over in his stead, flaunting in their swords and plumes; yet the prodigal bridegroom, sumptuous in his tastes as in his genius, clad in a suit of Genoese velvet, purple from cap to shoe, outbraved them all. The bride was richly dight; her whole dowry, as her guests observed, seeming to be piled on her in cloth of silver and ornaments of gold. The wedding rite was performed at St. Marylebone chapel, two miles from the Strand, among the lanes and suburbs winding towards the foot of Hampstead Hill. Who that is blessed with sympathy or poetry cannot see how that glad and shining party rode to the rural church on that sunny tenth of May? how the girls would laugh and Sir John would joke, as they wound through lanes then white with thorn and the bloom of pears; how the bridesmaids scattered rosemary and the groomsmen struggled for the kiss? Who cannot imagine that dinner in the Strand, though Salisbury would not come over to Sir John's lodging to kiss the bride? We know that the wit must have been good, for Bacon was there; we may trust Sir John for the quality of his wine. Alice brought to her husband two hundred and twenty pounds a-year, with a further claim, on her mother's death, of one hundred and forty pounds a-year. As Lady Pakington long outlived Bacon, that increase never came into his hands. Two hundred and twenty pounds a-year was his wife's whole fortune. What was not spent in lace and satins for her bridal dress,
he allowed her to invest for her separate use. From
his own estate he settled on her five hundred pounds
a-year. How can such a marriage be called, on
Bacon’s side, a mercenary match? 25

A slight more galling than the absence of Roberto
il Diavolo from the feast awaited the close of Bacon’s
honeymoon. Only a few days after his marriage
to Alice, Sir Francis Gawdy of the Common Pleas,
stricken with apoplexy, was removed from his cham-
ers at Serjeant’s Inn to Easton Hall, where he
soon after died. Coke going up to the bench, Doder-
ridge ought to have followed Coke, leaving the post
of Solicitor void. But the usual order of promo-
tion at the bar was set aside; Sir Henry Hobart, an
obscure Attorney of the Court of Wards, being raised
over Doderidge’s head, to the high place of Attorney-
General. Bacon complained to Ellesmere and Cecil
of the insult even more than of the wrong; and the
Lord Chancellor, seeing the error of alienating the
most powerful man in the House of Commons, pro-
posed to heal the wound by asking Sir John Doder-
ridge to yield his patent to Bacon, taking in exchange
the place of King’s Serjeant, with a promise of the
first seat that should fall vacant in the King’s Bench.
To this plan of Ellesmere’s Doderidge and Cecil both
objected. 26

But Bacon could compel the Government to recol-
lect his worth. When Parliament met in November

25 Carleton to Chamberlain, May 11, 1606, R. O.; Bacon’s
Will, December 19, 1624; Spedding’s Bacon, i. 8.
181; Montagu, v. 297; Council Reg., Oct. 14, 1606.
he stood aside. The Government brought in a Bill of Union: the King had chosen his Attorney, let the new Attorney fight the King's battle. The adversaries to be met were bold and many, for during the recess Cecil had imposed on the country a Book of Rates, pretending that taxes might be lawfully laid in the King's ports at the King's pleasure. John Bates, a merchant trading with Venice, for resisting a tax unsanctioned by the House of Commons, had been condemned by Sir Thomas Fleming in the Court of Exchequer; but from every port into which ships could float had come in protests against Fleming's reading of the law. Beyond the Tweed, too, people were mutinous to the point of war; for the countrymen of Andrew Melville had begun to suspect the King of a design against the Kirk, and Melville himself, lured by a false pretence from St. Andrew's to London, had been provoked into an indiscretion, and clapped in the Tower.

Under such crosses, the Bill on Union fared but ill in the House of Commons. Fuller flew at the Scots. The Scots in London were in the highest degree unpopular. Lax in morals and in taste, they would take the highest place at table, they would drink out of anybody's can, they would kiss the hostess or her buxom maid without saying "By your leave." Brawls fretted the taverns which they haunted; pasquins hissed against them from the stage. The poor King told Popham to pillory the rogues who beat his countrymen; and three great poets, Jonson, Chapman, and Marston, were sent to
jail for a harmless jest against the Scots. Such acts of rigour made the name of Union hateful to the public ear.

Hobart went to the wall. The Court soon found that the battle is not to the weak nor the race to the slow. Bacon had only to hold his tongue and make his terms. Alarmed lest the Bill of Union should be rejected by an overwhelming vote, Cecil suddenly adjourned the House. He must get strength. The plan proposed by Ellesmere for making Doderidge a King's Serjeant, Bacon the Solicitor-General, was revived by the Privy Council; and pressed on all sides, here by the Lord Chancellor, there by a mutinous House of Commons, Cecil yielded at length to his cousin's claim; Doderidge taking his coif and his promise; and Bacon, when Parliament met again after the Christmas holidays, holding in his pocket a written engagement for the Solicitor's place.

The Bill of Union, drawn by Ellesmere, supported by Bacon, consisted of four parts: hostile laws, border laws, laws of commerce, laws of navigation: three of which parts presented no difficulties to the House of Commons. Statutes which forbad a Scot to pass the Tweed, which filled the dales of Ettrick and Yarrow with feud and slaughter, which prohibited the sale of English wool in Scotland and of Scottish furs in England, found no advocates. All the old barbarous laws were at once annulled. But the knights and burgesses resisted the King's

27 Carleton to Chamberlain, Dec. 18, 1606, R. O.; Foster to Mathews, Feb. 16, 1607, R. O.; Com. Jour., i. 314, 333; Lane's Reports in the Court of Exchequer, 22, 31; M'Crie's Life of Melville, ii. 234.
design of naturalizing the whole Scottish population.

Nicholas Fuller reopened the debate. A union of these two countries, said the uncivil member for London, would be a marriage of the rich with the poor, the strong with the weak. With the pardonable pride of a London burgess he pointed to the arts, the industry, and wealth of England, to its orchards swelling with fruit, its pastures fat with kine, its waters white with sails, to its thriving people, abundant agriculture, inexhaustible fisheries, woods, and mines. With all these riches he contrasted a land of crags and storms, peopled by a race of men rude as their climate, poor in resources and in genius, a nation with pedlars for merchants, and two or three rotten hoys for a fleet. Such countries, he contended, were best apart. What man in his senses, having two estates divided by a hedge, one fruitful, one waste, would break down his fence and let the cattle stray from the waste into garden and corn-field? Would any one mingle two swarms of bees? why then two hostile swarms of men? England was bare as the land round Bethel; so that nature and God called out to separate the nations, as Lot chose the left hand, Abraham the right. He denied that the King's accession had changed the relations of the Saxon to the Scot; and he sat down with demanding whether, if Mary had borne a son to Philip, that son being heir to his father's crowns, an English Parliament would have naturalized the people of Sicily and Spain?

23 Com. Jour., i. 333-337; Lords' Jour., ii. 469, 472; Statutes, 4 Jac. c. 1.
Bacon, rising to reply, began with that shower of images and illustrations which his experience told him was never lost on a learned and poetical House. He begged his hearers to forget all private feuds, to raise their minds to questions of the highest state; not as merchants, dealing with mean affairs, but as judges and kings charged with the weal of empires. Glancing in scorn at Fuller, he passed with his light laugh the moral of that tale of Abraham and Lot, a parting cursed with a cruel war and a long captivity, to his illustration of the fence. The King, said Bacon, threw down the fence when he crossed the Tweed; yet the flock of Scots had not yet followed through the rent. Proud and lavish, doting on dress and show, the Scottish gentleman would rather starve at home than betray his poverty abroad. The Roman commons fought for the right to name Plebeian consuls, and, when they had won the right, they voted for Patricians: so with the Scots: they claimed the privilege of coming into England; yield the right, and they would not come. It was said the land was full. London, he granted, was thronged and swollen: not the open downs and plains. France counted more people to the mile. Flanders, Italy, Germany, exceeded us in population. Were there no English towns decayed? Were there no ancient cities heaps of stones? Why, marsh grew on the pasture, pasture on the plough-land. Wastes increased; the soil cried loud for hands to sow the corn and reap the harvest. But this bill for naturalizing the Scots stood on higher ground. A people warlike as the Romans and as ourselves, a race of men who, like wild horses, are hard to control because lusty with blood and youth,
offered to be one people with us, friends in the day of peace, allies in the day of strife. Take from the Scots this brand of aliens, and they would stand by our side, bulwarks and defenders against the world. Should you shut them out from England, treating them as strangers and enemies, they might prove to you what the Pisans proved to Florence, the Latins to Rome. In our ancient wars the invader found the gates of our kingdom open. France could enter through Scotland, Spain through Ireland. Passing this bill, we closed our gates. No minor argument deserved a thought. Union was strength, union was defence. You object, he said, that the Scots are poor. Are not strong limbs better than riches? Has not Solon told us the man of iron is master of the man of gold? Does not Machiavelli pour his scorn at the false proverb which makes money the sinews of war? The true sinews of war are the sinews of valiant men. Leave, gentlemen, to the Spaniards, the delusion that a heap of gold, filched from a feeble race, can give the dominion of the world. If union with the Scots would not bring riches to our doors, it would bring safety to our frontiers, would give us strength at sea and reserves on land. Alone we had borne our flag aloft; with Scotland united in arms, with Ireland settled and at peace, with our war fleets on every sea, our merchants in every port, we should become the first power in the world. Warmed with such glorious hopes, how could the gentlemen of England stand upon terms and audits—upon mine and thine—upon he knew not what?

29 Speech by Sir Francis Bacon in the House of Commons concerning the Naturalization of the Scots, 1641; Wilson, 37.
The House rang with applause. Cecil sent a copy of this speech to James, who in the midst of his trials had the pleasure to see what splendid things a practical statesman and philosopher could say for his favourite scheme. If the Union was postponed until another generation, its eloquent advocate gained his place. To create a vacancy, Doderidge had to take the coif, as Egerton proposed, when Bacon’s commission as the King’s Solicitor-General immediately passed the Seal.\footnote{Cecil to Lake, April 16, 1607, R. O.; Chron. Jurid., 183.}
CHAPTER IX.

SOLICITOR-GENERAL.

On the twenty-fifth of June, 1607, at the age of forty-six years and five months, Bacon entered upon office. During the six years which he acted as Solicitor-General he wrought at the Essays and shaped out the New Philosophy, resisted the designs of Sir John Pakington and his friends to abridge the authority of the Court of Wales, assisted, at his personal risk and loss, to plant Virginia and Ulster, and engaged, against his professional interests, in many a good fight for popular liberties against the Crown. The Devereux party was dispersed for ever: Cecil and Howard were at the height of power. Montjoy was in the grave; Northumberland forgotten in the Tower; Lady Rich was buried in the country, and the young Earl gone abroad. Cecil now ruled the state.

On the dramatic death of Dorset, the most daring of poets, the most prudent of financiers, Cecil took the White Staff without parting from his office as premier Secretary. Except in naval affairs, in which Nottingham's great age and eminence as a sailor forbade all meddling, no department of the public service, home or foreign, trade, police, finances, law, religion, war and peace, escaped the quick eye and controlling hand of Roberto il Diavolo. Every one
served him, every enterprise enriched him. He built
a new palace at Hatfield, a new Exchange in the
Strand. Countesses intrigued for him. His son
married a Howard, his daughter a Clifford. Ambas-
sadors started for Italy, less to see Doges and Grand
Dukes on public business than to pick up pictures
and statues, bronzes and hangings, for his vast esta-
ablishment at Hatfield Chace. His gardeners travelled
through France to buy up mulberries and vines.
Salisbury House on the Thames almost rivalled the
luxurious villas of the Roman Cardinals; yet under
this blaze of worldly success, Cecil was the most
miserable of men. Friends grudged his rise; his
health was broken; the reins which his ambition
drew into his hands were beyond the powers of a
single man to grasp; the vigour of his frame, wasted
by years of voluptuous licence, failed him at a
moment when the strain on his faculties was at the
full.

In this strain of powers no longer fresh, in this
solitude of severed friendships, in this misery of
broken health, Cecil turned to his hale, bright
cousin, not for the companionship he would not
now give him, but for the hints and helps a law-
yer has to sell. Bacon was now more prosperous
than he had ever been; his practice at the bar hav-
ing become lucrative, and the post which Elizabeth
had given him in the Star Chamber, worth sixteen
hundred pounds a year, having fallen in. Nor did he
love his cousin. More than Coke, Cecil had been to

1 Eure to Cecil, April 27, 1608, R. O.; Chamberlain to
Carleton, July 7, 1608; Provisoes between Salisbury and Morral,
Dec. 1608, R. O.
him a cross and grief; for while he could fight with his own weapons the coarse and spiteful foe, his gentle heart supplied no armoury of defence against the cold and veiled contempt of his perfidious friend. When this agonized spectre of success invited the Solicitor-General to more frequent consultations on affairs, instead of gliding into that kindly and gracious correspondence which was the habit of his pen, Bacon chose to stand with him on the ceremonial footing of good manners and the duties of his place; and when Cecil passed to his rest, a new edition of the Essays, under cover of a treatise on Deformity, painted in true and bold lines, without one harsh touch, the genius of the man.  

The feud of the four shires again blazed up. Sir John Pakington found that the King's promise to do right had borne no fruit for him or for his friends sweeter than his own sour crabs. Lord Zouch was gone, and Lord Eure, with a new set of standing orders, reigned in his stead; yet the Court of Wales, under this new President, was not less warm to maintain its right than it had been under the old. Indeed, in the belief of wise and practical men, the time had not arrived for either abolishing the court or interfering with its powers.

This Court of Wales and the Welsh Border, like the more important Court of the North, had been erected as a defence against Papist missionaries and Papist plots. The gentry of Wales and of the Border shires were mainly Roman Catholic; and every villain who in Elizabeth's time had disturbed the public

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2 Bacon to Cecil, Aug. 24, 1608, R. O. (printed in the 'Personal History,' 164); Essays, xlv.; Egerton Papers, 427.
peace, and brought shame or punishment on members of the Roman Church, had reckoned on the aid of an army of fighting and fanatical Sir Hughes. The Court of Wales having kept them under, the poor, who only wished to smelt their iron-ore, to feed their sheep, to dredge their streams for pearls, and net their bays for fish, in peace, had blessed it for the boon, and not for this alone; the royal Court having given them such cheap and speedy justice as could not be obtained in counties governed by the ordinary courts under the common law. If prompt and stern, its rule was national in spirit, popular in aim. The abuses which crept into it a few years later, and which caused its fall, were of a kind unknown in the days of Elizabeth, and only just beginning to be known in the days of James. Charles the First gave a new aim to the Court, perverting the power created by Henry and fostered by Elizabeth as a defence of the national sentiment and national faith, into instruments of attack upon them; then, indeed, but not till then, the Court of Wales fell under public odium, and was swept away in the revolutionary storm. But the men who destroyed it under Charles were not the men who had complained of it under James. The Crofts, Hoptons, Pakingtons, Sandys, Lees, Sheldons, Blounts, and Corbets, who contested the authority of Lord Eure, were afterwards no less hot on the other side, voting and fighting against popular rights under Charles.3

To Sir John, and to country gentlemen like Sir

3 Cott. MSS. Vit., c. 1; Dom. Papers of James the First, xxxviii. 48, xxxii. 13, 14, R. O.; Heath’s Preface, Bacon’s Works, vii. 584.
John, the Court of Wales was not so much a national grievance as a personal offence. It took from his place and dignity; and he instructed his under-sheriff to refuse obedience to the precepts of such a Court. The gentry of Herefordshire were up in arms; but people in the southern and middle shires suspected, as proved to be the fact ere long, that these loud cries against the Court of Wales came mainly from a wish on the part of a few magistrates to get rid of a local power which curbed for the common good their private feuds, and kept a bright eye on the movements of their missionary priests. Many of those who cried loudest against the Court were said to find reasons for their discontent in the commands of their confessors, most of them being Papists, open or concealed. Sir Herbert Crofts, long passing for a firm Protestant, had within the year avowed himself a convert to the Church of Rome. Sir John adhered to the English rite; but his kinsman, Humphrey, was an active and dangerous recusant, whose name was constantly before the Privy Council. Lord Eure complained to Sir John, who refused to obey his precepts. Eure wrote to Lord Salisbury that his power must be preserved in full, or he should feel it a duty to resign his place.  

Cecil, who consulted Bacon, now become chief adviser of the Crown in all affairs of law, found his opinion on the jurisdiction of the Court of Wales, as in most things, the reverse of that pronounced by Coke. Coke was against Eure, and in favour of

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Pakington and Crofts. Wanting the warmth of heart, the large round of sympathies, which enabled his rival at the bar to see into political questions with the eyes of a poet and a statesman, Coke could only treat a constituted court as a thing of words, dates, readings, and decisions; not as a living fact in close relation to other living facts, and having in itself the germs of growth and change. A point of law was taken for debate before the judges; Bacon appearing in opposition to Sir John and his friends, and pronouncing that argument on The Jurisdiction of the Marches which is printed in his works. After this hearing a proclamation from the King announced the confirmed authority of the Court of Wales; but Sir John and the magistrates of the four shires continued their opposition to Lord Eure, and the case dragged on for nine or ten years, until these magistrates dropped the agitation in presence of more terrible and solemn facts.5

In no History of America, in no Life of Bacon, have I found one word to connect him with the plantation of that great Republic. Yet, like Raleigh and Delaware, he took an active share in the labours, a conspicuous part in the sacrifices, through which the foundations of Virginia and the Carolinas were laid. Like men of far less note, who have received far higher honours in America, Bacon paid his money into the great Company, and took office in its management as one of the Council. To his other glories,

5 Dom. Papers James the First, xxxvii. 53, 54, 56, R. O.; Bacon's Works, vii. 587; Proclamation for the Continuance of the Authority and Jurisdiction of the Presidencies of the North and of Wales [Nov. 1608].
therefore, must be added that of a Founder of New States.  

The causes which led Bacon, with most of his parliamentary and patriotic colleagues, to join first the Virginia Company, then the Newfoundland Company, with person and purse, were the same causes which moved him to write against Parsons, to welcome Antonio Perez, to vote against Queen Mary, to contend for the Union, and to plead for supplies: the plantation of Virginia was a branch of the great contest with Spain.

England and Spain had long been rivals in plantation and discovery. Neither could claim for itself the wide continents of America by the happy exercise of native genius; for while a Genoese had given the south to Spain, a Venetian had conferred the north on England. Frobisher and Gilbert had followed in the wake of Cabot, though working in a different spirit and to another end. Inflamed by tales of the Incas' shining palaces, Frobisher had gone forth in search of mines and gold; Gilbert, who revived the spirit of the Great Discoverer, had sailed to the far west, and had gallantly given his life, not for the rewards of wealth and fame, but solely in the hope of extending English power and of converting souls to God. When he sank in the Golden Hind, he left these tasks to his young half-brother, Sir Walter Raleigh, who lived to be the true Founder of the United States.

Trained to politics under the eyes of Elizabeth, Raleigh had seen that the battle-field of the two

6 Virginia Charter Book, May 23, 1609, R. O.
maritime powers lay on the waters and along the shores of the New World. Europe was peopled. But the prairie and the savannah, the forest and the lake of America were virgin fields, the homes of an expanding race, the seats of a mighty empire in the time to come. Who should occupy this splendid scene? Should the New World become mainly English or mainly Spanish? Was the original type and seed of her institutions to be a Free Press or a Holy Office?  

England answered with one voice. While the Queen lived and Raleigh was free to spend his genius and his fortune on the work of discovery and plantation, it never flagged. But when James came in, and, in his dread of heroism and adventure, flung the explorer of Guiana, the founder of Virginia, into the Tower, as a first step towards receiving the Spanish ambassador Velasco with proposals for a shameful peace, the old English spirit appeared to droop. Velasco for a time said little of Virginia, for the fires of the Armada and of Nieuport burned in too many hearts; but Lerma, in his letters to the King, reserved an exclusive right of the Spanish crown, based on a Papal bull, to all the soil of the New World from Canada to Cape Horn. When his agents in London found their season they made this claim; when his admirals in the Gulf of Mexico felt their strength they chased the English from those seas as pirates. If the Spanish cruisers caught an English crew, they

7 Fernando Gorges' Brief Relation, 3, 10; Charters of Virginia, April 10, 1606, Mar. 9, 1607, May 23, 1609, R. O.
either slung them to the yard-arm or sent them as prisoners into Spain.

Ruled by a corporation of adventurers, tormented by these Spanish cruisers, unprotected by the royal fleets, the settlement on the James River would have fallen into ruin, had not a man of genius, Captain John Smith, snatched it from the jaws of death. But the planters fought among themselves, deposed Smith from power, and sent back nothing to the Company save miserable complaints and heaps of glittering dust. The colony was on the verge of failure, when a threat from Spain to descend on the Chesapeake shot new life into the drooping cause. All generous spirits rushed to the defence of Virginia. Bacon, Montgomery, Pembroke, Southampton, joined the company with purse and voice. The ardent Abbott, the learned Hackluyt, lent their names; money poured in; a fleet, commanded by Gates and Somers, sailed from the Thames, to meet on its voyage at sea those poetic storms and trials which added the Bermudas to our empire and 'The Tempest' to our literature.8

The session of 1610 showed Bacon in a characteristic scene. Though bound, by the traditions of his place as Solicitor-General, to support the King's measures in the House of Commons, when the session opened, with a freedom which surprised the King's friends, and which Coke and Doderidge had never

8 Smith's History, 88, 90; Nova Britannia, 1609; Jourdan's Discovery of the Bermudas, otherwise called the Isle of Divels, by Sir T. Gates, Sir G. Sommers, and Captain Newport, with divers others, 1610.
dared to take, he both spoke and voted on the important legal and political question of the Grievances and Prerogative against the superior law-officers of the Crown.

The List of Grievances, having at length been shaped into a proposition, was laid before the House. By the terms of a paper which they called the Great Contract, the burgesses proposed to buy from the Crown, either for a fixed sum of money to be paid down or for a yearly rental, certain rights and dues inherited by the King from feudal times, which the change of manners and the refinements of society had made abominable to rich and educated men. Escutage, Knight-service, Wardship of the body, Marriage of heirs and of widows, Respite of homage, Premier seizin, every knight and squire in the land longed to suppress, as things which yielded the King an uncertain income, but covered themselves with a certain shame. A group of feudal tenures which concerned the dignity of the Crown, such as Serjeantry, Homage, Fealty, Wardship of land, and Livery, they proposed to modify, so as to satisfy just complaints while preserving to the King all services of honour and ceremonial rite. Aids to the King they limited in amount; suits, heriots, and escheats they left untouched; monopolies for the sale of wines, for the licensing of inns, for the importation of coal, they abrogated; and, in lieu of these reliefs, they offered to pay the King one hundred thousand pounds a year.⁹

At first James would not listen. The terms of

⁹ Add. MSS., 11, 695; Lords' Journals, ii. 574.
such a contract touched, he said, his honour. These privileges might be of no great moment to the Crown; to part with them might neither lower its dignity nor abate its pride; yet why should he be asked to part with them? Elizabeth had them; all the Plantagenets, all the Tudors had them; why should the first of the Stuarts be required to strip his Crown of privileges held by his predecessors for five hundred years? But James was not true to his own folly. To resist a sale of the rags and dust of feudal power, on the ground of conscience, would to many persons have seemed respectable, to some heroic; but the offer of a hundred thousand pounds a year tempted a man dogged by duns to compromise with his sense of right. He bent his ear; he hinted his willingness to treat; would the Commons give a little more—would they take a little less? If so, he would hear them. Cecil asked Fleming and Coke to declare in public whether James could lawfully sell the burthens on tenures, yet preserve to his Crown the tenures themselves.  

The chance of hurting Bacon, who had always pleaded in office, as he had always spoken when out of office, for the full surrender of these feudal dues, was too much for the virtue and discretion of Coke. The feud which had begun at the bar, which continued in the House of Commons, which ran into their domestic affections, only burned the more vigorously as the two men grew in years. When Bacon contended that a sale of the burthens on tenures would be in fact a sale of the tenures,  

10 Add. MSS., 11, 695; Com. Jour., i. 419, 420.
Coke maintained in answer to Cecil's queries that the King might sell the burthens, yet keep the tenures intact. James, who indolently took the advice which squared with his desires, told the Commons he would sell for six hundred thousand pounds paid down, and a rental of two hundred thousand pounds a year, his rights of marriage, wardship, premier seizin, respite of homage and reliefs.  

In the debates which sprang from these transactions, the Solicitor-General, brushing away the distinctions made by Coke and Fleming, urged on the House of Commons and on the Crown the wisdom of abolishing these feudal tenures both in name and fact. Tenures in capite and by knight-service, he said, had lost their virtue. When the Sovereign summoned his liegemen to the field, Reason might have cried—Hold fast all tenures which augment the national force! But the King no longer led his armies in the field or called his vassals round his flag; war had grown into a science, arms into a profession; if an enemy should appear at Dover or Berwick, no man would wait for the King's tenant to strike. In the musters for defence, holders in socage stood foot to foot with holders by knight-service. In feudal ages the tenures meant defence; but the usage and the idea had alike gone by; and tenures no longer represented either force, honour, or obedience.

Bacon spoke so well, and his arguments were so convincing, not only to the philosophical and patriotic, but to the legal and conservative mind, that,

11 Spedding's Bacon, vii. 177; Add. MSS., 11, 695.
12 Bacon's Speech, April, 1610; Lords' Jour., ii. 580.
after warm debates, the King consented to reduce his demands, the House of Commons to raise their price. The two powers drew near to each other, and a happy resolution seemed about to cleanse away some of the very worst abuses of feudal state. For two hundred thousand pounds a year the Crown agreed to renounce for ever these feudal rights. How this Great Contract came to an abrupt and ignominious end,—and how a session that began so prosperously closed in open strife between the people and their prince, not a single bill receiving the royal signature,—is a tale for the historian of England to relate. 18

So long as the alliance of Cecil, Howard, and the broken ranks of the Devereux party had held together, Bacon's prospects in the world continued dark. Coke had the ear of Cecil; and Cecil had wedded himself, through Howard, to a policy and a party which were not those of Bacon or of any other patriotic man. That policy was submission to Spain; that party was the subtle, plausible, temporising, and dishonest party of Rome, whose objects were to keep Raleigh in jail, and refuse either moral or material help to the insurgent Dutch. The league could not prevent Bacon being the first man in the House of Commons, that free field of genius; but the enmity of Coke and the suspicion of Cecil could still oppose his natural rise in office and at the bar.

The ten years during which England was ruled by Howard and Cecil, though no great public calamity roused the nation to a sense of its dishonour, rank

18 King's Proclamation, Dec. 31, 1610; Add. MSS., 11, 695; Lords' Jour., ii. 666-86; Statutes of the Realm, iv. 1207.
among the most profligate in our annals. A succession of Spanish ambassadors ruled the state. Every woman had her price; and Mendoza, Taxis, and Girone regularly bargained with the mistresses of Privy Councillors for their lovers' votes at the Board. Everything intellectual and heroic lay under cloud. In those ten years Grey broke his noble heart in the Tower; Vere was dismissed from public employment; Raleigh was chained in prison; Bacon was grudged and cheated of his reward; Shakespeare was refused a paltry office in connexion with his art; Wither starved in the Marshalsea; Jonson, Chapman, Marston, were lodged in the common jails, in company with pirates, murderers, and thieves. Pimps became barons, and pages earls. Cecil and Howard, who ruled the King through his vices, and his favourites through their greed, never hesitated in filling their own pockets with the direct wages of corruption. Both received pensions from Spain; and, sad to say, the splendid edifices which delight all lovers of art at Audley End and Hatfield Chace were both erected on Spanish gold. Venal in their public life as they were profligate in their private life, neither man's honesty nor woman's innocence was allowed to stand one instant in their way. When it was important for Howard to win Cecil, he tempted the libidinous hunchback with the beauty of his niece, the Countess of Suffolk, who, while living under her husband's roof, had for many years occupied the position of Cecil's mistress, and openly sold her influence over him, for so much money, to foreign courts. Since the fall of Lady Rich, Howard felt that the marriage of Lady Frances to young Essex had
been a mistake, and asked himself whether he might not still do better with her beauty than leave it to a friendless boy. In May, 1612, his partner in power and in iniquity, the Earl of Salisbury, died; and among those who defamed his memory, Howard was the most unjust. Bacon, though he had not loved his cousin, spoke no evil of him. Since his marriage to Alice he had spent some time in writing more Essays; for the book grew in popularity, and the third edition was out of print. The Essays increased from ten to forty; some of the new ones were the papers on Love, on Marriage and Single Life, on Parents and Children, being the result of his domestic experience; others, the papers on War and Peace, on Judicature, and on the Greatness of Kingdoms, being the result of his official experience. In a paper on Deformity, he painted the hunchback as he had known him; every one knows the picture, and no one can pronounce it either unfair or unkind. The spirit of it runs in a famous anecdote. "Now tell me truly," said the King, "what think you of your cousin that is gone?" "Sir," answered Bacon, "since your Majesty charges me, I'll give you such a character of him as if I were to write his story. I do think he was no fit councillor to make your affairs better. But yet he was fit to have kept them from growing worse." "On my so'l, man!" said James, "in the first thou speakest like a true man, in the second like a kinsman." 14

A scramble for Cecil's places ensued at Court;

14 Bacon's Essays, xliv.; Apophthegms, Works, vii. 175.
Howard claiming the White Staff, and finding a competitor in Sir Robert Carr; everybody begging the Court of Wards; Sir Thomas Lake, Sir Henry Neville, Sir Ralph Winwood, and Sir Henry Wotton, each aspiring to be Secretary of State. Some patriots called for Bacon's nomination; and shrewd observers fancied he would succeed his cousin; but he put away this temptation, got his book of Essays through the press, and stuck to his own profession, the highest honours and emoluments of which were now visibly within his reach. The first edition of his Essays had been dedicated to the love that burned between his brother Anthony and himself; this new edition was inscribed to Sir John Constable, who had married Dorothy, Lady Bacon's sister. The epistle dedicative implies a close and affectionate friendship: "Missing my brother," says Bacon, "I found you next; in respect of bond, both of near alliance, and of straight friendship and society, and particularly of communion in studies." James, not daring to make Carr his Lord Treasurer, put the Staff into commission, gave the Wards to Carew, and announced that he should act as his own Secretary of State.  

Robert Carr, the new favourite whom the King would gladly have made his Prime Minister, was a young Scot of good figure and good address, who had first served him as a page, had lived for a time in France, and brought back to London the best taste in dress and in beauty of any young gentleman at court. He caught the King's eye by a lucky

15 Chamberlain to Carleton, Nov. 26, 1612, R. O.; Essays, ed. of 1612.
fall, and won his heart by a red cheek, a bright feather, and a handsome leg. James taught him a few words of Latin, and Carr amused the King's sluggish spirits by vivacity and wit. This wit was the nimble fire of Thomas Overbury, an ambitious young poet and statesman, in whose hands Carr was little more than a tool. These two young men had come to London together, resolved to push their common fortunes at the court, to share the same lodgings and the same adventures, to have one set of friends and one set of enemies. Their success in life was extraordinary. Carr found person, Overbury brain: a gay and striking person; a subtle, luminous, and fertile brain. Each took the reward most suited to his genius; Carr, loving pomp and riches, was created Viscount Rochester, invested with the Garter, and adorned with offices and lands; while Overbury, despising show and splendour, was content with a simple knighthood, the modest post of the King's Sewer, and the exercise of a power such as Leicester or Burghley never possessed. Carr governed the King, and Overbury governed Carr.16

These extraordinary powers, though not exerted in Bacon's favour, were used, on the whole, with more sobriety and honesty than might have been expected from men so young, so tempted, and so poor. Carr, if he loved money, was virtuous enough to resist the Spanish bribes which Cecil had taken, and which the Earls of Suffolk and Northampton still took. Overbury's integrity was above suspicion.

16 Amos's Great Oyer of Poisoning, i. 59.
Overbury hated Spain, and set his heart on opposing Northampton and the pensioners of that power.

When Carew died suddenly, six months after his nomination, Bacon reminded the favourite of his claims to the Court of Wards. His fixed pay from the Crown as Solicitor-General being less than seventy pounds a year, though the uncertain fees were large, he had been promised a place of profit, and in the letter which he addressed to Carr he pointed out that the Court of Wards was one for a lawyer rather than a courtier to hold:

"This Mastership of the Wards is like a mist—sometimes it goeth upwards and sometimes it falleth downwards. If it go up to great lords, then it is as it was at the first,—if it fall down to mean men, then it is as it was at the last. But neither of these ways concerns me in particular,—but if it should in a middle region go to lawyers, then I beseech your Lordship have some care of me."

He felt so certain of success in this suit that he ordered the new clothes for his servants; yet his suit failed. He wanted the Court of Wards and Liveries as a right, and would not buy it. While Bacon alleged his services, Sir Walter Cope, a man of larger fortunes and smaller scruples, told down his money and bought the place. The wags of the Mitre had their laugh. "Sir Walter," they said, has got the Wards, Sir Francis the Liveries." 17

Two years of fag and moil cured James of his ambition to be deemed the best scribe in Christendom.

17 Bacon to Carr, Nov. 14, 1612, R. O. (printed in the Personal History, 175, 176); Lake to Carleton, Nov. 19, 1612, Venetian MSS., R. O.
That lack of means which so often opens the eyes of kings drove him to the thousand and one arts of raising money out of stones which the Meercrafts and Overreaches of a court profess; when these arts failed him, he began, reluctantly and wistfully, to dream of going to the country with his wants. He could not meet a Parliament until he had put his house in order, for a Government without a responsible Lord Treasurer and a responsible Secretary of State would have seemed to the House of Commons no responsible Government at all. Northampton and the Spanish pensioners hotly opposed this scheme of calling in the country; Bacon, Winwood, and to some extent Rochester, warmly approved of it; and James, who prided himself on his king-craft, imagining he could strengthen himself in the House of Commons by calling to power the representatives of these two hostile views, dissolved the Treasury Commission, gave the White Staff to Northampton; advanced Sir Ralph Winwood, a man popular with the Puritans, to the office of First Secretary of State; and promoted Bacon to the higher place and sterner duties of the Attorney-General. The day had come, as it had once before come in the time of Cecil, when the King's friends could not rule the country without Bacon's help; and to this political necessity, not to the will of Howard or the favour of Carr, he owed his second great rise in public life.¹⁸

Fleming dying in August, Bacon proposed that Coke should be raised to the King's Bench, and Hobart,

¹⁸ Chamberlain to Carleton, Oct. 14, 27, 1614, R. O.; Grant Book, 102.
the Attorney-General, should be made Lord Chief Justice of the Common Pleas. Coke objected; for if the King’s Bench was of higher dignity, the Common Pleas was of greater profit. In the salaries received from the Crown there was, indeed, no large difference: the Lord Chief Justice of the King’s Bench having two hundred and twenty-four pounds nineteen shillings and ninepence a year, the Lord Chief Justice of the Common Pleas one hundred and ninety-four pounds nineteen shillings and ninepence a year; but the amount of fees received by the Judge from suitors in the inferior Court was greater than that received in the superior Court. Now the prospect of a loss of fees was to Coke, one of the richest commoners in England, a grievous misery and vexation of spirit. Bacon, who knew his man, somewhat wickedly suggested that Coke’s promotion would strengthen the King’s hold upon the judges, “for my Lord Coke will think himself near a Privy Councillor’s place, and will turn obsequious.” James seized this hint; Coke was promoted against his will, Hobart took his seat in the Common Pleas, and Bacon was advanced to Hobart’s place.

“This is all your doing, Mr. Attorney,” said the irascible Lord Chief Justice to Bacon; “it is you that have made this great stir.” With the light laugh that so often maddened Coke, Mr. Attorney answered, “Your Lordship all this while hath grown in breadth; you must needs now grow in height, or you will be a monster.”

Bacon’s first advice to the Crown in his new office

19 Bacon’s Ap. in Resuscitatio, 238; Montagu, vii. 340.
was to abandon its irregular, unproductive methods of raising funds; to call a new Parliament to Westminster; to explain frankly the political situation; and to trust the nation for supplies. The advice, though opposed by Northampton and the men who were paid to provoke hostility between the Commons and the Crown, so far prevailed that writs went down into the country. For thirteen years Bacon had represented Ipswich in the House of Commons. Ipswich clung to him with the love of a bride; but Cambridge, a more splendid and gracious constituency, at last claimed him for her own. In the ambition of a public man there is nothing more pure than the wish to represent in Parliament the University at which he has been trained; nor is there for the scholar and the writer a reward more lofty than the confidence implied in the votes of a great constituency of scholars and gentlemen. In Bacon’s case there were peculiar obstacles. He left Cambridge early and in disdain; he kept no constant intercourse with its dons; the business of his intellectual life was to destroy the grounds on which its system of instruction stood. Yet the members of the University felt that, as a writer and a philosopher, the author of the Essays, the Advancement of Learning, and the Cogitata et Visa—a work not yet in print, but known to scholars—was not only the most brilliant Cambridge man alive, but the most brilliant Englishman who had ever lived. And they elected him.

The burgesses of Ipswich also elected him. The burgesses of St. Albans also elected him. Such a return was unprecedented in parliamentary annals.
Only two or three of the most popular and patriotic candidates were rewarded in that Parliament with double returns: Sandes for Hendon and Rochester, Whitelocke for Woodstock and Corffe Castle. No one save the new Attorney-General could boast of a triple return.

Of course he sat for Cambridge; a fact, overlooked by his biographers from Rawley to Lord Campbell, which connects his fame in a gentle and gracious form with the political history of Cambridge.20

Nor was this confidence of his University the most striking proof of popularity which he now received. When the Houses met in April, a whisper buzzed round the benches that the elections for Cambridge, Ipswich, and St. Albans were null and void. No man holding the office of Attorney-General had ever been elected to serve in Parliament; and some of the members seemed of opinion that so powerful an officer of the Crown never ought to sit in that House. The Attorney-General was the Crown trier; he set the law in motion; he gathered the evidence, sifted the facts for prosecution. Such an officer, hearing everything, noting everything, forgetting nothing, might become, in a House of Commons bent on free speech as its sacred right, the worst of inquisitors and tyrants. He should not sit. Yet, notwithstanding their jealousy of power, the representative gentlemen of Eng-

20 Mem. of Burgesses chosen for more than one place, April, 1614, R. O. Bacon’s biographers have been misled about his seat in 1614 by an erroneous conjecture of Willis (Not. Parl., iii. 173). There is a list of the Parliament of 1614 among the valuable MSS. at Kimbolton Castle, for which, as for many other courtesies, I am indebted to the obliging friendship of his Grace the Duke of Manchester.
land had no heart to put the wisest and best among them to the door. They sought for precedents, that he might keep his seat; but no case was on the rolls. An Attorney-General, chosen after his nomination, could not sit by precedent. What then? They waived their right. They took him as he was. Crown lawyer or not Crown lawyer, he was Francis Bacon. As Francis Bacon he should sit. But the case should stand alone. This tribute paid to personal merit and public service must not be drawn, said the applauding members, into a precedent dangerous to their franchise. He was the first to sit, he must be the last.

That an exception in favour of the new Attorney-General should be made by men so hostile to the court that they broke up at last without passing a single bill which the Crown could assent to, is strange. The results are yet more strange. As if to witness to the latest generations the profound esteem in which Bacon was held by a House of Commons which had known him closely for thirty years, which had seen him vote and act under every form of temptation that can test the virtue and tax the genius of a public man, this exception, made in his favour solely, became the rule for succeeding times. Once only has the restriction been referred to in the House; that was in the case of his immediate successor; since which time the presence of the Attorney-General among the representatives of the people has been constant and unopposed. The fact suggests not only a change in public thought, but in the character of the Crown official. Such is the truth. Before Bacon's day the Attorney-
General had been the personal servant of the prince: from Bacon's day he has been the servant of the State. Bacon was the first of a new order of public men. The fact is scarcely less creditable to his political purity than the composition of the Novum Organum is glorious to his intellectual powers. Bad men kill great offices. Good men found them.²¹

²¹ Chamberlain to Carleton, April 14, 1614, R. O.; Com. Jour., i. 456; Statutes of the Realm, iv. 1207.
CHAPTER X.

ATTORNEY-GENERAL.

In his first year of office as Attorney-General, Bacon had the charge of two or three official prosecutions; those of Oliver St. John and Edmund Peacham; obscure offenders, who live in history solely in connexion with his name. Had Coke or Hobart been the Attorney-General in 1615, Peacham and St. John would have passed into such oblivion as covers the crimes and sufferings of Robert Drury and William Talbot, men more eminent than either the Wiltshire Squire or the Rector of Hinton St. George. But Bacon having had to conduct the cases, and his letters and speeches having been carefully treasured, those cases take for us proportions far beyond anything they had in the eyes of living men. The glory of a great name makes visible the motes which hang about it; we preserve a recollection of Alexander’s horse, of Shakespeare’s neighbour Mother Golden, of Napoleon’s cook; by the same sort of luck St. John and Peacham will live for ever in the blinding light of Bacon’s renown. A glance at the facts will suffice.¹

First of Oliver St. John. In the session of 1614, as in every session when he had been out of office,

¹ Dom. Papers, lxxviii. 14, lxxx. 109, lxxxvii. 42; Council Reg., July 20, 1615.
Bacon put his strength to the supplies. The day which he had so long feared had come; the Papal powers, uniting over the corpse of Henri Quatre, had formed their league, and Spinola's Pandours and Walloons were trampling out the free, industrial, and religious life of the Lower Rhine. A dozen cities lifted up their hands for help. Yet the English fleet was rotting in port. Only ten or twelve ships were in commission; four in the Thames or the Downs, one or two at Portsmouth and Plymouth, four in the Irish seas. The Crown was deep in debt. To a man not mad with jealousy of power, such a political situation must have been intolerable, and it was intolerable to Sir Francis Bacon. But the Puritans, fearing the King even more than they feared the Roman League, refused to make a grant in aid. Unable to procure means from Parliament, James tried a benevolence; when the lords, the judges, the magistrates, the bishops and archbishops, came to his help, bringing cups, rings, and golden angels into the Jewel House of the Tower. All mayors of towns were to receive such gifts; but no rate was laid, no one forced to give. In loyal shires persuasion might be used; where the magistrates were not loyal, the benevolence flagged. Many of the Puritans, all the Papists, closed their hands; those distrusting the court; these wishing well to the foe. That the contributions were free, as Bacon afterwards described them, is not matter of inference, but of the surest proof; for all the papers have been preserved, and may be read by any one who will walk down to Fetter Lane. Whole counties abstained; yet no attempts were made to force them. It was very much a question of religion; the benevo-
lence faring well in the Protestant shires; Kent, Surrey, Middlesex, Herts, Berks, Essex, and Norfolk yielding an army of subscribers; Sussex only three; Durham, Cumberland, Westmoreland, not one. The reason is apparent. Those Roman Catholics who would gladly have seen an Infanta at Whitehall and an Inquisition at Lambeth, those Puritans who would rather have seen the Austrians in Prague than send help to the Bohemian Protestants through James, alike refused their money. The extremes of the two factions met in a common opposition; supported in it by many of those who had themselves no political opinions, but who preferred the sight of their silver to the prosperity of their country and the triumph of their creed. Oliver St. John, Black Oliver his contemporaries called him from his bilious temper and dark complexion, was not content to refuse his money; he would neither help the state nor suffer any one else to help it. A man of a stormy yet slavish spirit, he must denounce this measure by voice and pen; so, in a public letter to the Mayor of Marlborough, he declared that the King, in asking his people for a free gift of money, was violating his oath, committing a perjury more gross than that for which an English monarch had lost his crown.2

The writers who abuse Bacon for having helped to silence this saucy tongue have not taken so much trouble as even to inquire who Oliver St. John was. Lord Campbell confounds him with Oliver St. John, Lord Chief Justice of the Commonwealth; Mr. Foss with Oliver St. John, the no less famous Lord Grandi-

2 St. John to Mayor of Marlborough, Oct. 11, 1614, R. O.
son of the Irish peerage. It is certain he was neither of these two St. Johns. At the time of James's benevolence the future Lord Chief Justice was a boy of sixteen, on his way to Queen's College, Cambridge, which he entered as a pensioner ten months after Lord Campbell supposes him to have written the seditious letter to the Mayor of Marlborough. The real culprit was then safe in the Tower. The registers of Queen's College prove that Chief Justice Oliver St. John was in residence at Cambridge during 1615 and 1616. The State Papers show that Black Oliver St. John lay in prison the whole of those two years. Mr. Foss's mistake is perhaps more singular than Lord Campbell's. At the date of James's benevolence the future Lord Grandison was already a distinguished person; one of the most dashing soldiers of his age, an old friend of Montjoy, a rival of Vere; a man who, after serving in the wars of the Low Countries, had been knighted by Queen Elizabeth, and, after playing a brilliant part in the war against the O'Neiles, had been appointed Master of the Ordnance, an office which he still held. He had helped to chase the ravishers of Derry, and been at Chichester's right hand in the troublesome session of his first Irish Parliament. On that Parliamentary business he had crossed to London; and while the seditious letter was in discussion before the Privy Council, he was in close attendance at the court. It is impossible, in the face of these things, to confuse Sir Oliver St. John, Master of the Ordnance (and future Lord Grandison), with Mr. Oliver St. John of Marlborough. In April, 1616, Sir Arthur Chichester having retired to his command in the north, Sir
Oliver returned to Dublin as Lord Deputy, leaving Black Oliver a prisoner in the Tower. He foamed into notoriety and subsided into jail; but before his letter to the Mayor of Marlborough, and after his release from the Tower, he was equally obscure. One of the St. Johns of Lydyard, not of Bletsoe, he had married and buried Margaret Love of Winchelsea, and had been settled as a burgess in the town of Marlborough before the days of the Powder Plot. Though rich, he was a miser; in the lists in aid for marrying the young Queen of Hearts, that darling of the Protestant people, his name does not appear. Probably he was a Roman Catholic and a pupil of the Jesuits.

The Council had neither the power nor the will to overlook such an affront. Debate is one thing, sedition another. If the legality of a benevolence were open to dispute, the royal person was not open to attack. This Marlborough letter was in the highest degree scandalous towards the Crown, in the highest degree detrimental to the Government abroad; for, though James had made peace with Spain, the English people had made no more than a truce; a truce ill kept and in constant danger of a fatal breach; and foreign ministers watched the signs of domestic feuds in England with a gleeful and vindictive hate. Every note of discord on the Thames emboldened the marauders on the Rhine. Spinola, gathering

3 Dom. Papers, lxxx. 53, lxxxvi. 16, 128; Baker's MS., xxv. 401, quoted by Foss, vi. 477.
4 Maclean's note on Black Oliver, App. to Lord Carew's Letters, 142.
troops from Germany and Flanders, was advancing towards Heidelberg, Bavarian Max preparing his legions for an assault of Prague. Every proof of weakness, of disunion, of disaffection in England, gave encouragement to these enemies of the Protestant faith and the Protestant power.

The Privy Council, which contained some statesmen reared in the great wars, the Lord Admiral Nottingham, the Lord Treasurer Suffolk, the Lord Privy Seal Worcester, together with Archbishop Abbott, and Sir Ralph Winwood, the Puritan Secretary of State, having arrested St. John, instructed their Attorney-General to prepare articles against him. Did Sir Francis, in preparing these articles, exceed his official duty out of mere slavishness of spirit and ambition for a higher place? Lord Campbell says that St. John's was a bad business, and that Bacon knew it to be a bad business—that St. John was a patriot acting in his right, and in the right of his country, while Bacon, out of a base desire for place and pay, was content to become the instrument of Court revenge upon an innocent and honourable man. But Lord Campbell, having altogether mistaken the man, easily, and perhaps inevitably, mistook the character of his offence. Chief Justice St. John was a good lawyer and a brave man; Black Oliver a coward and a fool. That his letter to the Mayor of Marlborough amounted to seditious slander against the King, the law, the Parliament, and the patriotic subscribers, as Bacon called it, every lawyer had to admit. Indeed, the offence was one about which a difference of opinion could scarcely exist. Egerton thought the case so vile,
that, though he was then dying, he wished to rise from his sick-bed, that he might crown a spotless and noble life by sitting as a judge and delivering his strong condemnation of St. John's act. Bacon, constantly at the great Chancellor's bedside, wrote to the King: "For St. John's your Majesty knoweth the day draws on, and my Lord Chancellor's recovery the season and his age promiseth not to be hasty. I spoke with him on Sunday, at what time I found him in bed, but his spirits strong and not spent or wearied, and spake wholly of your business, leading me from one matter to another, and wished and seemed to hope that he might attend the day for St. John's, as it were (as he said) to be his last work, to commend his service and express his affection towards your Majesty." 

Coke, as in other cases, contested Bacon's law, and, as in other cases, had to eat his words. Snarling at the professional failings of the Attorney-General, Coke went so far as to say that no English king could lawfully move his subjects to make him a benevolence; a declaration not only false in law, but one which, when he made it, Coke knew to be false; for the point had been argued before the Judges in Elizabeth's reign, and the ruling of the Bench, that the Crown might take free offerings from its subjects, was recorded in his own published Reports. He soon retired from this false position, hastening, as his custom was, to hide his mistake under an exaggerated zeal against the prisoner. When St. John came before the Star Chamber, Bacon had the

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5 Council Reg., Oct. 1614; Bacon to James, Jan. 31, 1615, R. O.
gratification, not new to him, of hearing his own law laid down by Coke. Bacon's opening speech was a model of forensic moderation, clear, critical, convincing: not a word in it to wound the offender's feelings; not a hint to inflame the judges. Coke pronounced the sentence of the court: a fine of five thousand pounds, with imprisonment for life."

When Black Oliver went to the Tower, the state prison which so often raised a fool into a hero failed to make him appear, even to the undiscerning crowd, either a brave man or a wise man. After a few days he began to whine and cry; repenting his letter, recanting his words. When he found that sedition was not good for his estate, that the fine of five thousand pounds would almost beggar him, he dropped on his knees to the Council, he pledged his future faith to the King. In an adjoining chamber Sir Walter Raleigh had spent twelve years of his glorious life. In another cell, near his, Lord Grey had died of a broken spirit, without one wail escaping him. But Black Oliver begged, fawned, groaned, to be let out, until those who made an idol of every one barred in the Tower, must have turned from this pusillanimous and crouching prisoner in disgust.

One of St. John's letters to the King is so amazingly abject as to constitute a curiosity in literature. In England we are not used to such a style of prison supplication, for the men who go wrong have generally the merit of going wrong in good faith, and

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6 State Trials, ii. 899; Coke's Rep., 119.

7 Council Reg., Nov. 19, 25, Dec. 4, 9, 1614, Feb. 3, May 31, 1615; Chamberlain to Carleton, ; Jan. 5, Feb. 9, 1615, R. O.; Council to James, Feb. 8, 1615, R. O.
when called to the martyr's crown of wearing it as a
crown. It may be well to give a passage from this
document, that the world may note, under his own
seal, what kind of hero this Oliver St. John was,
whom Lord Campbell has mistaken for the great
Chief Justice, and Mr. Foss for Lord Grandison:

"But my great and brain-sick offence against
your Most Excellent Majesty, my right dear Sove-
reign (for which phrase, at your Highness's feet, my
broken heart again and again most humbly and
instantly asketh your most gracious pardon), for-
bidding me your awful presence... on my bended
knees, in all humility of heart and spirit, [1] beseech
of your great, imperial, and sacred Majesty, first
gracious remission and pardon, both of the fault and
pain, as also, most gracious King and my dearest
liege lord, that you will further be graciously pleased
to show your most admirable goodness and mercy
(if it may stand with due order of state policy) in
commanding a removal or deleator of the whole
record thereof; that so great an ignominy remain
not on the name of him who, having been now
received your Majesty's sworn servant, is still re-
solved ever to receive therein that fatal arrow in his
breast (with loyal Hugo de St. Clara) than once
admit into his heart the least disloyal thought against
your sacred person, dignity, or fame; the very least
of us whoso shall seek to impeach, let God from
Heaven shoot sharp arrows into his heart, that all
the King's enemies may fall before him." 8

8 Add. MSS. 19, 402, fol. 62 (printed in full in 'Personal His-
tory,' 188).
Not much has been left to us by the writers of that time about Edmond Peacham, whose very obscurity has been the means of fastening on Bacon a charge of having strained the law against a blameless and patriotic old man. When it is seen what Peacham was, it will be easy to understand why Bacon showed zeal in preparing the case against him. Evidence remains in the books at Wells and in the records of Her Majesty's State Paper Office, to prove that he was one of the most despicable wretches who ever brought shame and trouble on the Church. It is there seen that he was a libeller. It is there seen that he was a liar. It is there seen that he was not alone a seditious subject, but a scandalous minister and a perfidious friend. It is in evidence that he outraged his bishop by a personal libel; and that he did his worst to destroy an innocent family, and to get the patron to whom he owed his living in the Church hung on a false accusation.  

At Hinton St. George, a parish in the wildest part of Somersetshire, in the diocese of Bath and Wells, lived a family of deep interest to Bacon and to the student of Bacon's life. The lord of this manor of Hinton St. George was John Paulett, son of Sir Anthony, and grandson of Sir Amias and Lady Margaret. Sir Anthony Paulett married Catherine Norreys, sole daughter of Henry Lord Norreys of Rycote, by whom he had two sons, John and Henry, two daughters, Margery and Susan. John, the elder son, who lived to become famous as the Lord Paulett

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* The true State of the Question whether Peacham's Case be Treason, State Trials, ii. 878.
of the Civil Wars, lived at Hinton St. George; Henry removed to Preston, where he established the Paulett family of that place; Margery married Sir John Sydenham, of Combe, in Somerset; Susan became the wife of Sir Peter Prideaux, of Netherton, in Devonshire. The Devonshire and Somersetshire gentry, amongst whom these Pauletts lived, though not slavishly loyal, were attached to the dynasty and to the crown. John himself was knight of the shire, which he represented in Parliament by a firm, though not a vexatious, opposition to the Court. In an evil hour Paulett had presented the living of Hinton St. George to Edmond Peacham, who, as the papers at Wells still prove, became very troublesome to the Church. There were irregularities in his institution; there were libels and accusations in the Bishop's Court. At length there came from the parsonage of Hinton St. George a foul and malignant libel against the prelate himself; on which Montagu, the bishop, appealed for protection to his primate; and Archbishop Abbott cited the offender to appear before him at Lambeth and purge his fame. His character and his cause appeared to the strict Archbishop so bad, that on his arrival in town Abbott lodged him in the Gatehouse, among the herd of recusants, monks, and priests.10

Many a Puritan preacher, silenced for a word on

10 Sentence of Deprivation against Peacham, Dec. 19, 1614, R. O.; Council Reg., Dec. 9, 16, 1614; Presentation Books at Wells. I am indebted for many particulars respecting Peacham to the friendly inquiries made for me by Lord Auckland, Bishop of Bath and Wells.
copes and stoles, on the closed book, or on the unlit candle, must have envied this libeller such a hearing as the Church condescended to grant him. The commission of ten appointed to hear his defence included the most learned and most moderate men in the Church—the Primate, George Abbott, who has been universally praised or censured for his leniency to Puritan offenders; the eloquent and gentle John King, Bishop of London and king of preachers; the learned Lancelot Andrews, now Bishop of Ely, whose noble character has been praised alike by Bacon and Milton: yet they condemned him by a unanimous decision. Ecclesiastics who differed from each other on every point of doctrine and discipline, agreed to find Peacham guilty of composing, writing, or causing to be written, a defamatory libel against his ordinary, contrary to his canonical obedience and reverence and to the virtue of his oath, and of writing, or causing to be written, a scandalous libel against the laws, statutes, and customs of the Church and the ecclesiastical jurisdiction, defaming the clerical order and the national rite. By a solemn act they cast him out from the Church.  

Among the papers seized in his house at Hinton St. George, and brought up with him to London, was a mass of political writings scrawled on loose sheets, sewn together so as to make a book, which appeared to have been prepared for publication. Glancing through these sheets, the commissioners found attacks on the Court, the Government, the Prince of Wales, and the King. Peacham treated

11 Sentence of Deprivation against Edmond Peacham, Dec. 19, 1614, R. O.
his prince with no more reverence than he treated
his bishop—feeling himself moved to say that James
might be smitten of a sudden, in a week, like Ana-
rias and Nabal; that the Prince would want to
take back the Crown-lands sold by his father, when
men would rise up against him, saying, "This is the
heir, let us kill him." In these political ravings he
declared the King's officers so vile that they should
be set upon and put to the sword; the King himself
a creature not alone unfit to reign, but unworthy to
bear the name of Christian or of man—a thing too
abject to crawl on earth or be redeemed in heaven.
These passages were not only meant for the public
eye, but were ready for the press.

Winwood, who, if not himself a Puritan, was the
protector of Puritans, saw no cause in the depraved
and convicted man's religion to stay his hand. Win-
wood put him under question; when the vicious old
sinner fell into deeper and more odious sin. Either
from demoniacal spite at the loss of his living, or
from utter callousness of heart, he determined to ruin
the family at Hinton St. George, to which he owed
his benefice in the Church, by accusing John Paulett of
a treasonable knowledge of the contents of his book;
and not only John Paulett, but his sister Margery's
husband, Sir John Sydenham, whom he charged with
a positive share in the composition. Nor did he
stop there. Among the intimate political friends
of Paulett was Sir Maurice Berkeley, a man who
played a conspicuous part in London life, and divided
with him the representation of the shire. Peacham
charged him also as a confederate. No wonder that
Winwood caught alarm. A sedition of which men
like Paulett, Berkeley, and Sydenham—men of wealth and station in their county—were the accomplices, must be dangerous to the public peace. Winwood, acting at once, sent Peacham to the Tower, brought Paulett and Berkeley before the Privy Council, and called Sydenham up from Combe.  

These country gentlemen scouted the abominable lie. Paulett and Berkeley said they had never heard one word of this scandalous and seditious book; Sydenham that he had never written a line of it: and they told the truth. If they spoke against the Crown on questions of prerogative and grievances, they said what they had to say in the House of Commons; if hostile to the Court, they were neither libellors nor traitors. But how could Winwood know that this old man was such an awful villain? In his hands were the seditious libels, of which Peacham asserted that he shared the authorship with Sydenham and the privity with Paulett and Berkeley. As a magistrate, how could he find the truth? The law had but one course. Peacham must be interrogated as Fawkes had been interrogated. So at least thought the Privy Council and the Bench.

The Crown sent down a commission to the Tower, consisting of Winwood, Secretary of State; Cesar, Master of the Rolls; Bacon, Attorney-General; Yelverton, Solicitor-General; Montagu, Recorder of London; Serjeant Crew; and Helwys, Lieutenant of the Tower, to put Peacham to the question. An extract from the Council Register will show the orders under which they acted:

12 Council Reg., Nov. 2, Dec. 9, 1614, Feb. 25, 26, 1615.
"Whereas Edmond Peacham, now prisoner in the Tower, stands charged with the writing of a book or pamphlet containing matters treasonable (as is conceived), and being examined thereupon refuseth to declare the truth in those points whereof he hath been interrogated. For so much as the same doth concern his Majesty's sacred person and government, and doth highly concern his service, to have many things yet discovered touching the said book and the author thereof, wherein Peacham dealeth not so clearly as becometh an honest and loyal subject. These shall be therefore in his Majesty's name to will and require you and every of you to repair with what convenient diligence you may unto the Tower, and there to call before you the said Peacham, and to examine him strictly upon such interrogatories concerning the said book as you shall think fit and necessary for the manifestation of truth; and if you find him obstinate and perverse, and not otherwise willing or ready to tell the truth, then to put him to the manacles as in your discretion you shall see occasion; for which this shall be to you and every of you sufficient warrant."  

Such commissions were of every year, and the most eminent men of the age had served on them in turn. The names of Ellesmere, Dorset, Winwood, Coke—religious men, enlightened judges, the friends of poets and philosophers—constantly occur in these Tower commissions. A man of gentle heart may regret that commands so futile should have proceeded from the English Crown; but, while grieving

that our ancestors were either less wise or less compassionate than ourselves, no candid mind will assess the act of an entire generation on the character of a single man. A belief that truth must be sought by help of the cord, the maiden, and the wheel, was, in the opening years of the seventeenth century, universal. It had come down with the codes and usages of antiquity, sustained by the practice of every people on the civilized globe; most of all by the practice of those wealthy and illustrious communities which kept most pure the traditions of Imperial Roman law. Men who agreed in nothing else, agreed in seeking truth through pain. There were torture-chambers at Osnaburgh and Ratisbon no less hideous than those of Valladolid and Rome; hot bars and racks were found in the Piombi and the Bastile, in the Bargello and the Tower. Nor was the Church more gentle or enlightened than the civil power. Cardinals searched out heresy in the flames of the Quemadero, as the Council of Ten tracked treason in the waves of the Lagune. Bacon was as much responsible for the universal practice as for the particular act. To have set himself against the spirit of his time, he must have mounted St. Simeon Stylites' column, or shrunk into St. Anthony's cave. An Attorney-General, let his private thoughts be what they may, is not at liberty to oppose the Crown. Coke, who, in his writings, said that torture was unknown to the law, and expressly contrary to Magna Charta, served again and again on commissions which put prisoners to the rack. He was present at such scenes both before and after this Peacham case; present at the torture of Peacock as
he had been at that of Fawkes. His opinions were his own, his services were the King’s. If the Attorney-General were present at the questioning of Peacham, he was there as one of a commission acting under special commands from the Privy Council. It is silly to say he was responsible for what was done. He was not chief of the commissioners; he was not even a member of the high body in whose name they went to the Tower; his official superiors, Winwood and Cæsar, were on the spot. Will anyone say the Attorney-General should have declined to act with them, thrown up his commission, and refused to obey the Crown?

In all these duties the Attorney acted under the direction of his official superiors, Sir Ralph Winwood, Secretary of State, and Sir Julius Cæsar, Master of the Rolls. Cæsar had recently become his kinsman, by marriage with Anne, daughter of his half-sister Anne, and widow of William Hungate, of East Bradenham, in Norfolk. They had been married at the Rolls chapel in April of the previous year; Bacon giving away the bride.

That Sir Francis felt a passion in the charge against Peacham stronger than the interest of an advocate in his work, and of which there is no second instance in his professional life, is apparent in every letter that he wrote to the Council or to the King. This passion was a personal rather than a professional heat; and it would have been strange had he not felt it. A minister of peace who fought with his

14 Dom. Papers James the First, lxxx. 6, 26, 38; Archæologia, x. 143; Gunpowder Plot Book, 37.
15 Life of Sir Julius Cæsar, 31.
neighbours, who libelled his bishop, who accused his patron, who assailed his prince, was a character intensely hateful to a man like the Attorney-General; and yet the lies of one who had been cast out from the Church were to stain the honour and endanger the lives of those to whom Bacon was bound by the most ancient and gracious ties. The children of Sir Amias and Lady Margaret were attacked by a wicked priest, whose words, unless they could be met and thrust aside, would ruin their fortunes and brand their names. That the composition found in Peacham's desk was a seditious libel—that every one proved to be concerned in it would be liable to punishment—was not only Bacon's opinion, but that of all the most eminent judges on the bench. 16

The consultation of these judges by the Crown has an interest of its own, distinct from that of the prisoner's innocence or guilt. The crime was rare, and Coke, who snapped at every chance of disparaging Bacon's law, insinuated doubts whether a charge of treason could be brought home to Peacham. This doubt got wing and magnified itself by flight. Idlers in Paul's Walk and the Cheapside taverns began to talk of divisions among the judges, of the probability of Peacham's escape if he could only hold his tongue; falsehoods which grew, until it was commonly said that Coke, Houghton, Croke, and Doderidge—the four judges sitting in the King's Bench—declared that, if the Attorney went on with this prosecution, he must fail. Such hints made the King uneasy: no government likes to fail in a State trial; and the public rumour

16 State Trials, ii. 871.
of dissensions on the bench, as to a point of law, might help to bring about a failure. It was highly important for the Crown to know, in the face of such rumours, whether Coke, Houghton, Croke, and Doderidge had looked into the case, whether they had formed an opinion on it, and, if so, what opinion? The question should be put to them. Bacon, as Attorney-General, received his Majesty's commands to set down his own opinion on the charge, and to request the Lord Chancellor, as chief of the law, to procure from each of the four judges named in the street reports a direct and personal statement of his views. In such a course there was nothing to hurt the prisoner; neither Coke, Houghton, Croke, nor Doderidge would have to try him; nor could a London judge's construction of the law decide a Somersetshire juror's construction of the fact. The consultation was such an act of counsel as the Crown had a right to take, and the answer to it was such as every judge was bound by his oaths to make.\footnote{Dom. Papers, lxxx. 15, R. O.; State Trials, ii. 871; Montagu, xii. 134.}

Coke declined to answer; not because the King had no right to ask him, but because he wished to raise obstacles in Bacon's way. The writers who put Bacon in the wrong mistake the ground taken up by Coke and by himself. Coke felt no scruples about giving the King advice in judicial matters, and no desire to save this particular offender from the gallows; indeed, within a year of Peacham's trial he engaged himself to collect the evidence against Weston, Franklin, and the Countess of Somerset; had the King set him on, he would have under-
taken to hang Peacham, just as a few months later he undertook to hang Helwys and Ann Turner. That Bacon, on the contrary, when his verdict should be gained, proposed to deal mercifully with the culprit, was known to every gossip of the court. If he pushed the charge, it was to snatch innocent persons from misery and shame. Paulett and Sydenham were in arrest; the false accuser only could relieve them from the imputations under which they lay; but weeks before the trial took place in Taunton, Chamberlain was able to tell his friends abroad that his Majesty's Attorney, when he had saved the grandchildren of Sir Amias, and brought the culprit himself to a state of penitence, would plead for grace. Coke knew that the Crown had a right to ask his opinion; he knew that his opinion could not prejudice the prisoner; but he refused to answer, because he could not bear to say one word in maintenance of Bacon's views.

Believing that the street reports were false; that Houghton, Croke, and Doderidge had too much decency to express opinions on a case which was not before them; believing, also, that the vanity of Coke would make him stand to his opinion, however wrong, should he find supporters in it, while his cowardice would urge its abandonment, should he find himself alone; Bacon proposed that the four judges who were said to have impugned his law proceedings should be consulted apart, and at the same time, so as to procure from each his true opinion, and to defeat any possible attempt at combination and intrigue. The King agreed to this
proposal. Crewe, Yelverton, and Montagu went to the three judges, Bacon to the Lord Chief Justice. A certain glee and frolic in the exercise of his wondrous gifts, though often apparent in Bacon's acts, were never so visible as when he had to meet and foil this wary foe. The enmity of Coke made Bacon mortal. Of living men the Lord Chief Justice only could provoke him into anger, or inspire him with revenge. Their lives had become a duel; fought on both sides with the keenest weapons and the deadliest skill. Affecting to laugh at Bacon as a talker of fine words, Coke thwarted him in his office, denied his judgment, impugned his law; but in this sharp contest, Bacon, who, for the most part, stood on his defence, had all the advantage of temper, courtesy, and wit. As Ellesmere's health grew worse, and they stood face to face as rivals for the seals, Coke's sneers, and frowns, and dubious questionings, became more open and more frequent. A final conflict seemed at hand. Of late, all Coke's attempts to put him down, as in Oliver St. John's case, had turned against himself; and Coke was seeking with an eager and dangerous haste to revenge himself for that defeat. When Bacon went to Serjeants' Inn with his briefs and precedents, Coke received him gruffly. "I have come," said Bacon, in effect, "to inform your Lordship by his Majesty's command of the particulars of Peacham's treason, and to receive your opinion on them for his Majesty's use." Coke replied, as he had done at the Council-table: that

18 State Trials, ii. 872; Montagu, xii. 124, 127.
the judges were not to give their opinions one by one; and that this auricular taking of opinion, single and apart, was new and dangerous. "I could wish your Lordship," Bacon answered him, "to think better of it; that which it pleases you to put into great words, seems to me and my fellow-lawyers a reasonable and simple matter. A prince may consult with his judges, either assembled or selected, or one by one. The judges are bound by oath to counsel the King. Take the case of a Privy Councillor: if asked his opinion apart from his brethren, could he refuse to answer except at the table?" "The cases are not the same," said Coke; "this case concerns life." "Questions of estate," answered Bacon, "may concern thousands of lives—may concern peace and war—may concern the nation's life." Coke saw that his ground could not be held. Slowly, and with a bad grace, he yielded the point so far as to beg that the papers might be left with him, and that he might be allowed time to read them. "I will leave them," said the Attorney, "and the more willingly because I believe your Lordship, on due consideration, will find the case so clear, that your Lordship will not scruple at answering apart, like the other judges." The last shot struck home. "My brethren," replied Coke, "are wise men; they may make a show of giving their opinions apart; but the end will be that they will have doubts, and will beg leave to advise with each other." "I am sorry to hear your Lordship say so much," answered the adroit Attorney; "for should that come to pass, there may be some, who love you not, will say that what you foretold you also wrought."
Coke prophesied untruly. Houghton, Croke, and Doderidge, frankly and at once, on fair examination of the proofs, pronounced the crime treason, and the Attorney's course discreet. When left alone, Coke was not long in yielding. After a council on other business, Bacon, drawing him aside, said to him: "The rest, my Lord, are ready with their answers; and I beg to have your Lordship's, according to his Majesty's commission." "You shall have it, you shall have it," Coke repeated two or three times, with an air of one who fears he has gone too far. In a few days it was delivered to the King.19

Montagu, Bishop of Bath and Wells, spent much time with Peacham in the Tower. To this pious prelate he stubbornly maintained that Sir John Sydenham was, in part, the author of his book; but when Coke was known to have ceased his opposition, his courage fell, and he denied that any part of the book was composed by himself, or was even in his hand; saying that his previous confessions before the King's Council and before the Archbishop of Canterbury were so many lies. To account for the writing he said there was another Peacham, on whose shoulders he laid the blame. He described this imaginary Peacham as a divine, a scholar, and a traveller, who had come into his house, and begun to write these papers, sometimes writing in the study, sometimes in the church, and sometimes in the steeple. But he could not tell where this man was, or when he had come, or name any one by whom he had been seen. All that he knew was that he sometimes went to Hounslow, that he was tall of stature, and

19 Montagu, xii. 130-136.
that his mysterious visit was made years ago. When this nonsense was set down Peacham would not sign it. Bacon instantly appealed to the King whether gentlemen of honour, like Sydenham, should be any longer detained in custody on the accusations of such a wretch.\textsuperscript{20}

During the midsummer assizes, Peacham was taken down into Somersetshire, the scene of his ignoble ministry, to be tried by a jury of men who could interpret his public misconduct by what they knew of his private life. The assize met at Taunton, the most Puritanical town in the west of England; and he was tried in the ordinary manner, by Sir Lawrence Tanfield and Sir Henry Montagu, the judges travelling on the western circuit. The false accuser found swift justice from his neighbours, the jury finding him guilty, and the judges sentencing him to death. Then, but not till then, he offered to tell the whole truth, if the King would only spare his life. This was what Bacon wanted; and a promise being given that his life should be spared, he made the long confession of his guilt which remains in the Record Office. In this confession he set aside the tale of another Peacham, and explained how he came to utter that lie about Sir John Sydenham. A question being put to him:

"He answereth that all the said words wherewith he charged Sir John Sydenham were first written by himself, this examine, only; and, afterwards hearing these same words delivered unto him by Sir John Sydenham, they were, to this examine, a confirmation of that which he had formerly written. And,

\textsuperscript{20} State Trials, ii. 873-877.
being further asked how he could so strongly father those words upon Sir John Sydenham, seeing he now confesseth himself to be the author, and Sir John Sydenham but only to confirm him in them, he answereth that, when he made this answer, he understood not that distinction betwixt the author and confirmor, but that they were both taken for one to his understanding." Asked his motives and intentions in writing the pamphlet: "He answereth that, first, it was compiled without any knowledge of evil on his part, either against the King or estate; and, secondly, after good and advised deliberation, he would have taken out all the venom and poison thereof, before ever he would have published the same."

This act he pronounced to be a true confession; saying he should abhor telling a lie to his sovereign, and should think himself guilty of his own blood if he kept back anything after having been promised his life for revealing the truth.21

Perhaps the most singular of the many charges made against Bacon is the fact of his having, on the King's command, consulted the judges as to whether the crime of seditious writing amounted to high treason by the law. Macaulay says that such a private consultation with the judges was an act most scandalous and most unusual. "Bacon was not conforming to an usage then generally admitted to be proper. He was not even the last lingering adherent of

21 Diary of Walter Yonge, 27; Chamberlain to Carleton, Feb. 9, Mar. 2, Aug. 24, 1615, R. O.; Council Reg., July 12, 1615; Peacham's Examination, Aug. 31, 1615, R. O. (Printed in the 'Personal History,' 201.)
an old abuse. It would have been sufficiently disgraceful to such a man to be in this last situation. Yet this last situation would have been honourable compared with that in which he stood. He was guilty of attempting to introduce into the courts of law an odious abuse, for which no precedent could be found." Macaulay fancied that for this statement he had the high authority of Coke; but Coke never said that consulting the judges was a thing new and dangerous, only that consulting them apart, and one by one, was new and dangerous. The Kings of England had always enjoyed, and had constantly exercised, the right of consulting their judges on the statutory bearing of political crimes. These judges had always been the King's judges; holding their commissions at his pleasure; bound by their oaths to advise him on points of law, as no man knew better, or admitted more frequently, than Sir Edward Coke. While he occupied the seat of Lord Chief Justice he gave his aid and assistance to the Crown in every case that required such help: in that of Ann Turner, in that of Helwys, in that of Somerset, in that of Monson. Coke, though a judge, not only got up the case against the poisoners of Overbury, but sat on the bench at their trials, and with his own lips condemned them to death.22

An odious abuse, for which no precedent could be found! Why, the law-books teem with precedents. As often as a case out of the ordinary way occurred, the Crown sought counsel, and had every right to seek counsel, of the Bench.

22 Dom. Papers, lxxxi. 84, 85, 88, 89, 90, 91, &c. R. O.; State Trials, ii. 911, 947.
Take a special example of this right and custom of consulting the judges from the life of Coke. Of the great political trials of James's reign, the most famous in every way was that of Sir Walter Raleigh. Coke was Attorney-General when Sir Walter was arrested, and, under Cecil's directions, had the management of the case against him. Masses of depositions and confessions were collected; but the accusations were so vague, the proofs so dubious, that Cecil, uncertain of obtaining a conviction on the capital charge, requested that the judges might be privately consulted. They were of opinion that Grey, Cobham, Brooke, and other prisoners could be proved guilty; not Raleigh; and Sir Thomas Edwards, the well-known ambassador, reported this result of their consultation to Gilbert Earl of Shrewsbury. Cecil, dissatisfied with this answer, sent for Sir John Popham, then Lord Chief Justice of the King's Bench, to Woodstock, to confer in private with himself and Coke. The fact of this private consultation is also reported by Sir Thomas Edmonds. The result was a change in Coke's plan of operations against Raleigh; having previously prepared articles charging the prisoners with a triple plot, a Spanish treason, a conspiring treason, and a priest's treason, after these consultations, some in common, some in private, with Popham and the judges, Coke abandoned those articles altogether, and in their stead drew up the indictment charging the prisoners with the Main Plot and the Bye Plot.  

23 Edwards to Shrewsbury, Lodge, iii. 20, 21; Dom. Papers, iv. 80; State Trials, ii. 1-3.
Foiled by his urbane and smiling adversary, Coke became every day more violent, the more so that Bacon, in their public or private intercourse, offered him so few advantages for an attack. From the day on which he was compelled to retreat from his position with respect to the offences of St. John and Peacham, to the day on which Bacon obtained the Seals—a period of less than two years—the conflict between them had the intensity of a duel to the death. The public events which placed them most directly in opposition were the trials of Somerset and the two Monsons; and the great political debate about commendams.

Somerset had not been friendly to Bacon's suit. Not that the young Scottish favourite was wanting in sympathy for merit. Though his abilities were not vast, nor his tastes, except in dress, refined, yet he was very far from being the abject creature that

1 Mr. Amos, in his Great Oyer of Poisoning, 1846, and Dr. Rimbault, in his Introduction to the Miscellaneous Works of Sir Thomas Overbury, 1856, have thrown light on the story of Somerset; but the true history can be traced in its minute details nowhere save in the State Papers of 1612-15. These papers are far too numerous to cite.
he has been sometimes called. Abject of nature he was not; guilty of murder he was not proved to be. More than one popular poet found in him a patron and a friend. He was kind to Jonson, more than kind to Donne, and for years he maintained the closest intimacy with Overbury; a connexion not to have been kept with that haughty and sensitive man of genius had Somerset been the fool in feathers and rosettes he is commonly made. But Bacon's policy was not his policy. If it was long before Carr had chosen a side; when he chose one it was with the party against which Bacon, since the date at which he wrote against Parsons and voted against Mary, had spent the best of his days and the most brilliant of his powers. He suffered his name to be used, and his influence over James to be abused, by the Spanish faction of which Sir William Monson was the pensioned agent, Lord Northampton the pensioned chief.

A nature proof against gold had not been found proof against love. A pair of bright eyes, which, in the language of Donne,

Sowed the court with stars,

had been artfully turned upon him; the eyes of Lady Essex, Northampton's grand-niece. Her uncle had set her on; that venal old pander, vexed at having thrown her away on a lad who loved horses and arms, but who showed no genius for advancing either himself or his relatives at court, put the young wife in Somerset's way, tempting her virtue to break its vows, and lending his house to the profligate pair for their stolen kisses. Soft of heart,
inclined by youth and rivalry to vice, Somerset had fallen into the snares laid for him by the wily grey-beard and the shameless girl.  

Somerset won to their side, the Romanist party ruled the State. All that a doting prince has in his gift—rank, places, pensions, grants, monopolies, embassies, mitres—for a time were theirs. They gave to whom they would, and they sold to whom they could. They refused to give Bacon the Court of Wards; they sold it to Cope. But their reign had been short; for the actors in this drama of unholy love fell from their odious profligacy into a diabolical crime. Overbury, whom they feared, not only for his influence over Carr, but for the English vigour of his Protestantism, had been put to death by poison in the Tower. At first they had kept their secret; and in truth the accusation against them was of a kind which defied belief. That three great earls, with three or four distinguished knights, holding high positions in the country, should have leagued themselves with a mob of wizards, harlots, quacks, apprentice-boys, and grooms, to murder a private gentleman for a few verses of reproof addressed to a friend in love, required the bold and morbid imagination of a Webster even to conceive. Poisoning, too, was rare: "It is neither of our country nor of our church," said Bacon; "you may find it in Rome or Italy; there is a region or perhaps a religion for it." People forgot that Northampton was of that religion, that his associates were Italians and Jesuits,

2 Dom. Papers, lxx. 38, lxxii. 49, 53, 120, 129, R. O.
and that his early days had been spent in Florence and Rome.\(^3\)

Yet suspicion spread. The poet’s kinsmen murmured. Some who understood his character, many who admired his writings, spoke of his sudden death, his singular interment. Then, the publication of ‘The Wife,’ a poem which charmed all hearts by its wisdom and poetic beauty, kindled a burning wish to inquire into the poet’s fate. Five editions of ‘The Wife’ were sold in a year; five thousand voices began to call his enemies to account. The cry could not be stifled. Men forgot their affairs to ask about the poisoners of Overbury; the ordinary courts of law, even the playhouses, were abandoned for the development of a more striking drama. Term, says Bacon, was turned into a justicium or vacancy by it. Yet, who was to set the law in motion? Those to be seized by the officers of justice, perhaps pinioned by the hangman, stood among the highest in the land. Who would dare to put his hand on the shoulders of a Howard and a Carr?\(^4\)

Men sprang up for this desperate duty. By his union with the wife of a living man, Somerset grieved the church of which Abbott was the hierarchical head, not less than those Puritan congregations of which Winwood was considered the parliamentary chief. The Archbishop, having strained his strength and jeopardized his life to prevent the divorce of

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\(^3\) Wake to Carleton, Venice Correspondence, Nov. 18, 1612; Chamberlain to Carleton, Nov. 26, 1612, R. O.; Bacon’s Speech in Star Chamber, Nov. 10, 1615, R. O.

\(^4\) A Wife, now a Widowe, 1614; A Wife, now the Widow of Sir Thomas Overbury, 1614; Do., in three subsequent impressions, 1614; Bacon’s Speech in Star Chamber, Nov. 10, 1615.
Lord and Lady Essex, was ready to fight, with such allies as God might send him, against the malign ambition and insatiable greed of Lady Somerset’s kin. Therefore, when the cry for justice on the murderers of Overbury rose up to heaven, he offered his high rank and holy character as a shield to such witnesses as, without this august protection, would scarcely have dared to wag their tongues. Winwood, Egerton, Zouch, Southampton, Pembroke, and Montgomery, all the more patriotic peers, the friends of poets, the founders of Free States, joined hands with the brave Archbishop in this crusade against vice and crime. Bacon, who had known the poet and admired the qualities of his genius, went with the English churchman and the English peers. The King was won to their side; the bright eyes of George Villiers, a prettier fellow than Carr himself, pleading for the sacrifice of his Scottish friend. Villiers, the younger son of a poor knight, a youth of lively spirits, of very fair natural parts, and of extraordinary personal beauty, having been trained by a doting mother to seek his fortunes through marriage, had come to London on his return from the usual three years’ travel, sparkling with vivacity and accomplishments, but with no estate beyond that which he carried in his face. In the modesty of his beginning, he aspired to gain a daughter of Sir Roger Aston, the King’s old barber and messenger. The damsel liked him, and Lady Villiers thought the match a great one for her son. But when George came up to town, her friends advised that such a very pretty fellow should be in no hurry about a wife, but, dressing himself in his best, should appear at court, and take the chances
of his figure and his conversation raising him into favour. As a dancer, a masquer, a jouster, a leaper, he had few rivals; as a courtier, a servant, a companion, he had none. In a few months he rose from being a page and cupbearer to be a gentleman of the bedchamber and a knight, with a pension of a thousand pounds a year. Much wiser men than James felt an interest in this prodigal of nature; every one, indeed, who came within the reach of his happy influence loved him and drew near to him, even the ascetic Lord Primate and the astute Attorney-General. If his youth, his brightness, his abounding spirits entranced the King, his courtesy, his docility, his affectionateness, charmed the severer judges of conduct. He was useful too. In the fascinations which the unspoiled Villiers exercised over James, the divine and statesman found a counterpoise to the baneful dominion exercised by Carr. Villiers was English, and the English pushed his fortunes; Protestant, and the Protestants were on his side.⁶

Counselled and consoled by this new favourite, James consented to arrest Lady Somerset’s agents and accomplices. Coke undertook the office of public prosecutor, got up the evidence of their guilt, and, when his brief was prepared, sat on the bench and tried them for their lives. In such proceedings he saw nothing contrary to the duties of an upright judge. The confessions of Franklin, Weston, and Ann Turner implicated higher persons: Sir

⁶ Archbishop Abbott’s Narrative, in Rushworth, i. 460; Bacon’s Speech in Star Chamber, Nov. 10, 1615; Dom. Papers, lxxviii. 61, 65, lxxx. 85, lxxxvi. 16, R. O.
Gervase Helwys, Sir Thomas and Sir William Monson, the Earl of Northampton, and Lady Somerset. Lord Northampton died in time to escape a trial; but his dupes and tools, Sir Gervase and the Monsons, being still alive, were lodged by Coke in the Tower. Sir Gervase was sentenced and hung; a true bill was found at Guildhall against Sir Thomas Monson, whom Coke would have put to death, on the most flimsy evidence which ever took away human life, had he not been required as a witness against Carr.  

In the trials of these accomplices in Overbury's murder the Attorney-General took no share. None of Coke's thirst for blood parched up his soul; and his reign as the Crown prosecutor was almost a bloodless reign. Sprot, Logan, Lalor, men who were tried for their lives beyond his jurisdiction, met with less compassionate judges and prosecutors; but of the many persons who for various offences were prosecuted capitally under the Attorney-General not one, except Lord Sanquhair, the atrocious assassin, was hung. This fact has not been noticed. During the seven years which Bacon held the offices of Solicitor-General and Attorney-General no man was put to death in England for a political crime. Many were prosecuted, some sentenced to death; but the lives of those condemned were spared. William Talbot was pardoned, John Owen allowed to go abroad, Edmond Peacham reprieved. These things were new and vexatious to

* Weston's Examination, Sept. 28, 29, Oct. 2, 3, 5, 6, 1615, R. O.; Sir Thomas Monson's Examination, Oct. 5, 1615, R. O.
Coke. In his last year of office as public prosecutor Coke tried the Gunpowder Plot conspirators; in his first year as a judge he hung and quartered the misguided followers of Steer. Of late he had been starved of his customary aliment; and when the case against the creatures of Lady Somerset was put into his hands by James, he excluded the more merciful Attorney-General from any part in either the preliminary inquiries or in the trials at Guildhall. Sir Lawrence Hyde acting as prosecutor, Coke himself as judge, Franklin, Weston, Helwys, Ann Turner, all were swept away to the gallows; Ann Turner at least on evidence which no one can now defend.7

In the more important trials of the Earl and Countess of Somerset, not before Coke, but before the highest court in the realm, the House of Peers, Bacon assumed the duties of his place. Lady Somerset pleaded guilty, throwing herself on the mercy of God and the King—drawn to that course by an understanding, or a promise, that her appeal to the Crown should be mercifully heard. Bacon was prepared for either course; the notes of a speech intended to have been made against her are preserved among his works. They are singularly merciful and gentle. Somerset's case came last. A careful reading of 'The Great Oyer of Poisoning' will convince any reader open to conviction that, though guilty of some depravity of heart and understanding, as well as of criminal weakness towards his wife and her associates, Carr was free from any active share in

7 Amos's Great Oyer of Poisoning, 360; State Trials, ii. 534, 879; Dom. Papers, xcvii. 129, R. O.
Overbury’s death. No proof was given, nor has any proof ever yet been found, that Somerset knew of Weston being put into the cell to kill Overbury, or of his wicked Countess sending the relays of poisoned soups and tarts. Somerset was deceived throughout by Lord Northampton. Yet, on the other hand, it is not to be denied that his indolent selfishness led him to the very verge of connivance in the crime. It was a case of doubt, and will remain so to the end of time. Bacon claimed strict justice from the Peers, while he left the gates of mercy open to the Crown. The Peers condemned Somerset to death, but with a tacit understanding that his life should not be taken away.8

When Somerset was sent to the Tower, and the Howards were cast down, the man who had pleaded for Hayward, who had saved Smith from trial, who had snatched Vernon, Lyttleton, Constable, Wright, and Orell from the fangs of Coke, who had spared the lives of Owen and Peacham, raised his voice against the further shedding of blood. When he had done his duty as Attorney-General, he remembered his privileges as a Christian and a man. Life enough had been taken. Helwys, Weston, Franklin, Ann Turner, all the more active agents in the deed, were gone. The Countess had a baby at her breast—that little girl who, born in shame, lived to be the mother of William Lord Russell. She confessed her guilt; she had been awfully punished; and

8 Sherburne's Report of Lady Somerset's Trial, May 24, 1616, R. O.; Winwood to Wotton, May 2, 1616, Venice Correspondence, R. O.; Bacon's Charge, in Montagu, vi. 235.
the remnant of her years was doomed to obscurity and shame. The Earl maintained his innocence; the world was not satisfied of his guilt. Humanity and Law alike conceded to him the protection of every doubt. Bacon's counsel to the Crown must be allowed to have been pure: he owed nothing to Somerset in the past—he could hope nothing from him in the time to come.9

His Majesty's Attorney-General had to endure some domestic and humorous trials of his own. Sir John and the lady in Worcester broke his rest. Having put his scorn upon Lord Eure, and worried him into selling his place to Lord Gerard; having got, with the help of Gervase Babington, Bishop of Worcester, a licence from the Crown to restore his pool; having finished his house in the middle of Westwood Park, and given a banquet to Lord and Lady Compton in honour of that event, which was the talk of neighbouring shires, the warm old knight, having no one left to fight with, began to fuss and wrangle with his wife. The widow, on her side, was now perverse: Sir John had even to turn her out of doors. When she left the park and rode up to town, her clothes and trinkets, sent on before her, were stolen on the way. In the full belief that Sir John had set on men to plunder her, Lady Pakington sent an account of her wrongs to the Privy Council, and begged to have a general warrant of search for her stolen trunks. This piece of domestic comedy stands solemnly recorded in the

9 Bacon to James, April 28, 1616.
Council-books: "Whereas complaint hath been made unto us by the Lady Pakington, wife to Sir John Pakington, knight, that, having occasion to repair to London, and sending up divers trunks of apparel and other necessaries for the use of her person, the same was carried aside, and as yet detained from her, to her great hindrance and prejudice. These are therefore to will and require you to make search in all places where you shall be directed by this bearer for apparel belonging to the Lady Pakington, and the same being found to cause it to be delivered to this bearer for her use."

This warrant to search for Lady Pakington's hoods and jerkins, fans, ruffs, and farthingales, was signed by the Lord Primate George Abbott, the Lord Treasurer Suffolk, the Lord Privy Seal Worcester, the Lord Chamberlain Pembroke, the Secretary Winwood, and other councillors of state.¹⁰

It may for charity be hoped the poor lady found her trunks, though the Council-books, busy with less amusing matters, say no more about them. Certain it is that, when she again went home to Westwood Park, she nagged and fretted Sir John, and not Sir John alone. Her girls being now married, Elizabeth to Mervin Tuchet, Dorothy to Sir John Constable, Bridget to Sir William Soame, she did her worst to make their husbands as miserable as her own. How Tuchet bore her tongue we are not told; but the young lord being rather crazed, and exceedingly vicious and tyrannical, it is likely enough that he submitted, as such men do, to the woman's dogged

¹⁰ Council Reg., Mar. 7, 1615; Dom. Papers James the First, lxxxvii. 67, R. O.; Wotton, i. 186.
will. Not so Bacon, who insisted on being the master in his own house. When she tried on him the arts which had sometimes roused, but more frequently tamed Sir John, he told her in the plainest words to mind her own business, and mind it better than she had done. When she hinted that, should he shut his wife out of the house, as she supposed he would, now that he had turned his deaf side to her mother's counsels, she would take her back from him, and give the poor thing a home, Bacon told her that, considering what had passed, and who had been already cast off, it was more likely that she would come to beg a room at Gorhambury than that Lady Bacon would need to seek one at Westwood Park.\

The merciful part which Bacon had played in all the great political and criminal trials, and which he played over again in behalf of the untried prisoners Sir William Monson and Sir Thomas Monson, has escaped the historians; yet the facts of this interference embrace a continuation of the duel with Coke, and are essential to an understanding of the remoter causes of Bacon's fall.

In the first warm days of discovery the two Monsons had been flung into the Tower. The proof would have gone hard against them. They were Papists. They were friends of Northampton. They were intimate with Lady Somerset. Sir William Monson was the secret agent of the Spanish Ambassador, Sir Thomas the man who placed Weston in Overbury's cell. Any actual participation in the murder was not proved against either of them; yet in the flush and anger of the public, more could

11 Montagu, xiii. 63; Personal History, 214.
have been brought against them by Coke and Hyde than any twelve jurors would have asked in order to their condemnation. Guildhall would have pronounced them guilty, as King's Bench pronounced Ann Turner guilty, and Coke would most gladly have sent them to the gallows or the block. But Bacon felt that, when the King resolved to pardon Somerset and his guilty wife, the Monsons could not be put to death. They were Catholics; but he could not treat their religion as a crime. As one of the four commissioners for the prosecution, Coke had made a vast collection of secret papers on the subject; these papers he refused to give up; and from threats which he used on hearing that he might be baulked of his prey, it was feared by the King that in his fury he would make these papers public, as in mere vexation he had made public his doubts of Peacham's treason.12

The advocates of mercy hied to the King, and James commanded Bacon to require from Coke the surrender of all these documents for his Majesty's use. The Attorney-General thereupon wrote to the Lord Chief Justice:

"I received yesternight express commandments from his Majesty to require from your Lordship, in his Majesty's name, all and every such examinations as are in your Lordship's hands of Sir William Monson for his Majesty's present service. Therefore,

12 Waad's Statement, Sept. 1615, R. O.; Coke's Memorandum, Sept. 11, 1615, Jan. 8, 1616, R. O.; James to the Commissioners, Oct. 21, 1615, R. O.; Coke to the King, Dec. 4, 1615, R. O.; Sir Thomas Monson to Coke, Dec. 5, 1615, R. O.
I pray your Lordship either send them presently, sealed up, by your servant, or, if you think it needful, I will come to you myself and receive them with mine own hands." This order Coke received as a personal affront.

No evidence appeared in these papers to connect Sir William with the murderous scenes in the Tower; and the proofs of his connexion with the Spanish Ambassador, of his disbursements of money to the partisans of Spain, though in the hands of government, were of a kind that could not be produced by the King in a court of law.\textsuperscript{18}

Sir Thomas Monson's case was far more difficult than Sir William's; for Sir Thomas had been in daily communication with Helwys when the poisons were being given, and his warm recommendation of Weston had encouraged Helwys to permit and share the crime. Yet a careful examination of the State Papers must convince a lawyer that Monson was no worse than Northampton's tool and dupe. He was guilty of Romanism: a crime which Coke, and many bigots like Coke, would have punished with the drop; he was guilty, too, of grave indiscretion and of crawling subserviency towards Northampton. How could the Crown lawyers deal with such a case? Monson had undergone a public examination, not a public trial. Coke would have had his life.\textsuperscript{14}

But while the two Monsons lay in the Tower, each

\textsuperscript{13} Bacon to Coke, April 16, 1616, R. O.; Carew to Roe, Jan. 18, 1617, R. O.

\textsuperscript{14} Coke to the King, Feb. 8, 1616, R. O.; Queries by Coke, Feb. 1616, R. O.; Chamberlain to Carleton, June 8, 1616, R. O.
loud in his denial of guilt, yet scared by the violence of his adversaries, Coke himself, the most eager of those adversaries, fell suddenly from his lofty place.

That command to give up the confessions and examinations of Sir William must have gone to the quick; for it not only robbed him of the power to bully and hang a man for whose creed he had no tolerance, but took from him a case in which he felt a lawyer's pride. This wrong he resented in word and deed. If in any case that arose Bacon took the right side, he eagerly took the wrong. In the great question of Commendams he came into collision, not with Bacon only, but with the King. 15

The case of Commendams, on the law of which Ellesmere and Bacon differed from Coke, may be explained in a few words. A living in commendam stood in the same position as a ward in custody; it was committed to some one's care. The custom of such holdings in the church had arisen in troublous times; when a Genseric had been in Rome or an Attila in Gaul, sees and parishes, left without occupants, had been given in care to the nearest bishop or the nearest priest. In time the Popes had discovered in this system of holding sees or livings a means of rewarding a loyal friend or buying off a formidable foe. In England, too, the plan had had its use and its abuse. Some livings were so rich, while some sees were so poor, that a clergyman might lose in state by his translation to the bench of spiritual peers. Such a fact, it is obvious, must have

15 Carew to Roe, Jan. 18, 1617, R. O.
limited the choice of the Crown, in cases of vacancy among the bishops, to the lower or less fortunate ranks of the clergy—a limitation not to be desired or endured—had not the Crown, when succeeding to the rights of the Holy Chair, inherited this power of granting livings in commendam. Yet such a power was open to grave abuse. Paulo Sarpi denounced the evils which it brought upon Roman Catholic communities, where a Pope's bastard or a Cardinal's nephew, under the title of a holder in commendam, swept the revenues of a province into his private purse.

While Coke was in his rage with Bacon and the King about the Monson trial, the case of a living held in commendam came before him in the Court of King's Bench. In a speech on this case Serjeant Chibborne went out of his way to contest the King's power to grant commendams at all. When James, then in the country, heard of this speech, fearful lest the angry Lord Chief Justice should pronounce a verdict touching the Crown, without the Crown being heard in its defence, he mounted a messenger for London commanding Bilson and Winwood to attend the next sitting of the Court of King's Bench and report to him the arguments used in this cause. Winwood being sick, Bilson, Bishop of Winchester, went alone, and his report alarmed the King in high degree, for Bilson heard Chibborne contend that the Crown had no power to grant livings or sees in commendam save in cases of extreme need; and that no such need could arise in England, where no man was bound to keep hospitality beyond his means.16

16 Storia del Concilio Tridentino, 1629; Collier's Ecclesiastical History of Great Britain, vii. 389; Council Reg., June 6, 1616.
Informed by Bilson of what was passing in the King's Bench, James commanded his Attorney-General to write and require Coke to put off the further hearing of this cause until he, the King, could come to town and consult the judges. This command a servant carried from Gray's Inn to the Lord Chief Justice's rooms in Serjeants' Inn; when Coke, who was just setting out for Westminster Hall, sent his own man to Gray's Inn to beg that Mr. Attorney would give to each of the twelve judges a copy of the note written to himself.

Coke's presence was required that morning in the Court of Chancery to assist in hearing a cause for the Crown; but setting the immediate duty of the day aside, defying the royal command, as conveyed through Bacon, he went down to Westminster, took his seat in the King's Bench, and called the forbidden cause. After some hearing, he carried the judges away to his rooms in Serjeants' Inn, where he persuaded them to sign a letter to the King, throwing the blame of his disobedience on Bacon, whose request for a postponement of the trial they described as contrary to law and to the oaths of a judge.  

James read this letter from his judges with amazement. Used to the freaks of his Lord Chief Justice, he had no expectation that he would venture on so wild a flight; but if his rage against Coke, and his fears of encroachment, could not lure him from his dogs and deer, he penned a smart rebuke to the judges, who,

17 The Judges to James, April 27, 1616, R. O.; James to the Judges, Council Reg., June 8, 1616.
when they saw how the tide was running, began to feel ashamed of what they had signed. They knew, indeed, that the reasons which had been given by Coke were a mere pretence; that Bacon's letter had been sent by command; that the Crown had power by law to grant livings in commendam; and that to delay the hearing until James could arrive in town would have neither interfered with justice nor disturbed their oaths. All these points of his case the King set forth with unsparing ire; ending by once again, in his own words and in his own name, insisting that the hearing should be stayed; and referring them, with a good sense of which he was seldom capable, to the Attorney-General whom they had insulted for his opinions on particular points.

Ambling to town for the Whitsun games, he sent for his twelve judges to the palace. Of the many comedies played in that superb political theatre, few have been so droll as this trial of the judges by the King. All the great officers of state were present; the King himself, Archbishop Abbott and Bishop Bilson, Lord Chancellor Egerton and Lord Treasurer Suffolk, Secretary Winwood, Zouch Lord Warden of the Cinque Ports, together with a host of councillors. Bacon stood there to defend himself. Coke, as a member of the Privy Council, took his seat.

The men whose lives had been one long duel, who had pleaded in the same courts, who had made love to the same woman, who had served in the same House of Commons, who for thirty-five years had been at guard and thrust, came together at last, with
the whole kingdom for spectators of their fence, and in a scene which could only end in disaster for one of them, perhaps in ruin for both. James opened the inquiry. Bilson stated what he had heard in the King's Bench; Bacon's letter and Coke's reply were put in as evidence and read. Eleven of the judges saw their error; and falling on their knees and confessing their fault, they implored the King's gracious pardon. Coke alone maintained that the facts of his note were true, and that Mr. Attorney's message was against his oath.

James turned to his aged Chancellor; but Ellesmere, before pronouncing judgment, begged, as the case involved points of law, that Bacon might first be heard in his defence.

Sir Francis rose. In the portrait by Van Somers, painted only a few weeks later, we see him as he stood at the Council board confronting Coke. Thirty-six years had passed since he entered on the fag and contest of the world; thirty-six years of toil, thought, study, disappointment, and success; which had neither soured his blood nor disturbed the beauty of his face. The bust of Somers is the bust of Hilyard come to its perfect growth. Brow broad and solid; eye quick yet mild; nose straight and strong, of the pure old English type; beard trim and dainty, as of one to whom grace is nature: over all the countenance a bold, soft, kindling light; an infinite sense of power, and subtlety, and humour, unmixed with any trace of pride.18

Turning to the King, the Attorney-General showed,

18 Council Reg., June 6, 1616. The portrait by Van Somers is at Gorhambury.
by proofs which seem superfluous, that in staying the hearing Coke would have hurt no law, broken no oath. The Lord Chief Justice started to his feet, crying the King's counsel may plead before the judges, they must not dispute with them. Bacon answered for his order and for himself, that a King's counsel was, by his office and his oath, free to proceed or declare against any man, against the greatest lord in the kingdom, even against any body of men, though they were peers and judges; and he demanded from the King's justice that this spirit of bad temper and worse law should be withdrawn. James sided with his Attorney-General, and Coke had to eat his words. The Lord Chancellor now required that the oath of a judge should be read; and when Yelverton had read the form, Ellesmere pronounced his judgment, wholly against Coke.19

Some other offences, most of all some errors in his Reports, having vexed the King, James ordered the Chief Justice to be suspended from the office of Privy Councillor, and to be restrained from going circuit as a judge; and appointed a Crown Commission, of which Ellesmere and Bacon were members, to read and revise his Reports. In a few hours the disgrace of the friendless old man was a common joke at the ordinaries and the Inns of Court. Bacon, when raised at length to a seat at the Privy Council, agreed to give up his private practice at the bar, except in extraordinary cases, for which he was to have the King's express permission. His time was to be devoted to public business and to the service

19 Council Reg., June 6, 1616; Sherborne to Carleton, June 12, 1616, R. O.; Gerard to Carleton, June 14, 1616, R. O.
of science. James had the grace to offer him for choice either a place at the Council or a promise of the Seals; from affection to Lord Ellesmere, he chose the first: "in respect of my hearty wishes that my Lord Chancellor may live long and the small hopes I have that I shall live long myself."  

Sworn a member of the Privy Council, as in every stage of his rise without a bribe, he took an early opportunity of paying a most generous and distinguished compliment to Coke; expressing his opinion of the extraordinary value, with a drawback here and there, of the Reports which were then so violently impugned. This compliment was put in a writing which he meant for posterity, his Proposal for Amending the Laws of England, and was addressed at the moment of Coke's darkest troubles to the King himself: "Had it not been for Sir Edward Coke's Reports—which, though they may have errors, and some peremptory and extra-judicial resolutions more than are warranted, yet they contain infinite good decisions and rulings over of cases—the law by this time had been almost like a ship without ballast." After this well-made compliment to Coke, his mortal enemy, the very next act of this new Councillor, who, on grounds of humanity, was moving heaven and earth to save a couple of Papists from the gallows, was to induce the favourite and his master to restore the famous Puritan preacher, Dr. Burgess, to his ministry in the Church. On every side tolerant of thought, on every side bountiful to merit, on every side he was generous to the fallen. Burgess

20 Council Reg., June 9, 1616; Carew to Roe, Jan. 18, 1617, R. O.; Chamberlain to Carleton, July 5, 1617, R. O.
had long been silenced. Many congregations wished to hear him preach; among others, the Honourable Society of Gray's Inn. Bacon prevailed, and the thunders of the great preacher were again heard at St. Paul's Cross.\textsuperscript{21}

Bacon was nominated one of a commission, with the Lord Treasurer, the Chancellor of the Exchequer, and other ministers, to consider a plan for raising funds by selling the old feudal right of homage and by disafforesting the distant and unprofitable Crownlands.

More than sufficient offences were discovered against Coke, alleged frauds, contempts, and disobediences—offences against the Church, encroachments on the powers of other courts, resistance to the new Irish boroughs, with his glosses, as in Peacham's case, on the law of treason—to ensure a condemnation either in the Star Chamber or in any court over which the Crown could name the judge. When Coke heard of this investigation into his past life, he lowered his tone. Not that his course on the bench had been impure; it had, in fact, been ostentatiously the reverse; yet the practice of all the courts was so unsafe, the system of fees so lax, that no man on the bench could stand against an accusation brought by the Crown. No judge knew better than Coke that to be tried was to be condemned. In the most whining tone he prayed to be spared the shame of a public trial; on his knees he implored the Council to protect him; saying, and very truly say-

\textsuperscript{21} Bacon's Proposals for Amending the Laws of England, 1616; Dom. Papers, xc. 24, xcii. 88, R. O.; Council Reg., June 3, 1616.
ing, that any man in place, however high his state, however clean his hands, might be crushed by an indictment laid in the royal name. Again and again he appeared before the Privy Council, under his rival’s eyes, in the same ignominious attitude, begging for mercy in the same miserable tone. The woman who in his prosperity had been the torment of his life no sooner found him grovelling on his knees before men deaf to his groans, and the savings of his long practice at the bar menaced with fine and forfeit, than she bounded to his side, made his suit her own, worried her kinsmen for help, besieged the Queen with petitions, and declared that, come evil or come good to her husband, she would share his fate.  

Though Queen Anne put forth her weakness in his cause, Coke was degraded from the Council, forbidden to travel circuit, commanded to revise his Reports. Villiers against him, the Queen was powerless: and in place of conciliating those who might have helped her suit, Lady Hatton insulted the favourite’s mother, and, on that lady’s instance, was banished from the precincts of the Court. The turn, if long in coming, had come at last. When the day of Bacon’s victory arrived, he enjoyed it in a manner peculiar to himself. James offered him Sir Edward’s seat in the King’s Bench; he declined the offer; and then wrote a letter of remonstrance and admonition to Coke, the like of which is not to be found in all literature. The goads and taunts of the great lawyer

22 Council to the Commissioners, June 30, 1616, R. O.; Council Reg., June 26, 30, 1616; Chamberlain to Carleton, June 22, 1616, R. O.; Sherborne to Carleton, June 29, 1616, R. O.
found the one weak place in Bacon's mind, and in dealing with that irascible adversary Bacon once or twice forgot some part of the courtesy, the clemency, the humour, which at all other times controlled the exercise of his extraordinary powers. Under the guise of friendly advice, he read to the Lord Chief Justice such a lesson on his past life as Hamlet reads to the remarried Queen: an offence which Coke most bitterly remembered and revenged.

When Coke was stripped of his office and deposed from the bench, Lady Hatton, who had been going to make his cause her own, packed up her furniture and plate, leaped into her coach, and left him to his loneliness and his rage. Sir Henry Montagu, Recorder of London, a man of very great wealth and very high abilities as a lawyer, grandson of bluff Harry's famous Lord Chief Justice, and founder of the ducal line of Manchester, was, on Bacon's recommendation, raised to the bench.28

The fall of Coke threw a sudden light into the dungeons of the Tower, and Sir Thomas Monson gained the liberty of that fortress. Sure that Monson ought not to be tried, when it was improbable that he could be convicted, and impossible that he could be hung, Bacon, not the less sure that, for the King's own credit and for Monson's own safety, he ought not to be merely set free, proposed, with the full concurrence of Sir Henry Yelverton, that a

28 Villiers to Bacon, Oct. 3, 1616, Lambeth MSS. 936; Montagu, vii. 296; Williams to Carleton, July 3, 1616, R. O.; Chamberlain to Carleton, July 6, Oct. 26, Nov. 9, 14, 23, 1616, R. O.; Sherborne to Carleton, July 11, Oct. 5, 1616, R. O.; Winwood to Carleton, July 13, 1616, R. O.; Egerton's Speech to Montagu, Nov. 18, 1616, R. O.; Grant Book, 197, 198.
pardon should be granted under the Seal, reciting Monson’s plea of innocence, the dubious proofs against him, and the mind of the King to let him off. Egerton backed this compromise; for he too, though himself a convert from the Church of Rome, believed with Bacon that a gentleman might be a Roman Catholic without being a traitor.

The advice of these great lawyers was welcome to James, who caused a pardon to be at once drawn up. Monson, brought to the bar of the King's Bench, declared his innocence, and protested that his pardon should be read as evidence of his innocence, not of his guilt. Montagu, now Lord Chief Justice, told him it should be read in this sense, and Monson with a joyful heart went home from the Tower.\(^24\)

Except in very rare cases, Bacon ceased to appear in court as an advocate; his time being spent in his official duties or in his scientific studies; but among the few causes in which he appeared were two or three of mournful celebrity in connexion with his fall. There was the cause of Sir John Kenneday of Barn Elms. One of those Scottish gentlemen with thin purses and long pedigrees who followed King James into England in search of noble and wealthy wives, Sir John had married Elizabeth Brydges, daughter of Giles Lord Chandos of Sudeley; a match which mightily pleased King James and perfectly overwhelmed Sir John. Guy, the new Lord Chandos, would not recognise the marriage of his brilliant aunt with a poor Scottish knight: and

\(^{24}\) Council Reg., Aug. 10, 1616; Bacon to James, Dec. 7, 1616, R. O. (printed in 'Personal History,' 225); Statement of the Case of Sir Thomas Monson, Feb. 12, 1617, R. O.
Elizabeth had been used to wasteful and expensive ways. Lord Chandos, "King of the Cotswolds," kept an open house at Sudeley Castle; three days a week for the gentry, every day for the poor; and, as a girl who had been born to such housekeeping could not stoop to the poverty of Barn Elms, Lady Kenneday ran into debt. Chandos would not help her; creditors attacked Sir John; domestic feuds arose, with actions and cross actions in the courts of law. Arrested for his wife's debts, Sir John had to beg for protection, which the Crown lawyer granted him from time to time. Unable to dispute his wife's debts, he began to dispute his marriage; and, there having been flaws in the contract, the unhappy woman, neither wife nor widow, was put away. We catch a last glimpse of this once gay and brilliant girl, the light of Sudeley and Hampton Court, in a letter from Sir Arthur Gorges, who describes her as coming to his gate in rags, her legs bare and shoeless, her coarse petticoat clinging about her limbs, an old cloak on her beautiful head, begging of him to let her come in from the cold for Christian pity and love of his wife.25

Another cause was that of Edward Egerton, a gentleman of ancient house, living near St. Giles', Cripple-gate, who had a suit against Sir Rowland Egerton, son of Sir John. It was a family dispute. Sir John, the chief of the Cheshire Egertons, made an exceedingly brilliant match for his son and heir, Sir Rowland; the lady whom he courted being Bridget Grey, sister and heiress of that Thomas Lord Grey of

Wilton who was then a prisoner in the Tower; and, on receiving from Bridget's friends a portion of three thousand pounds in money to his own use, he covenanted in the marriage bond to settle on the young people and their heirs certain manors in Cheshire and Staffordshire, including Wrinehall and Haywood Barns, two manors which belonged to Edward Egerton, but which had been made over by a voluntary conveyance to Sir John, apparently for the purposes of that marriage settlement. On Sir John's death, however, it was found that, with the exception of two hundred pounds a year left to his son Peter and a provision of three thousand pounds for his widow Ann, the knight had made over all his lands and tenements to Edward, whom he appointed sole executor of his will. When Sir Rowland moved to be protected in the enjoyment of his rights under the marriage settlement, Edward retained the Attorney-General for his defence. Ellesmere, having heard the pleadings, ruled that Sir Rowland and his wife should retain the lands and tenements conveyed to them by the marriage bond; that Sir Rowland, in addition, should enjoy his father's ancient or purchased land not mentioned in this bond; that Edward should enjoy all his own ancient lands, save those which had been settled on Rowland and Bridget, until such time as each might recover them from the other by regular process of law.26

For two or three years past, Ellesmere, seventy-seven years of age, lying sick at York House, clinging with a lawyer's pride to the Seals, though

26 Decree Rolls, No. 178, James I., Part 36, No. 3.
too much broken in health to sit daily in his court, the business had been left to his Masters in Chancery, particularly to Sir John Ayme or Sir John Tindall; the latter an upright and industrious judge, who occupied chambers in Lincoln’s Inn. But if Ellesmere could not make up his mind to part with the Seals, which he had held for a longer period than any Lord Chancellor since the Conquest, he began to divest himself of the lesser offices and responsibilities of his rank; yielding, amongst other things, the Stewardship of St. Albans to the friend who sat by his bed, lightening his pains and cares, and whom he, like all the world, had selected for his successor in the Court of Chancery. The arrears in that court were great. As a Chancellor, Ellesmere had been slow to hear and slow to pronounce. Time to be right, he must always have; and some of the causes in his court—for example, those of Wraynham versus Fisher, of Wharton versus Wood—had been on and off before him a dozen years. The undecided causes on the list amounted to three or four thousand.27

The evils of delay were not the worst. On every side of a corrupt and wealthy court abuse crept in; servants who had bought their places for money, and who looked to be repaid by the fees of suitors, having been left for years without steady control. Some of these servants, clerks, receivers, registrars, were far from being incorruptible men. One of them, John Churchill, a deputy registrar, was a flagitious rogue. Then, too, the decrees of Ayme or Tindall,

27 Book of Orders and Decrees in Chancery for 1616, Record Office; Monro’s Acta Cancellariæ, 34.
however just, had less authority with the public than those delivered by a Lord Chancellor in person. Every man who acts for another is unpopular; if a king can do no wrong, a regent can do no right. Every suitor who was cast by Tindall fancied, in his heart, that if Ellesmere had been on the bench he would have done greater justice to his claims. An atrocious crime made public this discontent. John Bertram, an old man of eighty, having a trifling suit in Chancery against Sir George Symeon, which Sir John Tindall and Sir John Ayme had heard and reported against, rammed three slugs into a pistol, posted himself in Lincoln’s Inn at the door of the judge’s lodging, and, as Tindall was alighting from his carriage, stepped up to him, levelled the weapon, and shot him dead. Bacon had the murderer seized and lodged in the King’s Bench prison. Bertram justified his crime: saying in his defence that Tindall had reported against him, that he was, therefore, an unjust judge, and that he had done a service to mankind in removing an unjust judge from the bench. A day or two before the time fixed for his trial the unhappy madman hung himself in jail; but in order that the lesson of a solemn trial and execution of the murderer might not be wholly lost on the public mind by this act of suicide, Bacon advised that a declaration of the facts should be made in the Court of King’s Bench, that a penalty should be inflicted on the jailer for his negligence, and that a public report should be delivered from the judgment-seat in the Court of Chancery. To satisfy the streets, he caused a pamphlet to be written, under his own eye, by his kinsman Nicholas Trott; ‘A True Relation of a most
desperate Murder, committed upon the body of Sir John Tindall, Knight, one of the Masters in Chancery; illustrated by rude woodcuts of the murder in Lincoln's Inn, and of the suicide in jail. This pamphlet is curious as showing what kind of literary statement Bacon thought adapted to the London alleys and country fairs.  

The murder of a Master in Chancery made the King more anxious to have a Lord Keeper who could personally preside in that important court; but Ellesmere lay at the point of death, and no one desired to tear the Seals from him by force. Among other affairs referred to Bacon were the disorders in our trade with Spain, and a Report touching a child supposed to have been left by Lady Arabella Stuart. The first was referred to Bacon alone, with power to collect evidence and to offer remedies for the wrong. The second, which concerned the King more nearly than the murder of English crews, the confiscation of English goods, was referred to four commissioners, the highest functionaries of the state—Abbott, Suffolk, Winwood, and Bacon; Bacon, on whom the burthen of inquiry fell, representing the great lawyer then dying at York House.  

After Lady Arabella's death in the Tower a whisper flew abroad that her romantic marriage had not been altogether barren; that she had given birth to a child while confined in Sir Thomas Parry's

28 Book of Orders and Decrees in Chancery for 1616; Montagu, xii. 311; Dom. Papers, lxxxix. 21, 39, 68; A True Relation of a most desperate Murder, &c., 1616; Acta Cancellariæ, 237, 238.  
29 Add. MSS. 19, 402; Sherborne to Carleton, Feb. 8, 1617, R. O.; Council Reg., Feb. 2, 1617.
house at Lambeth; and that this heir of the Seymours was still alive. The story had a deep and romantic interest. If there were such a child alive, it stood very near the throne—uniting, as it must, in one head the rival claims of the Seymour and Lennox lines of descent from Henry the Seventh; a rival, as some folks thought, to the King's own children, and one who might become truly formidable should the rickety Prince of Wales not live. Such a birth was not unlikely to have taken place. The Lady Arabella was not more than thirty-six when she fell in love and secretly gave her hand to William Seymour. They were married weeks before their amour was discovered. When parted by force, their love and wit found means for meeting. Even when Seymour was in the Tower, he so far won upon his jailor by his youth, his misery, or his gold, that he was frequently allowed to go up the river and see his wife. Nothing, therefore, in the tale of a child having been born to all this love appeared improbable to men who feared or hated the King, while the motives for concealment, if it had been born, were clear to all. James was profoundly moved. A new Perkin Warbeck menaced his throne.

True or false, the story was a serious fact for James and for his dynasty: not less grave for them if false than true; unless it could be wholly and for ever rooted out from the minds of men. Hence the commission. For a time the mystery defied even Bacon's subtlety of search and proof. It is always hard to prove a negative—most hard in a supposed case like that of Lady Arabella's child. The very seclusion in which
she had been kept made the proof more difficult. The commissioners might convince themselves; they had to convince a credulous world, at the risk of leaving that world open to seduction by any knave who might choose to play his head against a crown. They sent for Seymour, who either knew nothing or would tell them nothing. They sent for Sir John Keys and Doctor Mountford, the physicians of the royal lady. They questioned Edward Kirton and Edward Reeves, her body servants. None of these would own to the birth of any child. Such evidence, however, was far from decisive. Where were Lady Arabella's waiting-women? It was known that, while imprisoned in Parry's house, Arabella had a waiting-woman called Ann Bradshaw. Ann had dropped out of sight, though no one thought that she was dead. Where was she? The Seymours did not know. Her old friends and fellow-servants did not know. Such a fact was of itself suspicious. Was the missing maid watching over the missing child? There must be an end of these questions. If alive, and between the four seas, Ann Bradshaw must be found; for on her testimony hung the chances of a civil war.

A search through every shire from Exe to Tweed discovered her in Duffield—an obscure village lost among the snows of the Peak. Though old, the woman's memory was good: she remembered everything about her unhappy mistress, with whom she had been day and night in Parry's house, and was positive she never had a child. The local magistrates dared not jolt her off to London through the winter cold, for the doctors said she would die on the road.
A message sped to Bacon. Not an hour was to be lost; the weal of millions hung on the words of this sick creature; so he mounted for Duffield Sir Clement Edmondes, a trusty Clerk of the Privy Council, to see the woman and take her important evidence on oath. Clement sent in his report. The tale sworn by the waiting-woman convinced the commissioners and the Council that the rumour of a young Seymour, born of Lady Arabella, being in existence was a lie. In witness of this inquiry, and of this result, James caused an elaborate statement of the facts to be inserted in the Council Register, signed by George Abbott, Thomas Howard, Ralph Winwood, and Francis Bacon. The search which satisfied the Council seems to have satisfied mankind. It is, indeed, amazing that, during all the troubles and illusions of the succeeding forty years, no one ever assumed the character of Lady Arabella's son.30

The Seals, if close to Bacon's hand, were not yet secured; indeed, the risk of missing them for a time was great. The favourite's mother, who had all her son's beauty, none of his good sense or generosity of spirit, had come to exercise an influence at the Court, which she employed with little regard to decency or honesty in the advancement of her kin. This kin was numerous; the lady having been married to three husbands. Sir George Villiers, to whom she was a kitchen-wench before she sat at his table, had left her with three sons, John, George, and Christopher; one daughter, Susan; besides three step-daughters and two step-sons. Her second hus-

band, Sir William Rayner, died soon after marriage; and her third husband, Sir Thomas Compton, being, as she loved to describe him, a coward, a drunkard, and an idiot, though tolerably rich, she had the care of all Sir George's nine children. Ruling her son, as her son ruled the King, almost every office and commission in the kingdom was at her disposal, and the buyers and brokers who hung upon her footsteps told her from hour to hour how much her smiles were worth. The temptation to buy and sell was great, one man offering no less than thirty thousand pounds for the Seals.

As Ellesmere grew old, nearly all the great lawyers, and some of the great ecclesiastics, looked forward to succeeding him in his place; among others Bennett and Hobart, Bilson and Coke; and as Ellesmere would not die, and those who hoped to make a purse by the Seals would not pay him the price of a surrender, they began to brood over plans for forcing him to yield. A sentence in the Star Chamber would be legal death.

The scheme of a criminal information quickened into life on Ellesmere refusing to pass under the Seal some patents in which two of the Villiers had a share. Famous among these patents was a grant to Sir Giles Mompesson for the manufacture of gold and silver thread. Everybody then wore lace. In the comic writers of James's reign, in Jonson, in Webster, in Massinger, the gallants strut in lace—not in the tawdry stuff sold by Autolycus as a present from

31 Coke's Detection, i. 45; Collins's Peerage, iv. 176-7.
32 Monro's Acta Cancellariæ, 244; Sherborne to Carleton, Feb. 23; Lovelace to Carleton, Mar. 11, 1617, R. O.
country lads to country lasses—but in glinting silver and gold; the metals dropping in threads from the ruff, or wrought into the doublet and hose, the cloak and cap. The looms of Venice could not supply the want. For more than a dozen years attempts had been made by the London weavers to introduce into England this profitable trade; in 1604 a patent had been issued to Richard Dike and others to make Venice gold and silver lace for twenty-one years; after a struggle with the lace-dealers, Dike had been compelled to take in new partners and apply for new powers; having no easy and prompt redress against the traders who infringed his rights. In 1611 the new partners, including the Countess of Bedford, obtained a new patent; and in 1616 they received a special licence for twenty-one years. But success had not come. The Venetian merchants undersold Dike, while his patent was infringed by a small fry of weavers, too poor to be repressed by legal means. At length, Sir Giles Mompesson, a man of energy and wealth, who was already Licenser of Inns, proposed to buy up these old patent rights, to extend the manufacture, and carry it on for the King's profit and his own; to which the King consenting, a new commission was drawn up. The patent under which he proposed to work must not alone protect his trade, but allow him to take up gold and silver for his need, even the coin of the realm. By giving Sir Christopher and Sir Edward Villiers a share in the business, Mompesson hoped to secure protection in the highest places.38

38 Doquets, Sept. 27, 1604, May 23, 1611; Grant Book, 160; Sign Manuals, vi. 109; Com. Jour., i. 530-576.
Blind to the lights of trade, Ellesmere refused to seal this grant. Not that he perceived and lamented the true evil of monopolies. Every profession was then a guild. The grocer, the perfumer, the vintner, the tailor, was each invested in a charter or a patent; and without a monopoly there could be no trade. During his long reign as Chancellor, Ellesmere passed hundreds of patents more mischievous than the one for enabling the London spinners to rival their Venetian brethren in the production of gold and silver thread; indeed he sealed this very patent for lace to Dike and to Lady Bedford. His repugnance to the new issue sprang from the contempt of an old man for fripperies of dress and show, and from a fear that Mompesson would ruin the Crown by withdrawing the coinage from circulation into trade. Lady Compton, vexed at this refusal, resolved on his ruin. Agents sneaked about the Inns of Court, speaking evil of the great lawyer, now on his death-bed, provoking all who had suffered wrongs, or who fancied they had suffered wrongs, in his court, to rise up against the tyrant. Men soon answered to the call. A blameless life, a sick-bed, were no protection against this outrage. One said he had given money into the court; another said he had given a ring, a cabinet, a piece of plate; tales which in substance and form were true, in spirit and intention false. It was easy to call him an unjust judge. Charges enough were gathered: charges more numerous, said Sir William Lovelace, than those which had recently crushed Coke; charges as flimsy and as fatal, I may add, as those which only four years later served to overwhelm Ellesmere's suc-
cessor. Some of Buckingham's people sent to the sick man's room the news of this flagitious inquisition; and it is feared that the threat of a public prosecution may have broken the old man's heart.34

More than one negociation for the Seals was on foot. Sir John Bennett offered thirty thousand pounds, and a still better bargain was in train with Coke. Lady Compton, wanting her eldest son to be made a peer, required for him a large estate in land, and, if she could only get the estate, she was willing to take it with a wife. Proposals were therefore made to Coke for a family alliance; Coke giving his daughter to Sir John Villiers, with ten thousand pounds down, and a settlement of a thousand pounds a-year; Lady Compton forgiving Coke his offences, restoring him to the Privy Council, ennobling him with a peerage, and enriching him with the Seals. But while the old miser and the covetous woman haggled about the terms of this treaty, the King himself put the Seals into Bacon's hands.35

34 Chamberlain to Carleton, Mar. 8, 1617, R. O.; Lovelace to Carleton, Mar. 11, 1617, R. O.
35 Council Reg., Mar. 7, 1617; Chamberlain to Carleton, Mar. 15, 1617, R. O.
CHAPTER XII.

LORD KEEPER.

Three days after Bacon's installation the affectionate and aged Chancellor passed away. The friend whose rise at the bar he had predicted, and whose ascent to power he had aided, sat with him in his chamber at York House, in the last hour of his life. Bacon had come to him from the King with a most gracious message; the offer of an Earldom, the Presidency of the Council, and a pension of three thousand pounds a-year. The dying man said they were sent too late; though he begged that the coronet might be given to his son.¹

From this son, John, the first Earl of Bridgewater, the new Lord Keeper, after a short residence at Dorset House, bought the lease of York House. There his father dwelt, and he himself was born; it was the home of his affections and of his dreams, endeared to him by the tenderest associations of his youth, by the sports of his brother Anthony, the love of Lady Anne, not less than by the struggles and the friendships of his later years. At length those delightful gardens on the Thames were his own. Lady Bacon found the rooms vast and naked, but the many kinsmen and friends who had a right

¹ Dom. Papers, xc. 126, 146, R. O.
to rejoice in Bacon's advancement came to her help: one bringing books and drawings, one furniture and plate; this man a stand of arms, a cabinet, a velvet stool; another jewels and rings; and yet another money or provisions. Such aids were of the time; offerings of friend to friend, of client to counsel, of subject to prince. Among these presents three became, in after days, the subject of dispute; a ewer and present of money from Edward Egerton, a purse from Sir George Reynell, a cabinet from Sir John Kenneday. Egerton, his client, sent in a basin and ewer worth fifty guineas, together with a box containing four hundred pounds, an expression of gratitude for the services rendered to him by Bacon in his suit. Reynell, an ally by marriage (his brother, Sir Thomas, being the husband of Elizabeth Killegrew), made a contribution of two hundred pounds. These men were rich, and, their gifts being appropriate were accepted. Sir John Kenneday sent in a cabinet too costly for him to bestow, for Sir Francis and Lady Bacon to receive. The Lord Keeper came from his closet into the hall to admire it and refuse it. A magnificent gold chain from Lady Cæsar, a diamond ring from Charles Prince of Wales, were among the tributes of his popularity. It would be correct to say that York House was clothed for the new Lord Keeper by those who loved and honoured him from the attic to the vault.  

Ten days after Bacon's investiture, the King, with Villiers, now become Master of the Horse, and a

2 Dom. Papers, xc. 122, xci. 18, R.O.; Bacon's Submission and Confession, 2, 9, 19; Bacon's Will, Dec. 19, 1625.
troop of lords and ladies, bishops and huntsmen, rode away for Edinburgh, warm with zeal for setting candlesticks on Scottish altars, blowing organs in the Kirk, and raising prelates over synods; leaving the new Lord Keeper at the head of two grand commissions, which, in the King's absence, were to rule the kingdom. Bacon was to reside in the palace, to receive ambassadors, to preside at the Council, to keep up the state of a prince. Everything claimed a share of his attention—law, finances, government, religion, piracy in the Levant, riots in Smithfield, Raleigh's voyage to the Amazon, abuses in the Court of Wards, the Spanish intrigues, the condition of poor prisoners, Prince Charles's projects of marriage, the overcrowding of London houses, the private affairs of Coke: for every one of which duties he found leisure, while also toiling at the Great Instauration, now almost ready for the press; and while instructing judges and magistrates in the duties of their office. Men breathed more freely than they had done for years. Persecution softened on one side, compression relaxed on the other side. Bacon rode in state to St. Paul's Cross to hear Donne deliver a sermon in praise of Elizabeth, composed in the spirit of his own more celebrated memoir. On the previous day he had given orders for the release of Danvers, Walter, Johnson, and Armstrong, four of those Roman Catholic priests who had been confined in the Gatehouse, on the easy condition of their going out of danger and out of mischief into France or Spain.  

* Sign Manuals, vii. 59, 65; Dom. Papers, xc. 113, 115, 122, 146, xci. 6, 7, 52, R. O.
On the first day of Trinity term, May the seventh, he rode from Gray’s Inn, which he had not yet left, to Westminster Hall to open the courts in state; all London turning out to do him honour; the Queen sending the lords of her household, Prince Charles the whole of his followers; the Lords of the Council, the judges and serjeants, composing his immediate train. On his right hand rode the Lord Treasurer, on his left the Lord Privy Seal; behind them a long procession of earls and barons, knights and gentlemen. Every one, says George Gerard, who could procure a horse and a foot-cloth, fell into the train; so that more than two hundred horsemen rode behind him through crowds of citizens and apprentice boys from Cheap, of players from Bankside, of the Puritan hearers of Burgess, of the Roman Catholic friends of Danvers and Armstrong; and he rode, as popular in the streets as he had been in the House of Commons, down Chancery Lane and the Strand, past Charing Cross, through the open courts of Whitehall, and by King-street, into Palace Yard. He wore that day, as he had worn on his bridal day, a suit of purple satin. Alighting at the gates of Westminster Hall, and passing into the court, he took his seat on the bench; when the company had entered, and the criers commanded silence, he addressed them on his intention to reform the rules and practice of the court, using, among others, these words:

“Concerning speedy justice, I am resolved that my decree shall come speedily upon the hearing. It hath been a matter much used of late, that upon the
full hearing of a cause nothing is pronounced in court; but breviates are required to be made; which I do not dislike in causes perplexed, for I am of opinion that whosoever is not wiser on advice than on the sudden, is no wiser at fifty than at thirty; and it was my father's ordinary word, 'You must give me time:' yet I find that where such breviates were taken the cause was sometimes forgotten a term or two, and then set down for a new hearing, or a rehearsing three or four terms after. I will pronounce my decree within few days after my hearing, and sign my decree at least in the vacation. Fresh justice is the sweetest. Justice ought not to be delayed. There ought to be no labouring in causes but that of the counsel at the bar." And then he added, with a more solemn grace, for his health was frail, and the chief work of his life, though forward, was not yet done, "Because justice is a sacred thing, and the end for which I am called to this place, and therefore is my way to heaven (and if it be shorter it is none the worse), I shall, by the grace of God, as far as God will give me strength, add the afternoon to the forenoon, and some fortnight of the vacation to the terms, for clearing the causes of the court. Only the depth of the three long vacations I would reserve for studies of arts and sciences to which in my nature I am most inclined."

Three thousand six hundred chancery causes waited his leisure; some of them of ten or twenty years' standing. The rules which he laid down for himself and for others, the courtesy with which he

4 Dom. Papers, xcii. 13, 14, 15, 18.
listened to the pleadings, the spirit in which he decided on conflicting claims, taking time to be right, but pronouncing his judgment the moment he had made up his mind, were beyond imitation and above praise. A minor reform which he brought into vogue, which he revived from the past, and made good for the future, was the practice of the Lord Chancellor giving dinners to the Bench and the Bar. Down to Hatton's time, the chiefs of the law had either regularly or occasionally seen the judges at their table; this jovial custom, laid aside by Puckering, had not been restored under Ellesmere. Bacon brought back these meetings of the profession. On the first day of term he feasted his followers at a banquet which cost him no less than seven hundred pounds; soon afterwards he invited the judges and leaders of the bar to dine with him, when he made them a speech, and saw "cheer and comfort in their faces, as if it were a new world;" as in truth it was. By good humour, by patience and courtesy, by an assiduity which knew neither haste nor rest, he cleared off all the accumulation of arrears. In Easter and Trinity terms he settled no less than three thousand six hundred and fifty-eight suits; on the eighth of June he could proudly say: "I have made even with justice; not one cause unheard. Men think I cannot continue. The duties of life are more than life; and if I die now I shall die before the world will be weary of me—which, in our time, is somewhat rare."

5 Book of Orders and Decrees in Chancery for 1617; Book of Reports of the Masters in Chancery, 1617; Montagu, xii. 244, 318, 319.
It was not in Coke’s nature to behold the glory of a rival without pangs of envy and regret. In striding over Coke’s head to the Mace and Seals, Bacon put the crown to his many offences against that wealthy and vindictive foe. Their lives had been spent in a daily contest for rank, love, place, and power. Up to the present year Coke had been able to keep in front. He had made more money, he had won Lady Hatton, he had first got office under the Crown. He had gone up to the Common Pleas while Bacon was fighting for his early promotion at the bar. Before the great philosopher was commissioned as Attorney-General, the great jurist had been seated on the King’s Bench. For the three years and four months during which Bacon, as Attorney, waited in the Council ante-room, Coke had been seated at the board. The scene was now changed, the characters reversed. Within a few weeks Coke had been degraded from the Council to make way for Bacon, and reduced from the King’s Bench that his rival might refuse his place. The humiliation was capped by Bacon filching from him, at the very moment of his negotiation with Villiers, the Mace and Seals, without paying for them one shilling of the sums which he had been told he must lay down. The man whom he so hated had become foremost in reputation and in power, holder of the Seals, occupant of a palace, chief of all commissions, representative of the King.6

How could he drag this rival down? It needed no sorcerer to see that they who had all but slain

6 Council Reg., Nov. 4, 1613; Yelverton to Bacon, Sept. 3, 1617, Lambeth MSS. 836.
Ellesmere, might, with Buckingham's aid, or even with his neutrality, slay the successor of Ellesmere. That aid, or even that neutrality, might not at present be found attainable; the Lord Keeper, who, on his part, felt a genuine love for the young Earl whose fortunes he had helped to make, being heartily loved and admired by Buckingham in return. There was much, indeed, in Buckingham to love. Few men have borne such fortunes as his with so little injury to their morals or their minds as he. Raised in a few months from poverty to boundless wealth, from the rank of a page to that of a duke, he bore these honours and changes with a modesty which won all hearts. Tempted by pleasure, his life remained pure; tempted by power, he was rarely, if ever, unjust. Even when he went wrong, he erred out of affection to a mother on whom he doted, and in the interests of brothers whom he dearly loved. Some part of the virtues of his earlier years may be safely ascribed to the teachings of Bacon, who condescended to instruct him in the art of governing his passions, and of turning to noble ends the confidence of his master. Some part must be credited to a nature singularly good, and to a disposition singularly sweet. Yet a man who has scarcely any weakness beyond that of his domestic affections may be drawn by his amiability into doing a great deal of wrong. Bacon's rise had been highly disadvantageous to Buckingham's kin; for though the new Lord Keeper had paid eight thousand pounds for his commission, this money had gone to Ellesmere; and the larger sums which Bennett had offered, and Coke was offering, had been lost by Lady Compton
and her sons. Villiers had not opposed Bacon's elevation; indeed, no man had rejoiced more warmly in his success, or congratulated him more sincerely on his good fortune; but it was not in Lady Compton's character to refrain from reproaching her son with the sacrifice of his brothers, or in Buckingham's affection to forget the reproach.

The loss had been as great to Lady Compton as the mortification to Coke. How could the loss be regained, the mortification avenged? In one of two ways; either the Lord Keeper might die, or he might be removed from office. Bacon had never been robust; he had lately hurt himself by study; he was now oppressed with official even more than with scientific cares. Stone laid him prostrate, and gout established itself in his heel. If he laughed at his pain, saying, "This gout has taken a new course; it formerly attacked the rich, now it attacks the poor; yet I am the first beggar who ever had it"—the common opinion was that he could not long hold out against attack; and those unfriendly gossips who, like Chamberlain, scanned his face as he rode from York House, noted his absence from the Privy Council or the Star Chamber, and watched for the visits of his physicians, imagined he could not survive. Should he fail, it would be well; should he live, he might be ruined. Was he not Lord Keeper? Could any man sit in the Court of Chancery and not be defiled? Could Sir Francis Bacon make reform, and not make enemies? All those who gained by the system of

7 Bacon's Advice to Sir George Villiers; Chamberlain to Carleton, Mar. 11, 15, 1617, R. O.; Gerard to Carleton, Mar. 20, 1617, R. O.
delay and corruption would be against him; ready, at a sign of approval, to become spies for his political foes. Coke began to hunt among the solicitors and suitors of his court for grievances, to whisper in Buckingham's ear that this new Lord Keeper would never be to him a zealous servant; and if these hints were for a long time lost on Buckingham, it was not long before the mother of Buckingham listened to a renewal of the offer to her son Sir John.

Coke and Lady Hatton had never lived happily together, their marriage having been a comedy, their wedded life a wrangle and a jest. She disdained to bear his name, slammed the door of her house in his face, and, when entertaining the Court at Hatton House, had insolently refused to allow her husband to pass her gates. If she had not yet broken Coke's heart, it was because she had found there was no heart to break. In tastes, in habits, this unhappy pair were opposite in kind and in degree. He was penurious, she profuse. He loved folios and a farthing candle; she lights and revels, masques and plays. By night and day a rout of fiddlers, dancers, lovers, and magicians, poured through her galleries. When the private books of Simon Forman, wizard and seducer, were handed by counsel to the Lord Chief Justice during the trial of Ann Turner, the very first name on the wizard's list was that of his own flighty wife. Coke slunk from the sight of all this devilry to his den in Serjeants' Inn; their misery becoming the sport of wits, the mockery of tipsy gallants; while Bacon

8 Carleton to Chamberlain, May 24, 1617, R. O.; Yelverton to Bacon, Sept. 3, 1617; Lambeth MSS. 936.
found in their quarrels and unhappiness fresh reason to be thankful for his own tranquil and modest home."

The only child of this dismal union, Frances Coke, was blossoming into a beauty and a toast; a girl whose sensuous charms were sung in some of Jonson's most luscious lines:

"Though your either cheek discloses
Mingled baths of milk and roses;
Though your lips be banks of blisses,
Where he plants and gathers kisses;
And yourself the reason why
Wisest men of love may die!"

Yet the beauty of her cheek and lip was the smallest part of Frances Coke's attractions. As her mother's only child, she was the heiress of Hatton House in Holborn, of Corffe Castle in Dorsetshire, and of the long reaches of iron-sand, with the famous stone and marble quarries of Purbeck Isle. Her father, who felt no scruple at throwing away his wife's money, proposed to give this wealthy and blooming girl to Lady Compton for her pauper son; Sir John Villiers undertaking to marry the young lady for a bribe of twenty thousand pounds down and a settlement of at least two thousand marks a-year, Lady Compton agreeing to procure Coke's pardon for his many offences, and to urge her son George to labour for his restoration to high place, and his elevation to high rank. To this sale of her person Frances Coke was averse; her mother still more averse. The young lady hated

9 Jonson's Metamorphosed Gypsies; Bankes's Story of Corffe Castle, 35-44; Lady Hatton to Cecil, undated Papers, xl. 6, R. O.
Sir John, and Lady Hatton objected to a bargain made at her expense without her leave. That Coke should have proposed the match was enough; but she had better ground for her opposition than an angry woman's caprice. She feared very justly the tenure of a favourite's place. Was she not a Cecil? Had she not seen the Earl of Somerset's golden rise and stormy end? A twinge of gout, a saucy word, a prettier face, might turn the King's eye another way; and, like a Cecil, she asked herself, What then? With Buckingham's fall would fall the house of cards. Was the young favourite safe? Some folks thought not. Sharp eyes were turning on Lord Mordaunt; a youth named Coney had been noticed by James, and bets had been freely made that Buckingham's fortunes were on the wane. Under all these doubts, how could she consent to marry her only child? Husband and wife fell out, as they had always done; and when the Lord Keeper and the Council, anxious in the King's absence to keep the peace, interposed between them, it was only, as results soon proved, to procure a reconciliation in which Coke tried to deceive Lady Hatton, and Lady Hatton succeeded in deceiving Coke. Each plotted to outwit the other; Coke bent on winning the good will of Buckingham; his wife on disposing of her daughter and her property as she herself thought best. Each played the spy upon the other, made friends among the servants, got up factions in the house. Her people took Lady Hatton's part, more because they scorned the penurious old curmudgeon than because they liked his prodigal and imperious wife. Lady Hatton stole a march upon her husband while he
slept. Putting her child into a coach at dead of night, she slipped away to Oatlands, where she hid her from pursuit in her cousin Sir Edward Withipole's house.10

Coke discovered their hiding-place, and, on Bacon's refusal to grant him a warrant of arrest, flew to his great patroness; telling her that his wife had not only stolen away his child, but had poisoned her affections towards Sir John, and, to prevent the match, would even carry her off into France. On the instant, without communicating with her son, Lady Compton commanded the Lord Keeper and the Privy Council to arm Coke with warrants of arrest. Winwood thought good to yield; the Lord Keeper otherwise. Having no respect for Lady Compton's character or intellect, that which he had felt it right to deny to Coke, he had the honest confidence to refuse to her. Thereupon Coke, feeling safe under her protection, armed a dozen of his people, rode down to Oatlands, ran a beam against Withipole's door, and, smashing a way into his wife's apartments, without a warrant from the Council, or even the presence of a constable, seized the fainting girl, flung her into a coach, and hurried her away to his own place at Stoke.

A universal howl pursued the perpetrator of this outrage on the public peace; an outrage all the worse that the King was absent from his capital, and that the offender was a lawyer and had once been a judge. A Council was convened. Winwood, as usual, would have temporized with Coke, whose return to power

10 Jonson's Gypsies Metamorphosed; Sherborne to Carleton, Dec. 7, 1616, R. O.; Chamberlain to Carleton, Dec. 21, 1616, June 4, July 19, 1617, R. O.; Winwood to Lake, May 27, 1617, R. O.
he dimly foresaw. Bets were made that Coke would obtain the White Staff; for everybody knew that a Black List was being made against Suffolk; and Winwood, anxious to secure himself in time, either before or after the outrage at Oatlands, signed some sort of private paper, which enabled Coke to excuse, if not to justify, his act. As the Lords were rising for the day, Lady Hatton rushed to the door and begged to be heard. How could they decline? She was of kin to the Lord Keeper, the Lord Treasurer, to half the Council; she was a woman in distress, and pleading in her right. When they let her come in, she described, with the art of a poet and an actress, the outrage she had suffered, the imprisonment of her child in a lonely house, her sickness to the point of death; imploring the Lords of the Council, as only mothers robbed of their children can implore, that the girl might be sent for, that her story might be heard, that a physician might see her before she died.

An officer of the Court rode down to Stoke and brought her to town that night.11

As chief magistrate of the realm, responsible for the public peace, Bacon felt the gravity and scandal of such an assault on a private house. If judges and lawyers were to set the Crown at defiance, to use arms and force for the recovery of their alleged rights, public justice would become a comedy, law a snare. Disallowing the pleas put in by Coke, he

11 James to Bacon, July 25, 1617; Chamberlain to Carleton, July 19, 1617, R. O.; Gerard to Carleton, July 22, 1617, R. O.; Council Reg., July 11, 14, 1617; Hacket's Life of Williams, 171.
reproved him, in the name and with the sanction of the whole Council, for designing to bring about a marriage between his daughter and Sir John by open outrage; telling him that Sir John Villiers, as a gentleman worthy of the young lady, would have sought her in a noble and religious fashion, not with a gang of armed men, in a midnight brawl, in contempt of natural and statute law.

Yelverton declared that the late Lord Chief Justice, in violating Withipole's house without warrant or constable, had grievously offended against the law. None of the Council, certainly not the Lord Keeper, had any wish to weigh upon the irascible old man; but when Coke failed to justify by witnesses any one of the allegations made against his wife, and especially the charge of her designing to remove his daughter into France, they were compelled to file an information against him in the Star Chamber for breach of the peace, and allow his daughter, while the charge was pending, to enjoy the shelter of the Attorney-General's house.

A summons to appear in the Star Chamber made him pause. Coke knew that court, which in his 'Fourth Institute' he describes as "the most honourable court, our Parliament excepted, in the Christian world;" but he who had pronounced so many of its sentences on smaller sinners, had himself just felt the difference between standing as a culprit and sitting as a judge. He had been fined four thousand pounds for taking bail of a pirate; and unable to count on either gratitude or wisdom in the Villiers people, who might, possibly, think it safer to take his money than wait for the chance of obtaining
his wife's estate, he thought it wiser to defer to the Privy Council before the hearing, than trust to Lady Compton after it. With a rancorous animosity in his heart towards Bacon, and with fiery rage against Yelverton, he bent so far as to undergo a pretended reconciliation with his wife. Bacon joyfully announced to the King that peace was made. 12

Writers who have invented the facts on which Bacon has been condemned,—who have made him unpopular in the House of Commons, who have given him Twickenham Park in the name of Essex, who have starved him on behalf of Queen Elizabeth, who have married him to Alice Barnham for money, who have made him dispute the law of benevolences with Lord Chief Justice St. John, who have caused him to arrest and torture an innocent and worthy clergyman, who have made him introduce the practice of consulting the judges on points of law,—have also represented him as selfishly striving to thwart the match between Frances Coke and Sir John Villiers, and as plotting with Lady Hatton by underground and criminal practices to defeat it; then, as bearing with abject spirit the most provoking taunts and threats from the favourite, and afterwards as meanly condescending to forward a match which he detested. The dates supplied by the Council Register correct these errors. Bacon's first note to Buckingham on the match was dated July the twelfth, his first note to the King July the twenty-fifth. Before

12 Council Reg., July 21, 1617; Chamberlain to Carleton, June 4, 1617, R. O.; Yelverton to Bacon, Sept. 3, 1617, Lambeth MSS. 936.
the earlier date, Lady Hatton and her daughter had run away, the ex-Chief Justice had broken into Withipole's house, the Council had met to consider his offence, and Clement Edmondes, their clerk, had taken charge of the girl. Before the later date, and before a single word had been heard from Buckingham in reply, Bacon had calmed the outrage, reconciled husband and wife, and restored Frances Coke to her father's house.

When all this had been done, he wrote to Buckingham and the King to explain the many personal and political reasons which, in his opinion, made a marriage between John Villiers and Frances Coke undesirable: the refusal of Lady Hatton to allow the match, the dependency of the young girl on her mother, the quarrelsome temper of the two parents, the notoriety and scandal of their domestic feuds, the disapproval of leading men in the Government, the recent disgrace of Coke, the divisions which his return to the Council would bring with it: sage and honest reasons, which, opposed by Lady Compton and neglected by Buckingham, received the most signal illustration from events. The favourite was blind to everything save his mother's smiles. If she pouted, he was miserable; if she patted him, he was gay. He could deny her nothing. When the Lord Keeper declined to assist her plans by issuing an improper warrant of search, she induced her son to visit his independence with an angry letter. Bacon thought the match a bad one, and he said so; but he was only concerned with it as a public man. When he found that he could do no good, he let it go. Unable either to resist his Majesty's commands, or to close
his eyes on the coming evil, he accepted the duty laid upon him: "For my Lord of Buckingham, I had rather go against his mind than against his good. Your Majesty I must obey."\(^\text{13}\)

Winwood, in the strong conviction that Coke's alliance with Buckingham must bring him into place, conciliated him and pushed the match. In these affairs of the projected marriage, the Lord Keeper suspected Winwood of eavesdropping and tattling to his disadvantage. The Secretary was not his favourite; for if Bacon admired his industry and admitted his sincerity, he was not the less pained by his intolerance and offended by his pride. Sure, yet subtle, were the tests by which Bacon judged of men. Seeing Winwood strike a dog for having leaped upon a stool, he very justly set him down as of ungentle nature. "Every gentleman," he said loudly, "loves a dog." One day, when, at the Council-table, Winwood hustled too near his chair, he bad him keep his distance and know his place. The Queen, befriending Winwood, and anxious to keep him firm in place, asked Bacon why he could not agree with him; to which the Lord Keeper answered, "Madam, I can say no more but that he is proud and I am proud."\(^\text{14}\)

The Lord Keeper had domestic troubles of his own. When her daughter's husband received the Great Seal, Lady Pakington supposed that her day of

\(^{13}\) Bacon to Buckingham, July 12, 25, 1617; Bacon to James, July 25, 1617; Vere to Carleton, Aug. 12, 1617, R. O.; Gerard to Carleton, Aug. 18, 1617, R. O.

\(^{14}\) Dom. Papers, xcii. 88, xciii. 124; Goodman, i. 283; Court and Times, ii. 38.
deliverance from Sir John must be nigh at hand. The lusty knight, who had sunk her rents in his brine-pits and fish-ponds, had now grown old, verging on seventy years of age, while she was still young and hale. But time, which slackened his thews, had left untamed his temper and his pride. The mother of a Lord Keeper's wife could surely get justice done to her at last against the tyrant! She appealed to the law, and brought Sir John before the Court of High Commission, where her coldness spoke in her behalf, while his fluster and violence got him sent to jail and put under lock and guard. To Bacon's deep mortification, and despite his most strenuous efforts to avoid the case, this domestic broil in his wife's family was referred to him. Yet, under trials of excessive difficulty and delicacy, he bore himself between husband and wife, in this miserable stage, in a way to extort the praise of even those news-writers and gossips who were in other matters the harshest critics of his life. He told Lady Pakington that he thought she was in the wrong, and that she ought to yield. He warned her against the hope of finding in him a lenient judge so long as she followed her cold unbending course.  

Lady Hatton was told by some one that her daughter could not be united to Sir John,—that no clergyman would dare to perform the nuptial rite between them,—if it were made known that she had already been contracted to another man. The marriage law was, indeed, ill defined; though

15 Dom. Papers, xcii. 88 (printed in 'Personal History,' 244).
the two cases of Montjoy's union with Lady Rich, and of Somerset's with the divorced Countess of Essex, had within a few years raised it into a topic of general and uneasy debate. In point of strict law, Lady Hatton was rightly advised; contract was betrothal; and betrothal was, in the eyes of the Church, marriage; she erred in concluding that a prince who had been weak enough to let Carr marry Lady Essex could prevent such a woman as Lady Compton from wedding her son to a contracted bride. In bar of the match she published a declaration that her daughter Frances was contracted to Henry de Vere, the eighteenth Earl of Oxford. As Vere was gone to Venice, to fight for the Republic, he could not answer for himself; and the only notice taken by the Court of this publication was a warrant for Lady Hatton's arrest, and an order for the nuptials. Lodged in the house of Alderman Bennett, separated from her kinsmen, Lady Hatton grew more and more perverse. Appeal was made to her father, the Earl of Exeter; but the haughty old baron would not sanction the marriage of his grandchild to Sir John.16

When Lady Compton found that no force would bend these Cecils to her will, she tried the softer arts by which her family had risen. She induced the King to announce that he himself, his Queen, the Prince of Wales, the lords and ladies of the royal households, would attend the bridal of Sir John; yet the Earl of Exeter and Lady Hatton remained intractable; and the ominous marriage

16 Dom. Papers, xcii. 28, 114.
was performed without the presence of a single Cecil, of either the Exeter or the Salisbury branch. Coke gave away his daughter. James having already, before the rite, vouchsafed him a private audience, received him with civility, and restored him to his place at the Council board, the gossips and court idlers noted that he wore that day an unusually radiant face. The Lord Keeper assisted at the ceremony, and gave his blessing to the bridal pair. Expecting to receive a barony, Coke selected for himself, from his property in Buckinghamshire, the title of Lord Stoke.17

But though the Court gossips led their friends abroad to believe that this union of Frances and Sir John would bring a Coke-Winwood party into immediate power, the honeymoon passed away, the bridal pomp faded out of remembrance, yet the patent for Stoke was not drawn, nor the Lord Keeper disturbed in his seat. Neither the King nor the Earl had ever dreamt of removing Bacon, whatever Winwood may have expected and Coke desired. At the King's request, and on his royal word that Winwood had not been plotting against him, Bacon consented to a reconciliation with the Secretary of State. They met in the royal closet at Whitehall, when James addressed the Lord Keeper in Winwood's presence:—

"You may think that he hath informed these things and these things against you: I assure you, on the word of a prince, that neither by word nor writing did he ever suggest aught to any particular man's prejudice, either to me or Buckingham, as he is here

ready to protest before you.” Bacon at once forgot and forgave.¹⁸

Buckingham was disappointed in the match. In spite of Lady Hatton's warmth, he had hoped that when the thing was done, and protest had become idle, she would be persuaded to accept her lot, perhaps to allow a reconciliation with her husband, at least to make a settlement on her child. But in all these hopes he was deceived. When he brought her before the Council, and heard her tell the lords that she would most gladly ruin herself to be revenged on Coke, he saw that if he would get her money for Sir John he must change his course; so, instead of fooling the husband, he began to court the wife. Professing to see at last that Lady Hatton had all along been in the right, Coke in the wrong, he drove in state, with twelve coaches full of Earls and gentlemen, to Sir William Craven's house, released her from captivity, and delivered her personally into her father's arms. At his desire the King sent for her to court, reconciled her to the Queen and to Lady Compton, as he had reconciled Winwood to Bacon, and so far covered her with flatteries and attentions that every door flew open to her, the lords of the antechamber bowed obsequiously as she passed them, and in the closet itself there was nothing to give away, from a mitre to a manor, that she might not ask and have. The court now frowned or smiled on the old lawyer, as seemed to please her most; and of the many whimsies of this mercurial creature, a hearty abhorrence of her second husband was the only one to

¹⁸ Dom. Papers, xcii. 88, xciii. 124, R. O.
which she was never false. When the King, on accepting from her a grand entertainment, begged that Coke might be asked, she steadily refused; and James, in place of showing anger, got merry and tipsy, gave her half-a-dozen kisses, and the honours of knighthood for four of her friends.19

These events not only stayed the peerage for Coke, but strengthened the Lord Keeper in the palace and on the bench. Doctor George Carleton, who was himself fighting for a bishopric, reported to Sir Dudley that the Lord Keeper was walking in slippery places, surrounded by men who would sell their souls for money, but that Coke was for the moment powerless, and was tossed about by Buckingham as a mere tennis-ball. From his easy alacrity in business, the Lord Keeper continued to rise in power, to expand in fame. In the first four terms he had made no less than eight thousand seven hundred and ninety-eight orders and decrees. Some of the causes had been complicated; no less than fourteen hundred and twenty-four having been referred by him to the Masters in Chancery for consideration. The entries and reports remain in the Chancery archives; the lists will show how great were the labours through which he cheerily fagged:—

In Easter Term, 1829 orders and decrees.

Trinity , 1829 do.
Michaelmas ,, 2968 do.
Hilary ,, 2172 do.

By promptitude, vivacity, and courtesy, more than

19 Dom. Papers, xciii. 124, 135, 158, xciv. 5, 12, 15, 24, R. O.
thirty-five thousand suitors in his court were freed in one year from the uncertainties of law.20

After these tasks the Lord Keeper made a merry Christmas. He had been down to Redgrave to see his elder brother, Sir Nicholas, who had now forgiven him for being a man of genius and a beggar, and was sighing for another chance of introducing “My Brother the Lord Keeper” to his Suffolk neighbours. Nor were the poor overlooked in his greatness. Humphrey Leigh, acting as his almoner, sought out for cases of distress, and every week the Keeper of the Privy Purse had orders to discharge his bills. In the list of Bacon’s disbursements Humphrey Leigh is the most frequent figure, his doles to poor people amounting to about three hundred pounds a year; without including the occasional and not less ample gifts.

In January, 1618, only three months after the rite that was to have been the signal for his fall, the Lord Keeper received the higher title of Lord Chancellor, with the offer of a peerage for himself, and a second peerage for his personal profit. This second peerage, which he offered to Sir Nicholas, was declined. For himself he chose the title of Verulam, the Roman name of St. Albans. A formal grant from the Crown made over to him a power to receive the fees belonging to his new office.21

20 Book of Orders and Decrees in Chancery for 1617; Book of Reports of the Masters in Chancery for 1617; Dom. Papers, xciii. 135.

21 Acta Cancellarìæ, 252; Dom. Papers, xcv. 11, 20; Grant Book, 229, 241.
CHAPTER XIII.

LORD CHANCELLOR.

The Rules 'laid down by the Lord Chancellor, and illustrated by his daily practice, were the best of all reforms. If his bodily health was feeble, his gout acute, he sat through the terms with unvarying constancy; coming into court as the clock was striking; hearing every word, recording every fact; never rising from his seat on pretence of political business; wasting no man's time for his own convenience; nor ever breaking up his court until his list was cleared and his vacation truly earned. By leaving less to the Masters and the Six Clerks, by taking more of the labour of examination on himself, he lessened the unpopularity of a highly corrupt and despotic court. The suits increased in number; the orders and decrees of his second year amounting to no less than nine thousand one hundred and eighty-one.¹

Slowly he felt his way to such improvements in his household and his staff as he had already made in the rules of his court. When he received the Seals from James, he received with them a household crowded with gay dependants; men falling in rank from the Master in Chancery to

¹ Book of Orders and Decrees in Chancery for 1618; Book of Reports of Masters in Chancery for 1618.
the porter who kept his gate; dependants who had either bought their places with money or obtained them as rewards of service, whom Bacon called his masters, and who certainly were his servants only in the name. Lady Verulam was surrounded at York House by a pomp of swords and lace; gentlemen of quality, sons of prelates and peers, many of whom had been foisted on the Chancellor by Buckingham and the King beyond his need. As soon as he felt himself strong enough, he cleared his house of some part of this splendid nuisance, putting not less than sixteen gay fellows to the door in a single day, and making enemies of their families, their patrons, and their friends.²

They who held places in his court as Masters, Registrars, Receivers, Clerks, stood less within his reach than these pages and gentlemen at York House. The chief of these officers were: first, Sir Julius Caesar, Master of the Rolls; then the eleven Masters in Ordinary, Sir James Wolveridge, Sir Eubalus Thelwall, Sir Robert Riche, Sir William Byrde, Sir Richard More, Doctor Francis James, Sir John Bennett (his rival for the Seals), Sir John Hayward (the historian whom he had saved from the gallows), Sir Charles Caesar, Sir Thomas Ridley, and Sir John Ayme; next the Six Clerks, William Tothill, William Pennyman, Paul Dewes, Robert Henley, George Evelyn (a kinsman of John), and Valentine Sandars; then the Registrar, Lawrence Washington, afterwards Sir Lawrence, of the family which produced the illustrious George Washington; and two Examiners, Nicholas Roberts

² Dom. Papers, xc. 122, xcv. 11; Grant Book, 252.
and Martin Bazill. The offices of all these men, and of the multitudes under them, were, as Bacon had described them years ago in the House of Commons, their Freeholds; bought with their money or held from persons over whom the Chancellor had no control. The eleven Masters in Chancery were appointed by the Crown; the Deputy Registrars by Lawrence Washington; the Six Clerks by the Master of the Rolls. The Lord Chancellor could not dismiss these officers, even for gross misconduct; at the worst he could only suspend them from active duty—an important circumstance which has never been considered by the writers of Bacon's life. A Chancellor had power to make new rules, he had no power to appoint a new staff. The men who had abused Ellesmere's confidence, and by this abuse had laid him open to a criminal prosecution, were still in office; yet Bacon possessed no power to turn them into the streets and fill their places with honest men.  

One flagitious rogue, detected in an act of fraud, he was compelled to punish by suspension. The official Registrar, Lawrence Washington, rarely acted in person, as the patent, which his father had held before him, allowed him to nominate deputies; in the plainest words, to sell for money a number of highly important and confidential places in a court which controlled the whole property of the realm.

3 Patent Rolls 26 Jacobi, i. p. 16; Bacon to Buckingham, Montagu xi, 255; Tanner MSS. 169, fol. 42; Hardy's Catalogue of the Lords Chancellors and Principal Officers of the High Court of Chancery, 88, 108, 120; Acta Cancellariae, 253, 295.
From Washington, John Churchill had acquired the post of Deputy Registrar in the year 1613, about the time when Ellesmere first fell sick; in which office Bacon found him when he received the Seals.*

So far as his bad career can still be traced through the State Papers, the Journals of Parliament, and the Order Books of Chancery, it was of uniform type. His father before him had been a defaulter in the Court of Wards; and only two years before he bought his place from Washington, he had himself been concerned in an attempt to cheat Sir John Bourchier; having sold to him for a thousand pounds down and eighty pounds a year for life a manor which he had previously conveyed away to his uncle for twenty shillings. The post which he had bought in Bacon's court was one of exceeding delicacy and trust; his duty being to attend the hearing of causes, to take down the Lord Chancellor's words, and to enter into his books the orders and decrees. The entries so made by him would not be seen by the Lord Chancellor; though any shuffling of the record, any misdirection from the court, a mere change of a date, might affect questions of estate involving thousands of pounds; and the results of fraud so easy for the Registrar to commit, so unlikely for the Chancellor to detect, might affect the reputation and the fortunes of the most illustrious men. Churchill made much of his opportunities; one of his most frequent and most profitable frauds being to draw up orders, to make pretended motions, in the names of persons eminent at the bar; cheating the clients and pocket-

* Book of Reports of the Masters in Chancery, July 7, 1613; Patent Rolls 2° Jacobi, i. p. 16; Com. Jour., i. 766.
ing the fees. Some of these villanies afterwards came to light. William Hakewell, the black-letter lawyer, going down to search the Records of Chancery by instructions from the House of Commons, found his own name in a list of those which had been forged and abused. Churchill had access to the Books of Orders and Decrees, to the Certificates and Reports of the Masters; and, in collusion with Richard Keeling, an attorney practising in the court, he carried on a thriving business, using his official access, and sometimes his official ink, in behalf of such suitors as would pay him handsomely for his dishonest aid.5

Among the clients who sought his aid was Dorothy, wife of Philip Lord Wharton. This restless and litigious old lady, a daughter of Thomas Colby, of Carrington, in Bedfordshire, had married for money, first, John Tamworth, of Halstead, in the county of Leicester, who had settled that manor on his young wife; then, Sir Francis Willoughby, who had settled upon her his manor of Mapleston; and next, Lord Wharton, to whom she had brought her rights in the property of her former husbands. But the daughters of Sir Francis Willoughby disputed the settlements; John Fish, Sir Percival Willoughby, and George Fry, the heirs at law, bringing each his action against Lord and Lady Wharton; Lady Whar-

ton a cross action against Montagu Wood, William Pargiter, and Edward Willoughby; and Montagu Wood, William Pargiter, and Edward Willoughby, a cross bill against her Ladyship. These actions had commenced in the reign of Elizabeth; old men could remember them as tavern-talk in their middle age; so long ago as 1600 Ellesmere had described them as old and vexatious suits. Eighteen years had passed since then, yet Lady Wharton's causes still fed the solicitors and vexed the world. Finding them in the list of three thousand six hundred unsettled actions on the book when Ellesmere died, the new Lord Keeper had brought the parties together, had explained to them the doubtful law, had got them to agree to a compromise, and, with the consent of counsel on both sides, had joyfully pronounced a dismissal. The causes at an end, the fees of court paid, Lady Wharton, as so often happens when a woman gets the worst of law, began to dream that she had failed to enforce her settlements, not because her claim was weak, but because her solicitor was a fool. Churchill and his partner Keeling having put this fancy into her head, she unfortunately listened to men who counselled her to fly from the compromise and try again.6

Lady Wharton's immediate lawyer was Robert Shute, of Gray's Inn, a more brilliant and sagacious rogue than Churchill. Shute had little law, but he had immeasurable impudence and cunning. Of the few personal particulars which have come down to

6 Acta Cancellarium, 753; Book of Orders and Decrees in Chancery for 1618, fol. 256; Reports of the Masters in Chancery for 1618; Com. Jour., Mar. 21, 1621.
us of the man who, next to Churchill, merits the most infamous celebrity in connexion with Bacon's fall, not one is to his credit. We find him accused of cheating a poor man of his land and buildings in Shoe Lane; we see him engaged in drawing up suspicious leases; we note him joining with Robert Heath, Buckingham's lawyer, in procuring for the Marquis an illegal piece of patronage in the King's Bench. Yet his rogurities had not prospered; his name had appeared in the public list of outlaws no less than seventeen times. 7

Shute and Churchill easily persuaded Lady Wharton, a rich and restless client, to have her cause brought back into court on pretence of a previous misstatement of material points. Bacon referred it, with these new allegations, to Sir James Wolveridge, Senior Master in Chancery, who gave Shute a patient hearing, but reported against reopening the case. Under the impression that all was now over with this old and vexatious suit, the Lord Chancellor accepted from the lady in person the usual fees. The first fee had been two hundred guineas, the second fee was a hundred pounds. So far everything had been done simply, equitably, regularly; but neither Shute nor Churchill meant to part so easily from a client who had fed with costs a whole generation of lawyers; and between them they drew up in her favour a fraudulent order, which Churchill had the audacity to enter in the Order Book. As every one familiar with our Chancery practice knows, the Lord Chancellor would never see that entry; and

7 Dom. Papers, lxix. 38, xc. 59, ciii. 74; Grant Book, 195; Warrant Book, i, 194.
amidst the details of three or four thousand suits, all on his papers at the same time, he might soon forget whether such an order had been made. But, thanks to the care with which he listened to the pleas, he did not forget. When Serjeant Ashley, counsel for the daughters of Sir Francis Willoughby, attended at York House with a deed drawn up by Shute for Lady Wharton in accordance with the forged entry, and explained the reasons for this deed, Bacon stopped him short with an intimation that those reasons were new to him. Ashley, surprised, appealed for a new hearing, which Bacon, though the case was closed and the fee paid, could not refuse. When a day had been fixed for this new hearing, Shute advised Lady Wharton to drop her bill; the parties returned to the principles of their first compromise, and the Lord Chancellor pronounced a dismissal of the suit. But the fraudulent entry, and the concession of a new hearing, gave to Lady Wharton's second fee the false appearance of having been paid and received _pendente lite_, against the usage of the bench. Seeing that there had been shuffling and suspecting there had been fraud in this affair, Bacon suspended Churchill from his duties. Unable to dismiss him, and appoint an honest servant in his place, the Lord Keeper forbad his appearance in Court, hinted at a prosecution in the King's Bench, and left him in the streets to brood over schemes of revenge.8

Churchill dared not talk aloud, for to whisper one word against a Lord Chancellor was a grave offence,

8 Pargiter's Affidavit, in Rep. of Masters in Chancery, June 27, 1620; Bacon's Submission, par. 4.
as men of much higher rank and intelligence than himself had found. For such an offence John Wraynham, a gentleman of Norfolk, a member of the House of Commons, had been sentenced to lose his ears; Lord Clifton, of Leighton Bromswold, had been lodged in the Tower.

The most beneficent change will find its victims: some who are guilty, like Churchill; some who may be merely unfortunate, like Wraynham. Even the fact of that rapid clearing of the list had produced, in certain minds grown morbid with the watchfulness and fever of protracted trials, a spasm of vindictive rage; the decisions which had put an end to so much suspense, cured so many wounds, and placed so many rightful heirs in possession of happy homes, having also had the effect of reducing thousands of fierce and stormy litigants to despair. One of these litigants was John Wraynham, plaintiff in a suit against Sir Edward Fisher, on a dispute about a lease of land. The cause having been in Chancery a dozen years, several orders had been made upon it by the late Lord Ellesmere, and by the late Master of the Rolls Sir Edward Philips; but the suit had dragged along, and was still unsettled when Bacon received the Seals and announced his resolution to clear the lists. In the famous Trinity Term of 1617, after Yelverton, then Attorney-General, had argued the case for Wraynham, Bacon decided for Sir Edward Fisher, holder of the lease. Vexed by this failure, Wraynham addressed and presented to the King a libel on the administration of justice,

9 Dom. Papers, xciv. 83, xcvii. 58.
against which the whole bar rose up in arms. Some held his offence to be treason, others lese majesty. There had been the similar case of William Foorth, in the days when Coke was Attorney-General; and this Foorth having been prosecuted in the Star Chamber, the Privy Council, acting on precedent, ordered Yelverton to bring John Wraynham before that court, when Coke, Tanfield, Hobart, and Montagu joined in a sentence which condemned him to the same punishment as had been inflicted upon Foorth,—a fine of a thousand pounds, imprisonment for life, and loss of his ears.

But the Chancellor would not hear of his slanderer being thus punished and disfigured. Satisfied with a vindication of the seat of justice, he implored the Crown to set aside the sentence and liberate the offender. Wraynham's ears were not cut off, his fine was not exacted, and, after a few months of imprisonment, he owed it to the generosity of Bacon that he was again a free man.  

The offence of Lord Clifton was more dramatic, and the conclusion of it more terrible. Sir Gervase Clifton, a gentleman of Leighton Bromswold, in Huntingdonshire, had, at his Majesty's desire, bestowed his daughter and heiress Catherine in marriage upon Esme Stuart, Lord Aubigny, second son of the Duke of Lennox. The Stuarts were poor, the Cliftons rich. These Stuarts stood next in rank to the royal house, the United Kingdom having at that time but one duke. Catherine Clifton, therefore, as Lady

10 State Trials, ii. 1059; Dom. Papers, xcvii. 50, 58; Doquets, May 22, 1605; Sign Manuals, x. 46, R. O.
Aubigny, became of kin to the highest personages in the realm, even to the King and Prince; and as the father of so great a lady could not be left a plain country gentleman, Sir Gervase had been called to the House of Lords as Baron Clifton, of Leighton. The new baron, however, miserly, proud, and half-insane, lived most unhappily with his great connections. Open to receive through them either honours or grants, any profitable rangership or stewardship or commission that might be going, he was far from being ready to supply Lord Esme with the money for which that dashing young gentleman had so many and such urgent needs. Clifton accused the Stuarts of robbing him, and the Lennox accused Clifton of cheating them. When they worried him for money, he threatened to marry again and beget a son. Clifton's insanity was of that dangerous kind which looks like selfishness and thrift.\(^{11}\)

The Lord Keeper, finding a suit between Clifton and Aubigny in his court, tried to reconcile them privately, according to his wont; but his pacific counsel excited the madman beyond himself, and the spectators had to hurry Clifton out of court, frantically expressing his regret that he had not rushed upon the judge and stabbed him on the judgment-seat. The Chancery books contain a passage explanatory of Bacon's advice to the two parties:—"His Lordship's meaning was to continue and pursue the course which he doth always hold between men of near blood and alliance, which is, to move them to an end by treaty before he judge

\(^{11}\) Dom. Papers, iv. 52, lxiv. 27, 28, lxviii. 104.
the cause. The manner, his Lordship wished to be in presence of both parties and their counsel.” For this good counsel Clifton threatened to take his life.¹²

On hearing of this outrage, James gave orders to arrest Lord Clifton, carry him to the Tower, and place him under Sir Allan Apsley, until he should have made full submission and reparation for his offence. This step was taken without consulting Lord Verulam, his Majesty making the insult to his minister an insult to his Crown; but he sent Sir Fulk Greville with the news of Clifton’s arrest to York House; on which Bacon wrote to Buckingham, “I pray your Lordship let his Majesty know that I little fear the Lord Clifton, but I much fear the example, that it will animate ruffians and rodomonti extremely against the seats of justice (which are his Majesty’s own seats), yea, and against all authority and greatness, if this pass without censure and example, it having gone already so far as that the person of a baron hath been committed to the Tower. The punishment it may please his Majesty to remit, and I shall not formally but heartily intercede for him; but an example (setting myself aside) I wish for terror of persons that may be more dangerous than he towards the least judge of the kingdom.” As a year had scarcely elapsed since Bertram shot Sir John Tindall, the Privy Council could not afford to treat this public menace as an idle threat. The man might be insane; but madmen who can stab judges on the bench must be put under

¹² Book of Orders and Decrees in Chancery for 1617, fol. 187, 1237.
lock and guard. The Privy Council, including Hobart, Montagu, and Coke, were resolute to bring him to speedy trial; yet the Lord Chancellor, having to consider not only his personal safety but the flow of that sacred justice of which he was the chief dispenser, begged that the proceedings against Clifton might be stayed, at least until the suit in Chancery to which he was a party could be closed. In this sense he again wrote to Buckingham, "If his Majesty at any time ask touching the Lord Clifton's business, I pray your Lordship represent to his Majesty this much, that, whatsoever hath passed, I thank God I neither fear him nor hate him: but I am wonderful careful of the seats of justice, that they may still be well munitied, being principal sinews of his Majesty's authority. Therefore the course will be (as I am advised) that for this heinous misprision (that the party, without all colour or shadow of cause should threaten the life of his judge, and of the highest judge of the kingdom next his Majesty) he be first examined, and, if he confess it, then an ore tenus; if he confess it not, then an information of the Star Chamber, and he to remain where he is till the hearing. But I purposely forbear yet to have him examined till the decree or agreement between him and my Lord Aubigny (which is now ready) be perfected, lest it should seem an oppression by the terror of the one to beat him down in the other." After being twice or thrice brought up before the Council for contumacious behaviour, Clifton, to spite his daughter and Lord Aubigny, plunged two knives into his body, hacking himself to pieces and dying a felon's death. Dying as a felon, he knew that his
goods and chattels would fall to the King. James, however, would not profit by the suicide's malice; and the Crown surrendered the goods and chattels of Lord Clifton, felon, to the natural heirs. This madman's grandson, James Stuart, succeeded to the dukedom of Lennox and Richmond.

The Lord Chancellor's labours were not bounded by the four walls of his court. That skill, eloquence, and honesty which made him popular in his court caused him to be sought as a private arbitrator and referee. The Grocers' Company begged of him to end their quarrel with the Apothecaries' Company; the New Apothecaries' Company sought his mediation in a misunderstanding with the Grocers. The Corporation of French merchants referred to him a dispute with the London Vintners. Wroth and Mainwaring, rival claimants to an estate, in place of going to law, made him their judge. The King himself sent Edward and Rowland Egerton to him, with a request that he would listen privately to their tale, and make peace in the family. This private practice, if it occupied his time and wasted his strength, added much to his income. The Grocers' Company paid him for his trouble a fee of two hundred pounds, the New Apothecaries' one hundred pounds, the French merchants a thousand pounds. The Old Apothecaries' gave him a piece of plate and a present of ambergris. Wroth paid him in fees a hundred pounds, Sir Rowland Egerton five hundred pounds.

13 Montagu, xii. 255, 257; Dom. Papers, xciv. 83, xciv. 5, 22, ciii. 33, 39; Grant Book, 241.
14 Chancery Reports, Nov. 19, 1627; Bacon's Submission, i. 13, 24.
A book of the Lord Chancellor's privy-purse expenses during three months of the year 1618 offers pleasant glimpses into his ways of life. Now he is at York House, then at Gorhambury, next at Hampton Court or at Highgate; about him a flutter of silks and plumes, a clatter of horsemen and couriers, a sound of trumpeters and musicians; crowds of earls and barons waiting for audience, of poor people waiting for alms. Books, wine, venison, fruit, apparel, stream into York House; and most of those who bring presents to the Chancellor are rewarded to the full value of the gift. Some of the entries stand:

"To Mr. Fawcett's man that brought your Lordship cherries, two shillings and six pence. To a woman that brought your Lordship a hare, five shillings." In the Poultry a hare could be bought for sixpence.

"To a poor man that brought your Lordship grapes, eleven shillings. To Mr. Mathews' man that brought your Lordship sweetmeats, five shillings." Mathews is the convert; better known to us as Sir Tobie, and the uproarious chum of Tom Carew.

"To Mr. Recorder's man that brought your Lordship a salmon, ten shillings." The Recorder is Anthony Ben of the Middle Temple, successor of Coventry in the city office. As the Lord Mayor managed the Thames fishermen, and the Recorder managed the Lord Mayor, the best salmon caught in the Thames often came to Ben, and from Ben to York House.

"To the doctor that brought your Lordship a clock, five pounds. To Sir Arthur Gorges' man that brought your Lordship a book, ten shillings. To the
Earl of Salisbury's man that brought your Lordship a stag, three pounds six shillings."

In the summer months Lady Verulam removes from York House to Gorhambury, glad to get away from the London heat, and from the crowd and state of her residence in the Strand. Bacon is detained in town by politics and law, having in this very Trinity Term two thousand and seventy-three orders and decrees to make. When the court is not sitting, he rides over for a day or two, and Lady Verulam sends him fresh fruits from her beautiful grounds. We read in the privy-purse expenses:

"To my Lady's footman that brought your Lordship cherries from Gorhambury, five shillings." A fortnight later he has been at his country-house with his wife.

"To Mr. Nicholls, by your Lordship's order, when your Lordship went to Gorhambury, two jacobuses. To Mr. Spencer, the minister of St. Michael's, two pounds ten shillings." St. Michael's is the small parish church, near Gorhambury, which Bacon attended, and in which he lies buried. The living was not a good one; and Bacon, from his own purse, allowed the incumbent ten pounds a year.

Many of the entries put the Lord Chancellor visibly before us, as the lover and adorer of gardens:

"To my Lady Hatton's man that brought your Lordship garden seed, eleven shillings—half a jacobus." Lady Hatton loves flowers, if she hates her husband. Her gardens in Holborn are the delight of London; and the perfume of her roses can be smelt by the
prisoners in Newgate yard. She is still gracious to her ancient suitor.

"To Sir Edmond Carew's man that brought your Lordship boxes of orange-flowers, ten shillings. To the weeders in the garden, two shillings. To the Queen's gardener, by your Lordship's order, eleven shillings. To the gardeners at Hampton Court, three shillings. To the Queen's herbsman that brought your Lordship musk-melons, five shillings."

Then we have before us that lover of sweet sounds, who "would have music in the next room while he meditated:"

"To the King's trumpeter, by your Lordship's order, two jacobuses. To the Prince's trumpeter, by your Lordship's order, three jacobuses; and again two. To musicians at Gorhambury, by your Lordship's orders, five shillings and six pence. To the musicians at Windsor, two pounds four shillings."

The Lord Chancellor had been to Windsor on a visit to its celebrated Dean, Antonio de Dominis, Archbishop of Spalatro, in Dalmatia; the most noticeable foreigner who had appeared in English society since the advent of Antonio Perez. Spalatro was a convert from the Roman Church; and apostacy on the episcopal bench is rare in all countries and in all times. Some suspected him of being a spy; some of being merely a disturber. Others thought he had left the barren heights of Dalmatia for the sunny pastures of York or Canterbury. It is certain that he afterwards expressed the utmost rage on not being appointed Mathews' successor in the see of York. But Bacon treated him
as a sincere convert to the Church of England, just as he treated Tobie Mathews as a sincere convert to the Church of Rome. There is a second entry:

"To the Dean of Windsor's servants, at your Lordship's coming from thence, one pound fourteen shillings."

Returning from Spalatro's apostacy to music, we find these entries:

"To a Dutch musician, one pound two shillings." A Dutch means a Deutsch or German musician.

And now we see the lover of birds and fowls:

"To the washerwoman for sending after the crane that flew into the Thames, five shillings." The Lord Chancellor was fond of birds as of dress; and he had built, in the gardens of York House, a magnificent aviary at a cost of three hundred pounds. From this aviary the poor crane had flown into the Thames. The five shillings given to the washerwoman shows how it was valued by the Lord Chancellor.

Then, again, the accounts make visible, as he lived in the flesh, the tender and compassionate man. Humphrey Leigh was his almoner; but there were cases of distress beyond Humphrey's skill, to which the Lord Chancellor gave his personal care.

"To an Italian, by your Lordship's order, five pounds ten shillings." The Italian is probably an artist; many such have come into England since Sir Dudley Carleton went to Venice and Lord Arundel began his collections.

"To Mr. Trowshaw, a poor man, and late a prisoner in the Compter, by your Lordship's order, three pounds six shillings. To a poor pilgrim, by your Lordship's order, two pounds two shillings. To good-
man Fossey, a poor man, upon his petition, by your Lordship's order, one pound. To Mistress Spencer, by your Lordship's order, three pounds six shillings. To her maid, one pound two shillings.” Mistress Spencer is wife of the poor incumbent of St. Michael's church, near Gorhambury.

“To John Bambridge's child, by your Lordship's order, one pound two shillings.” There are several gifts to schoolboys: Mr. Johnson's son, Mr. Finch's son, and others.

“To goodwife Smith, by your Lordship's order, one pound two shillings. To a poor woman, one Knight's wife, by your Lordship's orders, one pound two shillings. To George, the ferryman, by your Lordship's orders, ten shillings.” The Lord Chancellor's watermen were the best on the river, and were more employed by gentlemen than those of the King.15

More interesting to some than any of these entries will be notes of payments to two artists:

“Aug. 19. To old Mr. Hilyard, by your Lordship's orders, one pound. Sept. 1. Paid the picture-drawer for your Lordship's picture, thirty-three pounds.”

Old Mr. Hilyard was Nicholas Hilyard, the famous jeweller and miniature-painter, who had painted the beautiful portrait of Bacon when a boy of eighteen. He had been the favourite court-painter, and in his special art had never been excelled; but his hand had lost its power; he was seventy-one years old, and foreign artists had introduced the fashion of a larger style. It is pleasant to see that Bacon had not forgotten him. In the following year the old

15 Receipts and Privy Purse Expenses of the Lord Chancellor from June 24 to Sept. 29, 1618, S. P. O.; Aubrey, ii. 221, 228.
artist died, and was buried in St. Martin’s church. “Your Lordship’s picture,” for which thirty-three pounds were paid, was probably the portrait by Cornelius Jansen. Jansen came to England in the summer of 1618; painted a portrait of Lord Verulam; which portrait was probably the one engraved by Simon Pass.

The forger Churchill, the outlaw Shute, were the very men for Coke, whose Black List was still growing in the dark. Every knave who had been exposed, every dupe who had been fooled, were known to Churchill; who, as registrar of the court, had been privy to the entry of all orders, to the payment of all fees and fines; had known about Lady Wharton’s visits to York House, about the Grocers’ arbitration, about the Chancellor’s debts, about Egerton’s reference from the King. No one so well as he could point out in the street, or rake up in their dens, the men who bore grudges against the Lord Chancellor: the Bertrams who had not yet shot a judge; the Wraynham, who would libel him if they dared; the Cliftons who were still un lodged in the Tower. Shute also might be useful; not only because he had been concerned in that infamous fraud of Lady Wharton, but because his hand had been in the pockets of Fisher, Wraynham, Scott, and many other suitors. If Bacon could be placed in the position of Ellesmere, abandoned by the favourite, assailed with safety, it would be easy enough to invent a charge."

16 Receipts and Privy Purse Expenses, R. O.; Spedding, i. xix.
17 Lords’ Jour., iii. 98.
The situation of that day was returning fast. If Lady Compton had done much for the advancement of her family, she had still more to do for them and for herself. She had found a way into Lady Hatton’s purse. She caused that lady to be told, as a secret, that, unless an ample settlement were made on Sir John and his wife, Coke’s goodwill would be secured by creating him Baron Stoke; on hearing which, Lady Hatton, who would rather have burnt Corffe Castle to the rock than see her husband made a peer, at once gave way. The settlements being made, her fears were allayed and her spite appeased by seeing Sir John Villiers created Viscount Purbeck and Baron Stoke.  

Two of her sons made peers of the realm, Lady Compton wanted a rich wife for her son Sir Christopher, a rich husband for her daughter Susan, three rich husbands for her kinswomen, Elizabeth Beaufort, Jane Butler, and Ann Brett, a lover who might become her own fourth husband whenever it should please the Lord to take Sir Thomas to himself. She had left his roof, and accepted a peerage, so as no longer to bear his name or share his rank; being now the Countess of Buckingham, her son the Marquis. In seeking a wife for Christopher, a husband for Susan, she was not satisfied with money; these children of a poor Leicestershire knight and a lady’s gentlewoman must have beauty and birth, no less than great estates. George was courting Lady Catherine Manners, a woman whom he loved and who adored him in return; but his mother would not let them marry unless the

Dom. Papers, cix. 61, 75, 113.
Earl of Rutland would consent to pay twenty thousand pounds down with his daughter, and settle eight thousand a-year on her son for life. For Christopher, she fixed her eyes on Elizabeth, daughter and sole heiress of Lord Norreys of Rycote; for Susan, on William Feilding, of Newnham, in the county of Warwick, a man of considerable wealth and of imperial descent. For Jane Butler she chose Sir James Ley, the rich attorney of the Court of Wards; for Ann Brett, Sir Lionel Cranfield, Master of the Wards.19

In the crowd of able and unscrupulous men who waited in the ante-room of Villiers, and who built their fortunes on him, there was none more able or more unscrupulous than Sir Lionel Cranfield. He had risen from the grade of a London apprentice, through the useful and unclean offices of a receiver, a contractor, and a surveyor of public income, to the rank of a knight, a member of Parliament, and a Master of Requests, before he got introduced to the Villiers gang. His life, indeed, had been a study of safe and decorous villany. He got his first step by making love to his master's daughter; grew rich by cheating the customs; won notice from the Council by telling them how they might squeeze rich aldermen while lightening the load on such poor devils as himself; secured the protection of Lord Northampton by a bribe of land which was not his own; pleased the King by a plan for jobbing away the Crown lands on a more extensive scale; fixed himself on Buckingham by betraying to him,

19 Dom. Papers, cxii. 20, cxiii. 18, 33, 38, 92, cxxvii. 101.
or to his cause, his first patrons the Howards. Cranfield was the chief instrument in denouncing Suffolk, and placing the Staff in Buckingham's hands for sale. To reward this service, Suffolk's son-in-law, Viscount Wallingford, was compelled, by threats of prosecution, fine, and ruin, to surrender to Cranfield the Court of Wards. Only a villain of stony heart and brazen cheek could have either done this deed or taken this reward; for these Howards whom he betrayed and spoiled were the very men who brought him into notice, presented him at court, and procured for him a seat in the House of Commons. But, in truth, there was no act of turpitude, short of the vulgar crimes for which men are hung, at which Cranfield, when his interests called, would stop.

The broadest comedy of Jonson fails before the genuine drollery of Cranfield's wooing. On his first wife leaving him for a better world, he set his eyes on Lady Effingham, who listened to his love and accepted his hand; but Lady Buckingham, hearing of these love passages, sent for him to her house, where, reminding him that he only lived by her favour, she told him plainly he must give up Lady Effingham, and marry Ann Brett. The poor devil bowed his head; but the bride being a coarse fat woman, with none of the Beaumont beauty, he

20 Doquets, April 1, 1605, Dec. 20, 1607, May 31, 1610; Sign Manuals, No. 49; Minute, Undated Papers of 1607, xxvii. 81; Northampton to Lake, Aug. 12, 1612, R. O.; Winwood to Lake, Mar. 29, 1617, R. O.; Brent to Carleton, Jan. 31, 1618, May 29, 1619, R. O.; Nethersole to Carleton, Jan. 18, 1620, R. O.
made his terms in taking her—a seat at the Privy Council, an immediate prospect of a peerage, and a promise of one of the highest places in the Government.  

Sir James Ley, a cold, coarse man, of a worse temper than Coke, of a harder heart than Cranfield, who had already buried two wives, as Lady Buckingham had buried two husbands, was left by his first wife with a family of children, heirs to his wealth and honours; but Lady Buckingham, who had herself taken a title without sharing it with her husband—though Sir Thomas was the brother of an Earl—supposed she could set aside these children in favour of any offspring he might have by Jane. What would an obscure attorney of the Court of Wards not do for a peerage and a seat on the bench? To put Ley into good humour, Lady Buckingham made him a baronet, without the honour costing him a shilling; a special act under the sign manual remitting the thousand and ninety pounds usually paid for the escutcheon of the bloody hand.  

The yet dearer friend whom she chose for Sir Thomas's successor was John Williams, rector of Waldegrave and canon of Lincoln, a man of handsome person, oily tongue, pleasing manners, and almost young enough to have been her ladyship's son. Clarendon, who sat at the same board with Williams for years, describes him as "of very corrupt nature," as one "whose passions could have transported him into the most unjustifiable actions." Standing, as Williams does, in odious relation to the public

21 Dom. Papers, cv. 83, cix. 59, cxii. 20.
22 Sign Manual, Nos. 44, 53.
history of the three most eminent men of the seventeenth century, for his evil nature and unhappy genius prompted him at different times to suggest the ruin of Bacon, the execution of Strafford, and the assassination of Cromwell, it is perhaps not easy to be just to him.

Some talents, some learning, he unquestionably had; though his learning and talents were employed for the gratification of his passions, rather than for the service of God. Williams was chaplain to Ellesmere when Ellesmere held the Seals. While blessing his master's meat and wine he kept an eye on business; and when Bacon, coming to York House, offered to continue him in his post, the divine refused, in the hope of recovering the custody of the Great Seal from the lawyers to the churchmen. In the face of candidates like Bacon, Montagu, and Coke, such a hope would have seemed to most men vain; not so to one versed in the arts by which a low order of priests have in all ages striven to enslave the world. He made court to Lady Buckingham, convinced that no woman is insensible to the flatteries of love, least of all an ambitious woman, greedy for pleasure, and past her prime. When he had interested her passions in his career, his fight was well nigh won. She put him in the way to rise. She recommended him to her son; so shaping his course that, as either Lord Chancellor or as Archbishop of Canterbury, he might appear at the proper time before the whole world a man in rank and power not unworthy of herself.

Buckingham found in Williams a divine of easy virtue and specious talents; who never prated to
him about reform; who paid no homage to the primate; who detested the House of Commons with all his soul. At a word from his new mistress or from her son, Williams would not have scrupled to send his archbishop to the Fleet, or to resist and insult the whole Puritan parliament. A man capable of rising through an old woman's folly and a young man's vices was not slow to rise. The needy rector of Waldegrave became Dean of Salisbury and Dean of Westminster. He was to have the first mitre that should fall into the King's gift. If Bacon could be ruined, he was to have the Seals.28

Coke, blinded by his passions and miseries, brought his experience to the aid of these men: he bent on revenge; they following their ambition. Coke only thought how he could hurt Francis Bacon; Williams had to get the Seals, Cranfield the White Staff, Ley a peerage, Buckingham York House. A beginning had already been made with the holder of the White Staff. The Earl of Suffolk, the father of Lady Somerset, as an avowed Roman Catholic, as a suspected pensioner of Spain, was so unpopular in the country that when he was charged with extortion, false dealing, bribery, and embezzlement, no one had felt either surprise or pity at his fate.24

The prospect of a great profit from this transaction kindled the greed for more. Yelverton's turn came next. If not a Puritan in religion, Sir Henry Yel-

28 Doquets, Nov. 5, 1619; Clarendon, iv. 130; Balfour, ii. 93; Weldon, 127, 130; Speaker's Note, Feb. 6, 1621, R. O.; Chamberlain to Carleton, Mar. 20, 1620, R. O.

24 Proceedings against the Earl of Suffolk, Nov. 13, 1619, R. O.
verton had generally spoken and voted with the Puritan party. A man of good parts and unbending character, he found a friend in Bacon, with whom he had kept his terms at Gray's Inn, and had served in the House of Commons. His popularity in the House, like the popularity of Bacon, had kept him out of office. In the debates for many years his name had stood side by side with that of Bacon, with whom he had spoken for the subsidies and for the Union. The same breeze of favour had brought them both into power. When Bacon became Attorney-General he had used his influence to procure the Solicitorship for Yelverton. Since then they had acted constantly together, most of all so in the effort to prevent Frances Coke from being forced to marry a man whom she could not love. The faction of Buckingham never liked Yelverton; unable either to forget the circumstances of his rise, to forgive the obstinacy of his demeanour, or endure the way in which he exercised his power. When Bacon got the Seals, Ley, who wanted to succeed him as Attorney, offered to pay Buckingham ten thousand pounds for the post; and Lady Buckingham supported the man whom she had chosen as the lover of her niece; but the King, when he put the Seals into Bacon's hands, himself passed the patent of office to Yelverton, who refused to contract an obligation to Villiers, though urged by Archbishop Abbott and the Duke of Lennox to conciliate the chief authority in the bedchamber and the closet. Yelverton's offences were that he was very manly, and that he occupied a very high post.25

25 Bacon's Notes, Lambeth MSS. 936, fol. 133; Chamberlain to Carleton, June 28, 1620, R. O.; Archaeologia, xv. 27.
Unhappily, in the exercise of powers not well defined, he gave an advantage to Coke. A new charter was passed to the city of London, with clauses favourable to the citizens, which Coke persuaded James trenched on the prerogatives of his Crown. It was not pretended that Yelverton took money for inserting these clauses, though it was admitted for the defence that in putting them into the charter he went beyond his powers. The city surrendered its charter, and Sir Henry submitted his error to the King; when Bacon, who could not deny his fault, essayed to soften the animosity of his judges. Coke, who sat the lowest of the councillors, and was the first to speak, demanded from the Court a sentence of imprisonment for life and a fine of six thousand pounds. Even the Judges of the Star Chamber could not go his length; they condemned Yelverton to imprisonment in the Tower, and a fine of four thousand pounds.

Two great offices, the Treasury and the Attorney-Generalship, were now for sale. Buyers crowded in, for, as the system of ruining men in order to vend their posts was new, no one perceived that the purchase of a great office was to be in future the first step towards destruction. Montagu and Greville each bid for the Staff; and as the purchase by Montagu would cause him to leave the King’s Bench, Lady Buckingham seconded his suit, that she might raise Sir James Ley to the rank of Chief Justice and marry him to her niece. Greville must wait. On going

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25 Lambeth MSS. 936, fol. 133; Yelverton’s Speech in the Star Chamber, Oct. 27, 1620; Speech in the Same Court, Nov. 10, 1620, R. O.; Locke to Carleton, Nov. 11, 1620, R. O.; Dom. Papers, cxvii 76.
down to Newmarket to see the King, Montagu called to tell Bacon that he hoped to bring back the Staff. "Take heed what you do, my Lord," said the Chancellor, merrily; "wood is dearer at Newmarket than at any other place in England." The Treasury, with the title of Mandeville, cost Sir Henry Montagu no less than twenty thousand pounds. Sir Thomas Coventry bought the place of Attorney-General; the Solicitorship was given to Recorder Heath; and Robert Shute, the outlaw, who could give such aid against Bacon, was made Recorder of the city. The King's Bench was of course given to Ley. By these arrangements Buckingham saved about eight hundred pounds a-year, besides pocketing in a lump Sir Henry's twenty thousand pounds. Bacon's turn came next; Lady Buckingham having at length overcome the indolent good-nature of her son.\footnote{Apophthegms in Resuscitatio, 42; Locke to Carleton, Dec. 2, 1620, R. O.; Woodford to Nethersole, Feb. 2, 1621, R. O.; Chamberlain to Carleton, Nov. 9, 1620, Feb. 3, 1621, R. O.}

The charge by which any Chancellor might be ruined was that of official corruption. He had no proper salary from the Crown; neither he, nor the Masters in Chancery, nor the Registrars, nor the Six Clerks, nor any of the inferior officers; they had to live on fees, and every fee which they received might be called a bribe. The certain fines of Chancery were thirteen hundred pounds a-year; the uncertain fines still less; beyond which beggarly sums, the great establishments of the Lord Chancellor, his court, his household, his retainers, gentlemen of quality, sons of bishops and barons, knights of the shires, had all
to be maintained by presents made to them, voluntarily, by suitors of the court.

This fee-system was universal. In the reign of James the First there was no civil list; the King, the bishop, the judge, the Lord Treasurer, the Lord Admiral, the Secretary of State, the gentlemen of the bed-chamber, all took fees. In a paper which has been printed by order of Parliament as official evidence of the usage in Bacon's time, Sir Matthew Carew, one of the Masters in Chancery, describes the judges as depending on presents which came to them "voluntarily of benevolence." The judge was neither in deed nor in name a public servant: he received a nominal sum as standing counsel for the Crown; for the rest he had to depend on the income arising from his hearing of private causes. Thus, the Seals, though the Lord Chancellor had no salary, were in Ellesmere's time worth ten or fifteen thousand pounds a-year. Bacon valued his place as Attorney-General at six thousand a-year; of which the King paid him only 81l. 6s. 8d. Yelverton's place of Solicitor brought him three or four thousand a-year, of which he got 70l. from James. Coke, when Lord Chief Justice of England, drew from the State 224l. 19s. 9d. a-year; and, when travelling circuit, was allowed 33l. 6s. 8d. for his expenses. Hobart, Chief Justice of the Common Pleas, had 194l. 19s. 9d. a-year; Tanfield, Lord Chief Baron of His Majesty's Court of Exchequer, 188l. 6s. a-year. Yet each of these great lawyers had given up a lucrative practice at the Bar. After their promotion to the Bench, they lived in good houses, kept a princely state, gave dinners and masques, made presents to the King, accumulated
goods and lands. Their wages were the benevolences of those who resorted to their courts.

These benevolences were not bribes. If the satirists, from Latimer to Nashe, described the Bench of Bishops and the Bench of Judges as taking bribes, it was in the vein common to lampooners in every age of the world; the vein in which Boccacio describes his Friars, and Jonson his Justice Overdos. Serious men made no complaint. In the Great List of Grievances, drawn up in 1604, we find complaints that Cecil lived in adultery, that Parliament was packed with courtiers, that the Forest Laws had been revived, that pardons were sold to cutthroats and felons, that monopolies were granted to money-lenders, and patents bestowed on pimps; not that the great lawyers were thought corrupt, or that justice was supposed to be bought and sold. In the List of Grievances there is one charge against the Lord Chancellor Egerton; but in 1604 the charge which law reformers made against Egerton was that he held the two offices of Master of the Rolls and Keeper of the Great Seals:—it never occurred to these men to complain that he took his wages in the shape of fees. Two years later, a bill had been laid before the Commons, by a disappointed jobber, to reduce some of the fees for copies in the Court of Record. In the debates on this bill Bacon had assumed a leading part. The argument of counsel was against the interference of Parliament, in the unfair fashion of the bill, with what Bacon called the Freeholds of the officers in that Court. The notes of his speech put the case as it appeared to the best minds in England in 1606, a year before he held any office under the
Crown. Bacon showed that the bill to reduce the fees for copies originated in a spirit, not of reform, but of revenge; that a similar bill had, in years gone by, been promptly rejected by the House; that such a law to cut down fees was unprecedented; that the bill was retroactive, against all law and justice; that a man's right in his fees was sacred as his right in his goods and lands. These arguments had prevailed. A committee having been named to report on the bill, they had reported against it, and the bill was dropped. Yet a few years later, mainly through the speeches and the writings of Bacon himself, a feeling began to show itself against the payment of judges, registrars, and clerks by these voluntary benevolences. Each new Parliament saw the subject stirred. In the sessions of 1610 and 1614 bills were introduced and dropped. But the argument for a change of the old system grew under debate. The business of the law courts increased, the private causes became more numerous and important than the King's causes; a plan, therefore, which had done well under Edward or Henry, might be a great evil under James. An unpaid Bench, though all that society wished for its defence under feudal or Brehon law, might obviously become a dangerous power in a highly artificial and litigious age. Such was the reasoning of many wise men. Not that justice was less purely dispensed under Ellesmere and Bacon than of yore; the reverse was a conspicuous fact. The improvement had been slow and safe; Hatton dancing through his duties with more credit than Bromley; Puckering surpassing Hatton, and Egerton eclipsing Puckering. A
desire to change the fee system was not the child of discontent, but of growth.28

How easy for a lawyer like Coke to turn this desire for change against the actual holder of the Seals! No man could deny the existence of abuses; Bacon least of all; yet no one could discern a way to reform them while surrounded and protected by existing institutions, unless at the cost of individual rights. The offices were freeholds. But when Lady Buckingham began to crave the seals for Williams, and Buckingham to dream of building a palace on the site of York House, for which Inigo Jones should prepare the plans, Sir Lionel Cranfield brought to the help of Coke his prompter character and more scheming brain. Since his marriage with Ann Brett, Cranfield had been suffered to mulct and plunder at his ease; and though some of his victims, maddened by their losses, threatened to cut his throat, the audacious speculator in human roguery kept his course, as though there were no retribution for injustice in either this world or in the next. Coke's goal was not Cranfield's goal; though for a time their roads ran side by side. So far as Coke could be useful to him, Cranfield would keep him company; when Coke could serve his turn no longer, he would then betray his fellow-councillor with as little remorse as he had felt in flinging Suffolk into the Tower. Sir Lionel went direct to his point. Coke had been pottering

28 Com. Jour., i. 259, 268, 279; Dom. Papers, i. 68; Tanner MSS. 169, fol. 42. Bacon's Argument on Fees is printed in the 'Personal History,' 250. See also the Parliamentary Papers for 1831, No. 122.
on the outside of Chancery, Cranfield strode into Chancery itself. On paying, or on pretence of paying, a thousand pounds a year, he procured from Buckingham the grant of a considerable share of those fines which belonged of right to the officers of Bacon's court; a move diminishing the Lord Chancellor's power over his servants, raising up a rival and hostile influence in the court, and giving Cranfield, what he needed still more, a pretext for overhauling the Entry Books and scrutinising the receipt of fees. Some of the clerks he found too honest for his dirty work; but men of Cranfield's stamp are not abashed by the remonstrant virtue of inferiors; and not only Churchill and Shute, but John Hunt and Bevis Thelwall, fell under temptation, and put themselves on the winning side.

Churchill and Hunt could help them with accusations; their trouble was to find accusers; for unless the sufferers could be made to appear in person, how would they be able to support their charge? Lady Wharton, mortified by her losses, Edward Egerton, smarting from his defeat, were ready to complain of the Lord Chancellor's injustice; but the cases of Lady Wharton and Edward Egerton, if useful to swell the list, were not of a character to stand alone. Seeking fresh accusers in the kennels and the jails, among those underlings of the royal household whom a word from Buckingham might blast, they found two, Ralph Hansby and Sir George Reynell, who might be of use to them.

29 Dom. Papers, cxx. 38; Lords' Jour., iii. 51, 105; Grant Book, 337.
Hansby, Surveyor of the Stables, an obscure hanger-on to the skirts of pages and bedchambermen, had by thrift and cunning grown rich. Soon after Bacon got the Seals, he filed a bill in Chancery on the disputed title to an estate, and, the court having pronounced a judgment in his favour, he paid to Tobie Mathews, son of the Archbishop of York, and the proper officer of court, his fee. That fee was now to make Hansby's fortune. The entry book showed that months after Bacon's verdict, when hundreds of intervening causes must have swept the remembrance of suit and fee from the Lord Chancellor's mind, a point of form connected with the chattels on the land had come on for hearing; so that, with the help of Hansby as accuser, the fee which he had honestly paid to Mathews might be construed into one received by the court pendente lite. To men who had their eyes on York House and the Seals such evidence as Hansby's was worth its price; and we find without much surprise that, while the accusations were being prepared, Hansby not only obtained from the Crown, with others, a grant of the several royal and lucrative offices of Constable and Porter of Nottingham Castle, and those of Steward and Guardian of Sherwood Forest, but was introduced by his new patrons to the King, and, to add dignity to virtue, was dubbed Sir Ralph.

Sir George Reynell, Marshal of the King's Bench, a far superior person to the new Knight, was a connexion of the Lord Chancellor; his elder brother,
Sir Thomas Reynell, being the husband of Bacon's cousin, Elizabeth Killigrew. Presents had passed between them, as the fashion among kinsmen was. When Bacon went to live at York House, and his friends clothed it for him with tapestry and furniture, this Sir George sent in his gift, and, when New Year's day came round, he again laid on the table, among piles of presents from friends, a diamond ring. As Reynell had a suit in court, it was possible to say that this civility had been received as a judicial bribe.

Of the means by which Reynell was coerced into suffering this abominable charge to be made in his name, we gain some knowledge from the faithful pages of the Privy Council registers. At the time of Cranfield's inquisition we find that a sudden storm began to howl round Sir George; his prisoners in the King's Bench, chiefly Irish rebels, rising upon him, barricading the passages, petitioning the Lord Chief Justice and the Privy Council. A narrative of his misdemeanours in the jail being drawn up, the magistrates of Middlesex and Surrey were commissioned by the Council to visit the prison and examine the prisoners. Reynell seemed on the brink of ruin, when suddenly some secret hand was put out to save him. The prisoners who might have made complaints were whipt away to Newgate, and the Middlesex and Surrey Shallows, when they alighted at the King's Bench, could get no evidence against him. Six months after this mock inquiry and acquittal of Sir George, he appeared before the Committee to assert that he had sent his brother's cousin a diamond ring, while a suit in which he had
an interest was pending in the Lord Chancellor's court. 31

These measures were taken with so much stealth, that Bacon, busy with the profound and final touches of his 'Instauratio Magna,' sat with Coke and Cranfield at the council-table unsuspectingly day by day. Serene and occupied, at peace with all, secure in his high place, abreast as no other Chancellor had ever been with his official business, he was anxious only for that greater work, the true interpretation of nature and the reconstitution of science, to which his whole life had been pledged. At the very hour in which Hansby was being dubbed a knight, and Reynell harassed by a threat of prosecution, the unsuspecting Lord Chancellor was reading the proof-sheets of that work which was to bless their descendants to the end of time. In October, 1620, the 'Instauratio Magna' was given to the world. Copies of it were sent to the King, to the University of Cambridge, to Sir Henry Wotton, and to Sir Edward Coke; with each copy an appropriate compliment or jest. To James Bacon said he hoped his Majesty would be as long in reading it as he had been in writing it—thirty years. The King replied that it was like the wisdom of the Holy Ghost, that passeth all understanding. What civil thing Coke said to Bacon's face we do not know; we know that he went home, perhaps from an interview with Churchill or Hansby, and wrote in his copy of the Instauratio Magna, the polite and forgiving gift of Bacon:

31 Hall MSS. 1538, fol. 60; Petition of Prisoners, July 14, 1620, R. O.; Sir Henry Bayn to the Council, Aug. 14, 1620, R. O.; Privy Council Reg., July 6, 9, 24, 1620.
"Auctori Consilium.
Instaurare paras veterum documenta sophorum:
Instaura leges justitiamque prius."

This sneer at the writer's law had been already circulated by Coke in the Inns of Court. Underneath it, above the device of a ship which is passing adventurously through the Pillars of Hercules, Coke added these lines, in allusion to Sebastian Brant's 'Stultifera Navis':

"It deserveth not to be read in schools,
But to be freighted in the Ship of Fools." 32

32 Francisci de Verulamio summi Angliæ Cancellarii Instauratio Magna, 1620; Montagu, xvi. part i. cxlvi.
CHAPTER XIV.

THE ACCUSATION.

"The duties of life are more than life, and if I die now, I shall die before the world will be weary of me," wrote the Chancellor, after his first great victory of labour on the bench. Had he died on the publication of his 'Instauratio Magna,' so that Williams could have got the Seals and Buckingham York House, the world would have lost his 'History of Henry the Seventh,' his 'Fable of the New Atlantis,' his 'Historia Vitæ et Mortis,' with some of the most precious of his 'Essays;' but Francis Bacon, Lord Verulam, would have lived for ever in story as the most profound of thinkers, the most prosperous of reformers, the most happy of men. Not a stain would have rested on his name. But though sick, he did not die. On the eve of his fall he was feasting and receiving honours. On the 21st of January, when he gave a banquet at York House to celebrate his sixtieth birthday, the best of the land sat down at his table: among them probably Pembroke, Montgomery, and Mandeville; possibly Selden, Falkland, and Hobbes; certainly Ben Jonson, who pronounced a sonnet to his host, which lights us back upon the scene—making visible the fire, the wine, the men—the crowd of earls and judges, wits and poets. We see the burly figure of Ben, as he rises with his
poesy, and sits down, amid cheers, with the empty bowl!

"On Lord Bacon's Birthday.

"Hail, happy Genius of this ancient pile!
How comes it all things so about thee smile?
The fire, the wine, the men! And in the midst
Thou stand'st as if some mystery thou didst!
Pardon, I read it in thy face, the day
For whose returns, and many, all these pray;
And so do I. This is the sixtieth year
Since Bacon, and thy lord, was born, and here;
Son to the grave, wise Keeper of the Seal,
Fame and foundation of the English weal.
What then his father was, that since is he,
Now with a title more to the degree;
England's high Chancellor: the destin'd heir,
In his soft cradle, to his father's chair:
Whose even thread the Fates spin round and full,
Out of their choicest and their whitest wool.
'Tis a brave cause of joy, let it be known;
For 't were a narrow gladness, kept thine own.
Give me a deep-crown'd bowl, that I may sing,
In praising him, the wisdom of my king."

One week later, there was a yet more splendid gathering at Theobald's, to witness his investiture with the coronet of St. Albans in a form of peculiar honour, other peers being created by letters-patent, he by investiture with the coronet and robe. The King, the Prince of Wales, Lord Mandeville, the Marquises of Hamilton and Buckingham, the Earls of Worcester, Pembroke, Arundel, Rutland, March (his old client Aubigny), and Montgomery, were present. Lord Wentworth carried the coronet before him, Lord Carew the robe, which was supported by Buckingham. The patent recited his birth, his merits, and his services, in the most gracious terms.
On the 30th he took his seat as Viscount St. Albans in the House of Lords.¹

This Parliament was his own. Lord Mandeville found the Staff a heavy burthen; Greville and Cranfield were his rivals; and the Treasury itself was empty. "There is not a mark in the Treasury," said Mandeville to Bacon. "Be of good cheer then, my Lord," laughed the Chancellor; "now you shall see the bottom of your business at the first." Something must be done. Bacon said, Call a Parliament. The spirit of reform ran high, and grievances groaned on every tongue. To meet the country was to court complaint and risk collision; yet Bacon pressed his counsels on the King; a series of events abroad having made a reconciliation of the English King and Commons a statesman's gravest care. The Reformed religion was at stake. Deploying her troops and the troops of her Austrian and Bavarian allies into line, Spain had enveloped Germany in cloud and flame, opening the Thirty Years' War with the sack of the Palatinate and the occupation of Prague. Max was master of the Hradshin, Spinola of the Rhine. England, not less than the Protestant faith, was smitten by this blow; Frederick and the Queen of Hearts being fugitives from Prague; and James mumbling about a Spanish match for his son Charles, when surprised in his cups by news that Max and Spinola had robbed his daughter and her children of their native and elective crowns. What could he do? Bacon advised him to call a Parliament together, state the

¹ Ben Jonson's Underwoods, lxix.; Montagu, xvi. part i. cccii.; Dom. Papers, cxix. 17.
situation, and throw himself heart and soul into the religious war. But this time there should be no mistake. The sessions of 1610 and 1614 had been lost through quarrels; not one Act passed in either. Grievances must now be met; and reasonable men gained over to support the Crown. The enemy must see in England only one party, one flag; therefore let the King become the leader of the Commons, let the Government adopt the business of reform.

Many voices rose in the Council against these proposals of the Lord Chancellor; but as the Queen of Hearts cried loud for help, as the bankers would lend no more and the nobles would give no more, the King, with many a pause and doubt, with many a sigh for the days, now gone for ever, when he could chase the stag and quaff his strong Greek wine, untroubled by the clash of arms or the brawl of tongues, consented to Bacon’s plans.

With the help of Montagu and Coke the Lord Chancellor drew up a scheme to promote a safer feeling between the House of Commons and the Crown; a scheme of reform as well as of defence; involving an immediate issue of writs, an honest hearing of public complaints, an abolition of unjust or unpopular monopolies, a withdrawal of some of the more obnoxious patents, above all an instant increase of the royal fleet.2

2 Bacon’s Apophthegms, in Resuscitatio, 42; Council Reg., Dec. 27, 1620; Teynham to Edmonds, Dec. 23, 1620, R. O.; Howard to Naunton, Dec. 26, 1620, R. O.; Com. Jour., i. 507, 508.

3 Bacon to James, Oct. 10, 1620, Mar. 11, 1621; to Buckingham, Oct. 19, Dec. 19, 1620; Statutes of the Realm, iv. 1207; Tanner MSS. 290, fol. 33 (printed in the ‘Personal History of Lord Bacon,’ 269).
The King received these counsels, not with warmth, it is true, yet without absolute disfavour. Others, less honest than James, saw in them a way to Bacon's ruin nearer and safer than through a prosecution in the Star Chamber. A political charge would be simpler than a judicial one; a crowd of unlearned and reforming burgesses easier to perplex than well-trained councillors and judges. In a legal prosecution, the first step would be to show that justice had been perverted; the second step to prove that this perversion had been corrupt; the third step to bring the corruption home to the Chancellor. The very first step could not be made. In a parliamentary inquiry the verdict would depend less on the weight of evidence than on the state of parties and the show of hands. Before a committee, the inquiry would proceed with closed doors, the evidence on one side only would be heard, the witnesses could not be exposed by cross-examination, the accused would not be present either in person or by his counsel, and the depositions would be received without undergoing those tests which the wisdom of ages has invented for the protection of innocence and the discovery of truth. In short, it suited the designs of Coke and Cranfield that Bacon should not be tried, but impeached.

The right of impeachment by the House of Commons lay—until Coke, in his blind passion, revived it for the profit of Williams and Cranfield—a dormant and disputed power in the Constitution. Men had been impeached by that House for various crimes; but this had been done long ago, only for a short time, and that in the most troubled period of the Civil War. Latimer had been the first, Suffolk the
last: one in 1376, the other in 1449; and the inroad then made on the old constitution was never repeated in happier and more peaceful times. Still, it might be revived. 4

Coke, who had not been in the House of Commons for eight-and-twenty years, found a seat at Liskeard. Sir Lionel Cranfield was returned for Arundel, Sir James Ley for Westbury; Sir George Calvert sat for Yorkshire; Sir Robert Heath, Solicitor-General, sat for London; Sir George Hastings and Sir Richard Young, who had never been in Parliament, were introduced for Christchurch and Dover; John Wraynham got a seat for Wotton-Bassett, William Noye for Helston, Sir Jervase Clifton for Notts, Sir Robert Philips for Bath. Sir Dudley Digges, a young gentleman of the Privy Chamber and one of Buckingham's followers, though abroad, was secured for Tewkesbury. No less important was the introduction into public life of that shallow and ribald lawyer Thomas Richardson, whose buffoonery on the bench disgusted John Evelyn. Richardson, like Ley, was a very poor lawyer and a very rich man. Lady Buckingham coveted his money, and, when he had served her revenge, she married him to her sister and made him a judge. 5

Four hundred inexperienced men, a third of them new to the House of Commons, a majority either slavish adherents of the Court or fanatical reformers of the root and branch, came together in a turbulent,

4 Hallam's Const. History, i. 357.
5 Not. Parl., iii. 177, 184, 197; Dom. Papers, xcvi. 40; Evelyn's Diary, i. 7.
almost in a savage mood. The Court, having the right to name the Speaker, proposed Thomas Richardson for the office. A committee searched the vaults. The whole House took the Sacrament in public. A second time, and with added solemnity and publicity, the members swore the oaths of supremacy. Hollis and Britton, Roman Catholic members, were excluded from Parliament for no other crime than their unpopular creed. Shepherd was expelled for a poor joke against the Puritans. A sub-committee was appointed to revise and sharpen the penal laws.  

Coke, who from his age, his rank as a Privy Councillor, his experience of affairs, his powers of debate, his knowledge of men, and his reputation as a lawyer, was in a position to lead the House, announced himself at the first sitting as a legal reformer by laying on the table a bill for limitation of actions and avoiding suits in law. His position in the House of Commons was at once powerful and miserable. Standing between the most noisy parties in the state, with an apparent command over Lady Buckingham’s benches, with a certain sway over the extreme Puritans, no man could rally more votes to his Yea or Nay; yet with all his learning and sagacity, he could exercise no independent power. A mere blind tool in the hands of Cranfield, his zeal was used, his experience

6 Bacon to Buckingham, Dec. 16, 1620; Chamberlain to Carleton, Jan. 20, 1621, R. O.; Lake to Carleton, Jan. 20, 1621, R. O.; Bacon’s Declaration, Jan. 16, 1621, R. O.; List of Sub-Committee on Papists, Feb. 5, 1621, R. O.; Chamberlain, Feb. 17, 1621, R. O.; Com. Jour., i. 508, 512, 515, 525.
abused, to the profit of a family which, when he could serve their greed no longer, would feel no shame at casting him into a kennel or a jail. In this pursuit of his revenge, Coke had the energetic aid of one who was born for better things.  

Sir Robert Philips, a son of Sir Edward Philips, Master of the Rolls, had a grievance against the Court and the Lord Chancellor. One of those who had tried to rob Lady Raleigh and her children of Sherborne, he had been so near to success that a grant of the lease was actually made to him, when the rise of Somerset clouded his day of favour, and that famous Devonshire estate had gone with its reputed curse to Carr. Against the official agent of this loss, as indeed against all the Court, Sir Robert nursed a grudge, which he could now repay. Of the bigots who disgraced the Parliament of 1621, Philips made himself the noisy leader; yelling against the Papists, affecting to be thrown into agonies by the word transubstantiation, and actually denouncing to the House of Commons as a public crime the fact of some Roman Catholic gentlemen speaking of religion at the dinner-table. Like the rest, and louder than the rest, Sir Robert brawled for privilege of Parliament and liberty of speech; but he meant by the first no more than the privilege of condemning his enemies unheard, by the second no more than the

7 Proceedings and Debates of the House of Commons in 1620 and 1621, collected by a Member of that House, in two vols., Oxford, 1766, p. 13. These Proceedings and Debates, though much more copious than the Journals, have never been referred to by the writers of Bacon's Life.
liberty of committing every one who disputed his opinions to the Tower.  

The money bills passed at once; indeed, in their haste to man the fleets, and put a floating fortress between the coasts of Essex and the camps of Calais and Ostend, the burgesses voted the supplies without a dissentient voice. James took their money, not without joy and wonder; but when they asked him to banish the recusants from London, to put down mass in ambassadors' houses, to disarm the Papists, to prevent priests and Jesuits from going abroad, he steadily refused. In this resistance to a new persecution, his tolerant Chancellor stood at his back, and bore the odium of his refusal. Bacon, who thought the penal laws already too harsh, would not recommend the Crown to inflame the country, at such a time, by a new proclamation; the penalties were strong, and in the hands of the magistrates; he saw no need to spur the zeal of men inclined to persecution by royal proclamations or the enactment of more savage laws. Here was a chance for Coke. Hearing this old man of seventy years rave for gibbets and pillories in a style to quicken the pulse of a Brownist—dwell on the horrors projected by Fawkes and Catesby, and on his own great services in hunting, racking, hanging, and embowelling the Gunpowder plotters—men who were themselves wild with news from Heidelberg or Prague, believed in his sincerity, and partook of his heat. Many good men thought to be mild now, was to be weak. In a

8 Grant Book, 118; Sign Manuals, 79, 111; Proceedings and Debates, i. 24.
state of war, philosophy and tolerance go to the wall; when guns are pounding in the gates, even justice can be only done at the drum-head. By feeding these fiery humours, Coke got the ear of an active section of the House, who pushed him on, their orator of hate, as in happier times they had made his great compeer their advocate of charity and peace. Coke whispered round the benches that the Chancellor was a lost man, his fortunes a house of cards tumbling about his ears; and Cranfield buzzed the same rumour through the court, where the timid, the prudent, or the ambitious made haste to remove themselves from under the falling mass. In a few days this phrase was openly repeated in the House of Commons. 9

Sure of his audience when he spoke on law reform, Coke, on introducing a bill against relators, informers, and promoters, obtained a committee of the whole House, with orders to sit every Wednesday, and to hear all complaints on Courts of Justice. To this bill on relators the House added a clause against those who lived by prosecuting inquisitions in the Court of Wards, and instructed the Committee to inquire into some of the alleged abuses in that court. Cranfield, who bade for Puritan support by outcrying Philips and Coke against the Roman Catholics, assured the Commons they were free to examine his doings; and when the debates on free speech came on, he announced that, if by free speech they meant

9 Com. Jour., i. 510, 518, 523; Speech of a Privy Councillor in the House of Commons, Feb. 16, 1621, R. O.; Locke to Carleton, Feb. 16, 24, 1621, R. O.; Murray to Carleton, Feb. 17, 1621, R. O.
licence to attack the grievances, they already had it to the full. Dates now become important.\textsuperscript{10}

February 13. 

Sworn.

Coke brought in a bill to restrain suits in Chancery, to curb the powers of the Lord Chancellor, and limit the period over which a cause might run; which bill was referred to the General Committee. Next day, Wednesday, the Committee sat.

Feb. 15. 

Sir Dudley Digges, having hurried home from beyond sea, stood at the door demanding to be sworn. This shifty son of a good mathematician was, in this early stage of his unprincipled career, a gentleman of the chamber to the prince he afterwards betrayed, a servant of the peer he afterwards impeached. A man of flowing words, of impudent look, of irregular and gross ambition, there was no vice of which Digges could be taught to feel the shame so long as it seemed to his crooked understanding as one likely to serve his ends. Not without talent, he betrayed the most singular ignorance of himself. Without languages or geography, he undertook a mission to Moscow; without law, without being called to the bar, he asked for the Rolls. For his blunders on the Russian journey, from which he returned without finding the Czar, he was censured by Bacon and the Council. Should he be sworn? Usage said, No. That a man who was abroad at the time of his election, unless employed on a public mission, could not claim, on returning, to take his seat, was a rule which had been illustrated and enforced on Pelham. But the party had need for him

\textsuperscript{10} Proceedings and Debates, i. 14, 27.
in the House of Commons; and as a new writ would waste time, they contrived that a rule which had excluded Pelham should be made to admit Digges.\footnote{Com. Jour., i. 511-22; Abbott's Narrative in Rushworth's Collections, i. 454; Dom. Papers, lxxii. 67, lxxv. 72, xcvi. 40, ciii. 33, 45, 46.}

Feb. 17. Sir Edward Sackville, chairman of the General Committee on Courts of Justice, brought up his first report. Sir Edward, grandson of the renowned poet, Thomas Sackville, first Earl of Dorset, and grandfather of the renowned wit, Charles Sackville, last Earl of Dorset, was one of those gentlemen of high birth, of noble culture, and of independent fortune, from whom the Lord Chancellor had nothing unjust to fear. Sackville's report, touching real abuses, tending towards a genuine reform, spoke of that practice of granting protections by which money-lenders suffered, of the evil of persons in the country living by the search for concealed wards, of the conflicting jurisdiction of the Court of Chancery and the Court of Wards, of the pressure of the fee-system on private persons, where the cost of a hearing might perhaps be greater than the cause was worth. He added that the Lord Chancellor most graciously and liberally invited inquiry into the condition of his court.

Doubts having been expressed as to whether Parliament had any power to intrude into the secrets of the King's courts, this invitation was all-important. Bacon, though he distrusted Coke without knowing the lengths to which he was pledged, met the inquiry with open heart. The Commons were helping to do his work. Reform of the law, and of the courts of
law, had been his theme for thirty years. When he got the Seals, his very first speech in Chancery proposed a scheme for removing abuses in fees and suits. His rules for conducting business were in themselves the best of reform bills. More than all, he had introduced into that slow and despotic court the substantial amendments of patience, courtesy, and speed. Not a cause was on the lists unheard. Vices remained, vices of form, of persons, of constitution; vices too strong for a single man, however prompt and powerful, to subdue. If the House of Commons had any search to make into his court, he offered them full leave; if they had anything to say on his mode of conducting business, he bade them freely speak their mind. Without this leave they could not have moved one step. 12

While Sackville was making this welcome offer from the Lord Chancellor in the House of Commons, Bacon, called by his place in the House of Lords to decide between the quarrels of two peers, was offending in a peculiar manner the pride of Lady Buckingham. This schemer having fixed her eyes on Elizabeth, daughter of Francis Baron Norreys of Rycote, as a convenient wife for her son Sir Christopher, Lord Norreys had been created Viscount Thame and Earl of Berkshire. Berkshire either pushed or struck Lord Scrope, a haughty peer whose ancestors had sat in the House of Lords since the days of Edward the First. The

12 Chamberlain to Carleton, May 10, 1617, S. P. O.; Ordinances made by the Rt. Hon. Sir Francis Bacon for the better Administration of Justice in the Court of Chancery, 1642; Locke to Carleton, Feb. 24, 1621, R. O.; Com. Jour., i. 519, 525, 529; Proceedings and Debates, i. 56.
The eleventh baron of his line complained to the House of the rude and upstart earl. Berkshire being in the wrong, the Lord Chancellor, in the face of his connexion with the Villiers people, had the courage to send him to the Fleet prison till he should repent of his sally and apologise to Lord Scrope. What was the anger of Lady Buckingham to him? "The duties of life are more than life." He was the minister of justice; and must Berkshire be allowed to cuff and hustle the ancient peers of the realm because he was rich and had an only child?  

Feb. 19. Coke brought in a bill for Limitation of Petitions and Suits of Subjects in any Court of Equity. The burgesses should have plenty of law reform.

Feb. 21. Two or three days passing in debates on Sir Giles Mompesson’s patent for inns and patent for silver-thread, Cranfield grew impatient. "This is not the way," cried he, "to do the King’s business; let us go straight to our point; let us begin with the administration of justice, then go on to trade, and last of all deal with the patents." Coke understood the gravity of his business better than this merchant’s clerk. No one had yet pronounced the Chancellor’s name, nor hinted at the ancient right of the Commons to impeach Privy Councillors and officers of state. Since an attempt to revive that obsolete and revolutionary power as a means of assailing Lord St. Albans would probably fail, a less popular victim must be sought and kept before the public eye. No man cared for Sir Giles Mompesson, who, in the exercise of his trade, had injured some and offended many. When

13 Lords' Jour., iii. 19, 20; Locke to Carleton, Feb. 16, 24, 1621, R. O.; Chamberlain to Carleton, Mar. 30, 1621, R. O.
one man had been smitten, it would be easier to strike a second or a third. The doubtful right of impeachment would have been proved and used, the lion would have tasted blood, the revolution would have commenced. Coke, therefore, pushed the charge against Mompesson openly in the House, while working against Bacon in the secrecy of a subcommittee. To get his case ready, he obtained an order to send at any time for the Whartons and Hansbys, the Churchills and Hunts. Shute had died at the moment when he was most required.

Feb. 27. Bringing up a report from the Committee on Inns, declaring the patent of inns a public grievance, and denouncing Sir Giles as the original projector, Coke told the Commons that by ancient right they could punish this offender at their sole pleasure, without legal process or condemnation by any judge; that the culprit would have no claim to be heard in his defence: "for a man who is accused of a grievance, to justify it in this House is an indignity for which he may be sent to the Tower." A batch of precedents lay near him in a bag. Philips proposed that sentence should be passed on Sir Giles next day; but the members, who were far from being satisfied that any real precedent existed for setting a vote of Parliament above the law, making a vague political offence more fatal than the darkest crime, rejected his proposal, and sent Hakewell and Noye to consult the rolls. Cranfield, angry at this delay, cried, "Here is a projector and patentee; bad as he may be, he is not so bad as those

14 Proceedings and Debates, i. 75, 78; Dom. Papers, cxix. 90.
who passed his patent; had the referees done their
duty, there would have been no issue. Who are the
referees? Bring in Mompesson, and make him con-
fess.” Sir Lionel knew the story of this patent, for
he had helped it himself at every stage; but he com-
prehended his trade, and had a fixed belief in the
power of dirt to stick.

Mompesson, brought to the bar, declared that,
having laid before the King the advantages to be
derived from the manufacture of gold and silver
thread, his petition had been referred by James to
Lord Ellesmere, and, on Ellesmere’s suggestion, to
the Lord Chief Baron Tanfield, Justice Crook, and
Justice Winch for the point of law, to the Earl of
Suffolk, Sir Ralph Winwood, and Sir Thomas Lake
for the point of public convenience; all of whom had
certified in its favour; that a second petition to the
same effect having been referred to Lord St. Albans,
then Attorney-General, and to Lord Mandeville,
then Recorder of London, for the law, to Suffolk,
Luke, and Serjeant Finch, for convenience, all these
officers had also certified in its behalf. Sir Giles was
ordered to attend the pleasure of the House.

Feb. 28. Coke made a long and learned speech, in
words against Mompesson, in spirit against Bacon;
urging that the best way to proceed against Sir Giles
was to pray the House of Lords to join them in
punishing him by a parliamentary sentence. Hake-
well and Noye had found precedents for such a
course. A sharp debate ensued, in which the friends
of Lady Buckingham showed how little they were
thinking of Mompesson; but the opposition to them
was strong. Griffith could not see how they should
be able to prove the offence; Rich would not go to the Peers, but would punish the delinquent member by a separate vote. Now, a separate vote would not revive the revolutionary power of impeachment; so Digges argued that, though he could not question the power of that House to punish Mompesson as proposed by Rich, the better course would be to join the Lords. Philips moved the nomination of a committee of impeachment; a proposal which the House, less hasty and less excited than himself, rejected. Coke's suggestion was referred to the old committee at two o'clock.\textsuperscript{15}

March 1. On Hakewell reporting that the committee had found Sir Giles's offence a grievance, Philips renewed his motion, adding to it that Coke be requested to deliver their message. Coke pleaded in excuse his want of ability; but Sir Robert Heath, the new Solicitor-General, begged that Coke might be named, and on this official hint he was appointed.

March 2. This morning whispers buzzed round the benches that Sir Giles had disappeared, and his partner, Sir Edward Villiers, gone beyond sea. But the claim of the House of Commons to impeach offenders having been raised, a crime unknown to the law having been debated, and Coke having got himself voted into the post of public impeacher, the game was now in his hands. Business began by Sir Edward Sackville reporting from the Grand Committee on Courts of Justice that a sub-committee named to take evidence found the Court of Chancery and the Court of Wards in conflict as to powers. In a

\textsuperscript{15} Com. Jour., i. 525-32; Proceedings and Debates, i. 108.
cause of Hall against Fuller, one party getting a verdict in Bacon’s court, the other party in Cranfield’s court, both Hall and Fuller had been committed for contempt. The committee was of opinion that neither the Chancellor nor the Master was to blame, Sir John Hall having deceived them both; but Sackville added, that, on stating this conclusion of the sub-committee to Sir Lionel, that officer had rejected it, urging that the Lord St. Albans had been unjust in the premises, and demanding a Parliamentary inquiry into the practice of Bacon’s court. The committee also found that the Registrars, and most of all the deputy-registrar John Churchill, had abused their trust; moving illegally for orders, forging barristers’ names, and defrauding the public of fees; and they proposed that a bill to punish these frauds should be immediately considered. They recommended the House to hear the cause between Lord St. Albans and Sir Lionel Cranfield argued by counsel, and to institute an inquiry into fees, ancient and new, in every court of the realm, a sub-committee sitting for each court.

This would not do. Unless the plot moved briskly, it would fail. Parliament had been sitting five weeks; three weeks more, and the country gentlemen would be spurring home to their Easter revels. Bacon’s name had scarcely yet been breathed; and that impeachment which should give the Marquis of Buckingham York House and Lady Buckingham the Seals, had got no further than Coke’s Black List. Sir Lionel, rising, cried, “The plague-spot is the Court of Chancery: why are ye afraid to touch it? The cause you have to try is not whether the
Court of Wards has jurisdiction, but whether the Lord Chancellor has done justly." The question was adjourned. 16

March 3. A great day in the plot: Buckingham himself engaging in the strife. The hints of Coke, the accusations of Cranfield, were of no effect, until Coke brought down from the Marquis a message that he was urging the King to proclaim Mompesson, that he recommended a search for books and papers, that he congratulated the Commons on their work. From that hour a new and more dangerous spirit spurred the debates. Sir Francis Vane blurted out that the Lord Marquis threw the whole blame on Bacon and Montagu, saying the patent had passed the referees, and the referees had done all the wrong.

March 5. The business now went nimbly. Sackville, on pretence of gout, was put from the chair, and the revengeful Philips seated in his place. Philips had been down to the Tower to speak with Yelverton, one of the legal referees, who told him, truly, that the patent for making gold and silver thread had been granted to Lady Bedford in 1611, surrendered in 1615, regranted in the same year to partners, of whom Sir Edward Villiers was one; that Bacon, Montagu, and himself had only certified the legality, and were not concerned in the abuses afterwards introduced. Philips stated that the partners had mixed lead with their gold and silver, melted coin of the realm in place of Spanish dollars and Venetian zecquins, and prosecuted those who infringed their rights. Coke, with his hand on the 29th chapter of Magna

16 Proceedings and Debates, i. 112, 117; Com. Jour., i. 533-9; Dom. Papers, cxx. 13, 15.
Charta, violated, he said, in these proceedings, demanded that all Mompesson's books and papers should be given up to the committee—to himself, Philips, and Digges. Sir Francis Michel, a Middlesex magistrate, who was said to have been Sir Giles's agent, was already secured in Finsbury jail. Digges contended that a short bill ought to be drawn and passed to clear the King's honour, and to brand these referees with eternal shame. Philips concurred with Digges that an act should be passed declaratory of the King's great care for the common weal, and with Coke that Mompesson's books and papers should be demanded from the Upper House. In vain Recorder Finch essayed to restrain the rage of these reformers. Cranfield denounced the words of Yelverton as base; declared that Buckingham and the King had no part in these offences, that all the fault of them lay with the referees.

March 6. In the forenoon Hakewell reported from the committee on alleged inconveniences in the lace trade, that they found the bullion merchant had been hampered in his exchanges, the man who mixed the arsenic with the gold had been made sick, the silk-men and button-sellers who infringed the patent had been fined and imprisoned. Are not these grievances? cried Coke. Sir Lionel moved that all other business should be laid aside until these men had been punished. But more moderate counsels made themselves heard. Sir Humphrey May, a scholar and a statesman, though an officer of the court, proposed that the parties should be allowed their counsel; Finch reminded the House that, the question being one of law, common justice demanded that the
accused should be heard at the bar. Cranfield, however, said he could see no reason for hearing counsel, and Digges declaimed against the House permitting any one to dispute the facts. Glanville pleaded for the rights of defence; and the better nature of the House of Commons again rebuked and overruled the most violent of Lady Buckingham's tools.  

March 8. Coke had to complain of the general apathy: "there never was so little care taken in so great a cause." The country gentlemen were still careless or incredulous. Coke told them he had much to impart; precedents to produce; but he dared not breathe a word on such perilous topics, unless the doors should be ordered to be kept locked, the members sworn to secrecy, every one forbidden to enter or leave the House, and he himself protected in the discharge of a dangerous duty by a special vote. Interest in his tales revived. Who would not like to hear that he possesses ancient and unsuspected powers? The rights which Coke proposed to confer on his fellow-burgesses were of the most splendid and seductive kind—the right of assail ing great persons, of acting as prosecutors, jurymen, and judges in the most public tragedies, of slandering eminent men without fear of suit for defamation, of crushing their personal foes by a vote to be given in the dark, of making great ministers tremble in the midst of their prosperity, and of holding in check the most prized and the most ancient prerogatives of the Crown. What wonder that the House was now eager? When the doors were closed, the members

17 Com. Jour., i. 535-540; Proceedings and Debates, i. 122-9; Dom. Papers, cxix. 106.
sworn, Coke opened his bag of precedents. Digges loudly applauded his chief; but the House received his communications coldly, and with reserve.\(^{18}\)

March 9. Philips said he feared that members refrained from attacking the Lord Chancellor and the Lord Treasurer out of respect for their great places; he told them they must now speak out, not only to justify themselves, but to protect the King himself from reproach. A tumult rose. Eager partizans declared that nobody was in earnest, save Coke and Digges. Even Richardson was too moderate to please them; and Philips called him to order for refusing to charge Bacon and Montagu to their faces with corruption and illegality. Richardson, though a buffoon, was still a barrister; feeling in his heart the respect due from every one to such lawyers as the Lord Chancellor and the Lord Treasurer. In the uproar caused by a motion for Mr. Speaker to leave the chair, Coke, Philips, and Cranfield rose and attacked the referees. "Enough," said Coke, "has been done to condemn Mompesson; let us now go deeper; if we cannot get at the two men who are in place, we can get at the one man who is in prison." "The Lord Chancellor," cried Philips, "was one of the referees; the papers are in his hands; let us send for them." "The referees," added Cranfield, "are the guilty men; nothing but their condemnation can now clear the King."

Sir Lionel saw that everything which could be gained by dragging the names of Bacon and Montagu into the debates about Sir Giles had been now secured:

\(^{18}\) Com. Jour., i. 545-6; Proceedings and Debates, i. 133-6.
the plotters had felt their way along a dark and perilous road, filled the public ear with grievances and abuses in the Court of Chancery, and gained the whip-hand over some of those who must bear the odium of sustaining a more serious charge. Churchill and Keeling had been brought under the direct action of a bill of penalties; made liable to a prosecution for fraud, personation, and forgery; so that to the eagerness of greed and the rancour of revenge was now added in the hearts of these villains the fear of an instant and condign infliction for their crimes. No time, as Cranfield knew, was to be lost. Easter was nigh: in a few days the Houses would adjourn; the mood of Parliament, or of Buckingham, might change. 19

March 10. The King appeared in the House of Lords to repeat Cranfield's cry that the whole blame of this silver-thread affair lay with the referees, none of it with himself. Buckingham said the same: his words being of evil omen for his friend, though he may have spoken them from no worse a motive than an indolent submission to his mother's whims, and the desire to compel his Mentor to sell the lease of York House.

March 11. For the last time, Bacon met his enemies in Council. The brain so gloriously taxed for the service of mankind was now fretting with fever; the frame so fragile in its strength was being racked with pain; the cheerful spirit which had borne him through his intellectual tasks was failing under the pangs of disease and the ingratitude of men. The tongue of a Cranfield or a Digges could wound

19 Com. Jour., i. 541-7; Dom. Papers, cxx. 13; Proceedings and Debates, i. 134-40.
his sensitive heart, destroy the remnants of his broken health. Soon he was unable to rise from his bed; and on the day when his forces were most required in the House of Lords, his family physicians were in consultation at York House, dismally counting the hours he might have to live.20

March 12. Coke repeated the King's words; telling the country gentlemen how much his Majesty was pleased with what they had done and what they were doing; how he advised them to strike while the iron was hot, not to rest content with shadows, but to demand real sacrifices. He told them, too, that Buckingham had fallen in love with Parliaments; that he urged them to go on, and gave up his brother, Sir Edward, to their wrath. No one mistook—no one could mistake—the drift of these words. Up to the date of this extraordinary and wicked speech, Chancery, not the Chancellor, had been in fault. Now the plot broke.

Sir Giles Mompesson might have done many things which were unpopular, and some things which were illegal; he might have deserved to sit to Massinger for Overreach, or to end his days in the Beauchamp tower; but whether his acts were unpopular or illegal, his greed as keen and his heart as hard as those of his dramatic counterfeit, the Lord Chancellor and the Lord Treasurer were not responsible for his abuse of power. Bacon and Montagu had not caused him to supply sour beer to the village inns, to put jacobuses instead of Spanish dollars into his melting-pot, to adulterate his silver with lead and arsenic,

20 Council Reg., Mar. 11, 1621; Lords' Jour., iii. 42.
to offend provincial justices of the peace, or to fine and imprison those who infringed his grants. But what cared Cranfield? His patroness wanted a sentence of legal death; and if he could gain this point for her, he cared no more about Bacon's guilt or innocence than about the guilt or innocence of Aristides. Philips now moved that Sir Edward Sackville, chairman of the Grand Committee, should be ordered to give up all the papers and petitions in his hands; Digges seconded the motion, which was not opposed; and the charge being now ready, the Lord Chancellor sick to death, Sir Lionel struck home. 21

March 14, Wednesday.—Grand Committee on Courts of Justice. Cranfield began his assault by complaining that the Chancellor issued orders of protection from arrest, whereby money-lenders found it hard to get in their debts: making this complaint, though well aware that the privilege was one in which every peer and every burgess shared. He then announced that two of his witnesses, Christopher Aubrey and Edward Egerton, were ready to come forward and accuse the Lord Chancellor of taking bribes.

Aubrey stood at the bar and delivered a petition to the clerk; declaring that, having a suit long pending in the Chancery Court, and being sick of delay, he had listened to the advice of his counsel, of whom Sir George Hastings was one, had put a hundred pounds into a box, and gone down to York House, where he had given the box and money to Sir George, who had carried it into the Lord Chancellor's room,

21 Proceedings and Debates, i. 146-154; Com. Jour., i. 549.
and brought back from him an expression of thanks and good wishes. Hastings, alarmed by the words in this petition which imputed to him a highly criminal act, the design to bribe a judge, denied that he ever gave such advice to Aubrey, though confessing that he had received the box, which, however, he said he had carried to his master, not as a bribe from Aubrey, but as a present from himself. Finch made a note of Hastings's words.

Egerton also delivered a petition to the clerk; declaring that, having many suits in Chancery, he first presented my Lord with a basin and ewer worth fifty guineas, and, next, on the persuasion of Sir George Hastings and Sir Richard Young, with a purse of four hundred pounds, which purse Sir George and Sir Richard carried into my Lord's chamber at Whitehall, and brought him back thanks for his gift, saying the Lord Keeper observed it was too much, and that it laid him under obligation to do Mr. Egerton justice in all his righteous causes. Hastings and Young denied that they counselled this petitioner to make a present. Young, however, avowed that he received and paid the money; his Lordship making doubt whether he could take so much as four hundred pounds or no; yet taking it; saying he had done his best when Attorney-General for his client, and would therefore accept his gift. Egerton further declared that he had entered into a bond to pay Dr. Field (since made Bishop of Llandaff) and Randal Davenport six thousand pounds, if through their influence he should obtain full possession of the lands disputed with Sir Rowland and his wife; a proceeding said to be confirmed by two
letters from Field, which were handed round the House, but not read aloud.

That scandal might not lie on so great a man as Lord St. Albans, Noye moved that this business should go forward with the utmost speed. Finch declared that, though he was of Egerton's counsel through the whole time of these suits, he never before heard of these presents and these bonds. Thomas Meautys begged, as one of the Lord Chancellor's servants, that he might have copies of the two petitions and of Field's pretended letters. These were refused.22

In the evening of the same day, Bacon, having heard from Lord Cavendish of these petitions, sent for Hastings and Young to his apartments. Cavendish, then a young man of noble parts and brilliant fortunes, a knight of the shire for Derby, afterwards to be widely known from his gallantry and fidelity as the Loyal Duke, stood by his side as these faithless servants entered. "What is this story, George," asked the sick Chancellor, "about the hundred pounds?" Hastings said it was true that he had taken the money from Aubrey, and, if pressed by the Commons, would throw the blame on his Lordship. Bacon was amazed; never until that moment having heard one word of Aubrey's fee or bribe. "If you lay it on me, George," said the Chancellor, "I must deny it on my honour." And this story of the purse? Young said he had received from Egerton this sum of four hundred pounds. Bacon turned to Cavendish: "Take note, my Lord, if they say I took this

22 Proceedings and Debates, i. 157-64; Com. Jour., i. 553.
money from them as sent or given by Egerton, it is a falsehood, and I shall deny it on my honour."

March 15. Hastings complained to the House that last night, after the House had risen, the Lord Chancellor sent for him, and denounced him in the presence of Lord Cavendish. He should now tell the truth. He had given the money in Aubrey's name! Finch sprang to his feet, and, looking the degraded liar in the face, exclaimed, with the deepest feeling, "Sir George Hastings, you have been my friend; but you can never be my friend again." With much reluctance, but with no misgiving, Finch declared his own conviction that Sir George had taken Aubrey's money and kept it. Hastings sat dumb. William Johnson, Member for Liverpool, a fellow-officer with Hastings in the Chancellor's household, said he agreed with Finch that Sir George, who now accused his Lord, had pocketed and kept the fees. Hastings sat overpowered.

March 17. The report brought up from the Committee by Philips excited the indignation of all honourable minds. Sir Edward Sackville protested against receiving the evidence of men who accused the Chancellor to screen themselves; God, he said, did not call the Serpent against Eve: by their own confessions Hastings and Young were rogues; and they should not be allowed to stain an illustrious name. Serjeant Crewe objected to having such charges set down in the Journals; accusations not proved; for what is once writ remains. Sir John Strangeways, knight of the shire for Dorset, though he knew, as he said, neither the Chancellor nor his servants, and was not fool enough to run into
a falling house, as the Chancellor in the opinion of all men was, yet must and would assert that Sir George Hastings and Sir Richard Young had not cleared themselves of this charge of intercepting fees. They pretended they had paid the money; their master denied it; and their master's word must be believed. Sir Thomas Wentworth, knight of the shire for York, then a young man of popular views and popular manners, an opponent of the Court, an enemy of Buckingham, though in after years to become renowned as the Earl of Strafford, and to fall a most splendid victim to the Power of Impeachment, in begging the Commons to proceed with caution in this business, denounced Hastings and Young as guilty men, and moved that during the deliberations they should be put out of that House, and kept apart from each other. Finch demanded that Hastings should be ordered to set down his story of Aubrey's gift in writing, for every time he had yet spoken of it he had told a different tale. As to Egerton's fees, Finch demanded some proof that when the Lord Chancellor received those fees he knew of Egerton having a cause in court.

The law, the eloquence, the patriotism, of the House were all on one side; on the other a doubtful majority of votes. Pym, Hampden, Falkland, Sackville, Crewe, Finch, Wentworth, Selden, all the illustrious and courageous enemies of abuse, either sided with Bacon or stood aloof. Coke made excuses for Young and Hastings, and the Government ranks closed in; but even when Sir George Calvert, the acting Secretary of State, moved that the accusation of Aubrey and Egerton should be sent to the Peers,
the motion, though it was warmly supported by Digges and Coke, was only carried with an amendment which deprived it of all its force. Coke would have sent the accusation as from the House of Commons; as a case which had been proved before the Grand Committee; in one word, as an impeachment. The majority voted to lay it before the Peers as a mere relation, "without prejudice or opinion."

March 18. On Sunday, while the Sackvilles and Wentworths were hearing sermons, the Villiers people were persuading James to sign a commission empowering Sir James Ley to execute the office of Lord Chancellor in the House of Lords. Seven weeks ago Ley was an obscure attorney of the Court of Wards, a creature of Cranfield, a clerk of a clerk; he had been raised by the grossest favour, and from the grossest motive, to a seat on the bench; he had neither talents nor experience for so great a place, and he was known to have a personal interest in Bacon’s fall. Yet the weak, well-meaning King assented; and Buckingham himself went over to York House, the only man who might be able to persuade Bacon to seal such a commission, even at the King’s request.

James meant well by his Lord Chancellor. On the following day Sir George Calvert carried down to the Commons a fair proposal from his Majesty, offering, should the House see good, to appoint under the Great Seal a commission of eighteen persons; six peers, to be freely chosen by the

23 Proceedings and Debates, i. 164, 188; Com. Jour., i. 554-561.
24 Lords’ Jour., iii. 54; Dom. Papers, cxx. 38.
Lords; twelve knights or burgesses, to be freely chosen by the Commons; with power to enter into all proceedings of the court, and examine every witness on his oath. Sackville, Wentworth, Alford, Perrot, all the reformers taking part in these debates, expressed their gratitude to his Majesty for this proposal; Coke alone made objections. A majority voted with the reformers, and Calvert was instructed to present their humble duty and thankfulness to the King. But in the mean while Philips defeated the King's project by placing the business in the hands of the House of Lords.25

March 20. Ley having taken his seat on the woolsack, the Prince of Wales, the Marquis of Buckingham, and seventy-one other peers being present, Mandeville reported that on the previous day an accusation was delivered by Sir Robert Philips, on behalf of the Commons, against the person of the Lord Chancellor, charging him with bribery and corruption in his eminent place, and calling on their Lordships to examine the proofs, and, if they found him guilty, to punish him for the same. In the delivery of such a message Philips must have gone beyond his commission; he was instructed to deliver his message as a relation, not as a charge, "without prejudice or opinion," not with emphasis and violence, as a cause already tried and judged. He had no authority to urge a speedy examination of proofs, or to demand any sort of punishment in the name of the House of Commons.

Buckingham reported that by his Majesty's command he had been twice to York House, and had each

time seen the Lord Chancellor. The first time he found his Lordship sick and heavy, the second time lighter in spirit, comforted by an assurance that the complaints against him would be heard by his peers. Buckingham handed a letter to the clerk, which he had undertaken should be delivered and read to the Lords.

**LORD ST. ALBANS TO THE LORDS.**

"MY VERY GOOD LORDS,

"I humbly pray your Lordships all to make a favourable and true construction of my absence. It is no feigning, nor fainting, but sickness both of my heart and of my back; though joined with that comfort of mind that persuadeth me that I am not far from Heaven, whereof I feel the first fruits. And because, whether I live or die, I would be glad to preserve my honour and fame, as far as I am worthy, hearing that some complaints of base bribery are come before your Lordships, my requests unto your Lordships are: first, that you will maintain me in your good opinion, without prejudice, until my cause be heard; secondly, that, in regard I have sequestered my mind at this time, in great part, from worldly matters, thinking of my account and answer in a higher court, your Lordships would give me some convenient time, according to the course of other courts, to advise with my counsel and to make my answer, wherein, nevertheless, my counsel's part will be the least; for I shall not, by the grace of God, trick up innocency with cavillations, but plainly and ingenuously (as your Lordships know my manner is) declare what I know and remember; thirdly, that,
according to the course of justice, I may be allowed to except to the witnesses brought against me, and to move questions to your Lordships for their cross-examination, and likewise to produce my own witnesses for discovery of the truth: and lastly, if there come any more petitions of like nature, that your Lordships would be pleased not to take any prejudice or apprehension of any number or muster of them, especially against a judge that makes two thousand decrees and orders in a year (not to speak of the courses that have been taken for hunting out complaints against me), but answer them according to the rules of justice, severally and respectfully. These requests, I hope, appear to your Lordships no other than just. And so, thinking myself happy to have so noble peers, reverend prelates, to discern of my cause, and desiring no privilege for subterfuge of guiltiness, but meaning (as I said) to deal fairly and plainly with your Lordships, and to put myself upon your honours' favours, I pray God to bless your counsels and your persons, and rest

"Your Lordships' humble servant,

"FR. ST. ALBAN, Canc."

Churchill and the long Black List were now brought forward. Three or four days ago the deputy-registrar had been committed to the custody of a serjeant-at-arms, so as to be wholly under the control of Philips and Coke. To increase the excitement, charges were brought forward against Sir John Bennett and Doctor John Lambe—the latter Chancellor of Peterborough. Philips now moved that Churchill

\[26\] Lords' Jour., iii. 54.
should be privately examined as to what he knew of the payment of Lady Wharton's fees. When the House resumed, Churchill stood at the bar; the member for Cambridge implored the House to look at him well; a rogue and cheat by his own confession; and to think of the man whom this fellow accused of bribery! Yet many of those who found no vice in the judge were willing to accept that privilege of inquiry which Bacon offered them of his own free act. Alford hoped "through the Chancellor to get at the Chancery;" an idea the reverse of Coke's, who hoped to arrive at the Chancellor through the Chancery; though, for the moment, these opposite views led the men who held them to a common vote. Alford found no fault with Bacon's practice; knowing, as he told the House, that Bacon had taken gratuities, just as Ellesmere had taken them, and as every other Lord Chancellor before these had taken them. He complained, not that judges took wages in the shape of fees, having no other; but of the enormous and conflicting powers of the several courts; and he advised the House to seize the occasion of these debates to discuss the heads of a great reform; above all, of some plan for the abolition of fees. Lady Wharton's case and a list of other cases were thereupon ordered to be sent up as before to the House of Lords.27

At first the Chancellor smiled at such accusations. Charges against the court over which he sat he expected to hear, and would be glad to consider; charges against himself personally he knew must be

27 Com. Jour., i. 566-573; Proceedings and Debates, i. 208, 225; Dom. Papers, cxx. 82, 97, cxxii. 53, 56.
malignant, and he supposed must be vain. When he found the case go on, he expressed to Buckingham his indignation at the course pursued by Coke: "Job himself, or whoever was the justest judge," he wrote, "by such hunting of matters against him as hath been used against me, may for a time seem foul. If this is to be a Chancellor, I think, if the Great Seal lay upon Hounslow Heath, nobody would take it up." But he was not alarmed. "I know I have clean hands and a clean heart."

As the case proceeded—as Coke and Cranfield, Heath and Calvert, all the tools of Lady Buckingham, all the members of government, who had seats in the House of Commons, took part in it—he began at length to perceive the bearing of the charge and the purpose of his enemies. Lying sick at York House, but hearing through Meautys or Cavendish of the moil and worry in the House of Commons, he jotted on loose scraps of paper at his side his answers and remarks, afterwards embodied in various letters to Buckingham, to the House of Lords, and to the King. On one of these sheets he wrote:

"There be three degrees or cases, as I conceive, of gifts or rewards given to a judge. The first is—of bargain, contract, or promise of reward, pendente lite. And of this my heart tells me I am innocent; that I had no bribe or reward in my eye or thought when I pronounced any sentence or order. The second is—a neglect in the judge to inform himself whether the cause be fully at an end or no what time he receives the gift, but takes it upon the credit of the party that all is done, or otherwise omits to inquire. And the third is—when it is received,
sine fraude, after the cause is ended; which it seems, by the opinions of the civilians, is no offence.

"For the first, I take myself to be as innocent as any born on St. Innocent's day in my heart. For the second, I doubt in some particulars I may be faulty. And for the last, I conceive it to be no fault." 28

28 Council Reg., Dec. 30, 1617, Mar. 17, 27, 1618, June 19, 1619, Jan. 20, 1620; Bacon Memoranda, Lambeth MSS. 936, fol. 146.
CHAPTER XV.

SUBMISSION AND CONFESSION.

When the accusation emerged from the secrecy of a sub-committee into the open day of the House of Lords, Bacon expressed his lively satisfaction. Such a court, he believed, would do justice to his discharged servant and to himself; but he was soon and cruelly undeceived. The House of Commons had, as a body, treated him fairly and even courteously; having heard the case without judging it; but the very first tussle in the House of Lords proved that the Buckingham party were resolved to have their way in this business, either through the law or against the law. By rule of Parliament, the Lord Chancellor, and of course an inferior person acting in his place, sat on the woolsack while the Lords were in session, and removed to his seat while they were in committee. Ley, not being a baron, should have dropped to a back bench on the motion for a committee being carried; but Sir James on a back bench, obscure, unnoticed, without a vote, would have added no strength to Lady Buckingham's party, while the peer in the chair would probably be just, and possibly favourable, to Lord St. Albans. So, setting at nought the forms of Parliament, they proposed that Ley should return to the chair, and direct the House, while they sat in committee on Churchill's
Some protested against this course, but, the Prince and Buckingham being present, the vote was carried.¹

Philips having been heard, three sub-committees were named to examine Churchill, Egerton, Hansby, and the other witnesses. Bacon's eyes were now opening; it was clear that his pursuers had a majority of votes, and that no considerations would arrest them till they had robbed him of the Seals. Two courses lay before him, and of these, in the midst of bodily and mental torture, he had to make his choice: he might either fling defiance at his enemies, brave the sentence they were able and eager to pass, and die, as Ellesmere had died, of a broken heart; or he might yield the prize for which he was pursued, retire from public life, and reserve his remaining years for the completion of his nobler intellectual work.²

As yet he had not seen the list of his alleged offences; everything done against him in the House of Commons having been done in secret. A copy of Aubrey's petition was refused; not a word of Churchill's evidence was sent to him; and from Meautys or Cavendish he could obtain only a vague report of what had been said and done; for to repeat out of doors the resolutions or decisions of the House was forbidden to the members on pain of committal to the Gate-house or the Tower. Digges opposed the proposition to make the charge in writing, and Philips's communications with the Peers were made by word of mouth. During the Easter recess, when

¹ Lords' Jour., iii. 55.  
² Lords' Jour., iii. 58.
the Chancellor applied to James for copies of the accusations, the King could only refer him to the House of Lords. In the loose sheets at his bedside he wrote:

"When I enter into myself, I find not the materials of such a tempest as is now come upon me. I have been never author of any immoderate counsel, but always desired to have things carried suavibus modis. I have been no avaricious oppressor of the people. I have been no haughty, intolerable, or hateful man in my conversation or carriage. I have inherited no hatred from my father; but am a good patriot born. Whence should this be?"

That eye so quick to see the power of truth, the beauty of nature, could not see that it was crime enough that he had vexed Lady Buckingham by his independence, and that Williams wanted his place. Yet, knowing his own heart, he could say:

"I praise God for it, I never took penny for any benefice or ecclesiastical living.

"I never took penny for releasing anything I stopped at the Seal.

"I never took penny for any commission, or things of that nature.

"I never shared with any reward for any second or inferior profit."

That, with Churchill for accuser and Ley for judge, he would be condemned, he knew. In the political struggles of that reign, Guilt and Innocence were not so much moral facts as forms of speech. A minister accused of treason or corruption was always

3 Lambeth MSS. 936, fol. 146.
guilty; for until his adversaries and judges acquired the power to crush him, no great minister was ever accused of crime. When the rivals were in a position to attack, they were in a position to succeed; a rule so well understood that when people heard Coke and Cranfield asperse the Lord Chancellor without being summoned by the Privy Council and lodged in the Tower, every one felt, as Strangeways declared, that his fall was nigh. James himself was the last to see it. When he too perceived the objects of his favourite and his son, he wept and pottered between the parties, crying Peace, peace, where there was no peace, and, though keenly feeling what was right, unable to resist them in doing what was wrong. Bacon warned him against this new and revolutionary power: "The men who strike at your chancellor will strike at your crown." The King, uneasy, yet too weak to oppose his minion, implored the Lord Chancellor to submit and conciliate the peers. Knowing that, to conciliate those who now guided the peers, he must renounce the Seals, Bacon placed them before the King; who, not having thought of such a sacrifice, refused to accept the surrender, and besought the Lords to hear him with favour and do justice by their votes.4

If the King was perplexed, his favourite was no less bewildered than himself. Personally, Buckingharn felt as he had always done for the Lord Chancellor. If willing, by gentle pressure, to obtain from him the lease of York House, he had scarcely dreamt of ruining, much less of degrading Bacon.

4 Dom. Papers, cxx. 97; Bushell's Abridgment, 1659.
But the evil in his nature was rising high; for the gain of his family he connived at the ruin of Suffolk and Yelverton; and now, for the pleasure of his mother, and the profit of her creatures, he was consenting in his mind to the ruin of his most illustrious friend. That he was not the leader in this attack is nothing: a word from his lips would have stayed the Cranfields and silenced the Philipses; and he did not speak that word. Events at last brought Williams to the front. Seeing the King in trouble, Buckingham carried him to the royal closet as a political sage. "Throw Lord Posthumus and M. Favonius overboard," was the advice he gave the Crown.

The action of the Crown in regard to public offences was governed by the usage of many years. A man who stood upon the justice of his cause was seldom, if ever, pardoned; while one who submitted to the judges and the Crown was seldom, if ever, punished. Sir Walter Raleigh, Lord Grey of Wilton, Lord Cobham, the Gunpowder conspirators, the Gowry conspirators, the Jesuits and Missionary priests, the Overbury murderers, with the sole exception of Lady Somerset, all put themselves on the justice of their cause and were sent to the Tower, the gallows, or the block. Lady Somerset submitted and was saved. Lord Balmarino submitted and was saved. Sir Robert Mansell and Sir James Whitelock submitted and were saved. Peacham submitted and was saved. This rule of exercising the privilege of mercy according to the pleas was so constantly observed during James's reign, that only one exception,

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5 Hacket, 50, 51.
that of Carr, was made to it; and even in the exceptional case of Carr there were circumstances which brought it almost within the rule."

When, therefore, in the memorable interview between Bacon and James, held at Whitehall on the 16th of April, his Majesty with tears in his eyes implored the Lord Chancellor to abandon his defence, to yield his place, and trust his honour and his fortunes to the Crown, it is easy to imagine the many reasons which would reconcile Bacon to such a course. The rivals who were inventing against him a new crime, and proposing to judge him by an obsolete and revolutionary power, were masters in the House of Peers. That they meant to condemn him was beyond reach of doubt. Why should he fight any longer in a losing cause? The ends for which he had sought the Seals were accomplished in the publication of his 'Instauratio Magna.' The credit of his name was not at stake. By retiring he might hope to procure for his country the immediate boon of Chancery reform. A breach was to be made through the ramparts of abuse; Churchill not being the only registrar who had opportunities of entering fraudulent orders, nor Hastings the only secretary who had opportunities of intercepting fees; and only through the Lord Chancellor could the corruptions of Chancery be swept away. If the reformers were in earnest, his retirement from political into literary life would set them free to deal with that subject of Fees on which the whole administration of justice stood. Every

6 State Trials, i. 1, 951.
reform demands a victim, and he would be very far from the first man of blameless life, who, in the dream of winning for the world a vast moral victory, would have taken upon himself the burthen of offences which were not his own. Yet, when putting himself in the King's hands, he was not the less aware that Coke, in reviving this Parliamentary faculty of impeachment, was introducing into England a reign of terror, during which, were it long or short, a majority of the moment would be above the law, and an irresponsible crowd of burgesses or peers would be the masters of every man's property and life. He left the palace, his mind made up, with the famous words: "I am the first sacrifice; I wish I may be the last."

In the spirit and in the words of one making himself a sacrifice, he wrote to the Peers:

"In the midst of a state of as great affliction as I think a mortal man can endure (honour being above life), I shall begin with the professing of gladness in some things.

"The first is, that hereafter the greatness of a judge or magistrate shall be no sanctuary or protection of guiltiness, which (in few words) is the beginning of a golden world. The next, that, after this example, it is like that judges will fly from anything that is in the likeness of corruption (though it were at a great distance) as from a serpent; which tendeth to the purging of the courts of justice, and the reducing them to their true honour and splendour. And in these two points, God is my witness, that,

7 Bushell's Abridgment, 1659; Lords' Jour., iii. 75.
though it be my fortune to be the anvil upon which these good effects are beaten and wrought, I take no small comfort.

"But, to pass from the motions of my heart, whereof God is only judge, to the merits of my cause, whereof your Lordships are judges, under God and his lieutenant, I do understand there hath been heretofore expected from me some justification; and therefore I have chosen one only justification instead of all other, out of the justifications of Job. For, after the clear submission and confession which I shall now make unto your Lordships, I hope I may say and justify with Job, in these words: I have not hid my sin as did Adam, nor concealed my faults in my bosom. This is the only justification which I will use.

"It resteth therefore, that without fig-leaves I do ingenuously confess and acknowledge that, having understood the particulars of the charge, not formally from the House, but enough to inform my conscience and memory, I find matter sufficient and full, both to move me to desert the defence, and to move your Lordships to condemn and censure me. Neither will I trouble your Lordships by singling those particulars, which I think may fall off,

*Quid te exempta juvat spinis de pluribus una?*

Neither will I prompt your Lordships to observe upon the proofs, where they come not home, or the scruples touching the credits of the witnesses; neither will I represent unto your Lordships how far a defence might, in divers things, extenuate the offence, in respect of the time or manner of the gift, or the like circumstances, but only leave these things to spring out of 2 e 2
your own noble thoughts and observations of the evidence and examinations themselves, and charitably to wind about the particulars of the charge here and there, as God shall put into your mind, and so submit myself wholly to your piety and grace."

A submission thus worded was not enough. It contained no plea of guilty; without a plea of guilty, Ley could not pronounce a sentence of legal death; and without a sentence of legal death, the Seals could not be taken from Bacon except on payment by his successor of the usual fees. The difficulty of the barons was technical, for their whole proceedings were technical. No part of the case against Bacon had been proved, no court to try him had been constituted, no evidence against him had been taken under cross-examination, no particulars of the charge had been furnished to him, no counsel in his defence had been heard. The Lords could not vote on rumour, and nothing beyond rumour was yet before them. If they were to vote at all, they must have before them a plea of guilty. So at last they sent the particulars of the charge to York House.

For the first time Bacon now saw the details; his previous knowledge having been confined to Yelverton's hints about the Black List, and the stories half told him by Meautys or Cavendish. The list contained twenty-two specific charges of corruption, one general charge of carelessness; in all twenty-three counts, including the fee which Hastings had pocketed, and the fraud for which Churchill was suspended! They stood in order and enumeration thus:—(1) that in

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8 Lords' Jour., iii. 84.  
9 Lords' Jour., iii. 85.
the cause of Egerton he received from Sir Rowland Egerton five hundred pounds, from Edward Egerton four hundred pounds; (2) that he received from Hody a dozen buttons, (3) from Lady Wharton three hundred and ten pounds, (4) from Monk a hundred and ten pounds, (5) from Trevor a hundred pounds, (6) from Holman a hundred pounds, (7) from Fisher a suit of hangings, (8) from Kenneday a cabinet; (9) that he borrowed two thousand pounds from Vanlore; (10) that he received from Scott two hundred pounds, and from Lenthall, in the same cause, one hundred pounds, (11) from Wroth a hundred pounds, (12) from Hansby five hundred pounds; (13) that he borrowed from William Compton five hundred pounds; (14) that he received from Aubrey a hundred pounds, (15) from Montagu six or seven hundred pounds, (16) from Dunch two hundred pounds, (17) from Reynell two hundred pounds and a diamond ring, and from Peacock, in the same cause, a hundred pounds, with the loan of a thousand pounds, (18) from Smithwick two hundred pounds, (19) from Ruswell an uncertain sum, (20) from Barker seven hundred pounds, (21) from the Grocers' Company two hundred pounds, and from the Apothecaries' a taster of gold, and a present of ambergris, (22) from the French merchants a thousand pounds; (23) that he suffered his servants to exact fees and presents from the clients of his courts. How strange there should have been no more!  

In his four years of Chancery business Bacon had

10 Lords' Jour. iii. 85, 86.
pronounced on thirty-six thousand cases, each decision of his court affecting four or five persons, and appearing, by a law of nature, to those losing thousands, as unjust. The losing thousands had every motive to cry out against him; for by aiding to ruin the Lord Chancellor on a charge of corruption in his office, they would not only revenge themselves for his adverse decision, but lay the foundations for an appeal before a new Lord Chancellor against it. All that they had lost they might hope to recover if Bacon fell. Would the judgments of Lord St. Albans be sacred in the eyes of his enemy? Would not Williams be swift to reverse his decisions, if only to justify the plot? And might not all those clients who helped to ruin Bacon count on the gratitude of his successor? Yet with every temptation to do wrong, of all these thousands on thousands of suitors only twelve persons came forward! It is one of the most surprising facts in history. Trevor's case and Holman's case had no witness beyond Keeling; Smithwick's and Ruswell's cases none but Hunt; Montagu's and Dunch's cases none save Thelwell; Lenthall's case none but Sherborne; Hody's none but Perient and Churchill; Monk's none except Helmes; Wroth's none but Hunt and Churchill."

Many counts in the list could make no pretension to the character of judicial corruption; the transactions to which they referred not having been suits in law. Peacock's, Compton's, and Vanlore's cases were simple debts; two of these debts on bond and

interest. The story of Lady Wharton needs no comment. Kenneday's cabinet had never been accepted; and Smithwick's gift, having been found by the Lord Chancellor himself irregular, had been sent back. The affairs of the Grocers' Company, of the French Wine Merchants, had never been in Chancery or before Bacon judicially; they were arbitrations in which he had acted as a lawyer, and received a lawyer's fees. Thus, eight of the counts fall through. Of the remaining fourteen counts, no less than ten were fees which had been paid in a manner perfectly regular as to time and place: Hody's cause having been ended "a fortnight" before the fee was paid; Monk's "three-quarters of a year;" Young's (Holman against Young) "long before;" Fisher's "long before;" Scott's "a fortnight;" Lenthal's "many months;" Montagu's "some days;" Dunch's also "some time;" Ruswell's "months;" Barker's "some time." The insertion of these ten counts only proved how much the plotters had been pressed in their attempt to frame a charge. Strike them off, and what remain? Only four particulars; four out of thirty-six thousand suits! 12

Not even four. After Finch, Strangeways, and Wentworth, openly, in the House of Commons, accused Sir George Hastings of intercepting and retaining Aubrey's gift, and the faithless servant was unable to repel the charge, every one felt that this accusation had lost its sting. When pressed for details as to when and how he presented Aubrey's

12 Lords' Jour., iii. 98.
money to his master, Hastings told a different story every time he spoke; one day saying he paid it in without mentioning names, another day that he gave it in as a present from himself; afterwards that he presented it in Aubrey's name, and carried back from York House a comforting assurance to the dupe. Who could give ear to a man who day by day opened his lips with a new lie? Bacon declared on his honour, in the presence of Hastings and Cavendish, that until this bruit arose he had never heard of Aubrey's gift; more, Philips and Coke had before them, in the Order-Book, proof that Sir George's story could not be true. The dates forbad it. He told them he received from Aubrey the hundred pounds on the first of July, 1618: on the second of July the Order-Book showed that the Lord Chancellor had made his "killing decree," condemning Aubrey to refund to Brounker a very large sum. Who could believe that on the second of July, when he made this order, Bacon had Aubrey's money in his pocket? The poorest fool in the court would have had more wit than to take a bribe over-night, and exasperate the knave who paid it by an adverse decree next day. The affair took place in Churchill's time, and the entry still shows that he had reasons of his own for wishing it not to appear. The decree was made the second of July, but no entry; under date of the fourth the omission is recorded, and an entry of the decree is made. Against such a weight of proof, direct and inferential, neither Coke nor Philips could believe that the hundred pounds had ever arrived at Bacon's hands; and thus Aubrey's
cause, which had stood at the head of his offences, was huddled away into the obscurest part of the list.¹⁸

Three counts remain. Egerton's business now took the lead; a charge of taking bribes from both parties in a suit. The Order-Books of Chancery contained the answers, had Coke or Philips had the honesty to read them. First, as to Edward Egerton's presents: the Order-Books bore witness that the suit in which Bacon as Attorney-General was the leading counsel had been ended by Ellesmere's decree of December 4, 1616. Three months later, in March, 1617, Bacon got the Seals, and accepted the basin and purse. These dates, consequently, prove that, when the presents were made and accepted, they must have been sent by Egerton, and received by Bacon, in no other way than as grateful and friendly contributions towards the furnishing of York House. Then as to Sir Rowland's fee: the Order-Books proved, negatively but decisively, that Sir Rowland's fee of five hundred pounds was paid for a personal, not a judicial service. James's reference of this cause to Bacon having been a private one, no record of the case appears in the law-books. The fact which lent itself to misconstruction was, that after Bacon made his award, and Sir Rowland paid his fees, Edward, vexed with the result, fled from the decision; compelling Sir Rowland to ask, in his defence, that the private award should be confirmed by a decree in court. Such a protection no Lord Chancellor could have refused to grant him: the cause was

¹⁸ Book of Orders and Decrees, June 26, July 4, 1618.
therefore called, the litigants heard once more, and the private arbitration made a public act. But thus arose the appearance, wholly false, of a fee having been paid by Egerton and received by Bacon before the cause was at an end. The cause was, in strict truth, re-opened after Bacon's award, as it had been re-opened after Ellesmere's decree, through Edward Egerton's folly, not through the Lord Chancellor's fault: and it would have been no more absurd for Philips to contend that Ellesmere had taken his fees pendente lite, than to argue that Bacon had done so. The cause, it must be added, was tried again and again under Bacon's successors on the bench; but neither Williams nor Coventry, after reference to the judges and the Masters in Chancery, could detect a flaw in the judgment; and the decision which was paraded as Bacon's chief offence in 1621 was confirmed on appeal by Williams in 1622, and by Coventry, on a further appeal, in 1627.  

Untenable as Coke and Philips must have found this case when tested by the facts of the Order-Book, it was the strongest on their list, and they kept it in the front. It was at least free from those traces of fraud in the subordinates and witnesses which put the cases of Aubrey and Lady Wharton out of court. They could make nothing of Reynell's gifts; not much of Hansby's purse; the only charges which remained. Reynell had sent the two hundred pounds expressly to buy furniture for York House, and they could not show that he had then a suit in court. His

14 Decree Roll, No. 178, tempo Jac. I., pars 36, No. 3; Reports of Masters in Chancery, Nov. 19, 1627.
ring appeared to have been given and accepted in the ordinary way of a New Year's gift, and these were not the first rich offerings made by Sir George to his brother's cousin. No evidence was adducible to show that when Bacon, on New Year's Day, found the diamond ring among heaps of such ornaments from his friends and kinsmen, he knew anything of Sir George having a suit either pending or coming on in the Court of Chancery: nor did the maker of these presents ever hint that he had sent either purse or jewel with a corrupt understanding. Coke himself could not assert a perversion of justice in Reynell's case, and Bacon's award in the premises stood firm and incontestable after his fall from power.

The fee of the Surveyor of the King's Stables appeared to have been paid in the usual way of all fees; paid to an officer of the court, without message, interview, or understanding of any kind with the Lord Chancellor. The main cause was at an end, judgment pronounced and entered up some months before the fee was paid. Where lay the offence? Grant that, when a cause had been heard and judgment entered, a fee was due to the court. When was this fee due? Obviously, after the hearing on each stage of the cause. It was so, not only in the common practice of the time, but in the very nature of the business done. A Chancery suit might drag for twenty years, begin under one Chancellor, proceed under a second, terminate under a third or fourth. Those officers of the court who helped its commence-

15 Lords' Jour., iii. 86, 98.
ment might all be dead before it came to a close. Clearly, therefore, when the court was maintained by fees, the time for payment of these fees could no more have been postponed until the absolute termination of the suit, than could the time for paying the ordinary fees of counsel and their clerks. For purposes of such payments each separate hearing was a separate case; when each hearing had been accomplished, the client owed a fee to the court just as he owed a fee to his advocate. But, then, who could say with certainty when even a separate stage in a Chancery suit was at an end? A point might appear to have been settled, the judge and counsel agreed, the judgment delivered, the decree entered up, the fees all paid, yet a client like Lady Wharton or Edward Egerton might run off from the conclusion, or some minor question, as in Hansby's case, might bring the litigants into court again. But even had it been safe for Philips to assert that Hansby's fee was received pendente lite, would the fact be proof of guilt? A statist would answer, No. An irregularity in one particular would not excite suspicion or surprise. During Bacon's term of office the orders and decrees in Chancery numbered nine thousand a year, each cause bringing before the court an average of four persons either as plaintiffs or defendants, not to speak of counsel, witnesses, and clerks; or, in the exact figures, thirty-six thousand and fifty-six orders and decrees, with about one hundred and fifty thousand clients. Now in the simplest act done by a hundred and fifty thousand persons—the payment of a fee, the posting of a letter,
the making of a call, the ordering of a dinner—there will be a certain number of irregularities; if the thing done be payment of a fee, a certain small percentage, which an actuary would estimate, will always be found to have been paid at the wrong time, or in the wrong place, or to the wrong person, without any, the very slightest, suspicion or consciousness of wrong. This margin of irregularity in Bacon's court could never have been discovered by him. How should the Lord Chancellor recollect every one of a hundred and fifty thousand names? How should he recall at any given moment the stage of every suit? If the party who came to make his "voluntary benevolence" said his case was closed, who, except the solicitors and clerks concerned in it, could know that it was not? Bacon did not keep the books of his court. Such details were of necessity left to the suitors and the registrars: for two whole years they had been left to Churchill. Again, if there had been a corrupt understanding between the Lord Chancellor and Hansby, Tobie Mathews, the intermediary, must have known of it. Why was he not examined? If there had been complicity to corrupt justice, he could have proved it beyond a doubt. Coke did not call him. Nor could Hansby himself, however eager to earn grants and leases, prove against Bacon one tittle beyond the payment of his fee. No bargain to pervert justice was alleged, no perversion of justice shown.  

Thus, on a scrutiny, unparalleled for rigour and

16 Lords' Jour., iii. 51, 105; Proceedings in Parliament, Mar. 17, 19, 1621; Dom. Papers, cxx. 38; Grant Book, 337; Books of Orders and Decrees in Chancery, 1617-1621.
vindictiveness, into Lord St. Albans' official acts, not single fee or remembrance, traced to the Chancellor himself, could by any fair construction be called a bribe. Not one appeared to have been given on a promise; not one appeared to have been given in secret; not one appeared to have corrupted justice.  

On the 30th of April Ley announced to the Peers that he had received from the Lord Chancellor at York House a paper roll sealed up, which, being delivered to the Clerk of the House and opened, was found to be addressed to their Lordships. This paper roll was the famous instrument known in history as Bacon's Confession and Submission. In this Confession he had to present a plea on which the Peers could proceed to vote, yet one which his friends would understand, and which foreign nations and the next ages would applaud. In this answer, it should be said, the Lord Chancellor divided the first, the tenth, and the nineteenth charges into two, the twenty-first into three divisions: the Roman figures point out the original order and enumeration of the counts:

"To the Right Honourable the Lords Spiritual and Temporal, in the High Court of Parliament assembled.

"The Confession and humble Submission of me, the Lord Chancellor.

"Upon advised consideration of the charge, descending into my own conscience, and calling my memory to account so far as I am able, I do plainly and ingenuously confess, that I am guilty of corruption, and

17 Lords' Jour., iii. 98; Bacon to James, June 4, 1621.
do renounce all defence, and put myself upon the grace and mercy of your Lordships.

"The particulars I confess and declare to be as followeth:

"i. (1.) To the first article of the charge, viz. in the cause between Sir Rowland Egerton and Edward Egerton, the Lord Chancellor received five hundred pounds on the part of Sir Rowland Egerton, before he decreed the cause:

"I do confess and declare, that upon a reference from his Majesty of all suits and controversies between Sir Rowland Egerton and Mr. Edward Egerton, both parties submitted themselves to my award, by recognizance reciprocal in ten thousand marks apiece. Thereupon, after divers hearings, I made my award, with advice and consent of my Lord Hobart. The award was perfected and published to the parties, which was in February; then, some days after, the five hundred pounds mentioned in the charge was delivered unto me. Afterwards Mr. Edward Egerton fled off from the award; then, in Midsummer term following, a suit was begun in Chancery by Sir Rowland, to have the award confirmed; and upon that suit was the decree made which is mentioned in the article.

"(2.) To the second article of the charge, viz. in the same cause he received from Edward Egerton four hundred pounds:

"I confess and declare, that, soon after my first coming to the Seal (being a time when I was presented by many), the four hundred pounds mentioned in the charge was delivered unto me in a
purse, and, I now call to mind, from Mr. Edward Egerton; but, as far as I can remember, it was expressed by them that brought it to be for favours past, and not in respect to favours to come.

" ii. (3.) To the third article of the charge, viz. in the cause between Hody and Hody he received a dozen of buttons, of the value of fifty pounds, about a fortnight after the cause was ended:

" I confess and declare, that, as it is laid in the charge, about a fortnight after the cause was ended (it being a suit of a great inheritance), there were gold buttons about the value of fifty pounds, as is mentioned in the charge, presented unto me, as I remember, by Sir Thomas Perient and the party himself.

" iii. (4.) To the fourth article of the charge, viz. in the cause between the Lady Wharton and the co-heirs of Sir Francis Willoughby, he received of the Lady Wharton three hundred and ten pounds:

" I confess and declare, that I received of the Lady Wharton, at two several times (as I remember) in gold, two hundred pounds and an hundred pieces, and this was certainly pendente lite; but yet I have a vehement suspicion that there was some shuffling between Mr. Shute and the Register, in entering some orders, which afterwards I did distaste.

" iv. (5.) To the fifth article of the charge, viz. in Sir Thomas Moncke's cause he received from Sir Thomas Monk, by the hands of Sir Henry Helmes, an hundred and ten pounds; but this was three quarters of a year after the suit was ended:

" I confess it to be true, that I received an hundred
pieces; but it was long after the suit ended, as is contained in the charge.

"v. (6.) To the sixth article of the charge, viz. in the cause between Sir John Trevor and Ascue he received on the part of Sir John Trevor an hundred pounds:

"I confess and declare, that I received at New Year's-tide an hundred pounds from Sir John Trevor; and because it came as a New Year's gift, I neglected to inquire whether the cause was ended or depending; but since I find, that, though the cause was then dismissed to a trial at law, yet the equity is reserved, so as it was in that kind pendente lite.

"vi. (7.) To the seventh article of the charge, viz. in the cause between Holman and Yonge he received of Yonge an hundred pounds after the decree made for him:

"I confess and declare, that, as I remember, a good while after the cause ended, I received an hundred pounds, either by Mr. Tobye Mathew, or from Yonge himself; but whereas I understood that there was some money given by Holman to my servant Hatcher, with that certainly I was never made privy.

"vii. (8.) To the eighth article of the charge, viz. in the cause between Fisher and Wraynham the Lord Chancellor, after the decree passed, received from Fisher a suit of hangings worth an hundred and sixty pounds and better, which Fisher gave by advice of Mr. Shute:

"I confess and declare, that some time after the decree passed, I being at that time upon remove to York House, I did receive a suit of hangings of the
value, I think, mentioned in the charge, by Mr. Shute, as from Sir Edward Fisher, towards the furnishing of my house; as some others that were no way suitors did present me the like about that time.

"viii. (9.) To the ninth article of the charge, viz. in the cause between Kenneday and Vanlore he received a rich cabinet from Kenneday, prized at eight hundred pounds:

"I confess and declare, that such a cabinet was brought to my house, though nothing near half the value; and that I said to him that brought it, that I came to view it, and not to receive it; and gave commandment that it should be carried back, and was offended when I heard it was not; and some year and an half after, as I remember, Sir John Kenneday having all that time refused to take it away, as I am told by my servants, I was petitioned by one Pinckney that it might be delivered to him, for that he stood engaged for the money that Sir John Kenneday paid for it. And thereupon Sir John Kenneday wrote a letter to my servant Shereborne with his own hand, desiring that I would not do him that disgrace as to return that gift back, much less to put it into a wrong hand; and so it remains yet ready to be returned to whom your Lordships shall appoint.

"ix. (10.) To the tenth article of the charge, viz. he borrowed of Vanlore a thousand pounds, upon his own bond, at one time, and the like sum at another time, upon his Lordship's own bill, subscribed by Mr. Hunt his man:

"I confess and declare that I borrowed the money in the article set down; and that this is a true debt. And I remember well that I wrote a letter from
Kew, above a twelvemonth since, to a friend about the King, wherein I desired that, whereas I owed Peter Vanlore two thousand pounds, his Majesty would be pleased to grant me so much out of his fine set upon him in the Star Chamber.

"x. (11.) To the eleventh article of the charge, viz. he received of Richard Scott two hundred pounds after his cause was decreed (but upon a precedent promise), all which was transacted by Mr. Shute:

"I confess and declare, that some fortnight after, as I remember, that the decree passed, I received two hundred pounds, as from Mr. Scott, by Mr. Shute; but, for any precedent promise or transaction by Mr. Shute, certain I am I knew of none.

"(12.) To the twelfth article of the charge, viz. he received in the same cause, on the part of Sir John Lentall, an hundred pounds:

"I confess and declare, that some months after, as I remember, that the decree passed, I received an hundred pounds by my servant Shereburne, as from Sir John Lentall, who was not the adverse party to Scott, but a third person, relieved by the same decree, in the suit of one Powre.

"xi. (13.) To the thirteenth article of the charge, viz. he received of Mr. Wroth an hundred pounds, in respect of the cause between him and Sir Arthur Maynewaringe:

"I confess and declare, that this cause, being a cause for inheritance of good value, was ended by my arbitrament, and consent of parties; and so a decree passed of course. And some months after the cause thus ended, the hundred pounds mentioned in the article was delivered to me by my servant Hunt.
"xii. (14.) To the fourteenth article of the charge, viz. he received of Sir Raphe Hansby, having a cause depending before him, five hundred pounds:

"I confess and declare, that there were two decrees, one, as I remember, for the inheritance, and the other for goods and chattels, but all upon one bill; and some good time after the first decree, and before the second, the said five hundred pounds were delivered me by Mr. Tobye Mathew, so as I cannot deny but it was upon the matter pendente lite.

"xiii. (15.) To the fifteenth article of the charge, viz. William Compton being to have an extent for a debt of one thousand and two hundred pounds, the Lord Chancellor stayed it, and wrote his letter, upon which part of the debt was paid presently, and part at a future day. The Lord Chancellor hereupon sends to borrow five hundred pounds; and because Compton was to pay four hundred pounds to one Huxley, his Lordship requires Huxley to forbear it six months, and thereupon obtains the money from Compton. The money being unpaid, suit grows between Huxley and Compton in Chancery, where his Lordship decrees Compton to pay Huxley the debt, with damages and costs, when it was in his own hands:

"I declare that, in my conscience, the stay of the extent was just, being an extremity against a nobleman, by whom Compton could be no loser. The money was plainly borrowed of Compton upon bond with interest; and the message to Huxley was only to intreat him to give Compton a longer day, and in no sort to make me debtor or responsible to Huxley; and, therefore, though I were not ready to
pay Compton his money, as I would have been glad to have done, save only one hundred pounds, which is paid; I could not deny justice to Huxley, in as ample manner as if nothing had been between Compton and me. But, if Compton hath been dam-
nified in my respect, I am to consider it to Compton.

"xiv. (16.) To the sixteenth article of the charge, viz. in the cause between Sir William Bruncker and Aubrey the Lord Chancellor received from Aubrey an hundred pounds:

"I do confess and declare, that the money was given and received; but the manner of it I leave to the witnesses.

"xv. (17.) To the seventeenth article of the charge, viz. in the Lord Mountague's cause he received from the Lord Mountague six or seven hundred pounds; and more was to be paid at the ending of the cause:

"I confess and declare, there was money given, and (as I remember) by Mr. Bevis Thelwall, to the sum mentioned in the article after the cause was decreed; but I cannot say it was ended, for there have been many orders since, caused by Sir Frauncis Engle-
feild's contempts; and I do remember that, when Thelwall brought the money, he said, that my Lord would be further thankful if he could once get his quiet; to which speech I gave little regard.

"xvi. (18.) To the eighteenth article of the charge, viz. in the cause of Mr. Dunch he received of Mr. Dunch two hundred pounds:

"I confess and declare, that it was delivered by Mr. Thelwall to Hatcher my servant, for me, as I think, some time after the decree; but I cannot precisely inform myself of the time.
xvii. (19.) To the nineteenth article of the charge, viz. in the cause between Reynell and Peacock he received from Reynell two hundred pounds, and a diamond ring worth five or six hundred pounds:

I confess and declare, that, at my first coming to the Seal, when I was at Whitehall, my servant Hunt delivered me two hundred pounds from Sir George Reynell, my near ally, to be bestowed upon furniture of my house; adding further, that he received divers former favours from me; and this was, as I verily think, before any suit begun. The ring was received certainly pendente lite; and, though it were at New Year's tide, yet it was too great a value for a New Year's gift, though, as I take it, nothing near the value mentioned in the article.

(20.) To the twentieth article of the charge, viz. he took of Peacock an hundred pounds, and borrowed a thousand pounds, without interest, security, or time of payment:

I confess and declare, that I received of Mr. Peacock an hundred pounds at Dorset House, at my first coming to the Seal, as a present; at which time no suit was begun; and that, the summer after, I sent my then servant Lister to Mr. Rolf, my good friend and neighbour, at St. Albans, to use his means with Mr. Peacock (who was accounted a moneyed man), for the borrowing of five hundred pounds; and after, by my servant Hatcher, for borrowing of five hundred pounds more, which Mr. Rolf procured, and told me, at both times, that it should be without interest, script, or note; and that I should take my own time for payment of it.

xviii. (21.) To the one-and-twentieth article of
the charge, viz. in the cause between Smithwick and Wyche he received from Smithwicke two hundred pounds, which was repaid:

"I confess and declare, that my servant Hunt did, upon his accompt, being my receiver of the fines of original writs, charge himself with two hundred pounds, formerly received of Smithwick, which, after that I had understood the nature of it, I ordered him to repay it, and to default it of his accompt.

"xix. (22.) To the two-and-twentieth article of the charge, viz. in the cause of Sir Henry Ruswell he received money from Ruswell; but it is not certain how much:

"I confess and declare, that I received money from my servant Hunt, as from Mr. Ruswell, in a purse; and, whereas the sum in the article is indefinite, I confess it to be three or four hundred pounds; and it was about some months after the cause was decreed, in which decree I was assisted by two of the judges.

"xx. (23.) To the three-and-twentieth article of the charge; viz. in the cause of Mr. Barker the Lord Chancellor received from Barker seven hundred pounds:

"I confess and declare, that the money mentioned in the article was received from Mr. Barker, some time after the decree passed.

"xxi. (24, 25, 26.) To the four-and-twentieth article, five-and-twentieth, and six-and-twentieth articles of the charge, viz. the four-and-twentieth, there being a reference from his Majesty to his Lordship of a business between the Grocers and the Apothecaries, the Lord Chancellor received of the
Grocers two hundred pounds. The fifth article: in the same cause he received of the Apothecaries that stood with the Grocers a taster of gold worth between forty and fifty pounds, and a present of ambergris. And the sixth article: he received of the New Company of the Apothecaries, that stood against the Grocers, an hundred pounds:

"To these I confess and declare, that the several sums from the three parties were received; and for that it was no judicial business, but a concord or composition between the parties, and that as I thought all had received good, and they were all three common purses, I thought it the less matter to receive that which they voluntarily presented: for if I had taken it in the nature of a corrupt bribe, I knew it could not be concealed, because it must needs be put to account to the three several companies.

"xxii. (27.) To the seventh article of the charge, viz. he took of the French merchants a thousand pounds, to constrain the vintners of London to take from them fifteen hundred tons of wine; to accomplish which, he used very indirect means, by colour of his office and authority, without bill or suit depending; terrifying the vintners, by threats and imprisonments of their persons, to buy wines, whereof they had no need or use, at higher rates than they were vendible:

"I do confess and declare, that Sir Thomas Smith did deal with me in the behalf of the French company; informing me that the vintners, by combination, would not take off their wines at any reasonable prices; that it would destroy their trade, and stay
their voyage for that year; and that it was a fair business, and concerned the state; and he doubted not but I should receive thanks from the King, and honour by it; and that they would gratify me with a thousand pounds for my travel in it; whereupon I treated between them, by way of persuasion, and (to prevent any compulsory suit) propounding such a price as the vintners might be gainers six pounds a ton, as it was then maintained to me; and after, the merchants petitioning to the King, and his Majesty recommending the business unto me, as a business that concerned his customs and the navy, I dealt more earnestly and peremptorily in it; and, as I think, restrained in the messenger's hands for a day or two some that were the more stiff; and afterwards the merchants presented me with a thousand pounds out of their common purse; acknowledging themselves that I had kept them from a kind of ruin, and still maintaining to me that the vintners, if they were not insatiably minded, had a very competent gain. This is the merits of the cause, as it then appeared unto me.

"xxiii. (28.) To the eight-and-twentieth article of the charge, viz. the Lord Chancellor hath given way to great exactions by his servants, both in respect of private seals, and otherwise for sealing of injunctions:

"I confess, it was a great fault of neglect in me that I looked no better to my servants.

"This declaration I have made to your Lordships with a sincere mind; humbly craving that, if there should be any mistaking, your Lordships would impute it to want of memory; and not to any desire of mine
to obscure truth, or palliate anything: for I do again confess, that in the points charged upon me, although they should be taken as myself have declared them, there is a great deal of corruption and neglect, for which I am heartily and penitently sorry, and submit myself to the judgment, grace, and mercy of the court.

"For extenuation, I will use none concerning the matters themselves; only it may please your Lordships, out of your nobleness, to cast your eyes of compassion upon my person and estate. I was never noted for an avaricious man. And the apostle saith, that covetousness is the root of all evil. I hope also, that your Lordships do the rather find me in the state of grace; for that, in all these particulars, there are few or none that are not almost two years old, whereas those that have an habit of corruption do commonly wax worse and worse; so that it hath pleased God to prepare me, by precedent degrees of amendment, to my present penitency. And for my estate, it is so mean and poor, as my care is now chiefly to satisfy my debts.

"And so, fearing I have troubled your Lordships too long, I shall conclude with an humble suit unto you, that, if your Lordships proceed to sentence, your sentence may not be heavy to my ruin, but gracious, and mixed with mercy; and not only so, but that you would be noble intercessors for me to his Majesty likewise for his grace and favour.

"Your Lordships' humble servant

"and suppliant,

"Fr. St. ALBAN, Canc." 18

18 Lords' Jour., iii. 98.
In this Act of Submission and Confession the general plea of guilty is limited in kind and in degree by the particulars. Bacon admits the receipt of the several gifts, fines, fees, and presents, some by his officers, some by himself; if the receipt of such fees and gifts is held by the Peers to be proof of corruption, he confesses to the offence. But he ends where the facts end, nowhere admitting, nowhere allowing his judges to infer, that he had ever accepted a fee or reward to pervert justice.

Most of his cases fall under his third division, "which, by the opinions of the civilians, is no offence;" one or two of them under his second degree, "where the judge neglects to inform himself whether the cause be fully at an end or no what time he receives the gift;" not one of them falls under his first degree, "bargain, contract, or promise of reward pendente lite." The two or three cases which fall under his second degree, such as Aubrey's and Lady Wharton's, were the frauds of men whom he had not appointed to their places and for whose honesty he was not personally, though he might be officially, responsible. Thus, it is clear that the corruption to which Bacon confesses was informality and inattention, not perversion of justice for the sake of gain. He confesses to the neglect which arose from overwork, to the abuses which belonged to the organisation of his court; in a word, he confesses that he was guilty of holding the great office of Lord Chancellor. While he takes to himself some share of blame, he takes to himself no personal share of guilt. He confesses to carelessness, not to crime.

He points out, too, that the irregularities found
in his court occurred when he was new in office, strange to his registrars and clerks, overwhelmed with arrears of work. Not a complaint had arisen since the villain Churchill was sent away. The very last offence was two years old. For the latter half of his reign as Lord Chancellor, the inquisition of his enemies, aided by the treachery and corruption of his servants, had not been able to detect in his administration of justice a fault, much less a fraud.19

This Submission being read by the clerk, and found sufficient for the sentence of legal death, Arundel, Pembroke, Southampton, and a committee of Lords, were sent to York House to verify the signature, and ascertain if the Chancellor held to his plea. "My Lords," he said to them, "it is my act, my hand, my heart. I beseech your Lordships to be merciful to a broken reed." On their return, the House agreed to desire his Majesty to sequester the Seals; and the Prince of Wales went off, with Arundel and other Lords, to the palace. They had no trouble with the King, if Charles reported truly to the House, that "his Majesty most willingly yielded, saying, 'he would have done it, had he not been moved therein.'" Yet James's good feeling prevented him from wounding his great minister by any rudeness in the manner of taking away the Seals. The peers whom he sent to York House, Lennox, Arundel, Pembroke, and Mandeville, were Bacon's associates; and when the Seals were brought to him at Whitehall, he placed them temporarily in the hands of Sir Julius Cæsar, Bacon's kinsman, officer, and friend.

19 Lords' Jour., iii. 98-101.
On the Peers resuming, a motion was carried to summon the Lord Chancellor to attend at the bar next morning at nine o'clock to hear his sentence; the Gentleman Usher of the Black Rod and the Serjeant-at-Arms being sent for that purpose to York House, and, as sign of their authority, carrying with them the Mace.20

Next morning, the third of May, the Peers met early, and in strength. The Prince of Wales came down from Whitehall. Seventy-two spiritual and temporal peers assembled; among them the two archbishops, Abbott and Mathews, with sixteen of their prelates.

At nine o'clock, the Lord Chancellor not being present at the bar, the Gentleman Usher and the Serjeant-at-Arms reported that, in obedience to their Lordships' commands, they had gone last night to York House, where they found the Lord Chancellor sick in bed; that they had been admitted into his chamber, where they delivered their commission; on receiving which, his Lordship excused his attendance, saying that had he been well he would willingly have come. The Gentleman Usher having bowed and retired, the question was put, whether the House should proceed. A majority said Yea. Coventry, the Attorney-General, was then desired to read aloud the charge and the Submission; and the Lords, having heard the pleas, adjourned to consider what sentence should be passed.

It was an important point; for the character of the sentence must express the opinion of the House on

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20 Lords' Jour., iii. 104; Dom. Papers, cxxiii. 18.
the nature of his guilt: a political censure indicating a political offence, a moral censure a moral offence. Two motions were brought forward and debated; one for passing a formal sentence, the other for passing a personal sentence; one for striking at a hypothetical Lord Chancellor, the other for striking at the living Lord St. Albans. These distinctions were broad and radical. On Bacon's act of submission a formal verdict must pass, of course; and some of the Peers would have punished, not only the minister, but the man. Those Peers, consequently, moved that the Viscount St. Albans be degraded from nobility, as Michel had been degraded from knighthood; and they did well to move so; for if Bacon had bought and sold justice on the bench, degradation was the only punishment for such a crime. But the Prince and Buckingham who knew on what terms he had retired, and those prelates and peers who felt that his honour was unimpeachable and unimpeached, resisted this attempt. The House being in committee, no details of the speeches are on record; but there is reason to believe that, besides the Prince and Buckingham, Lennox, Arundel, Pembroke, Montgomery, Hunsdon, Windsor, and Digby, among the lay peers, with Abbott, Mathews, and the whole bench of bishops, defended Bacon. On the House, resuming, Ley put the motion from the chair: Shall the titles of Verulam and St. Albans be suspended during life? It was lost.²¹

A formal resolution was then put from the chair, and carried without a division. This resolution

²¹ Dom. Papers, cxxi, 12; Bacon Mem. in Montagu, xii. 410.
ran: "That the Lord Viscount St. Albans, Lord Chancellor of England, shall undergo fine and ransom of 40,000l.; that he shall be imprisoned in the Tower during the King's pleasure; that he shall for ever be incapable of any office, place, or employment in the State or Commonwealth; that he shall never sit in Parliament, nor come within the range of the Court."

Bacon's best friends could make no objection where he made none. By the defeat of the first proposal his honour was saved; some of those who were ready to concur in a sentence of legal death having proved by their resistance that they would not share the infamy of inflicting on him a sentence of moral death. The bishops were his best support. When Thomas Bushell, a young gentleman of fortune, one of his private secretaries, hurried from Lord Windsor's to York House with the news of this vote, the philosopher, rallied by the good news, said merrily, he was saved, "thanks to his clergy!"

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22 Lords' Jour., iii. 105; Dom. Papers, cxxi. 12; Bushell's Abridgment, 1659.
CHAPTER XVI.

THE CONCLUSION.

Bacon received the Peers' Resolution in the spirit in which they passed it, as a necessary consequence of his plea; but neither the King, nor the Lords, nor the public, nor he himself, considered it as an act to be enforced. The Peers were aware of the King's promises; and some of them afterwards told Bacon they had voted the Resolution as a form of leaving him in his Majesty's hands. No one mistook it for a moral censure; no one treated Lord St. Albans as a convicted judge. The House of Commons had refused to adopt the charge of bribery; the House of Lords had rejected the attempt to brand him with a personal shame; and Society treated the event as one of those struggles for place which may hurt a man's fortunes without hurting his name. The most noble and generous men, the best scholars, the most upright judges, the most pious clergymen, gathered round him in his adversity, more loving, more observant, more reverential, than they had ever been in his days of splendour. Among these true and chosen friends were Bishop Andrews, Bishop Neile, Bishop Montaigne; the Earls of Arundel, Pembroke, Dorset, and Montgomery; Viscount Falkland; Lords Mandeville, Digby, and Cavendish; Sir Fulk Greville, Sir Robert
Cotton, Sir John Danvers, Sir Henry Savile; John Selden, Ben Jonson, George Herbert, and Thomas Hobbes. All these men knew the actual truth. Will anyone pretend that Falkland and Herbert would have corresponded and associated with a convicted rogue? Bacon himself expressed most luminously the personal and political bearings of his case in saying, "I was the justest judge that was in England these fifty years; it was the justest censure that was in Parliament these two hundred years."

It was not supposed that he would be driven by his sentence from London, or even from office; only that, he might have to change his place, and perhaps his town-house. Chamberlain reported to his friends that Lord St. Albans, ceasing to be Chancellor, would be made President of the Council, the great office offered to Lord Ellesmere when he resigned the Seals. His sentence was regarded by the public merely as a form of surrendering the Seals without compensation.

For four weeks after the sentence, Lord and Lady St. Albans lived quietly in the Strand. Sir Julius Cæsar held the Seals; the Resolution seemed to be forgotten; and the great post of Chancellor remained void. James doubted to the last whether it would be well to take a Chancellor from Lady Buckingham, and to place in the front of his government a man who could only advise him to throw Posthumus and Favonius overboard. If Bacon, even then, could have made up his mind to sell the lease of York House, he might have

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1 Apophthegm, Works, vii. 179; Bacon to James, in Montagu, xii. 198.
2 Dom. Papers, cxxi. 88.
named his own terms. "If York House were gone," Sir Edward Sackville wrote to him, "the town were yours, and all your straitest shackles cleared off." But he could not, or would not, pay this price. So long as they would let him and Lady St. Albans live in peace, content among his books, his aviaries, and his experiments, he proved by words and deeds that he would never allow Inigo Jones to pull down the rooms in which his father died, and he himself was born. "York House," he said, "is the house wherein my father died, and wherein I first breathed; and there will I yield my last breath, if it so please God, and the King will give me leave."

But by the Resolution of the Peers he might be fined, imprisoned, and sent from Court; and the execution of that sentence would blight for ever the charms of York House. It lay within the verge of the Court. Were Bacon lodged in the Tower or removed into the country, his wife would probably go with him, and, having no children to leave behind them, what to them would be the use of a vast and desolate mansion in the Strand? Oppressed by debt, its owner might be brought to see the wisdom of securing a large sum of money, and of obliging a powerful peer, by a sale of the lease. Buckingham was highly incensed, and professed to be deeply injured, by Bacon's refusal to give up York House; and on the thirty-first of May, four weeks after his sentence, in open violation of the King's word, officers knocked at his gates, and carried him to the Tower.

3 Montagu, xii. 420, 432. 4 Dom. Papers, cxxi. 69.
How much this arrest surprised and vexed him, his letters show. "Good my Lord," he wrote to Buckingham the instant he was placed in Sir Allan Apsley's hands, "procure the warrant for my discharge this day. Death, I thank God, is so far from being unwelcome to me, as I have called for it (as Christian resolution would permit) any time these two months. But to die before the time of his Majesty's grace, and in this disgraceful place, is even the worst that could be." It is obvious, not only that Bacon thought the understanding broken by this arrest, but that his Majesty thought so; for, in answer to this sharp demand, an order was despatched to Sir Allan to allow his departure from the Tower that very night. At ten o'clock he arrived at York House, slept there, and removed next morning to the house of Sir John Vaughan at Parson's Green. 5

Montagu escaped for a time. Sir George Paul, the man whom Buckingham, on the death of Shute, had placed in the King's Bench under Ley, as his chief clerk for the enrolment of pleas, had begun to earn his bread by petitioning the House of Commons against the Lord Treasurer; charging him with such corruptions and abominations in his office as would have made the Lord Chancellor's offences appear white. Cranfield had been eager to push this charge; for the accusations against Bacon only interested him so far as they struck at Montagu; he coveting the Staff as keenly as Williams coveted the Seals. Coke also, in a conference with the Lords, hinted that a grave petition against Lord Mandeville had been presented to

5 Bacon to Buckingham, May 31, 1621; Bacon to the Prince of Wales, June 1, 1621; Dom. Papers, cxxi. 88.
the Grand Committee on Courts of Justice. But when the votes of Parliament on Bacon discouraged such proceedings, Paul received a hint from Buckingham to hold his tongue; and Cranfield was consoled for his loss by a peerage.

Williams, received into the Privy Council, enriched with a promise of the bishopric of Lincoln, on the tenth of July obtained the Seals. "I should have known my successor," was Bacon's only remark at the news. When Williams became a Privy Councillor, Lord Keeper, and a bishop elect, it was imagined he would resign such small preferments as the rectory of Waldegrave, the canonry of Lincoln, the deanery of Westminster, as Bacon, on receiving the Seals from Ellesmere, had resigned his post of Attorney and his clerkship in the Star Chamber; but the crafty Welshman would not part with a place, however poor. A man's fortunes, he observed, must some day fail, as a man's body must some day fail. Sooner or later Posthumus must be thrown overboard. The Seals might be wrenched from his hands, the mitre might be torn from his brow; so he would just keep his deanery, his canonry, and his rectory as a shelter from political storms, alleging the examples of Gardiner and Anselm, the first of whom retained his mastership of Trinity College, the second his cell in the monastery of Bec. The jesters laughed at a pluralist who was a whole diocese of himself: bishop, dean, canon, and priest in one; but Williams stuck to the old places while grasping at the new, and left his unlucky, and perhaps envious, brethren to the enjoyment of their wit. James having at length been persuaded to try Williams as
Lord Keeper, Bacon was relieved from the hospitalities of Sir John Vaughan.

From the date of his arrest, his tradesmen and bankers, fearing for their money, began to press him; and having no way of settling his affairs, save by seeing these creditors in person, he sent Meautys from Parsons Green to London with a message for the King. As Lord St. Albans' servant, Meautys was received and had the honour to kiss hands; but as Buckingham would not hear of Bacon's return to York House, the King suggested his removal, for a few weeks of summer, to Gorhambury. Gorhambury, however, though dear to him at ordinary times beyond all other places on earth, except York House, appeared to his eyes just then a prison more dreadful than the Tower itself. The Tower was in the world, Gorhambury out of it. "There," he wrote, "I could have had company, physicians, conference with my creditors and friends about my debts and the necessities of my estate, helps for my studies and the writings I have on hand." These writings on hand comprised, among many other subjects, his History of Henry the Seventh, and his Preface to a Digest of the Laws of England, works for which some of the most precious materials were at the Tower. He continued, in contrast: "Here I live upon the sword-point of a sharp air, endangered if I go abroad, dulled if I stay within, solitary and comfortless without company, banished from all opportunities to treat with any to do myself good and to help out my wrecks." And then he

*Dom. Papers, cxxi. 88, 121, cxxii. 20; Hacket, 62; Grant Book, 309; Council Reg., June 18, July 10, 1621.*
added with affectionate tenderness; "One of my greatest griefs is, my wife, that hath been no partaker of my offending, must be partaker of this misery of my restraint." The King having promised to guard his honour, and Buckingham undertaken to guard his fortunes, he reminded them from day to day, sometimes with impetuosity and eloquence, of the miseries and privations under which he had to bear these long delays; but the one price of favour, though it should restore him to the Council as Lord President, he could not bring himself to pay. Thereupon, the prize which was to have paid Ellesmere for the Seals and Bacon for York House was now offered to Mandeville in exchange for the Staff.

This Staff, which had cost Mandeville twenty thousand pounds, and the offices annexed to it, which had cost his servants and kinsmen twenty thousand pounds more, he was made to understand that he must yield. Cranfield would wait no longer. Having deserted Lady Effingham and married Ann Brett to please Lady Buckingham, he would have his reward; and a peerage, with a seat at the Council, was below the ambition of a man who had recently been a common broker and had once been a merchant's clerk. For the sake of this Staff he had betrayed the Earl of Suffolk and assailed the Viscount St. Albans; when the time came for him to act with effect, he thrust Sir George Paul's trumpery petition into the fire, and offered Lord Mandeville the highwayman's choice: a surrender of the Staff and its offices, or such a pro-

7 Montagu, xii. 413; Rawley's Life of Bacon; Bacon to Buckingham, Sept. 5, 1621; Dom. Papers, cxxi. 88.
execution in the Star Chamber as had crushed and beggared Lord Suffolk. Mandeville gave way. As the Villiers people wanted his money, not his credit or his life, they let him know that, if he were a good fellow, and would oblige Lord Cranfield with places worth forty thousand pounds, they would stand by him as friends, stop Sir George's tongue, and even raise him to that high post which had been mentioned for Lord St. Albans. Mandeville, if he felt that they were robbing him, felt also that they were capable of going beyond robbery should he resist them. Where Bacon had fallen, could he hope to stand? He yielded at the summons, took the Lord Presidency, and gave Cranfield the Staff. When, spending a day at Gorhambury, Mandeville complained of the wrongs which had thus been put upon him, "Why, my Lord," said the laughing philosopher, "they have made me an example and you a president."

Parliament had been adjourned in June until the following November; but the spirit which inspired it in March and April had passed away. When Williams got the Seals and Cranfield the Staff, the passion of persons in high places for reform of abuses died off, and the victors in the conflict began to quarrel among themselves. Their motives for action had never been the same. Two or three of them were sincere reformers; men who had sought through the ruin of an individual to effect a change in the administration of the Courts; but a majority of those who had been active in the strife had been impelled

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8 Dom. Papers, cxxii. 152, cxxiii. 29; Doquets, Oct. 6, 1621; Apophthegms, in Spedding's Bacon, vii. 181.
by no motive nobler than greed, more durable than revenge. After the adjournment, the Privy Council began to show that, if a few zealots in the House of Commons had been serious, they had never been serious. They procured an acquittal for Sir Edward Villiers, they ceased to annoy Sir Giles Mompesson, they liberated Sir Francis Michel from Finsbury jail, they made Dr. Lambe of Peterborough a knight, and they released Sir John Bennett on bail. Those knights and burgesses who would not see that the play was over, men who like Sir Edwin Sandes and Sir Henry Neville had foolishly taken Cranfield and Buckingham at their word, and wanted to go on striking while the iron was hot, they clapped in the Tower.

In the bright country air, among his books, fish, flowers, collections, and experiments, with his horse, his dogs, his pipe, and his game at bowls, Bacon slowly recovered some part of his lost health, if not his ease of mind. When Chancellor, he had built a summer-house, about a mile from St. Albans, near the famous Byzantine ponds. The Gothic pile enlarged by Sir Nicholas for Lady Anne, which had come into his possession on his brother's death, stood high and dry above the water; and as the stream would not flow up to his house, he took his house down to the stream. Avenues of stately trees sloped from the hall door to the little lakes, which, four or five acres in extent, were kept bright as crystal, filled with brilliant fish, and paved with pebbles of various hues. On the bank of one of these lakelets

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9 Dom. Papers, cxxi. 69, 135, cxxii. 20, 23, 31, 53, 54, 55, 56, 121, cxxiv. 60.
he had built Verulam House, a tiny but enchanted palace, one front leaning on the water, the other glancing, under oak and elm, up the long leafy arcade to his mother's house. This place was furnished and complete. The larders and kitchens were under ground; through the centre of the block ran a staircase, delicately carved; on the rests and landings a series of figures, a bishop, a friar, a king, and the like, not one repeated either in idea or in execution; on the door of the upper story statues of Jupiter, Apollo, and the round of gods. Beauty and luxury combined. Chimney-pieces prettily wrought, rooms lofty and wainscoted, baths, oratories, divans. Shafts from the chimneys ran round the rooms, with cushions on these shafts, so as to garner up the heat. The roof, which was flat and leaded, in the Eastern manner, commanded views of wood and water, plain and upland, with the square plain Saxon tower of St. Alban's abbey high above all. In the centre pond rose a Roman temple or banqueting-room, paved with black and white marble. One of the doors had a device of mirrors, so that a stranger fancied he was looking into the gardens when the door was closed.10

Of all these buildings he had been his own architect. To aid him in the details, he had employed two local men, Dobson and Styles; one an ingenious planner and contriver, to whom he had given a place in the Alienation Office; the other a clever mason. Dobson, a man of good family at St. Albans, and esteemed as an ingenious fellow, had with him a son,

10 Aubrey, ii. 229-32.
Willie, a boy of eight or nine years; who, among the pictures at Gorhambury, and the artistic devices of Verulam House, began those studies which won the admiration of Vandyke, and which in after life made William Dobson the genuine founder of an English school of art. Another man, no less renowned, though in a wholly different walk of genius, Thomas Hobbes of Malmesbury, gained his first lessons in philosophy from the Great Chancellor. Hobbes, then a young fellow of thirty-three, walked at his side as he lounged by the ponds, or sat with him in the shades of Oak-wood; when notions came into Bacon's mind, Hobbes, ready with his tables, set them down. St. Albans said in his praise that no man but Hobbes could do justice to his dictations: other men tried, but their words were confused, because they only half comprehended what they heard. The opinions on nature and government, developed in the Leviathan and De Corpore Politico, are not to be traced to these lessons of Lord St. Albans; but the practical character of Hobbes's writings, with something, perhaps, of the fire and vigour, may be safely traced to that honourable source.11

In the leisure which he now endured at Verulam, he enriched the Essays with a thousand exquisite touches, toiled with a grave serenity at his History of Henry the Seventh, at a new edition, greatly enlarged and in the Latin tongue, of his Advancement of Learning, and at his Advertisement touching a Holy War. In translating the Advancement of

11 Aubrey, ii. 222.
Learning he was helped by George Herbert. Holy George, not yet become the recluse of Leighton or Bemerton, was then a Fellow of Trinity College and Public Orator of Cambridge; a man of many parts, and every part a good one; not more famous for his poetry and divinity, for his excellency in the Italian, French, and Spanish languages, than for his skill in Latin, as a writer of which tongue he had few, if any, rivals. Bacon had made his acquaintance during a visit to Trinity College, on one of King James's progresses; and his admiration for the young poet, young enough to be his son, soon ripened into personal love. Much of Herbert's time was passed in London, where his elder brother Sir Edward, afterwards the renowned Lord Herbert of Cherbury, and his more distant kinsmen, the Earls of Pembroke and Montgomery, held high positions at the court. Some of his time he spent at Verulam, working, under Bacon's eye, upon the translation of the Advancement of Learning into the De Augmentis Scientiarum. Bacon had little faith in the stability of English as a literary and learned vehicle; standing too near to see how much the new Bible had done, how much he himself was doing, and how much the plays of Shakespeare and Jonson would do, to give it form, precision, and durability; and he longed for the thousands of readers who were calling for his works from beyond the sea, and whom he could only reach through the Latin tongue. Some efforts at translation had been made by Doctor Playfer, more than a dozen years before; Playfer had a reputation for Latinity to lose; and on the trial of his strength he quickly lost it. Bacon had then laid the book aside; until, the
Instauratio Magna being published, the second part of his magnificent scheme, De Augmentis Scientiarum, was required, and with the aid of Herbert, and some other eminent scholars, it was put into shape.\textsuperscript{12}

A work which enkindled in courtly places a deeper curiosity than the Great Instauration was the History of Henry the Seventh. Sir Robert Cotton helped him with materials for the work, and the King himself read and corrected it in manuscript. These royal corrections were of little mark. James objected to the word "epidemic," which Bacon introduced into our language, and which has naturalized itself against the royal will; and substituted "mild" for debonnair, which proved that he had not read Shakespeare and Spenser, and was imperfect in his French. It is one of many instances how little Bacon deferred to James on literary points, that he retained the two expressions which the King condemned. The royal critic admired the book, and lent it to his Chancellor of the Exchequer, Fulk Greville, whom he had made Baron Brooke of Beauchamp, and one of the Gentlemen of his Bedchamber. Bacon himself gave the manuscript to Sir John Danvers to peruse. "Your Lordship knows I am no scholar," said Sir John. "'Tis no matter," he replied; "I know what a scholar can say: I would know what you can say." Danvers made remarks which the author weighed and adopted. "Why," said he, smiling, "a scholar would never have told me this." The character of Henry was grasped by a power and set in a light unknown to the Fabyans, Polydores,

\textsuperscript{12} Walton's Life of George Herbert; Baconiana, 24-26; Spedding's Bacon's Works, i. 420.
and Stows. Speed adopted Bacon's view, and all the succeeding writers have followed Speed. But the book was at once and for ever popular. "Let care be taken," said Lord Brooke to Meautys, "for good ink and paper to print it on, for the book deserveth it." Chamberlain, for once, was pleased with Bacon. "If the rest of our history were answerable to it, I think we should not need to envy any other nation in that kind." The price was six shillings. Prince Charles accepted the dedication. 13

Yet, in spite of these literary glories, of the companionship of great and good men, of the kindly relations of the King and Prince, a forced residence at Gorhambury, under the pressure of debts from which, while chained in the country, he could never escape, weighed heavily on his spirits. That vote, which was meant as a form for leaving him in good hands, had been used to rob him of the purchase-money of his great commission, eight or ten thousand pounds at least, the savings of a laborious profession and of a useful literary life, including the profits from his Essays, his Advancement of Learning, and his Instauratio Magna, so as to leave him penniless in his high position. In truth, he was poorer when he gave up the Seals than when he received them. In exchange for all that he yielded on his installation, the King granted him a pension of twelve hundred a-year, with the farming of the Petty Writs. His charities and hospitalities had prevented him from saving; and now, when he could

13 Bacon to James, Sept. 5, Oct. 8, 1621; Meautys to Bacon, Jan. 7, 1621-2; Mead to Stateville, April 6, 1622; Grant Book, 321; Aubrey, ii. 222; Dom. Papers, cxxiii. 46, R. O.
no longer practise his profession, or make money except by his pen, the great fine imposed by Ley, with the arrest of his income and the stoppage of his pension, caused his creditors to fear they would not be paid. How were Vanlore and Peacock the money-lenders, Campion the brewer, and Allison the vintner, to understand the sentence as only a mode of “leaving him in good hands”? 14

If he were in London he could easily make terms with these men; but on this point Buckingham, though protesting friendship, would not listen. Once, indeed, and for the last time, Bacon got leave to re-visit York House for fourteen days; at the end of this term, though he had books to consult and papers to collect for the world, as well as creditors to see for himself and Lady St. Albans, he received a peremptory order from the Court to leave. The message cut him to the heart. Nothing had yet been done for him; Buckingham pretended to feel deeply injured by his obstinacy about York House; and neither Sackville nor Falkland was able to approach his Majesty except through the favourite. Lady St. Albans remained in town, and Bacon made a warm appeal to the King against the false position in which he had been placed by events: “The honours which your Majesty has done me have put me above the means to get my living, and the misery I am fallen into has put me below the means to subsist as I am.” The appeal was not in vain. By royal order, the great fine of forty thousand pounds was granted, at his desire, and for his protection, to four trustees, Sir

14 Bacon to James, Sept. 5, 1621.
Richard Hutton, Justice of Assize; Sir Thomas Chamberlain, Justice of the King's Bench; Thomas Crewe, an eminent barrister; and Sir Francis Barnham, Lady St. Albans' cousin. "I can now," said Bacon to his Majesty, "I thank God and you, die and make a will." 15

Before Parliament met for the winter session some lords and gentlemen near the King urged upon James the policy and justice of extending to Bacon the advantages of a general pardon. Williams caught alarm: afraid that such a grant, if it passed the Seal, would be prejudicial to his own "judgment and fidelity," he opposed the plan, telling the Privy Council that a pardon granted to the late Chancellor on the eve of Parliament would endanger the public service, cause uneasiness in the House of Commons, and bring dishonour to the Marquis. But Williams stood alone. Coke had lost, and Falkland gained, in influence near the throne. Bacon himself warmly and confidently grounded an appeal to the King on the good effect it would have in Parliament. Baffled at the Council, Williams turned to the man he had wronged, begging him to oppose this scheme for a general pardon, at least until the session was over; in that case pledging his own good help in proper season, and answering that his Majesty and the Lord Marquis should "interpret this small delay as a service and respect." Of the many impudent things done by Williams, the making of this request to Bacon was probably the most brazen.

For Lord St. Albans to oppose the friends who,

15 Dom. Papers, cxxiii. 46; Bacon to James, Oct. 8, 1621.
knowing him to be innocent, were seeking for him an act of grace and justice, would have been a weakness without a motive, except the wish to screen his enemy from blame. Bacon promptly refused. As an innocent man, condemned by a political form, he insisted on his right to the pardon. The advisers of the Crown, impelled by justice or policy, rejected the delays proposed by Williams, and while the peers and burgesses were gathering in Westminster the pardon for Lord St. Albans passed the Seal.¹⁶

The session of four weeks which commenced on the 20th of November and ended on the 19th of December has a stronger interest for the general historian than for the special narrator of events in Bacon's life, but among its explosions and failures were a few facts bearing on the Relations sent up from the Commons in April, and the Resolutions pronounced by the Lords in May.

Coke and Philips, unconscious of being distrusted by the people and deserted by the Court, were for going on again, striking and striking, though the iron was now cold, until warned by defeat that the illusions of March and April had passed away. On a point of Parliamentary usage, Coke's positive opinion was rudely set aside. Sir Dudley Digges went over from the reformers to the Court; defending the High Commission, of which he had been made a member; by which apostacy, if he lost his popularity, he saved his fortune and his place. The agitation about Courts of Justice died a natural death. Giles Bridges, who had been expelled for his connexion

¹⁶ Williams to Bacon, Oct. 18, 1621; Bacon to Williams, Oct. 18, 1621; Doquets, Oct. 16, 1621.
with Mompesson, was recalled to his seat. Not a word of complaint was heard against the liberation of Michel, the knighting of Lambe, or the employment of Sir Edward Villiers. Even the proceedings against Sir John Bennett were allowed to drop. The spirit of the House was so changed that no surprise was felt on hearing that Coke was sequestered from the Council and excluded from the draft of a general pardon, or regret expressed on hearing, at the dissolution of Parliament, that both Coke and Philips were lodged in the Tower.

The King, himself a man of wit and learning, could not close his ears to Bacon's demands for justice, backed, as they were, by such persons as Andrews and Falkland, Sackville, Pembroke, and Montgomery, and supported by the ambassadors of France and Spain. Even Buckingham, though resolved to have York House, could not expect to starve its owner to death; so when Bacon asked leave to return and arrange his affairs, Buckingham invited him, in reply, to name "an understanding man" to whom he could freely open his mind on points about which he would not write. Of Buckingham's servants, Bacon named John Packer and Thomas Aylesbury; adding, "If your Lordship will have one of my nomination, I would name, before all others, my Lord of Falkland." Packer was sent to him; Sackville, Falkland, and Montgomery acting, though without commission, on Bacon's part. The negotiator had an interview at York House with Lady St. Albans, to whom he suggested that she should make suit to the Countess and Mar-

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17 Proceedings and Debates, ii. 182-364; Com. Jour., i. 640; Dom. Papers, cxxiv. 49, 73, cxxvii. 1, 8, 26.
chioness of Buckingham to be her good friends with the Marquis; a hint which Lady St. Albans would not answer until she could hear from her lord. As Sackville and Montgomery thought it would be well for Lady St. Albans to see Buckingham in person, Montgomery procured the nomination of a time, and the two noblemen carried her to his house. Buckingham kept her waiting for him a whole afternoon; but the two friends of her husband "seemed to contend which should show most patience in attending her." Buckingham, when he came in, spoke so loudly to her, that the gentlemen in his ante-room could hear his words; and Sackville, vexed at the want of result, rode down to Gorhambury and proposed, with his Lordship's leave, to procure for Lady St. Albans an interview with the Prince of Wales. The pressure from all sides, from Gondomar, from the bishops and peers, together with the calls of equity, induced the King to grant Lord St. Albans the arrears due to him from his patent, and to restore to him his annuity of twelve hundred pounds.18

Acute observers of the time, instead of treating Bacon as a man degraded and condemned for an abominable crime, foretold that he would speedily return to the Council and to power. The Marquis, having wrung Wallingford House from the Howards at a cost of some little pelf, a peerage for Sir Thomas Howard, and the release of Lady Somerset from the Tower, appeared to have ceased his hankerings after York House; and the King himself personally inter-

18 Buckingham to Bacon, Dec. 16, 1621; Bacon to Buckingham, Dec. 16, 1621; Meautys to Bacon, Jan. 3, 7, 1622; Grant Book, 308.
ferred with Cranfield, now Lord Treasurer, about the payment of Bacon’s arrears from the patent and the annuity. But Buckingham, if he changed his speech, assuring Bacon that he no longer wanted York House, and had never thought of forcing him to sell it, did not change his purpose. All the while professing indifference, he set Cranfield on to worry its owner. Sackville advised Bacon to give it up, and to write a note to the Marquis, “made all of sweetmeats,” which he did by return of the messenger from Gorhambury.

Buckingham would have had the world believe that in all these trials he was the most loved and trusted of Lord Bacon’s friends; hence the hint through Packer that he wished his wife and mother to be courted by Lady St. Albans, and the intimation through Sackville that he desired the philosopher to express a confident reliance on his friendship. Sackville would fool him to the top of his bent; and the letter of sweetmeats had a prompt result. Buckingham not only allowed Bacon to come at once to Highgate, but sent this welcome message to him by the most welcome of all hands, those of Viscount Falkland. Sackville, bolder by this success, begged hard for the last five miles. “Let my Lord be ruled by me, it will never be the worse for him,” said the Marquis. Sackville pressed still closer. “Edward,” answered Buckingham, “you play a good friend’s part for my Lord St. Albans; yet I must tell you, I have not been well used by him.” In what way? How? Buckingham, being dressed to go out and dine with Gondomar, replied, “Come back in the evening, and you shall know my mind.”
It proved to be the old story. Sackville, in reporting the scene to Bacon, wrote: "He told me how much he had been beholden to you, how well he loved you, how unkindly he took the denial of your house. . . My Lord Falkland, by this time, hath showed you London from Highgate. If York House were gone, the town would be yours." Moved by his best friends, and as an act of justice to his creditors, Bacon at length put aside his sentiment, and sold the lease, on which he received an immediate and complete enlargement of his liberties. 19

For a few weeks of spring he took a place at Chiswick; but in the early summer days he returned to London, where he hired Bedford House, in the Strand, from which he sent forth in rapid succession his 'History of Henry the Seventh,' his 'History of the Winds,' and his 'History of Life and Death.' In February, 1623, Edward Montagu, heir of Kimbolton, married Susan Hill, a kinswoman of Lady Buckingham; on which it was reported that Mandeville would have the Seals from Williams, and Bacon succeed Mandeville as Lord President of the Council. But Williams still clung to his great patroness, and the lady who had made him Lord Keeper not being weary of her flatterer, he was safe. The time had not yet come to disperse her band. Lord Cranfield, on his wife presenting him with a son, was created Earl of Middlesex. Indeed, the insolent fortunes of the merchant's clerk appeared to swell above the

19 Dom. Papers, cxxvii. 35, 36, 67; Bacon to Buckingham, Feb. 3, 1622; Meautys to Bacon, Mar. 11, 1622; Bacon to Falkland, Mar. 11, 1622; Sackville to Bacon, Mar. (given May by mistake in Montagu) 11, 1622.
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chances of reverse or the possibility of rebuke. In his insolent prosperity he met Lord St. Albans, who, after some sarcastic compliments on his elevation, said to him:

"Remember, a Parliament will come." 20

Unable to support the expense of Bedford House, Bacon removed to his pleasant old lodgings in Coney Court; a removal which critics whom he heeded little described as the coming of judgment. At the time when he left Gray's Inn for Dorset House, as he rode away in pomp, surrounded by earls and judges, one Locke of that inn, it was said, remarked to his fellows: "We shall live to have him here again." He certainly was there again; living and labouring among the gardens which he had planted in his lightsome youth. The chief objects of his life now were, to complete his writings, to preserve Gorbambury, to satisfy his creditors, and to maintain his dignity as a peer. For the lease of York House he was paid thirteen hundred pounds, of which he gave four hundred to Lady St. Albans for her personal use. Eager for work, and willing to accept it in the highest or the humblest forms, either to preside over the Council and direct the affairs of nations, or to retire from London and instruct little boys in the rudiments of learning, when his old friend, Sir Henry Savile, Provost of Eton, died, he begged from the King that humble trust. James had already promised it to Thomas Murray, the tutor of Prince Charles. Murray himself was now sick, and Bacon wrote from Gray's Inn, asking Secretary Conway

20 Petyt's Miscellanea Parliamentaria, Pref.; Dom. Papers, cxxxviii. 3, 23, cxxxix. 64.
and the King to remember him in the gift. People said the post was below his dignity; but he, who thought education, and the superintendence of education, one of the highest vocations in life, replied that no honest labour was beneath him. The Secretary of State, a soldier, a scholar, and a statesman, having a warm desire to stand well with the Secretary of Nature, had been to see him at Gray’s Inn, which had become a court of learned and noble men, and had begged him, as a true friend, to use and command his powers of service. Bacon, busy with George Herbert and the ‘De Augmentis,’ then in the press, had answered there was nothing he desired which kings could give; but on hearing of Murray’s sickness, he remembered Conway’s words. Buckingham was away in Spain; away with Charles on their unpopular and romantic voyage in search of a Popish queen; and without Buckingham’s consent, the King and his Secretary of State could not move a step.

In the autumn Buckingham and Charles came back, landing at York House in safety, but without the Infanta they had gone abroad to seek. Since the news came in from Cadiz nothing had stirred the heart of England like this visible failure of the Popish match. Citizens ran about screeching with joy; the streets were spread with tables; butts and hogsheads of wine were broached, and bonfires blazed at every corner. A solemn service was performed at St. Paul’s, with a new anthem on the hundred and fourteenth Psalm, “When Israel came out of Egypt.”

21 Correspondence on the Provostship of Eton, in the ‘Personal History,’ 293-296; Chamberlain to Carleton, June 22, 1622, April 5, 1623.
"The common people," says a letter-writer of the day, "were so mad with joy that, when they met a cart laden with wood, they would take out the horses and set the cart and wood on fire." Even the prisoners who were to have been hung that day were pardoned.

About this time Bacon published his 'De Augmentis Scientiarum.' "It is a book," he wrote to the Prince of Wales, "which I think will live and be a citizen of the world." Goodman thought but poorly of it, and very comically wrote in his memoir, "I would have given some answer, if I durst have printed it." The failure of the Spanish match made it necessary for James to call a Parliament; which met on the 12th of February, 1624; but the old Duke of Lennox, who had recently married a young wife, being found dead in his bed that morning, the King postponed the opening to the 19th. To this session the four peers who lay under remnants of former sentences, Northumberland, Hertford, St. Albans, and Say, received no summons.

Bacon lay at Gray's Inn, sick in body, active in mind, watching events, working at his desk, and waiting for the day of justice; in the prostration which precluded the severer labour of completing his Great Instauration, jotting down his Apophthegms, brightening his Essays, translating some of the Psalms. Now it was Meautys, now Mathews, who sat by his chair, and wrote down his words. To Rawley he dictated the 'Sylva Sylvarum,' to Hobbes he confided the translation of some of his Essays. One day, while dictating an experiment to Rawley, a messenger came in from Court with very bad news;
Bacon heard him to the end in silence, then; turning to his work again, he said, "Well, Sir, yon business won't go on; let us go on with this, for this is in our power." Tenison speaks of the Apophthegms as merely a morning's work. The Translation of certain Psalms, the occupation of a sick-bed, was a personal rather than a poetical exercise; an application of King David's thoughts to his individual case, rather than a serious design of rendering the Hebrew into English verse. He had not much longer to watch and wait. During the three years which had elapsed since the House of Commons, deceived by Coke and Cranfield, gave up to his rivals the Reformer of his Age, the illusions under which they acted had disappeared. Buckingham was ceasing to be popular; his mother was become a Papist. Cranfield abused his powers as Lord Treasurer and Master of the Court of Wards. Williams was grown rich, but hundreds of suitors found daily reason to regret the speed, the rectitude, the urbanity of Bacon's reign. In place of a clean list at the end of each term, the court was blocked up with causes; one of the first to suffer in estate being that John Chamberlain, letter-writer, who so heartlessly jested and gossiped over Bacon's fall. After Churchill's return to office abuses increased. But the day of justice was now at hand. The first thought of knight and burgess was to denounce the Spanish match, and to vote three subsidies and three fifteenths for carrying on the war. Again, the uproarious joy which greeted the Prince on his return from Spain broke out in bonfires, open tables, and flowing wine; Bacon himself gave forty-eight faggots to the flames, and a cask
of Rhenish to the poor. The burgesses now turned their eyes to home affairs; among other things, to the lying witness, to the audacious accuser, of Lord St. Albans.

Remember that a Parliament will come! Churchill, the first assailed, was speedily convicted and condemned by an indignant House for forgery and fraud committed in his office. Cranfield came next: accused of robbing the magazine of arms, of taking bribes in the Court of Wards, of pocketing moneys from the Treasury, of fraudulent entries of the royal debts. Abbott took the lead in bringing this criminal to justice. Cranfield was cast into an abyss of shame; the story of his corruptions shaking the whole kingdom, while the man whom he had robbed in pocket and wounded in spirit was lying on a sick-bed in Gray's Inn, engaged with George Herbert in discussing divinity and translating the Psalms. After a patient hearing, Cranfield was condemned to public infamy, to loss of all his offices, to imprisonment in the Tower, to a restitutionary fine of fifty thousand pounds. His brother, Randolph Cranfield, Master of the Mint, was degraded and dismissed.

"In future ages," said a shrewd observer, "men will wonder how my Lord St. Albans could have fallen, how my Lord of Middlesex could have risen."

At the end of May, this Parliament being pro-rogued, Bacon again appealed for a final and com-
plete reversal of his sentence, on the special ground that Buckingham would gain in popularity by the act: "Your Grace, I know, for a business of a private man, cannot win yourself more honour." It came to this at last. No shred remained of all those twenty-two charges of corruption; not a single ruling of his court had been reversed. Bills had been exhibited in Parliament, motions had been made in Chancery; but so pure had been his practice, and so just his judgments, that, with many motives to disturb them, neither the burgesses of Parliament nor the judges on the bench had been able to find a flaw. Of his active persecutors, one, and one only, John Williams, had yet escaped punishment. The Duke could resist no longer, and a pardon for Lord St. Albans passed the Seal.  

A few days after this act of justice, appeared his Apophthegms, and his Translation of certain Psalms; the latter an act of thanksgiving, so to say, for this complete and final vindication of his innocence. It bore an affectionate dedication to George Herbert:

"To my very good friend, Mr. George Herbert.

"The pains that it pleased you to take about some of my writings I cannot forget; which did put me in mind to dedicate to you this poor exercise of my sickness. Besides, it being my manner of Dedica-
tions to choose those that I hold most fit for the argument, I thought that, in respect to Divinity and Poesy met, whereof the one is the matter, the other the style of this little writing, I could not make

24 Montagu, xii. 457-459, xvi. part ii. 426.
better choice; so, with signification of my love and acknowledgment, I ever rest,

"Your affectionate friend,

"Fr. St. Albans."

With the exception of a new edition of the Essays, these were the last works which he lived to publish. He had still much to do; much that no man save himself could do; to compose his 'Natural History,' an important section of the 'New Organ,' of which the 'Historia Densi et Rari,' the 'Historia Gravis et Levis,' and the 'Sylva Sylvarum,' were in hand. At these he toiled through his long days of sickness, aided by his friends in those works which might be done by other pens, such as translating into Latin the 'History of Henry the Seventh,' the Essays, the 'Fable of the New Atlantis,' and the 'Dialogue of the Holy War.'25 Hobbes translated for him several of the Essays: among others, that noble Essay 'On the True Greatness of Kingdoms and Estates.'

In the achievement of these labours the last few tranquil months of his existence passed away. In his study he was a greater personage than he had been in the palace, when the Mace and Seals were borne before him, and the Lord Treasurer and Secretary of State rode on his right hand and on his left. If he lived in seclusion, his writings filled the world with his fame. The Marquis d'Effiat, coming to England on an extraordinary mission, sought him as

25 A Translation of Certain Psalms, by the Rt. Hon. Francis Lord Verulam, Viscount St. Albans, 1625; Rawley's Life of Bacon, in Spedding, i. 9, 10; Aubrey, ii. 602.
the Englishman a foreign nobleman and scholar most wished to see. Bacon, being sick, had to receive him in a darkened room, and with curtains drawn. "You resemble the angels," said the polite Frenchman; "whom we hear of, but have not the consolation to see." "My infirmities," Bacon answered, "tell me I am a man." D'Effiat, on his return to Paris, procured a portrait of Bacon, and had the Essays and 'De Augmentis' translated into French.

In March, the King dying, Charles the First succeeded him on the throne, and a new Parliament, to which Bacon received the customary writ of summons, was called in June. Though unable, from sickness, to leave his chamber, and ride down to Oxford and take his seat, he valued the summons as a final proof of his innocence in the eyes of his peers and of his new Sovereign. In this session, cries, both deep and loud, were raised against Williams, and even against Buckingham. For a time the complaints were either evaded or repressed; but as they followed each other, wave on wave, the tide advancing with the flow, the hour soon came to throw Posthumus overboard. Williams had lost his interest in Lady Buckingham, and Lady Buckingham had lost her influence at the Court; he having begun to neglect her charms, and she having become a Papist. A double accusation struck them; the same knights and burgesses who denounced his corruption in Chancery, complaining of her apostacy in faith. To save himself, the Duke cast away his tool, not only at once and for ever, but with circumstances of peculiar humiliation; telling the bishop that his fault was like the sin against the Holy
Ghost, and sending a mean officer of the household to fetch away the Seals. Coventry was appointed Lord Keeper in his stead.28

Lady Buckingham's plans for the advancement of her three sons, carried out for years with a magnificent unscrupulosity, ended in making John the most miserable, George the most unpopular, and Christopher the most ridiculous of men. That sale of Frances Coke proved a dismal failure; the young lady, a true child of her mother, having made the man she disliked a perfectly wicked wife: quitting his house for days and nights, braving the public streets in male attire, shocking the brazen sinners of Whitehall by the impudent profligacy of her life. She sought the aid of Lambe and Frodsham, two sorcerers and magicians; intoxicated her husband's brains with powders and potions; and practised her diabolical arts upon the Duke. To make the family disgrace complete, she chose for her lover Sir Robert Howard, a son of that Earl of Suffolk whom Lady Buckingham had ruined, and presented her husband with a son which was not his own. Buckingham had the lady, the lover, and their child arrested. Sir Robert sent to offer him, if he wished it, the satisfaction of a gentleman; Lady Purbeck, taken before the Lord Chief Justice Ley at Serjeants' Inn, asked what the old cuckold had to say to her. In place of crossing swords with Sir Robert in Marylebone Park, the Duke proceeded against his mistress in the Spiritual Court. Howard was publicly excommunicated at Paul's Cross for

28 Com. Jour., i. 799, 815; Court and Times of Charles the First, i. 61, 74; Dom. Papers of Charles the First, viii. 20, 33, 37, 63.
refusing to appear, and Lady Purbeck sentenced to stand in a white sheet at the door of the Savoy church. Purbeck, who doted on his wife, and could hardly be kept from her by force, was sent abroad to hide his shame; at length he went raving mad.27

Christopher, now Earl of Anglesey, was jilted and laughed at by Elizabeth Norreys. Ere Lady Buckingham chose the heiress of Rycote for her youngest son, Elizabeth had found a lover in the Bedchamber, in the person of Edward Wray; a choice approved by her father and sanctioned by the King. Afterwards, Lord Berkshire being dead, Buckingham induced the King to favour Kit; but the King and his minion reckoned without the young lady; a wilful, handsome, and wealthy dame, who despised Kit as a drunkard, a profligate, and a fool. Some of his friends proposed that he should run away with her, marry her by force, and trust to time and James for his forgiveness; but the young fellow, who had neither energy nor pluck for such desperate wooing, preferred the jollity of a tavern and the smiles of Lucy and Doll to wedded life with this proud and patrician girl. He wanted the Rycote lands, but cared nothing for their owner’s heart. Lady Elizabeth treated the dull profligate with open scorn; and when Buckingham, fearing that if left alone she would marry Edward Wray, placed her in the Earl of Montgomery’s charge, she got out of bed on a dark March morning, slipped through the gates, ran three miles on foot into the city, met Wray and his friends

27 Court and Times of James, ii. 497, 498, 499, 505; Dom. Papers, clxxxii. 32, 79, clxxxiii. 41, 43, 50, 52, 66, clxxxiv. 7.
near Aldermary church, and, on being made man and wife by the Church, they returned to Fleet Street, where they consummated the rite at Lord Oxford’s house. Thus Oxford was revenged for the loss of Frances Coke. In their fury at this defeat, the Villiers people put Wray out of the Bedchamber, and lodged Oxford in the Tower; but they could neither undo the marriage nor confiscate the Rycote lands.

Bacon was now near the end. A few days before Christmas, when he called his secretary and made his will, he could feel proudly satisfied that his gifts had been nobly spent, and that his work was well nigh done.

The will was brief: “My name and memory I leave to men’s charitable speeches, and to foreign nations, and to the next ages.” He desired to be laid near the mother he so dearly loved and so closely resembled, in St. Michael’s church, near Gorhambury. Sir John Constable, his brother-in-law, was to have the chief care of his books, and his political papers were to be scrutinized by two councillors of state, the Bishop of Lincoln and Sir Humphrey May. May was a personal friend; Williams was probably chosen from the same romantic generosity towards a fallen man, which had caused Bacon to pay his splendid compliment to Coke. First among his bequests were various sums to the poor: “To the poor of St. Martin’s-in-the-Fields, where I was born, forty pounds; to the poor of St. Michael’s, where I desire to be buried, because the day of death is better than the day of birth, fifty pounds; to the poor of St.

23 Dom. Papers, cxix. 24, cxxvii. 101, cxxviii. 96, 97, cxxix. 50, 62.
Andrew, Holborn, in respect of my long abode in Gray’s Inn, thirty pounds; to the poor of three parishes of St. Albans, each twenty pounds; the same to those of Twickenham and Redburn; also to those of Hampstead, “where I heard sermons and prayers to my comfort in the time of the former great plague.” An ample income, far beyond the terms of her marriage-settlement, was secured to his wife; though, for reasons which are only darkly hinted in the will, a subsequent clause, or codicil, revoked these bequests, and left the Viscountess to her legal rights. Legacies were left to his friends and servants: to the Marquis d’Effiat “my books of orisons, curiously rhymed;” to the Earl of Dorset “my ring with the crushed diamond, which the King that is gave me when Prince;” to Lord Cavendish “my casting-bottle of gold.” The lease of his rooms at Gray’s Inn, valued at three hundred pounds, was to be sold, and the money given to poor scholars. The residue of his estate, which, after paying his legacies and debts, he believed would be sufficient to yield an endowment of four hundred a-year, was to be used in founding two Lectureships on Natural Philosophy and the Physical Sciences at the Universities. It was a beautiful, beneficent dream.

The winter of 1625-6 was the most dismal he had known; the cold intense, the city blighted with plague, the war abroad disastrous, the very waters under Dover guns unsafe. Bacon remained at Gorbahbury hard at work on his Sylva Sylvarum. A Parliament was called at Westminster for February,

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29 Bacon’s Will, Dec. 19, 1625.
to which he received the usual summons, and from which Cranfield and Williams were excluded by name; but he was now too sick to obey the writ. During this session an impeachment was preferred against Buckingham in the House of Lords by the Earl of Bristol, a second in the House of Commons by Sir Dudley Digges. In the spring Bacon rode to Gray's Inn. The severity of the winter was not yet passed; for though April had come, the snow lay thick upon the ground. From this he caught the rheum of which he died. Taking the air one day with his physician, Dr. Witherbome, towards Highgate, the snow lying deep, it occurred to Bacon to inquire if flesh might not be preserved in snow as well as in salt. Pulling up at a small cottage, near the foot of Highgate Hill, he bought a hen from an old dame, plucked, and drew it; gathered up snow in his palms, and stuffed it into the fowl. Smitten by a sudden chill, but doubting whether his attack were "the stone, or some surfeit, or cold, or indeed a touch of all three," Bacon drove to his friend Lord Arundel's house, close by, where Witherbome had him put into the bed from which he rose no more. The sheets were damp, as no one had slept in them for a year; and although the servants warmed the bed with a pan of coals, lying down in it inflamed his cold.

From the first a gentle fever set in; he lingered just a week; and then, on the 9th of April, 1626, expired of congestion of the lungs. 30

30 Court and Times of Charles, i. 74; Lords’ Jour., iii. 492; Aubrey, ii. 227.
The facts have spoken, and there is little more to say. His end was what a good man's should be; his work was done, and he died in peace. If the Great Instauration, as a mere book, was incomplete, the principles of a true interpretation of nature had been laid down, and the regeneration of the sciences could be safely left to time. If base or ignorant men might still throw dirt at him, he had been freed from blame by an extraordinary series of official, personal, and judicial acts. The rivals who had caused him pain had each in turn been overwhelmed with misery and shame; yet he felt no joy in their discomfiture; not a word of passion or of triumph escaped his lips. From the moment of his trial, he had accepted the position of a necessary sacrifice. Restored to his legal rights, recalled to his seat among the Peers, surrounded by men who were the types of honour, piety, and scholarship, he had pursued his noble and gracious labours, at peace with the world, the world at peace with him. "All that were great and good," says Aubrey, "loved and honoured him." Great and good: the emphasis is Aubrey's own. In the minds of those who had virtue enough to appreciate high genius, and genius enough to comprehend great virtues, he suffered no injustice. Ben Jonson expressed of him, many years after he was gone, the opinion of all true scholars and all honest men: "My conceit of his person was never increased towards him by his place or honours; but I have and do reverence him for the greatness that was only proper to himself, in that he seemed to me ever by his work one of the greatest of men and most worthy
of admiration that hath been in many ages. In his adversity I ever prayed that God would give him strength, for greatness he could not want. Neither could I condole in a word or syllable for him, as knowing no accident could do harm to virtue, but rather help to make it manifest.”

He was buried, as directed, near his mother, in the parish church of St. Michael, near St. Albans. This picturesque and lonely little church became a place of pilgrimage. The obligations of the world to Bacon are of a kind which cannot be overlooked. Every man who rides in a train, who sends a telegram, who follows a steam-plough, who sits in an easy chair, who crosses the Channel or the Atlantic, who eats a good dinner, who enjoys a beautiful garden, or undergoes a painless surgical operation, owes him something. To him the patriot, the statesman, the law reformer, the scientific jurist, the historian, the collector of anecdote, the lover of good wit, of humorous wisdom, and of noble writing, also owe something. It is hard, indeed, to say which man amongst us is not the easier in circumstances, the brighter in intellect, the purer in morals, the worthier in conduct, through the teachings and the sufferings of Francis Bacon. The principles of his philosophy are of universal application. Other great minds have to suffer from the limitations of creed, of language, or of race: Luther found his frontiers in the German empire, Shakespeare had to clothe his fancies in the English tongue, Descartes could carry

31 Jonson's Discoveries; Aubrey, ii. 223.
his influence only through the Latin world; but the true method of observing Nature is as easy in Rio and Pekin as in Paris or London; while the results of an inductive method of pursuing truth are not more precious in the palace or the university than in the workshop, on the farm, and in the mine.

THE END.