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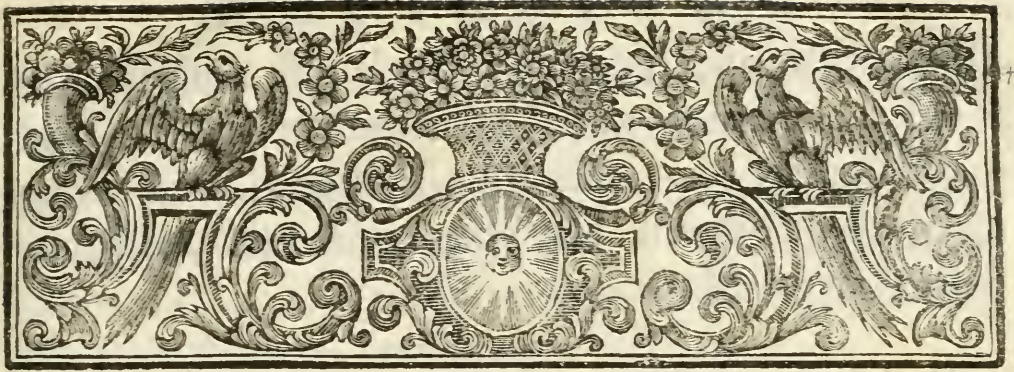
THE
HISTORY
OF THE
INQUISITION.

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HISTORY

OF THE

UNION OF CALIFORNIA
AND
THE STATE OF CALIFORNIA
1845-1850



TO THE
QUEEN REGENT.

MADAM,

LShould never have entertained the least Thought of presenting to Your Majesty the HISTORY OF THE INQUISITION, but that it afforded me an Opportunity of expressing my sincere Joy, in that which is the common Happiness of
A these

D E D I C A T I O N.

these Nations ; Your Majesty's just Abhorrence of all the Frauds and Cruelties authorized and practised by that infamous Tribunal, and Your generous Concern for the civil and religious Liberties of Mankind.

In the earliest Part of Your Majesty's Life, when worldly Honours and Dignities must have appeared with their greatest Charms, You became an illustrious Example of Steadiness in the Protestant Faith. Your Resolution and Piety triumphed over the strongest Temptations. God reserved Your Majesty as a Blessing to the Kingdoms now under Your Guardianship. As a Reward of Your constant Adherence to Truth and Virtue, he hath made You the beloved Queen of a free and powerful Nation, whose Loyalty is the Effect of the most voluntary Choice, and flows from the two strongest Motives in the World, the Sense both of their Interest and Duty.

Under the Inspection of such a Queen and Mother, the *British* Nation is in no Pain for the Royal Progeny, but looks on them with

DEDICATION.

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Pleasure, as the Sources of their future Happiness. Your Majesty's Example will inspire them with Zeal for the Protestant Religion, and Your disinterested Pursuit of Truth form them into a Love of Liberty, and teach them the true Notion and proper Use of it.

'Tis Your Majesty's happy Lot to live in an Age, and be the Guardian of a Nation, in which the Principles of all Religion undergo the most exact and critical Inquiry; and 'tis the peculiar Glory of His Majesty's Government, that all Men are permitted to make such Inquiries with Safety. As Superstition and Error can never be effectually discover'd and destroy'd, nor Religion maintain its native Purity and Dignity without the freest Use of this invaluable Privilege, 'tis impossible that the Ends of Government can require, or that true Religion can ever prescribe or justify the least Invasion or Abridgment of it.

The Revelation of the Gospel, fixed immovable upon its own Foundation of eternal Truth, needs no Methods of Fraud and Violence for

its Support. The great Author of it appealed to the Reason and Consciences of Men concerning the Proofs of his divine Mission, and the Nature of the Doctrines he taught. His Apostles after him claimed no Submission to their heavenly Dictates, without reasonable Convictions, founded in the Demonstration of the Spirit and of Truth. Happy had it been for the Christian Church, had the Examples of the Son of God and his Apostles been, in this Respect as well as others, counted worthy of Imitation !

Zeal for Religion, both in Princes and their Subjects, is unquestionably a Duty. But Your Majesty understands too well the great Obligations to Christian Charity, and feels too great a Pleasure in the Exercise of this sacred Virtue, ever to suffer Your own Zeal for Religion to lead You into a cruel persecuting Warmth, or to encourage others in the use of any Methods for the Defence of Religion, which are not only contrary to the genuine Spirit and Design of it, but in the Consequences destructive of the Honour, Success, and even Being of it.

The Succession of the illustrious House of *Hanover* to the Throne of these Kingdoms, was a Blessing of long Expectation. The Severities which were exercised upon Protestant Dissenters in former Reigns, upon the Account of Religion, made them cast their Eyes upon that August Family. From thence, Madam, the Afflicted hoped for Relief: From thence the Sufferers for Conscience-sake expected, under God, their Salvation from the Yoak of Civil and Ecclesiastical Oppression.

The Happiness they both pray'd and longed for, but were allowed to see only afar off, we, their Posterity, now enjoy. The all-merciful God hath abundantly answer'd their Prayers, and blessed us with the Fruits of their Expectations. When our Liberties were unrighteously invaded, and farther Difficulties and Sufferings were intended us, for our Fidelity to the present Royal Family, by an almost miraculous Providence, His late Majesty came into our Relief, and will ever be remembered with Honour and
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Gratitude by us, as our Restorer and Deliverer, and as the common Preserver of these Nations from that Destruction which so nearly threatened them.

His present Majesty, the Inheritor of His Royal Father's Virtues, as well as Kingdoms, will be revered for His impartial Protection of all His Subjects, for the Wisdom of His Counsels, the Steadiness of His Measures, and the glorious Success which hath crowned Them, in the Settlement of the different, and almost contrary Interests of *Europe*, and the Preservation of the invaluable Blessings of Peace.

Your Majesty will be admired for all those excellent Endowments, and amiable Virtues; which render You the greatest Ornament to publick and private Life. Your Regency of these Kingdoms, conducted with such Wisdom and Goodness, shews You fit for the Weight of Government, and the Dignities of a Crown. Your Condescension and Freedom in conversing
with

with Persons of Learning and Virtue, discovers Your Love of Truth, and Your Knowledge how to reconcile the Pleasures of Conversation and Friendship with the Reverence due to Majesty and Power. Your Love to true Religion, and Your Impartiality in searching into the Nature of it, is the fullest Evidence that Your Majesty's Piety, as well as the Benevolence of Your natural Disposition, must necessarily excite in Your Breast a just Aversion to all Methods of Violence for the Conviction and Conversion of others. Your Affection to the Protestant Religion and Liberties in general, and Your steady Regard to the Welfare of these Kingdoms in particular, indear Your Majesty to the present Generation, and will be spoken of with Pleasure by those to come.

That God may long continue Your Majesty a Blessing in every Relation in which his Providence hath fixed You, and, after a full Enjoyment of the highest Honour and Prosperity, which this World can afford You, receive You to the more substantial and durable Blessings of
the

D E D I C A T I O N.

the eternal World, is the sincere and fervent
Prayer of,

May it please Your Majesty,

Your Majesty's most Obedient,

Most Devoted, and

Most Humble Servant,

SAMUEL CHANDLER.



P R E F A C E.

T
HE
Introduction to Mr. Limborch's History of the Inquisition hath run out to such a Length, that I have but little Room for any Preface. That History needs nothing that I can say to recommend it. When it first came over to England, it was received with great Approbation by many of the principal Nobility and Clergy. Mr. Lock, that incomparable Judge of Men and Books, gives it the highest Character, and commends it for its Method and Perspicuity, and the Authorities by which it is so abundantly confirmed, and pronounces it a Work in its Kind absolutely perfect. He was particularly pleased that Mr. Limborch used the very Words of the Authors which he cites; and, though this may make the reading of the History tedious to some, yet it was necessary, that the Inquisitors might be convicted by the

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Testimony of their own Writers, of those villanous Frauds and Cruelties, with which they are charged. In a Letter to Mr. Limborch himself, he tells him, that he had so fully exposed their secret Arts of Wickedness and Cruelty, that, if they had any Remains of Humanity in them, they must be ashamed of that horrid Tribunal, in which every Thing that was just and righteous was so monstrously perverted; and that 'twas fit to be translated into the vulgar Language of every Nation, that the meanest People might understand the Anti-christian Practices of that execrable Court. The Papists were so apprehensive of the Prejudices that might arise to their Cause by the Publication of this Book, that the Cardinals, Inquisitors General at Rome, condemn'd it by an Edict, and forbad the reading it, under the severest Penalties.

Mr. Lock often mentions, in his Letters, several Additions which Mr. Limborch had prepared, and promised to transmit to him, that he might insert them in their proper Places in the Margin. I know not whether he ever had the Pleasure of seeing them; 'tis certain the Publick hath never hitherto been favour'd with them. When I first began my Translation of the History, the late ingenious Anthony Collins, Esq; informed me, that he had some M. S. Papers of Mr. Limborch relating to it, and generously sent them to me for my Perusal. After this, I was informed by a worthy Friend, that there was a Gentleman in Holland who had a large Number of Corrections and Additions; and, upon my Application to him, he very kindly ordered them to be transcribed out of the Copy Mr. Limborch kept by him, which he had corrected and enlarged with his own Hand, and transmitted them to me from the Hague. His Name is Francis a Limborch, a worthy Relation of the learned Author's, to whom I take this Opportunity of returning my sincere Thanks

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for

for so valuable a Present. The Reader will find them included within these Hooks []. I have added also a few marginal Notes, to explain some of the Terms made use of, and to confirm the History it self.

As to the Introduction, I thought it necessary to trace the History of Persecution from its first Beginnings, and thus to connect it with the Account of the Inquisition. Though it be long, it might have been greatly enlarged, especially with several remarkable Instances of it amongst the Pagans. I cannot help inserting here one very extraordinary Passage from Livy, the Roman Historian, though it be a little out of its Place. He tells us *,

“ That such a foreign Religion spread it self over the City, that Lib. 25.
 “ either Men or the Gods seemed entirely changed; that the c. 10.
 “ Roman Rites were not only forsaken in private, and within the
 “ Houses, but that even publickly, in the Forum and Capitol,
 “ great Numbers of Women flocked together, who neither sacrificed
 “ nor pray’d to the Gods, according to the manner of their Ancestors.
 “ — This first excited the private Indignation of good Men, till
 “ at length it reached the Fathers, and became a publick Complaint.
 “ The Senate greatly blamed the Ædiles and capital Trium-
 “ virs, that they did not prohibit them, and when they endea-

* Tanta religio, et ea magna ex parte externa, civitatem incesfit, ut aut homines, aut Dii repente alii viderentur fasti; nec jam in secreto modo atq; intra parietes abolebantur Romani ritus, sed in publico etiam ac foro Capitalioq; mulierum turba erat, nec sacrificantium nec precantium Deos patrio more.—Primo secretæ bonorum indignationes exaudiebantur, deinde ad patres etiam, et ad publicam querimoniam excessit res. Incusati graviter ab Senatu Ædiles Triumviriq; capitales, quod non prohiberent: quum emovere eam multitudinem a foro, ac disjicere apparatus sacrorum conati essent, haud procul a fuit quin violarentur. Ubi potentius jam esse id malum apparuit quam ut minores per Magistratus fedaretur, M. Atilio, prætori urbis negotium ab Senatu datum est, ut his religionibus populum liberaret. Is et in concione Senatus consultum recitavit, et edixit, Ut quicumq; libros vaticinos precationesve, aut artem sacrificandi conscriptam haberet, eos libros omnes literasq; ad se ante Calendas Aprilis deferret; neu quis in publico sacrove loco, novo aut externo ritu sacrificaret.

“ voured to drive away the Multitude from the Forum, and to
 “ throw down the Things they had provided for performing their
 “ sacred Rites, they were like to be torn in Pieces. And when
 “ the Evil grew too great to be cured by inferior Magistrates,
 “ the Senate order’d M. Atilius the Pretor of the City, to pre-
 “ vent the Peoples using these Religions.” He accordingly pub-
 lish’d this Decree of the Senate, that whoever had any For-
 tune-telling Books, or Prayers, or Ceremonies about Sacri-
 fices written down, they should bring all such Books and
 Writings to him, before the Calends of *April*, and that no
 one should use any new or foreign Rite of sacrificing in
 any publick or sacred Place.

Apud
 Dion.
 Cassium,
 l. 52.

Mecenas, in his Advice to Augustus, says to him : Perform
 divine Worship in all Things exactly according to the
 Custom of your Ancestors, and compel others to do so
 also ; and as to those who make any Innovations in Reli-
 gion, hate and punish them ; and that not only for the
 sake of the Gods, but because those who introduce new
 Deities, excite others to make Changes in Civil Affairs.
 Hence Conspiracies, Seditions, and Riots, Things very
 dangerous to Government. Accordingly Suetonius, in his
 Life of this Prince, gives him this Character : “ That tho’ he
 “ religiously observed the ancient prescribed Ceremonies, yet he
 “ contemned all other foreign ones, and commended Caius, for
 “ that passing by Judæa, he would not pay his Devotions at Jeru-
 “ salem.” He also, as the same Author tells us *, made a Law,
 very much resembling our Test Act, by which he commanded,
 that before any of the Senators should take their Places in

Vit. Aug.
 c. 93.

Ibid.
 c. 35.

* Quo autem—religiosius Senatoria munera fungerentur, sanxit ut priusquam consideret quisque, thure ac mero supplicaret apud aram ejus Dei, in cujus templo coi-
 retur.

Council,

Council, they should offer Frankincense and Wine upon the Altar of that God in whose Temple they met.

These and other Passages that may be mention'd, abundantly prove that the Heathens were as much in Principle, and as really in Practice, Persecutors as the Christians; and 'tis therefore very unfair and unreasonable to make it an Objection against Christianity, that so many of the Professors of it have, in all Ages, given into these ungodly and wicked Measures. If it proves any Thing, it will prove as much against natural Reason and Religion, as it doth against the Religion of Jesus. And if the Vices of Men, who have had no other Guide but the former, prove nothing against the Sufficiency and Goodness of them, Christians also may be very wicked Men, and yet the Religion they profess be a very excellent and divine one.

If any should ask, why I trouble the World with the Accounts of the Persecutions that Christians have raised against each other, at this Time, now that the Clergy of all Denominations seem to be entering into more moderate Measures; I answer, to give the little Assistance I am able towards promoting a truly catholick and charitable Disposition; there being, as I apprehend, no way so proper to expose the Doctrine and Practice of Persecution, as by a fair Representation of the unspeakable Mischiefs that have been occasioned by it; nor any other Method so likely to render it the universal Abhorrence of Mankind, as to let them see, by past Examples, what Miseries they must expect, if God should ever, for our Sins, subject us again to the Yoak of Ecclesiastical Power; which, wherever 'tis not kept under strict Restraint, will usurp upon the Authority and Dignity of Princes, and trample under Foot all the civil and religious Liberties of Mankind. 'Tis therefore highly incumbent upon all Persons in their several Stations; 'tis what the Gentlemen of England,
who

who are born to Estates and Honours, and know the true Value of Liberty and Property, are more especially concern'd in, to do all they can to prevent the Encroachments and gradual Increases of spiritual Tyranny; it being much more easy to do this, than to free themselves from it, when once they have tamely submitted to the Usurpations of it.

If the persecuting Spirit declines, 'tis far from being wholly extinguished. The Claims of the Church, that now lie dormant, want nothing but a fair Opportunity to revive. And for the Truth of this, I appeal to the late famous Controversy about Church Power and Authority. May God Almighty, of his infinite Mercy, inspire all Ranks and Degrees of Men with such a Love to Liberty, and with such a Sense of the Greatness of their Privilege, in being free as to their Consciences, Religion, Persons, and Estates, as shall secure us from all Attempts to deprive us of it, or, at least, as shall render all such Attempts from warm designing Bigots wholly ineffectual.

'Tis, indeed, impossible to prevent all Abuses of Liberty: But these are infinitely more tolerable than the Evils that must necessarily flow from Ecclesiastical Tyranny, which is destructive to Knowledge, Learning, Piety and Virtue, and every Thing that is dear and valuable to Men and Christians. Even these Abuses of Liberty have render'd many of the Clergy of the Church of England immortal, by their excellent Defences of the Christian Religion; and I persuade my self that their Lordships of London, Durham, Litchfield and Coventry, had rather be
remem-

remember'd and known to Posterity by Pastoral Letters, Defences of Christianity, and Vindications of Christ's Miracles, than by that Rigidness and cruel Zeal for Uniformity in Opinions, and lifeless Ceremonies, by which many of their Predecessors have left an indelible Stain on their Names and Memories. May they go on thus to adorn their Episcopal Character; and, by being Examples of Christian Piety, Moderation, and Forbearance, influence the inferior Clergy to imitate them.

I have nothing more to add, but to desire the Reader to over-look any lesser Faults that may have escaped me in the Introduction or Translation, and to ask my Subscribers Pardon for the long Delay of this Work. The ill State of my Health for many Months past, and my constant Engagements in Life, will be allowed as some Excuse by all equitable Persons. As to those who can make me no Allowance, all I can say to them is, that as this is the first Book that I have published by Subscription, so, according to my present Judgment, 'twill be the last. Such as it is, if it will do any Good, I shall be thankful to God, and not repent my own Labour.

London, Sept.
8, 1752.

SAMUEL CHANDLER.



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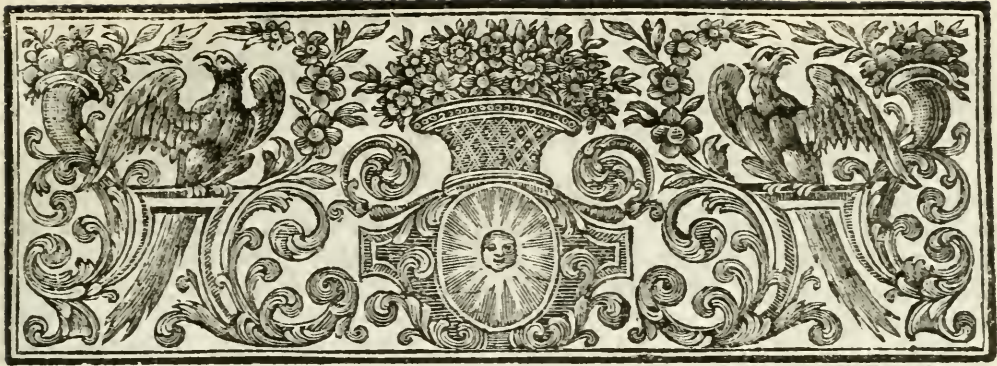
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THE
INTRODUCTION:
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HISTORY
OF
PERSECUTION.

AS Religion is a Matter of the highest Importance to every Man, there can be nothing which deserves a more impartial Inquiry, or which should be examined into with a more disinterested Freedom; because as far as our Acceptance with the Deity depends on the Knowledge and Practice of it, so far Religion is, and must be, to us a purely personal Thing, in which therefore we ought to be determined by nothing but the Evidence of Truth, and the rational Convictions of our own Mind and Conscience. Without such an Examination and Conviction we shall be in danger of being imposed on by crafty and designing Men, who will not fail to make their Gain of the Ignorance and Credulity of those they can deceive, nor scruple to recommend to them the worst

The INTRODUCTION.

Principles and Superstitions, if they find them conducive or necessary to support their Pride, Ambition and Avarice. The History of almost all Ages and Nations is an abundant Proof of this Assertion.

God himself, who is the Object of all religious Worship, to whom we owe the most absolute Subjection, and whose Actions are all guided by the discerned Reason and fitness of Things, cannot, as I apprehend, consistent with his own most perfect Wisdom, require of his reasonable Creatures the explicate Belief of, or actual Assent to any Proposition which they do not, or cannot either wholly or partly understand; because 'tis requiring of them a real Impossibility, no Man being able to stretch his Faith beyond his Understanding, *i. e.* to see an Object that was never present to his Eyes, or to discern the Agreement or Disagreement of the different Parts of a Proposition, the Terms of which he hath never heard of, or cannot possibly understand. Neither can it be supposed that God can demand from us a Method of Worship of which we cannot discern some reason and fitness, because it would be to demand from us Worship without Understanding and Judgment, and without the Concurrence of the Heart and Conscience, *i. e.* a Kind of Worship different from, and exclusive of that, which in the Nature of Things is the most excellent and best, *viz.* the Exercise of those pure and rational Affections, and that Imitation of God by Purity of Heart, and the Practice of the Virtues of a good Life, in which the Power, Substance, and Efficacy of true Religion doth consist. If therefore nothing can or ought to be believed, but under the Direction of the Understanding, nor any Scheme of Religion and Worship to be received but what appears reasonable in it self, and worthy of God; the necessary Consequence is, that every Man is bound in Interest and Duty to make the best Use he can of his reasonable Powers, to examine without fear, all Principles before he receives them, and all Rites and Means of Religion and Worship before he submits to and complies with them. This is the common Privilege of human Nature, which no Man ought ever to part with himself, and of which he can't be deprived by others, without the greatest Injustice and Wickedness.

'Twill, I doubt not, appear evident beyond Contradiction, to all who impartially consider the History of past Ages and Nations, that where and whenever Men have been abridged, or wholly deprived of this Liberty, or have neglected to make the due and proper Use of it, or sacrificed their own private Judgments to the publick Conscience, or complimented the licensed spiritual Guides with the Direction of them, Ignorance and Superstition have proportionably prevailed; and that to these Causes have been owing those great Corruptions of Religion which have done so much Dishonour to God, and where-ever they have prevailed, been destructive to the Interests of true Piety and Virtue. So that instead of serving God with their Reason and Understanding, they have served their spiritual Leaders without either, and have been so far from rendering themselves acceptable to their Maker, that they have the more deeply, 'tis to be feared, incurred his Displeasure; because God can't but dislike the *Sacrifice of Fools*, and therefore of such who either neglect to im-

improve the reasonable Powers he hath given them, or part with them in complaisance to the proud, ambitious, and ungodly Claims of others, which is one of the highest Instances of Folly that can possibly be mentioned.

I will not indeed deny, but that the appointing Persons, whose peculiar Office it should be to minister in the external Services of publick and social Worship, is, when under proper Regulations, of Advantage to the Decency and Order of Divine Service. But then I think it of the most pernicious Consequence to the Liberties of Mankind, and absolutely inconsistent with the true Prosperity of a Nation, as well as with the Interest and Success of rational Religion, to suffer such Ministers to become the Directors general of the Consciences and Faith of others, or publickly to assume, and exercise such a Power, as shall oblige others to submit to their Determinations without being convinced of their being wise and reasonable, and never to dispute their spiritual Decrees. The very Claim of such a Power is the highest Insolence, and an Affront to the common Sense and Reason of Mankind; and where-ever 'tis usurped and allowed, the most abject Slavery both of Soul and Body is almost the unavoidable Consequence. For by such a Submission to spiritual Power the Mind and Conscience is actually enslaved, and by being thus render'd passive to the Priest, Men are naturally prepared for a servile Subjection to the Prince, and for becoming Slaves to the most arbitrary and tyrannical Government. And I believe it hath been generally found true by Experience, that the same Persons who have asserted their own Power over others in Matters of Religion and Conscience, have also asserted the absolute Power of the Civil Magistrate, and been the avowed Patrons of those admirable Doctrines of Passive-Obedience and Non-Resistance for the Subject. Our own Nation is sufficiently witness to the Truth of this.

'Tis therefore but too natural to suspect, that the secret Intention of all ghostly and spiritual Directors and Guides in decrying Reason, the noblest Gift of God, and without which even the Being of a God, and the Method of our Redemption by Jesus Christ, would be of no more signficancy to us than to the Brutes that perish, is in reality the Advancement of their own Power and Authority over the Faith and Consciences of others, to which sound Reason is, and ever will be an Enemy. For though I readily allow the great Expediency and Need of Divine Revelation to assist us in our Inquiries into the Nature of Religion, and to give us a full View of the Principles and Practices of it; yet a very small Share of Reason, without any supernatural Help, will suffice, if attend- ed to, to let me know that my Soul is my own, and that I ought not to put my Conscience out to keeping to any Person whatsoever, because no Man can be answerable for it to the great God but my self; and that therefore the Claim of Dominion, whoever makes it, either over mine or any others Conscience, is meer Imposture and Cheat, that hath nothing but Impudence or Folly to support it, and as truly visionary and romantick as the imaginary Power of Persons disorder'd in their Senses, and which would be of no more Signficancy and Influence amongst Mankind than theirs, did not either the Views of ambitious Princes, or the Superstition and Folly of Bigots encourage and support it.

The INTRODUCTION.

On these Accounts it is highly incumbent on all Nations, who enjoy the Blessings of a limited Government, who would preserve their Constitution, and transmit it safe to Posterity, to be jealous of every Claim of spiritual Power, and not to enlarge the Authority and Jurisdiction of spiritual Men, beyond the Bounds of Reason and Revelation. Let them have the freest Indulgence to do good, and spread the Knowledge and Practice of true Religion, and promote Peace and Good-will amongst Mankind. Let them be applauded and encouraged, and even rewarded, when they are Patterns of Virtue, and Examples of real Piety to their Flocks. Such Powers as these God and Man would readily allow them, and as to any other I apprehend they have little right to them, and am sure they have seldom made a wise or rational Use of them. On the contrary, numberless have been the Confusions and Mischiefs introduced into the World, and occasioned by the Usurpers of spiritual Authority. In the Christian Church they have ever used it with Insolence, and generally abused it to Oppression and the worst of Cruelties. And though the History of such Transactions can never be a very pleasing and grateful Task, yet I think, on many Accounts it may be useful and instructive; especially as it may tend to give Men an Abhorrence of all the Methods of Persecution, and put them upon their Guard against all those ungodly Pretensions, by which Persecution hath been introduced and supported.

But how much soever the persecuting Spirit hath prevailed amongst those who have called themselves Christians, yet certainly 'tis a great mistake to confine it wholly to them. We have Instances of Persons, who were left to the Light of Nature and Reason, and never suspected of being perverted by Revelation, murdering and destroying each other on the Account of Religion; and of some judicially condemned to Death for differing from the Orthodox, *i. e.* the established Idolatry of their Country. And I doubt not, but that if we had as full and particular an Account of the Transactions of the different religious Sects and Parties amongst the Heathens, as we have of those amongst Christians, we should find a great many more Instances of this kind, than 'tis easy or possible now to produce. However, there are some very remarkable ones which I shall not wholly omit.

S E C T. I.

Of Persecutions amongst the Heathens upon Account of Religion.

Cap. 5.
v. 6, &c. **T**HERE is a Passage in the Book of *Judith* which intimates to us, that the Ancestors of the *Jews* themselves were persecuted upon Account of their Religion. *Acbior*, Captain of the Sons of *Ammon*, gives *Holofernes* this Account of the Origin of that Nation. *This People are descended of the Chaldeans; and they sojourned heretofore in Mesopotamia, because they would not follow the Gods of their Fathers which were in the Land of Chaldea; for they left the Way of their Ancestors,*

Ancestors, and worshipped the God of Heaven, the God whom they knew. So they cast them out from the Face of their Gods, and they fled into Mesopotamia, and sojourned there many Days. St. Austin and Marsham both take Notice of this Tradition; which is farther confirmed by all the oriental Historians, who, as the learned Dr. Hyde tells us, unanimously affirm, that Abraham suffered many Persecutions upon the Account of his Opposition to the Idolatry of his Country; and that he was particularly imprisoned for it by Nimrod in Ur. Some of the eastern Writers also tell us, that he was thrown into the Fire, but that he was miraculously preserved from being consumed in it by God. This Tradition also the Jews believed, and is particularly mentioned by Jonathan in his Targum upon Gen. xi. 28. So early doth Persecution seem to have begun against the Worshipers of the true God.

Socrates, who in the Judgment of an Oracle was the wisest Man living, was persecuted by the Athenians on the Account of his Religion, and when past seventy Years of Age brought to a publick Trial and condemned. His Accusation was principally this, That he did unrighteously and curiously search into the great Mysteries of Heaven and Earth; ^a that he corrupted the Youth, and did not esteem the Gods worshipped by the City to be really Gods, and that he introduceed new Deities. This last part of his Accusation was undoubtedly owing to his inculcating upon them more rational and excellent Conceptions of the Deity, than were allowed by the established Creeds of his Country, and to his arguing against the Corruptions and Superstitions which he saw universally practised by the Greeks. This was called corrupting the Youth who were his Scholars, and what, together with his superior Wisdom, raised him many Enemies amongst all sorts of People, who loaded him with Reproaches, and spread Reports concerning him greatly to his Disadvantage, endeavouring thereby to prejudice the Minds of his very Judges against him. When he was brought to his Trial several of his Accusers were never so much as named or discovered to him, so that as he himself complained, he was as it were fighting with a Shadow, when he was defending himself against his Adversaries, because he knew not whom he opposed, and had no one to answer him. However, he maintained his own Innocence with the noblest Resolution and Courage; shewed he was far from corrupting the Youth, and openly declared that he believed the Being of a God. And as the Proof of this his Belief he bravely said to his Judges, that though he was very sensible of his Danger from the Hatred and Malice of the People, yet that as he apprehended God himself had appointed him to teach his Philosophy, so he should grievously offend him should he forsake his Station through fear of Death, or any other Evil; and that for such a Disobedience to the Deity they might more justly accuse him as not believing there were any Gods: Adding, as though he had somewhat of the same blessed Spirit that afterwards rested on the Apostles of Christ, that if they would dismiss him upon the Condition of not teaching his Philosophy any more,

^a Ἀδικεῖ Σακερῆτος οὐς μὲν ἡ πόλις νομιζέτ' Θεοὺς ἢ νομιζόν* ἕτερα ἢ καὶ αἰ δαίμονα· ἠσπυκ-
μψ Θ. Ἀδικεῖ δ' ἢ τις νεὺς διαρθῆσων. Τιμημια θανατ' Θ.

^b *I will obey God rather than you, and teach my Philosophy as long as I live.* However, notwithstanding the Goodness of his Cause and Defence, he was condemned for Impiety and Atheism, and ended his Life with a Draught of Poison, dying a real Martyr for God, and the Purity of his Worship. Thus we see that in the Ages of natural Reason and Light, not to be orthodox, or to differ from the established Religion, was the same Thing as to be impious and atheistical, and that one of the wisest Men that ever lived was put to Death merely on account of his Religion.

I must add, in Justice to the Laity, that the Judges and Accusers of *Socrates* were not Priests. *Melitus* was a Poet, *Anytus* an Artificer, and *Lycon* an Orator; so that the Prosecution was truly Laick, and the Priests don't appear to have had any Share in his Accusation, Condemnation, and Death. Nor, indeed, was their any Need of the Assistance of Priestcraft in this Affair, the Prosecution of this excellent Man being perfectly agreeable to the Constitution and Maxims of the *Athenian* Government; which had, to use the Words of a late Reverend Author, incorporated or made Religion a Part of the Laws of the civil Community. One of the *Attick* Laws was to this Effect: ^c *Let it be a perpetual Law, and binding at all Times, to worship our national Gods and Heroes publickly, according to the Laws of our Ancestors.* So that no new Gods, nor new Doctrines about old Gods, nor any new Rites of Worship, could be introduced by any Person whatsoever, without incurring the Penalty of this Law, which was Death. Thus *Josephus* tells us, that 'twas prohibited by Law to teach new Gods, and that the Punishment ordained against those who should introduce any such, was Death. Agreeably to this, the Orator *Isocrates*, pleading in the Grand Council of *Athens*, puts them in mind of the Custom and Practice of their Ancestors: ^d *This was their principal Care to abolish nothing they had received from their Fathers in Matters of Religion, nor to make any Addition to what they had established.* And therefore, in his Advice to *Nicoles*, he exhorts him to ^e *be of the same Religion with his Ancestors.* So that the Civil Establishment of Religion in *Athens* was entirely exclusive, and no Toleration whatsoever allowed to those who differed from it. On this Account the Philosophers in general were, by a publick Decree, banished from *Athens*, as teaching heterodox Opinions, and corrupting the Youth in Matters of Religion, and by a Law, very much resembling the famous modern *Schism Bill*, ^f prohibited from being Masters and Teachers of Schools, without Leave of the Senate and People, even under Pain of Death. This Law, indeed, like the other, was but very short lived, and *Sophocles* the Author of it punished in a Fine of five Talents. *Lysimachus* also banished them from his Kingdom. 'Tis evident from these Things, that according to the *Athenian* Constitution, *Socrates* was legally condemned for not

^b Πειθομαι τῷ Θεῷ μολλον ἢ ὑμῖν. Plat. Ibid. Aët. 5. 29.

^c Θεσμῶ αἰωνιῶ τοῖς Ἀττικῶ νεμεζόμενοι, κκειῶ τον ἀπαντα χρενον, Θεος τιμαν κῆ ηρωας εἰς χρωεις εν κοινῶ εμπονιμυδισ νομοις πατειοις.

^d Εκλινο μονον ετερον οτως μηδεν μητε των πατειων καταλυσωσι, μητ' εζω των νομιζομενων προθησων.

^e Τα πει τις Θεος ποιει μῦ ως οι τεργονοι καταδεξαν.

^f Μηδενα των φιλοσοφων σχολης αρηγεσθαι, αν μη τη βελη κῆ τω δημῶ δοξη' ει δε μη, θανατον εμαι την ζημιαν.

believing

Dr Rogers
Vind. of the
Civil Estab-
lishment,
&c.

Cont. A-
pion. l. 2.
c. 37.
Isocrat.
Arcop.

Diog.
Laert. l. 5.
Theophyl.
Athen.
l. 13. c. 9.

believing in the Gods of his Country, and presuming to have better Notions of the Deity than his Superiors. In like manner, a certain Woman, a Priestess, Jos. Ibid. was put to Death upon an Accusation of her introducing new Deities.

Diogenes Laertius tells us, that *Anaxagoras*, the Philosopher, was accused of Impiety, because he^e affirmed, that *the Sun was a Globe of red hot Iron*; which was certainly great Heresy, because his Country worshipped him as a God. *Stilpo* was also banished his Country, as the same Writer tells us, because he^f denied *Mirerva to be a God, allowing her only to be a Goddess*. A very deep and curious Controversy this, and worthy the Cognizance of the Civil Magistrate. *Diagoras* was also condemned to Death, and a Talent decreed to him that should kill him upon his Escape, being accused of deriding the Mysteries of the Gods. *Protagoras* also would have suffered Death, had he not fled his Country, because he had written something about the Gods, that differed from the orthodox Opinions of the *Athenians*. Upon the same Account, *Theodorus*, called *Atheus*, was also put to Death.

The *Lacedemonians* constantly expelled Foreigners, and would not suffer their own Citizens to dwell in Foreign Parts, because they imagined that both the one and the other tended to corrupt and weaken their own Laws; nor would they suffer the teaching of Rhetorick or Philosophy, because of the Quarrels and Disputes that attended it. The *Scythians*, who delighted in human Blood, and were, as *Josephus* says, little different from Beasts, yet were zealously tenacious of their own Rites, and put *Anacharsis*, a very wise Person, to death, because he seemed to be very fond of the *Grecian Rites and Ceremonies*. *Herodotus* says, that he was shot through the Heart with an Arrow by *Saulius* their King, for sacrificing to the Mother of the Gods after the manner of the *Grecians*; and that *Scyles*, another of their Kings, was deposed by them, for sacrificing to *Bacchus*, and using the *Grecian Ceremonies of Religion*, and his Head afterwards cut off by *Ostamasades*, who was chosen King in his room. So rigid were they, says the Historian, in maintaining their own Customs, and so severe in punishing the Introducers of foreign Rites. Many also amongst the *Persians* were put to Death on the same Account. And, indeed, 'twas almost the Practice of all Nations to punish those who disbelieved or derided their national Gods; as appears from *Timocles*, who, speaking of the Gods of the *Aegyptians*, says, *How shall the Ibis, or the Dog, preserve me?* And then adds, *Where is the Place that doth not immediately punish those who behave impiously towards the Gods, such as are confessed to be Gods?*

Juvenal^k gives us a very tragical Account of some Disputes and Quarrels about Religion amongst the *Aegyptians*, who entertained an eternal Hatred

^e Διοτι τον ηλιον μυδρον ελεγε διαπυρον.

^f Μη ειναι αυτην θεον, αλλα θεαν.

ⁱ Οπε γαρ εις θεου τις ομολογουμενους θεου απεβαντες & διδασιν ευθεωσ διαν.

^k Inter finitimos vetus atq; antiqua simulas,
Immortale odium, & nunquam sanabile vulnus
Ardet adhuc, Ombos & Tentyra. Summus utrinq;
Inde furor vulgo, quod numina vicinorum
Odit uterq; locus, cum solos credat habendos
Esse deos quos ipse colit.

and Enmity against each other, and eat and devoured one another, because they did not all worship the same God.

English'd by
Mr. Dry-
den, &c.
Joseph.
cont. Ap.
l. 2. § 6.

*Ombos and Tentyr, neighbouring Towns, of late,
Broke into Outrage of deep fester'd Hate.
Religious Spite and pious Spleen bred first
This Quarrel, which so long the Bigots nurs't.
Each calls the others God a senseless Stock,
His own, Divine, tho' from the self-same Block.
At first both Parties in Reproaches jar,
And make their Tongues the Trumpets of the War.
Words serve but to enflame the warlike Lists,
Who wanting Weapons clutch their horny Fists.
Yet thus make shift t'exchange such furious Blows,
Scarce one escapes with more than half a Nose.
Some stand their Ground with half their Visage gone,
But with the Remnant of a Face fight on.
Such transform'd Spectacles of Horror grow,
That not a Mother her own Son would know.
One Eye remaining, for the other Spies,
Which now on Earth a trampled Gelly lies.*

All this religious Zeal hitherto is but mere Sport and childish Play, and therefore they piously proceed to farther Violences, to hurling of Stones, and throwing of Arrows, till one Party routs the other, and the Conquerors feast themselves on the mangled Bodies of their divided Captives.

*Yet hitherto both Parties think the Fray,
But Mockery of War, mere Childrens Play.
This whets their Rage, to search for Stones ———
An Ombite Wretch (by Headlong strait betray'd,
And falling down i'th' Rout) is Prisoner made.
Whose Flesh torn off by Lumps the ravenous Foe
In Morsels cut, to make it farther go.
His Bones clean pick'd, his very Bones they gnaw ;
No Stomach's baulk'd, because the Corps is raw.
T' had been lost Time to dress him : Keen Desire
Supplies the Want of Kettle, Spit, and Fire.*

De Iud. &
Ofir. p.
380. Ed.
Franc.

Plutarch also relates, that in his Time some of the *Ægyptians* who worshipp'd a Dog, eat one of the Fishes, which others of the *Ægyptians* adored as their Deity ; and that upon this the Fish Eaters laid hold on the other's Dogs, and sacrificed and eat them, and that this gave Occasion to a bloody Battle, in which a great Number were destroy'd on both Sides.

Antiochus

Antiochus Epiphanes, tho' a very wicked Prince, yet was a great Zealot for his Religion, and endeavoured to propagate it by all the Methods of the most bloody Persecution. *Josephus* tells us, that after he had taken *Jerusalem*, and plunder'd the Temple, he caused an Altar to be built in it, upon which he sacrificed Swine, which were an Abomination to the *Jews*, and forbidden by their Laws. Not content with this, he compelled them to forsake the Worship of the true God, and to worship such as he accounted Deities; building Altars and Temples to them in all the Towns and Streets, and offering Swine upon them every Day. He commanded them to forbear circumcising their Children, grievously threatning such as should disobey his Orders. He also appointed *Επισκοπος*, *Overseers*, to compel the *Jews* to come in, and do as he had ordered them. Such as rejected it, were continually persecuted, and put to Death, with the most grievous Tortures. He ordered them to be cruelly scourged, and their Bodies to be tore, and before they expired under their Tortures, to be crucified. The Women, and the Children which they circumcised, were, by his Command, hanged, the Children hanging from the Necks of their crucified Parents. Where-ever he found any of the sacred Books, or of the Law, he destroy'd them, undoubtedly to prevent the Propagation of heretical Opinions, and punished with Death such as kept them. The same Author tells us also, in his History of the *Maccabees*, that *Antiochus* put forth an Edict, whereby he made it Death for any to observe the *Jewish* Religion, and compelled them, by Tortures, to abjure it. The inhuman Barbarities he exercised upon *Eleazar* and the *Maccabees*, because they would not renounce their Religion, and sacrifice to his *Grecian* Gods, are not, in some Circumstances, to be parallel'd by any Histories of Persecution extant, and will ever render the Name and Memory of that illustrious Tyrant execrable and infamous. It was on the same religious Account that he banished the Philosophers from all Parts of his Kingdom, the Charge against them being, *their corrupting the Youth*, i. e. teaching them Notions of the Gods, different from the common orthodox Opinions which were established by Law, commanding *Phanias*, that such Youths as conversed with them should be hanged.

The ten Persecutions, as they are reckoned, of the Christians by the Roman Emperors, purely for their Religion, are standing Monuments of their religious Zeal, or rather of their outrageous Fury against all who would not comply with the established Religion. Indeed, the very civil Constitution of Rome was founded upon persecuting Principles. *Tertullian* tells us, ⁱ That ^{Apoi. c. 2.} 'twas an ancient Decree that no Emperor should consecrate a new God, unless he was approved by the Senate; and one of the standing Laws of the Republick was to this Effect, as *Cicero* gives it, ^k That no one should have separately new Gods, ^{De Leg.} no nor worship privately foreign Gods, unless admitted by the Commonwealth. This ^{l. 2.}

ⁱ Vetus erat decretum ne qui Deus ab imperatore consecraretur, nisi a Senatu probatus.

^k Separatim nemo habebit deos neve novos, sed ne advenas, nisi publice adscitos, privatim colunto.

De Leg. l. 2. c. 10. Law he endeavours to vindicate by Reason and the Light of Nature, by adding, That for Persons to worship their own, or new, or foreign Gods, would be to introduce Confusion and strange Ceremonies in Religion. So true a Friend was this eminent Roman, and great Master of Reason, to Uniformity of Worship; and so little did he see the Equity, and indeed Necessity of an universal Toleration in Matters of Religion. Upon this Principle; after he had reasoned well against the false Notions of God that had obtained amongst his Countrymen, and the publick Superstitions of Religion, he concludes with what was enough to destroy the Force of all his Arguments, ¹ 'Tis the Part of a wise Man to defend the Customs of his Ancestors, by retaining their sacred Rites and Ceremonies. Thus narrow was the Foundation of the Roman Religion, and thus inconsistent the Sentiments of the wisest Heathens with all the Principles of Toleration and universal Liberty. It was no wonder therefore that Christianity, which was so perfectly contrary to the whole System of Pagan Theology, should be looked upon with an evil Eye, or that when the Number of Christians encreased, they should incur the Displeasure of the Civil Magistrate, and the Censure of the penal Laws that were in force against them.

De Divin. l. 2. fin.

The first publick Persecution of them by the Romans was begun by that Monster of Mankind, Nero; who, to clear himself of the Charge of burning Rome, endeavoured to fix the Crime on the Christians; and having thus falsely and tyrannically made them guilty, he put them to Death by various Methods of exquisite Cruelty. But though this was the Pretence for this Barbarity towards them, yet it evidently appears from undoubted Testimonies, that they were before hated upon Account of their Religion, and were therefore fitter Objects to fall a Sacrifice to the Resentment and Fury of the Tyrant. For Tacitus tells us, That they were ^m hated for their Crimes. And what these were, he afterwards sufficiently informs us, by calling their Religion ⁿ an execrable Superstition. In like manner Suetonius, in his Life of Nero, speaking of the Christians, says, ^o They were a Set of Men who had embraced a new and accursed Superstition. And therefore Tacitus farther informs us, That those who confessed themselves Christians, ^p were condemned not so much for the Crime of burning the City, as for their being hated by all Mankind. So that 'tis evident from these Accounts, that 'twas through popular Hatred of them for their Religion, that they were thus sacrificed to the Malice and Fury of Nero. Many of them he dressed up in the Skins of wild Beasts, that they might be devoured by Dogs. Others he crucified. Some he clothed in Garments of Pitch and burnt them, that by their Flames he might supply the Absence of the Day-light.

Annal.

l. 15. c. 44.

Ibid.

Cap. 16.

Annal.

l. 15. c. 44.

E. H. l. 3.

c. 17, 18.

The Persecution begun by Nero was revived, and carried on by Domitian, who put some to Death, and banish'd others upon Account of their Religion. Eusebius mentions Flavia Domitilla, Neice to Flavius Clemens, then Consul, as

¹ Majorum Instituta tueri sacris Ceremoniisque retinendis, sapientis est.

^m Per flagitia invidos.

ⁿ Exitiabilis superstitio.

^o Genus Hominum, superstitionis novæ & maleficæ.

^p Non perinde in crimine incendii, quam odio humani generis convicti.

banished for this Reason to the Island *Pontia*. *Dion* the Historian's Account of l. 67. in this Affair is somewhat different. ^a "He tells us, That *Fabius Clemens* the Domit.
 " Consul, *Domitian's* Cousin, who had married *Flavia Domitilla*, a near Re-
 " lation of *Domitian*, was put to Death by him, and *Domitilla* banished
 " to *Pandataria*, being both accused of Atheism; and that on the same Ac-
 " count many who had embraced the *Jewish* Rites were likewise condemned,
 " some of whom were put to Death, and others had their Estates confisca-
 " ted." I think this Account can belong to no other but the Christians, whom *Dion* seems to have confounded with the *Jews*; a Mistake into which he and others might naturally fall, because the first Christians were *Jews*, and came from the Land of *Judea*. The Crime with which these Persons were charged was Atheism; the Crime commonly imputed to Christians, because they refused to worship the *Roman* Deities. And as there are no Proofs, that *Domitian* ever persecuted the *Jews* upon account of their Religion, nor any Intimation of this Nature in *Josephus*, who finished his Antiquities towards the latter end of *Domitian's* Reign; I think the Account of *Eusebius*, which he declares he took from Writers, who were far from being Friends to Christianity, is preferable to that of *Dion's*; and that therefore these Persecutions by *Domitian* were upon account of Christianity. However, they did not last long, for E. H. L. 3.
 as *Eusebius* tells us, he put a Stop to them by an Edict in their favour. c. 20.
Tertulian also affirms the same, and adds, that he recalled those whom he had ba- Apol. c. 5.
 nished. So that though this is reckon'd by Ecclesiastical Writers as the second Persecution, it doth not appear to have been general, or very severe. *Domitian* also expelled all the Philosophers from *Rome* and *Italy*. Suet. in vit. Domit. c. 10.

Under *Trajan*, otherwise a most excellent Prince, began the third Persecution, in the 14th Year of his Reign. In answer to a Letter of *Pliny* he ordered, ^r That the Christians should not be sought after, but that if they were accused and convicted of being Christians they should be punished, such only excepted as should deny themselves to be Christians, and give an evident Proof of it by worshipping his Gods. These were to receive Pardon upon this their Repentance, how much soever they might have been suspected before. From this imperial Rescript it is abundantly evident, that this Persecution of the Christians by *Trajan* was purely on the Score of their Religion, because he orders, that whosoever was accused and convicted of being a Christian should be punished with Death, unless he renounced his Profession, and sacrificed to the Gods. All that was required, ^r says *Tertullian*, was meerly to confess the Name, without any Cognizance Apol. c. 2.
 being taken of any Crime. *Pliny* himself, in his Letter to the Emperor, acquits them of every Thing of this Nature, and tells him, ^r That all they acknowledged

^a Εὐλαχθῆν ἢ ἀμφοῖν ἐγκλημα ἀθεῖης ἢ ὄ.

^r Conquirendi non sunt. Si deferantur & arguantur puniendi sunt; ita tamen ut qui negaverit se Christianum esse, idq; reip̄a manifestum fecerit, id est supplicando Diis nostris, quamvis suspectus in præteritum fuit, veniam ex penitentia impetret.

^r Illud solum expectatur—confessio nominis, non examinatio criminis.

^r Adfirmabant autem hanc fuisse summam vel culpæ suæ, vel erroris, quod essent soliti stato die ante lucem convenire, carmenq; Christo, quasi Deo, dicere, secum invicem; seq; sacramento, non in scelus aliquod astringere, sed ne furta, ne latrocinia, ne adulteria committerent.

was, that their whole Crime or Error consisted in this, that at stated Times they were used to meet before Day-light, and to sing an Hymn to Christ as God, and that they bound themselves by an Oath not to commit any Wickedness, such as Thefts, Robberies, Adulteries, and the like. And to be assured of the Truth of this, he put two Maids to the Torture, and after examining them, found them guilty of nothing but a wicked and unreasonable Superstition. This is the noblest Vindication of the Purity and Innocency of the Christian Assemblies, and abundantly justifies the Account of Eusebius from Hegeſippus, "That the Church continued until these Times as a Virgin pure and uncorrupted; and proves beyond all Contradiction, that the Persecution raised against them was purely on a religious Account, and not for any Immoralities and Crimes against the Laws, that could be proved against the Christians, though their Enemies slandered them with the vilest, and hereby endeavoured to render them hateful to the whole World. Why, says Tertullian, doth a Christian suffer, but for being of their Number? Hath any one proved Incest, or Cruelty upon us, during this long space of Time? No; 'tis for our Innocence, Probity, Justice, Chastity, Faith, Veracity, and for the living God that we are burnt alive. Pliny was forced to acquit them from every Thing but an unreasonable Superstition, i. e. their resolute Adherence to the Faith of Christ. And yet though Innocent in all other respects, when they were brought before his Tribunal he treated them in this unrighteous Manner: He only asked them, Whether they were Christians? If they confessed it, he asked them the same Question again and again, adding Threatnings to his Questions. If they persevered in their Confession he condemned them to Death, because whatever their Confession might be, he was very sure, that their Stubbornness and inflexible Obstinacy deserved Punishment. So that without being convicted of any Crime, but that of Constancy in their Religion, this equitable Heathen, this rational Philosopher, this righteous Judge, condemns them to a cruel Death. And for this Conduct the Emperor, his Master, commends him. For in answer to Pliny's Question, Whether he should go on to punish the Name it self, though chargeable with no Crimes, or the Crimes only which attended the Name? Trajan in his Rescript, after commending Pliny, orders, That if they were accused and convicted of being Christians they should be put to Death, unless they renounced that Name, and sacrificed to his Gods. Tertullian and Athenagoras, in their Apologies, very justly inveigh with great Warmth against this imperial Rescript; and indeed, a more shameful Piece of Iniquity was never practised in the darkest Times of Popery. I hope also my Reader will observe, that this was Lay-Persecution, and owed its Rise to the religious Zeal of one of the best of the Roman Emperors, and not only to the Contrivances of cruel and designing Priests; that it was justified and carried on by a very famous and learned Philosopher, whose Reason taught him, that what he accounted Superstition, if incurable, was to be punished with Death; and that it was managed with great Fury and Barbarity, Multitudes of Persons in the several Provinces being destroyed merely on account of the Christian Name, by various and exquisite Methods of Cruelty.

ἡ Δεξ μεχει των τοσε χειρων παρθενθ καθαρεσ κη αδιαφοροθ εμεινεν η εκκλησια.

The Rescript of *Adrian* his Successor to *Minutius Fundanus*, Pro-Consul of *Asia*, seems to have somewhat abated the Fury of this Persecution, though not wholly to have put an End to it. *Tertullian* tells us, that *Arrius Antoninus*, af- Ad Scap- terwards Emperor, then Pro-Consul of *Asia*, when the Christians came in a Body before his Tribunal, order'd some of them to be put to Death; and said to others, * *You Wretches! If you will die ye have Precipices and Halters.* He also says, That several other Governors of Provinces punished some few Christians, and dismissed the rest; so that the Persecution was not so general, nor severe as under *Trajan*.

Under *Antoninus Pius* the Christians were very cruelly treated in some of the Provinces of *Asia*, which occasioned *Justin Martyr* to write his first Apology. It doth not however appear to have been done, either by the Order or Consent of this Emperor. On the contrary, he wrote Letters to the Cities of *Asia*, and particularly to those of *Larissa*, *Thessalonica*, *Athens*, and all the *Greeks*, That they should create no new Troubles to them. 'Tis probable, that the *Asiatick* Cities persecuted them by virtue of some former imperial Edicts which don't appear ever to have been recalled; and, perhaps, with the Connivance of *Antoninus Philosophus*, the Collegue and Successor of *Pius* in the Empire.

Under him began, as 'tis generally accounted, the fourth Persecution, upon which *Justin Martyr* wrote his second Apology, *Meliton* his, and *Athenagoras* E. H. 1. 4: his Legation or Embassy for the Christians. *Meliton*, as *Eusebius* relates it, c. 26. complains of it as *an almost unheard of Thing, that pious Men were now persecuted, and greatly distressed by new Decrees throughout Asia; that most impudent Informers, who were greedy of other Persons Substance, took Occasion from the imperial Edicts, to plunder others who were intirely innocent.* After this he humbly beseeches the Emperor, that he would not suffer the Christians to be any longer used in so cruel and unrighteous a Manner. *Justin Martyr*, in the Account he gives of the Apol. 2^d Martyrdom of *Ptolemæus*, assures us, that the only Question asked him was, c. 42. Edit. Whether he was a Christian? And upon his confessing that he was, he was Thirlb. immediately ordered to the Slaughter. *Lucius* was also put to Death for making the same Confession, and asking *Urbicus* the Prefect, why he condemned *Ptolemæus*, who was neither convicted of Adultery, Rape, Murther, Theft, Robbery, nor of any other Crime, but only for owning himself to be a Christian. From these Accounts 'tis abundantly evident, that it was still the very Name of a Christian that was made capital; and that these Cruelties were committed by an Emperor who was a great Master of Reason and Philosophy, not as Punishments upon Offenders against the Laws and publick Peace, but purely for the Sake of Religion and Conscience; committed, to maintain and propagate Idolatry, which is contrary to all the Principles of Reason and Philosophy, and upon Persons of great Integrity and Virtue in Heart and Life, for their Adherence to the Worship of One God, which is the Foundation of all true Religion, and one of the plainest and most important Articles of it. The Tortures which the Persecutors of the Christians applied, and the Cruelties they

Ω δειλοι, ει θελητε αποθνησκειν κρημνος η βραχυς εχειτε

ενεργ.

exercised on them, enough, one would think, to have overcome the firmest human Resolution and Patience, could never extort from them a Confession of that Guilt their Enemies would gladly have fixed on them. And yet Innocent as they were in all respects, they were treated with the utmost Indignity, and destroy'd by such Inventions of Cruelty, as were abhorrent to all the Principles of Humanity and Goodness. They were, indeed, accused of Atheism, *i. e.* for not believing in and worshipping the fictitious Gods of the Heathens. This was the Cry of the Multitude against *Polycarp: This is the* Euseb. Doctor of Asia, *the Father of the Christians, the Subverter of our Gods, who teaches* E. H. l. 4. *many that they must not perform the sacred Rites, nor worship our Deities.* C. 15. This was the Reason of the tumultuous Cry against him, *ΑΙΣΕ ΤΗΣ ΑΘΕΙΑΣ, Away with these Atheists.* But would not one have imagined that Reason and Philosophy should have informed the Emperor, that this kind of Atheism was a real Virtue, and deserved to be encouraged and propagated amongst Mankind? No; Reason and Philosophy here failed him, and his blind Attachment to his Country Gods caused him to shed much innocent Blood, and to become the Destroyer of the Saints of the Living God. At last, indeed, the Emperor seems to have been sensible of the great Injustice of this Persecution, and by an Edict ordered they should be no longer punished for being Christians.

Id. l. 4.
C. 13.

I shall not trouble my Reader with an Account of this Persecution as carried on by *Severus, Decius, Gallus, Valerianus, Dioclesian,* and others of the Roman Emperors, but only observe in general, that the most excessive and outrageous Barbarities were made use of upon all who would not blaspheme Christ, and offer Incense to the imperial Gods: They were publickly whipped; drawn by the Heels through the Streets of Cities, racked till every Bone of their Bodies was disjointed; had their Teeth beat out; their Noses, Hands and Ears cut off; sharp pointed Spears ran under their Nails; were tortured with melted Lead thrown on their naked Bodies; had their Eyes dug out; their Limbs cut off; were condemned to the Mines; ground between Stones; stoned to Death; burnt alive; thrown Headlong from high Buildings; beheaded; smothered in burning Lime-Kilns; ran through the Body with sharp Spears; destroyed with Hunger, Thirst and Cold; thrown to the wild Beasts; broiled on Gridirons with slow Fires; cast by Heaps into the Sea; crucified; scraped to Death with sharp Shells; torn in Pieces by the Boughs of Trees; and, in a Word, destroy'd by all the various Methods that the most diabolical Subtlety and Malice could devise.

It must indeed be confessed, that under the latter Emperors who persecuted the Christians, the Simplicity and Purity of the Christian Religion were greatly corrupted, and that Ambition, Pride and Luxury, had too generally prevailed both amongst the Pastors and People. *Cyprian*, who lived under the *Decian* Persecution, writing concerning it to the Presbyters and Deacons, says, *It must be owned and confessed, that this outrageous and heavy Calamity, which hath almost devoured our Flock, and continues to devour it to this Day, hath hapned to us because of our Sins, since we keep not the Way of the Lord, nor observe his heavenly Commands given to us for our Salvation.* Though our Lord did the Will of his Father,

Epist. xi.
Ed. Fell.

yet

yet we do not the Will of the Lord. Our principal Study is to get Money and Estates ; we follow after Pride ; we are at Leisure for nothing but Emulation and Quarrelling ; and have neglected the Simplicity of the Faith. We have renounced this World in Words only, and not in deed. Every one studies to please himself, and to displease others. After Cyprian, Eusebius the Historian gives a sad Account of the De- E. H. 1. 8.
generacy of Christians about the Time of the *Dicclesian* Persecution : He tells c. 1.
us, That through too much Liberty they grew negligent and slothful, envying and re-
proaching one another ; waging, as it were, civil Wars between themselves, Bishops
quarrelling with Bishops, and the People divided into Parties : That Hypocrisy and
Deceit were grown to the highest pitch of Wickedness ; that they were become so insen-
sible, as not so much as to think of appeasing the Divine Anger, but that, like Atheists,
they thought the World destitute of any providential Government and Care, and thus
added one Crime to another ; that the Bishops themselves had thrown off all Care of
Religion, were perpetually contending with one another, and did nothing but quarrel
with, and threaten, and envy, and hate one another ; were full of Ambition, and
tyrannically used their Power. This was the deplorable State of the Christian
Church, which God, as Eusebius well observes, first punished with a gentle
Hand ; but when they grew harden'd and incurable in their Vices, he was
pleas'd to let in the most grievous Persecutions upon them, under *Dicclesian*,
which exceeded in Severity and Length all that had been before.

From these Accounts it evidently appears, that the Christian World alone is
not chargeable with the Guilt of Persecution on the Score of Religion. 'Twas
practis'd long before Christianity was in being, and first taught the Christians
by the persecuting Heathens. The most eminent Philosophers espous'd and
vindicated persecuting Principles ; and Emperors, otherwise excellent and
good, made no scruple of destroying Multitudes on a religious Account, such
as *Trajan*, and *Aurelius Verus*. And I think I may farther add, that
the Method of propagating Religion by Cruelty and Death, owes its Inven-
tion to *Lay Policy* and Craft ; and that how fervilely soever the Priesthood
hath thought fit to imitate them, yet that they have never exceeded them
in Rigour and Severity. I can trace out the Footsteps but of very few Priests
in the foregoing Accounts ; nor have I ever heard of more excessive Cruelties
than those practis'd by *Antiochus*, the *Egyptian* Heretick Eaters, and the *Ro-
man* Emperors. I may farther add on this important Article, that 'tis the
Laity who have put it into the Power of the Priests to persecute, and rendered
it worth their while to do it ; they have done it by the Authority of the civil
Laws, as well as employed Lay Hands to execute the Drudgery of it. The
Emoluments of Honours and Riches that have been annexed to the favourite
Religion and Priesthood is the Establishment of civil Society, whereby Re-
ligion hath been made extremely profitable, and the Gains of Godliness
worth contending for. Had the Laity been more sparing in their Grants, and
their civil Constitutions formed upon the generous and equitable Principle of
an universal Toleration, Persecution had never been heard of amongst Men.
The Priests would have wanted not only the Power but the Inclination to per-
secute ; since few Persons have such an Attachment either to what they account
Religion

Religion or Truth, as to torment and destroy others for the sake of it, unless tempted with the Views of worldly Ambition, Power and Grandure. These Views will have the same Influence upon all bad Minds, whether of the Priesthood or Laity, who, when they are determined at all Hazards to pursue them, will use all Methods, right or wrong, to accomplish and secure them.

As therefore the Truth of History obliges me to compliment the Laity with the Honour of this excellent Invention, for the Support and Propagation of Religion; and as its Continuance in the World to this Day is owing to the Protection and Authority of their Laws, and to certain political Ends and Purposes they have to serve thereby, the loading the Priesthood only, or principally, with the Infamy and Guilt of it, is a mean and groundless Scandal; and to be perpetually objecting the Cruelties that have been practised by some who have called themselves Christians, on others for Conscience sake, as an Argument against the Excellency of the Christian Religion, or with a View to prejudice others against it, is an Artifice unworthy a Person of common Understanding and Honesty. Let all equally share the Guilt, who are equally chargeable with it; and let Principles be judged of by what they are in themselves, and not by the Abuses which bad Men may make of them: If any Argument can be drawn from these, we may as well argue against the Truth and Excellency of Philosophy, because *Cicero* espoused the Principles of Persecution, and *Antoninus* the Philosopher authorized all the Cruelties attending it. But the Question in these Cases is not, what one who calls himself a Philosopher or a Christian doth, but what true Philosophy and genuine Christianity lead to and teach; and if Persecution be the natural Effect of either of them, 'tis neither in my Inclination or Intention to defend them. But I pass from these Reflections to the History of Christian Persecutions.

S E C T. II.

Of the Persecutions amongst Christians upon Account of Religion.

IF any Person was to judge of the Nature and Spirit of the Christian Religion, by the Spirit and Conduct only of too many who have professed to believe it in all Nations, and almost throughout all Ages of the Christian Church, he could scarce fail to censure it as an Institution unworthy the God of Order and Peace, subversive of the Welfare and Happiness of Societies, and designed to enrich and aggrandize a Few only, at the Expence of the Liberty, Reason, Consciences, Substance, and Lives of others. For what Confusions and Calamities, what Ruins and Desolations, what Rapines and Murthers, have been introduced into the World, under the *pretended Authority* of Jesus Christ, and supporting and propagating Christianity? What is the best part of our Ecclesiastical History better than an History of the Pride and Ambition, the Avarice and Tyranny, the Treachery and Cruelty of some, and of the Per-

Persecutions and dreadful Miseries of others? And what could an unprejudiced Person, acquainted with this melancholy Truth, and who had never seen the sacred Records, nor informed himself from thence of the genuine Nature of Christianity, think, but that it was one of the worst Religions in the World, as tending to destroy all the natural Sentiments of Humanity and Compassion, and inspiring its Votaries with that *Wisdom which is from beneath*, and which is *earthly, sensual and devilish*? If this Charge could be justly fixed upon the Religion of Christ, it would be unworthy the Regard of every wise and good Man, and render it both the Interest and Duty of every Nation in the World to reject it.

It must be allowed by all who know any Thing of the Progress of the Christian Religion, that the first Preachers and Propagators of it used none of these vile Methods to support and spread it. Both their Doctrines and Lives destroy every Suspicion of this Nature; and yet in their Times the beginnings of this Spirit appeared: *Diotrephes loved the Prebeminence*, and therefore would not own and receive the inspired Apostle. We also read, that there were great Divisions and Schisms in the Church of *Corinth*, and that many grievous Disorders were caused therein, by their ranking themselves under different Leaders and Heads of Parties, one being for *Paul*, another for *Apollos*, and others for *Cephas*. These Animosities were difficultly healed by the Apostolick Authority; but do not however appear to have broken out into mutual Hatreds, to the open Disgrace of the Christian Name and Profession. The Primitive Christians seem for many Years generally to have maintained the warmest Affection for each other, and to have distinguished themselves by their mutual Love, the great Characteristick of the Disciples of Christ. The Gospels, and the Epistles of the Apostles all breath with this amiable Spirit, and abound with Exhortations to cultivate this God-like Disposition. 'Tis reported of St. *John*, that in his extreme old Age at *Ephesus*, being carried into the Church by the Disciples, upon account of his great Weakness, he used to say nothing else every Time he was brought there, but this remarkable Sentence, *Filioli diligite alterutrum, Little Children love one another*. And when some of the Brethren were tired with hearing so often the same Thing, and asked him, Sir, Why do you always repeat this Sentence; he answered with a Spirit worthy an Apostle, *Quia preceptum Domini est. Et si solum fiat, sufficit. 'Tis the Command of the Lord, and the fulfilling of the Law*. Precepts of this kind so frequently inculcated, could not but have a very good Influence in keeping alive the Spirit of Charity and mutual Love. And indeed the Primitive Christians were so very remarkable for this Temper, that they were taken notice of on this very Account, and recommended even by their Enemies as Patterns of Beneficence and Kindness.

But at length, in the second Century, the Spirit of Pride and Domination appeared publicly, and created great Disorders and Schisms amongst Christians. There had been a Controversy of some standing, on what Day *Easter* should be celebrated. The *Asiatick* Churches thought that it ought to be kept on the same Day on which the *Jews* held the Passover, the fourteenth Day of *Nisan* their first Month, on whatsoever Day of the Week it should fall out. The

Custom of other Churches was different, who kept the Festival of *Easter* only on that Lord's Day which was next after the fourteenth of the Moon. This Controversy appears at first View to be of no manner of Importance, as there is no Command in the sacred Writings to keep this Festival at all, much less

Euseb. 1.5. c. 24. specifying the particular Day on which it should be celebrated. *Eusebius* tells us from *Irenæus*, that *Polycarp* Bishop of *Smyrna* came to *Anicetus* Bishop of *Rome* on account of this very Controversy; and that though they differed from one another in this and some other lesser Things, yet they embraced one another with a Kiss of Peace; *Polycarp* neither persuading *Anicetus* to conform to his Custom, nor *Anicetus* breaking off Communion with *Polycarp*, for not complying with his. This was a Spirit and Conduct worthy these Christian Bishops: But *Victor* the Roman Prelate acted a more haughty and violent part; for after he had received the Letters of the *Asiatick* Bishops, giving their Reasons for their own Practice, he immediately excommunicated all the Churches of *Asia*, and those of the neighbouring Provinces, for Heterodoxy; and by his Letters declared all the Brethren unworthy of Communion. This Conduct was greatly displeasing to some other of the Bishops, who exhorted him to mind the Things that made for Peace, Unity, and Christian Love. *Irenæus* especially, in the Name of all his Brethren, the Bishops of *France*, blamed him for thus censuring whole Churches of Christ, and puts him in mind of the peaceable Spirit of several of his Predecessors, who did not break off Communion with their Brethren upon account of such lesser Differences as these. Indeed this Action of Pope *Victor* was a very insolent Abuse of Excommunication; and is an abundant Proof that the Simplicity of the Christian Faith was greatly departed from, in that Heterodoxy and Orthodoxy were made to depend on Conformity or Non-Conformity to the Modes and Circumstances of certain Things, when there was no Shadow of any Order for the Things themselves in the sacred Writings; and that the Lust of Power, and the Spirit of Pride, had too much possessed some of the Bishops of the Christian Church.

Euseb. 1.5. c. 28. The same *Victor* also excommunicated one *Theodosius* for being unsound in the Doctrine of the Trinity.

'Tis no wonder that after this we should find Matters growing worse and worse. As the Primitive Christians had any intervals from Persecution they became more profligate in their Morals, and more quarrelsome in their Tempers. As the Revenues of the several Bishops increased they grew more Ambitious, less capable of Contradiction, more haughty and arrogant in their Behaviour, more envious and revengeful in every part of their Conduct, and more regardless of the Simplicity and Gravity of their Profession and Character. The Accounts I have before given of them from *Cyprian* and *Eusebius* before

Epist. 13. the *Dioclesian* Persecution, to which I might add the later one of *St. Jerom*, are very melancholy and affecting, and shew how vastly they were degenerated from the Piety and peaceable Spirit of many of their Predecessors, and how ready they were to enter into the worst Measures of Persecution, could they but have got the Opportunity and Power.

Under *Constantine* the Emperor, when they were restored to full Liberty, their Churches rebuilt, and the imperial Edicts every where published in their Favour, they immediately began to discover what Spirit they were of; as soon as ever they had the Temptations of Honour and large Revenues before them. *Constantine's* Letters are full Proof of the Jealousies and Animosities that reigned amongst them. In his Letters to *Miltiades* Bishop of *Rome* he tells him, that he had been informed that *Cæcilianus* Bishop of *Carthage* had been accused of many Crimes by some of his Collegues, Bishops of *Africa*, and that it was very grievous to him to see so great a Number of People divided into Parties, and the Bishops disagreeing amongst themselves. And though the Emperor was willing to reconcile them by a friendly Reference of the Controversy to *Miltiades* and others, yet in spite of all his Endeavours they maintained their Quarrels, and factious Opposition to each other, and through secret Grudges and Hatred would not acquiesce in the Sentence of those he had appointed to determine the Affair. So that as he complained to *Chrestus* Bishop of *Syracuse*, those who ought to have maintained a brotherly Affection and peaceable Disposition towards each other, did in a scandalous and detestible Manner separate from one another, and gave Occasion to the common Enemies of Christianity to deride and scoff at them. For this Reason he summoned a Council to meet at *Arles* in *France*, that after an impartial hearing of the several Parties, this Controversy which had been carried on for a long while in a very intemperate Manner, might be brought to a Friendly and Christian Compromise. *Eusebius* farther adds, that he not only called together Councils in the several Provinces upon account of the Quarrels that arose amongst the Bishops, but that he himself was present in them, and did all he could to promote Peace amongst them. However, all he could do had but little effect; and it must be owned that he himself greatly contributed to prevent it, by his large Endowment of Churches, by the Riches and Honours which he conferred on the Bishops, and especially by his authorizing them to sit as Judges upon the Consciences and Faith of others, by which he confirmed them in a worldly Spirit, the Spirit of Domination, Ambition, Pride and Avarice, which hath in all Ages proved fatal to the Peace and true Interest of the Christian Church.

In the first Edict, given us at large by *Eusebius*, published in favour of the Christians, he acted the part of a wise, good, and impartial Governor, in which, without mentioning any particular Sects, he gave full liberty to all Christians, and to all other Persons whatsoever, of following that Religion which they thought best. But this Liberty was of no long Duration, and soon abridged in reference both to the Christians and Heathens. For although in this first mentioned Edict he orders the Churches and Effects of the Christians in general to be restored to them, yet in one immediately following he confines this Grant to the Catholick Church. After this, in a Letter to *Miltiades* Bishop of *Rome*, complaining of the Differences fomented by the

^γ Ακολούθως τῆ ἰσυχία τῶν ἡμετέρων κληρῶν γινέσθαι φανερὸν εἶναι, ὡς ἐξ ἑστίασιν ἐκαστοῦ εἶχῃ τῶ ἀρετικῆς καὶ τῆ μελέτῃ ὁποῖον δ' ἀν βαλῆσαι θεῖον.

African Bishops, he lets him know, that he had so great a Reverence for the Catholick Church, that he would not have him suffer in any Place any Schism or Difference whatsoever. In another to *Cæcilianus* Bishop of *Carthage*, after giving him to understand, that he had ordered *Ursus* to pay his Reverence three Thousand Pieces; and *Heraclides* to disburse to him whatever other Sums his Reverence should have occasion for, he orders him to complain of all Persons who should go on to corrupt the People of the most holy Catholick Church by any evil and false Doctrine, to *Anulinus* the Pro-Consul, and *Patricius*, to whom he had given Instructions on this Affair, that if they persevered in such Madnes they might be punished according to his Orders. 'Tis easy to guess what the Catholick Faith and Church meant, *viz.* that which was approved by the Bishops, who had the greatest Interest in his Favour.

De vit. As to the Heathens, soon after the Settlement of the whole Empire under
 Const. l. 2. his Government, he sent into all the Provinces Christian Presidents, forbidding
 s. 44. them, and all other Officers of superior Dignity to sacrifice, and confining to
 such of them as were Christians the Honours due to their Characters and Sta-
 tions; hereby endeavouring to support the Kingdom of Christ, which is not of
 this World, by Motives purely worldly, *viz.* the Prospects of temporal Pre-
 ferments and Honours; and notwithstanding the excellent Law he had before
 published, That every one should have free Exercise of his own Religion, and
 worship such Gods as they thought proper, he soon after prohibited the old Reli-
 gion, *viz.* the Worship of Idols in Cities and Country; commanding that no Sta-
 tues of the Gods should be erected, nor any Sacrifices offered upon their Altars.
 Ibid. c. 45. And yet notwithstanding this Abridgment of the Liberty of Religion, he de-
 clares in his Letters afterwards, written to all the several Governors of his Pro-
 vinces, that though he wished the Ceremonies of the Temples, and the Power
 of Darkness were wholly removed, he would force none, but that every one
 should have the Liberty of acting in Religion as he pleased.

'Tis not to be wonder'd at, that the Persons who advised these Edicts to suppress the ancient Religion of the Heathens, should be against tolerating any other amongst themselves, who should presume to differ from them in any Articles of the Christian Religion they had espoused; because if erroneous and false Opinions in Religion, as such, are to be prohibited or punished by the Civil Power, there is equal Reason for persecuting a Christian, whose Belief is wrong, and whose Practice is erroneous, as for persecuting Persons of any other false Religion whatsoever; and the same Temper and Principles that lead to the latter, will also lead to and justify the former. And as the Civil Magistrate, under the Direction of his Priests, must always judge for himself what is Truth and Error in Religion, his Laws for supporting the one, and punishing the other, must always be in Consequence of this Judgment. And therefore if *Constantine* and his Bishops were right in prohibiting Heathenism by Civil Laws, because they believed it erroneous and false, *Dioclesian* and *Licinius*, and their Priests, were equally right in prohibiting Christianity by Civil Laws, because they believed it not only erroneous and false, but the highest Impiety and Blasphemy against their Gods, and even a Proof of Atheism it self. And
 by

by the same Rule every Christian, that hath Power, is in the right to persecute his Christian Brother, whenever he believes him to be in the wrong. And in truth, they seem generally to have acted upon this Principle; for which Party soever of them could get uppermost was against all Toleration and Liberty for those who differed from them, and endeavoured by all Methods to oppress and destroy them.

The Sentiments of the Primitive Christians, at least for near three Centuries, in reference to the Deity of our Lord Jesus Christ, were, generally speaking, pretty uniform; nor do there appear to have been any publick Quarrels about this Article of the Christian Faith. Some few Persons indeed, differed from the commonly received Opinion. One *Theodotus* a Tanner, under the Reign of *Commodus*, asserted Christ was a meer Man, and on this Account was excommunicated, with other of his Followers, by Pope *Victor*, who appears to have been very liberal in his Censures against others. *Artemon* propagated the same erroneous Opinion under *Severus*. *Beryllus* also, an *Arabian* Bishop under *Gordian*, taught, That our Saviour had no proper personal Subsistence before his becoming Man, nor any proper Godhead of his own, but only the Father's Godhead residing in him; but afterwards alter'd his Opinion, being convinced of his Error by the Arguments of *Origen*. *Sabellius* also propagated much the same Doctrine, denying also the real Personality of the Holy Ghost. After him *Paulus Samosatenus*, Bishop of *Antioch*, and many of his Clergy, publickly avowed the same Principles concerning Christ, and were excommunicated by a large Council of Bishops. But though these Excommunications upon account of Differences in Opinion, prove that the Bishops had set up for Judges of the Faith, and assumed a Power and Dominion over the Consciences of others, yet as they had no civil Effects, and were not enforced by any penal Laws, they were not attended with any publick Confusions, to the open Reproach of the Christian Church.

But when once Christianity was settled by the Laws of the Empire, and the Bishops free to act as they pleased, without any fear of publick Enemies to disturb and oppress them, they fell into more shameful and violent Quarrels, upon account of their Differences concerning the Nature and Dignity of Christ. The Controversy first began between *Alexander* Bishop of *Alexandria*, and *Arius* one of his Presbyters, and soon spread it self into other Churches, enflaming Bishops against Bishops, who out of a Pretence to support Divine Truth excited Tumults, and entertained irreconcilable Hatreds towards one another. These Divisions of the Prelates set the Christian People together by the Ears, as they happened to favour their different Leaders and Heads of Parties; and the Dispute was managed with such Violence, that it soon reached the whole Christian World, and gave Occasion to the Heathens in several Places to ridicule the Christian Religion upon their publick Theatres. How different were the Tempers of the Bishops and Clergy of these Times from the excellent Spirit of *Dionysius* Bishop of *Alexandria*, in the Reign of *Decius*, who writing to *Novatus* upon account of the Disturbance he had raised in the Church of *Rome*, by the Severity of his Doctrine, in not admitting those who lapsed into Idolatry

in Times of Persecution ever more to Communion, though they gave all the Marks of a true Repentance and Conversion, tells him, ^a *One ought to suffer any Thing in the World rather than divide the Church of God.*

- Soc. E. H. The Occasion of the *Arian* Controversy was this. *Alexander* Bishop of
 1. 1. c. 5. *Alexandria* speaking in a very warm Manner concerning the Trinity before the Presbyters and Clergy of his Church, affirmed there was an *Unity in the Trinity*, and particularly that *the Son was Co-eternal and Consubstantial, and of the same Dignity with the Father.* *Arius*, one of his Presbyters, thought that the Bishop, by this Doctrine, was introducing the *Sabellian* Heresy, and therefore opposed him, arguing in this manner: ^a *If the Father begot the Son, he who was begotten must have a beginning of his Existence; and from hence, says he, 'tis manifest, that there was a Time when he was not; the necessary Consequence of which*
 E. H. 1. 1. he affirmed was this, *That he had his Subsistence out of Things not existing.* Sozo-
 c. 15. men adds farther, that he asserted, ^b *That by virtue of his Free-will the Son was capable of Vice as well as Virtue; and that he was the mere Creature and Work of God.* The Bishop being greatly disturbed by these Expressions of *Arius*, upon account of the Novelty of them, and not able to bear such an Opposition from one of his Presbyters to his own Principles, commanded *Arius* to forbear the Use of them, and to embrace the Doctrine of the *Consubstantiality* and *Co-eternity* of the Father and the Son. But *Arius* was not thus to be convinced, especially as a great Number of the Bishops and Clergy were of his Opinion, and supported him; and for this Reason himself and the Clergy of his Party were excommunicated, and expelled the Church, in a Council of near-an Hundred of the *Egyptian* and *Lybian* Bishops met together for that purpose, by the Bishop, who in this case was both Party and Judge, the Enemy and Condemner of *Arius*. Upon this Treatment *Arius* and his Friends sent circular Letters to the several Bishops of the Church, giving them an Account of their Faith, and desiring that if they found their Sentiments orthodox, they would write to *Alexander* in their Favour; if they judged them wrong, they would give them Instructions how to believe. Thus was the Dispute carried into the Christian Church, and the Bishops being divided in their Opinions, some of them wrote to *Alexander* not to admit *Arius* and his Party into Communion without renouncing their Principles, whilst others of them perswaded him to act a different part. The Bishop not only followed the Advice of the former, but wrote Letters to the several Bishops not to communicate with any of them, nor to receive them if
 Soc. E. H. they should come to them, nor to credit *Eusebius*, nor any other Person that
 1. 1. c. 6. should write to them in their behalf, but to avoid them as the Enemies of God, and the Corrupters of the Souls of Men; and not so much as to salute them, or to have any Communion with them in their Crimes. *Eusebius*, who was Bishop of *Nicomedia*, sent several Letters to *Alexander*, exhorting him to let the Controversy peaceably drop, and to receive *Arius* into Communion; but finding

^a Ἐδὲν μὲν γὰρ καὶ παν ὄντων παθεῖν, ὑπερ τὸ μὴ διακοφῆαι τὴν ἐκκλησίαν τῷ Θεῷ.

^a Ἐὶ ὁ πατήρ ἐγέννησε τὸν υἱόν, ἀρχὴν ὑπαρξέως ἔχει ὁ γεννηθεὶς. Καὶ ἐκ τούτου δηλοῦν, ὅτι ἦν ὅτε ἐκ ἡν ὁ υἱὸς ἀκολούθη τοῦ ἐξ ἀναγκῆς ἐξ ἑκ ὄντων ἔχειν αὐτὸν τὴν ὑπόστασιν.

^b Καὶ αὐτὸς ἐπιστολῇ κακίας καὶ ἀρετῆς δεικνύων ὑπαρχέν, καὶ κλισμα καὶ ποιημα, καὶ ἄλλα πολλὰ.
 him

him inflexible to all his repeated Entreaties, he got a Synod to meet in *Bithynia*, from whence they wrote Letters to the other Bishops, to engage them to receive the *Arians* to their Communion, and to persuade *Alexander* to do the same. But all their Endeavours proved ineffectual, and by these unfriendly Dealings the Parties grew more enraged against each other, and the Quarrel became incurable.

'Tis, I confess, not a little surprizing, that the whole Christian World should be put into such a Flame upon account of a Dispute of so very abstruse and metaphysical a Nature, as this really was in the Course and Management of it. *Alexander's* Doctrine, as *Arius* represents it in his Letter to *Eusebius* of *Nicomedia*, was this, ^c *God is always, and the Son always. The same Time the Fa-* ^{Theod. E. H. l. r. c. 5.} *ther, the same Time the Son. The Son co-exists with God unbegottenly, being ever begotten, being unbegottenly begotten. That God was not before the Son, no not in Conception, or the least Point of Time, he being ever God, ever a Son. For the Son is out of God himself.* Nothing could be more inexcusable, than the tearing the Churches in pieces upon account of such high and subtle Points as these, except the Conduct of *Arius*, who on the other hand asserted, as *Alexander*, his Bishop, in his Letter to the Bishop of *Constantinople*, tells us, ^d *That there was a* ^{Id. l. r. c. 4.} *Time when there was no Son of God, and that he who before was not, afterwards existed, being made, when soever he was made, just as any Man whatsover, and that therefore he was of a mutable Nature, and equally receptive of Vice and Virtue, and other Things of the like kind.* If these were the Things taught, and publickly avowed by *Alexander* and *Arius*, as each represents the other's Principles, I persuade my self, that every sober Man will think they both deserved Censure, for thus leaving the plain Account of Scripture, introducing Terms of their own Invention into a Doctrine of pure Revelation, and at last censuring and writing one against another, and dividing the whole Church of Christ upon account of them.

But 'tis no uncommon Thing for warm Disputants to mistake and misrepresent each other; and that this was the Case in the present Controversy, is, I think, evident beyond Dispute; *Alexander* and *Arius* describing each other's Opinions, not as they held them themselves, but according to the Consequences each imagined to follow from them. Thus *Alexander* affirms in the aforementioned Letter, that *the Father ever was*, and thence infers what he thinks necessarily follows, that *the Son*, upon whose account he is called a Father, *must have ever been*, and yet expressly asserts the Son to be begotten, and that the Father alone is unbegotten. When *Arius* represents these Things to his Friend *Eusebius*, 'tis according to what he accounted the necessary Consequences of them, and not as they were really maintained by *Alexander*; and because

^c Αὐτὸς Θεὸς, ἀειὸς ὁ υἱὸς· ἀμὰ πάντῃ, ἀμὰ ὡς. συνυπαρχεὶ ἀγεννητῶς ὁ υἱὸς τῷ Θεῷ, ἀειγενήτης ἐστίν, ἀγεννητογέντης ἐστίν· ὅτε ἐπινοήσῃ αἰετομῶ τινι προαγεῖν ὁ Θεὸς τὸ υἱὸν αὐτοῦ. αὐτὸς Θεὸς, ἀειὸς ὁ υἱὸς. εἰς αἰῶνα ἐστὶ τὸ Θεὸς ὁ υἱὸς.

^d Ἦν ποῖς αἰετὸν ὁ υἱὸς τοῦ Θεοῦ, καὶ γέγονεν ὑστέρῃ ὁ τετίθειεν μὴ ὑπαρχόντων, τοιοῦτος γενόμενος, ὅτε καὶ ποῖς γενέσθην, οὐκ ἔστι πᾶς ἐν αὐτῷ πεφυκέναν ἀνθρώπων· οὐκ ἀπολύτως καὶ ἕσται αὐτῷ τρέφῃς εἶναι φούσας, ἀρετῆς τε καὶ κακίας ἐπιδεικτικόν.

he apprehended that the absolute Co-eternity of the Son with the Father was inconsistent with the Son's being begotten of him, he says that *Alexander* held he was *unbegottenly begotten*, or begotten and not begotten, thus making his own Consequences pass for the Bishop's Sentiments. On the other hand, *Arius* asserted, *The Son hath a beginning, and is from none of the Things that do exist*; not meaning that he was not from Everlasting, before ever the Creation had a Being, or that he was created like other Beings absolutely out of nothing, or that like the rest of the Creation he was mutable in his Nature. *Arius* expressly declares the contrary in his Letter to *Eusebius*, his intimate Friend, from whom

¹Theod. E. H. l. r. c. 5. he had no reason to conceal his most secret Sentiments, and says, ^c *This is what we have and do profess, That the Son is not unbegotten, nor in any manner a part of the unbegotten God, nor from any part of the material World, but that by the Will and Council of the Father he existed before all Times and Ages, perfect God, the only begotten and unchangeable, and that therefore before he was begotten or formed he was not, i. e. as he explains himself, ^f There never was a Time when he was unbegotten.* His affirming therefore that the Son had a Beginning, was only saying, that he was in the whole of his Existence from the Father, as the Origin and Fountain of his Being and Deity, and not any Denial of his being from before all Times and Ages; and his saying that he was no part of God, nor derived from Things that do exist, was not denying his Generation from God before all Ages, or his being compleatly God himself, or his being produced after a more excellent Manner than the Creatures, but that as he was always from God, so he was different both from him, and all other Beings, and a Sort of middle Nature between God and his Creatures; whose beginning, as *Eusebius* of *Nicomedia* writes to *Paulinus* Bishop of *Tyre*, was ^g *not only inexplicable by Words, but unconceivable by the Understanding of Men, and by all other Beings superior to Men, and who was formed after the most perfect Likeness to the Nature and Power of God.* This is the strongest Evidence that neither *Arius* nor his first Friends put the Son upon a Level with the Creatures, but that they were in many respects of the same Sentiments with those who condemned them. Thus *Alexander* declares the Son to be ^h *before all Ages.* *Arius* expressly says the same, that he was ⁱ *before all Times and Ages.* *Alexander* says, *the Father only is unbegotten.* *Arius*, *That there never was a Time when the Son was not begotten.* *Alexander*, *that the Subsistence of the Son is inexplicable even by Angels.* *Eusebius*, *that his beginning is inconceivable and inexplicable by Men and Angels.* *Alexander*, *that the Father was always a Father because of the Son.* *Arius*, *that the Son was not before he was begotten, i. e. That he was from before all Ages the begotten Son of God.*

Id. Ibid. c. 6.

^c Οτι ο υιός εκ εσιν αγεννητός, κει μερς αγεννητός καί κείνα τεσσων, κει εξ υποκειμενος τι- νός. αλλ' οτι θεληματι ή βολη υπεση περ χειρων ή περ αιωνων, πληρης θεός, μονογενης, αναλαιωτός ή πειν γεννηθη—εκ ην.

^f Αγεννητός γδ εκ ην.

^g Περσ τελευτων ομοισηα διαθεσεως τε ή δυναμειως τε πεποιμηκόσ γεγομενον κ την αρχην κ λογω μονον αδιτηγήτον, αλλα ή εννοια εκ ανθρωπων μονον αλλα ή των υπερ ανθρωπος παντων εναι ακαλαησιών πεπισευκαμεν.

^h Πρωτωνός.

ⁱ Περ χειρων ή περ αιωνων.

Arius again, ^k That the Son was no part of God, nor from any Things that did exist. Theod.
Alexander, That the only begotten Nature was ^l a middle Nature, between the unbe- E. H. l. 1.
 gotten Father, and the Things created by him out of nothing. And yet notwithstand- c. 4.
 ing all these Things, when *Alexander* gives an Account of the Principles of
Arius to the Bishops, he represents them in all the Consequences he thought fit
 to draw from them, and charges him with holding, that the Son was made
 like every other Creature absolutely out of nothing, and that therefore his Na-
 ture was mutable, and susceptible equally of Virtue and Vice; with many
 other invidious and unscriptural Doctrines, which *Arius* plainly appears not to
 have maintained or taught.

But as 'tis the common Fate of religious Disputes to be managed with an
 intemperate Heat, 'tis no wonder the Disputants should mistake each other, or
 in their Warmth charge one another with Consequences which either they do
 not see, or expressly deny. Whilst this is the Case the Controversy can never
 be fairly managed, nor brought to a friendly and peaceable Issue. Many Me-
 thods were tried, but all in vain, to bring *Alexander* and *Arius* to a Reconcili-
 ation, the Emperor himself condescending to become a Mediator between
 them.

The first Step he took to heal this Breach was right and prudent: He sent Euseb. Vir.
 his Letters to *Alexandria*, exhorting *Alexander* and *Arius* to lay aside their Dif- Conf. l. 1.
 ferences, and become reconciled to each other. He tells them, That after he c. 63, &c.
 had diligently examined the Rise and Progress of this Affair, he found the Occasion of
 the Difference to be very trifling, and not worthy such furious Contentions; and that
 therefore he promised himself that his Mediation between them for Peace would have
 the desired Effect. He tells *Alexander*, That he required from his Presbyters a De-
 claration of their Sentiments concerning a silly, empty Question. And *Arius*, That he
 had imprudently uttered what he should not have even thought of, or what at least he
 ought to have kept secret in his own Breast; and that therefore Questions about such
 Things should not have been asked; or if they had, should not have been answered;
 that they proceeded from an idle Itch of Disputation, and were in themselves of so high
 and difficult a Nature, as that they could not be exactly comprehended, or suitably ex-
 plained; and that to insist on such Points too much before the People, could
 produce no other Effect, than to make some of them talk Blasphemy, and
 others turn Schismaticks; and that therefore as they did not contend about any
 essential Doctrine of the Gospel, nor introduce any new Heresy concerning the Worship
 of God, they should again communicate with each other; and finally, that nor-
 withstanding their Sentiments in these unnecessary and trifling Matters were
 different from each other, they should acknowledge one another as Brethren,
 and, laying aside their Hatreds, return to a firmer Friendship and Affection
 than before.

But religious Hatreds are not so easily removed, and the Ecclesiastical
 Combatants were too warmly engaged to follow this kind and wholesome Ad-

^k ΟΤΙ Κ ΜΕΡΟΣ ΘΕΟΥ ΕΣΤΙΝ, ΚΑΙ ΕΞ ΥΠΟΚΕΙΜΕΝΟΥ ΤΙΝΟΣ.

^l ΜΕΣΙΤΕΥΣΑ ΠΑΙΣΙΝ ΑΓΓΕΛΗΝ ΚΑΙ ΤΩΝ ΚΛΙΘΕΙΝΩΝ ΥΠ' ΑΥΤΗΣ ΕΞ ΕΚ ΟΥΛΩΝ.

Euseb. vice. The Bishops of each side had already interested the People in their
 Vit. Conf. Quarrel, and heated them into such a Rage that they attacked and fought
 1. 3. c. 45. with, wounded and destroyed each other, and acted with such Madnes as to
 commit the greatest Impicities for the sake of Orthodoxy ; and arrived to that
 pitch of Insolence, as to offer great Indignities to the imperial Images. The
 old Controversy about the Time of celebrating *Easter* being now revived,
 added Fuel to the Flames, and render'd their Animosities too furious to be
 appeased.

The first
general
Council,
 A. C. 325.
 1d. Ibid.
 c. 6.
 Soz. E. H.
 1. 1. c. 17.

Constantine being greatly disturbed upon this Account, sent Letters to the
 Bishops of the several Provinces of the Empire to assemble together at *Nice* in
Bythinia, and accordingly great Numbers of them came, A. C. 325. some
 through hopes of Profit, and others out of Curiosity to see such a Miracle of
 an Emperor, and many of them, as *Sozomen* informs us, to negotiate their own
 private Affairs, and to redress their Grievances, by accusing those who had
 injured them. The Number of them was three Hundred and eighteen, besides
 vast Numbers of Presbyters, Deacons, Acolythists, and others. The Eccle-
 siastical Historians tell us, that in this vast Collection of Bishops some were re-
 markable for their Gravity, Patience under Sufferings, Modesty, Integrity,
 Eloquence, and the like Virtues ; but yet they all agree that there were others
 of very different Characters. *Eusebius* tells us, some came to the Council with
 worldly Views of Gain ; and *Theodorit*, that others were subtle and crafty, and
 of a quarrelling, malicious Temper, and actuated with a Spirit of Revenge.
 And indeed, this appeared immediately upon opening the Council ; for after
 the Emperor, who honoured this Assembly with his Presence, had exhorted
 them to lay aside all their Differences, and to enter into Measures of Union
 and Peace, instead of applying themselves to the Work for which they were
 convened, they began shamefully to accuse each other before him, and raised
 great Disturbances in the Council by their mutual Charges and Reproaches.
Sabinus, also, saith they were generally a Set of very ignorant Men, and desti-
 tute of Knowledge and Learning. But as *Sabinus* was an Heretick of the *Ma-
 cedonian* Sect, probably his Testimony may be thought exceptionable ; and
 even supposing his Charge to be true, yet *Socrates* brings them off by telling us,
 that they were enlighten'd by God, and the Grace of his Holy Spirit, and so
 could not possibly err from the Truth. But as some Men may possibly ques-
 tion the Truth of their Inspiration, so I think it appears but too plain, that
 an Assembly of Men, who met together with such different Views, were so
 greatly prejudiced and inflamed against each other, and are allowed, many of
 them, to be ignorant, till they received miraculous Illuminations from God,
 did not seem very likely to heal the Differences of the Church, or to examine
 with that Wisdom, Care and Impartiality, or to enter into those Measures of
 Condescension and Forbearance that were necessary to lay a solid Foundation
 for Peace and Unity.

However, the Emperor brought them at last to some Temper, so that they
 fell in good earnest to Creed-making, and drew up, and subscribed that, which
 from the Place where they were assembled was called the *Nicene*. By the Ac-

counts of the Transactions in this Assembly, given by *Albanasius* himself, in his Theod. E. H. l. 1. c. 8. Letter to the *African* Bishops, it appears, that they were determined to insert into the Creed such Words as were most obnoxious to the Arians, and thus to force them to a publick Separation from the Church. For when they resolved to condemn some Expressions which the Arians were charged with making use of, such as, *The Son was a Creature; there was a Time when he was not*, and the like; and to establish the Use of others in their room, such as, *The Son was the only begotten of God by Nature, the Word, the Power, the only Wisdom of the Father, and true God*; the Arians immediately agreed to it: Upon this the Fathers made an Alteration, and explained the Words, *From God*, by the Son's being of the Substance of God. And when the Arians consented also to this, the Bishops farther added, to render the Creed more exceptionable, that *he was Consubstantial, or of the same Substance with the Father*. And when the Arians objected, that this Expression was wholly unscriptural, the Orthodox urged, that though it was so, yet the Bishops that lived an Hundred and thirty Years before them, made use of it. At last however all the Council subscribed the Creed thus altered and amended, except five Bishops, who were displeas'd with the Word *Consubstantial*, and made many Objections against it.

Eusebius, Bishop of *Cæsarea*, was also in doubt for a considerable Time, Theod. l. 1. c. 12. whether he should set his Hand to it, and refused to do it, till the exceptionable Words had been fully debated amongst them, and he had obtained an Explication of them suitable to his own Sentiments. Thus when 'twas asserted by the Creed, that *the Son was of the Father's Substance*, the negative Explication agreed to by the Bishops was exactly the same Thing that was asserted by *Arius*, viz. that ^m *He was not a part of the Father's Substance*. Again, as the Words, *begotten, not made*, were applied to the Son, they determined the Meaning to be, that *the Son was produced after a different Manner than the Creatures which he made*, and was therefore of a more excellent Nature than any of the Creatures, and that the Manner of his Generation could not be understood. This was the very Doctrine of *Arius*, and *Eusebius* of *Nicomedia*, who declar'd, that *as the Son was no part of God, so neither was he from any Thing created, and that the Manner of his Generation was not to be described*. And as to the Word *Consubstantial* to the Father, it was agreed by the Council to mean no more, than that *the Son had no Likeness with any created Beings, but was in all Things like to him that begot him, and that he was not from any other Hypostasis or Substance but the Father's*. Of this Sentiment also were *Arius*, and *Eusebius* his Friend, who maintained not only his being of a more excellent Original than the Creatures, but that he was formed of an immutable and ineffable Substance and Nature, and after the most perfect Likeness of the Nature and Power of him that formed him. These were the Explanations of these Terms agreed to by the Council, upon which *Eusebius* of *Cæsarea* subscribed them in the Creed; and though some few of the Arian Bishops refused to do it, yet it doth not appear to me, that it proceeded from their not agreeing in the Sense of these Explanations, but because they apprehended that

^m Μεγ & τῆς υἱοῦ αὐτοῦ.

the Words were very improper, and implied a great deal more than was pretended to be meant by them; and especially because an Anathema was added upon all who should presume not to believe in them and use them. *Eusebius of Cæsarea* gives a very extraordinary Reason for his subscribing this Anathema, viz. because it forbids the Use of unscriptural Words, the introducing which he assigns as the Occasion of all the Differences and Disturbances which had troubled the Church. But had he been consistent with himself, he ought never to have subscribed this Creed, for the very Reason he alledges why he did it; because the Anathema forbids only the unscriptural Words of *Arius*, such as, *He was made out of nothing; there was a Time when he was not*, and the like; but allowed and made sacred the unscriptural Expressions of the Orthodox, viz. *Of the Father's Substance, and Consubstantial*, and cut off from Christian Communion those who would not agree to them, though they were highly exceptionable to the Arian Party, and afterwards proved the Occasions of many cruel Persecutions and Evils.

Soc. l. 1.
e. 9.

In this publick Manner did the Bishops assert a Dominion over the Faith and Consciences of others, and assume a Power, not only to dictate to them what they should believe, but even to anathematize, and expel from the Christian Church, all who refused to submit to their Decisions, and own their Authority. For after they had carried their Creed, they proceeded to excommunicate *Arius* and his Followers, and banished *Arius* from *Alexandria*. They also condemned his Explication of his own Doctrine, and a certain Book, called *Thalia*, which he had written concerning it. After this they sent Letters to *Alexandria*, and to the Brethren in *Egypt*, *Lybia*, and *Pentapolis*, to acquaint them with their Decrees, and to inform them, that the Holy Synod had condemned the Opinions of *Arius*, and were so zealous in this Affair, that they had not patience so much as to hear his ungodly Doctrine and blasphemous Words, and that they had fully determined the Time for the Celebration of *Easter*. Finally, they exhort them to rejoice for the good Deeds they had done, and for that they had cut off all manner of Heresy, and to pray that their right Transactions might be established by Almighty God and our Lord

Ensch. de
Vit. Const.
l. 3. c. 20

Jesus Christ. When these Things were over, *Constantine* splendidly treated the Bishops, filled their Pockets, and sent them honourably home; advising them at parting to maintain Peace amongst themselves, and that none of them should envy another who might excel the rest in Wisdom and Eloquence, and that such should not carry themselves haughtily towards their Inferiors, but condescend to, and bear with their Weakness. A plain Demonstration that he saw into their Tempers, and was no Stranger to the Pride and Haughtiness that influenced some, and the Envy and Hatred that actuated others. After he had thus dismissed them he sent several Letters, recommending and enjoying an universal Conformity to the Councils Decrees both in Ceremony and Doctrine,

Soc. E. II.
l. 1. c. 9.

using, among other Things, this Argument for it, *That what they had decreed was the Will of God, and that the Agreement of so great a Number of such Bishops was by Inspiration of the Holy Ghost.*

'Tis natural here to observe, that the Anathema's and Depositions agreed on by this Council, and confirmed by the imperial Authority, were the beginning of all the Persecutions that afterwards raged against each Party in their Turns. As the Civil Power had now taken part in the Controversies about Religion, by authorising the Dominion of the Bishops over the Consciences of others, enforcing their Ecclesiastical Constitutions, and commanding the universal Reception of that Faith they had decreed to be Orthodox, it was easy to foresee that those who opposed them would employ the same Arts and Authority to establish their own Faith and Power, and to oppress their Enemies, the first favourable Opportunity that presented: And this the Event abundantly made good. And indeed how should it be otherwise? For Doctrines that are determined merely by dint of Numbers, and the Awe of worldly Power, carry no manner of Conviction in them, and are not likely therefore to be believed on these Accounts by those who have once opposed them. And as such Methods of deciding Controversies equally suit all Principles, the introducing them by any Party gives but too plausible a Pretence to every Party, when uppermost, to use them in its turn; and though they may agree well enough with the Views of spiritual Ambition, yet they can be of no Service in the World to the Interest of true Religion, because they are directly contrary to the Nature and Spirit of it; and because Arguments, which equally prove the Truth and Excellency of all Principles, cannot in the least prove the Truth of any.

If one may form a Judgment of the Persons who composed this Council, from the small Accounts we have left of them, they do not, I think, appear to have met so much with a Design impartially to debate on the Subjects in Controversy, as to establish their own Authority and Opinions, and oppress their Enemies. For besides what hath been already observed concerning their Temper and Qualifications, *Theodorit* informs us, that when those of the Arian Party proposed in writing to the Synod the Form of Faith they had drawn up, the Bishops of the Orthodox side no sooner read it but they gravely tore it in pieces, and called it a spurious and false Confession; and after they had filled the Place with Noise and Confusion, universally accused them of betraying the Doctrine according to Godliness. Doth such a Method of Proceeding suit very well with the Character of a Synod inspired, as the good Emperor declared, by the Holy Ghost? Is Truth and Error to be decided by Noise and Tumult? Was this the Way to convince Gainsayers, and reconcile them to the Unity of the Faith? Or could it be imagined, that the dissatisfied Part of this venerable Assembly would acquiesce in the tyrannical Determination of such a Majority, and patiently submit to Excommunication, Deposition, and the Condemnation of their Opinions, almost unheard, and altogether unexamined? How justly doth the Censure passed by *Gregory Nazianzen* upon the Councils that were held in his Time agree to this famous one of *Nice*? *If, says he, I must speak the Truth, this is my Resolution, to avoid all Councils of the Bishops, for I have not seen any good End answered by any Synod whatsoever; for their love of Contention, and their lust of Power, are too great even for Words to express.* The Emperor's Conduct to the Bishops met at *Nice*, is full Proof of the former; for when they were met in Council they

E. H.
l. 1. c. 7.

Vol. I.
Epist. lv.
Edit. Col.

Euseb. de
Vit. Const.
imme. l. 3. c. 13.

immediately fell to wrangling and quarrelling, and were not to be appeased and brought to Temper, till *Constantine* interposed, artfully persuading some, flaming others into silence, and heaping Commendations on those Fathers that spoke agreeable to his Sentiments. The Decisions they made concerning the Faith, and their Excommunications and Depositions of those who differed from them, demonstrate also their affectation of Power and Dominion. But as they had great Reason to believe, that their own Decrees would be wholly insignificant without the Interposition of the imperial Authority to enforce them, they soon obtained their Desires, the Emperor readily confirming all they had determined, and injoining all Christians to submit themselves to them.

Euseb. de
Vit. Const.
c. 65.

His first Letters to this purpose were mild and gentle: But he was soon persuaded into more violent Measures; for out of his great Zeal to extinguish Heresy, he put forth publick Edicts against the Authors and Maintainers of it; and particularly against the *Novatians*, *Valentinians*, *Marcionists*, and others, whom after reproaching with being Enemies of Truth, destructive Counsellors, and with holding Opinions suitable to their Crimes, he deprives of the Liberty of meeting together for Worship, either in publick or private Places, and gives all their Oratories to the Orthodox Church. And with respect to the Arians, he banished *Arius* himself, ordered all his Followers, as absolute Enemies of Christ, to be called *Porphyrrians*, from *Porphyrus* an Heathen who wrote against Christianity; ordained that the Books written by them should be burnt, that there might be no Remains of their Doctrine left to Posterity, and most cruelly commanded, that if ever any one should dare to keep in his Possession any Book written by *Arius*, and should not immediately burn it, he should be no sooner convicted of the Crime but he should suffer Death.

Soz. l. i.
c. 21.
Soc. l. i.
c. 9.

Thus the Orthodox first brought in the Punishment of Heresy with Death, and persuaded the Emperor to destroy those whom they could not easily convert. The Scriptures were now no longer the Rule and Standard of the Christian Faith. Orthodoxy and Heresy were from hence forward to be determined by the Decisions of Councils and Fathers, and Religion to be propagated no longer by the apostolick Methods of Persuasion, Forbearance, and the Virtues of an holy Life, but by imperial Edicts and Decrees; and heretical Gainfayers not to be convinced, that they might be brought to the Acknowledgment of the Truth and be saved, but to be persecuted and destroyed. 'Tis no wonder, that after this there should be a continual Fluctuation of the publick Faith, just as the prevailing Parties had the imperial Authority to support them, or that we should meet with little else in Ecclesiastical History but Violence and Cruelties committed by Men who had left the Simplicity of the Christian Faith and Profession, enslaved themselves to Ambition and Avarice, and had before them the ensnaring Views of temporal Grandure, high Preferments, and large

Epist. xiii. Révenues. ^a Since the Time that Avarice hath increased in the Churches, says St.

^a Nunc autem ex quo in Ecclesiis crevit Avaritia, perit Lex de Sacerdote, & Visio de Proprieta. Singuli quique pro Potentia Episcopalis nominis, quam sibi ipsi illicite absque Ecclesia vendicaverunt, totum quod Levitarum est in Usus suos redigunt.—Moriuntur Fame qui a'ios sepelire mandantur, Possunt

St. Jerom, the Law of the Priest, and the Vision of the Prophet hath failed. Whilst all contend for the Episcopal Power, which they unlawfully seize on without the Church's leave; they apply to their own Uses all that belongs to the Levites. The miserable Priest begs in the Streets—They die with Hunger who are commanded to bury others. They ask for Pity who are commanded to pity others—The Priests only care is to get Money—Hence Hatreds arise through the Avarice of the Priests; hence the Bishops are accused by their Clergy; hence the Quarrels of the Prelates; hence the Causes of Desolations; hence the Rise of their Wickedness. Religion and Christianity seem indeed to be the least Thing that either the contending Parties had at heart, by the infamous Methods they took to establish themselves and ruin their Adversaries.

If one reads the Complaints of the Orthodox Writers against the Arians, one would think the Arians the most execrable Set of Men that ever lived, they being loaded with all the Crimes that can possibly be committed, and represented as bad, or even worse, than the Devil himself. But no wise Man will easily credit these Accounts, which the Orthodox give of their Enemies, because, as Socrates tells us, *This was the Practice of the Bishops towards all they deposed, to accuse and pronounce them impious, but not to tell others the Reasons why they accused them as such.* 'Twas enough for their Purpose to expose them to the publick Odium, and make them appear impious to the Multitude, that so they might get them expelled from their rich Sees, and be translated to them in their room. And this they did as frequently as they could, to the introducing infinite Calamities and Confusions into the Christian Church. And if the Writings of the Arians had not been prudently destroyed, I doubt not but we should have found as many Charges laid by them, with equal Justice, against the Orthodox, as the Orthodox have produced against them; their very Suppression of the Arian Writings being a very strong Presumption against them, and the many imperial Edicts of *Constantine, Theodosius, Valentinian, Martian*, and others, against Hereticks, being an abundant Demonstration that they had a deep Share in the Guilt of Persecution.

Alexander, Bishop of *Alexandria*, in his Letter to the Bishop of *Constantinople*, complains that *Arius* and others, desirous of Power and Riches, did Day and Night invent Calumnies, and were continually exciting Seditions and Persecutions against him; and *Arius* in his turn, in his Letter to *Eusebius* of *Nicomedia*, with too much Justice charges Pope *Alexander* with violently persecuting and oppressing him upon account of what he called the Truth, and using every Method to ruin him, driving him out of the City as an atheistical Person, for not agreeing with him in his Sentiments about the Trinity. *Athanasius* also bitterly exclaims against the Cruelty of the Arians, in his Apology for his flight. *Whom have they not, says he, used with the greatest Indignity, that they have been able to lay hold of? Who hath ever fallen into their Hands, that they have had any*

Poscunt misericordiam, qui misereri aliis sunt precepti—Solutus incubat Divitiis—Hinc propter Sacerdotum Avaritiam Odia confurgunt, hinc Episcopi accusantur a Clericis, hinc Principum Lites, hinc Desolationum Causa, hinc Origo Criminis.

spite against, whom they have not so cruelly treated, as either to murder or to maim him? What Place is there where they have not left the Monuments of their Barbarity? What Church is there which doth not lament their Treachery against their Bishops?

After this passionate Exclamation he mentions several Bishops they had banished or put to Death, and the Cruelties they made use of to force the Orthodox to renounce the Faith, and to subscribe to the Truth of the Arian Doctrines. But might it not have been asked, Who was it that first brought in Excommunications, Depositions, Banishments, and Death, as the Punishments of Heresy? Could not the Arians recriminate with Justice? Were they not reproached as Atheists, anathematized, expelled their Churches, exiled, and made liable to the Punishment of Death by the Orthodox? Did not even they who complained of the Cruelty of the Arians in the most moving Terms, create numberless Confusions and Slaughters by their violent Intrusions into the

Soz. l. 1.
c. 22.

Sees of their Adversaries? Was not *Albanasius* himself also accused to the Emperor, by many Bishops and Clergymen, who declared themselves Orthodox, of being the Author of all the Seditions and Disturbances in the Church, by excluding great Multitudes from the publick Services of it; of murdering some, putting others in Chains, punishing others with Stripes and Whippings, and of burning Churches? And if the Enemies of *Albanasius* endeavoured to

Philostorg.
Compen.
E. H. l. 8.
c. 11.

ruin him by suborned Witnesses and false Accusations, *Albanasius* himself used the same Practices to destroy his Adversaries, and particularly *Eusebius* of *Nicomedia*, by spiriting up a Woman to charge *Eusebius* with getting her with Child, the Falshood of which was detected at the Council of *Tyre*. His very Ordination also to the Bishop of *Alexandria*, was censured as clandestine and illegal. These Things being reported to *Constantine*, he ordered a Synod to meet at *Cæsarea* in *Palestine*, of which Place *Eusebius Pampbilus* was Bishop, before whom *Albanasius* refused to appear. But after the Council was removed to *Tyre* he was obliged by force to come thither, and commanded to answer to the several Crimes objected against him. Some of them he cleared himself of, and as to others he desired more Time for his Vindication. At length,

Soz. l. 2.
c. 25, 28.

after many Sessions, both his Accusers, and the Multitude who were present in the Council, demanded his Deposition as an Impostor, a violent Man, and unworthy the Priesthood. Upon this *Albanasius* fled from the Synod, after which they condemned him, and deprived him of his Bishoprick, and ordered he should never more enter *Alexandria*, to prevent his exciting Tumults and Seditions. They also wrote to all the Bishops to have no Communion with him, as one convicted of many Crimes, and as having convicted himself by his flight of many others, to which he had not answered. And for this their Procedure they assigned these Reasons, that he despised the Emperor's Orders, by not coming to *Cæsarea*; that he came with a great Number of Persons to *Tyre*, and excited Tumults and Disturbances in the Council, sometimes refusing to answer to the Crimes objected against him, at other Times reviling all the Bishops; sometimes not obeying their Summons, and at others refusing to submit to their Judgment; that he was fully and evidently convicted of breaking in pieces the sacred Cup, by six Bishops who had been sent into *Egypt* to

inquire out the Truth. *Atbanafius*, however, appealed to *Constantine*, and gave him fuch a Representation of the Council's Tranfactions as greatly offend- ed him. But when *Eusebius* and others laid the whole Matter before him, the Emperor entirely altered his Sentiments, confirmed his Depofition, and ban- ifhed him into *France*.

Indeed *Atbanafius*, notwithstanding his fad Complaints under Perfecution, and his exprefly calling it a diabolical Invention, yet feems to be againft it only when he and his own Party were perfecuted, but not againft perfecuting the Enemies of Orthodoxy. In his Letter to *Epiſtetus*, Biſhop of *Corinth*, he faith, *I wonder that your Piety hath born theſe Things* (viz. the Hereſies he had before- mentioned) *and that you did not immediately put thoſe Hereticks under Reſtraint, and propoſe the true Faith to them; that if they would not forbear to contradict they might be declared Hereticks; for 'tis not to be endured that theſe Things ſhould be either ſaid or heard amongſt Chriſtians.* And in another Place he ſays, *that they ought to be had in univerſal Hatred for oppoſing the Truth; and comforts himſelf, that the Emperor, upon due Information, would put a Stop to their Wickedneſs, and that they would not be long liv'd. And to mention no more, I therefore exhort you,* ſays he, *let no one be deceived, but as though the Jewish Impiety was prevailing over the Faith of Chriſt, be ye all zealous in the Lord. And let every one bold ſaith the Faith be hath received from the Fathers, which alſo the Fathers met together at Nice declared in Writing, and endure none of thoſe who may attempt to make any Innovations therein.* 'Tis needleſs to produce more Inſtances of this kind; whoſoever gives himſelf the Trouble of looking over any of the Writings of this Father, will find in them the moſt furious Invectives againſt the *Arians*, and that he ſtudiouſly endeavours to repreſent them in ſuch Colours, as might render them the Abhorrence of Mankind, and excite the World to their utter Extirpa- tion.

I write not theſe Things out of any Averſion to the Memory, or peculiar Principles of *Atbanafius*; whether I agree with him, or differ from him in Opin- ion, I think my ſelf equally obliged to give impartially the true Account of him. And as this which I have given of him is drawn partly from Hiſtory, and partly from his own Writings, I think I cannot be juſtly charged with miſrepreſenting him. To ſpeak plainly, I think that *Atbanafius* was a Man of an haughty and inflexible Temper, and more concerned for Victory and Power than for Truth, Religion or Peace. The Word *Conſubſtantial* that was inſerted into the *Nicene* Creed, and the Anathema denounced againſt all who would or could not believe in it, furniſhed Matter for endleſs Debates. Thoſe who were againſt it cenſured as Blaſphemers thoſe who uſed it; and as denying the proper Subſiſtence of the Son, and as falling into the Sabellian Hereſy. The Conſubſtantialiſts on the other ſide reproached their Adverſaries as Heathens, and with bringing in the Polytheiſm of the Gentiles. And though they equal- ly denied the Conſequences which their reſpective Principles were charged with, yet as the Orthodox would not part with the Word *Conſubſtantial*, and the Ari- ans could not agree to the Uſe of it, they continued their unchriſtian Re- proaches and Accuſations of each other. *Atbanafius* would yield to no Terms

Ad Imp.

Conſt.

Apol.

P. 716.

Vol. I.

P. 584.

Orat. 1.

cont. Ar.

P. 304.

Vol. I.

P. 291.

P. 292.

Soz. 1. 2.

c. 18.

- of Peace, nor receive any into Communion, who would not absolutely submit to the Decisions of the Fathers of *Nice*. In his Letter to *Johannes* and *Antiochus* he exhorts them to hold fast the Confession of those Fathers, and to reject all who should speak more or less than was contained in it. And in his first Oration against the Arians he declares in plain Terms, "That the expressing " a Person's Sentiments in the Words of Scripture was no sufficient Proof of " Orthodoxy, because the Devil himself used Scripture Words to cover his " wicked Designs upon our Saviour; and even farther, that Hereticks were " not to be received, though they made use of the very Expressions of Or- " thodoxy it self." With one of so suspicious and jealous a Nature there could scarce be any possible Terms of Peace, it being extremely unlikely, that without some kind Allowances, and mutual Abatements, so wide a Breach could ever be compromised. Even the Attempts of *Constantine* himself to soften *Atbanasius*, and reconcile him to his Brethren, had no other Influence upon him, than to render him more imperious and obstinate; for after *Arius* had given in such a Confession of his Faith as satisfied the Emperor, and expressly denied many of the Principles he had been charged with, and thereupon humbly desired the Emperor's Interposition, that he might be restored to the Communion of the Church; *Atbanasius*, out of Hatred to his Enemy, flatly denied the Emperor's Request, and told him, that 'twas impossible for those who had once rejected the Faith, and were anathematized, ever to be wholly restored. This so provoked the Emperor, that he threaten'd to depose and banish him, unless he submitted to his Order; which he shortly after did, by sending him into *France*, upon an Accusation of several Bishops, who, as *Socrates* intimates, were worthy of Credit, That he had said he would stop the Corn that was yearly sent to *Constantinople* from the City of *Alexandria*. To such an Height of Pride was this Bishop now arrived, as even to threaten the Sequestration of the Revenues of the Empire. *Constantine* also apprehended, that this Step was necessary to the Peace of the Church, because *Atbanasius* absolutely refused to communicate with *Arius* and his Followers.
- Ad Solit. Vit. Agen. Epist. p. 89, 310. Soon after these Transactions *Arius* died, and the Manner of his Death, as it was reported by the Orthodox, *Atbanasius* thinks of it self sufficient fully to condemn the Arian Herefy, and an evident Proof that it was hateful to God. Nor did *Constantine* himself long survive him; he was succeeded by his three Sons, *Constantine*, *Constantius*, and *Constans*. *Constantine* the eldest recalled *Atbanasius* from Banishment, and restored him to his Bishoprick, upon which Account there arose most grievous Quarrels and Seditions, many being killed, and many publickly whipped by *Atbanasius*'s Order, according to the Accusations of his Enemies. *Constantius*, after his elder Brother's Death, convened a Synod at *Antioch* in *Syria*, where *Atbanasius* was again deposed for these Crimes, and *Gregory* put into the See of *Alexandria*. In this Council a new Creed was drawn up, in which the Word *Consubstantial* was wholly omitted, and the Expressions made use of so general, as that they might have been equally agreed to by the Orthodox and Arians. In the Close of it several Anathema's were added, and particularly upon all who should teach or preach other-
- Vol. I. p. 951.
P. 291.
Soc. 1. 1. c. 27.
Id. Ibid. c. 35.
Soc. 1. 2. c. 8.
Scz. 1. 3. c. 5.
Soc. 1. 3. c. 5.
Soc. 1. 2. c. 10.

otherwise than what this Council had received, because, as they themselves say, *They did really believe and follow all Things delivered by the Holy Scriptures, both Prophets and Apostles.* So that now the whole Christian World was under a synodical Curse, the opposite Councils having damned one another, and all that differed from them. And if Councils, as such, have any Authority to anathematise all who will not submit to them, this Authority equally belongs to every Council; and therefore 'twas but a natural Piece of Revenge, that as the Council of *Nice* had sent all the Arians to the Devil, the Arians, in their turn, should take the Orthodox along with them for Company, and thus repay one Anathema with another.

Constantius himself was warmly on the Arian side, and favoured the Bishops of that Party only, and ejected *Paul* the Orthodox Bishop from the See of *Constantinople*, as a Person altogether unworthy of it, *Macedonius* being substituted in his room. *Macedonius* was in a different Scheme, or at least expressed himself in different Words both from the Orthodox and Arians, and asserted, That the Son was not Consubstantial but *ὁμοιούσιον*, not of the same, but a like Substance with the Father, and openly propagated this Opinion, after he had thrust himself into the Bishoprick of *Paul*. This the orthodox Party highly resented, opposing *Hermogenes*, whom *Constantius* had sent to introduce him, and in their Rage burnt down his House, and drew him round the Streets by his Feet till they had murdered him. But notwithstanding the Emperor's Orders were thus opposed, and his Officers killed by the orthodox Party, he treated them with great Lenity, and in this Instance punished them much less than their Insolence and Fury deserved. Soon after this *Abanasius* and *Paul* were restored again to their respective Sees; and upon *Abanasius*'s entering *Alexandria* great Disturbances arose, which were attended with the Destruction of many Persons, and *Athanasius* accused of being the Author of all those Evils. Soon after *Paul*'s return to *Constantinople* he was banished from thence again by the Emperor's Order, and *Macedonius* re-entered into Possession of that See, upon which Occasion three Thousand one Hundred and fifty Persons were murdered, some by the Soldiers, and others by being pressed to Death by the Croud. *Athanasius* also soon followed him into Banishment, being accused of selling the Corn which *Constantine* the Great had given for the Support of the Poor of the Church of *Alexandria*, and putting the Money in his own Pocket; and being therefore threaten'd by *Constantius* with Death. But they were both a little while after recalled by *Constans*, then banished again by *Constantius*; and *Paul*, as some say, murdered by his Enemies the Arians, as he was carrying into Exile; though, as *Athanasius* himself owns, the Arians expressly denied it, and said, that he died of some Distemper. *Macedonius* having thus gotten quiet Possession of the See of *Constantinople*, prevailed with the Emperor to publish a Law, by which those of the Consubstantial, or orthodox Party, were driven not only out of the Churches but Cities too, and many of them compelled to communicate with the Arians by Stripes and Torments, by Proscriptions and Banishments, and other violent Methods of Severity. Upon the Banishment of *Athanasius*, whom *Constantius* in his Letter to the Citizens of *Alexandria*

Soc. l. 3.
c. 4.
Athanas. de Sanct. Trin. V. 2. p. 210.
Soc. l. 2. c. 13.
c. 15.
Soc. l. 2. c. 17.
Ad Sol. Vit. Ag. p. 813.
Soc. l. 2. c. 27.
Ad Const. Apol. p. 695.

dria calls an Impostor, a Corrupter of Men's Souls, a Disturber of the City, a pernicious Fellow, one convicted of the worst Crimes, not to be expiated by his suffering Death ten Times, George was put into the See of Alexandria, whom the Emperor, in the same Letter, stiles a most venerable Person, and the most capable of all Men to instruct them in heavenly Things; though Athanasius, in his usual Style, calls him an Idolater and Hangman, and one capable of all Violences, Rapines, and Murthers; and whom he actually charges with committing the most impious Actions and outrageous Cruelties. Thus, as Socrates observes, was the Church torn in pieces by a Civil War for the sake of Athanasius and the Word Consubstantial.

Cont. Ar.
Orat. 1.
P. 290.

l. 2. c. 25.

Soc. l. 2.
r. 15, 16.

Am. Mar.
l. 22. c. 5.

The Truth is, that the Christian Clergy were now become the chief Incendiaries and Disturbers of the Empire, and the Pride of the Bishops, and the Fury of the People on each side were grown to such an Height, as that there scarce ever was an Election or Restoration of a Bishop in the larger Cities, but it was attended with Slaughter and Blood. *Athanasius* was several Times banished and restored, at the Expence of Blood; the Orthodox were deposed, and the Arians substituted in their room, with the Murder of Thousands; and as the Controversy was now no longer about the plain Doctrines of uncorrupted Christianity, but about Power and Dominion, high Preferments, large Revenues, and secular Honours; agreeably hereto, the Bishops were introduced into their Churches, and placed on their Thrones, by armed Soldiers, and paid no Regard to the Ecclesiastical Rules, or the Lives of their Flocks, so they could get Possession, and keep out their Adversaries: And when once they were in, they treated those who differ'd from them without Moderation or Mercy, turning them out of their Churches, denying them the Liberty of Worship, putting them under an Anathema, and persecuting them with innumerable Methods of Cruelty; as is evident from the Accounts given by the Ecclesiastical Historians, of *Athanasius*, *Macedonius*, *George*, and others, which may be read at large in the forementioned Places. In a Word, they seem'd to treat one another with the same implacable Bitterness and Severity, as ever their common Enemies, the Heathens, treated them, as though they thought that Persecution for Conscience sake had been the distinguishing Precept of the Christian Religion; and that they could not more effectually recommend and distinguish themselves as the Disciples of Christ, than by taring and devouring one another. This made *Julian*, the Emperor, say of them, *That he found by Experience, that even Beasts are not so cruel to Men, as the generality of Christians were to one another.*

This was the unhappy State of the Church in the Reign of *Constantius*, which affords us little more than the History of Councils and Creeds differing from, and contrary to each other; Bishops deposing, censuring, and anathematizing their Adversaries, and the Christian People divided into Factions under their respective Leaders, for the sake of Words they understood nothing of the Sense of, and striving for Victory even to Bloodshed and Death. Upon the Succession of *Julian* to the Empire, though the contending Parties could not unite against the common Enemy, yet they were by the Emperor's Clemency and

Wisdom.

Wisdom kept in tolerable Peace and Order. The Bishops which had been banished by *Constantius* his Predecessor, he immediately recalled, ordered their Effects, which had been confiscated, to be restored to them, and commanded that no one should injure or hurt any Christian whatsoever. And as *Ammianus Marcellinus*, an heathen Writer of those Times, tells us, he caused the Bishops and People, who were at variance with each other, to come into his Palace, and there admonished them, that they should every one profess their own Religion, without Hindrance or Fear, provided they did not disturb the publick Peace by their Divisions. This was an Instance of great Moderation and Generosity, and a Pattern worthy the Imitation of all his Successors.

In the beginning of *Julian's* Reign some of the Inhabitants of *Alexandria*, and, as was reported, the Friends of *Athanasius*, by his Advice, raised a great Tumult in the City, and murdered *George*, the Bishop of the Place, by taring him in pieces, and burning his Body; upon which *Athanasius* returned immediately from his Banishment, and took Possession of his See, turning out the Arians from their Churches, and forcing them to hold their Assemblies in private and mean Places. *Julian*, with great Equity, severely reprov'd the *Alexandrians* for this their Violence and Cruelty, telling them, that though *George* might have greatly injured them, yet they ought not to have revenged themselves on him, but to have left him to the Justice of the Laws. *Athanasius*, upon his Restoration, immediately convened a Synod at *Alexandria*, in which was first asserted the Divinity of the Holy Spirit, and his Consubstantiality with the Father and the Son. But his Power there was but short; for being accused as the Destroyer of that City, and all *Egypt*, he saved himself by flight, but soon after secretly returned to *Alexandria*, where he lived in great privacy till the Storm was blown over by *Julian's* Death, and the Succession of *Jovian* to the Empire, who restored him to his See, in which he continued undisturbed to his Death.

Although *Julian* behaved himself with great Moderation, upon his first Accession to the imperial Dignity, towards the Christians, as well as others, yet his Hatred to Christianity soon appeared in many Instances. For though he did not, like the rest of the Heathen Emperors, proceed to sanguinary Laws, yet he commanded, that the Children of Christians should not be instructed in the *Grecian* Language and Learning. By another Edict he ordained, That no Christian should bear any Office in the Army, nor have any Concern in the Distribution and Management of the publick Revenues. He taxed very heavily, and demanded Contributions from all who would not sacrifice, to support the vast Expences he was at in his Eastern Expeditions. And when the Governors of the Provinces took Occasion from hence to oppress and plunder them, he dismissed those who complained with this scornful Answer, *Your God hath commanded you to suffer Persecution!* He also deprived the Clergy of all their Immunities, Honours, and Revenues, granted them by *Constantine*, abrogated the Laws made in their Favour, and ordered they should be listed amongst the Number of Soldiers. He destroyed several of their Churches, and stripped them of their Treasure and sacred Vessels. Some he punished with Banishment,

ment, and others with Death, under pretence of their having pulled down some of the Pagan Temples, and insulted himself.

The Truth is, that the Christian Bishops and People shewed such a turbulent and seditious Spirit, that 'twas no wonder that *Julian* should keep a jealous Eye over them, and though otherwise a Man of great Moderation, connive at the Severities his Officers sometimes practised on them. Whether he would have proceeded to any farther Extremities against them, had he returned Victorious from his *Persian Expedition*, as *Theodorit* affirms he would, cannot, I
 1. 3. c. 21. think, be determined. He was certainly a Person of great Humanity in his natural Temper; but how far his own Superstition, and the Imprudencies of the Christians, might have altered this Disposition, 'tis impossible to say. Thus much is certain, that the Behaviour of the Christians towards him, was, in many Instances, very blameable, and such as tended to irritate his Spirit, and awaken his Repentment. But whatever his Intentions were, he did not live to execute them, being slain in his *Persian Expedition*.

He was succeeded by *Jovian*, who was a Christian by Principle and Profession. Upon his return from *Persia* the Troubles of the Church immediately revived, the Bishops and Heads of Parties crowding about him, each hoping that he would list on their side, and grant them Authority to oppress their Adversaries. *Athanasius*, amongst others, writes to him in favour of the *Nicene Creed*, and warns him against the Blasphemies of the Arians; and though he doth not directly urge him to persecute them, yet he tells him, that 'tis necessary to adhere to the Decisions of that Council concerning the Faith, and that their Creed was Divine and Apostolical; and that no Man ought to reason or dispute against it, as the Arians did. A Synod also of certain Bishops met at *Antioch* in *Syria*; and though several of them had been Opposers of the *Nicene Doctrine* before, yet finding that this was the Faith espoused by *Jovian*, they with great Obsequiousness readily confirm'd it, and subscribed it, and in a flattering Letter sent it to him, representing that this true and orthodox Faith was the great Center of Unity. The Followers also of *Macedonius*, who rejected the Word *Consubstantial*, and held the Son to be only like to the Father, most humbly besought him, that such who asserted the Son to be unlike the Father might be driven from their Churches, and that they themselves might be put into them in their room; with the Bishops Names subscribed to the Petition. But *Jovian*, though himself in the orthodox Doctrine, did not suffer himself to be drawn into Measures of Persecution by the Arts of these temporizing Prelates, but dismissed them civilly with this Answer: *I hate Contention, and love those only that study Peace*; declaring, that he would trouble none upon account of their Faith, whatever it was; and that he would favour and esteem such only who should shew themselves Leaders in restoring the Peace of the Church. *Themistius* the Philosopher, in his Oration upon *Jovian's* Consulship, commends him very justly on this account, that he gave free Liberty to every one to worship God as he would, and despised the flattering Insinuations of those who would have persuaded him to the Use of violent Methods, concerning whom he pleasantly, but with too much Truth, said, *That he found by Experience, that they worship not God, but the Purple.*
 The

Soc. l. 3.
c. 24, 25.

Theod.
l. 4. c. 4

The two Emperors, *Valentinianus* and *Valens*, who succeeded *Jovian*, were of very different Tempers, and embraced different Parties in Religion. The former was of the Orthodox side; and though he favoured those most who were of his own Sentiments, yet he gave no Disturbance to the Arians. On the contrary, *Valens*, his Brother, was of a rigid and sanguinary Disposition, and severely persecuted all who differed from him. In the beginning of their Reign a Synod met in *Illyricum*, who again decreed the Consubstantiality of Father, Son, and Holy Ghost. This the two Emperors declared in a Letter their Assent to, and ordered that this Doctrine should be preached. However, they both published Laws for the Toleration of all Religions, even the Heathen and Arian. But *Valens* was soon prevailed on by the Arts of *Eudoxius*, Bishop of *Constantinople*, to forsake both his Principles of Religion and Moderation, and embracing the Arian Party, he cruelly persecuted all those who were of the orthodox Party. The Conduct of the orthodox Synod met at *Lampfacus* was the first Thing that enraged him; for having obtained of him leave to meet, for the Amendment and Settlement of the Faith, after two Months Consultation they decreed the Doctrine of the Son's being like the Father as to his Essence, to be Orthodox, and deposed all the Bishops of the Arian Party. This highly exasperated *Valens*, who thereupon called a Council of Arian Bishops, and commanded the Bishops that composed the Council at *Lampfacus* to embrace the Opinions of *Eudoxius* the Arian, and upon their refusal immediately sent them into Banishment, and gave their Churches to their Enemies, sparing only *Paulinus*, for the remarkable Sanctity of his Life. After this he enter'd into more violent Measures, and caused the Orthodox, some of them to be whipped, others to be disgraced, others to be imprisoned, and others to be fined. He also put great Numbers to death, and particularly caused eighty of them at once to be put on Board a Ship, and the Ship to be fired when it was sailed out of the Harbour, where they miserably perished by the Water and the Flames. These Persecutions he continued to the End of his Reign, and was greatly assisted in them by the Bishops of the Arian Party.

In the mean Time great Disturbances happened at *Rome*. *Liberius*, Bishop of that City being dead, *Ursinus*, a Deacon of that Church, and *Damasus*, were both nominated to succeed him. The Party of *Damasus* prevailed, and got him chosen and ordained. *Ursinus* being enraged that *Damasus* was preferred before him, set up separate Meetings, and at last procured himself to be privately ordained by certain obscure Bishops. This occasioned great Disputes amongst the Citizens, which should obtain the Episcopal Dignity, and the Matter was carried to such an Height, that great Numbers were murdered in the Quarrel on both sides, no less than one Hundred thirty seven Persons being destroy'd in the Church it self, according to *Ammianus*, who adds, ° *That 'twas no wonder to see those who were ambitious of human Greatness, contending with so much Heat*

° Cum id adepti, futuri sint ita securi, ut dicentur oblationibus Matronarum, procedantq; vehiculis insidentes, circumspicte vestiti, epulas curantes profusas, adeo ut eorum convivia regales superent mensas.

and Animosity for that Dignity, because when they had obtained it, they were sure to be enriched by the Offerings of the Matrons, of appearing Abroad in great Splendor, of being admired for their costly Coaches, sumptuous in their Feasts, out-doing Sovereign Princes in the Expences of their Tables. For which Reason *Prætextatus*, an Heathen, who was Prefect of the City the following Year, said, *Make me Bishop of Rome and I'll be a Christian too.*

Gratian, the Son of *Valentinian*, his Partner and Successor in the Empire, was of the orthodox Party, and after the Death of his Uncle *Valens* recalled those whom he had banished, and restored them to their Sees. But as to the Arians, *Theod.* he sent *Saïores*, one of his Captains, to drive them, as wild Beasts, out of all *l. 5. c. 2.* their Churches. *Socrates* and *Sozomen* tell us, however, that by a Law he ordained, that Persons of all Religions should meet, without fear, in their several Churches, and worship according to their own Way, the *Eunomians*, *Photinians* and *Manichees* excepted.

Theodosius, soon after his Advancement by *Gratian* to the Empire, discovered a very warm Zeal for the orthodox Opinions; for observing that the City of *Soz. l. 7.* *Constantinople* was divided into different Sects, he wrote a Letter to them from *c. 4 6.* *Thessalonica*, wherein he tells them, *That 'twas his Pleasure, that all his Subjects should be of the same Religion with Damasus Bishop of Rome, and Peter Bishop of Alexandria*; and that their Church only should be called Catholick, who worshipped the Divine Trinity as equal in Honour; and that those who were of another Opinion should be called Hereticks, become infamous, and be subject to other Punishments. He also forbid Assemblies and Disputations in the *Forum*, and made a Law for the Punishment of those that should presume to argue about the Essence and Nature of God. Upon his first coming to *Soz. l. 5.* *Constantinople*, being very solicitous for the Peace and Increase of the Church, he sent *c. 7.* for *Demophilus* the Arian Bishop, and asked him whether he would consent to the *Nicene* Faith, and thus accept the Peace he offered him; adding, *If you refuse to do it I will drive you from your Churches.* And upon *Demophilus's* Refusal, the Emperor was as good as his Word, and turned him and all the Arians out of the City, after they had been in possession of the Churches there for *c. 8.* Forty Years. But being willing more effectually to extinguish Heresy, he summoned a Council of Bishops of his own Persuasion, *A. C. 383.* to meet together at *Constantinople*, in order to confirm the *Nicene* Faith: The Number of them were one Hundred and fifty; to these were added thirty six of the *Macedonian* Party. And accordingly this Council, which is reckoned the second

The second *general* *Council,* *A. C. 383.* Oecumenical or general one, all of them, except the *Macedonians*, did decree that the *Nicene* Faith should be the Standard of Orthodoxy; and that all Heresies should be condemned. They also made an Addition to that Creed, explaining the orthodox Doctrine of the Spirit against *Macedonius*, viz. after the Words Holy Ghost, they inserted, *The Lord, the Quickner, proceeding from the Father, whom with the Father and the Son we worship and glorify, and who spake by the Prophets.* When the Council was ended the Emperor put forth two *Cod.* *Theod.* *l. 11, 12.* Edicts against Hereticks; by the first prohibiting them from holding any Assemblies; and by the second, forbidding them to meet in Fields or Villages, order-

ordering the Houses where they met to be confiscated, and commanding that such who went to other Places to teach their Opinions, or perform their religious worship, should be forced to return to the Places where they dwelt, condemning all those Officers and Magistrates of Cities who should not prevent such Assemblies. A little while after the Conclusion of this Council, finding that many Disorders were still occasioned through the Opposition of the several Parties to one another, he convened the principal Persons of each, and ordered them to deliver into his Hand a written Form of their Belief, which after he had received, he retired by himself, and earnestly prayed to God, that he would enable him to make Choice of the Truth. And when after this he had perused the several Papers delivered to him, he tore them all in pieces, except that which contained the Doctrine of the indivisible Trinity, to which he intirely adhered. After this he published a Law, by which he forbid Hereticks to worship or preach, or to ordain Bishops or others, commanding some to be banished, others to be rendered infamous, and to be deprived of the common Privileges of Citizens, with other grievous Penalties of the like nature. *Sozomen*, however, tells us, that he did not put these Laws in execution, because his Intention was not to punish his Subjects, but to terrify them into the same Opinions of God with himself, praising at the same time those who voluntarily embraced them. *Socrates* also confirms the same, telling us, that he only banished *Eunomius* from *Constantinople* for holding private Assemblies, and reading his Books to them, and thereby corrupting many with his Doctrine. But that as to others he gave them no Disturbance, nor forced them to communicate with him, but allowed them all their several Meetings, and to enjoy their own Opinions as to the Christian Faith. Some he permitted to build Churches without the Cities, and the *Novatians* to retain their Churches within, because they held the same Doctrines with himself.

Arcadius and *Honorius*, the Sons and Successors of *Theodosius*, embraced the orthodox Religion and Party, and confirmed all the Decrees of the foregoing Emperors in their Favour. Soon after their Accession to the imperial Dignity, *Nestarius* Bishop of *Constantinople* died, and *John*, called for his Eloquence *Chrysostom*, was ordained in his room: He was a Person of a very rigid and severe Temper, an Enemy to Hereticks, and against allowing them any Toleration. *Gaina*, one of the principal Officers of *Arcadius*, and who was a Christian of the Arian Perswasion, desired of the Emperor one Church for himself and those of his Opinion, within the City. *Chrysostom* being informed of it, immediately went to the Palace, taking with him all the Bishops he could find at *Constantinople*, and in the Presence of the Emperor bitterly inveigh'd against *Gaina*, who was himself at the Audience, and reproached him for his former Poverty, as also with Insolence and Ingratitude. Then he produced the Law that was made by *Theodosius*, by which Hereticks were forbidden to hold Assemblies within the Walls of the City; and turning to the Emperor, perswaded him to keep in force all the Laws against Hereticks; adding, that 'twas better voluntarily to quit the Empire, than to be guilty of the Impiety of betraying the House of God. *Chrysostom* carried his Point, and the Consequence of it was

an Insurrection of the *Goths* in the City of *Constantinople*, which had like to have ended in the Burning the imperial Palace, and the Murther of the Emperor, and did actually end in the cutting off all the *Gotbick* Soldiers, and the Burning of their Church, with great Numbers of Persons in it, who fled thither for Safety, and were locked in to prevent their escape. His violent Treatment of several Bishops, and the arbitrary Manner of his deposing them, and substituting others in their room, contrary to the Desires and Prayers of the People, is but too full a Proof of his imperious Temper, and love of Power. Not content with this, he turned his Eloquence against the Empress *Eudoxia*, and in a set Oration inveighing against bad Women, he expressed himself in such a Manner, as that both his Friends and Enemies believed that the Invective was chiefly levelled against her. This so enraged her, that she soon procured his Deposition and Banishment. Being soon after restored, he added new Provocations to the former, by rebuking the People for certain Diversions they took at a Place where the Statue of the Empress was erected. This she took for an Insult on her Person, and when *Chrysoptom* knew her Displeasure on this Account, he used more severe Expressions against her than before, saying, *Herodias is enraged again; she raises fresh Disturbances; and again desires the Head of John in a Charger.* On this and other Accounts he was deposed and banished by a Synod convened for that purpose, Bishops being always to be had in those Days easily, to do what was desired or demanded of them by the Emperors.

Soz. 1. 8. *Chrysoptom* died in his Banishment, according to the Christian Wish of *Epiphanius*, *I hope you'll not die Bishop of Constantinople*; which *Chrysoptom* returned with a Wish of the same good Temper, *I hope you'll not live to return to your own City*; so deadly was the Hatred of these Saints and Fathers against each other. After *Chrysoptom's* Death his Favourers and Friends were treated with great Severity, not indeed on the Account of Religion, but for other Crimes of Sedition they were charged with, and particularly, for burning down one of the Churches in the City, the Flames of which spread themselves to the Senate House and entirely consumed it.

Soc. 1. 6. c. 16.

Soc. 1. 6. c. 18.

Under the same Emperors the Donatists gave sad Specimens of their Cruelty in *Africa* towards the Orthodox, as *St. Austin* informs us. They seized on *Maximianus*, one of the *African* Bishops, as he was standing at the Altar, beat him unmercifully, and ran a Sword into his Body, leaving him for dead. And a little after he adds, That it would be tedious to recount the many horrible Things they made the Bishops and Clergy suffer; some had their Eyes put out; one Bishop had his Hands and Tongue cut off, and others were cruelly destroyed. I forbear, says *Austin*, to mention their barbarous Murthers, and demolishing of Houses, not private ones only, but the very Churches themselves. *Honorius* published very severe Edicts against them, ordaining, That if they did not, both Clergy and Laity, return to the Catholics by such a Day, they should be heavily fined, their Estates should be confiscated, the Clergy banished, and their Churches all given to the Catholics. These Laws *Austin* commends as rightly and piously ordained, maintaining the Lawfulness of persecuting Hereticks by all manner of Ways, Death only excepted.

Epist. 50. ad Bon. & Epist. 68. ad Januar.

Cod. Theod. l. 52.

Under

The INTRODUCTION.

Under the Reign of *Theodosius*, *Arcadius* his Son, those who were called Hereticks were grievously persecuted by the Orthodox. *Theodosius*, Bishop of *Soc. 1. 7.*
Synnada in *Pbrygia*, expelled great Numbers of the Followers of *Macedonius* ^{c. 3.}
 from the City and Country round about, *Not from any Zeal for the true Faith*, as *Socrates* says, *but through Covetousness, and a Design to extort Money from them.* On this Account he used all his Endeavours to oppress them, and particularly *Agapetus* their Bishop, armed his Clergy against them, and accused them before the Tribunal of the Judges. And because he did not think the Governors of the Provinces sufficient to carry on this good Work of Persecution, he went to *Constantinople* to procure fresh Edicts against them; but by this means he lost his Bishoprick, the People refusing him Admission in'o the Church upon his return, and chusing *Agapetus*, whom he had persecuted, in his room.

Theophilus, Bishop of *Alexandria*, the great Enemy of *Cbrystom*, being ^{l. 7. c. 7.}
 dead, *Cyrill* was enthroned in his room, not without great Disturbance and Opposition from the People, and used his Power for the Oppression of Hereticks; for immediately upon his Advancement, he shut up all the Churches of the *Novatians* in that City, took away all their sacred Treasures, and stripped *Theopemptus* their Bishop, of every Thing that he had. Nor was this much to be ^{l. 7. c. 13.}
 wonder'd at, since, as *Socrates* observes, that from the Time of *Theophilus*, ^{14.}
Cyrill's Predecessor, *The Bishop of Alexandria* began to assume an Authority and Power above what belonged to the sacerdotal Order. On this Account the great Men hated the Bishops, because they usurped to themselves a good part of that Power which belonged to the imperial Governors of Provinces; and particularly, *Cyrill* was hated by *Orestes*, Prefect of *Alexandria*, not only for this Reason, but because he was a continual Spy upon his Actions. At length their Hatred to each other publickly appeared. *Cyrill* took on him, without acquainting the Governor, or contrary to his leave, to deprive the *Jews* of all their Synagogues, and banished them from the City, and encouraged the Mob to plunder them of their Effects. This the Prefect highly resented, and refused the Bishop's Offers of Peace and Friendship. Upon this about fifty Monks came into the City for *Cyrill's* Defence, and meeting the Prefect in his Chariot publickly insulted him, calling him Sacrificer and Pagan; adding many other injurious Reproaches. One of them, called *Ammonius*, wounded him in the Head with a Stone, which he flung at him with great Violence, and covered him all over with Blood; and being, according to the Laws, put by *Orestes* publickly to the Torture, he died through the Severity of it. St. *Cyrill* honourably received the Body into the Church, gave him the new Name of *Thaumasius*, or, *The Wonderful*, ordered him to be looked on as a Martyr, and lavishly extolled him in the Church, as a Person murdered for his Religion. This scandalous Procedure of *Cyrill's* the Christians themselves were ashamed of, because 'twas publickly known, that the Monk was punished for his Insolence; and even St. *Cyrill* himself had the Modesty at last to use his Endeavours that the whole Affair might be entirely forgotten. The Murther also of *Hypatia* ^{Id. Ibid.}
 by *Cyrill's* Friends and Clergy, merely out of Envy to her superior Skill in Phi- ^{c. 15.}
 losophy, brought him and his Church of *Alexandria* under great Infamy; for

as she was returning home from a Visit, one *Peter* a Clergyman, with some other Murtherers, seized on her, dragged her out of her Chariot, carried her to one of the Churches, stripped her naked, scraped her to Death with Shells, then tore her in pieces, and burnt her Body to Ashes.

Soc. 1. 7. *Innocent* also, Bishop of *Rome*, grievously persecuted the *Novatians*, and took
c. 9. from them many Churches; and, as *Socrates* observes, was the first Bishop of that See who disturbed them. *Celestine* also, one of his Successors, imitated this Injustice, and took from the *Novatians* the Remainder of their Churches,
c. 11. and forced them to hold their Assemblies in private; For the Bishops of *Rome*, as well as those of *Alexandria*, had usurped a tyrannical Power, which, as Priests, they had no right to; and would not suffer those who agreed with them in the Faith, as the *Novatians* did, to hold publick Assemblies, but drove them out of their Oratories, and plundered them of all their Substance.

Nestorius, Bishop of *Constantinople*, immediately upon his Advancement, shewed himself a violent Persecutor; for as soon as ever he was ordained, he addressed himself to the Emperor before the whole Congregation, and said,
c. 29. Purge me, O Emperor, the Earth from Hereticks, and I will give thee in recompence the Kingdom of Heaven. Conquer with me the Hereticks, and I with thee will subdue the Persians. And agreeable to his bloody Wishes, the fifth Day after his Consecration, he endeavoured to demolish the Church of the Arians, in which they were privately assembled for Prayer. The Arians in their Rage, seeing the Destruction of it determined, set Fire to it themselves, and occasioned the Burning down the neighbouring Houses; and for this Reason not only the Hereticks, but those of his own Persuasion, distinguished him by the Name of *Incendiary*. But he did not rest here, but tried all Tricks and Methods to destroy Hereticks; and by these Means endangered the Subversion of *Constantinople* it self. He persecuted the *Novatians*, through hatred of *Paul* their Bishop for his eminent Piety. He grievously oppressed those who were not Orthodox as to the Day of keeping *Easter*, in *Asia*, *Lydia*, and *Caria*, and occasioned the Murthers of great Numbers on this Account, at *Miletus* and *Sardis*.

c. 2. Few indeed of the Bishops were free from this wicked Spirit. *Socrates*, however, tells us, that *Atticus* Bishop of *Constantinople* was a Person of great Piety and Prudence, and that he did not offer Violence to any of the Hereticks, but that after he had once attempted to terrify them, he behaved more mildly and
c. 41. gently to them afterwards. *Proclus* also, Bishop of the same City, who had been brought up under *Atticus*, was a careful Imitator of his Piety and Virtue, and exercised rather greater Moderation than his Master, being gentle towards all Men, from a Persuasion, that this was a much more proper Method than Violence to reduce Hereticks to the true Faith, and therefore he never made use of the imperial Power for this purpose. And in this he imitated *Theodosius* the Emperor, who was not at all concerned or displeased that any should think differently of God from himself. However, the Number of Bishops of this Temper was but small. Nothing pleased the generality of them but Methods of Severity, and the utter Ruin and Extirpation of their Adversaries.

Under

Under the Reign of this Emperor, the Arians also, in their Turn, used the Orthodox with no greater Moderation, than the Orthodox had used them. The *Vandals*, who were partly Pagans, and partly Arians, had seized on *Spain* and *Africa*, and exercised innumerable Cruelties on those who were not of the same Religion with themselves. *Trafmond* their General in *Spain*, and *Genferick* in *Africa*, used all possible Endeavours to propagate Arianism throughout all their Provinces. And the more effectually to accomplish this Design, they filled all Places with Slaughter and Blood, by the Advice of the Bishops of their Party, burning down Churches, and putting the orthodox Clergy to the most grievous and unheard of Tortures, to make them discover the Gold and Silver of their Churches, repeating these kind of Tortures several times, so that many actually died under them. *Genferick* seized on all the sacred Books he could find, that they might be deprived of the Means of defending their Opinions. By the Counsel of his Bishops, he ordered that none but Arians should be admitted to Court, or employ'd in any Offices about his Children, or so much as enjoy the Benefit of a Toleration. *Armogestes*, *Masculon*, and *Saturus*, three Officers of his Court, were inhumanly tortured to make them embrace Arianism; and, upon their refusal, they were stripped of their Honours and Estates, and forced to protract a miserable Life in the utmost Poverty and Want. These and many more Instances of *Genferick's* Cruelty towards the Orthodox, during a long Reign of thirty eight Years, are related by *Victor*, l. i. in fine.

During these Transactions, a new Controversy, of a very extraordinary and important Nature, arose in the Church, which, as the other had done before, occasioned many Disorders and Murthers, and gave Birth to the third general Council. *Nestorius*, the persecuting Bishop of *Constantinople*, altho' tolerably found in the Doctrine of the real Deity of the *Logos*, yet excepted against the Virgin *Mary's* being called Θεοτοκος, i. e. *Mother of God*, because, as he argued, *Mary was a Woman, and that therefore God could not be born of her*; adding, *I cannot call him God, who once was not above two or three Months old*; and therefore he substituted another Word in the room of it, calling her Χριστοκος, or *Mother of Christ*. By this Means, he seemed to maintain, not only the Distinction of the two Natures in Christ, for he allowed the proper Personality and Subsistence of the *Logos*, but that there were also two distinct Persons in Christ; the one a mere Man, absolutely distinct from the Word, and the other God, as absolutely distinct from the human Nature. This caused great Disturbances in the City of *Constantinople*, and the Dispute was thought of such Consequence, as to need a Council to settle it. Accordingly *Theodosius* convened one at *Ephesus*, A. C. 434. of which *Cyrill* was President; and as he hated *Nestorius*, he persuaded the Bishops of his own Party to decree, that the Virgin was, and should be, the Mother of God, and to anathematise all who should not confess her in this Character, nor own that the Word of God the Father was united substantially to the Flesh, making one Christ of two Natures, both God and Man together; or who should ascribe what the Scriptures say of Christ, to two Persons or Subsistences, interpreting some of the Man, exclusive

Evag. E.H.
l. i. c. 2.
Soc. l. 7.
c. 32, 34.
Third general Council,
A. C. 434.
Soc. l. 1.
c. 5.

exclusive of the Word; and others of the Word, exclusive of the human Nature; or who should presume to call the Man Christ $\Theta\epsilon\omicron\tau\epsilon\varsigma\Theta\epsilon\upsilon$, *the Bearer, or the Receptacle of God*, instead of God; and hastily to depose *Nestorius* five Days before the coming of *John* Bishop of *Antioch*, with his suffragan Bishops. *John*, upon his Arrival at *Ephesus*, deposed *Cyrill*, in a Council of Bishops held for that Purpose, and accused him of being the Author of all the Disorders occasioned by this Affair, and of having rashly proceeded to the Deposition of *Nestorius*. *Cyrill* was soon absolved by his own Council, and, in Revenge, deposed *John* of *Antioch*, and all the Bishops of his Party. But they were both reconciled by the Emperor, and restored each other to their respective Sees, and, as the Effect of their Reconciliation, both subscribed to the Condemnation of *Nestorius*, who was sent into Banishment, where, after suffering great Hardships, he died miserably; being thus made to taste those Sweets of Persecution, he had so liberally given to others, in the Time of his Power and

Evag. l. 1. Prosperity. The Emperor himself, though at first he disapproved of this
c. 12. Council's Conduct, yet afterwards was persuaded to ratify their Decrees, and published a Law, by which all who embraced the Opinions of *Nestorius*, were, if Bishops or Clergymen, ordered to be expelled the Churches; or if Laymen, to be anathematized. This occasioned irreconcilable Hatreds amongst the Bishops and People, who were so enraged against each other; that there was no passing with any Safety from one Province or City to another, because every one pursued his Neighbour as his Enemy, and, without any Fear of God, revenged themselves on one another, under a Pretence of Ecclesiastical Zeal.

Evag. l. 2. *Marcian*, the Successor of *Theodosius* in the Empire, embraced the Orthodox
c. 1. Party and Opinions, and was very desirous to bring about an entire Uniformity in the Worship of God, and to establish the same Form of Doxologies amongst all Christians whatsoever. Agreeably to this his Temper, *Eusebius*, Bishop of *Nicomedia*, address'd him soon after his Promotion in these Words: *God hath justly given you the Empire, that you should govern all for the universal Welfare, and for the Peace of his holy Church: And therefore, before and in all Things, take Care of the Principles of the orthodox and most holy Faith, and extinguish the Roarings of the Hereticks, and bring to Light the Doctrines of Piety.* The Legates also of
Concil. Chalced. Act. 13. *Leo*, Bishop of *Rome*, presented him their Accusations against *Dioscorus*, Bishop of *Alexandria*; as did also *Eusebius*, Bishop of *Dorylæum*, beseeching the Emperor that these Things might be judged and determined by a Synod. *Marcian* consented, and ordered the Bishops to meet first at *Nice*, and afterwards at *Chalcedon*. This was the fourth oecumenical or general Council, consisting

of near six hundred Prelates. The principal Cause of their assembling was the *Eutychian* Heresy. *Eutyches*, a Presbyter of *Constantinople*, had asserted, in the Reign of *Theodosius, jun.* that *Jesus Christ consisted of two Natures before his Union or Incarnation, but that after this he had one Nature only.* He also denied that *the Body of Christ was of the same Substance with ours.* On this Account, he was deposed by a particular Council at *Constantinople* by *Flavian*, Bishop of that Place: But, upon his complaining to the Emperor that the

Acts

Acts of that Council were falsified by his Enemies, a second Synod of the neighbouring Bishops met in the same City, who, after examining those Acts, found them to be genuine, and confirmed the Sentence against *Eutyches*. But *Dioscorus*, Bishop of *Alexandria*, who was at Enmity with *Flavian* of *Constantinople*, obtained, from *Theodosius*, that a third Council should be held on this Affair, which accordingly met at *Ephesus*, which the Orthodox stigmatized by the Name of *Anseken*, the thieving Council, or Council of Thieves. *Dioscorus* was President of it, and, after an Examination of the Affair of *Eutyches*, his Sentence of Excommunication and Deposition was taken off, and himself restored to his Office and Dignity, the Bishops of *Constantinople*, *Antioch*, and others, being deposed in his stead. But the condemned Bishops, and the Legates from *Rome*, appealed from this Sentence to another Council, and prevailed with *Theodosius* to issue his Letters for the assembling one: But as he died before they could meet, the Honour of determining this Affair was reserved for his Successor *Marcian*; and when the Fathers, in Obedience to his Summons, were convened at *Chalcedon*, the Emperor favoured them with his Presence; and, in a Speech to them, told them, *That he had nothing more at Heart than to preserve the true and orthodox Christian Faith, safe and uncorrupted, and that therefore he proposed to them a Law, that no one should dare to dispute of the Person of Christ, otherwise than as it had been determined by the Council of Nice.* After this Address of the Emperor, the Fathers proceeded to their synodical Business, and, notwithstanding the Synod was divided, some of the Fathers piously crying out, *Damn Dioscorus, banish Dioscorus, banish the Ægyptian, banish the Heretick, Christ hath deposed Dioscorus*; others, on the contrary, *Restore Dioscorus to the Council, restore Dioscorus to his Churches*; yet, through the Authority of the Legates of *Rome*, *Dioscorus* was deposed for his Contempt of the sacred Canons, and for his Contumacy towards the holy universal Synod. After this, they proceeded to settle the Faith according to the *Nicene Creed*, the Opinions of the Fathers, and the Doctrine of *Athanasius*, *Cyrill*, *Cælestine*, *Hilarius*, *Basil*, *Gregory*, and *Leo*; and decreed, that *Christ was truly God, and truly Man, consubstantial to the Father as to his Deity, and consubstantial to us as to his Humanity, and that he was to be confessed as consisting of two Natures without Mixture, Conversion of one into the other, and without Division or Separation; and that it should not be lawful for any Persons to utter, or write, or compose, or think, or teach any other Faith whatsoever*; and that if any should presume to do it, they should, if Bishops or Clergymen, be deposed; and if Monks or Laicks, be anathematized. This procured a loud Acclamation: *God bless the Emperor, God bless the Empress. We believe as Pope Leo doth. Damn the Dividers and the Confounders. We believe as Cyrill did: Immortal be the Name of Cyrill. Thus the Orthodox believe; and cursed be every one that doth not believe so too.* *Marcian* ratified their Decrees, and banished *Dioscorus*, and put forth an Edict, containing very severe Penalties against the *Eutychians* and *Apollinarians*, commanding that no one whatsoever, either of the Clergy or Laity, should publickly dispute about Religion, under Pain of Banishment, and Loss of all Honours, Dignities, Orders, &c. For this Reason, Pope *Leo*

Evag. l. 2. c. 4, 18.

Evag. l. 2. c. 5. Hist. of the Inquisition, l. 1. c. 3.

- Auguft. Epift. 75. returns him Thanks, that he had destroy'd thefe Heresies, and exhorts him farther, that he would reform the See of *Alexandria*, and not only depofe the heretical Clergy of *Constantinople* from their clerical Orders, but expel them from the City it felf.
- Evag. 1. 2. c. 5. *Proterius* was fubftituted by this Council Bishop of *Alexandria*, in the room of *Diofcorus*; and, upon his taking Poffeffion of his Bifhoprick, the whole City was put into the utmoft Confufion, being divided, fome for *Diofcorus*, fome for *Proterius*. The Mob affaulted with great Violence their Magiftrates, and being oppofed by the Soldiers, they put them to flight by a Shower of Stones; and as they betook themfelves to one of the Churches for Sanctuary, the Mob befieged it, and burnt it to the Ground, with the Soldiers in it. The Emperor fent two thoufand other Soldiers to quel this Difurbance, who encreafed the Miferies of the poor Citizens, by offering the higheft Indignities to their Wives and Daughters. And though they were for fome Time kept in Awe, yet, upon *Marcian's* Death, they broke out into greater Fury, ordained *Timotheus* Bishop of the City, and murdered *Proterius*, by running him through with a Sword. After this, they hung him by a Rope, in a publick Place, by way of Derifion, and then, after they had ignominioufly drawn him round the whole City, they burnt him to Afhes, and even fed on his very Bowels in the Fury of their Revenge. The Orthodox charged thefe Outrages upon the *Eutychians*; but *Zacharias*, the Hiftorian, mentioned by *Evagrius*, fays, *Proterius* himfelf was the Caufe of them, and that he raifed the greateft Difurbances in the City: And, indeed, the Clergy of *Alexandria*, in their Letter to *Leo*, the Emperor, concerning this Affair, acknowledge, that *Proterius* had depofed *Timotheus*, with four or five Bifhops, and feveral Monks, for Heresy, and obtained of the Emperor their actual Banifhment.
- c. 5. Great Difurbances happened alfo in *Paleftine* on the fame Account; the Monks who oppofed the Council forcing *Juvenal*, Bishop of *Jerufalem*, to quit his See, and getting one *Theodofius* ordained in his room. But the Emperor foon reftored *Juvenal*, after whose Arrival the Tumults and Miferies of the City greatly encreafed, the different Parties acting by one another juft as their Fury and Revenge infpired them.
- c. 9, 10. *Leo* fucceeded *Marcian*, and fent circular Letters to the feveral Bifhops, to make Enquiries concerning the Affairs of *Alexandria*, and the Council of *Chalcedon*. Moft of the Bifhops adhered to the Decrees of thofe Fathers, and agreed to depofe *Timotheus*, who was fent to bear *Diofcorus* Company in Banifhment.

Under *Zeno*, the Son-in-Law, and Succelfor of *Leo*, *Hunnerick* the *Vandal* grievoufly perfecuted the Orthodox in *Africa*. In the Beginning of his Reign, he made a very equitable Propofal, that he would allow them the Liberty of choofing a Bishop, and worshipping according to their own Way, provided the Emperor would grant the Arians the fame Liberty in *Constantinople*, and other Places. This the Orthodox would not agree to, choofing rather to have their own Brethren perfecuted, than to allow Toleration to fuch as differed from them. *Hunnerick* was greatly enraged by this Refufal, and exercifed

cised great severity towards all who would not profess the Arian Faith, being excited hereto by *Cyrril* one of his Bishops, who was perpetually suggesting to him, that the Peace and Safety of his Kingdom could not be maintained, unless he extirpated all who differed from him as publick Nufances. This cruel ecclesiastical Advice was agreeable to the King's Temper, who immediately put forth the most severe Edicts against those who held the Doctrine of the Consubstantiality, and turned all those Laws which had been made against the Arians, and other Hereticks, against the Orthodox themselves, it being, as *Hunmerick* observes in his Edict, *an Instance of Virtue in a King, to turn evil Counsels against those who were the Aulors of them.* But though the Persecution carried on by the Orthodox was no Vindication of *Hunmerick's* Cruelty towards them, yet I think they ought to have observed the Justice of divine Providence, in suffering a wicked Prince to turn all those unrighteous Laws upon themselves, which, when they had Power on their side, they had procured for the Punishment and Destruction of others. A particular Account of the Cruelties exercised by this Prince may be read at large in *Victor de Vandal Persec.* l. 3.

Zeno, though perfectly Orthodox in his Principles, yet was a very wicked and profligate Prince, and rendered himself so extremely hateful to his own Family, by his Vices and Debaucheries, that *Basiliscus*, Brother of *Verina*, Mother of *Zeno's* Empress, expelled him the Empire, and reigned in his stead; and having found by Experience, that the Decrees of the Council of *Chalcedon* Evag. l. 3. had occasioned many Disturbances, he by an Edict ordained, that the *Nicene* c. 4. Creed alone should be used in all Churches, as being the only Rule of the pure Faith, and sufficient to remove every Heresy, and perfectly to unite all the Churches; confirming at the same Time the Decrees of the Councils of *Constantinople* and *Ephesus*. But as to those of the Council of *Chalcedon* he ordered, that as they had destroyed the Unity and good Order of the Churches, and the Peace of the whole World, they should be anathematized by all the Bishops; and that where-ever any Copies of those Articles should be found they should be immediately burnt. And that whosoever after this should attempt, either by Dispute or Writing, or Teaching, at any Time, Manner or Place, to utter, or so much as name the Novelties that had been agreed on at *Chalcedon* contrary to the Faith, should, as the Authors of Tumults and Seditions in the Churches of God, and as Enemies to God and himself, be subject to all the Penalties of the Laws, and be deposed, if Bishops or Clergymen; and if Monks or Laicks, be punished with Banishment, and Confiscation of their Effects, and even with Death it self. Most of the eastern Bishops subscribed these Letters l. 3. c. 5. of *Basiliscus*; and being afterwards met in Council at *Ephesus*, they deposed *Acacius* the orthodox Bishop of *Constantinople*, and many other Bishops that agreed with him. They also wrote to the Emperor to inform him, That *they had voluntarily subscribed his Letters*; and to persuade him to adhere to them, or that otherwise *the whole World would be subverted, if the Decrees of the Synod of Chalcedon should be re-established, which had already produced innumerable Slaughters, and occasioned the shedding of the Blood of the orthodox Christians.* But *Acacius*,
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Bishop of *Constantinople*, soon forced *Basiliscus* to alter his Measures, by raising up the Monks and Mob of the City against him; so that he recalled his former Letters, and ordered *Nestorius* and *Eutyches*, with all their Followers, to be anathematized, and soon after he quitted the Empire to *Zeno*. Upon his Restoration he immediately rescinded the Acts of *Basiliscus*, and expelled those Bishops from their Sees which had been ordained during his Abdication. In the mean Time the *Asiatick* Bishops, who in their Letter to *Basiliscus* had declared, that the Report of their *subscribing involuntarily, and by force, was a Slander and a Lye*; yet upon this Turn of Affairs, in order to excuse themselves to *Acacius*, and to ingratiate themselves with *Zeno*, affirm, *That they did it not voluntarily, but by force, swearing that they had always, and did now believe the Faith of the Synod of Chalcedon.* *Evagrius* leaves it in doubt, whether *Zacharias* defamed them, or whether the Bishops lyed, when they affirmed that they subscribed involuntarily, and against their Consciences.

Evag. l. 3.
s. 8, 9.

c. 13.
s. 14.

Zeno observing the Disputes that had arisen through the Decrees of the last Council, published his *Henoticon*, or his *uniting and pacifick Edict*, in which he confirmed the *Nicene*, *Constantinopolitan*, and *Ephesine* Councils, ordained that the *Nicene* Creed should be the Standard of Orthodoxy, declared that neither himself nor the Churches have, or had, or would have any other Symbol or Doctrine but that, condemned *Nestorius* and *Eutyches*, and their Followers; and ordered, that whosoever had, or did think otherwise, either now or formerly, whether at *Chalcedon* or any other Synod, should be anathematized. The Intention of the Emperor by this Edict, was plainly to reconcile the Friends and Opposers of the Synod of *Chalcedon*; for he condemned *Nestorius* and *Eutyches*, as that Council had done, but did not anathematize those who would not receive their Decrees, nor submit to them as of equal Authority with those of the three former Councils: But this Compromise was far from having the desired effect.

c. 11, 12.

During these Things several Changes happen'd in the Bishoprick of *Alexandria*. *Timothy*, Bishop of that Place being dead, one *Peter Mongus* was elected by the Bishops Suffragans of that See, which so enraged *Zeno*, that he intended to have put him to Death, but changed it for Banishment, and *Timothy*, Successor of *Proterius*, was substituted in his room. Upon *Timothy's* Death *John*, a Presbyter of that Church, obtained the Bishoprick by Symony, and in Defiance of an Oath he had taken to *Zeno*, that he would never procure himself to be elected into that See. Upon this he was expelled, and *Mongus* restored by the Emperor's Order. *Mongus* immediately consented, and subscribed to the pacifick Edict, and received into Communion those who had formerly been of a different Party. Soon after this he was accused by *Calendio* Bishop of *Antioch* for Adultery, and for having publickly anathematized the Synod of *Chalcedon* at *Alexandria*; and though this latter Charge was true, yet he solemnly denied it in a Letter to *Acacius* Bishop of *Constantinople*, turning with the Time, condemning and receiving it, just as it suited his Views, and served his Interest.

c. 16.

c. 17.

a. 20, 21.

But being at last accused before *Felix* Bishop of *Rome*, he was pronounced an Heretick, excommunicated, and anathematized.

Anastasius, who succeeded *Zeno*, was himself a great Lover of Peace, and endeavoured to promote it, both amongst the Clergy and Laity, and therefore ordered, that there should be no Innovations in the Church whatsoever. But this Moderation was by no means pleasing to the Monks and Bishops. Some of them were great Sticklers for the Council of *Chalcedon*, and would not allow so much as a Syllable or a Letter of their Decrees to be altered, nor communicate with those who did not receive them. Others were so far from submitting to this Synod, and their Determinations, that they anathematized it; whilst others adhered to *Zeno's Henoticon*, and maintained Peace with one another, even though they were of different Judgment concerning the Nature of Christ. Hence the Church was divided into Factions, so that the Bishops would not communicate with each other. Not only the Eastern Bishops separated from the Western; but those of the same Provinces had Schisms amongst themselves. The Emperor, to prevent as much as possible these Quarrels, banished those who were most remarkably troublesome from their Sees, and particularly the Bishops of *Constantinople* and *Antioch*, forbidding all Persons to preach either for or against the Council of *Chalcedon*, in any Places where it had not been usual to do it before; that by allowing all Churches their several Customs, he might prevent any Disturbances upon account of Innovations. But the Monks and Bishops prevented all these Attempts for Peace, by forcing one another to make new Confessions and Subscriptions, and by anathematizing all who differed from them as Hereticks; so that by their seditious and obstinate Behaviour they occasioned innumerable Quarrels and Murthers in the Empire. They also treated the Emperor himself with great Insolence, and excommunicated him as an Enemy to the Synod of *Chalcedon*. *Macedonius*, Bishop of *Constantinople*, and his Clergy, raised the Mob of that City against him, only for adding to one of their Hymns these Words, *Who was crucified for us*. And when for this Reason *Macedonius* was expelled his Bishoprick, they urged on the People to such an height of Fury as endangered the utter Destruction of the City; for in their Rage they set Fire to several Places in it, cut off the Head of a Monk, crying out, he was an *Enemy of the Trinity*; and were not to be appeased till the Emperor himself went amongst them without his imperial Diadem, and brought them to Temper by proper Submissions and Persuasions. And though he had great Reason to be offended with the Bishops for such Usage, yet he was of so human and tender a Disposition, that though he ordered several of them to be deposed for various Offences, yet apprehending that it could not be effected without Bloodshed, he wrote to the Prefect of *Asia*, *Not to do any Thing in the Affair, if it would occasion the shedding a single Drop of Blood*.

Under this Emperor *Symmachus* Bishop of *Rome* expelled the *Manichees* from the City, and ordered their Books to be publicly burnt before the Doors of the Church.

Justin was more zealous for Orthodoxy than his Predecessor *Anastasius*, and in the first Year of his Reign gave a very signal Proof of it. *Severus*, Bishop of *Antioch*, was warm against the Council of *Chalcedon*, and continually anathematizing it in the Letters he wrote to several Bishops; and because the

quarrelled on this Account, and divided into several Parties, *Justin* ordered the Bishop to be apprehended, and his Tongue to be cut out, and commanded that the Synod of *Chalcedon* should be preached up through all the Churches of the Empire. *Platina* also tells us, that he banished the Arians, and gave their Churches to the Orthodox. *Hormisdas* also, Bishop of *Rome*, in imitation of his Predecessor *Symmachus*, banished the Remainder of the *Manichees*, and caused their Writings to be burnt.

Justinian, his Successor in the Empire, succeeded him also in his Zeal for the Council of *Chalcedon*, and banished the Bishops of *Constantinople* and *Antioch*, because they would not obey his Orders, and receive the Decrees of that Synod. He also published a Constitution, by which he anathematized them and all their Followers, and ordered, that whosoever should preach their Opinions should be subject to the most grievous Punishments. By this means nothing was openly preached in any of the Churches but this Council; nor did any one dare to anathematize it. And whosoever were of a contrary Opinion, they were compelled by innumerable Methods to come into the Orthodox Faith. In the third Year of his Reign he published a Law, ordering that there should be no Pagans, nor Hereticks, but orthodox Christians only, allowing to Hereticks three Months only for their Conversion. By another he deprived Hereticks of the Right of Succession. By another he rendered them incapable of being Witnesses in any Trial against Christians. He prohibited them also from baptizing any Persons, and from transcribing heretical Books under the Penalty of having the Hand cut off. These Laws were principally owing to the Persuasions of the Bishops. Thus *Agapetus*, Bishop of *Rome*, who had condemned *Anthimus*, and deposed him from his See of *Constantinople*, persuaded *Justinian* to banish all those whom he had condemned for Heresy.

Pelagius also desired, that Hereticks and Schismatics might be punished by the secular Power, if they would not be converted. The Emperor was too ready to comply with this Advice. But notwithstanding all this Zeal for Orthodoxy, and the cruel Edicts published by him for the Extirpation of Heresy, he was infamously Covetous, sold the Provinces of the Empire to Plunderers and Oppressors, stripped the Wealthy of their Estates upon false Accusations and forged Crimes, and went Partners with common Whores in their Gains of Prostitution; and what is worse, in the Estates of those whom those Wretches falsely accused of Rapes and Adultery. And yet, that he might appear as Pious as he was Orthodox, he built out of these Rapines and Plunders many stately and magnificent Churches; many religious Houses for Monks and Nuns, and Hospitals for the Relief of the Aged and Infirm. *Evagrius* also charges him with more than bestial Cruelty in the Case of the *Venetians*, whom he not only allowed, but even by Rewards encouraged to murder their Enemies at Noon-day, in the very Heart of the City, to break open Houses, and plunder the Possessors of their Riches, forcing them to redeem their Lives at the Expence of all they had. And if any of his Officers punished them for these Violences, they were sure to be punished themselves with Infamy or Death. And that each side might taste of his Severities, he afterwards turned his

his Laws against the *Venetians*, putting great Numbers of them to Death, for those very Murthers and Violences he had before encouraged and supported.

During his Reign, in the 24th Year of it, was held the fifth general Council at *Constantinople*, consisting of about 165 Fathers. The Occasion of their Meeting was the Opposition that was made to the four former general Councils, and particularly the Writings of *Origen*, which *Eustochius*, Bishop of *Jerusalem* accused, as full of many dangerous Errors. In the first Sessions it was debated, Whether those who were dead were to be anathematized? One *Eutychius* looked with Contempt on the Fathers for their Hesitation in so plain a Matter, and told them, that there needed no Deliberation about it; for that King *Josias* formerly did not only destroy the idolatrous Priests who were living, but dug also those who had been dead long before out of their Graves. So clear a Determination of the Point, who could resist? The Fathers immediately were convinced, and *Justinian* caused him to be consecrated Bishop of *Constantinople*, in the Room of *Menas*, just deceas'd, for this his Skill in Scripture and Casuistry. The Consequence was, that the Decrees of the four preceeding Councils were all confirmed; those who were condemned by them re-condemned and anathematized, particularly *Theodorus* Bishop of *Mopsuestia*, and *Ibas*, with their Writings, as favouring the Impieties of *Nestorius*; and finally, *Origen*, with all his detestible and execrable Principles, and all Persons whatsoever who should think, or speak of them, or dare to defend them. After these Transactions the Synod sent an Account of them to *Justinian*, whom they complimented with the Title of the most Christian King, and with having a Soul partaker of the heavenly Nobility. And yet soon after these Flatteries his most Christian Majesty turned Heretick himself, and endeavoured with as much Zeal to propagate Heresy as he had done Orthodoxy before: He published an Edict, by which he ordained, That the Body of Christ was incorruptible, and incapable even of natural and innocent Passions; that before his Death he eat in the same manner as he did after his Resurrection, receiving no Conversion or Change from his very Formation in the Womb, neither in his voluntary or natural Affections, nor after his Resurrection. But as he was endeavouring to force the Bishops to receive his Creed, God was pleased, as *Evagrius* observes, to cut him off, and notwithstanding the heavenly Nobility of his Soul, he went, as the same Author supposes, to the Devil.

Hunmerick, the Arian King of the *Vandals*, treated the Orthodox in this Emperor's Reign with great Cruelty in *Africa*, because they would not embrace the Principles of *Arius*; some he burnt, and others he destroyed by different Kinds of Death; he ordered the Tongues of several of them to be cut out, who afterwards made their Escape to *Constantinople*, where *Procopius*, if you will believe him, affirms he heard them speak as distinctly as if their Tongues had remained in their Heads. *Justinian* himself mentions them in one of his Constitutions. Two of them however, who happen'd to be Whore-Masters, lost afterwards on this Account, the Use of their Speech, for this Reason, and the Honour and Grace of Martyrdom.

Justin

Evag. l. 5. *Justin* the younger, who succeeded *Justinian*, published an Edict soon after his Advancement, by which he sent all Bishops to their respective Sees, and to perform divine Worship according to the usual Manner of their Churches, without making any Innovations concerning the Faith. As to his personal Character, he was extremely dissolute, and debauched, and addicted to the most vile and criminal Pleasures. He was also fordidly Covetous, and sold the very Bishopricks to the best Bidders, putting them up to publick Auction. Nor was he less remarkable for his Cruelty: He had a near Relation of his own Name, whom he treacherously murdered, and of whom he was so jealous, that he could not be content till he and his Empress had trampled his Head under their Feet. However, he was very Orthodox, and published a new Explication of the Faith, which for Clearness and Subtlety exceeded all that went before it. In this he professes, That he believed in *Father, Son, and Holy Spirit, the Consubstantial Trinity, one Deity, or Nature, or Essence, in one Virtue, Power and Energy, in three Hypostases or Persons; and that he adored the Unity in Trinity, and the Trinity in Unity, having a most admirable Difference and Union; the Unity according to the Essence or Deity; the Trinity according to the Properties, Hypostases or Persons; for they are divided indivisibly; or if I may so speak, they are joined together separately. The Godhead in the Three is One, and the Three are One, the Deity being in them; or to speak more accurately, the Three are the Deity, God the Father, God the Son, and God the Holy Ghost, each Person being considered by itself, the Mind thus separating Things inseparable; the Three being understood to be together God, being one in Operation and Nature. We believe also in one only begotten Son of God, the Word ——— for the Holy Trinity receives no Addition of a fourth Person, even after the Incarnation of God the Word, one of the holy Trinity. But our Lord Jesus Christ is one and the same, Consubstantial to God, even the Father, according to his Deity, and Consubstantial to us according to his Manhood. He suffered in the Flesh, but was impassible in the Deity. For we do not own that God the Word who wrought the Miracles was one, and he that suffered another; but we confess that our Lord Jesus Christ, the Word of God, was one and the same, who was made Flesh and became perfect Man; and that the Miracles and Sufferings were of one and the same: For it was not a Man that gave himself for us, but God the Word himself; being made Man without change; so that when we confess our Lord Jesus Christ to be one and the same, compounded of each Nature, of the Godhead and Manhood, we do not introduce any Confusion or Mixture by the Union ——— for as God remains in the Manhood, so also nevertheless doth the Man, being in the Excellency of the Deity, Emanuel being both in one and the same, even one God and also Man. And when we confess him to be perfect in the Godhead, and perfect in the Manhood, of which he is compounded, we don't introduce a Division in part, or Section to his one compounded Person, but only signify the Difference of the Natures, which is not taken away by the Union; for the divine Nature is not converted into the human, nor the human Nature changed into the divine. But we say, that each being considered, or rather actually existing in the very Definition or Reason of its proper Nature, constitute the Oneness in Person. Now this Oneness as to Person signifies that God the Word, i. e. one Person of the three Persons of the Godhead was not united to a pre-existent Man, but that he formed to himself in*
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the Womb of our holy Lady Mary, glorious Mother of God, and ever a Virgin, and out of her, in his own Person, Flesh consubstantial to us, and liable to all the same Passions, without Sin, animated with a reasonable and intellectual Soul. — For considering his inexplicable Oneness, we orthodoxly confess one Nature of God the Word made Flesh, and yet conceiving in our Minds the Difference of the Natures, we say they are two, not introducing any Manner of Division. For each Nature is in him, so that we confess him to be one and the same Christ, one Son, one Person, one Hypostasis, God and Man together. Moreover, we anathematize all who have, or do think otherwise, and judge them as cut off from the holy Catholick, and apostolick Church of God. To this extraordinary Edict, all, says the Historian, gave their Consent, esteeming it to be very Orthodox, though they were not more united amongst themselves than before.

Under *Mauritius*, *John* Bishop of *Constantinople*, in a Council held at that ^{Platin in} City, stiled himself Oecumenical Bishop, by the Consent of the Fathers there ^{vit. Greg.} assembled; and the Emperor himself ordered *Gregory* to acknowledge him in ^{I.} that Character. *Gregory* absolutely refused it, and replied, that the Power of binding and loosing was delivered to *Peter* and his Successors, and not to the Bishops of *Constantinople*; admonishing him to take care, that he did not provoke the Anger of God against himself, by raising Tumults in his Church. This Pope was the first who stiled himself, *Servus Servorum Dei*, Servant of the Servants of God; and had such an Abhorrence of the Title of Universal Bishop, that he said, *I confidently affirm, that whosoever calls himself universal Priest is the* ^{1. 6. Epist.} *Forerunner of Antichrist, by thus proudly exalting himself above others.* ^{194.}

But however modest *Gregory* was in refusing and condemning this arrogant ^{Platin in} Title, *Boniface III.* thought better of the Matter, and after great struggles, ^{vit. Bonif.} prevailed with *Phocas*, who murdered *Mauritius* the Emperor, to declare, ^{III.} that the See of the blessed Apostle *Peter*, which is the Head of all Churches, should be so called and accounted by all, and the Bishop of it Oecumenical or universal Bishop. The Church of *Constantinople* had claimed this Precedence and Dignity, and was sometimes favoured herein by the Emperors, who declared, that the first See ought to be in that Place which was the Head of the Empire. The *Roman* Pontiffs, on the other hand, affirmed, that *Rome*, of which *Constantinople* was but a Colony, ought to be esteemed the Head of the Empire, because the *Greeks* themselves, in their Writings, stile the Emperor, *Roman* Emperor, and the Inhabitants of *Constantinople* are called *Romans* and not *Greeks*; not to mention, that *Peter*, the Prince of the Apostles, gave the Keys of the Kingdom of Heaven to his Successors, the Popes of *Rome*. On this Foundation was the Superiority of the Church of *Rome* to that of all other Churches built; and *Phocas*, who was guilty of all Villanies, was one of the fittest Persons that could be found to gratify *Boniface* in this Request. *Boniface* also called a Council at *Rome*, where this Supremacy was confirmed, and by whom it was decreed, that Bishops should be chosen by the Clergy and People, approved by the Prince of the City, and ratified by the Pope with these Words, *Volumus & jubemus*, For this is our Will and Command. To reward *Phocas* for the Grant of the Primacy, he approved the Murder of *Mauritius*, and very honour-

honourably received his Images, which he sent to *Rome*. And having thus wickedly possessed themselves of this unrighteous Power, the Popes as wickedly used it, soon brought almost the whole Christian World into subjection to them, and became the Persecutors General of the Church of God; proceeding from one Usurpation to another, till at last they brought Emperors, Kings and Princes into subjection, forcing them to ratify their unrighteous Decrees, and to punish, in the severest Manner, all that should presume to oppose and contradict them, till she became *drunken with the Blood of the Saints, and with the Blood of the Martyrs of Jesus. Babylon the great, the Mother of Harlots, and Abominations of the Earth.*

The Inquisition is the Master-piece of their Policy and Cruelty; and such an Invention for the Suppression of Religion and Truth, Liberty and Knowledge, Innocence and Virtue, as could proceed from no other Wisdom but that which is *earthly, sensual, and devilish*. And as the History of it, which I now present my Reader with in his own Language, gives the most perfect Account of the Laws and Practices of this accursed Tribunal, I shall not enter into the Detail of popish Persecutions, especially as we have a full Account of those practised amongst our selves in *Fox* and other Writers, who have done Justice to this Subject. I shall only add a few Things relating to the two other general Councils, as they are stiled by Ecclesiastical Historians.

Plat. in vit.
Honorii I.

Under *Heraclius*, the Successor of *Phocas*, great Disturbances were raised upon Account of what they called the Heresy of the *Monothelites*, i. e. those who held there were not two Wills, the Divine and Human, in Christ, but only one single Will or Operation. The Emperor himself was of this Opinion, being persuaded into it by *Pyrrhus* Patriarch of *Constantinople*, and *Cyrus* Bishop of *Alexandria*. And though he afterwards seems to have changed his Mind in this Point, yet in order to promote Peace, he put forth an Edict, forbidding Disputes or Quarrels, on either side the Question. *Constans*, his Grandson, was of the same Sentiment, and at the Instigation of *Paul* Bishop of *Constantinople*, grievously persecuted those who would not agree with him.

Plat. in vit.
Mart.

Martyn, Pope of *Rome*, sent his Legates to the Emperor and Patriarch to forsake their Errors, and embrace the Truth; but his Holiness was but little regarded, and after his Legates were imprisoned and whipped, they were sent into Banishment. This greatly enraged *Martyn*, who convened a Synod at *Rome* of 150 Bishops, who decreed, that whosoever should *not confess two Wills, and two Operations united, the Divine and the Human, in one and the same Christ, should be anathema*, and that *Paul* Bishop of *Constantinople*, should be condemned and deposed. The Emperor highly repented this Conduct, and sent *Olympius* Hexarch into *Italy* to propagate the *Monothelite* Doctrine; and either to kill *Martyn*, or send him Prisoner to *Constantinople*. *Olympius* not being able to execute either Design, *Theodorus* was sent in his room, who apprehended the Pope, put him in Chains, and got him conveyed to the Emperor, who after ignominiously treating him, banished him to *Pontus*, where he died in great

Act. 15, 6.
Constant.
Tom. Con-
cil. 2.

Misery and Want. The Bishops of *Constans's* Party were greatly assistant to him in this Work of Persecution, and shewed more Rage against their

Fellow-

Fellow-Christians, than they did against the very Barbarians themselves.

Constantine, the Eldest Son of *Constans*, cut off his two younger Brothers No-^{The Sixth} fes, that they might not share the Empire with him; but however happen-^{general} ed to be more Orthodox than his Predecessors; and by the Persuasion of *Agatho*,^{Council,} Pope of Rome, convened the Sixth General Council at *Constantinople*,^{A. C. 681.} in which were present 289 Bishops. The Fathers of this holy Synod compli-^{Agath.} mented the Emperor with being *another David, raised up by Christ, their God, a Man after his own Heart; who had not given Sleep to his Eyes, nor Slumber to his Eye-lids, till he had gathered them together, to find out the perfect Rule of Faith.* After this they condemned the Heresy of one Will in Christ, and declared, *That they glorified two natural Wills and Operations, indivisibly, inconvertibly, without Confusion, and inseparably in the same Lord Jesus Christ, our true God, i. e. the divine Operation, and the human Operation.* So that now the Orthodox Faith in Reference to Christ was this; *That he had two Natures, the divine and human; that these two Natures were united, without Confusion, into one single Person; and that in this one single Person, there were two distinct Wills and Operations, the human and divine.* Thus, at last, 681 Years after Christ, was the Orthodox Faith, relating to his Deity, Humanity, Nature and Wills, decided and settled by this Synod; who, after having pronounced Anathemas against the Living and Dead, ordered the Burning of heretical Books, and deprived several Bishops of their Sees; procured an Edict from the Emperor, commanding all to receive their Confession of Faith, and denouncing not only eternal, but corporal Punishments to all Recusants, *viz.* If they were Bishops, or Clergymen, or Monks, they were to be banished. If Laymen, of any Rank and Figure, they were to forfeit their Estates, and lose their Honours. If of the common People, they were to be expelled the Royal City. These their definitive Sentences were concluded with the usual Exclamation, of *God save the Emperor, Long live the Orthodox Emperor; down with the Hereticks; cursed be Eutyches, Macarius, &c. The Trinity hath deposed them.*

The next Controversy of Importance was relating to the Worship of Images. The Respect due to the Memories of the Apostles and Martyrs of the Christian Church, was gradually carried into great Superstition, and at Length degenerated into downright Idolatry. Not only Churches were dedicated to them, but their Images placed in them, and religious Adoration paid to them. *Platina* tells us, That amongst many other Ceremonies introduced by Pope *Sixtus III.* in the Fifth Century, he persuaded *Valentinian* the younger, Emperor of the *West*, to beautify and adorn the Churches, and to place upon the Altar of *St. Peter*, a golden Image of our Saviour, enriched with Jewels. In the next Century the Images of the Saints were brought in, and religious Worship paid to them. This appears from a Letter of Pope *Gregory's*, to the Bishop of *Marseilles*, who broke in Pieces certain Images, because they had been superstitiously adored. *Gregory* tells him, *I commend you, 1. 9. Ind. 2. that through a pious Zeal, you would not suffer that which is made with Hands to be Ep. 9. adored; but I blame you for breaking the Images in Pieces. For 'tis one Thing to adore a Picture, and another to learn by the History of the Picture, what is to be adored.*

1. 7. Jud. 2. adored. And elsewhere he declares, That *Images and Pictures in Churches, were very useful for the Instruction of the Ignorant, who could not read.* *Sergius*, after this, repaired the Images of the Apostles. *John VII.* adorned a great many Churches with the Pictures and Images of the Saints. And at length, in the Reign of *Philippicus, Constantine the Pope*, in a Synod held at *Rome*, decreed, That Images should be fixed up in the Churches, and have great Adoration paid them. He also condemned and excommunicated the Emperor himself for Heresy; because he erased the Pictures of the Fathers, which had been painted on the Walls of the Church of *St. Sophia at Constantinople*; and commanded, that his Images should not be received into the Church; that his Name should not be used in any publick or private Writings, nor his Effigies stamped upon any kind of Money whatsoever.

This Superstition of bringing Images into Churches was warmly opposed, and gave Occasion to many Disturbances and Murders. The Emperor *Leo Isaurus* greatly disapproved this Practice, and published an Edict, by which, he commanded all the Subjects of the *Roman Empire*, to deface all the Pictures, and to take away all the Statues of the Martyrs and Angels out of the Churches, in order to prevent Idolatry, threatening to punish those who did not, as publick Enemies. Pope *Gregory II.* opposed this Edict, and admonished all Catholics, in no manner to obey it. This occasioned such a Tumult at *Ravenna in Italy*, between the Partisans of the Emperor and the Pope, as ended in the Murder of *Paul, Exarch of Italy*, and his Son; which enraged the Emperor in an high Degree; so that he ordered all Persons to bring to him all their Images of Wood, Bass and Marble, which he publickly burnt; punishing with Death, all such as were found to conceal them. He also convened a Synod at *Constantinople*; where, after a careful and full Examination, it was unanimously agreed, that the Intercession of the Saints was a meer Fable; and the Worship of Images and Relicts was downright Idolatry, and contrary to the Word of God. And as *Germanus, Patriarch of Constantinople*, favoured Images, the Emperor banished him, and substituted *Anastatius*, who was of his own Sentiments, in his Room. *Gregory III.* in the Beginning of his Pontificate, assembled his Clergy, and by their unanimous Consent, deposed him on this Account, from the Empire, and put him under Excommunication; and was the first who withdrew the *Italians* from their Obedience to the Emperors of *Constantinople*, calling in the Assistance of *Charles King of France*. After this, he placed the Images of Christ and his Apostles in a more sumptuous Manner than they were before upon the Altar of *St. Peter*, and at his own Expence, made a golden Image of the Virgin *Mary*, holding Christ in her Arms, for the Church of *St. Mary ad Præsepe*.

Constantine Copronymus, Leo's Son and Successor in the Empire, inherited his Father's Zeal against the Worship of Images, and called a Synod at *Constantinople*, to determine the Controversy. The Fathers being met together, to the Number of 330, after considering the Doctrine of Scripture, and the Opinions of the Fathers, decreed, That every Image, of whatsoever Materials made and formed by the Artist, should be cast out of the Christian Church as a strange and abominable Thing; adding an Anathema upon all who should make Images or Pictures.

Pictures, or Representations of God, or of Christ, or of the Virgin Mary, or of any of the Saints, condemning it as a vain and diabolical Invention; deposing all Bishops, and subjecting the Monks and Laity, who should set up any of them in publick or private, to all the Penalties of the imperial Constitutions. They also deposed Constantine, Patriarch of Constantinople, for opposing this Decree; and the Emperor first banished him, and afterwards put him to Death; and commanded, That this Council should be esteemed and received as the seventh oecumenical, or universal one. Paul I. Pope of Rome, sent his Legate to Constantinople, to admonish the Emperor to restore the sacred Images and Statues which he had destroy'd; and threatened him with Excommunication upon his Refusal. But Copronymus slighted the Message, and treated the Legates with great Contempt, and used the Image Worshippers with a great deal of Severity.

Platin in
vit. Paul I.

Constantine, Bishop of Rome, the Successor of Paul, seems also to have been an Enemy to Images, and was there tumultuously deposed, and Stephen III. substituted in his Room, who was a warm and furious Defender of them. He immediately assembled a Council in the Lateran Church, where the holy Fathers abrogated all Constantine's Decrees; deposed all that had been ordained by him Bishops, made void all his Baptisms and Chrisms; and as some Historians relate, after having beat him, and used him with great Indignity, made a Fire in the Church, and burnt him therein. After this, they annulled all the Decrees of the Synod of Constantinople, ordered the Restoration of Statues and Images, and anathematized that execrable and pernicious Synod, giving this excellent Reason for the Use of Images, That if 'twas lawful for Emperors, and those who had deserved well of the Commonwealth, to have their Images erected, but not lawful to set up those of God; the Condition of the immortal God would be worse than that of Men. After this the Pope published the Acts of the Council, and pronounced an Anathema against all those who should oppose it.

Id. in vit.
Stephani.

Thus the Mystery of this Iniquity worked, till at length, under the Reign of Irene and Constantine her Son, a Synod was packed up of such Bishops as were ready to make any Decrees that should be agreeable to the Roman Pontiff, and the Empress. They met at Nice, to the Number of about 350. In this venerable Assembly it was decreed, That holy Images of the Cross should be consecrated, and put on the sacred Vessels and Vestments, and upon Walls and Boards, in private Houses and publick Ways; and especially that there should be erected Images of the Lord God, our Saviour Jesus Christ, of our blessed Lady, the Mother of God, of the venerable Angels, and of all the Saints. And that whosoever should presume to think or teach otherwise, or to throw away any painted Books, or the Figure of the Cross, or any Image or Picture, or any genuine Relicks of the Martyrs, they should, if Bishops or Clergymen, be deposed, or if Monks or Laymen, be excommunicated. Then they pronounced Anathemas upon all who should not receive Images, or who should apply what the Scriptures say against Idols, to the holy Images, or who should call them Idols, or who should wilfully communicate with those who rejected and despised them; adding, according to Custom, Long live Constantine and Irene his Mother. Damnation to all Hereticks. Damnation on the Council that roared against venerable Images. The holy Trinity hath deposed them.

The seventh
general
Council,
A.C.

Irene and *Constantine* approved and subscribed these Decrees, and the Consequence was, That Idols and Images were erected in all the Churches; and those who were against them, treated with great Severity. This Council was held under the Popedom of *Hadrian I.* and thus, by the Intrigues of the Popes of *Rome*, Iniquity was established by a Law, and the Worship of Idols authorized and established in the Christian Church, though contrary to all the Principles of natural Religion, and the Nature and Design of the Christian Revelation.

In vit.
Hadrian I. 'Tis true, that this Decision of the Council did not put an entire End to the Controversy. *Platina* tells us, That *Constantine* himself not long after annulled their Decrees, and removed his Mother from all Share in the Government. The Synod also of *Frankfort*, held about six Years after, decreed that the Worship and Adoration of Images was impious; condemned the Synod of *Nice*, which had established it, and ordered that it should not be called either the Seventh, or an universal Council. But as the *Roman* Pontiffs had engrossed almost all Power into their own Hands, all Opposition to Image Worship became ineffectual; especially as they supported their Decrees by the Civil Power, and caused great Cruelties to be exercised towards all those who should dare dispute or contradict them.

For many Years the World groaned under this antichristian Yoke; nor were any Methods of Fraud, Imposture and Barbarity left unpractised to support and perpetuate it. As the Clergy rid Lords of the Universe, they grew wanton and insolent in their Power; and as they drained the Nations of their Wealth to support their own Grandure and Luxury, they degenerated into the worst and vilest set of Men that ever burdened the Earth. They were shamefully ignorant, and scandalously vicious; well versed in the most exquisite Arts of Torture and Cruelty, and absolutely divested of all Bowels of Mercy and Compassion towards those, who even in the smallest Matters differed from the Dictates of their Superstition and Impiety. The infamous Practices of that accursed Tribunal, the Inquisition, the Wars against Hereticks in the Earldom of *Tbolouse*, the Massacres of *Paris* and *Ireland*, the many Sacrifices they have made in *Great-Britain*, the Fires they have kindled, and the Flames they have lighted up in all Nations, where their Power hath been acknowledged, witness against them, and demonstrate them to be very Monsters of Mankind. So that one would really wonder, that the whole World hath not entered into a Combination, and risen in Arms against so execrable a Set of Men, and extirpated them as savage Beasts, from the Face of the whole Earth; who, out of a Pretence of Religion, have defiled it with the Blood of innumerable Saints and Martyrs, and made use of the Name of the most holy Jesus, to countenance and sanctify the most abominable Impieties.

But it pleased God, in his good Providence, to take the Remedy and Cure of these Evils, into his own Hands; and after several fruitless Attempts by Men, to bring about, at last, a Reformation of Religion, by his own Wisdom and Power. The History of this great Event hath been very particular-
ly

ly and faithfully given by many excellent Writers, to which I must here refer my Readers; and it must be owned, that the Persons employ'd by Almighty God, to accomplish this great Work, were, many of them, remarkable for their great Learning and exemplary Piety. I am sure I have no Inclination to detract from their Worth and Merit. One would indeed have imagined, that the Cruelties exercised by the Papists, upon all who opposed their Superstitions in Worship, and their Corruptions in Doctrine, should have given the first Reformers an utter Abhorrence of all Methods of Persecution for Conscience sake, and have kept them from ever entering into any such Measures themselves. But it must be confessed, that however they differed from the Church of *Rome*, as to Doctrines and Discipline, yet, that they too generally agreed with her, in the Methods to support, what they themselves apprehended to be Truth and Orthodoxy; and were angry with the Papists, not for persecuting, but for persecuting themselves and their Followers; being really of opinion that Hereticks might be persecuted, and, in some Cases, persecuted to Death. And that this was their avowed Principle, they gave abundant Demonstration by their Practice.

Luther, the great Instrument, under God, of the Reformation in *Germany*, Luther. was, as his Followers allow, naturally of a warm and violent Temper; but was however in his Judgment against punishing Hereticks with Death. Thus, in his Account of the State of the Popish Church, as related by *Seckendorf*, he says: *The true Church teaches the Word of God, but forces no one to it. If any one* 1. Sect. 2. Sect. 36. §. 83. *will not believe it, she dismisses him, and separates her self from him, according to the Command of Christ, and the Example of Paul in the Acts, and leaves him to the Judgment of God: Whereas our Executioners, and most cruel Tyrants, teach not the Word of God, but their own Articles, acting as they please, and then adjudge those who refuse to believe their Articles, and obey their Decrees, to the Fires.* The same Author gives us many other strong Passages to the same Purpose. Particularly; in one of his Letters to *Lincus*, who asked his Opinion about the Punishment of false Teachers, *Luther* says: *I am very averse to the shedding of* Ibid. Sect. 13. §. 43. *Blood, even in the Case of such as deserve it: And I the more especially dread it in this Case, because, as the Papists and Jews, under this Pretence, have destroy'd holy Prophets and innocent Men; so I am afraid the same would happen amongst our selves, if in one single Instance it should be allow'd lawful for Seducers to be put to Death. I can therefore, by no Means, allow that false Teachers should be destroy'd.* But as to all other Punishments, *Luther* seems to have been of *Austin's* Mind, and thought that they might be lawfully used. For after the before-mention'd Passage, he adds, *'Tis sufficient that they should be banished.* And in another Ibid. Sect. 36. §. 83. Place, he allows, That *Hereticks may be corrected, and forced, at least, to silence* 1. 3. Sect. 8. §. 28. *if they publickly deny any one of the Articles received by all Christians, and particularly that Christ is God; affirming him to be a mere Man or Prophet. This, says he, is not to force Men to the Faith, but to restrain publick Blasphemy.* In another Place he goes farther, and says, That *Hereticks are not, indeed, to be put to Death, but may however be confined, and shut up in some certain Place, and put under Restraint as Madmen.* As to the *Jews*, he was for treating them more severely,

1. 3. Sect. 27. § 3. severely, and was of Opinion, that *their Synagogues should be levelled with the Ground, their Houses destroy'd, their Books of Prayer, and of the Talmud, and even those of the Old Testament, be taken from them, their Rabbi's be forbid to teach, and forced, by hard Labour, to get their Bread; and if they would not submit to this, that they should be banished, as was formerly practis'd in France and Spain.*
1. 3. Sect. 32. § 125. Germany. This was the Moderation of this otherwise great and good Man, who was indeed against putting Hereticks to Death, but for almost all other Punishments that the civil Magistrate could inflict: And, agreeably to this Opinion, he persuaded the Electors of *Saxony*, not to tolerate, in their Dominion, the Followers of *Zuinglius*, in the Opinion of the Sacrament; because he esteem'd the real Presence an essential or fundamental Article of Faith; nor to enter into any Terms of Union with them, for their common Safety and Defence, against the Endeavours of the Papists to destroy them. And accordingly, notwithstanding all the Endeavours of the *Landgrave of Hesse Cassel*, to get them included in the common League against the Papists, the Elector would never allow it, being vehemently dissuaded from it by *Luther*, *Melancton*, and others of their Party, who alleged, *That they taught Articles contrary to those received in Saxony; and that therefore there could be no Agreement of Heart with them.* In one of his Conferences with *Bucer*, he declared, *That there could be no Union, unless Zuinglius and his Party should think and teach otherwise; cursing all Phrases and Interpretations that tended to assert the figurative Presence only, affirming, That either those of his own Opinion, or those of Zuinglius, must be the Ministers of the Devil.* On this Account, though *Luther* was for treating *Zuinglius* and his Followers, with as much Christian Friendship as he could afford them, yet he would never own them for Brethren, but looked on them as Hereticks, and pressed the Electors of *Saxony* not to allow them in their Dominions. He also wrote to *Albert Duke of Prussia*, to persuade him to banish them his Territories. *Seckendorf* also tells us, *That the Lutheran Lawyers of Wittenburg, condemned to Death one Peter Pestelius, for being a Zuinglian; though this was disapproved by the Elector of Saxony.* Several also of the Anabaptists were put to Death by the *Lutherans*, for their Obstinacy in propagating their Errors, contrary to the Judgment of the *Landgrave of Hesse Cassel*, who declared himself for more moderate Measures, and for uniting all sorts of Protestants amongst themselves.
- Calvin. *John Calvin*, another of the Reformers, and to whom the Christian World is, on many Accounts, under very great Obligations, was, however well known to be in Principle and Practice a Persecutor. So entirely was he in the persecuting Measures, that he wrote a Treatise in Defence of them, maintaining the Lawfulness of putting Hereticks to Death. And that by Hereticks, he meant such who differed from himself, is evident from his Treatment of *Castellio* and *Servetus*.

The former, not inferior to *Calvin* himself in Learning and Piety, had the Misfortune to differ from him in Judgment, in the Points of Predestination, Election, Free-will and Faith. This *Calvin* could not bear, and therefore treated

reated *Castellio*, in so rude and cruel a Manner, as I believe his warmest Friends will be ashamed to justify. In some of his Writings he calls him, *Blasphemer, Reviler, malicious barking Dog, full of Ignorance, Bestiality and Impudence, Impostor, a base Corrupter of the Sacred Writings, a Mocker of God, a Contemner of all Religion, an impudent Fellow, a filthy Dog, a Knave, an impious, leud, crooked minded Vagabond, beggerly Rogue.* At other Times he calls him *A Disciple and Brother of Servetus, and an Heretick.* *Castellio's* Reply to all these Flowers, is worthy the Patience and Moderation of a Christian, and from his Slanderer he appeals to the righteous Judgment of God. But not content with these Invectives, *Calvin* farther accused him of three Crimes which *Castellio* particularly answers. The first was of Theft, in taking away some Wood, that belonged to another Person, to make a Fire to warm himself withal: This *Calvin* calls, *Cursed Gain, at another's Expence and Damage*; whereas, in Truth, the Fact was this. *Castellio* was thrown into such Circumstances of Poverty by the Persecutions of *Calvin* and his Friends, that he was scarce able to maintain himself. And as he dwelt near the Banks of the *Rhine*, he used, at leisure Hours, to draw out of the River, with an Hook, the Wood that was brought down by the Waters of it. This Wood was no private Property, but every Man's that could catch it. *Castellio* took it in the Middle of the Day, and amongst a great Number of Fishermen, and several of his own Acquaintance; and was sometimes paid Money for it by the Decree of the Senate. This the charitable *Calvin* magnifies into a Theft, and publishes to the World to paint out the Character of his Christian Brother.

But his Accusations ran farther yet; and he calls God to witness, that whilst he maintained *Castellio* in his House, *he never saw any one more proud, or perfidious, or void of Humanity; and 'twas well known he was an Impostor, of a peculiar Impudence, and one that took Pleasure in scoffing at Piety, and that he delighted himself in laughing at the Principles of Religion.* These Charges *Castellio* answers in such a Manner, as was enough to put even Malice it self to silence. For, notwithstanding *Calvin's* Appeal to God for the Truth of these Things, yet he himself, and two of his principal Friends, who were eminent Preachers in *Savoy*, pressed *Castellio*, even contrary to his Inclination, to take the Charge of a School in *Stratsburg*: And therefore, as he says to *Calvin*, *With what Conscience could you make me Master, if you knew me to be such a Person, when I dwelt in your House? What Sort of Men must they be who would commit the Education of Children to such a wicked Wretch as you appeal to God you knew me to be?* But what is yet more to the Purpose, is, that after he had been Master of that School three Years, *Calvin* gave him a Testimonial, written and signed with his own Hand, as to the Integrity of his past Behaviour, affirming, amongst other Things, *That he had behaved himself in such a Manner, that he was, by the Consent of all of them, appointed to the Pastoral Office.* And in the Conclusion he adds, *Lest any one should suspect any other Reason why Sebastian went from us, we testify to all wheresoever he may come, That he himself voluntarily left the School, and so behaved himself in it, as that we adjudged him worthy this sacred Ministry.*

nistry. And that he was not actually received into it, was *non aliqua vitæ macula*, not owing to any Blemish of his Life, nor to any impious Tenets that he held in Matters of Faith, but to this only cause; the Difference of our Opinions about *Solomon's Songs*, and the Article of Christ's Descent into Hell. But how is this Testimonial, that *Castellio* had no *macula vitæ*, was unblameable as to his Life, reconcileable with the Appeal to God, that he was proud and perfidious, and void of Humanity, and a professed Scoffer at Religion, whilst he dwelt at *Calvin's* House? If this Charge was true, How came *Calvin* and his Friends to appoint him Master of a School, and judge him worthy the sacred Ministry? Or if he was of so bad Character once, and afterwards gave the Evidence of a sincere Repentance by an irreproachable Behaviour, what Equity or Justice, what Humanity or Honour, was there in publishing to the World Faults that had been repented of and forsaken? *Castellio* solemnly protests that he had never injured *Calvin*, and that the sole Reason of his Displeasure against him was because he differed from him in Opinion. On this Account he endeavoured to render him every where Impious, prohibited the Reading of his Books; and, what is the last Effort of Enmity, endeavoured to excite the civil Magistrate against him to put him to Death. But God was pleased to protect this good Man from the Rage of his Enemies. He died at *Basil*, in Peace; and received an honourable Burial, the just Reward of his Piety, Learning, and Merit.

Bez.in vit. Calvin. I may add to this Account, *Calvin's* Treatment of one *Jerom Bolsec*, who from a Carmelite Monk had embraced the reformed Religion, but held the Doctrine of Free-will and Predestination upon the Foresight of good Works. *Calvin* was present at a Sermon preached by him at *Geneva*, upon these Articles, and the Sermon being ended, publickly opposed him in the Congregation. When the Assembly was dismissed, poor *Bolsec* was immediately apprehended, and sent to Prison, and soon after, by *Calvin's* Counsel, banished for Sedition and *Pelagianism* from the City, and forbid ever to come into it, or the Territories of it under Pain of being whipped, *A. C. 1551.*

Geneva. But *Calvin's* Treatment of the unfortunate *Servetus* was yet more severe. His Book entitled, *Restitutio Christianismi*, which he sent in *MS.* to *Calvin*, enraged him to that Degree, that he afterwards kept no Temper or Measures with him, so that as *Bolsec* and *Uytenbogaert* relate, in a Letter written by him to his Friends *Viret* and *Farel*, he tells them, That if this Heretick (*Servetus*) should ever fall into his Hands, he would take Care that he should lose his Life. *Servetus* his Imprisonment at *Vienne*, soon gave him an Opportunity to shew his Zeal against him: For, in Order to strengthen the Evidence against him, *Calvin* sent to the Magistrates of that City, the Letters and Writings which *Servetus* had sent to him at *Geneva*. This is evident from the Sentence it self against him, in which those Writings, as well as his printed Book, are expressly mentioned as containing the Proofs of his Heresy. Whether *Calvin* sent them of his own Accord, or, at the Desire of the Magistrates of *Vienne*, I shall not presume to determine. If of his own Accord, it was a base Officiousness, and if at the Request of those Magistrates, it was a most unaccountable Conduct in a

Biblioth. Raifon. Four d' Octobre, &c. 1728. Art. VIII.

Protestant, to send Evidence to a Popish Court, to put a Protestant to Death; especially considering that *Servetus* could not differ more from *Calvin* than *Calvin* did from the Papists, their common Adversaries, and who certainly deserved as much to be burnt, in their Judgment, as *Servetus* did in *Calvin's*.

Besides this, *Servetus* farther charges him with writing to one *William Trie* at *Lyons*, to furnish the Magistrates of that City with Matter of Accusation against him. The Author of the *Bibliotheque* beforementioned, says, this is a meer Romance, dressed up by *Servetus*. I confess it doth not appear to me in so very romantick a Light, at least *Calvin's* Vindication of himself from this Charge doth not seem to be altogether sufficient. He says, 'Tis commonly reported, that I occasioned *Servetus* to be apprehended at *Vienne*, on which Account, 'tis said by many, that I have acted dishonourably, in thus exposing him to the mortal Enemies of the Faith, as though I had thrown him into the Mouth of the Wolves. But, I beseech you, how came I, so suddenly, into such an Intimacy with the Pope's Officers? 'Tis very likely, truly, that we should correspond together by Letters; and that those who agree with me, just as *Belial* doth with *Jesus Christ*, should enter into a Plot with their mortal Enemy, as with their Companion: This silly Calumny will fall to the Ground, when I shall say, in one Word, That there is nothing in it. But how doth all this confute *Servetus's* Charge? For whatever Differences there might be between *Calvin* and the Papists in some Things, yet, why might he not write to the Papists at *Vienne* to put *Servetus* to Death for what was equally counted Heresy by them both, and when they agreed as the most intimate Friends and Companions in the Lawfulness of putting Hereticks to Death. What *Calvin* says of the Absurdity of an Intimacy and Conspiracy with him their mortal Enemy, is no Absurdity at all. *Herod* and *Pontius Pilate*, tho' Enemies, agreed in the Condemnation of the Son of God. Besides, 'tis certain, that the Magistrates at *Vienne* had *Servetus's* Manuscripts sent to them from *Geneva*, either by *Calvin*, or the Magistrates of that City; and when *Servetus* was afterwards apprehended at *Geneva*, the Magistrates there sent a Messenger to *Vienne*, for a Copy of the Process that had been there carried on against him, which that Messenger received, and actually brought back to *Geneva*. So that nothing is more evident, than that there was an Intimacy and Conspiracy between the Protestants of *Geneva* and the Papists at *Vienne*, to take away the Life of poor *Servetus*; and that, though they were mortal Enemies in other Things, and as far different from one another as *Christ* and *Belial*, yet that they agreed harmoniously in the Doctrine and Practice of Persecution, and were one in the Design and Endeavour of murdering this unhappy Physician. And though *Calvin* is pleased magisterially to deny his having any Communication by Letters with the Papists at *Vienne*, yet, I think, his Denial far from sufficient to remove the Suspicion. He himself expressly says, that many Persons blamed him for not acting honourably in that Affair; and the Accusation was supported by *Servetus's* Complaint, and by what is a much stronger Evidence, by the original Papers and Letters which *Servetus* had sent to *Calvin*, which were actually produced by the Judges at *Vienne*, and recited in the Sentence as part of the Foundation of his Condemnation. And as *Calvin*

himself never, as I can find, hath attempted to clear up these strong Circumstances, though he owed it to himself and his Friends, I think he can't well be excused from practising the Death of *Servetus* at *Vienne*, and lending his Assistance to the bloody Papists of that Place the more effectually to procure his Condemnation.

But he had the good Fortune to make his Escape from Imprisonment, and was, *June 17, 1553.* condemned for Contumacy, and burnt in Effigie by the Order of his Judges, having himself got safe to *Geneva*, where he was re-condemned, and actually burnt in Person, *October 27.* of the same Year, 1553. He had not been long in this City before *Calvin* spirited up one *Nicholas de la Fountain*, probably one of his Pupils, to make Information against him, wisely avoiding it himself, because, according to the Laws of *Geneva*, the Accuser must submit to Imprisonment with the Party he accuses, till the Crime appears to have a solid Foundation and Proof. Upon this Information *Servetus* was apprehended and imprisoned. *Calvin* ingenuously owns^a, That this whole Affair was carried on at his Instance and Advice; and that, in order to bring *Servetus* to Reason, he himself found out the Party to accuse him, and begin the Process against him. And therefore, though, as the forementioned Author of the *Bibliothèque* for *Jan. &c. 1729.* observes, the Action after its Commencement was carried on according to the Course of Law; yet, as *Calvin* accused him for Heresy, got him imprison'd, and began the criminal Process against him, he is answerable for all the Consequences of his Trial, and was in reality the first and principal Author of his Death, especially as the penal Laws against Hereticks seem at that Time to have been in force at *Geneva*, so that *Servetus* could not escape the Fire upon his Conviction of Heresy.

When he was in Gaol he was treated with the same Rigor as if he had been detained in one of the Prisons of the Inquisition. He was stripped of all Means of procuring himself the Conveniencies and Supplies he needed in his Confinement. They took from him ninety seven Pieces of Gold, a gold Chain worth twenty Crowns, six gold Rings, and at last put him into a deep Dungeon, where he was almost eaten up with Vermin. All this Cruelty was practised upon a Protestant, in the Protestant City of *Geneva*. Besides this, he could never get a Proctor or Advocate to assist him, or help him in pleading his Cause, though he requested it, as being a Stranger, and ignorant of the Laws and Customs of the Country. *Calvin*, at the Request of the Judges, drew up certain Propositions out of *Servetus's* Books, representing them as blasphemous, full of Errors, and prophane Reveries, all repugnant to the Word of God, and to the common Consent of the whole Church; and, indeed, appears to have been acquainted with, and consulted in the whole Process, and to have used all his Arts and Endeavours to prevent his coming off with Impunity.

^a Unus ex Syndicis, me autore, in carcerem duci iussit. Epist. ad *Saltzer*. Quum agnitus fuisset, retinendum putavi. *Nicholass* meus ad capitale iudicium ipsum vocavit. Epist. ad *Farrel*.

'Tis but a poor and mean Excuse that *Calvin* makes for himself in this respect, when he says, *As to the Fact I will not deny, but that 'twas at my Prosecution he was imprison'd — But that after he was convicted of his Heresies I made no Instances for his being put to Death.* But what need of Instances? He had already accused him, got him imprison'd, prosecuted in a criminal Court for the capital Crime of Heresy, and actually drew up forty Articles against him for Heresy, Blasphemy, and false Doctrine. When he was convicted of these Crimes the Law could not but take its Course, and his being burnt to Death was the necessary Consequence of his Conviction. What occasion was there then for *Calvin* to press his Execution, when the Laws themselves had adjudged him to the Flames? But even this Excuse, poor as it is, is not sincerely and honestly made. For *Calvin* was resolved to use all his Interest to destroy him. In his Letter to *Farrel* he expressly says^b, *I hope, at least, they will condemn him to Death, but not to the terrible one of being burnt.* And in another to *Sultzerc*, *Since the Papists, in order to vindicate their own Superstitions cruelly shed innocent Blood, 'tis a Shame that Christian Magistrates should have no Courage at all in the Defence of certain Truth.* — *However, I will certify you of one Thing, that the City Treasurer is rightly determined, that he shall not escape that End which we wish him.* And in another to the Church at *Franckfort*^d, *The Author (Servetus) is put in Gaol by our Magistrates, and I hope he'll shortly suffer the Punishment he deserves.* There was but one way possible for him to escape, and that was by bringing his Cause from the criminal Court, where he was prosecuted, before the Council of the two Hundred. And this *Calvin* vigorously opposed, and reflected on the Syndick himself for endeavouring it. He says, that he pretended Illness for three Days, and then came into Court to save that Wretch (*Servetus*) from Punishment, and was not ashamed to demand, that the Cognizance of the Affair should be referred to the two Hundred. However, he was unanimously condemned. Now, what great Difference is there between a Prosecutor's endeavouring to prevent the only Method by which a Criminal can be saved, and his actually pressing for his being put to Death? *Calvin* actually did the former, and yet would fain persuade us he had no hand in the latter. 'Tis much of a Piece with this, his desiring that the Rigor of *Servetus's* Death might be mitigated; for as the Laws against Hereticks were in force at *Geneva*, the Tribunal that judged *Servetus* could not, after his Conviction of Heresy, absolve him from Death, nor change the manner of it, as *Calvin* says, he would have had it; and therefore his desiring that the Rigor of it might be abated, looks too much like the Practise of the Inquisitors, who

^b Spero capitale saltem fore Judicium: Pœnæ vero atro citatem remitti cupio. Epist. ad *Farrel*. Cras ad supplicium ducetur. Genus mortis conati sumus mutare, sed frustra. Altera Epist. ad *Farrel*.

^c Quum tam acres sunt & animosi superstitionum suarum vindices Papistæ, ut atrociter sæviant ad fundendum innoxium sanguinem, pudeat Christianos Magistratus in tuenda certa veritate nihil prorsus habere animi. — Tantum unius rei te admonitum volo, Quæstorem Urbis — in hac causa recto esse animo, ut saltem exitum quem optamus non fugiat.

^d Auctor ipse tenetur in carcere a Magistratu nostro, & propediem, ut spero, daturus est pœnas.

when they deliver over an Heretick to the secular Arm, beseech it so to moderate the Rigor of the Sentence, as not to endanger Life or Limb.

This was the Part that *Calvin* acted in the Affair of *Servetus*, which I have represented in the most impartial Manner, as it appears to me; and am sorry I am not able to wipe off so foul a Stain from the Memory of this otherwise excellent and learned Reformer. But when his Enemies charge him with acting merely from Principles of Malice and Revenge in this matter, I think it an evident Abuse and Calumny. He was, in his own Judgment, for persecuting and destroying Hereticks, as appears from the Treatise he published in Vindication of this Practice, entitled ^c, *A Declaration for maintaining the true Faith, held by all Christians, concerning the Trinity of Persons in One only God, by John Calvin, against the detestable Errors of Michael Servetus, a Spaniard. In which 'tis also proved, that it is lawful to punish Hereticks; and that this Wretch was justly executed in the City of Geneva. Geneva, 1554.* This Principle was maintained by almost all the Fathers and Bishops of the Church since the three first Centuries, who esteemed Heresy as one of the worst of Impieties, and thought it the Duty of the civil Magistrate to employ their Power for the Suppression of it, and for the Support and Establishment of the orthodox Faith. And though the first Reformers abhorred the Cruelty of the Papists towards the Protestants, they had nevertheless the same Abhorrence of what they counted Heresy that the Papists had, and agreed with them in the Lawfulness of suppressing it by the civil Power. So that *Calvin* acted in this Affair from a Principle, though a mistaken Principle of Conscience, and had the Encouragement and Approbation of the most learned and pious Reformers of the Times he lived in. *Melancton*, in a Letter to *Bullinger*, says, *I have read also what you have written concerning the Blasphemies of Servetus, and I approve your Piety and Judgment. I think also, that the Senate of Geneva hath done right, that they have put to Death that obstinate Person who would not cease to blaspheme; and I wonder that there are any who disapprove that Severity.* He affirms the same also in another Letter to *Calvin* himself. *Bucer* also said publickly in his Sermon, that *he ought to have his Bowels pulled out, and be torn in pieces, as Calvin relates it in his Letter to Sultzer.* *Farrel* in a Letter to *Calvin* says, that *he deserved to die ten Thousand Deaths, that it would be a Piece of Cruelty, and an Injustice to Christ, and the Doctrine of Piety, for Magistrates not to take notice of the horrible Blasphemies of that wicked Heretick. And he hoped God would so order it, that as the Magistrates of Geneva were very Praise-worthy for punishing Thieves and sacrilegious Persons, so they would behave themselves well in the Affair of Servetus, by putting him to Death, who had so long obstinately persisted in his Heresies, and destroy'd so many Persons by them.*

The Pastors of the Church at *Basil*, in their Letter to the Syndicks and Senate of *Geneva*, express their Joy for the Apprehension of *Servetus*, and advise

^c Declaration pour maintenir le vraye Foy que tiennent tous Chretiens de la Trinite des Personnes en un seul Dieu; par *Jean Calvin*, contre les Erreurs detestables de *Michael Servetus*, Espagnol, ou il est aussi monstre qu'il est licite de punir les Heretiques: & qu' a bon droict ces Meschant a. etc. execute par justice en la ville de *Geneve*. A *Geneve*, 1554.

them first to use all Endeavours to recover him; but that if he persisted in his Perverseness, they should punish him according to their Office, and the Power they had received from God, to prevent his giving any Disturbance to the Church, and lest the latter end should be worse than the first. The Ministers of the Church of Bern were of the same Opinion, and in their Letter to the Magistrates of Geneva say, *We pray the Lord that he would give you the Spirit of Prudence, Counsel and Strength, to remove this Plague from the Churches, both your own and others, and advise them to neglect nothing that may be judged unworthy a Christian Magistrate to omit.* The Ministers of Zurich give much the same Advice, and thought that there was need of a great deal of Diligence in the Affair; especially as the reformed Churches were evil thought of, amongst other Reasons, for this, as being themselves heretical, and Favourers of Hereticks. But that, as the Providence of God had given them an Opportunity of wiping off so evil a Suspicion, and preventing the farther spreading of so contagious a Poison, they did not doubt but their Excellencies would be careful to improve it. Those of Scaffhusen subscribed to the Judgment of those of Zurich, and declare, that they did not doubt, but that their Prudence would put a stop to the Attempts of *Servetus*, lest his Blasphemies, as a Canker, should eat up the Members of Christ; adding these remarkable Words, *That to endeavour to oppose his Dreams by a train of Reasoning, what would it be, but to grow mad with a Madman.*

These Extracts, which are taken out of the Letters printed at the End of *Calvin's* Institutions, clearly demonstrate, that he acted seriously and deliberately in the Affair of *Servetus*, and that he consulted the neighbouring Churches; and had their Opinion of the Lawfulness and Expediency of putting him to Death for his Heresies. And though it doth not wholly excuse his Fault, yet it ought in Justice to be allowed as an Abatement and Extenuation of it; and, I think, evidently proves, what his Enemies are very unwilling to allow, that he was not transported by Rage and Fury, and did not act meerly from the Dictates of Envy and Malice, but from a mistaken Zeal against what he accounted Blasphemy and Heresy, and with the concurrent Advice of his Brethren in the Ministry, and Fellow-Labourers in the great Work of the Reformation. And I think his eminent Services to the Church of God, both by his Preaching and Writings, ought, notwithstanding all his Failings, to secure to his Memory the Honour and Respect that is due to it. For he deserved well of all the reformed Churches, and was an eminent Instrument in the Hand of Providence, in promoting the great and glorious Work of saving Men from the gross Errors, Superstitions, and Idolatries of the *Romish* Church. And as I thought my self obliged impartially to represent these Things as they appear'd to me, I hope all who love to distinguish themselves by *Calvin's* Name, will be careful not to imitate him in this great Blemish of his Life; which, in reality, hath tarnish'd a Character, that would otherwise have appeared amongst the first and brightest of the Age he lived in.

In the Year 1632. after *Calvin's* Death; one *Nicholas Antboine* was condemn'd also by the Council of *Geneva* to be first hanged, and afterwards burnt, because,

because, that having forgotten the Fear of God, he had committed the Crime of Apostacy and High-Treason against God, by having opposed the Holy Trinity, denied our Lord and Saviour Jesus Christ, blasphemed his holy Name, renounced his Baptism, and the like.

Bern.
Beza in
vit. Calv.
B. Arcet.
Hist. Val.
Gent.

Valentinus Gentilis, a Native of *Cosentia* in *Italy*, had the Misfortune also to fall into some heterodox Opinions concerning the Trinity, and held, that the Father alone was $\alpha\upsilon\tau\omicron\theta\epsilon\omicron\varsigma$, God of himself, $\alpha\gamma\epsilon\upsilon\gamma\eta\sigma\tau\omicron\varsigma$, unbegotten, *Essential*, the giver of Effence to all other Beings; but that the Son was *Essential*, of a derived Effence from the Father, and therefore not $\alpha\upsilon\tau\omicron\theta\epsilon\omicron\varsigma$, or God of himself, though at the same Time he allowed him to be truly God. He held much the same as to the Holy Ghost, making them Three eternal Spirits, distinguish'd by a gradual and due Subordination, reserving the Monarchy to the Father, whom he stiled the One only God. Being forced to fly his native Country on Account of his Religion he came to *Geneva*, where there was a Church of *Italian* Refugees, several of whom, such as *G. Blandrata*, a Physician, *Gribaldus* a Lawyer, and *Paulus Alciatus*, differ'd from the commonly received Notions of the Trinity. When their Heterodoxes came to be known at *Geneva*, they were cited before the Senators, Ministers, and Presbyters; and being heard in their own Defence, were refuted by *Calvin*, and all subscribed to the orthodox Faith. But *V. Gentilis* having after this endeavoured to propagate his own Opinions, he was again apprehended, and forced by *Calvin* and others to a publick Abjuration, and condemned *An.* 1558. to an exemplary Penance, *viz.* "That he should be stripped close
" to his Shirt, then bare-foot and bare-headed should carry in his Hand a
" lighted Torch, and beg God and the Court's Pardon on his Knees, by confessing himself maliciously and wickedly to have spread Abroad a false and
" heretical Doctrine; but that he did now from his Heart detest and abhor
" those abominable, lying, and blasphemous Books, he had composed in its
" Defence; in testimony of which he was to cast them, with his own Hands,
" into the Flames, there to be burnt to Ashes. And for more ample Satisfaction, he was enjoined to be led through all the Streets of *Geneva*, at the
" sound of Trumpet, in his penitential Habit, and strictly commanded not
" to depart the City without Permission." And this Penance he actually underwent. But having found means to make his Escape, he came at last to *Gaium*, a Prefecture, subject to the Canton of *Bern*, where he was seized and imprisoned by the Governor, who immediately sent an Account of his Apprehension to the Senate of *Bern*, who ordered him to be brought Prisoner to that City, where they put him in Gaol. After they had seized all his Books and Papers, they collected several Articles, with the Heads of an Indictment out of them to be preferred against him. Amongst others these were two, 1. *That he dissented from us and all the Orthodox in the Doctrine of the Trinity.* And, 2. *That his Writings contain'd many impious Blasphemies, concerning the Trinity.* And because he continued obstinate in his Opinions, notwithstanding the Endeavours of the Divines to convert him, he was condemned by the Senate, for his Blasphemies against the Son of God, and the glorious Mystery of the Trinity,

to be beheaded, which Sentence was executed on him in *September, Anno 1566.*

At *Basil* also Heresy was a Crime punishable with Death, since the Reformation, as appears from the Treatment of the dead Body of *David George*, an enthusiastical Anabaptist. Having left *Holland* he went to *Basil*, and settled there as one that was banished out of his Country for the sake of his Religion, propagating his own Doctrines by Letters, Books, and Messengers in *Holland*. But his Errors being discovered after his Death, he was taken out of his Grave, and together with his Books and Pictures burnt to Ashes, by order of the Magistrates, at the Place of Execution, without the Walls of *Basil*, *May 13, 1559.* His Opinions were first extracted from the printed Books and Manuscript Papers found in his House, and he declared an Arch-Heretic.

Zurich also furnishes us with an Instance of great Cruelty towards an Anabaptist. A severe Edict was published against them, in which there was a Penalty of a silver Mark, about four Shillings *English* Money, set upon all such as should suffer themselves to be re-baptized, or should withhold Baptism from their Children. And it was further declared, That those who openly opposed this Order, should be yet more severely treated. Accordingly one *Felix* was drowned at *Zurich* upon the Sentence pronounced by *Zuinglius*, in these four Words, *Qui interum mergit, mergatur. He that redips let him be drowned.* This happen'd in the Year 1526. About the same Time also, and since, there were some more of them put to Death. From the same Place also *Ochinus* was banished, in his old Age, in the Depth of Winter, together with his Children, because he was an *Arian*, and defended Poligamy, if *Beza's* Account of him be true.

Lubienecius, a *Polish* Unitarian, was through the Practices of the *Calvinists*, banished with his Brethren from *Poland*, his native Country, and forced to leave several Protestant Cities of *Germany*, to which he had fled for Refuge, particularly *Stetin*, *Frederickstadt*, and *Hamburg*, through the Practices of the *Lutheran* Divines, who were against all Toleration. At *Hamburg* he received the Orders of the Magistrates of the City to depart the Place on his Death-bed; and when his dead Body was carried to *Altenau* to be interr'd, though the Preachers could not, as they endeavour'd, prevent his being buried in the Church, yet they did actually prevent the usual funeral Honours being paid him. *John Sylvanus*, Superintendent of the Church of *Heidelberg*, was put to Death by order of *Frederick* Elector *Palatine*, *An. 1571.* being accused of *Arianism*.

If we pass over into *Holland*, we shall also find, that the Reformers there were most of them in the Principles and Measures of Persecution, and managed their Differences with that Heat and Fury as gave great Advantages to the Papists, their common Enemies. In the very Infancy of the Reformation the *Lutherans* and *Calvinists* condemned each other for their supposed Heterodoxy in the Affair of the Sacrament, and looked upon compliance and mutual Toleration to be Things intolerable. These Differences were kept up principally

by

by the Clergy of each Party. The Prince of *Orange*, and States of *Holland*, who were heartily inclined to the Reformation, were not for confining their Protection to any particular Set of Principles or Opinions, but for granting an universal Indulgence in all Matters of Religion, aiming at Peace and mutual Forbearance, and to open the Church as wide as possible for all Christians of unblameable Lives; whereas the Clergy being biaſſed by their Paſſions and Inclinations for thoſe Maſters, in whoſe Writings they had been inſtructed, endeavoured with all their Might to eſtabliſh and conciliate Authority to their reſpective Opinions; aiming only at Decisions and Definitions, and ſhutting up the Church by Limitations in many doubtful and diſputable Articles; ſo that the Diſturbances which were raiſed, and the Severities which were uſed upon the Account of Religion, proceeded from the Bigotry of the Clergy, contrary to the Deſire and Intention of the civil Magiſtrate.

Brandt.
Hiſt.
Vol. 1. 17.

Before the Miniſters of the reformed Party were engaged in the Controverſy with *Arminius*, their Zeal was continually exerting it ſelf againſt the Anabaptiſts, whom they declared to be excommunicated and cut off from the Church, and endeavoured to convert by Violence and Force, prohibiting them from preaching under Fines, and baniſhing them their Country, upon account of their Opinions. And the better to colour theſe Proceedings, ſome of them wrote in defence of Perſecution; or which is the ſame Thing, againſt the Toleration of any Religion or Opinions different from their own; and for the better Support of Orthodoxy, they would have had the Synods ordain, that all Church Officers ſhould renew their Subſcriptions to the Confession and Catechiſm every Year, that hereby they might the better know who had changed their Sentiments, and differed from the received Faith. This Practice was perfectly agreeable to the *Geneva* Diſcipline; *Calvin* himſelf, as hath been ſhewn, being in Judgment for perſecuting Hereticks; and *Beza* having wrote a Treatiſe, *An. 1600.* to prove the Lawfulneſs of puniſhing them. This Book was tranſlated from the *Latin*, into the *Low Dutch* Language by *Bogerman*, afterwards Preſident of the Synod of *Dort*, and publiſhed with a Dedication, and Recommendation of it to the Magiſtrates. The Conſequence of this was, that very ſevere Pla-carts were publiſhed againſt the Anabaptiſts in *Frieſland* and *Groningen*, where-by they were forbidden to preach; and all Perſons prohibited from letting their Houſes and Grounds to them, under the Penalty of a large Fine, or Confinement to Bread and Water for fourteen Days. If they offended the third Time, they were to be baniſhed the City, and the Jurisdiction thereof. Whoſoever was diſcovered to rebaptize any Perſon ſhould forfeit twenty Dollars; and upon a ſecond Conviction be put to Bread and Water, and then be baniſhed. Unbaptiſed Children were made incapable of inheriting; and if any married out of the reformed Church, he was declared incapable of inheriting any Eſtate, and the Children made illegitimate.

But the Controverſy that made the greateſt Noiſe, and produced the moſt remarkable Effects, was that carried on between the *Calviniſts* and *Arminians*. *Jacobus Arminius*, one of the Profeſſors of Divinity at *Leyden*, diſputing in his turn about the Doctrines of Predeſtination, advanced ſeveral Things differing from

from the Opinions of *Calvin* on this Article, and was in a few Months after warmly opposed by *Gomarus* his Collegue, who held, That 'twas appointed by an eternal Decree of God, who amongst Mankind shall be saved, and who shall be damned. This was indeed the Sentiment of most of the Clergy of the United Provinces, who therefore endeavoured to run down *Arminius* and his Doctrine with the greatest Zeal, in their private Conversations, publick Disputes, and in their very Sermons to their Congregations, charging him with Innovations, and of being a Follower of the ancient heretical Monk *Pelagius*; whereas the Government was more inclinable to *Arminius's* Scheme, as being less rigid in its Nature, and more intelligible by the People, and endeavoured all they could to prevent these Differences of the Clergy from breaking out into an open Quarrel, to the Disturbance of the publick Peace. But the Ministers of the Predestinarian Party would enter into no Treaty for Peace: The Remonstrants were the Objects of their furious Zeal, whom they called *Mamalukes, Devils, and Plagues*, animating the Magistrates to extirpate and destroy them, and crying out from the Pulpits, *We must go through thick and thin, without fearing to stick in the Mire: We know what Elijah did to Baal's Priests*, And when the Time drew near for the Election of new Magistrates, they prayed to God for such Men, *as would be zealous even to Blood, though it were to cost the whole Trade of their Cities*. They also accused them of keeping up a Correspondence with the Jesuits and Spaniards, and of a Design to betray their Country to them.

These Proceedings gave great Disturbance to the Magistrates, especially as many of the Clergy took great Liberties with them, furiously inveighing against them in their Sermons as Enemies to the Church, and Persecutors; as Libertines and Free-Thinkers, who hated the sincere Ministers of God, and endeavoured to turn them out of their Office. This Conduct, together with their obstinate Refusal of all Measures of Accommodation, and Peace with the Remonstrants, so incensed the Magistrates, that in several Cities they suspended some of the warmest and most seditious of them, and prohibited them from the publick Exercises of their ministerial Function; particularly *Gezelius* of *Rotterdam*, and afterwards *Rosæus*, Minister at the *Hague*, for endeavouring to make a Schism in the Church, and exhorting the People to break off Communion with their Brethren. Being thus discarded, they assumed to themselves the Name of the persecuted Church, and met together in private Houses, absolutely refusing all Communion with the Remonstrant Ministers and Party, in spite of all the Attempts made use of to reconcile and unite them.

What the Ministers of the Contraremonstrant Party aimed at, was the holding a national Council, which at length, after a long Opposition, was agreed to in the Assembly of the *States General*, who appointed *Dort* for the Place of the Meeting. Prince *Maurice* of *Orange*, the Stadholder, effectually prepared Matters for holding the said Assembly; and as he declared himself openly for the Contraremonstrant Party, not for that he was of their Opinions in Religion, being rather inclined to those of *Arminius*, but because he thought them the best

Friends to his Family, he took Care that the Council should consist of such Persons as were well affected to them. In order to this his Excellency changed the Government of most of the Towns of *Holland*, deposed those Magistrates who were of the Remonstrant Persuasion, or that favoured them in the Business of the Toleration, and filled up their Places with Contraremonstrants, or such as promoted their Interests, making use of the Troops of the States to obviate all Opposition. The Consequence of this was the Imprisonment of several great Men of the Remonstrant Persuasion, such as the Advocate *Oldenbarnevelt*, *Grotius* and others; and the Suspension, or total Deprivation of a considerable Number of the Remonstrant Clergy, such as *Vitenbogart* of the *Hague*, *Grovinckbovius* of *Roterdam*, *Grevius* and others, by particular Synods met together for that purpose, and to prepare Things, and appoint Persons for the ensuing national one at *Dort*. The Persons fixed on were generally the most violent of the Contraremonstrant Party, and who had publicly declared, that they would not enter into Communion with those who differ'd from them, nor agree to any Terms of Moderation and Peace. There were also several foreign Divines summoned to this Council, who were most of them in the *Calvinistick* Scheme, and professed Enemies to the *Arminians*. The Lay Commissioners also, who were chosen by the States, were most of them very partial Contraremonstrants, and two or three of them, who seemed more impartial than the others, were hardly suffered to speak; and if they did, were presently suspected, and represented by Letters sent to the States, and Prince *Maurice* at the *Hague*, as Persons that favoured the Remonstrants, which was then consider'd as a Crime against the Government, inasmuch that by these Insinuations, they were in danger of being stripped of all their Employments. The first Session and Opening of this venerable Assembly, was *Nov. 13, 1618*. *John Bogerman* was chosen President of it; the same worthy and moderate Divine, who had before translated into *Low Dutch* *Beza's* Treatise, to prove the Lawfulness of punishing Hereticks, with a Preface Recommendatory to the civil Magistrate; chosen, not by the whole Synod, but by the Low Country Divines only, the Foreigners not being allowed any Share in the Election.

The Council
of Dort,
A.C.
1618.

At the fifth Session the Remonstrants petitioned the Synod, That a competent Number of their Friends might have leave to appear before them, and that the Citation might be sent to the whole Body, and not to any single Person, to the End that they might be at liberty to send such as they should judge best qualified to defend their Cause; and particularly insisted, that *Grovinckbovius* and *Goulart* might be of the Number. One would have thought that so equitable a Request should have been readily granted. But they were told, that it could not be allowed that the Remonstrants should pass for a distinct Body, or make any Deputation of Persons in their common Name to treat of their Affairs; and agreeably to this Declaration the Summons that were given out, were not sent to the Remonstrants as a Body or Part of the Synod, but to such particular Persons as the Synod thought fit to chose out of them; which was little less than citing them as Criminals before a Body of
Men,

Men, which chiefly consisted of their professed Adversaries. When they first appeared in the Synod, and *Episcopus* in the Name of the rest of them, talked of entering into a regular Conference about the Points in difference; they were immediately given to understand, that no Conference was intended, but that their only Business was to deliver their Sentiments, and humbly to wait for the Judgment of the Council concerning them. *Episcopus*, in the Name of his Brethren, declared, that they did not own the Synod for their lawful Judges, because most of that Body were their avowed Enemies, and Fomenters and Promoters of the unhappy Schism amongst them; upon which they were immediately reprimanded by the President, for impeaching and arraigning their Authority, and presuming to prescribe Laws to those whom the *States General* had appointed for their Judges. The Divines of *Geneva* added upon this Head, *That if People obstinately refused to submit to the lawful Determinations of the Church, there then remained two Methods to be used against them; the one, that the civil Magistrate might stretch out his Arm of Compulsion; the other, that the Church might exert her Power, in order to separate and cut off by a publick Sentence, those who violated the Laws of God.* After many Debates on this Head, between the Synod and the Remonstrants, who adhered to their Resolution, of not owning the Synod for their Judges, they were turned out of it by *Bogerman* the President with great Insolence and Fury; to the high Dissatisfaction of many of the foreign Divines.

After the Holy Synod had thus rid themselves of the Remonstrants, whose Learning and good Sense would have rendered them exceeding troublesome to this Assembly, they proceeded to fix the Faith; and as they had no Opposition to fear, and were almost all of one side, at least in the main Points, they agreed in their Articles and Canons; and in their Sentence against the Remonstrant Clergy who had been cited to appear before them; which was to this Effect: “ They beseeched and charged in the Name of Christ, all and singular
 “ the Ministers of the Churches throughout the united *Netherlands*, &c. that
 “ they forsake and abandon the well known five Articles of the Remonstrants,
 “ as being false, and no other than Secret Magazines of Errors ——— And
 “ whereas some, who are gone out from amongst us, calling themselves Re-
 “ monstrants, have out of private Views and Ends, unlawfully violated the
 “ Discipline and Government of the Church ——— have not only trumped up
 “ old Errors, but hammered out new ones too ——— have blackened and ren-
 “ dered odious the established Doctrine of the Church with impudent Slan-
 “ ders and Calumnies, without end or measure, have filled all Places with
 “ Scandal, Discord, Scruples, Troubles of Conscience ——— all which heinous
 “ Offences ought to be restrained and punished in Clergymen with the severest
 “ Censures: Therefore this national Synod ——— being assured of its own
 “ Authority ——— doth hereby declare and determine, that those Ministers,
 “ who have acted in the Churches as Heads of Factions, and Teachers of Er-
 “ rors, are guilty, and convicted of having violated our Holy Religion,
 “ having made a Rent in the Unity of the Church, and given very great Scan-
 “ dal: And as for those who were cited before this Synod, that they are be-
 “ sides

The INTRODUCTION.

“ sides guilty of intolerable Disobedience ----- to the Commands of the
 “ venerable Synod: For all which Reasons the Synod doth in the first Place,
 “ discharge the aforesaid cited Persons from all ecclesiastical Administrations,
 “ and deprive them of their Offices, judging them likewise unworthy of any
 “ academical Employment — And as for the rest of the Remonstrant Cler-
 “ gy, they are hereby recommended to the Provincial Synods, Classes and
 “ Consistories — who are to take the utmost care — that the Patrons of
 “ Errors be prudently discovered; that all obstinate, clamorous, and factious
 “ Disturbers of the Church, under their Jurisdiction, be forthwith deprived
 “ of their ecclesiastical and academical Offices — And they the said provin-
 “ cial Synods are therefore exhorted — to take a particular Care, that they
 “ admit none into the Ministry who shall refuse to subscribe, or promise to
 “ preach the Doctrine asserted in these Synodical Decrees; and that they suf-
 “ fer none to continue in the Ministry, by whose publick Dissent the Doctrine
 “ which hath been so unanimously approved by all the Members of this Synod,
 “ the Harmony of the Clergy, and the Peace of the Church, may be again
 “ disturbed — And they most earnestly and humbly beseech their gracious
 “ God, that their High Mightinesses may suffer and ordain this wholesome
 “ Doctrine, which the Synod hath faithfully expressed — to be maintained
 “ alone, and in its Purity within their Provinces — and restrain turbulent
 “ and unruly Spirits — and may likewise put in Execution the Sentence
 “ pronounced against the above-mentioned Persons — and ratify and con-
 “ firm the Decrees of the Synod by their Authority.

The States readily obliged them in this Christian and Charitable Request; for
 as soon as the Synod was concluded the old Advocate *Barneveldt* was beheaded, who
 had been a zealous and hearty Friend to the Remonstrants and their Principles;
 and *Grotius* condemned to perpetual Imprisonment; and because the cited
 Ministers would not promise wholly, and always to abstain from the Exercise
 of their ministerial Functions, the States passed a Resolution for the banishing
 of them, on pain if they did not submit to it, of being treated as Disturbers
 of the publick Peace. And though they only begged a respite of the Sen-
 tence for a few Days, to put their Affairs in order, and to provide them-
 selves with a little Money to support themselves and Families in their Banish-
 ment, even this was unmercifully denied them, and they were hurried away
 next Morning by four a Clock, as though they had been Enemies to the
 Religion and Liberties of their Country.

Such was the Effect of this famous Presbyterian Synod, who behaved themselves
 as tyrannically towards their Brethren, as any prelatial Council whatsoever
 could do; and to the Honour of the Church of *England* it must be said, that they
 owned their Synodical Power, and concurred by their Deputies, *Carleton* Bishop
 of *Landaff*, *Hall*, *Davenant*, and *Ward*, in condemning the Remonstrants, in
 excommunicating and depriving them, and turning them out of their Churches,
 and in establishing both the Discipline and Doctrines of *Geneva* in the *Netherlands*.
 For after the Council was ended, the Remonstrants were every where driven out
 of their Churches, and prohibited from holding any private Meetings, and many

of them banished on this very account. The Reader will find a very particular Relation of these Transactions, in the learned *Gerard Brandt's* History of the Reformation of the *Low Countries*, to which I must refer him.

If we look into our own Country we shall find numerous Proofs of the same antichristian Spirit and Practice. Even our first Reformers, who had seen the Flames which the Papists had kindled against their Brethren, yet lighted Fires themselves to consume those who differed from them. *Cranmer's* Hands were stained with the Blood of several. He had a Share in the Prosecution and Condemnation of that pious and excellent Martyr *John Lambert*; and consented to the Death of *Ann Askew*, who were burnt for denying the corporal Presence, which, though *Cranmer* then believed, he saw afterwards reason to deny. In the Year 1549. *Joan Bocher* was condemned for some enthusiastical Opinions about Christ, and delivered over to the secular Power. The Sentence being returned to the Council, King *Edward VI.* was moved to sign a Warrant for her being burnt, but could not be prevailed with to do it. *Cranmer* endeavoured to persuade him by such Arguments as rather silenced than satisfied the young King. So he set his Hand to the Warrant with Tears in his Eyes, saying to the Archbishop, that if he did wrong, since it was in Submission to his Authority, he should answer for it to God. Though this struck *Cranmer* with Horror, yet he at last put the Sentence in Execution against her. About two Years after one *George Van Pare*, a Dutch Man, was accused before them, for saying, That God the Father was only God, and that Christ was not very God. And though he was a Person of a very holy Life, yet because he would not abjure, he was condemned for Heresy, and burnt in *Smithfield*. The Archbishop himself was afterwards burnt for Heresy, which, as *Fox* observed, many looked on a just Retaliation from the Providence of God, for the cruel Severities he had used towards others.

The Controversy about the Popish Habits was one of the first that arose amongst the *English* Reformers. *Cranmer* and *Ridley* were zealous for the Use of them, whilst other very pious and learned Divines were for laying them aside, as the Badges of Idolatry and Antichrist. Amongst these was Doctor *Hooper*, nominated to the Bishoprick of *Glocester*; but because he refused to be consecrated in the old Vestments, he was, by Order of Council first silenced, and then confined to his own House; and afterwards, by *Cranmer's* Means, committed to the *Fleet* Prison, where he continued several Months.

In the beginning of Queen *Elizabeth's* Reign, A. C. 1559. an Act passed for the Uniformity of Common Prayer, and Service in the Church, and Administration of the Sacraments, by which the Queen and Bishops were empowered to ordain such Ceremonies in Worship, as they should think for the Honour of God, and the Edification of his Church. This Act was rigorously pressed, and great Severities used to such as could not comply with it. *Parker* Archbishop of *Canterbury*, made the Clergy subscribe to use the prescribed Rites and Habits, and cited before him many of the most famous Divines who scrupled them, and would allow none to be presented to Livings, or preferred in the Church, without an intire Conformity. He summoned the whole Body

of

of the *London* Pastors and Curates to appear before him at *Lambeth*, and immediately suspended Thirty seven, who refused to subscribe to the Unity of Apparel, and signified to them, that within three Months they should be totally deprived if they would not conform. So that many Churches were shut up; and though the People were ready to mutiny for want of Ministers, yet the Archbishop was deaf to all their Complaints, and in his great Goodness and Piety was resolved they should have no Sacraments or Sermons without the Surplice and the Cap. And in order to prevent all Opposition to Church Tyranny, the *Star Chamber* published a Decree for Sealing up the Press, and prohibiting any Person to print or publish any Book against the Queen's Injunctions, or against the Meaning of them. This Decree was signed by the Bishops of *Canterbury* and *London*.

This rigid and fanatical Zeal for Habits and Ceremonies, caused the Puritans to separate from the Established Church, and to hold private Assemblies for Worship. But the Queen and her Prelates soon made them feel their Vengeance. Their Meetings were disturbed, and those who attended them apprehended, and sent in large Numbers, Men and Women, to *Bridewell*, for Conviction. Others were cited into the *Spiritual Courts*, and not discharged till after long Attendance and great Charges. Subscriptions to Articles of Faith were violently pressed upon the Clergy, and about one Hundred of them were deprived, *Anno 1572.* for refusing to submit to them. Some were closely imprisoned, and died in Gaol, through Poverty and Want. And that serious Piety, and Christian Knowledge might gain Ground, as well as Uniformity, the Bishops, by order of the Queen, put down the Prophecys of the Clergy, *Anno 1574.* who were forbid to assemble, as they had done for some Years, to discourse with one another upon religious Subjects and Sermons; and as some serious Persons of the Laity were used to meet on Holy Days, or after they had done work, to read the Scriptures, and to improve themselves in Christian Knowledge; the Parsons of the Parishes were sent for, and ordered to suppress them. Eleven *Dutch* Men, who were Anabaptists, were condemned in the Consistory of *St. Paul* to the Fire, for Heresy; nine of whom were banished, and two of them burnt alive in *Smithfield*. In the Year 1583. *Copping* and *Thacker*, two Puritan Ministers, were hanged for Non-Conformity. It would be endless to go through all the Severities that were used in this Reign upon the Account of Religion. As the Queen was of a very high and arbitrary Temper, she pressed Uniformity with great Violence, and found Bishops enough, *Parker, Aylmer, Whitgift*, and others, to justify and promote her Measures; who either enter'd their Sees with persecuting Principles, or embraced them soon after their Entrance, as best befitting the Ends of their Promotion. Silencings, Deprivations, Imprisonments, Gibbets, and Stakes, upon the Account of Religion, were some of the powerful Reasonings of those Times. The Bishops rioted in Power, and many of them abused it to the most cruel Oppressions. The Cries of innocent Prisoners, widowed Wives, and starving Children, made no Impression on their Hearts. Piety and Learning with them were void of Merit. Refusal of

Subscriptions, and Non-Conformity were Crimes never to be forgiven. A particular Account of these Things may be seen in Mr. *Neal's* excellent History of the Puritans, who hath done Justice to that Subject. I shall only add, That the Court of High-Commission established in this Reign, by the Instigation of *Whitgift*, Archbishop of *Canterbury*, by which the Commissioners were impowered to enquire into all Misdemeanors, by all such Ways and Means as they could devise, and thought necessary, to examine Persons upon Oath, and to punish those who refused the Oath by Fine or Imprisonment, according to their Discretion, was an high Stretch of the Prerogative, and had a very near Resemblance to the Courts of Inquisition, and the Cruelties that were practised in it, and the exorbitant Fines that were levied by it in the two following Reigns, made it the universal Abhorrence of the Nation, so that it was dissolved by Parliament, with a Clause that no such Court should be erected for the future.

King *James I.* who was bred up in the Kirk of *Scotland*, which professed the Faith and Discipline of those called Puritans in *England*; and though he blessed God, *For honouring him to be King over such a Kirk, the sincerest Kirk in the World*, yet, upon his Accession to the *English* Throne, soon shewed his Aversion to the Constitution of that Kirk; and to their Brethren, the Puritans in *England*. These were solicitous for a farther Reformation in the Church, which the Bishops opposed, instilling this Maxim into the King, *No Bishop no King*; which, as stale and false a Maxim as it is, hath been lately trumped up, and publickly recommended, in a Sermon on the 30th of *January*. In the Conference at *Hampton Court* his Majesty not only sided with the Bishops, but assured the Puritan Ministers, who were sent for to it, that *he had not called the Assembly together for any Innovations, for that he acknowledged the Government Ecclesiastical, as it then was, to have been approved by God himself*; giving them to understand, that *if they did not conform, he would either hurry them out of the Kingdom, or else do worse*. And these Reasonings of the King's were so strong, that *Whitgift*, Archbishop of *Canterbury*, with an impious and sordid Flattery said, *He was verily persuaded that the King spoke by the Spirit of God*. 'Twas no wonder that the Bishops, thus supported by an inspired King, should get an easy Victory over the Puritans, which possibly they would not have done, had his Majesty been absent, and the Aids of his Inspiration withdrawn, since the Archbishop did not pretend that himself or his Brethren had any share of it. But having thus gotten the Victory, they strove by many Methods of Violence to maintain it; and used such Severities towards the Non-Conformists, that they were forced to seek Refuge in foreign Countries. The Truth is, this Conference at *Hampton Court* was never intended to satisfy the Puritans, but as a Blind to introduce Episcopacy into *Scotland*, and to subvert the Constitution and Establishment of that Church.

His Majesty, in one of his Speeches to his Parliament, tells them, that *he was never violent and unreasonable in his Profession of Religion*. I believe all Mankind will now acquit him of any violent and unreasonable Attachment to the Protestant Religion and Liberties. He added in the same Speech, it may be question-

James I.
Wilson.
Heylin's
Life of
Laud,
p. 58.

questioned, whether by Inspiration of the Spirit, *I acknowledge the Roman Church to be our Mother Church, although defiled with some Infirmities and Corruptions.* And he did behave as a very dutiful Son of that Mother Church, by the many Favours he shewed to the Papists during his Reign, by his Proclamations for Uniformity in Religion, and encouraging and supporting his Bishops in their Persecutions of such as differ'd from, or could not submit to them. *Bancroft*, promoted to the Archbishoprick of *Canterbury*, was, as the Historian calls him, *A sturdy Piece*, a cruel and inflexible Persecutor, treating the Non-Conformists with the greatest Rigor and Severity; and who, as *Heylin* tells us, *was resolved to break them, if they would not bow.* He put the Canons and Constitutions agreed on *A. C.* 1603. furiously into Execution, and such as stood out against them, he either deprived or silenced. And indeed, as the aforementioned Author says, *Who could stand against a Man of such a Spirit, armed with Authority, having the Law on his Side, and the King to his Friend.* During his being Archbishop he deprived, silenced, suspended, and admonished, above three Hundred Ministers. The Violences he and his Brethren used in the High-Commission Courts, render'd it a publick Grievance. *Every Man must conform to the Episcopal Way, and quit his Hold in Opinion or Safety. That Court was the Touchstone, to try whether Men were Metal for their Stamp; and if they were not soft enough to take such Impressions as were put upon them, they were made malleable there, or else they could not pass current. This was the beginning of that Mischief, which when it came to a full Ripeness, made such a bloody Tincture in both Kingdoms, as never will be got out of the Bishop's Lawn Sleeves.* But nothing displeas'd the sober Part of the Nation more, than the Publication of the Book of Sports, which the Bishops procur'd from the King, and which came out with a Command, enjoining all Ministers to read it to their Parishioners, and to approve of it; and those who did not, were brought into the High-Commission, imprison'd, and suspended; this Book being only a Trap to catch some conscientious Men, that they could not otherwise, with all their Cunning, ensnare. *These, and such like Machinations of the Bishops, says my Author, to maintain their temporal Greatness, Ease, and Plenty, made the Stones in the Walls of their Palaces, and the Beam in the Timber afterwards cry out, moulder away, and come to nothing; and caus'd their Light to go out Offensive to the Nostrils of the Rubbish of the People.* Indeed many of the King's Bishops, such as *Bancroft*, *Neal*, and *Laud*, who was a reputed Papist in *Oxford*, and a Man of a dangerous, turbulent Spirit, were fit for any Work; and as they don't appear to have had any Principles of real Piety themselves, they were the fittest Tools that could be made use of to persecute those who had. *Neal*, when he was Bishop of *Litchfield* and *Coventry*, prosecuted one *Edward Wightman*, for broaching erroneous Doctrine, and having canonically condemn'd him, got the King's Warrant for his Execution, and he was accordingly burnt in *Litchfield*. One *Legat* also, was prosecuted and condemn'd for Heresy, by King Bishop of *London*, and expired in the Flames of *Smithfield*. He denied the Divinity of our Saviour, according to the *Athanasian* Mode of explaining it; but, as *Fuller* tells us, he was excellently skilled in Scripture, and his

Conversation very unblameable. But as these Sacrifices were unacceptable to the People, the King preferred, that Hereticks hereafter, though condemn'd, should silently and privately waste themselves away in Prison, rather than to amuse others with the Solemn ty of a publick Execution.

In the Reign of the Royal Martyr, the Church was in the Height of her Charles I. Glory and Power; though such is the Fate of all human Things, that she soon sicken'd, languish'd, and died. *Laud* carried all before him, and ruled the Church with a Rod of Iron; and though he seems to have had too much Pride to submit to the Pope of *Rome*, he acted the Part of a Pope himself, allowing himself, as *Heylin* tells us, to be address'd under the Titles of *Holiness*, and *most holy Father*. The Things he seem'd principally to have had at Heart, were the introducing an arbitrary Government into the State, the Suppression and Extirpation of Nonconformity, and bringing the Church of *England*, in Rites and Ceremonies, to as near a Resemblance as possibly he could, to the Church of *Rome*. This appears, by his protecting *Montague*, *Manwaring* and *Sibthorp*, who had infamously preach'd up the King's absolute Power, and making the two former Bishops of the Church; by his persecuting the Puritan Ministers in the Star-Chamber and High Commission Court, who, as *Heylin* tells us, *Laud* used to say, were as bad as the Papists, imprisoning and fining, and forcing many others to take Sanctuary in *New England*; by his putting down and silencing all Lecturers throughout the several Dioceses of the Kingdom, by his suspending and ejecting such as refused to read the Book of Sports, by his forcing the *French* and *Dutch* Churches to a Conformity with the Rites and Ceremonies of the Church of *England*, by his obliging the *Scots* to receive Episcopacy, a Liturgy and Canons, by his forming new Articles and ecclesiastical Constitutions for the *English* Clergy, and enjoining them a strict Oath for the preventing of all Innovations; by the many Popish Superstitions he introduced into the publick Worship, such as Altars, Tapers, Candles, Candlesticks, Copes, Hoods, Images, Pictures, Cringes, Bows, Consecrations, and the like, and by the Lenity that was shewn throughout the whole of his Administration to the Papists themselves, whilst many worthy and learned Protestant Gentlemen and Divines were treated with the utmost Indignity and Barbarity; some of them dying in Goal, and others being made to undergo the most cruel bodily Punishments, for daring to oppose the arbitrary and superstitious Proceedings of this furious and relentless Prelate. No Man of Compassion can read his Treatment of Dr. *Leighton* without being shocked and moved in the same tender Manner as the House of Commons were, who several Times interrupted, by their Tears, the reading of the Doctor's Petition; which I shall here present my Reader with entire, and leave him to form what Character he pleases of the Man, that could contrive and carry on such a Scene of barbarous and execrable Cruelty.

*To the Honourable and High Court of Parliament, The humble Petition
of Alexander Leighton, Prisoner in the Fleet ;*

Humbly Sheweth,

HOW your much and long distressed Petitioner, on the 17th of February gone ten Years, was apprehended in Black-Fryers, coming from the Sermon, by a high Commission Warrant (to which no Subject's Body is liable) and thence, with a Multitude of Staves and Bills, was dragged along (and all the way reproached by the Name of Jesuit and Traitor) till they brought him to London-house, where he was shut up, and, by a strong Guard, kept (without Food) till seven of the Clock, till Dr. Laud, then Prelate of London, and Dr. Corbet, then of Oxford, returned from Fulham house, with a Troop attending. The Goaler of Newgate was sent for, who came with Irons, and with a strong Power of Halberts and Staves ; they carried your Petitioner through a blind hollow Way, without Presence or Examination, and opening up a Gate into the Street (which some say, had not been opened since Queen Mary's Days) they thrust him into a loathsome and ruinous Dog-hole, full of Rats and Mice, which had no Light but a little Grate ; and the Roof being uncovered, the Snow and Rain beat in upon him, having no Bedding, nor Place to make a Fire, but the Ruins of an old smoaky Chimney ; where he had neither Meat nor Drink, from the Tuesday at Night, till the Thursday at Noon. In this woful Place, and doleful Flight, they kept him close, with two Doors shut upon him, for the Space of fifteen Weeks, suffering none to come at him, till at length, his Wife was only admitted.

The fourth Day after his Commitment, the High Commission Pursevants came (under the Conduct of the Sheriffs of London) to your Petitioner's House, and a mighty Multitude with them ; giving out, that they came to search for Jesuits Books. There those violent Fellows of Preylaid violent Hands upon your Petitioner's distressed Wife, with such barbarous Inhumanity as he is ashamed to express ; and so rifled every Soul in the House, holding a bent Pistol to a Child's Breast of five Years old, threatening to kill him, if he would not tell where the Books were ; through which, the Child was so affrighted that he never cast it. They broke open Presses, Chests, Boxes, the Boards of the House, and every Thing they found in the Way, though they were willing to open all. They, and some of the Sheriffs Men, spoiled, robbed, and carried away all the Books and Manuscripts they found, with Household Stuff, your Petitioner's Apparel, Arms, and other Things ; so that they left nothing that liked them ; notwithstanding, your Petitioner's Wife told the Sheriffs, they might come to reckon for it. They carried also a great Number of divers of your Petitioner's Books, and other Things, from one Mr. Archer's House, as he will testify. Further, your Petitioner being denied the Copy of his Commitment, by the Goaler of Newgate, his Wife, with some Friends, repaired to the Sheriff, offering him bail, according to the Statute in that behalf ; which being shew'd by an Attorney at Law, the Sheriff replied, That he wished the Laws of the Land and Privileges of the Subject, had never been named in the Parliament, &c. Your Petitioner (having thus suffered in Body, Liberty, Family, Estate,

Estate, and House) at the End of fifteen Weeks was served with a Subpœna, on Information laid against him by Sir Robert Heath, then his Majesty's Attorney-General; whose Dealing with your Prisoner was full of Cruelty and Deceit. In the mean Time it did more than appear, to four Physicians, that Poison had been given him in Newgate; for his Hair and Skin came off in a Sickness (deadly to the Eye) in the Height whereof, as he did lie, censure was past against him in the Star Chamber, without hearing (which had not been heard of) notwithstanding of a Certificate from four Physicians, and Affidavit made by an Attorney, of the Desperateness of the Disease. But nothing would serve Dr. Laud, but the highest Censure that ever was past in that Court, to be put upon him; and so it was to be inflicted with Knife, Fire, and Whip, at and upon the Pillory, with ten thousand Pounds Fine; which some of the Lords conceived should never be inflicted, only it was imposed (as on a dying Man) to terrify others. But the said Doctor and his Combinants, caused the said Censure to be executed the 26th Day of November following (with a Witness) for the Hang-man was armed with Strong-drink all the Night before, in Prison, and, with threating Words, to do it cruelly. Your Petitioner's Hands being tied to a Stake (besides all other Torments) he received thirty six Stripes with a triple Cord; after which, he stood almost two Hours on the Pillory, in cold Frost and Snow, and suffered the rest; as cutting off the Ear, firing the Face, and slitting of the Nose; so that he was made a Theatre of Misery to Men and Angels: And being so broken with his Sufferings that he was not able to go, the Warden of the Fleet would not suffer him to be carried in a Coach; but he was forced to go by Water, to the further indangering of his Life; returning to the Goal after much harsh and cruel Usage, for the Space of eight Years, paying more for a Chamber then the Worth of it (having not a bit of Bread, nor drop of Water allowed.) The Clerk of the Fleet, to top up your Petitioner's Sufferings, sent for him to his Office, and without Warrant, or Cause given by your Petitioner, set eight strong Men-fellows upon him, who tore his Clothes, bruised his Body, so that he was never well, and carried him by Head and Heels, to that loathsome and common Goal, where, besides the Filthiness of the Place and Vileness of the Company, divers Contrivances were laid for taking away the Life of your Petitioner, as shall manifestly appear, if your Honours will be pleased to receive and peruse a Schedal of that Subject.

Now the Cause of all this harsh, cruel, and continued ill Usage, unparalleled yet upon any one since Britain was blessed with Christianity, was nothing but a Book written by your Petitioner, called Pious Plea against the Prelacy; and that, by the Call of divers and many good Christians in the Parliament Time, after divers Refusals given by your Petitioner, who would not publish it being done, till it had the View and Approbation of the best in the City, Country, and University, and some of the Parliament it self: In Witness whereof he had about 500 Hands; for revealing of whose Names he was promised more Favours by Sir Robert Heath then he will speak of: But denying to turn Accuser of his Brethren he was threaten'd with a Storm, which he felt to the full; wherein (through God's Mercy) he had lived; though but lived, chusing rather to lay his Neck to the Yoke for others, then to release himself by others Sufferings.

The INTRODUCTION.

Further, the Petitioner was robbed of divers Goods, by one Lightborn, Graves, and others, Officers and Servants of the Fleet, amounting towards the Value of thirty Pounds, for which Lightborn offered Composition (by a second Hand) upon the bearing of the Approach of Parliament; but your Petitioner (notwithstanding his Necessity) refused to hearken to any such illegal and dangerous way. To innumerate the rest of your Petitioner's heavy Pressures, would take up a Volume, with which he will not burden your Honours, till further Opportunity.

And therefore, he humbly and heartily intreateth, that you would be graciously pleased to take this his Petition into your serious Thoughts, and to command Deliverance, that he may plead his own Cause, or rather Christ's and the States. As also to afford such Cost and Damages as he has suffer'd in Body, Estate, and Family, having been Prisoner (and that, many Times) in the most nasty Prisons, eleven Years, not suffered to breath in the open Air: To which, give him leave to add his great Sufferings in all those Particulars, some sixteen Years ago, for publishing a Book, called, The Looking-glass of Holy War.

Further, as the Cause is Christ's and the States, so your Petitioner conceiveth (under Correction) that the Subject of the Book will be the prime and main Matter of your Agitation, to whose Wisdom he hopeth the Book shall approve it self.

Also your Petitioner's wearing Age, going now in seventy two Years, together with the Sickneses and Weakness of his long distressed Wife, require a speedy Deliverance.

Lastly, the Sons of Death, the Jesuits, and Jesuited, have so long insulted in their own licentious Liberty, and over the Miseries of your Servant and others; who, forbearing more Motives, craves Pardon for his Prolixity, being necessitated thereto from the Depth and Length of his Miseries. In all which he ceaseth not to pray, &c. and,
Kisseth your Hands.

Prov. xxiv. 11.

Wilt thou not deliver them that are drawn unto Death, and those that are ready to be slain?

These and the like Violences of *Laud* and his Creatures drew down the just Vengeance of the Parliament on his Head, and involved the Church of *England* it self in his Ruin. Bishops and Common Prayer were now no more. The Church was formed after a quite different Model; and the Presbyterian Discipline received and established; both the Lords and Commons taking the solemn League and Covenant, which was intended for the utter abolishing prelatical Government. The Writers of the Church Party think this an everlasting Brand of Infamy upon the Presbyterians. But how doth this throw greater Infamy upon them, than the Subversion of Presbytery in *Scotland*, and the imposing Canons and Common Prayer on that Nation, doth on *Laud* and his Creatures? If the Alteration of the established Religion, in any Nation, be a Crime, in it self, 'tis so in every Nation; and I doubt not but the *Scottish* Presbyterians think that that Archbishop, and the prelatical Party, acted as unjustly, illegally, and tyrannically, in introducing the *English* Form of Church Government and Worship into *Scotland*, contrary to their former Settlement, and the Inclination of almost the whole Nation, as the High-Church Party can do with respect to the Presby-

Presbyterians, for altering the Form of the Establishment in *England*: And, indeed, the same Arguments that will vindicate the Alterations made in *Scotland* by the King and the Bishops, will vindicate those made in *England* by the Parliament and the Presbyterians.

It would have been highly honourable to the Presbyterian Party, had they ^{presbyteri-} used their Power, when in Possession of it, with Moderation, and avoided all ^{ans.} those Methods of Persecutions and Suspensions they had themselves felt the Effects of in former Times. But to do them Justice, they had no great Inclination for moderate Measures. As soon as they came into the Church, all others must out who would not comply, and submit to Sequestrations and Imprisonments. The solemn League and Covenant was imposed and rigorously exacted of all People, as they would escape the Brand and Penalty of Malignants. Many of the Episcopal Clergy, both in the City and Country, were expelled their Livings, though by a Generosity, not afterwards imitated by them, Provision was made for the Support of their Wives and Children. The Lord Mayor, Aldermen, and Common-Council-Men of *London*, presented a Remonstrance to the Parliament, desiring a strict Course for suppressing all private and separate Congregations; that all Anabaptists, Hereticks, &c. as not conformed to the publick Discipline, may be declared and proceeded against; that all be required to obey the Government settled, or to be settled; and that none disaffected to the Presbyterian Government, be employ'd in any Place of publick Trust. An Ordinance of Parliament was made, by which every Minister that should use the Common-Prayer in Church or Family, was to forfeit five Pounds for the first Time, ten Pounds for the second, and to suffer a Years Imprisonment for the third. Also every Minister, for every Neglect of the Directory, was to pay forty Shillings; and for every Contempt of it, by writing or preaching, to forfeit, at the Discretion of those before whom he was convicted, any Sum not under five Pounds, nor above fifty Pounds. The Parliament also appointed Elderships to suspend, at their Discretion, such whom they should judge to be scandalous, from the Sacrament, with a Liberty of Appeal to the classical Eldership, &c. They set up also arbitrary Rules about the Examination and Ordination of Ministers by *Triers*, who were to be found in Faith, and such as usually received the Sacrament. And in these Things they were quicken'd by the *Scots*, who complained that Reformation moved so slowly, and that Sects and Errors encreased, and Endeavours were used for their Toleration. Great Restraints also were put upon the Liberty of the Press, by several Ordinances made for that Purpose. And to say the truth, when they once got Presbytery established, they used the same Methods of Suspensions, Sequestrations and Fines that the prelatical Party had done before, though not with equal Severity; and were as zealous for Uniformity in their own Covenant and Discipline, as the Bishops were for Hierarchy, Liturgy, and Ceremonies.

But the Triumphs of the Presbytery and Covenant, were but short. Up-Charles II. on the Restoration of the Royal Wanderer, *Charles II.* Prelacy immediately revived, and exerted it self in its primitive Vigour and Severity. In his Ma-

jeſty's firſt Declaration to his loving Subjects, he was pleaſed to promiſe a *Liberty to tender Conſciences, and that no Man ſhould be diſquieted or called in Queſtion for Differences of Opinion in Matters of Religion; and that he would conſent to an Act of Parliament for the full granting that Indulgence.* But other Meaſures ſoon prevailed. In the ſecond Year after his Reſtoration, the Act of Uniformity was paſſed, by which all Miniſters were to read, and *publickly declare unfeigned Aſſent and Conſent to all and every Thing contained in, and preſcribed by the Book of Common Prayer, before the Feaſt of St. Bartholomew, then enſuing, under the Penalty of immediate and abſolute Deprivation.* The Conſequence of this Act was, that between two and three thouſand excellent Divines were turned out of their Churches; many of them, to ſay the leaſt, as eminent for Learning and Piety as the Biſhops, who were the great Promoters of this barbarous Act; and themſelves and Families, many of them, expoſed to the greateſt Diſtreſs and Poverty. This cruel Injuſtice obliged the ejected Miniſters, and their Friends, to ſet up ſeparate Congregations, and occaſioned ſuch a Diviſion from the eſtabliſhed Church, as will, I hope, ever remain, to witneſs againſt the Tyranny of thoſe Times, and the reverend Authors and Promoters of that Act, to maintain the Spirit and Practice of ſerious Religion, and as a publick Proteſtation for the civil and religious Liberties of Mankind, till Time ſhall be no more, or till the Church ſhall do her ſelf the Juſtice and Honour to open wide her Gates, for the Reception of all into her Communion and Miniſtry, who are not rendered incapable of either by Jeſus Chriſt, the great Shepherd and Biſhop of Souls. But however, Meaſures were then ſoon taken to diſturb their Meeting. In 1664. the Bill againſt frequenting Conventicles paſſed; the firſt Offence made puniſhable with five Pounds, or three Months Imprifonment; the ſecond Offence with ten Pounds, or ſix Months Imprifonment; and the third with Banifhment to ſome of the foreign Plantations; ſham Plots, being father'd on the Diſſenters, to prepare the Way for theſe Severities. But ſome of the Biſhops, ſuch as *Sheldon, Ward, Wrenn, &c.* did not think theſe Hardſhips enough, and therefore, notwithstanding the Devaſtations of the Plague, and tho' ſeveral of the ejected Miniſters ſhewed their Piety and Courage, in ſtaying and preaching in the City during the Fury of it, the five Mile Act was paſſed againſt them the next Year, at *Oxford*; by which, all the ſilenced Miniſters were obliged to take an Oath, that it was not lawful, on any Pretence whatſoever, to take Arms againſt the King, or any commiſſion'd by him; and that they would not, at any time, endeavour an Alteration in the Government of Church and State. Such who ſcrupled the Oath, were forbid to come within five Miles of any City or Parliament Burrough, or of the Church where they had been Miniſters, under Penalty of forty Pounds, or ſix Months Imprifonment, for every Offence. After theſe things, ſeveral Attempts were ſet on Foot for a Comprehention, but rendered ineffectual by the Practices of the Biſhops, and particularly by *Ward*, Biſhop of *Salisbury*, who had himſelf taken the ſolemn League and Covenant: But having forſaken his firſt Principles, 'tis no Wonder he became a bitter Perſecutor. In the Year 1670. another ſevere Act was paſſed againſt them, by which it was provided, that if any Per-

Person, upwards of sixteen, should be present at any Conventicle, under Colour of exercising Religion, in any other Manner than according to the Practice of the Church of *England*, where there were five Persons or more, besides those of the said Household, the Offenders were to pay five Shillings for the first Offence, and ten Shillings for the second, and the Preacher to forfeit twenty Pounds for the first, and forty Pounds for the second Offence. And those who knowingly suffered any such Conventicles in their Houses, Barns, Yards, &c. were to forfeit twenty Pounds. The Effect of these Acts was, that great Numbers of Ministers and their People, were laid in Goals amongst Thieves and common Malefactors, where they suffered the greatest Hardships and Indignities; their Effects were seized on, and themselves and Families reduced to almost Beggary and Famine. But at length, this very Parliament which had passed these severe Bills against Protestant Dissenters, began themselves to be awakened, and justly grew jealous of their Religion and Liberties, from the Encrease of Popery: And therefore, to prevent all Dangers which might happen from Popish Recusants, they passed, in 1673. the Test Act; which hath since been, contrary to the original Design of the Law, turned against the Protestant Dissenters, and made use of to exclude them from the Enjoyment of those Rights and Privileges which they have a natural Claim to. In the Year 1680. a Bill passed both Houses of Parliament, for exempting his Majesty's Protestant dissenting Subjects from certain Penalties; but when the King came to the House, to pass the Bills, this Bill was taken from the Table, and never heard of more: And though this Parliament voted, that the Prosecution of Protestant Dissenters, upon the penal Laws, was grievous to the Subject, a weakening the Protestant Interest, an Encouragement to Popery, and dangerous to the Peace of the Kingdom; yet they underwent a fresh Prosecution, their Meetings were broken up, many Ministers imprisoned, and most exorbitant Fines levied on them and their Hearers.

In the Beginning of King *James's* Reign these rigorous Proceedings were James II. continued; but as the Design of that unhappy biggotted Prince was to subvert the Religion and Laws of these Kingdoms, he published, in the Year 1687. a Declaration for a general Liberty of Conscience to all Persons, of what Persuasion soever; not out of any Regard or Affection to the Protestant Dissenters, but for the promoting the Popish Religion and Interest. He also caused an Order of Council to be passed, that his Declaration of Indulgence should be read in all Churches and Chapels, in the Time of Divine Service, all over *England* and *Wales*. But though the Dissenters used the Liberty which was thus granted them, and had several Opportunities to have been revenged on their former Persecutors; yet they had too much Honour and Regard to the Protestant Religion and Liberties, ever to fall in with the Measures of the Court, or lend their Assistance to introduce arbitrary Power and Popery. And as the Divines of the Church of *England*, when they saw King *James's* furious Measures to subvert the whole Constitution, threw off their stiff and haughty Carriage towards the Dissenters, owned them for Brethren, put on the Appearance of the Spirit of Peace and Charity, and assured them, that no such rigorous
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Methods should be used towards them for the future, Things that never entered into their Hearts whilst they were triumphant in Power, and which nothing but a sense of their own extreme Danger seems then to have extorted from them: The Dissenters, far from following their Resentments, readily entered into all Measures with them for the common Safety, and were amongst the first and heartiest Friends of the Revolution, under King *William III.* of glorious and immortal Memory.

WILL. III. Soon after the Settlement of this Prince upon the Throne, an Act was passed for exempting their Majesties Protestant Subjects, dissenting from the Church of *England*, from the penal Laws; and though the King, in a Speech to the two Houses of Parliament, told them, That he hoped they would leave Room for the Admission of all Protestants, that were willing and able to serve him; agreeable to which, a Clause was ordered to be brought into the House of Lords, to take away the necessity of receiving the Sacrament to make Persons capable of Offices; yet his Majesty's gracious Intentions were frustrated, and the Clause rejected, by a great Majority. Another Clause also that was afterwards added, That the receiving the Sacrament in the Church of *England*, or in any other Protestant Congregation, should be a sufficient Qualification, met with the same Fate as the former: So that though the Dissenters were freed from the penal Laws, they were left under a Brand of Infamy, and render'd incapable of serving their King and Country, and the Lord's Supper laid open to be prostituted by Law, to the most abandon'd and profligate Sinners; and an Institution designed for the Union of all Christians, made the Test of a Party, and the Means of their Separation from each other; a Scandal that remains upon the Church of *England* to this Day. It is indeed but too plain, that when the established Church saw it self out of Danger, she forgot the Promises of Moderation and Condescension towards the Dissenters, who readily and openly declared their Willingness to yield to a Coalition. But as the Clergy had formed a Resolution of consenting to no Alterations in order to such an Union; all the Attempts made to this Purpose became wholly ineffectual. Indeed, their very Exemption from the penal Laws was envied them by many, and several Attempts were made to disturb and prosecute them in this Reign, but were prevented from taking Effect by royal Injunctions.

Q. ANN. Upon the Death of King *William*, and the Succession of Queen *Ann*, the Hatred of the Clergy towards the Dissenters, that had lurked in their Breasts, during the former Reign, immediately broke out. Several Sermons were preached to render them odious, and expose them to the Fury of the Mob. A Bill was brought in and passed by the House of Commons, for preventing occasional Conformity, imposing an hundred Pounds Penalty upon every Person resorting to a Conventicle or Meeting, after his Admission into Offices, and five Pounds for every Days Continuance in such Offices, after having been present at such Conventicle. But upon some Disagreement between the Lords and Commons, the Bill dropped for that Time. The same Bill, with some few Alterations, passed the House of Commons the two next Sessions, but was rejected by the Lords. During this Reign several Pamphlets were publish'd,
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containing bitter Inveſtives againſt the Diſſenters, and exciting the Govern- ment to extirpate and deſtroy them. Several Proſecutions were alſo carried on againſt them for teaching Schools, &c. with great Eagerneſs and Malice. In 1709. an open Rebellion broke out, when the Mob pulled down the Meeting-Houſes, and publickly burnt the Pews and Pulpits. *Sacheverell* was Trumpet to the Rebellion, by preaching Treason and Perſecution, and the Parliament that cenſured him, was haſtily diſſolved. The Parliament that ſucceeded, 1711. was of a true Tory Spirit and Complection, and in its ſecond Seſſion, paſſed the Bill againſt occaſional Conformity. The next Parliament, which met in 1714. was of the ſame Diſpoſition, and paſſed a Bill to prevent the Growth of Schiſm, by which the Diſſenters were reſtrained from teaching Schools, or from being Tutors to inſtruct Pupils in any Family, without the Liſenſe of the Archbiſhop, or Biſhop of the Dioceſe where they reſided; and the Juſtices of the Peace had Power given them finally to determine in all Caſes relating thereto. Another Bill was alſo intended to be brought in againſt them, to incapacitate them for voting in Elections for Parliament Men, or being choſen Members of Parliament themſelves.

But before theſe unjuſt Proceedings had their intended Effect, the Pro-George I.
teſtant Succeſſion, in his late Maſtey King *George I.* took Place; Queen *Ann* dying on the firſt of *Auguſt*, the very Day on which the Schiſm Bill was to have commenced; which, together with that to prevent occaſional Conformity, were both repealed by the firſt Parliament called together by that excellent Prince. And I cannot help thinking that if the Church of *England* had then conſented to have ſet the Diſſenters intirely free, by repealing the Teſt and Corporation Acts; it would have been much to its own Honour and Reputation, as well as a great Strength and Security to the national Intereſt. But the Time was not then come. We ſtill labour under the Oppreſſion of thoſe two Acts; and notwithstanding our Zeal for his Maſtey's Perſon and Family, muſt ſit down as eaſy as we can, with the Inclination to ſerve him, whiſt, by Law, we are denied the Opportunity and Power.

The Sentiments of his late Maſtey, of glorious Memory, with reſpect to Moderation, and the tolerating of Diſſenters, were ſo fully underſtood by the whole Nation, as kept the Clergy in tolerable good Order, and from breaking out into many Outrages againſt them. But a Controverſy that began amongſt themſelves ſoon diſcovered what Spirit many of them were of. The then Biſhop of *Bangor*, the now worthy and reverend Biſhop of *Salisbury*, happen'd, in a Sermon before his Maſtey, to aſſert the ſupreme Authority of Chriſt as King in his own Kingdom; and that he had not delegated his Power, like temporal Lawgivers, during their Abſence from their Kingdoms to any Perſons, as his Deputies and Vicegerents. *Anno 1717.* He alſo publiſhed his *Preſervative*, in which he advanced ſome Poſitions contrary to temporal and ſpiritual Tyranny, and in behalf of the civil and religious Liberties of Mankind. The Goodneſs of his Lordſhip's Intentions to ſerve the Family of his preſent Maſtey, the Intereſt of his Country, and
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the Honour of the Church of God, might, methinks, have screen'd him from all scurrilous Abuses. But how numerous were his Adversaries, and how hard the Weapons with which they attacked him ! Not only the Dregs of the People and Clergy opened against him, but mighty Men, and Men of great Renown, from whom better Things might have been expected, enter'd the Lists with him ; and because the avowed Champions for spiritual Power, and the Division of the Kingdom between Christ Jesus and themselves. His Lordship of *Bangor* had this manifest Advantage upon the Face of the Argument. He pleaded for Christ's being King in his own Kingdom. His Adversaries pleaded for the Translation of his Kingdom to certain spiritual Viceroy's. He for Liberty of private Judgment in Matters of Religion and Conscience. They for Dominion over the Faith and Consciences of others. He against all the Methods of Persecution. They for penal Laws, for Corporation and Test Acts, and the powerful Motives of positive and negative Discouragements. He, with the Spirit of Meekness, and of a Friend to Truth. They with Bitterness and Rancour, and an evident Regard to Interest and Party. However, the lower House of Convocation accused and prosecuted him for attempting the Subversion of all Government and Discipline in the Church of Christ, with a View, undoubtedly, of bringing him under a spiritual Censure, and with impeaching the regal Supremacy in Causes Ecclesiastical, to subject him to the Weight of a Civil one. Of the Bishop it must be said, to his everlasting Honour, that the Temper he discovered, under the Opposition he met with, and the Slanders that were thrown on him, was as much more amiable than that of his Adversaries ; as his Cause was better, his Writings and Principles more consistent, and his Arguments more conclusive and convincing. But notwithstanding these Advantages, his Lordship had great Reason to be thankful to God that the Civil Power supported and protected him, otherwise his Enemies would not, in all Probability, have been content with throwing Scandal upon his Character, but forced him to have parted with SOMETHING, and then delivered him unto Satan for the Punishment of his Flesh, and made him have felt the Weight of that Authority, which God made him the happy and honourable Instrument of opposing ; especially if they were all of them of a certain good Archdeacon's Mind, who thought he deserved to have his Tongue cut out.

The Dissenters also have had their Quarrels and Controversies amongst themselves, and managed them with great Warmth and Eagerness of Temper. During their Persecution under King *Charles II.* and the common Danger of the Nation under his Brother *James*, they kept tolerably quiet ; the Designs of the common Enemy to ruin them all, uniting them the more firmly amongst themselves. But after the Revolution, when they were secure from Oppression by the civil Power, they soon fell into eager Disputes about Justification and other Points of like Nature. The high flown orthodox Party would scarce own for their Brethren, those who were for Moderation in these Principles, or who differed in the least from their Doctrine concerning

cerning them. And when they could no longer produce Reason and Scripture in their Defence, they, some of them, made use of infamous Methods of Scandal, and endeavoured to blast the Character of a reverend and worthy Divine Dr. *Williams*, in the most desperate Manner; because they could no otherwise answer and refute his Arguments. But his Virtue stood the Shock of all their Attempts to defame it; for after, about eight Weeks spent in an Enquiry into his Life, by a Committee of the united Ministers, which received all Manner of Complaints and Accusations against him; it was declared at a general Meeting, as their unanimous Opinion, and repeated and agreed to in three several Meetings successively, that he was intirely clear and innocent of all that was laid to his Charge. Thus was he vindicated in the amplest Form, after the strictest Examination that could be made, and his Adversaries, who dealt in Defamation and Scandal, if not brought to Repentance, were yet put to Silence. It was almost incredible how much he was a Sufferer for his Opposition to *Antinomianism*, by a strong Party, who left nothing unattempted to crush him, if it had been possible. But as his Innocence appeared the brighter, after his Character had been thoroughly sifted, he was, under God, greatly instrumental in putting a Stop to those pernicious Opinions which his Opposers propagated; which struck at the very Essentials of all natural and revealed Religion. His *Gospel Truth* remains a Monument of his Honour, a Monument his Enemies were never able to destroy. However, nothing would serve but his Exclusion from the Merchant's Lecture at *Pinner's-Hall*. Three other worthy Divines, who had been his Partners in that Service, bore him Company, and their Places were supplied with four others, of unquestionable Rigidness and Sterling Orthodoxy. Many Papers were drawn up on each Side, in order to an Accommodation; so that it looked, as Dr. *Calamy* tells us, as if the Creed making Age was again revived. It was insisted, that *Arminianism* should be renounced on one Side, and *Antinomianism* on the other. But all was in vain; and the Papers that were drawn up to compose Matters created new Heats, instead of extinguishing the old ones. These Contentions were kept up for several Years, till at last, the Disputants grew weary, and the Controversy threadbare, when it dropped of it self.

The next Thing that divided them was the *Trinitarian* Controversy, and the Affair of Subscription to human Creeds and Articles of Faith, as a Test of Orthodoxy. In the Year 1695. a great Contest arose about the Trinity, amongst the Divines of the Church of *England*, who charged each other with *Tritheism* and *Sabellianism*; and according to the ecclesiastical Manner of managing Disputes, bestowed Invectives and scurrilous Language very plentifully, upon each other. The Dissenters, in the Reign of his late Majesty, not only unfortunately fell into the same Debate, but carried it on, some of them at least, with equal want of Prudence and Temper. In the West of *England*, where the Fire first broke out, Moderation, Christian Forbearance, and Charity, seemed to have been wholly extinguished. The Reverend and Learned Mr. *James Peirce*, Minister in the City of *Exeter*, was dismissed from

his Congregation, upon a Charge of Heresy; and treated, by his Opposers, with shameful Rudeness and Insolence. Other Congregations were also practised with, to discard their Pastors, upon the same Suspicion, who were accused of impiously *denying the Lord that bought them*, to render them odious to their Congregations, merely because they could not come up to the unscriptural Tests of human Orthodoxy. And when several of the Ministers of *London* thought proper to interpose, and try, if by Advices for Peace, they could not compose the Differences of their Brethren in the West: This Christian Design was as furiously opposed as if it had been a Combination to extirpate Christianity it self; and a Proposal made in the Room of it, that the Article of the Church of *England*, and the Answer in the Assembly's Catechism, relating to the Trinity, should be subscribed by all the Ministers, as a Declaration of their Faith, and a Test of their Orthodoxy. This Proposal was considered by many of the Ministers, not only as a Thing unreasonable in it self, thus to make Inquisition into the Faith of others, but highly inconsistent with the Character of Protestants, dissenting from the national Establishment; and dissenting from it for this Reason amongst others, because the established Church expressly claims an *Authority in Controversies of Faith*. And therefore, after the Affair had been debated for a considerable while, the Question was solemnly put, and the Proposal rejected by a Majority of Voices. This the Zealots were highly displeas'd with, and accordingly publicly proclaimed their Resentments from the Pulpits. Fasts were appointed solemnly to deplore, confess, and pray against the aboundings of Heresy; and their Sermons directly levelled against the two great Evils of the Church, *Nonsubscription* and *Arianism*. Through the Goodness of God they had no Power to proceed farther: And when praying and preaching, in this Manner, began to grow tedious, and were, by Experience, found to prove ineffectual, to put a Stop to the Progress of the Cause of Liberty, their Zeal immediately abated, the Cry of Heresy was seldomer heard, and the Alarm of the Church's being endangered by pernicious Errors, gradually ceased; it being very observable, that though Heresy be ever, in its Nature, the same Thing, yet that the Cry against it is either more or less, according as the political Managers of it can find more or fewer Passions to work on, or a greater or lesser Interest to subserve by it.

And thus have I brought the History of Persecution down to our own Times. If Church History would have afforded me any Thing better, I assure my Reader he should have had it told with Pleasure. The Story, as it is, I have told with Grief. But 'tis Time to dismiss him from so ungrateful an Entertainment, and see what useful Reflections we can make on the Whole.

S E C T. III.

REMARKS upon the HISTORY of Christian Persecution.

I. 'T IS a Truth too evident to be denied, That the Clergy in general, throughout almost all the several Ages of the Christian Church, have been deep and warm in the Measures of Persecution; as though it had been a Doctrine expressly inculcated in the sacred Writings, and recommended by the Practice of our Saviour and his Apostles. Indeed, could such a Charge as this have been justly fixed on the great Author of our Religion, or the Messengers he sent into the World to propagate it; I think it would have been such an Evidence of its having been dictated by weak, or wicked, or worldly minded Men, as nothing could possibly have disproved. But that Christianity might be free from every Imputation of this kind, God was pleased to send his Son into the World, without any of the Advantages of worldly Riches and Grandeur, and absolutely to disclaim all the Prerogatives of an earthly Kingdom. His distinguishing Character was that of *meek and lowly*; and the Methods by which he conquered and triumphed over his Enemies, and drew all Men to him, was *Patience and Constancy, even to the Death*. And when he sent out his own Apostles, he sent them out but poorly furnished, to all human Appearance, for their Journey; *without Staves, or Scrip, or Bread, or Money*, to let them know that he had but little of this World to give them; and that their whole Dependance was on Providence. One Thing however he assured them of, that they should be *delivered up to the Councils, and scourged in the Synagogues, and be hated of all Men for his sake*. So far was he from giving them a Power to persecute, that he foretold them they must suffer Persecution for his Name: This the Event abundantly justified. And how amiable was their Behaviour under it? How greatly did they recommend the Religion they taught by the Methods they took to propagate it? *The Arms of their Warfare were not carnal, but spiritual*. The Argument they used to convince those they preached to, was the *Demonstration of the Spirit, and of Power*. They approved themselves as the *Ministers of God, by much Patience, by Afflictions, Necessities, Distresses, Stripes, Imprisonments, Tumults, Labours, Watchings, Fastings, Pureness, Knowledge, Long-suffering, Kindness, by the Holy Ghost, by Love unfeigned, by the Word of Truth, by the Power of God, and by the Armour of Righteousness on the right Hand and on the left*. Oh how unlike were their Successors to them in these Respects! How different their Methods to convince Gainfayers! Excommunications, Suspensions, Fines, Banishments, Imprisonments, Bonds, Scourges, Tortures and Death, were the powerful Arguments introduced into the Church, and recommended, practised and sanctified by many of the pretended Fathers of it. Even those whom Superstition hath dignified by the Name of Saints, *Athanasius, Chrysostom, Gregory, Cyril*, and others, grew wanton with Power, cruelly oppressed those who

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differed from them, and stained most of them their Characters with the Guilt of Rapine and Murder. Their religious Quarrels were managed with such an unrelenting, furious Zeal, as disturbed the imperial Government, threw Kingdoms and Nations into Confusion, and turned the Church it self into an Aceldama, or Field of Blood. Some few there have been who were of a different Spirit, who not only abstained from persecuting Counsels and Measures themselves, but with great Justice and Freedom censured them in others. But as to your Saints and Fathers, your Patriarchs and Bishops, your Councils and Synods, together with the Rabble of Monks, they were most of them the Advisers, Abettors and Practicers of Persecution. They knew not how to brook Opposition to their own Opinions and Power, branded all Doctrines different from their own, with the odious Name of Heresy, and used all their Arts and Influence to oppress and destroy those who presumed to maintain them. And this they did with such Unanimity and Constancy, through a long Succession of many Ages, as would tempt a stander by to think, that a Bishop or Clergyman, and a Persecutor, were the same Thing, or meant the self same individual Character and Office in the Christian Church.

I am far from writing these Things with any Design to depreciate and blacken the episcopal Order in general. 'Tis an Office of great Dignity and Use, according to the original Design of its Institution. But when that Design is forgotten, or wholly perverted; when, instead of becoming *Overseers* of the Flock of Christ, the Bishops *take and devour* it, and proudly usurp Dominion over the Consciences of Christians, when they ought to be content with being Helpers of their Joy, I know no Reason why the Name should be complimented, or the Character held sacred, when 'tis abused to Insolence, Oppression and Tyranny; or why the venerable Names of Fathers and Saints, should screen the Vices of the Bishops of former Ages, who, notwithstanding their writing in behalf of Christianity and Orthodoxy, brought some of them the greatest Disgrace on the Christian Religion, by their wicked Practices, and exposed it to the severest Satyrs of its professed Enemies: And for the Truth of this, I appeal to the foregoing History. If any Observations on their Conduct should affect the Temper and Principles of any now living, they themselves only are answerable for it, and welcome to make what Use and Application of them they please. Sure I am that the representing them in their true Light, reflects an Honour upon those reverend and worthy Prelates, who maintain that Moderation and Humility, which is essential to the true Dignity of the Episcopal Character, and who use no other Methods of Conviction and Persuasion, but those truly Apostolical ones, of sound Reasoning and exemplary Piety. May God grant a great Increase, and a continual Succession of them in the Christian Church.

II. But as the Truth of History is not to be concealed; and as it can do no Service to the Christian Cause to palliate the Faults of any Set of Christians whatsoever; especially when all Parties have been more or less involved in the same Guilt; I must observe farther, as an Aggravation of
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this Guilt, that the Things for which Christians have persecuted each other, have been generally Matters of no Importance in Religion, and oftentimes such as have been directly contrary to the Nature of it. If my Reader would know upon what Accounts the Church hath been filled with Divisions and Schisms; why Excommunications and Anathemas have been so dreadfully tossed about; what hath given Occasion to such a Multitude of Suspensions, Depositions and Expulsions; what hath excited the Clergy to such numberless Violences, Rapines, Cruelties and Murders, he will probably be surprized to be informed, that 'tis nothing of any Consequence or real Importance, nothing relating to the Substance and Life of pure and undefiled Religion; little besides hard Words, technical Terms, and inexplicable Phrases, Points of mere Speculation, abstruse Questions, and metaphysical Notions; Rites and Ceremonies, Forms of human Invention, and certain Institutions, that have had their Rise and Foundation only in Superstition. These have been the great Engines of Division; these the sad Occasions of Persecution. Would it not excite sometimes Laughter, and sometimes Indignation, to read of a proud and imperious Prelate, excommunicating the whole Christian Church, and sending, by Wholesale, to the Devil, all who did not agree with him in the precise Day of observing *Easter*? Especially when there is so far from being any Direction given by Christ or his Apostles about the Day; that there is not a single Word about the Festival it self. And is it not an amazing Instance of Stupidity and Superstition, that such a paltry and whimsical Controversy should actually engage, for many Years, the whole Christian World, and be debated with as much Warmth and Eagerness, as if all the Interests of the present and future State had been at Stake; as if Christ himself had been to be crucified afresh, and his whole Gospel to be subverted and destroy'd.

The *Arian* Controversy, that made such Havock in the Christian Church, was, if I may be allowed to speak it without Offence, in the Beginning only, about Words; though probably, some of *Arius* his Party went farther afterwards than *Arius* himself did at first. *Arius*, as hath been shewn, expressly allowed the Son to be *πρὸ χρόνων ἢ πρὸ αἰώνων*, before all Times and Ages, *πλήρης Θεός*, perfect God, *ἀαλλοιωτός*, unchangeable, and begotten after the most perfect Likeness of the unbegotten Father. This, to me, appears to bid very fair for Orthodoxy, and was, I think, enough to have reconciled the Bishop and his Presbyter, if there had not been some other Reasons of the Animosity between them. But when other Terms were invented, that were hard to be understood, and difficult to be explained; the original Controversy ceased, and the Dispute then was about the Meaning of those Terms, and the Fitness of their Use in explaining the Divinity of the Son of God. *Arius* knew not how to reconcile the Bishop's Words, *ἀγεννητός*, ever begotten; with the Assertion, that the Son, *συνυπαρχὴ ἀγεννητός τῷ θεῷ*, coexists unbegottenly with God; and thought it little less than a Contradiction to affirm, that he was *ἀγεννητογενής*, unbegottenly begotten. And as to the Word *ὁμοούσιος*, *Consubstantial*, *Arius* seems to have thought that it destroy'd the personal Subsistence of the Son,

Son, and brought in the Doctrine of *Sabellius*; or else, that it implied, that the Son was *μερος τῆς πατρὸς*, a Part of the Father; and for this Reason declined the Use of it. And, indeed, it doth not appear to me that the Council of *Nice* had themselves any determinate and fixed Meaning to the Word, as, I think may be fairly inferred from the Debates of that Council, with *Eusebius*, Bishop of *Cæsarea*, about that Term; which, though put into their Creed, in Opposition to the *Arians*, was yet explained by them in such a Sense as almost any *Arian* could have, *bona fide*, subscribed. On the other hand, the Bishop of *Alexandria* seems to have thought, that when *Arius* asserted that the Son existed *θελημασι καὶ βουλη τῆς πατρὸς*, by the Will and Counsel of the Father; it implied the Mutability of his Nature; and that, when he taught concerning the Son, *οἱ μὴ ὄντος ἔτι*, that there was a Time when he was not; it inferred his being a temporary and not an eternal Being; though *Arius* expressly denied both these Consequences. In short, it was a Controversy upon this metaphysical Question, *Whether or no God could generate or produce a Being, in Strictness of Speech, as eternal as himself? or, Whether God's generating the Son doth not necessarily imply the Pre-existence of the Father, either ἐπινοία, in Conception, or ἄνωγος τινι, some small imaginable Point of Time, as Arius imagined, and the Bishop denied.* This was, in Fact, the State of this Controversy. And did not the Emperor *Constantine* give a just Character of this Debate, when he declared the Occasion of the Difference to be very trifling; and that their Quarrels arose from an idle itch of Disputation, since they did not contend about any essential Doctrine of the Gospel? Could these hard Words and inexplicable Points justify the Clergy in their intemperate Zeal; and in their treating each other with the Rancour and Bitterness of the most implacable Enemies? What hath the Doctrine of real Godliness, what hath the Church of God to do with these Debates? Hath the Salvation of Mens Souls, and the Practice of Virtue any Dependance upon Mens receiving unscriptural Words, in which they cannot believe, because they cannot understand them, and which, those who first introduced them were not able to explain? If I know my own Heart, I would be far from giving up any plain and important Doctrine of the Gospel. But will any Man coolly and soberly affirm, that nice and intricate Questions, that depend upon metaphysical Distinctions, and run so high as the most minute supposable Atome, or Point of Time, can be either plain or important Doctrines of the Gospel? Oh Jesus! If thou be the Son of the everlasting God, the Brightness of thy Father's Glory, and the express Image of his Person; if thou art the most perfect Resemblance of his all perfect Goodness, that kind Benefactor, that God-like Friend to the human Race, which the faithful Records of thy Life declare thee to be, How can I believe the essential Doctrines of thy Gospel to be thus wrapped up in Darkness; or, that the Salvation of that Church, which thou hast purchased with thy Blood, depends on such mysterious and inexplicable Conditions? If thy Gospel represents thee right, surely thou must be better pleased with the humble, peaceable Christian, who, when honestly searching into the Glories of thy Nature, and willing to give thee all the Adoration thy great Father hath ordered

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dered him to pay thee, falls into some Errors, as the Consequence of human Weakness; than with that imperious and tyrannical Disciple, who divides thy Members, tares the Bowels of thy Church, and spreads Confusion and Strife throughout thy Followers and Friends, even for the sake of Truths that lie remote from Mens Understanding, and in which thou hast not thought proper to make the full, the plain Decision. If Truth is not to be given up for the sake of Peace, I am sure Peace is not to be sacrificed for the sake of such Truths; and if the Gospel is a Rule worthy our Regard, the Clergy of those Times can never be excused for the Contentions they raised, and the Miseries they occasioned in the Christian World, upon Account of them.

The third and fourth General Councils seem to have met upon an Occasion of much the like Importance. The first Council of *Nice*, determined the Son to be a distinct Hypostasis, or Person from, but of the same Nature with the Father. The second at *Constantinople*, added the Holy Ghost to the same Substance of the Father, and made the same individual Nature to belong equally and wholly, to Father, Son, and Holy Ghost; thus making them three distinct Persons in one undivided Essence. But as they determined the Son to be truly Man, as well as truly God, the Bishops brought a new Controversy into the Church, and fell into furious Debates and Quarrels about his Personality. *Nestorius*, Bishop of *Constantinople*, with his Followers, maintained two distinct Persons in Christ, agreeable to his two distinct Natures. But Saint *Cyril*, the implacable Enemy of *Nestorius*, got a Council to decree, that the two Natures of God and Man being united together in our Lord, made one Person or Christ, and to curse all who should affirm that there were two distinct Persons or Subsistences in him. 'Tis evident, that either *Cyril*, and his Council, must have been in the wrong in this Decree, or the two former Councils of *Nice* and *Constantinople* wrong in theirs; because 'tis certain, that they decreed the Word PERSON to be used in two infinitely different Senses. According to those of *Nice* and *Constantinople*, one individual Nature or Essence contain'd three distinct Persons. According to *Cyril's* Council, two Natures or Essences infinitely different, and as distinct as those of God and Man, constituted but one Person. Now how one Nature should be three Persons, and yet two Natures one Person, will require the Skill even of Infallibility it self to explain; and as these Decrees are evidently contradictory to one another, I am afraid we must allow, that the Holy Ghost had no Hand in one or other of them. This some of the Clergy very easily observed; and therefore, to maintain the Unity of the Person of Christ, *Eutyches* and *Dioscorus* maintained, that though Christ consisted of two Natures before his Incarnation, yet after that, he had but one Nature only. But this was condemned by the Council of *Chalcedon*, and the Contradictions of the former Councils declared all to be true, and render'd sacred with the Stamp of Orthodoxy. This was also ratified by the fifth Council under *Justinian*, who also piously and charitably raked into the Dust of poor *Origen*, and damned him for an Heretick. But still there was a Difficulty yet remaining, about the Person of Christ: For as Christ's being one Person did not destroy
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the Distinction of his two Natures, it became a very important and warm Controversy, Whether Christ had any more than one Will, as he was but one Person in two Natures? or, Whether he had not two Wills, agreeable to his two distinct Natures, united in one Person? This occasioned the calling the sixth General Council, who determined it for the two Wills; in which, according to my poor Judgment, they were very wrong. And had I had the Honour to have been of this venerable Assembly, I would have compleated the Mystery, by decreeing, that as Christ had but one Person, he could have but one personal Will; but however, that as he had two Natures, he must also have two natural Wills. I beg my Reader's Pardon for thus presuming to offer my own Judgment, in Opposition to the Decree of the holy Fathers; but at the same Time, I cannot help smiling at the Thought, of two or three hundred venerable Bishops and Fathers thus trifling in Council, and solemnly playing at Questions and Commands, to puzzle others, and divert themselves. Were it not for the fatal Consequences that attended their Decisions, I should look on them as *Bishops in Masquerade*, met together only to ridicule the Order, or to set the People a laughing at so awkward a Mixture of Gravity and Folly. Surely the Reverend Clergy of those Days had but little to do amongst their Flocks, or but little Regard to the Nature and End of their Office. Had they been faithful to their Character, instead of *doting about Questions and Strifes of Words, whereof came Envy, Strife, Railings, evil Surmisings, perverse Disputings of Men of corrupt Minds, and destitute of the Truth, supposing that Gain is Godliness*, they would have consented to, and taught *wholsome Words, even the Words of our Lord Jesus Christ, and the Doctrine which is according to Godliness*.

But this was not the Temper of the Times. It would have been indeed more tolerable, had the Clergy confined their Quarrels to themselves, and quarrell'd only about speculative Doctrines and harmless Contradictions. But to interest the whole Christian World in these Contentions, and to excite furious Persecutions for the Support of Doctrines and Practices, even opposite to the Nature, and destructive of the very End of Christianity, is equally monstrous and astonishing. And yet this is the Case of the seventh General Council, who decreed the Adoration of the Virgin *Mary*, of Angels, and of Saints, of Relicks, of Images and Pictures, and who thereby obscured the Dignity, and corrupted the Simplicity of the Christian Worship and Doctrine. This the venerable Fathers of that Council did, and pronounced Anathemas against all who would not come into their idolatrous Practices, and excited the Civil Power to oppress and destroy them.

III. Surely it could not be a Zeal for God and Christ, and the Truth and Honour of Christianity, no real Love to Piety and Vertue, that prompted and lead them on to these Acts of Injustice and Cruelty. Without any Breach of Charity, it may be asserted of most, if not all of them, that 'twas their Pride, and their immoderate Love of Dominion, Grandeur and Riches, that influenced them to these unworthy and wicked Measures. The Interest of Religion and Truth, the Honour of God and the Church, is, I know, the stale Pretence; but a Pretence, I

am afraid, that hath but little Probability or Truth to support it. For what hath Religion to do with the Observation of Days? or, What could excite *Victor* to excommunicate so many Churches about *Easter*, but the Pride of his Heart, and to let the World see, how large a Power he had to send Souls to the Devil? How is the Honour of God promoted, by Speculations that have no Tendency to Godliness? Will any Man seriously affirm, that the ancient Disputes about *υπερσυστις, αεθωπαι, ιδιοηθεις, ευστις, ομοσπιος, ομοισπιος*, and the rest of the hard Words that were invented, did any Honour to the Name of Christ, or were of any Advantage to the Religion of his Gospel? Or, can he believe that *Alexander, Arius, Athanasius, Macedonius*, and others, were influenced in all their Contentions and Quarrels, in all the Confusions they were the Authors of, and the Murders they occasioned, purely by religious Motives? Surely the Honour of Religion must be promoted by other Means; and genuine Christianity may flourish, and, indeed, would have flourish'd much better, had these Disputes never been introduced into the Church; or, had they been managed with Moderation and Forbearance. But such was the Haughtiness of the Clergy, such their Thirst of Dominion over the Consciences of others, such their Impatience of Contradiction, that nothing would content them but implicit Faith to their Creeds, absolute Subjection to their Decrees, and Subscription to their Articles without Examination or Conviction of their Truth; or for want of these, Anathemas, Depositions, Banishments and Death.

The History of all the Councils, and of almost all the Bishops that is left us, is a Demonstration of this sad Truth. What Council can be named, that did not assume a Power to explain, amend, settle, and determine the Faith? That did not anathematise and depose those who could not agree to their Decisions, and that did not excite the Emperors to oppress and destroy them? Was this the Humility and Condescension of Servants and Ministers? Was not this lording it over the Heritage of God, seating themselves in the Throne of the Son of God, and making themselves owned as *Fathers and Masters*, in Opposition to the express Command of Christ to the contrary?

Clemens Romanus, in his first Epistle to the *Corinthians*, Cap. 44. tells us, ^{Apud Co-} That * *the Apostles knew, by the Lord Jesus Christ, that the Episcopal Name and* ^{tel. p. 173.} *Office would be the Occasion of Contention in the Christian Church; a † noble Instance,* ^{Edit. Am-} *says the learned Fell, in his Remarks on the Place, of the prophetick Spirit of the* ^{stel.} *Apostolick Age. Formerly, he adds, that Mens Ambition and evil Practices to obtain this Dignity, produced Schisms and Heresies. And 'twas indeed no Wonder that such Disorders and Confusions should be occasioned, when the Bishopricks were certain Steps, not only to Power and Dominion, but to the Emoluments and Advantages of Riches and Honours. Even long before the Time of Constantine, the Clergy had got a very great Ascendant over the*

* Και οι αποστολοι ημων εγνωσαν δια τα κλεις ημων Ιησου χριστου, οτι εις εσαυ επι τα ονομαζεις της επισκοπης.

† *Luculenta praesensio rerum* — quaeq; propheticum Apostolici ævi — Spiritum proficitur. Olim schismata & hæreses subinde ortæ, præ fastigii istius desiderio & ambitu.

Laity, and grew, many of them, rich, by the voluntary Oblations of the People: But the Grants of that Emperor confirm'd them in a worldly Spirit, and the Dignities and vast Revenues that were annexed to many of the Sees, gave Rise to infinite Evils and Disturbances. So they could but get Possession of them, they cared not by what Means, whether by clandestine Ordinations, scandalous Symony, the Expulsion of the Possessors, or through the Blood of their Enemies. How many Lives were lost at *Rome, Constantinople, Alexandria* and *Antioch*, by the furious Contentions of the Bishops of those Sees; deposing one another, and forcibly entering upon Possession? Would *Athanasius*, and *Macedonius, Damasus*, and others, have given Occasion to such Tumults, and Murders, merely for Words and Creeds, had there not been somewhat more substantial to have been got by their Bishopricks? Would *Cyri*l have persecuted the *Novatians*, had it not been for the sake of their Riches, of which he plunder'd them, soon after his Advancement to the See of *Alexandria*? No. The Character given by the Historian of *Theodosius*, Bishop of *Synada*, may be too truly applied to almost all the rest of them; who persecuted the Followers of *Macedonius*, not from a Principle of Zeal for the Faith, but through a covetous Temper, and the Love of Money. This St. *Jerome* observed with Grief, in the Passage cited p. 31. of this Introduction; and *Ammianus Marcellinus*, an Heathen Writer, reproach'd them with, in the Passage cited p. 39.

IV. I think it will evidently follow, from this Account, that the Determinations of Councils, and the Decrees of Synods, as to Matters of Faith, are of no manner of Authority, and can carry no Obligation upon any Christian whatsoever. I will not mention here one Reason, which would be itself sufficient, if all others were wanting, *viz.* That they have no Power given them in any Part of the Gospel Revelation, to make these Decisions in controverted Points, and to oblige others to subscribe them; and that therefore the Pretence to it is an Usurpation of what belongs to the great God, who only hath, and can have a Right to prescribe to the Consciences of Men. But to let this pass, what one Council can be fixed upon, that will appear to be composed of such Persons, as, upon an impartial Examination, can be allowed to be fit for the Work of settling the Faith, and determining all Controversies relating to it? I mean in which the Majority of the Members may, in Charity, be supposed to be disinterested, wise, learned, peaceable and pious Men? Will any Man undertake to affirm this of the Council of *Nice*? Can any Thing be more evident than that the Members of that venerable Assembly, came, many of them, full of Passion and Resentment; that others of them were crafty and wicked, and others ignorant and weak? Did their Meeting together in a Synod immediately cure them of their Desire of Revenge, make the Wicked virtuous, or the Ignorant wise? If not, their joint Decree, as a Synod, could really be of no more Weight than their private Opinions; nor, perhaps, of so much; because, 'tis well known, that the great Transactions of such Assemblies, are generally managed and conducted by a few; and that Authority, Persuasion,

suasion, Prospect of Interest, and other temporal Motives, are commonly made Use of to secure a Majority. The Orthodox have taken Care to destroy all the Accounts given of this Council, by those of the opposite Party; and *Eusebius*, Bishop of *Cæsarea*, hath passed it over in Silence; and only dropped two or three Hints, that are very far from being favourable to those reverend Fathers. In a Word, nothing can be collected from Friends or Enemies, to induce one to believe, that they had any of those Qualifications which were necessary to fit them for the Province they had undertaken, of settling the Peace of the Church by a fair, candid and impartial Determination of the Controversy that divided it: So that the Emperor *Constantine*, and *Socrates* the Historian, took the most effectual Method to vindicate their Honour, by pronouncing them inspired by the Holy Ghost, which they had great need of, to make up the want of all other Qualifications.

The second General Council were plainly the Creatures of the Emperor *Theodosius*, all of his own Party, and convened to do as he bid them; which they did, by confirming the *Nicene* Faith, and condemning all Heresies. The third General Council were the Creatures of *Cyrl*, who was their President, and the inveterate Enemy of *Nestorius*, whom he condemned for Heresy, and was himself condemned for his Rashness in this Affair, and excommunicated by the Bishop of *Antioch*. The fourth met under the Awes of the Emperor *Marcian*, managed their Debates with Noise and Tumult, were formed into a Majority by the Intrigues of the Legates of *Rome*; and settled the Faith by the Opinions of *Athanasius*, *Cyrl*, and others. I need not mention more; the farther we go the worse they will appear. Now may it not be asked, How came the few Bishops, who met by Command of *Theodosius*, to be stiled an Oecumenical or General Council? As they came to decree, as he decreed they should, what Authority, with any wise Man, can their Decisions have? As they were all of one Side, except thirty six of the *Macedonian* Party, who were afterwards added; what less could be expected; but that they would decree themselves Orthodox, establish their own Creed, and anathematize all others for Hereticks? And as to the next Council, I confess I can pay no Respect or Reverence to a Set of Clergy, met under the Direction and Influence of a Man of *Cyrl's* Principles and Morals; especially as the main Transaction of that Council was hurried on by a Desire of Revenge, and done before the Arrival of the Bishop of *Antioch*, with his suffragan Brethren, and condemned by him as soon as he was informed of it; till at length the Power and Influence of the Emperor reconciled the two haughty Prelates; made them reverse their mutual Excommunications, decree the same Doctrine, and join in pronouncing the same Anathemas. Cannot any one discern more of Resentment and Pride in their first Quarrel, than of a Regard to Truth and Peace; and more of Complaisance to the Emperor than of Concern for the Honour of Christ in their after Reconciliation? And as to the next Council, let any one but read over the Account given of it by *Evagrius*; what horrible Confusions there were amongst them; how they threw about Anathemas and Curses; how they father'd their Violences

on Christ; how they settled the Faith by the Doctrines of *Athanasius*, *Cyvil*, and other Fathers; and if he can bring himself to pay any Reverence to their Decrees, I envy him not the Submission he pays them, nor the Rule by which he guides and determines his Belief.

I confess I cannot read the Account of these Transactions, their ascribing their Anathemas and Curses to Christ and the Holy Trinity, and their Decisions as to the Faith, to the Holy Ghost, without Indignation at the horrid Abuse of those sacred Names. Their very Meeting to pronounce Damnation on their Adversaries, and to form Creeds for the Consciences of others, is no less than a Demonstration that they had no Concurrence of the Son of God, no Influence of the Holy Spirit of God. The Faith was already settled for them, and for all other Christians in the sacred Writings, and needed no Decision of Councils to explain and amend it. The very Attempt was Insolence and Usurpation. Infallibility is a necessary Qualification for an Office of such Importance. But what Promise is there made to Councils of this divine Gift? or, if there should be any such Promise made to them; yet the Method of their Debates, their scandalous Arts to defame their Adversaries, and the Contradictions they decreed for Truth and Gospel, proves, to the fullest Conviction, that they forfeited the Grace of it. And indeed, if *the Fruits of the Spirit are Love, Peace, Long-suffering, Gentleness, Goodness, and Meekness*, there appeared few or no Signs of them in any of the Councils. The Soil was too rank and hot to produce them.

I wish, for the Honour of the former Times, I could give a better Account of these Assemblies of the Clergy, and see Reason to believe my self that they were, generally speaking, Men of Integrity, Wisdom, Candour, Moderation and Virtue. The Debates of such Men would have deserved Regard, and their Opinions would have challenged a proper Reverence. But even had this been the Case, their Opinions could have been no Rule to others, and how great a Veneration soever we might have had for their Characters, we ought, as Men and Christians, to have examined their Principles. There is one Rule superior to them and us, by which Christians are to try all Doctrines and Spirits; the Decision of which, is more sacred than that of all human Wisdom and Authority, and every where, and in all Ages obligatory. But as the ancient Councils consisted of Men of quite other Dispositions; and as their Decisions in Matters of Faith were arbitrary and unwarranted; and as those Decisions themselves were generally owing to Court Practices, intriguing Statesmen, the Thirst of Revenge, the Management of a few crafty interested Bishops, to Noise and Tumult, the Prospects and Hopes of Promotions and Translations, and other the like Causes; the Reverence paid them by many Christians is truly surprizing; and I cannot account for it any way but one, *viz.* that those who thus cry up their Authority, are in hopes of succeeding them in their Power; and therefore would feign persuade others that their Decrees are sacred and binding, to make way for the imposing of their own.

It would be well worth the while of some of these Council-mongers to lay down some proper Rules and Distinctions, by which we may judge what Councils are to be received, and which to be rejected; and particularly why the four first General Councils should be submitted to in Preference to all others. Councils have often decreed contrary to Councils, and the same Bishops have decreed different Things in different Councils; and even the third and fourth General Councils determined the Use of the Word PERSON, in an infinitely different Sense from what the two first did. Heretical Councils, as they are called, have been more in Number than some Orthodox general ones, called by the same imperial Authority, have claimed the same Powers, pretended to the same Influence of the Holy Ghost, and pronounced the same Anathemas against Principles and Persons. By what *Criteria* or certain Marks then must we judge, which of these Councils are thieving, general, particular, orthodox, heretical, and which not? The Councils themselves must not be Judges in their own Cause; for then we must receive, or reject them all. The Characters of the Bishops that composed them will not do, for their Characters seem equally amiable and Christian on each side. The Nature of the Doctrine, as decreed by them, is far from being a safe Rule; because, if human Authority, or Church Power makes Truth in any Case, it makes it in every Case; and therefore, upon this Foot the Decrees at *Tyre* and *Ephesus*, are as truly binding as those at *Nice* and *Chalcedon*. Or, if we must judge of the Councils by the Nature of the Doctrine, abstracted from all human Authority, those Councils can have no Authority at all. Every Man must sit in Judgment over them, and try them by Reason and Scripture, and reject and receive them, just as he would do the Opinions of any other Persons whatsoever. And, I humbly conceive, they should have no better Treatment, because they deserve none.

V. If then the Decrees of Fathers and Councils, if the Decisions of human Authority in Matters of Religion, are of no avail, and carry with them no Obligation, it follows, that the imposing Subscriptions to Creeds and Articles of Faith, as Tests of Orthodoxy, is a Thing unreasonable in it self, as it hath proved of infinite ill Consequence in the Church of God.

I call it an *unreasonable Custom*, not only because where there is no Power to make Creeds for others, there can be no Right to impose them; but because no one good Reason can be assigned for the Use and Continuance of this Practice. For, as my Lord Bishop of *London* admirably well explains this Matter, *As long as Men are Men, and have different Degrees of Understanding, and every one a Partiality to his own Conceptions, it is not to be expected that they should agree in any one entire Scheme, and every Part of it, in the Circumstances as well as the Substance, in the Manner of Things, as well as in the Things themselves.* *The Question therefore is not in general about a Difference in Opinion, which, in our present State, is unavoidable; but about the Weight and Importance of the Things wherein Christians differ, and the Things wherein they agree. And it will appear, that the several Denominations of Christians agree both in the Substance of Religion, and*

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London,
2d Part.
Let. p. 245
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in the necessary Inforcements of the Practice of it. That the World, and all Things in it, were created by God, and are under the Direction and Government of his all powerful Hand, and all seeing Eye; that there is an essential Difference between Good and Evil, Virtue and Vice; that there will be a State of future Rewards and Punishments according to our Behaviour in this Life; that Christ was a Teacher sent from God, and that his Apostles were divinely inspired; that all Christians are bound to declare and profess themselves to be his Disciples; that not only the Exercise of the several Virtues, but also a Belief in Christ is necessary in order to their obtaining the Pardon of Sin, the Favour of God, and eternal Life; that the Worship of God is to be performed chiefly by the Heart, in Prayers, Praises, and Thanksgivings; and, as to all other Points, that they are bound to live by the Rules which Christ and his Apostles have left them in the Holy Scriptures. Here then, adds the learned Bishop, is a fixed, certain, and uniform Rule of Faith and Practice, containing all the most necessary Points of Religion, established by a divine Sanction, embraced as such, by all Denominations of Christians, and in it self abundantly sufficient to preserve the Knowledge and Practice of Religion in the World. As to Points of greater Intricacy, and which require uncommon Degrees of Penetration and Knowledge; such indeed, have been Subjects of Dispute amongst Persons of Study and Learning in the several Ages of the Christian Church; but the People are not obliged to enter into them, so long as they do not touch the Foundations of Christianity, nor have an Influence upon Practice. In other Points it is sufficient that they believe the Doctrines, so far as they find, upon due Enquiry and Examination, according to their several Abilities and Opportunities, that God hath revealed them. This incomparable Passage of this Reverend and truly Charitable Prelate, I have transcribed intire; because it will undoubtedly give a Sanction to my own Principles of universal Benevolence and Charity. His Lordship affirms, that all Denominations of Christians (he will allow me to mention a few of them; Socinians, Arians, Athanasians, Sabellians, Pelagians, Arminians, Calvinists, Episcopalians, Presbyterians, Independants, Anabaptists, &c.) agree in the Substance of Religion, and in the necessary Inforcements of the Practice of it; inasmuch as they do all believe firmly and sincerely, those Principles which his Lordship calls, with great Reason and Truth, a fixed, certain, and uniform Rule of Faith and Practice, as containing all the most necessary Points of Religion, and in it self abundantly sufficient to preserve the Knowledge and Practice of Religion in the World. My Inference from this noble Concession, for which all the Friends to Liberty, in Church and State, throughout Great Britain, will thank his Lordship, is this; that since all Denominations of Christians do, in his Lordship's Judgment, receive his fixed, certain, and uniform Rule of Faith, and embrace all the most necessary Points of Religion; to impose Subscriptions to Articles of Faith and human Creeds, must be a very unreasonable and needless Thing: For either such Articles and Creeds contain nothing more than this same Rule of Faith and Practice; and then all Subscriptions to them is Impertinent; because this is already received by all Denominations of Christians, and is abundantly sufficient, by the Bishop's own Allowance, to preserve the Knowledge and Practice of Religion in the World: Or such Articles and Creeds contain something more than

than his Lordship's fixed Rule of Faith and Practice, something more than all the most necessary Points of Religion, something more than is sufficient to preserve the Knowledge and Practice of Religion in the World, *b. e.* some very unnecessary Points of Religion; something on which the Preservation of Religion doth not depend; and of Consequence, Subscriptions to unnecessary Articles of Faith, on which Religion doth not depend, can never be necessary to qualify any Person for a Minister of the Church of Christ, and therefore not for the Church of *England*, if that be Part of the Church of Christ. And this is the more unnecessary, because, as his Lordship farther well observes, *the People are not obliged to enter into them, so long as they do not touch the Foundations of Christianity*, i. e. so far as his Lordship's certain, fix'd and uniform Rule, which contains all necessary Points of Religion, is not affected by them. And if the People are not obliged to enter into Points of great Intricacy and Dispute, I humbly conceive, the Clergy cannot be obliged to preach them; and that of Consequence 'tis as absurd to impose upon them Subscriptions to such Things, as to oblige them to subscribe what they need not preach, nor any of their People believe.

Upon his Lordship's Principles, the imposing Subscriptions to the hard unscriptural Expressions of the *Athanasians* and *Arians*, by each Party in their Turns, and to the thirty nine Articles of the Church of *England*, must be a very unreasonable and unchristian Thing; because, the Peculiarities to be subscribed, do not one of them, enter into his specified Points of Religion, and are not necessary to preserve Religion in the World; and after so publick a Declaration of Charity towards all Denominations of Christians, and the Safety of Religion and the Church, upon the general Principles he hath laid down, there is no Reason to doubt but his Lordship will use that Power and Influence which God hath entrusted him with, to remove the Wall of Separation in the established Church, in order to the uniting all differing Sects, all Denominations of Christians, in one visible Communion; and that he will join in that most Christian and Catholick Prayer of one of his own Brethren, though disapproved of by another of narrower Principles, *Blessed be they who have contributed to so good a Work*. Subscriptions have ever been a Grievance in the Church of God, and the first Introduction of them was owing to Pride, and the Claim of an unrighteous and ungodly Power. Neither the Warrant of Scripture, nor the Interest of Truth made them necessary. 'Tis, I think, but by few, if any, pretended that the sacred Writings countenance this Practice. They do indeed abound with Directions and Exhortations to *adhere stedfastly to the Faith, not to be moved from the Faith, nor tossed about with every Wind of Doctrine*. But what is the Faith which we are to adhere to? What the Faith established and stamped for Orthodox by the Bishops and Councils? Ridiculous! If this was the Case, our Faith must be as various as their Creeds, and as absurd and contradictory as their Decisions. No, The Faith we are to be grounded and settled in, is that *which was at once delivered to the Saints, that which was preached by the Apostles to Gentiles, as well as Jews; the wholesome Words we are to consent to are the Words*

Bishop of Bangor's Answer to the Dean of Worcester. Postscript, p. 207.

of our Lord Jesus Christ, and the Doctrine which is according to Godliness. This all genuine Christians receive, out of regard to a much higher Authority than belongs to any Set of Men in the World ; and therefore the Sanction of Fathers and Councils in this Case, is as impertinent as a Man's pretending to give a Sanction to the Constitutions of the Great God. And as to all other Articles of Faith, neither they, nor any others, have any Commission to impose them on the Consciences of Men, and the Moment they attempt to do it, they cease to be Servants in the House of God, and act as the true and proper Lords of the Heritage.

But it may be said, That *the Church hath Power to determine in Controversies of Faith ; so as not to decree any thing against Scripture, nor to enforce any thing to be believed as necessary to Salvation besides it ; i. e.* I suppose the Church hath Power to guard the Truths of Scripture ; and in any Controversies about Doctrines, to determine what is or is not agreeable to Scripture, and to enforce the Reception of what they thus decree, by obliging others to subscribe to their Decisions. If this be the Case, then it necessarily follows, that their Determinations must be ever right, and constantly agreeable to the Doctrine of holy Writ ; and that they ought never to determine, but when they are in the Right, and are sure they are in the Right ; because, if the Matter be difficult in its Nature, or the Clergy have any Doubts and Scruples concerning it, or are liable to make false Decisions, they cannot, with any Reason, make a final Decision ; because 'tis possible they may decide on the wrong side of the Question ; and thus decree Falshood instead of Truth. And I presume there are but few who will claim, in Words, so extraordinary a Power as that of establishing Falshood in the room of Truth and Scripture. And even supposing their Decisions to be right, how will it follow that they have a Power to oblige others to submit to and subscribe them ? If by sound Reason and Argument they can convince the Consciences of others, they are sure of the Agreement of all such with them in Principle ; and upon this Foot Subscriptions are wholly useles ; and if they cannot convince them, 'tis a very unrighteous Thing to impose Subscriptions on them ; and a shameful Prevarication with God and Man for any to submit to them without it. Decisions made in Controversies of Faith, by the Clergy, carry in them no Force nor Evidence of Truth. Let their Office be ever so sacred, it doth not exempt them from human Frailties and Imperfections. They are as liable to Error and Mistake, to Prejudice and Passion, as any of the Laity whatsoever can be. How then can the Clergy have any Authority in Controversies of Faith, which the Laity have not ? That they have erred in their Decisions, and decreed Light to be Darkness, and Darkness Light ; that they have perplexed the Consciences of Men, and corrupted the Simplicity of the Faith in Christ, all their Councils and Synods are a notorious Proof. With what Justice or Modesty then can they pretend to a Power of obliging others to believe their Articles, or subscribe them ? If I was to speak the real Truth, it will be found, that those numerous Opinions which have been anathematized as Heretical, and which

have broken the Christian World into Parties, have been generally invented, and broached, and propagated by the Clergy; witness *Arius*, *Macedonius*, *Nestorius*, *Eutyches*, *Dioscorus*, and others; and therefore if we may judge by any Observations made on the Rise of Heresy, what is a proper Method to put a Stop to the Progress of it, it cannot be the Clergy's forming Articles of Faith, and forcing others to subscribe them; because this is the very Method by which they have established and propagated it.

The Truth is, this Method of preventing Error will suit all Religions, and all Sorts of Principles whatsoever, and is that by which Error maintains its Ground, and is indeed render'd impregnable. All the different Sorts of *Christians*, *Papists* and *Protestants*, *Greeks*, *Lutherans*, *Calvinists* and *Arminians*, cannot certainly be right in their discriminating Principles. And yet where shall we find any Clergy that don't pretend a Right to impose Subscriptions, and who do not maintain the Truth of the Articles to which they make such Subscription necessary? Upon this Foot the Doctrines of the Council of *Trent*, the thirty nine Articles of the Church of *England*, and the Assemblies Confession of Faith, are all of them equally true, Christian and Sacred; for they are in different Places embraced as Standards of Orthodoxy, and their Sacredness and Authority secur'd and maintain'd by the Subscriptions of the Clergy to them: And therefore, I think it as little agreeable to Prudence as it is to Justice for Christians to keep up a Practice that may be so easily, and hath been so often turned into a Security for Heresy, Superstition and Idolatry; and especially for Protestants to ware any longer these Marks of Slavery, which their Enemies, whenever they have Power, will not fail to make Use of, either to fetter their Consciences, or distinguish them for the Burning.

But it may be said that the Abuse of Subscriptions is no Argument against the Use of them; and that, as they are proper to discover what Mens Sentiments are, they may be so far sometimes a Guard and Security to the Truth. But as all Parties, who use them, will urge this Reason for them, that they are in Possession of the Truth, and therefore willing to do all they can to secure and promote it; of Consequence Subscriptions to Articles of Faith can never be looked on properly as Guards to real Truth, but as Guards to certain prevailing Principles, whether true or false. And even in this Case they are wholly Ineffectual. The Clergy of the Church of *England* are bound to subscribe the thirty nine Articles, *i. e.* to the Truth of *Athanasian* and *Calvinistick* Principles. But hath this Subscription answer'd its End? Do not the Clergy, who are all Subscribers, and who often repeat their Subscriptions, differ about these Heads as much as if they had never subscribed at all? Men that have no Principles of Religion and Virtue, but enter the Church only with a View to the Benefices and Preferments of it, will subscribe ten thousand Times over, and to any Articles that can be given them, whether true or false. Thus the *Asiatick* Bishops subscribed to the Condemnation of the Decrees of the Council of *Chalcedon*, and inform *Basiliscus* the Emperor that their Subscriptions were voluntary. And yet when *Basiliscus* was deposed, they immediately subscribed to the Truth of those Decrees, and swore their

first Subscription was involuntary. So that Subscriptions cannot keep out any Atheists, Infidels, or profligate Persons. And as to others, daily Experience teaches us, that they either disbelieve the Articles they subscribe, subscribing them only as Articles of Peace; or else, that after they have subscribed them, they see Reason, upon a more mature Deliberation, to alter their Minds, and change their original Opinions. So that till Men can be brought always to act upon Conscience, never to subscribe what they do not believe, nor ever to alter their Judgment, as to the Articles they have subscribed; Subscriptions are as impertinent and useless as they are unreasonable, and can never answer the Purposes of those who impose them.

But I apprehend farther, that this imposing of Subscriptions is *not only an unreasonable Custom*, but attended with many very pernicious Consequences. It is a great Hindrance to that Freedom and Impartiality of Inquiry which is the unalterable Duty of every Man, and necessary to render his Religion reasonable and acceptable. For why should any Person make any Inquiries for his own Information, when his Betters have drawn up a Religion for him, and thus kindly saved him the Labour and Pains? And as his worldly Interest may greatly depend on his doing as he is bid, and subscribing as he is ordered; is it not reasonable to think that the generality will contentedly take every thing upon Trust, and prudently refrain from creating to themselves Scruples and Doubts, by nicely examining what they are to set their Hands to, lest they should miss of Promotion for not being able to comply with the Condition of it, or enjoy their Promotions with a dissatisfied and uneasy Conscience?

Subscriptions will, I own, sometimes prove Marks of Distinction, and as Walls of Separation: For though Men of Integrity and Conscience may, and oftentimes undoubtedly do submit to them; yet Men of no Principles, or very loose ones, worldly and ambitious Men, the Thoughtless and Ignorant, will most certainly do it, when they find it for their Interest. The Church that encloses her self with these Fences, leaves abundant Room for the Entrance of Persons of such Characters. To whom then doth she refuse Admittance? Why, if to any, it must be to Men who cannot bend their Consciences to their Interest; who cannot believe, without Examination, nor subscribe any Articles of Faith as true, without understanding and believing them. 'Tis in the very Nature of Subscriptions to exclude none but these, and to distinguish such only for Shame and Punishment. Now how is this consistent with any Thing that is called Reason or Religion? If there could be found out any wise and reasonable Methods to throw out of the Christian Church and Ministry, Men who are in their Hearts Unbelievers, who abide in the Church only for the Revenues she yields to them, who shift their religious and political Principles, according to their Interest, who propagate Doctrines inconsistent with the Liberties of Mankind, and are scandalous and immoral in their Lives; if Subscriptions could be made to answer these Ends, and these only, and to throw Infamy upon such Men, and upon such Men only; no one would have any Thing to alledge against the Use of them.

Whereas,

Whereas, in Truth, Subscriptions are the great Securities of such profligate Wretches, who, by complying with them, enter into the Church, and thereby share in all the temporal Advantages of it; whilst the scrupulous, conscientious Christian is the only one she excludes, who thinks the Word of God a more sure Rule of Faith than the Dictates of Men; and that Subscriptions are Things much too sacred to be trifled with, or lightly submitted to.

They are indeed very great Snares to many Persons, and Temptations to them too often to trespass upon the Rules of strict Honesty and Virtue. For when Mens Subsistence and Advantages in the World depend on their subscribing to certain Articles of Faith, 'tis one of the most powerful Arguments that can be, to engage them to comply with it. 'Tis possible indeed they may have their Objections against the Reasonableness and Truth of what they are to subscribe. But will not Interest often lead them to overlook their Difficulties, to explain away the natural Meaning of Words, to put a different Sense upon the Articles than what they will fairly bear, to take them in any Sense, and to subscribe them in no Sense only as Articles of Peace? It must be by some such Evasions that *Avians* subscribe to *Athanasian* Creeds, and *Arminian* to Principles of rigid *Calvinism*. This the Clergy have been again and again reproach'd with, even by the Enemies of Christianity. And I am sorry to say it, they have not been able to wipe off the Scandal from themselves. I am far from saying or believing that all the Clergy make these evasive Subscriptions: Those only that do so give this Offence; and if they are, in other Cases, Men of Integrity and Conscience, they are Objects of great Compassion. As far as my own Judgment is concerned, I think this Manner of Subscribing to Creeds and Articles of Faith, is infamous in its Nature, and vindicable upon no Principles of Conscience and Honour. It tends to render the Clergy contemptible in the Eyes of the People, who will be apt to think that they have but little Reason to regard the Sermons of Men, who have prevaricated in their Subscriptions, and that they preach for the same Reason only that they subscribed, *viz.* their worldly Interest. 'Tis of very pernicious Influence and Example, and in its Consequences leads to the Breach of all Faith amongst Mankind, and tends to the Subversion of civil Society. For if the Clergy are known to prevaricate in subscribing to religious Tests of Orthodoxy, is it not to be fear'd that others may learn from them to prevaricate in their Subscriptions to civil Tests of Loyalty? And indeed, there is a great deal of Reason to imagine, that if Men can tutor and twist their Consciences so as to subscribe Articles of Faith, contrary to their own Persuasion, and only as Articles of Peace, or a Qualification for a Living, they would subscribe for the same Reason to Popery or Mahometanism; for if this be a good Reason for subscribing any Articles which I do not believe, 'tis a Reason for subscribing all; and therefore I humbly apprehend that a Practice, which gives so much Occasion to such scandalous Prevarications with God and Man, should be cast off as an insufferable Grievance, and as an Yoak upon the Necks of the Clergy, too heavy for them to bear.

Let me add farther, that this Practice of imposing Subscriptions, hath been the Occasion of innumerable Mischiefs in the Church of God. 'Twas the common Cry of the Orthodox and *Arians*, and all other Hereticks, in their Turns of Power, *Either subscribe or depart from your Churches*. This enflamed the Clergy against each other, and filled them with Hatred, Malice and Revenge. For as by imposing these Subscriptions, Inquisition was made into the Consciences of others; the Refusal to submit to them was a certain Mark of Heresy and Reprobation; and the Consequence of this was the Infliction of all spiritual and temporal Punishments. 'Twas impossible but that such Procedures should perpetuate the Schisms and Divisions of the Church, since the Wrath of Man cannot work the Righteousness of God, and since Civil Punishments have no Tendency to convince the Conscience, but only to enflame the Passions against the Advisers and Inflicters of them. And as ecclesiastical History gives us so dreadful an Account of the melancholy and tragical Effects of this Practice, one would think that no Nation, who knew the Worth of Liberty, no Christian Protestant Church, that hath any Regard for the Peace of the Flock of Christ, should ever be found to authorize and continue it.

VI. What Security then shall we have left us for Truth and Orthodoxy, when our Subscriptions are gone? Why, the sacred Scriptures, those Oracles of the great God, and Freedom and Liberty to interpret and understand them as we can; the Consequence of this would be great Integrity and Peace of Conscience, in the Enjoyment of our religious Principles, Union and Friendship amongst Christians, notwithstanding all their Differences in Judgment, and great Respect and Honour to those faithful Pastors, that carefully feed the Flock of God, and lead them into Pastures of Righteousness and Peace. We shall lose only the Incumbrances of Religion, our Bones of Contention, the Shackles of our Consciences, and the Snares to Honesty and Virtue; whilst all that is substantially good and valuable, all that is truly divine and heavenly, would remain to enrich and bless us. The Clergy would indeed lose their Power to do Mischief; but would they not be happy in that Loss, especially as they would be infinitely more likely to do good? They would be no longer looked on as Fathers and Dictators in the Faith; but still they might remain Ambassadors for Christ, beseeching Men, in Christ's stead, to become reconciled to God. And was all human Authority, in Matters of Faith, thus wholly laid aside, would not the Word of God have a freer Course, and be much more abundantly glorified? All Christians would look upon Scripture as the only Rule of their Faith and Practice, and therefore search it with greater Diligence and Care, and be much more likely to understand the Mind of God therein. The main Things of Christianity, would unquestionably be generally agreed to by all; and as to other Things, Points of Speculation, and difficult Questions, if Christians differ'd about them, their Differences would be of no great Importance, and might be maintained, consistent with Charity and Peace.

Indeed, a strict and constant Adherence to Scripture, as the only Judge in Controversies of Christian Faith, would be the most likely Method to introduce into the Church, a real Uniformity of Opinion as well as Practice. For if this was the Case, many Disputes would be wholly at an End, as having nothing to give Occasion to them in the sacred Writings; and all others would be greatly shorten'd, as hereby all foreign Terms, and human Phrases of Speech, by which the Questions that have been controverted amongst Christians, have been darken'd and perplexed, would be immediately laid aside, and the only Enquiry would be, What is the Sense of Scripture? What the Doctrine of Christ and his Apostles? This is a much more short and effectual Way of determining Controversies, than sending Men to *Nice* and *Chalcedon*, to Councils and Synods, to *Athanasius* or *Arius*, to *Calvin* or *Arminius*, or any other Persons whatsoever that can be mentioned, who at best deliver but their own Sense of Scripture, and are not to be regarded any farther than they agree with it. It was a Departure from this, as the great Standard of Faith, and corrupting the Simplicity of the Gospel Doctrine by hard unscriptural Words, that gave Occasion to the innumerable Controversies, that formerly troubled the Christian Church. Human Creeds were substituted in the Room of Scripture; and according as Circumstances differ'd, or new Opinions were broached, so were the Creeds corrected, amended and enlarged, till they became so full of Subtleties, Contradictions, and Nonsense, as must make every thoughtful Man read many of them with Contempt. The Controversy was not about Scripture Expressions, but about the Words of Men, not about the Sense of Scripture, but the Decrees of Councils, and the Opinions of *Athanasius*, *Leo*, *Cyri*, and the venerable Fathers. And upon this foot 'twas no Wonder their Disputes should be endless; since the Writings of all fallible Men must certainly be more obscure and intricate than the Writings of the infallible Spirit of Truth, who could be at no Loss about the Doctrines he dictated, nor for proper Words suitably to express them. 'Tis infinite, 'tis endless Labour, to consult all that the Fathers have written; and when we have consulted them, What one Controversy have they rationally decided? What one Christian Doctrine have they clearly and solidly explain'd? How few Texts of Scripture have they critically settled the Sense and Meaning of? How often do they differ from one another, and in how many Instances from themselves? Those who read them greatly differ in their Interpretation of them; and Men of the most contrary Sentiments, all claim them for their own. *Athanasius* and *Arian* appeal to the Fathers, and support their Principles by Quotations from them. And are these the venerable Gentlemen whose Writings are to be set up in Opposition to the Scripture, or set up as authoritative Judges of the Sense of Scripture? Are Creeds of their dictating to be submitted to as the only Criterion of Orthodoxy, or esteemed as Standards to distinguish between Truth and Error? Away with this Folly and Superstition! The Creeds of the Fathers and Councils are but human Creeds, that have all the Marks in them of human Frailty and Ignorance. The Creeds which are to be found in the Gospel, are the infallible Dictates of
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the Spirit of the God of Truth, and as such, claim our Reverence and Submission; and as the forming our Principles according to them, as far as we are able to understand them, makes us Christians in the Sight of God, it should be sufficient to every ones being owned as a Christian by others, without their using any inquisitory Forms of Trial, till they can produce their Commission from Heaven for the Use of them. This, as it is highly reasonable in it self, would do the highest Honour to the Christian Clergy; who, instead of being reproach'd for Haughtiness and Pride, as Incendiaries and Plagues of Mankind, as the Sowers of Contention and Strife, and Disturbers of the Peace of the Church of God; would be honoured for their Works sake, esteemed for their Characters, lov'd as Blessings to the World, heard with Pleasure, and successful in their Endeavours to recommend the Knowledge and Practice of Christianity.

VII. Were the Doctrines of the Gospel regarded as they should be, and the Precepts of the Christian Religion submitted to by all who profess to believe it, universal Benevolence would be the certain Effect, and eternal Peace and Union would reign amongst the Members of the Christian Church. For if there are any Commands of certain Clearness, any Precepts of evident Obligation in the Gospel, they are such as refer to the Exercise of Love, and the maintaining universal Charity. In our Saviour's admirable Discourse on the Mount, this was the excellent Doctrine he taught: *Blessed are the Meek, for they shall inherit the Earth. Blessed are the Merciful, for they shall obtain Mercy. Blessed are the Peace-makers, for they shall be called the Children of God.* And in another Place, describing the Nature of Religion in general, he tells us, that *the Love of God is the first Commandment, and that the second is like unto it; Thou shalt love thy Neighbour as thy self.* This he enjoins upon his Disciples as his peculiar Command: *This is my Commandment, that ye love one another, as I have loved you; and recommends it to them as that whereby they were to be distinguished from all other Persons. A new Commandment I give unto you, that ye love one another as I have loved you, that ye also love one another. By this shall all Men know that ye are my Disciples, if ye have Love one to another.* This was the more needful for them, considering that our Lord foreknew the grievous Persecutions that would befall them for his sake; to encourage them under which, he pronounces them blest: *Blessed are they which are persecuted for Righteousness sake, for theirs is the Kingdom of Heaven;* whilst, at the same time, he leaves a Brand of Infamy on Persecutors, and marks them out for the Vengeance of God: *Rejoice and be exceeding glad, for great is your Reward in Heaven; for so persecuted they the Prophets that were before you. Woe unto you, for ye build the Sepulchres of the Prophets, and your Fathers killed them; therefore, saith the Wisdom of God, I will send you Prophets and Apostles, and they will slay and persecute them, that the Blood of all the Prophets— may be required of this Generation.* And, indeed, so far was our Lord from encouraging any persecuting Methods, that he rebuked and put a Stop to all the Appearances of them. Thus when his Disciples would have called down Fire from Heaven to consume the Samaritans,

ritans; who refused to receive him, he rebuked them, and said, *Ye know not* Luke ix. *what manner of Spirit ye are of; the Son of Man is not come to destroy Mens Lives, 55, 56. but to save them;* and when one of those who were with Christ cut off the Ear of one of the high Priest's Servants, upon his laying Hands on him, he severely reproved him; *Put up again thy Sword into its Place; for all they that take the* Matt. *Sword shall perish with the Sword.* And, in order to cure his Apostles of their xxvi. 52. *Ambition and Pride, and to prevent their claiming an undue Power, he gave them an Example of great Humility and Condescension, in washing and wiping their Feet, and forbid them imitating the Gentiles, by exercising* xx. 25, *Dominion and Authority; but whoever will be great amongst you, let him be your* &c. *Minister; and whosoever will be chief amongst you, let him be your Servant, even as the Son of Man came not to be minister'd unto, but to minister, and to give his Life a Ransom for many.* And as the Jewish Teachers took on them the Name of Rabbi, to denote their Power over the Consciences of those they instructed, he commanded his Disciples, *Be ye not called Rabbi, for one is your Master, even* xxxiii. 8, *Christ, and all ye are Brethren; and call no Man Father upon Earth, for one is your* &c. *Father, which is in Heaven. But he that is greatest amongst you, shall be your Servant.* From these, and other Passages of like Nature, it is very evident, that there is nothing in the Life of Jesus Christ, that gives any Countenance to these wicked Methods of propagating and supporting Religion, that some of his pretended Followers have made use of, but the strongest Directions to the contrary.

It is indeed objected, that Christ says, *Compel them to come in, that my House* Luke xiv. *may be full:* But that this Compulsion means nothing more than Invitation and ²³ Persuasion, is evident, from the parallel Place of Scripture, where what St. Luke calls, *Compel them to come in,* is expressed by, *Bid them to the Marriage,* i. e. Matt. xxii. ⁹ *endeavour, not by Force of Arms, but by Argument and Reason, by Importunity and Earnestness, and by setting before Men the Promises and Threatnings of the Gospel, and thus addressing your selves to their Hopes and Fears, to persuade and compel them to embrace my Religion, and become the Subjects of my Kingdom; and in this moral Sense of Compulsion, the original Word is often used. But farther, 'tis, by a late Writer, reckon'd* Christiani- *very surprizing, that Christ should say, Think not I am come to send Peace, It* as old, *come not to send Peace, but a Sword; for I am come to set a Man at Variance with* &c. p. 305. *his Father, and the Daughter against her Mother, &c.* But how is this so very ^{34, 35.} *Matt. x.* surprizing? or what Man of common Sense can mistake the Meaning of the Words, who reads the whole Discourse? In the former Part of it, 'tis expressly declared, that the most grievous Persecutions should befall his Disciples for his sake; *that Brother should deliver up Brother to Death, and the Father the Child; and the Children shall rise up against their Parents, and cause them to be put to Death.* Can any Man understand this of an Intention in Christ to set People at Variance, when 'tis a Prediction only of what should be the Consequence of publishing his Gospel, through the Malice and Cruelty of its Opposers; a Prediction of what his Disciples were to suffer, and not of what they were to make others to suffer. And as to that Pas-

Luke xii. 49, 51. *page in Luke, I am come to send Fire on the Earth; and what will I, if it be already kindled? Suppose ye that I am come to give Peace on Earth? I tell you nay, but rather Division.* How is it explain'd by Christ himself? Why, in the very next Words: *For from henceforth, i. e. upon the Publication of my Religion and Gospel, there shall be five in one House divided, three against two, and two against three, &c.* Can any Man need Paraphrase and Criticism to explain these Passages of any Thing, but of that Persecution which should befall the Preachers and Believers of the Gospel? Or imagine it to be a prophetick Description of a Fire to be blown up by Christ to consume others, when the whole Connection evidently refers it to a Fire, that the Opposers of his Religion should blow up, to consume himself and Followers? Jesus knew 'twas such a Fire as would first consume himself. *I am come to send Fire on the Earth; and what will I, if it be already kindled?* Or, as the Words should be translated, *How do I wish it was already kindled?* How do I wish it to break out on my own Person, that I might glorify God by my Sufferings and Death? For as it follows, *I have a Baptism to be baptized with, a Baptism with my own Blood: And how am I straiten'd till it be accomplish'd!* After this Account of his own Sufferings, he foretells the same should befall his Followers: *Suppose ye that I am come to give Peace on Earth? I tell you, Nay, but rather Division, i. e. as I my self must suffer to bear Witness to the Truth, so, after my Decease, such shall be the unreasonable and furious Opposition to my Gospel, as shall occasion Divisions amongst the nearest Relations, some of whom shall hate and persecute the other for their embracing my Religion.*

ibid. *And of Consequence Christ did not declare, in the most express Terms, as the fore-mentioned Writer asserts, That he came to do that which we must suppose he came to hinder. He did only declare, that he came to do what he was resolved not to hinder, i. e. to publish such a Religion as his Enemies would put him to Death for, and as would occasion Divisions amongst the nearest Relations, through the unreasonable Hatred and Opposition that some would shew to others upon Account of it. This Matter is elsewhere clearly expressed by Christ: These Things have I spoken to you, that ye should not be offended. They shall put you out of the Synagogues; yea, the Time cometh, that whosoever killeth you, will think that he doth God Service. And these Things will they do unto you, because they have not known the Father nor me, i. e. have not understood either natural Religion, or the Religion of my Gospel.*

John xvi. 2, 2, 3. *These Things have I spoken to you, that ye should not be offended. They shall put you out of the Synagogues; yea, the Time cometh, that whosoever killeth you, will think that he doth God Service. And these Things will they do unto you, because they have not known the Father nor me, i. e. have not understood either natural Religion, or the Religion of my Gospel.*

There is therefore nothing in the Conduct or Doctrines of Jesus Christ to countenance or encourage Persecution. His Temper was benevolent, his Conduct merciful, and one governing Design of all he said, was to promote Meekness and Condescension, universal Charity and Love. And in this all his Apostles were careful Imitators of his Example: *Let Love, saith St. Paul, be without Dissimulation; be kindly affectioned one to another with brotherly Love, in Honour, preferring one another. If it be possible, as much as in you lies, live peaceably with all Men.* And the Love he recommended was such, as worketh no ill to his Neighbour, and which therefore he declares to be the fulfilling of the Law. And, least different Sentiments in lesser Matters should cause Divisions

visions amongst Christians, he commands, *to receive him that is weak in the Faith, not to doubtful Disputations, μὴ ἐς διακείσεσ διαλογισμῶν, not to judge or to contend about Disputations, or disputable Things.* Upon Account of such Matters, he orders that none should despise or judge others, because God had received them, and because every Man ought to be fully persuaded in his own Mind, and because the Kingdom of God was not Meat and Drink, but Righteousness and Peace, and Joy, in the Holy Ghost, and because every one was to give an Account of himself to God, to whom alone, as his only Master, he was to stand or fall. From these substantial Reasons, he infers, *We then that are strong, who have the most perfect Understanding of the Nature of Christianity, and our Christian Liberty, ought to bear the Infirmities of the Weak, and not please our selves; and having pray'd for them, that the God of Patience and Consolation would grant them to be like minded one towards another, according to, or after the Example of Christ, that, notwithstanding the Strength of some, and the Weakness of others, they might, with one Mind, and with one Mouth, glorify God, even the Father of our Lord Jesus Christ; he adds, as the Conclusion of his Argument, Wherefore receive ye one another, as Christ also received us to the Glory of God.*

In his Letters to the *Corinthians*, he discovers the same divine and aimable Spirit. In his first Epistle, he beseeches them, *by the Name of the Lord Jesus Christ, that they would all speak the same Thing, and that there should be no Schism amongst them, but that they should be perfectly joined together in the same Mind, and in the same Judgment, i. e. that they should all own and submit to Christ, as their only Lord and Head, and not rank themselves under different Leaders, as he had been informed they had done; for that they were the Body of Christ, and all of them his Members, and ought therefore to maintain that Charity to one another, which suffereth long, and is kind, which envieth not, vaunteth not it self, is not puffed up, doth not behave it self unseemly, seeketh not her own, is not easily provoked, thinketh no Evil, rejoiceth not in Iniquity, but rejoiceth in the Truth, beareth all Things, believeth all Things, hopeth all Things, endureth all Things, which is greater and more excellent than Faith and Hope, which fails not in Heaven it self, where Faith and Hope shall be at an End; and without which, though we could speak with the Tongue of Men and Angels, should have the Gift of Prophecy, and understand all Mysteries, and all Knowledge, and could remove Mountains, yea, though we should bestow all our Goods to feed the Poor, and give our Bodies to be burned, we should be only as sounding Brass, and as a tinkling Gymbal, nothing in the Account of God, nothing as to any real Profit and Advantage that will accrue to us. And, in his second Epistle, he takes his Leave of them with this divine Exhortation, and glorious Encouragement: Finally, Brethren, farewell, be perfect, be of good Comfort, be of one Mind, be affectionate and kindly disposed to one another, as though you were influenced by one common Mind; Live in Peace, and the God of Love and Peace shall be with you.*

In his Epistle to the *Galatians*, he gives us a Catalogue of those Works of the Flesh which exclude Men from the Kingdom of God, such as Adul-

tery, Fornication,—*Hatred, Variance, Emulation, Wrath, Strife, Seditions, Heresies, Envyings*, and the like; and then assures us, that *the Fruits of the Spirit are Love, Joy, Peace, Long-suffering, Gentleness, Goodness, Faith, Meekness, and Temperance, against which there is no Law*; and, after having laid down this as an essential Principle of Christianity, that *neither Circumcision availeth any Thing, nor Uncircumcision, but a new Creature*, or, as 'tis expressed in another Place, *Faith which works by Love*; he pronounces this truly apostolick Benediction,

Gal. vi. 15. *As many as walk according to this Rule, Peace be on them, and Mercy, and upon the Israel of God.*

The same divine and excellent Strain runs through his Letter to the *Ephesians*: *I therefore, the Prisoner of the Lord, beseech you that ye walk worthy of the Vocation wherewith ye are called, with all Lowliness and Meekness, with Long-suffering and Meekness, forbearing one another in Love, endeavouring to keep the Unity of the Spirit in the Bond of Peace*; and the Term of this Union, which he lays down is the Acknowledgment of one Catholick Church, one Spirit, one Lord and Mediator, and *one God, even the Father of all, who is above all, through all, and in all*. The contrary Vices of *Bitterness, and Wrath, and Anger, and Clamour, and evil speaking, and Malice*, are to be put away, as Things that grieve the Holy Spirit of God: and we must be kind one to another, forgiving one another, even as God, for Christ's sake, hath forgiven us, and be Followers of God, by walking in Love, even as Christ hath also loved us, and hath given himself for us.

Eph. iv. 1, &c.

31. *in all.*

32. *and evil speaking, and Malice, are to be put away, as Things that grieve the Holy Spirit of God: and we must be kind one to another, forgiving one another, even as God, for Christ's sake, hath forgiven us, and be Followers of God, by walking in Love, even as Christ hath also loved us, and hath given himself for us.*

v. 1, 2.

His Exhortation to the *Philippians*, is in the most moving Terms: *If there be any Consolation in Christ, if any Comfort of Love, if any Fellowship of the Spirit, if any Bowels and Mercies, fulfil ye my Joy, that ye be like minded, having the same Love, being of one Accord, of one Mind. Let nothing be done through Strife or Vain-glory, but in lowliness of Mind let each esteem other better than themselves.*

Phil. ii. 1, &c.

In his Exhortation to the *Colossians*, he warmly presses our cultivating the same Disposition, and abounding in the same Practice: *Put of all these, Anger, Wrath, Malice;—put on as the Elect of God, holy and beloved, Bowels of Mercies, Kindness, Humbleness of Mind, Meekness, Long-suffering, forbearing one another, and forgiving one another, even as Christ forgave us. And, above all these Things, put on Charity, which is the Bond of Perfectness, and let the Peace of God rule in your Hearts, to which also ye are called in one Body.*

Coloss. iii. 3, &c.

In his Directions to *Timothy*, he gives him this Summary of all practical Religion: *The End of the Commandment is Charity out of a pure Heart, and a good Conscience, and Faith unfeigned*, and he ascribes Mens turning aside to vain jangling, to their having swerved from this great Principle.

1 Tim. i 5, &c.

And, to mention no more Passages on this Head, I shall conclude this whole Account with that amiable Description of the Wisdom, that is from above given by St. James: *The Wisdom that is from above, is pure and peaceable, and gentle, and easy to be intreated, full of good Fruits, without Partiality, and without Hypocrisy. But if we have bitter Envyng and Strife in our Hearts, we have nothing to glory in, but we lye against the Truth, i. e. belye our Christian Profession; for whatever false Judgment we may pass upon our selves, this Wisdom descendeth not from above, but is earthly, sensual, devilish; for where Envyng and Strife is, there is Confusion, and every evil Work.*

James iii. 14, &c.

I have' thrown all these excellent Passages of the sacred Writings together, that it may appear in the most convincing Light, that the Scriptures have nothing in them to countenance the Spirit, or any of the Methods of Persecution, and to confront the melancholy Account I have given before of the Progress and Ravages caused by this accursed Evil. Good God, how have the Practices of Christians differed from the Precepts of Christianity! Would one imagine that the Authors of those dreadful Mischiefs and Confusions were the Bishops and Ministers of the Christian Church? That they had ever read the Records of Christian Religion? Or if they had, that they ever believed them?

But it may be objected, that whatever may be the Precepts of the Christian Religion, yet the Conduct even of the Apostles themselves gives some Countenance to the Spirit and Practice of Persecution, and particularly the Conduct of St. Paul; and that such Powers are given to the Guides and Bishops of the Christian Church, as do either expressly or virtually include in them a Right to persecute. Let us briefly examine each of these Pretensions.

As to the Practice of the Apostles, *Beza* mentions two Instances to vindicate the Punishment of Hereticks. The first is that of *Ananias* and *Sapphira*, struck dead by *Peter*; and the other that of *Elymas* the Sorcerer, struck blind by *Paul*. But how impertinently are both these Instances alledged? Heresy was not the Thing punished in either of them. *Ananias* and *Sapphira* were struck dead for Hypocrisy and Lying, and for conspiring, if it were possible, to deceive God. *Elymas* was a Jewish Sorcerer, and false Prophet, a subtle mischievous Fellow, an Enemy to Righteousness and Virtue, who withstood the Apostolick Authority, and endeavoured, by his Frauds, to prevent the Conversion of the Deputy to the Christian Faith. The two first of these Persons were punished with Death. By whom? What, by *Peter*? No, by the immediate Hand of God. *Peter* gave them a Reproof suitable to their Wickedness; but as to the Punishment, he was only the Mouth of God in declaring it, even of that God who knew the Hypocrisy of their Hearts, and gave this signal Instance of his Abhorrence of it in the Infancy of the Christian Church, greatly to discourage, and, if possible, for the future, to prevent Mens thus dealing fraudulently and insincerely with God. And, I presume, if God hath a Right to punish Frauds and Cheats in another World, he hath a Right to do so in this; especially in the Instance before us, which seems to have something very peculiar in it. *Peter* expressly says to *Sapphira*, *How is it that ye have agreed together to tempt the Spirit of the Lord?* Acts v. 9. What can this tempting of the Spirit of the Lord be, but an Agreement between *Ananias* and his Wife, to put this Fraud on the Apostle, to see whether or no he could discover it by the Spirit he pretended to? This was a proper Challenge to the Spirit of God, which the Apostles were endued with, and a Combination to put the Apostolick Character to the Trial. Had not the Cheat been discovered, the Apostle's Inspiration and Mission would have been deservedly questioned, and as the State of Christianity required that this divine Mission should be abundantly established, *Peter* lets them know that their

their Hypocrisy was discover'd, and, to create the greater Regard and Attention to their Persons and Message, God saw fit to punish that Hypocrisy with Death.

Acts xiii.
6, &c.

As to *Elymas* the Sorcerer, this Instance is as foreign and impertinent as the other. *Sergius Paulus*, Proconsul of *Cyprus*, had entertained at *Paphos* one *Barjesus* a Jew, a Sorcerer; and hearing also that *Paul* and *Barnabas* were in the City, he sent for them to hear the Doctrine they preached. Accordingly they endeavoured to instruct the Deputy in the Christian Faith, but were withstood by *Elymas*, who, by his Subtleties and Tricks, endeavoured to hinder his Conversion. *St. Paul* therefore, in order to confirm his own divine Mission, and to prevent the Deputy's being deceived by the Frauds and Sorceries of *Elymas*, after severely rebuking him for his Sin, and Opposition to Christianity, tells him, not that the Proconsul ought to put him in Jail, and punish him with the civil Sword, but that God himself would decide the Controversy, by striking the Sorcerer himself immediately blind, which accordingly came to pass, to the full Conviction of the Proconsul. Now what is there in all this to vindicate Persecution? God punishes wicked Men for Fraud and Sorcery, who knew their Hearts, and had a Right to punish the Iniquity of them. Therefore Men may punish others for Opinions they think to be true, and are conscientious in embracing, without knowing the Heart, or being capable of discovering any Insincerity in it. Or God may vindicate the Character and Mission of his own Messengers, when wickedly opposed and denied, by immediate Judgments inflicted by himself on their Opposers. Therefore the Magistrate may punish and put to Death, without any Warrant from God, such who believe their Mission, and are ready to submit to it, as far as they understand the Nature and Design of it. Are these Consequences just and rational? or would any Man have brought these Instances as Precedents for Persecution, that was not resolved, at all Hazards, to defend and practise it?

1 Cor. v. 5. But doth not *St. Paul* command to deliver Persons to Satan for the Destruction
Gal. i. 9 of the Flesh? Doth he not wish that they were even cut off who trouble Christians,
v. 12. and enjoin us to mark them which cause Divisions and Offences, contrary to his Do-
Rom. xvi.ctrine, and to avoid them, and not to eat with them? Undoubtedly he doth. But
17. what can be reasonably infer'd from hence in favour of Persecution, merely
1 Cor. v. 9 for the sake of Opinions and Principles? In all these Instances, the Things censured are Immoralities and Vices. The Person who was deliver'd by *St. Paul* to Satan, was guilty of a Crime not so much as named by the *Gentiles* themselves, the incestuous Marriage of his Father's Wife; and the Persons we are, as Christians, commanded not to keep company and eat with, are Men of scandalous Lives; such as Fornicators, or Covetous, or Idolaters, or Railers, or Drunkards, or Extortioners, making a Profession of the Christian Religion, or, in *St. Paul's* Phrase, called *Brethren*; a wise and prudent Exhortation in those Days especially, to prevent others from being corrupted by such Examples, and any Infamy thrown on the Christian Name and Character. As to those whom the Apostle wishes cut off, they were the persecuting Jews,
who

who spread Contention amongst Christians, and taught them to bite and devour one another, upon Account of Circumcision, and such-like Trifles; Men that were the Plagues and Corrupters of the Society they belonged to. Men who caused such Divisions, and who caused them out of a Love to their own Belly, deserved to have a Mark set upon them, and to be avoided by all who regarded their own Interest, or the Peace of others.

What the Apostle means by delivering to Satan, I am not able certainly to determine. It was not, I am sure, the putting the Person in Jail, or torturing his Body by an Executioner; nor sending him to the Devil by the Sword or the Fagot. One Thing included in it undoubtedly was, his Separation from the Christian Church: *Put away from amongst your selves that wicked Person*, which probably was attended with some bodily Distemper, which, as it came from God, had a Tendency to bring the Person to Consideration and Reflection. The immediate Design of it was the Destruction of the Flesh, to cure him of his Incest, that, by Repentance and Reformation, his *Spirit might be saved in the Day of Christ*; and the Power by which the Apostle inflicted this Punishment, was peculiar to himself, which God gave him *for Edification, and not for Destruction*: So that whatever is precisely meant by delivering to Satan, it was the Punishment of a notorious Sin; a Punishment that carried the Marks of God's Hand, and was design'd for the Person's Good, and was actually instrumental to recover and save him, *2 Cor. ii.* But what Resemblance is there in all this to Persecution, in which there is no Appearance of the Hand of God, nor any Marks but those of the Cruelty and Vengeance of Men; no Immorality punished, and, generally speaking, nothing that in its Nature deserves Punishment, or but what deserves Encouragement and Applause. And 'tis very probable that this is what *St. Paul* means by his *wishing those cut off* who disturbed the Peace of the *Galatian* Christians, by spreading Divisions amongst them, and exciting Persecutions against them; though, I confess, if *St. Paul* meant more, and pray'd to God that those obstinate and incorrigible Enemies to Christianity, who, for private Views of worldly Interest, raised perpetual Disturbances and Persecutions where-ever they came, might receive the just Punishment of their Sins, and be hereby prevented from doing farther Mischief, I don't see how this would have been inconsistent with Charity, or his own Character, as an inspired Apostle.

It may possibly be urged, that though the Things censured in these Places are Immoralities, yet that there are other Passages which refer only to Principles, and that the Apostle *Paul* speaks against them with great Severity: As particularly, *If any Man preach any other Gospel unto you, than that ye have received, let him be accursed*. And again, *A Man that is an Heretick, after the first and second Admonition, reject*. As to the first of these, nothing can be more evident than that the Apostle pronounces an Anathema only against those who subverted the Christian Religion, such who taught that it was insufficient to Salvation, without Circumcision, and Submission to the *Jewish* Law: As the Gospel he taught, was what he had received from Christ, he had, as an Apostle, a Right to warn the Churches he wrote to against corrupting the

Simplicity of it, and to pronounce an Anathema, *i. e.* to declare, in the Name of his great Master, that all such false Teachers should be condemned who continued to do so; and this is the utmost that can be made of the Expression; and therefore this Place is as impertinently alledged in favour of Persecution, as it would be to alledge those Words of Christ: *He that believeth not, shall be condemned.* The Anathema pronounced, was the divine Vengeance, it was *Anathema Maranatha*, to take Place only when the Lord should come to Judgment, and not to be executed by human Vengeance.

As to Heresy, against which such dreadful Outcries have been raised, 'tis taken indifferently in a good or a bad Sense in the Scripture. In the bad Sense, it signifies, not an involuntary Error, or Mistake of Judgment, into which serious and honest Minds may fall, after a careful Enquiry into the Will of God, but a wilful criminal Corruption of the Truth for worldly Ends and Purposes. Thus 'tis reckon'd, by St. Paul himself, amongst the Works of the Flesh, Gal. v. 20. such as Adultery, Fornication, Variance, Strifes, and the like, because Heresy is embraced for the sake of fleshly Lusts, and always ministers to the serving them. Thus St. Peter, *There were false Prophets also amongst the People, even as there shall be false Teachers amongst you, who privily shall bring in damnable Heresies, even denying the Lord that bought them, and bring upon themselves swift Destruction; and many shall follow their pernicious Ways, by reason of whom the Way of Truth shall be evil spoke of; and through Covetousness shall they, with feigned Words, make Merchandize of you; whom he farther describes, as walking after the Flesh in the Lust of Uncleanness, and as given to almost all manner of Vices.* This is Heresy, and denying the Lord that bought us, and the only Meaning of the Expression, as used by the Apostle; though it hath been applied by weak or designing Men, to denote all such as don't believe their metaphysical Notion of the Trinity, or the *Athanasian Creed*. Hence it is that St. Paul gives it, as the general Character of an Heretick, that *he is subverted*, viz. from the Christian Faith, *sinneeth*, viz. by voluntarily embracing Errors, subversive of the Gospel, in favour of his Lusts, on which Account he is *self-condemn'd*, viz. by his own Conscience, both in the Principles he teaches, and the vile Uses to which he makes them serve: So that tho' sincere and honest Enquirers after Truth, Persons who fear God, and practise Righteousness, may be Hereticks in the Esteem of Men, for not understanding and believing their Peculiarities in Religion, yet they are not and cannot be Hereticks, according to the Scripture Description of Heresy, in the Notion of which there is always supposed a wicked Heart, causing Men wilfully to embrace and propagate such Principles as are subversive of the Gospel, in order to serve the Purposes of their Avarice, Ambition, and Lust. Such Heresy as this is unquestionably one of the worst of Crimes, and Hereticks of this kind are worthy to be rejected. It must be confessed, that Heresy hath been generally taken in another Sense, and to mean Opinions that differ from the established Orthodoxy, or from the Creeds of the Clergy, that are uppermost in Power; who have not only taken on them to reject such as have differ'd from them, from their Communion and Church, but to deprive them of Fortune, Liberty and Life. But

as *St. Paul's* Notion of Heresy entirely differs from what the Clergy have generally taught about it, theirs may be allowed to be a very irrational and absurd Doctrine, and the Apostle's remain a very wise and good one; and though they have gone into all the Lengths of Wickedness to punish what they have stigmatized with the Name of Heresy, they have had no apostolick Example or Precept to countenance them; Scripture Hereticks being only to be rejected from the Church, according to *St. Paul*, and as to any farther Punishment, 'tis deferred till the Lord shall come.

As to the Powers given to the Guides, or Overseers; or Bishops of the Church, I allow their Claims have been exceeding great. They have assumed to themselves the Name of the *Church* and *Clergy*, hereby to distinguish themselves from the Flock of Christ. They have taken on them, as we have seen, to determine, mend, and alter the Faith, to make Creeds for others, and oblige them to subscribe them, and to act as though our Saviour had divested himself of his own Rights, and given unto them *all Power in Heaven and Earth*. But these Claims have as little Foundation in the Gospel as in Reason. The Words *Clergy* and *Church*, are never once used in Scripture to denote the Bishops or other Officers, but the Christian People. *St. Peter* advises the Presbyters *to feed the Flock of God, and to exercise the Episcopal Office* 1 Pet. v. *willingly, ^a not as lording it over the Heritages, or Clergy of God.* And *St. ³ Paul*, writing to his *Ephesians*, and speaking of their Privileges as Christians, says, that *by Christ they were made God's peculiar Lot, or Heritage, or ^b Clergy*. In like manner, the Body of Christians in general, and particular Congregations in particular Places, are called the Church, but the Ministers of the Gospel never in contradistinction to them. 'Tis of all Believers that *St. Peter* gives that noble Description, that they are *a spiritual House, an holy Priesthood, to offer up spiritual Sacrifices, a chosen Generation, a royal Priesthood, an holy Nation, and a ^c peculiar People, or a People for his peculiar Heritage, or purchased Possession*, as the Word is render'd, *Eph. i. 14*. So that to be the Church, the Clergy, and the sacred Priests of God, is an Honour common to all Christians in general by the Gospel Charter. These are not the Titles of a few only, who love to exalt themselves above them.

Undoubtedly, the Order of the Christian Worship requires, that there should be proper Persons to guide and regulate the Affairs of it. And accordingly *St. Paul* tells us, that *Christ gave some Apostles, some Prophets, some Eph. iv. Evangelists, and some Pastors and Teachers*, different Officers, according to the different State and Condition of his Church. To the Apostles, extraordinary Powers were given, to fit them for the Service to which they were called; and, to enable them to manage these Powers in a right Manner, they were under the peculiar Conduct of the Spirit of God. Thus our Saviour, after his Resurrection, breathed on his Disciples the Holy Ghost, and said, *Whose soever Sins ye remit, they are remitted to them; and whose soever Sins ye retain,* John xx.

^a Μη ως κατακυριεύοντες των κληρων.

^b Εν ω η εκκλησια εδημιουργηθη.

^c Λαος εις περιποιησιν.

they are retained; a Commission of the same import with that which he gave them before, *Matt. xviii. 18. Whatsoever ye shall bind on Earth, shall be bound in Heaven; and whatsoever ye shall loose on Earth, shall be loosed in Heaven.* To bind, is to retain Mens Sins; and to loose, is to remit their Sins. And this Power the Apostles had; and it was absolutely necessary they should have it, or they could never have spread his Religion in the World. But wherein did this binding and loosing, this retaining and remitting Sins, consist? What, in their saying to this Man, I absolve you from your Sins; and to the other, I put you under the Sentence of Damnation? Would any considerate Man in the World have ever credited their Pretensions to such an extravagant Power? Or can one single Instance be produced of the Apostles pretending to exercise it? No. Their Power of binding and loosing, of retaining and remitting Sins consisted in this, and in this principally, *viz.* their fixing the great Conditions of Mens future Salvation, and denouncing the Wrath of Almighty God against all, who, thro' wilful Obstinacy, would not believe and obey the Gospel. And the Commission was given them in the most general Terms, *Whose soever Sins ye retain, &c.* not because they were to go to particular Persons, and peremptorily say, *You shall be saved, and you shall be damned,* but because they were to preach the Gospel to Gentiles, as well as Jews, and to fix those Conditions of future Happiness and Misery, that should conclude all the Nations of the Earth, to whom the Gospel should be preached. This was their proper Office and Work, as Apostles; and, in order to this, they had the Spirit given them, to bring all Things that Christ had said to their Remembrance, and to instruct them fully in the Nature and Doctrines of the Gospel. And as they have declared the whole Counsel of God to the World, they have loosed and bound all Mankind, *even the very Bishops and Pastors of the Church, as well as others,* as they have fixed those Conditions of Pardon and Mercy, of future Happiness and Misery for all Men, from which God will not recede, to the End of Time. This was a Power fit to be entrusted with Men under the Conduct of an unerring Spirit, and with them only; whereas the common Notion of sacerdotal or priestly Absolution, as it hath no Foundation in this Commission to the Apostles, nor in any Passage of the sacred Writings, is irrational and absurd, and which the Priests have no more Power to give, than any other common Christian whatsoever, no, nor than they have to make a new Gospel.

I would add, that as the Apostles received this Commission from Christ, they were bound to confine themselves wholly to it, and not to exceed the Limits of it. They were his Servants who sent them, and the Message they received from him, that, and that only, were they to deliver to the World.

- 2 Cor. v. Thus St. Paul says of himself, that God had committed to him the Word of Reconciliation, and that he was an Ambassador for Christ; that he preached not himself,
 20. iv. 5. but Christ Jesus the Lord, and himself the Servant of others for Jesus sake.; that he
 i. 24. had no Dominion over others Faith, no Power to impose upon them arbitrary Things, or Articles of Faith, which he had not received from Christ; and
 1 Cor. ii. that accordingly he determined to know nothing but Christ, and him crucified, i. e. to
 2. preach

preach nothing but the pure and uncorrupted Doctrines of his Gospel; and that this was his great Comfort, that he had *not shunned to declare the Counsel of God*. If then the inspired Apostles were to confine themselves to what they received from God, and had no Power to make Articles of Faith, and fix Terms of Communion and Salvation, other than what they were immediately ordered to do by Christ, it is absolutely impossible that the Clergy can have that Power now; who have, as I apprehend, no immediate Commission from Christ, nor any direct Inspiration from his Holy Spirit. Nor is there any Thing in the Circumstances of the World to render such a Power desirable; because the Apostles have shewn us all Things that we need believe or practise as Christians, and commanded the Preachers of the Gospel to teach no other Doctrines but what they received from them. Hence St. Peter's Advice to the Elders, that they should *feed the Flock of God, not as lording it over* ^{1 Pet. v. 3.} *the Heritage*. And St. Paul, in his Epistles to *Timothy*, instructing him in the Nature of the Gospel Doctrines and Duties, tells him, that *by putting the* ^{1 Tim. iv.} *Brethren in Remembrance of these Things, he would approve himself a good Minister* ^{6.} *of Jesus Christ, and commands him to take Heed to himself, and to the Doctrines* ^{vi. 13, 14,} *he had taught him, and to continue in them, charging him, in the Sight of God,* ^{20.} *and before Christ Jesus, to keep the Commandment given him, that which was com-* ^{2 Tim. ii.} *mitted to his Trust, without Spot, unrebukeable, till the Appearance of Christ Jesus.* ^{2.} These were the Things to which *Timothy* was to confine himself, and to commit to others, that they might be continually preached in the Christian Church; and of Consequence 'tis the same Apostolick Doctrine that the Bishops, or Elders, or Ministers of the Church, are to instruct their Hearers in now, as far as they understand it, without mixing any Thing of their own with it, or of any other Persons whatsoever.

The great End and Design of the ministerial Office, is for the *perfecting* ^{Acts xz.} *of the Saints, and the edifying of the Body of Christ*. Hence the Elders are com- ^{28.} *manded to take Heed to themselves, and to the Flock over which the Holy Ghost had made them BISHOPS, to feed the Church of God*. They are likewise exhorted to *hold fast the faithful Word, as they had been taught, that by sound Doctrine they may be able to exhort and convince others*. They are to *give Attendance to Reading, Exhortation, and Doctrine*, and to put others in Remembrance of the great Truths of the Gospel, charging them, before the Lord, not to strive about unprofitable Words, but *to be gentle to all Men, and in Meekness to instruct even those who oppose*. They are to *contend earnestly for the Faith, as well as other Christians, but then 'tis for that Faith which was once delivered to the Saints*; and, even for this, *the Servant of the Lord is not, μαχηδης, to fight*. He is not to ^{2 Tim. ii.} *use carnal, but Spiritual Weapons, nor to put on any Armour, but that of* ^{24.} *Righteousness on the Right Hand, and on the Left*. They are to *speak the* ^{Eph. iv.} *Truth, but it must be in Love*. They should be *zealously affected*, but it should ^{15.} *be always in a good Thing*. They must *stop the Mouths of unruly and vain Talkers,* ^{Tit. i. 11.} *but it must be by Uncorruptness of Doctrine, Gravity, Sincerity, and sound Speech,* ^{ii. 8.} *that cannot be condemned*. Upon these, and the like Accounts, they are said

to be over us in the Lord, to rule us, and to be our Guides ; Words that do not imply any Dominion that they have over the Consciences of others, nor any Right in them to prescribe Articles of Faith and Terms of Communion for others. This they are expressly forbidden, and commanded to preach the Word of God only, and pronounced accursed if they teach any other Gospel than that which they have received from the Apostles. And of Consequence when we are bid to obey and submit our selves to them, it is meant then, and then only when they rule us in the Lord, when they speak to us the Word of God, and labour in the Word and Doctrine. In all other Cases, they have no Power, nor is there any Obedience due to them. They are to be respected, and to be had in double Honour for their Work sake, i. e. when they preach not themselves, but Christ Jesus the Lord, and when their Faith and Conversation is such, as to become worthy our Imitation. But if they teach otherwise, and consent not to the Words of our Lord Jesus, if they doat about Words whereof come Envy, Strife and Railing, supposing that Gain is Godliness, from such we are commanded to withdraw our selves. The Episcopal Character, however otherwise greatly venerable, then forfeits the Reverence due to it, and becomes contemptible.

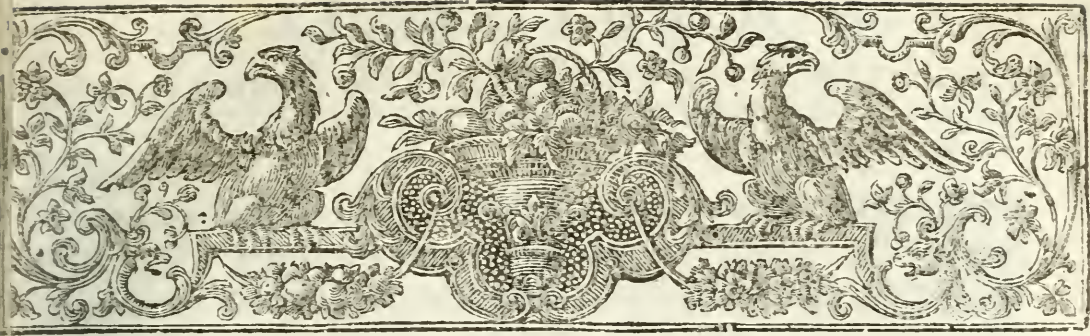
So that there are no Powers or Privileges annexed to the Episcopal or Ministerial Character in the sacred Writings, that are in the least favourable to the Cause of Persecution, or that countenance so vile and detestable a Practice. As to the Affair of Excommunication, by which the Clergy have set the World so often in a Flame, there is nothing in the sacred Records that confines the Right of exercising it to them, nor any Command ever to exercise it, but towards notorious and scandalous Offenders. The incestuous Corinthian was delivered over to Satan by the Church in full Assembly, on which Account his Punishment or Censure is said to be by many. And though St. Paul bids Titus to reject an Heretick, he also bids the Corinthians to put away that wicked Person from amongst them, which had brought such a Scandal upon their Church, and the Thessalonians, to withdraw themselves from every Brother that should walk disorderly. So that as the Clergy have no Right, from the New Testament, to determine in Controversies of Faith, nor to create any new Species of Heresy, so neither have they any exclusive Right to cut off any Persons from the Body of the Church, much less to cut them off from it for not submitting to their Creeds and Canons; and of Consequence no Power to mark them out by this Act to the civil Magistrate, as Objects of his Indignation and Vengeance.

I have been the longer on this Head, that I might fully vindicate the Christian Revelation, from every Suspicion of being favourable to Persecution. Notwithstanding some late Insinuations of this kind that have been thrown out against it by its professed Adversaries, let but the Expressions of Scripture be interpreted with the same Candour as any other Writings are, and there will not be found a single Sentente to countenance this Doctrine and Practice. And therefore though Men of corrupt Minds, or weak Judgments, have, for the sake of worldly Advantages, or through strong Preju-

Prejudices, entered into the Measures of Persecution under Pretence of vindicating the Christian Religion, yet as they have no Support and Foundation in the Gospel of Christ, the Gospel ought not to be reproached for this, or any other Faults of those who profess to believe it. Let Persecution be represented as a most detestable and impious Practice, and let Persecutors of every Denomination and Degree bear all the Reproaches they deserve, and be esteemed, as they ought to be, the Disturbers, Plagues and Curses of Mankind, and the Church of God; but let not the Religion of Jesus Christ suffer for their Crimes, nor share any Part of that Scandal, which is due only to those who have dishonoured their Character and Profession, and abused the most beneficent and kind Institution that ever appeared in the World.

It is in order to expose this shameful Practice, and render it the Abhorrence of all Mankind, that I have drawn up the foregoing Sheets, and, I presume, that no one who hath not put off Humanity it self can read them, without becoming Sentiments of Indignation. The true Use to be made of that History, is, not to think dishonourably of Christ and his Religion, not to contemn and despise his faithful Ministers, who, by Preaching and Practice, by Reason and Argument, endeavour to propagate Knowledge, Piety, Righteousness, Charity, and all the Virtues of private and social Life. The Blessing of the Almighty God be with them. The Grace of our Lord Jesus Christ succeed and prosper them. I say therefore, the Use of the foregoing History is to teach Men to adhere close to the Doctrines and Words of Christ and his Apostles, to argue for the Doctrines of the Gospel with Meekness and Charity, to introduce no new Terms of Salvation and Christian Communion, not to trouble the Christian Church with metaphysical Subtleties and abstruse Questions, that minister to Quarelling and Strife, not to pronounce Censures, Judgments, and Anathemas, upon such as may differ from us in speculative Truths, not to exclude Men from the Rights of civil Society, nor lay them under any negative or positive Discouragements for Conscience sake, or for their different Usages and Rites in the External of Christian Worship; but to remove those which are already laid, and which are as much a Scandal to the Authors and Continuers of them, as they are a Burthen to those who labour under them. These were the sole Views that influenced me to lay before my Reader the foregoing melancholy Account; not any Design to reflect on the Clergy in general, whose Office and Character I greatly reverence, and who, by acting according to the original Design of their Institution, would prove the most useful Set of Men in every Nation and Kingdom, and thereby secure to themselves all the Esteem they could reasonably desire in the present World, and, what is infinitely more valuable, the Approbation of their great Lord and Master in another.

F I N I S.



T O T H E

Most Reverend Father in God,

J O H N,

Lord Arch-Bishop of *Canterbury*,

Primate and Metropolitan of all *ENGLAND*.

May it please Your GRACE;



THE Book which I now publish, and my History of the Inquisition prefixed to it, appeared to me worthy of Your Grace's Patronage, rather than any other Person's living, when I considered the Subject treated of in both of them, and that high Station, which in these most difficult Times You support with the greatest Honour and universal

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versal Applause of all good Men, for the common Advantage of the Reformed Churches.

The Book it self contains the Sentences of the *Tbolouse* Inquisition, pronounced during the Space of sixteen Years, principally against the *Albigenses* and *Valdenses*, about the Beginning of the Fourteenth Century. In these Sentences there are not only many curious Things, which greatly illustrate the Histories of those Times, but the Inquisition it self, and the Method of its Procedure, is represented by about one hundred Sentences pronounced by it, and held up as it were in a Glass to be discerned by all: From hence, even the Papacy it self, which principally is supported by Cruelty and Persecution, may be more fully known, which, tho' covered with Sheeps Cloathing to deceive the Unwary, cherishes a Wolf in its Bosom. My History of the Inquisition gives Light to the Book of Sentences. My Design in it was to give a Representation of that Tribunal, not in a false Disguise, nor deform'd by unnatural and hideous Colours, but in living and genuine ones; I mean, to draw the Picture of that horrible Court, which makes its principal Boast of the Title of Sanctity, to the Life, not from the Writings of those who separate from the Church of *Rome*, but that there may be no Room for Calumny, from those of the Popish Doctors, and even Inquisitors themselves; that hereby the vast Power granted to the Inquisitors, the most cruel Laws of it, and the unjust Method of Procedure, quite different from the Usage of all other Courts, might appear to the whole World, and that hereby the Papacy it self might be known to all Mankind to be what it really is. For indeed there is nothing that more evidently discovers its Nature, than that immense and supream Power, by which the Pope of

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Rome,

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Rome, claiming to be the Vicar of Christ on Earth, makes himself the Judge of the Faith, and usurps Dominion over the Consciences of the Faithful. And of this the Office of the Inquisition is the most abundant Proof. For here the Pope, as supream Legislator, makes Laws, by which he endeavours to bind, under the most severe Penalties, all who wear the Name of Christ, without excepting those of the highest Rank, no not Princes and Kings, to obey and believe all Things, which are established by the Canons of the Church of *Rome*. And as supream Judge of the Faith, he erects himself a Tribunal, from the Judgment of which none of the Faithful are exempted: He sends his Inquisitors into all Provinces and Countries, who, as Judges delegated by him, exercise Judgment in his Name, and make all Magistrates and Princes obedient to their Commands, as tho' they were the Commands of the Pope himself. And that it may appear that he sets himself up as God, he endeavours to search out the most concealed Things, and, as far as he can, the very Thoughts of the Heart. He commands the most private Affairs, transacted between the most intimate Friends, to be informed of to the Inquisitors, if there appears to be the least Suspicion of a wavering Faith, under this most severe Threatning, that if any one doth not immediately discover what he hath heard and seen, he shall be esteemed as an Accomplice in the Crime, and as an Hinderer of the holy Office of the Inquisition; that by this Means, even from the smallest Proofs, he may form a Judgment of the very Thoughts, or by the most cruel Tortures draw out a Confession of every Thing harbour'd in the Mind, or at least punish the Action or Word that gave Occasion to the Suspicion. And that it may more evidently appear, that this Tribunal is

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erected not for the Honour, but rather for the Reproach of Christ, he ordains those Punishments, and exercises those Judgments, not against the profane and impious Violaters of the Divine Laws, Thieves, Adulterers, Drunkards, Revilers, and the like, concerning whom the Scripture plainly pronounces, that they shall not inherit the Kingdom of Heaven; but against the Transgressors of his Laws, which, without any Foundation in the Word of God, he hath, by an insolent Usurpation of spiritual Power, laid on the Church of God, as a Yoke to distinguish all who are subject to him. So that if any one doth not observe the least Ceremony he commands, or not believe what is ordered by him to be believed, altho' he is persuaded by the clear Testimony of the Word of God, that he ought to act and believe otherwise, or gives the least Proof of such a Belief, he can't escape the cruel Hands of the Inquisitors. So that by these Fruits 'tis evident, he prefers his own Commandments to the Divine.

On the other hand, all who desire to preserve the Purity and Liberty of the Gospel, every where highly esteem and honour Your Grace, who, as you preside over the Church of *England* by far the most Eminent of all the Reformed Churches, are for this Reason, I had almost said, their common Defender. You by Methods and Counsels, directly contrary to the Papal Tyranny, labour with great Success to promote the Christian Doctrine and Faith, and to bring Men into the Way of Salvation. For, not to mention Your Grace's chaste and natural Eloquence in Preaching, so agreeable to the Holy Scriptures, the Strength and Force of Your Judgment in Arguing, Your Learning, not for Ostentation, but Usefulness, and those other excellent Qualifications, which formerly drew the
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Hopes and Eyes of all good Men upon You, and for which You are now an Ornament to Your Profession; the great Goodness of Your Mind, so highly becoming an Evangelical Pastor, gives a happy Prefage to the Reformation, even now in Danger, and lately almost oppressed. For such is the Integrity of Your Life, such the Simplicity and Candor of your Behaviour, such Your Charity and Benevolence to all, such Your Wisdom from long Experience, that You seem to have been chosen by Divine Providence, by Your Conduct to unite and strengthen the reformed Churches, to heal their Differences, and to advance and defend the Gospel Liberty and Christian Religion against the Attempts and savage Cruelty of the Papists. For You not only approve, but are a Pattern of true Gospel Charity. You oppose the Papal Tyranny and Barbarity, by Purity of Life and Gentleness of Disposition, the very Methods by which Christianity formerly overcame and destroyed Idolatry, and the Heathen Impiety and Tyranny, and by which it always will triumph over its Enemies. I could not therefore submit this Work to any but Your Grace's Protection, and persuade my self You will with me judge it to be seasonable; especially in this State of Affairs, in which the Papacy is endeavouring, especially in *England*, to erect it self again, and usurp the sole Dominion; that in this Treatise all Men may see, as in a Glass, its living and genuine Representation, and never suffer themselves to be deceived by a false and disguised Appearance, but acknowledge it to be what it really is, *viz.* an Assembly and Combination of cruel and bloody Men, who affect and usurp, where-ever they can, a Dominion over Conscience, and thus erect a Kingdom opposite

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site to that of Christ's: That by this Means, they may, under Your Conduct and Government, as a truly spiritual Father, learn to abhor, and with all their Hearts, to detest that imperious Society, and oppose the Propagation of it, by Faith unfeigned, a Charity truly Christian, and by Sanctity of Behaviour; and that they may also consult the Safety of the reformed Church, and especially learn from thence to abhor all Cruelty and Punishment towards Dissenters and erroneous Persons, in other Respects pious, as those who know, that we must all give an Account of our Faith before the Tribunal of Christ, the supream Lawgiver and Judge, and that it is not lawful for any Men to give a Law to Consciences, or prescribe the Rules of Believing, because this is in Reality to ascend the Tribunal of Christ himself. Thus the Church will prosper and flourish under Your Grace's Care; Enmities, Hatred and Schisms, which have miserably divided it into Parties, will be destroyed; and if God, offended with us for our Sins, shall not vouchsafe to restore to us those golden Ages of the primitive Church, in which all the Faithful were of one Heart and one Mind, yet that we may all at least learn this from hence, not to rule over another's Conscience, never to punish an erroneous Christian for a mere harmless Mistake, never to put to Death any one for an ingenuous Profession of his Faith, of which he is ready to give an Account to God, but to refute their Errors by the Force of Reason, and the plain Testimony of Scripture, and in the mean while to wait with Gentleness and Patience for their Repentance, if peradventure God should grant them to understand their Errors, and give them an Heart sincerely to embrace the Truth.

May

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May the God of Peace, who brought again from the Dead that great Shepherd of the Sheep, our Lord Jesus Christ, by the Blood of the everlasting Covenant, prosper all your most pious Endeavours for the Peace and Safety of the Church, and grant that You may happily restore it when fallen, and support it when tottering, by the same Aids, with which it first grew, encreased, and was established. These are the sincere and most affectionate Prayers of, may it please Your Grace,

Your GRACE's

Most Humble and

Devoted Servant,

Philip a Limborch.



Mr. LIMBORCH'S
P R E F A C E
T O T H E
R E A D E R.

WHEN first I determined to publish the Book of the Sentences of the Tholouse Inquisition, I had Reason to think that it would be the same with others, as I found it with my self, viz. that several Things in those Sentences would not be very clear, unless the Nature of the Inquisition, and Method of Proceeding in it, were, in some Measure, understood; and therefore, I intended, for the Reader's Advantage, to prefix to it a Dissertation concerning the Inquisition: But, as I turned over the Authors who treated of this Affair, I found such Plenty of Matter, that I laid by my first Design, and resolv'd to write an entire History of the Inquisition. Whether I have answered Expectation, the Reader must judge: I am sure I was not wanting in the desire to serve him. The History it self I have comprehended in Four Books; in which I have so fully explained every Thing relating to the Inquisition, and that could clear up the Books of Sentences, that I am perswaded the Reader will find no Obscurity left when he peruses them. He will perceiv'e, by the Laws and Bulls every where published against Hereticks, why such a Punishment is inflict'ed upon each Person, and the Crimes object'ed to the Criminals, and why the Sentences are conceiv'd in these and no other Words. And
although

although the Punishments enjoyned Penitents, by way of wholesome Penances, are arbitrary, and left to the Pleasure of the Inquisitors, yet they are directed by some certain Laws and Customs; so that, upon bearing the Crimes read objected to any Criminal, it may, from thence, be easily gathered to what Penance he is to be condemned, according to the Laws and Customs received in the Inquisition.

I have not, through an Attachment to any Party, written any Thing contrary to Truth. I have made use of Popish Authors, yea, Inquisitors themselves, and Counsellors of the Inquisition, who are so far from having written any Thing untrue, out of Hatred to the Inquisition, that they every where cry up the Sanctity of it, and, without End or Measure, inculcate its vast Advantage to the Church of Rome; and therefore, whatever they write concerning the Inquisition, and Method of Proceeding before that Tribunal, I assured my self I might safely relate, without any Charge of Calumny on account of it. And, to cut off all Pretence for such a Charge, I thought proper to retain the very Words of the Popish Doctors, as they are extant in their own Books, without any Alteration, unless where, because of their Prolixness, I have abridged them; and, even then, I have made use of their own Words, as far as the Nature of an Abridgment would allow; so that he who reads my History, will read not so much my Words, as those of the Inquisitors themselves, and other Popish Doctors. I thought I should hereby greatly serve the Publick, by shewing what sort of Court that of the Inquisition is, the Papists and Inquisitors themselves being Witnesses. Amongst all the Authors I have quoted, R. Gonsalvius Montanus is the only one that was a Protestant; and, as far as I can gather from his Book, was one of those, who, about the Death of the Emperor Charles V. gathered a Church for worshipping God in a purer Manner at Seville, upon discovering the grievous Errors and Superstitions of the Church of Rome, which was afterwards dispersed by that most cruel Inquisition, of which there were held Acts of Faith at Seville and Valladolid, An. 1559. But I have scarce any Thing from him but what is affirmed by other Authors; he only supplies me with Instances fully to illustrate what others write concerning the Inquisition, the Laws of it, and Method of Proceeding. To him I may add James Usser, Archbishop of Armagh, from whose Treatise, De Successione, &c. I have borrowed some few Things. But, inasmuch as even these Things were taken from Popish Authors, of whom there are frequent

* *


Quota-

P R E F A C E to the R E A D E R.

Quotations in that Treatise, what I have transcribed from thence, ought, in Justice, to have the same Authority with the Papists, as though I had quoted it from the very Authors, whose Words are made use of by that most learned Prelate.

The Reader may, perhaps, wonder at one Thing, that I have always called those Hereticks that have been proceeded against by the Inquisition: But, as I was relating the Popes Bulls, and the Decrees of Popish Councils, I could not help using the same Words I found in them. By an Heretick, therefore, I understand one condemned for Heresy by the Church of Rome. I could not rehearse their Decrees but in their own Words, and was therefore forced always to use them, unless I would have interrupted the Course of the History, by repeated and innumerable Alterations, and thereby rendered it less pleasing and acceptable. Let it therefore suffice, once for all, to say, that, by the Word Heretick, when I ever speak of the Inquisition against Hereticks, I do not mean one who is truly an Heretick, but accounted an Heretick by the Church of Rome, taking the Word in the Popish Sense of it. In the mean while, those who are Hereticks in their Account, are not so in mine; and I sincerely believe, that those which the Church of Rome hath condemned for Heresy, have died, and gloriously endured the Punishment of Fire for the Testimony of Jesus Christ, and the maintaining a good Conscience. These few Things I thought proper to advise my kind Reader of, and hope he will pass a favourable Judgment. Sep. 13. AN. CIOIOCXII.





A CATALOGUE of the AUTHORS out
of whose Writings the HISTORY of the
INQUISITION is principally drawn.

Directorium Inquisitorum Fr. Nicolai Eymerici Ord. Præd. cum
Commentariis Francisci Pegnæ J. V. D. Romæ in ædibus pœ-
puli Romani. MDLXXXV. fol. *Eymericus was born at Girona in
Catalonia, was a Predicant Monk, and flourished in the Papacy of
Urban V. and Gregory XI. and in the Reign of Peter IV. King of
Aragon. He was made Inquisitor General about the Year 1358. and
succeeded Nicholas Rosell. He was made a Cardinal An. 1356. He
died Jan. 4, 1393. having executed the Office of the Holy Inquisition
for forty four Years together.*

*Pegnæ was a Spaniard, of the Kingdom of Aragon, made Auditor
of the Roman Rota, in the room of Christopher Robusterius, Oct. 14,
1588. He was advanced to the Deanery of the same Court June 9,
1604. in the room of Cardinal Jerom Pamphili, and died in that
Deanery Aug. 21, 1612.*

Francisci Pegnæ Instructio, seu Praxis Inquisitorum, cum annota-
tionibus Cæsaris Carenæ. Lugduni 1669. post Carenæ tractatum de
Officio SS. Inquisitionis. fol.

Guidonis Fulcodii, quæstiones quindecim ad Inquisitores; cum an-
notationibus Cæsaris Carenæ, ibid. *Fulcodius was a Cardinal, and
afterwards Pope, by the Name of Clement IV.*

Lucerna Inquisitorum Fr. Bernardi Comensis, cum annot. Francisci
Pegnæ, impressa Romæ cum licentiâ Superiorum, ex officina Bartho-
lomæi Grassi. 1584.

Jacobus Simancas de Catholicis Institutionibus. *Simancas was Bishop
of Badajox in the Kingdom of Portugal, and Province of Estremadura.*

Joannes à Royas, de hæreticis eorumque impiâ intentione & cre-
dulitate. *Royas was a Licentiate of the Canon and Civil Law,
Inquisitor of heretical Pravity at Valencia in Spain.*

Zanchini Ugolini tractatus de hæreticis: cum Additionibus Fr.
Camilli Campegii. *Z. Ugolinus was a Lawyer of Rimini in Italy.*

C. Campegius was a *Predicant Friar, and Inquisitor General in
all the Territories of Ferrara.*

Conradus Brunus de hæreticis & schismaticis, lib. 6.

Forma procedendi contra hæreticos, seu inquisitos de hæresi, & in causa hæresis. Autor creditur Joannes Calderinus.

Hi quinque autores exstant in Parte II. Tom. XI. tractatum illustrium Juris consultorum, quæ agit, de judiciis criminalibus S. Inquisitionis.

Ludovicus à Paramo, de Origine & Progressu Officii Sanctæ Inquisitionis, ejusque dignitate & utilitate. Madriti, ex Typographiâ Regiâ. MDXCIIX. fol. Ludovicus à Paramo was *Archdeacon and Canon of Leon, a City in Spain, and Inquisitor of the Kingdom of Sicily.*

Antonii de Soufa, Aphorismi Inquisitorum. Lugduni, apud Anisson. 1669. 8. Soufa was a Portuguese of Lisbon, a *Predicant Friar, Master of Divinity, and Counsellor to the King and the Tribunal of the supream Holy Inquisition.*

Cæsaris Carenæ, tractatus de Officio Sanctissimæ Inquisitionis, & modo procedendi in causis fidei. Lugduni apud Anisson. 1669. fol. Carena, D. D. was *Auditor of Cardinal Camporeus, Judge Conservator, Counsellor, and Advocate Fiscal of the Holy Office.*

Reignaldi Gonsalvii Montani Sanctæ Inquisitionis Hispanicæ artes aliquot detectæ ac palam traductæ. Heidelbergæ 1567. 8.

Pauli Servitæ Historia Inquisitionis, præsertim prout in Dominio Veneto observatur.

Relation de l'Inquisition de Goa. 12. à Paris 1687.

Memoires de la Cour d'Espagne. 12. à la Haye. 1691.

Abrahami Bzovii Annalium Ecclesiasticorum Baronii Continuatio, Antwerpæ 1617.

Annales Ecclesiastici ex Tomis octo ad unum pluribus auctum redacti: Autore Odorico Raynaldo. Romæ ex Typographia Vareseii. 1667. Raynaldus was of Treviso, *Presbyter of the Congregation of the Oratory.*

Compendium Bullarii Flavii Cherubini. Lugduni apud Laurentium Durand, 1624. 4.

Lucae Waddingi Annales Minorum, in quibus res omnes trium Ordinum Franciscanorum tractantur. Lugduni 1625. fol.

Jacobi Augusti Thuani Historia sui temporis.

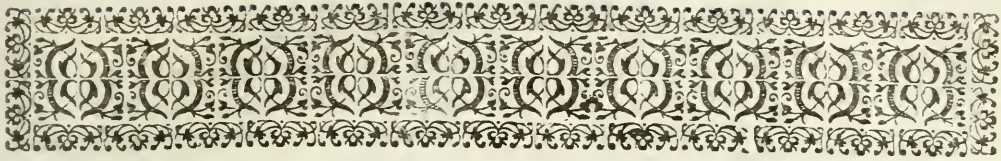
Jacobus Usserius Archiepiscopus Armachanus de Successione Ecclesiarum in Occidentis præsertim partibus.

Liber Sententiarum Inquisitionis Tholosanæ.

Liber catenatus, MS. inter archiva Capituli S. Salvatoris, Trajecti ad Rhenum.

Glossarium ad Scriptores mediæ & infimæ Latinitatis, Caroli du Fresne Domini du Cange. Lutet. Paris. 1678. fol.

Dominici Macri Hierolexicon. Romæ 1677. fol.



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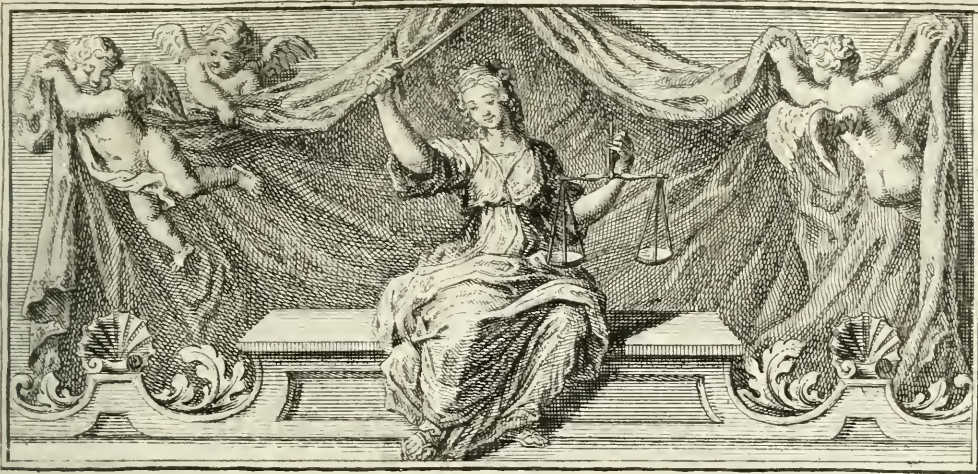
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T H E
H I S T O R Y
O F T H E
I N Q U I S I T I O N .

C H A P . I .

The Doctrine of JESUS CHRIST forbids Persecution on the Account of RELIGION.

ALTHOUGH the very Name of the INQUISITION was not so much as heard of in the Christian Church, before the Thirteenth Century, yet having now spread it self almost throughout the whole World, and become every where notorious; it is not to be wondered at, that there should be a general Curiosity in Mankind of more thoroughly understanding it, and knowing by what Laws it is conducted, and what are the Methods of Proceeding therein. The Doctors of the *Romish Church* give it the highest Commendations, as the only and most certain Means of extirpating Heresies, and an impregnable Support of the Faith;

B

The HISTORY of the INQUISITION.

Faith; not invented by human Wisdom and Council, but given to Men by the immediate Influence of Heaven, whose Tribunal breathes nothing but Holiness, and to which they give such Titles as denote the most perfect Sanctity. The Inquisition it self is called the *Holy Office*; the Prison of the Inquisition the *Holy House*, so that the very Name raises it Respect and Veneration: Yea, they go so far as to compare it with the Sun; and affirm, that as it would be accounted ridiculous to commend and extol the Sun, it would be equally so to pretend to praise the Inquisition. The Protestants on the other hand represent it, not only as a cruel and bloody, but most unjust Tribunal; where, as the Laws by which other Tribunals are governed are disregarded, so many Things, which every where else would be esteemed Unrighteous, are commended as Holy. And they are so far from thinking that it is a proper Means of restraining or punishing the Guilty, (which is the principal Thing to be aim'd at by every Tribunal) that on the contrary, they believe it was invented for the Oppression of Truth, and the Defence of Superstition and Tyranny; where Persons, let their Innocency appear as bright as the Sun at Noon-day, are treated as the most vile and perfidious Wretches, and cruelly put to Death by the severest Tortures. I therefore thought it might be of Service to the World, to describe the Origine of this Tribunal; and against whom, and by what Methods they generally proceed in it. In order to this, it is necessary to look back, and deduce this whole Affair from the very Original.

The Christian Religion, taught by the inspired Apostles, made its Progress in the World, and shewed it self to be of Divine Original by the Holiness of its Precepts, the exceeding Greatness of its Promises, and the many Miracles wrought in Confirmation of it; and, at last, brought the whole World into its Obedience without the Assistance of Carnal Weapons, or Temporal Power. Our Lord himself expected only a voluntary Obedience from Mankind; as he required only to be worshipped in Spirit, and commanded every one that would be his Disciple to deny himself, which is the proper Work of the Mind and Soul, and cannot be effected by any external Violence whatsoever. Even God the Father himself heretofore, in order to represent the Nature of the Kingdom of his Son Jesus Christ, shewed it to *Daniel* under the Figure of the Son of Man, whilst the other Kingdoms of this World were denoted by the Images of wild Beasts; for no other Cause undoubtedly, but to shew the different Nature of Christ's Kingdom from the Kingdoms of this World. These are to be erected, enlarged, and preserved by Violence and Arms, and Measures fierce and bestial; his, by Mildness, Gentleness, and the Weight of Arguments, in order to convince, and not offer Force to the Mind. The Precepts of the Gospel breathe nothing but Charity and Love: Our Lord calls Charity his New Commandment, by which he would have all Men know and distinguish his Disciples. But there is nothing so opposite to Charity as the punishing an erroneous Person, who believes he promotes the Divine Glory by his Error; and in Defence of it, is ready to undergo the most cruel and shameful Death.

Our

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Our Saviour sent his Disciples like Sheep into the midst of Wolves, in order to bear Testimony to the Gospel by their Patience under Sufferings, and hereby spread the divine Savour of it through the World. It was far from his Design, that like Wolves they should tear and devour the Sheep; or that they should violently compel those by the Terrors of Torments and Death to embrace his Religion, whom they could not gain by the Force of Arguments: Besides, all agree that Faith is the Gift of God, and therefore can never be produced by human Force; nor can God be prevailed on by external Violence to communicate this his excellent Gift. The Mind is to be convinced by Arguments; the Tongue and bodily Members may be forced by external Violence; but this can never extort from any one a real Belief of that to be true, which he is perswaded in his Mind is false: So that nothing can be more directly opposite to the Genius of Christianity, than to persecute the Erroneous; to expose them under the infamous Name of Hereticks to the Fury of the Mob, and punish them with a cruel Death.

Nor are we to think, that these gentle Means of propagating Christianity were proper only for the Time of its first Appearance, when the Church was destitute of the Civil Power; and by Reason of its Opposition to the prevailing Religions of the World, drew upon it self the Anger and Fury of the Princes of it; but that the Case is now alter'd, since the Kings and Rulers, upon their Conversion to the Faith, are obliged to subject their Scepters to Jesus Christ: For the Change of Fortune makes no Change in his Religion; nor can the Alteration of any worldly Affairs take away the Force and Obligation of his Commands; for Christ, by his Apostles, preached one Scheme of Doctrines to last for ever. 'Tis true, that Kings are to submit their Scepters to Christ, not by forcing Men with Punishments, in Opposition to his Commands, to profess, contrary to their Conscience and real Sentiments, what they believe to be false, and so to fill his Church with Hypocrites instead of true Believers; but by ordaining equal and just Laws, agreeable to the Gospel Precepts, for the Preservation of the Publick Tranquillity; and that there may be nothing to obstruct the true spiritual Worship of God, and the Salvation of Souls. This is that most harmless, and yet most powerful Method of propagating the Gospel, agreeable to its Nature and Genius, by which in the Beginning, it was spread in a short Time through the whole World, by a few weak and defenceless Persons, instructed only by the Divine Spirit, through the Weight of its Arguments, and the Power of its Miracles: and by which it may be still propagated, and preserved pure and uncorrupt, against all the Attempts of Unbelievers and Hereticks: For our Lord did not furnish his Disciples with carnal Weapons to oppose the Frauds, Impostures, Violence and Persecutions of the World, but with spiritual Weapons, which through God are powerful to bring every Imagination into Captivity to the Obedience of Christ, that they might triumph over the World in the midst of Afflictions, by their Innocence, Simplicity, Fortitude and Patience. So far indeed was he from
B 2 ordaining

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ordaining Persecutions, as the Punishment of Error, that he commands his Church, when suffering Persecutions, to pray for those that persecute it. By this Means the Church in the Beginning was founded, and so wonderfully propagated throughout the whole World in its first and purest Ages.

C H A P. II.

The Opinion of the PRIMITIVE CHRISTIANS concerning Persecution.

A GREEABLE to this Practice was the universal and constant Doctrine of these Times; for the primitive Christians opposed with the greatest Vigour, all Cruelty and Persecution for the Sake of Religion. 'Tis true, indeed, that they condemned the Heathen for their Barbarities; and argued wholly for this, that Christians should have the free Exercise of their Religion granted them; but they us'd such Arguments, and Topicks of Reasoning, and even sometimes when treating of different Subjects, express'd themselves in such a manner, as plainly declares that they do equally condemn all Sort of Violence for the Sake of Religion, against all Persons whatsoever. Thus *Tertullian*, in his Apology, c. 24. says: *Take heed that this be not made use of to the Praise of Impiety, viz. to take away from Men the Liberty of Religion, and forbid them the Choice of their Deity; so that it should be criminal for them to worship whom they would, and they should be compelled to worship whom they would not; no one would accept of an involuntary Service, no not a Man.* And in the 28th Chap. It plainly appears unjust, that Men possessed of Liberty and Choice, should be compelled against their Will to sacrifice. For in other Cases a willing Mind is required in the Performance of Divine Worship; and it may justly be accounted ridiculous to force any Person to honour the Gods, whom he ought willingly for his own Sake to endeavour to appease. And again, in his Book to *Scapula*, cap. 2. *Every one hath a natural Right and Power to worship according to his Perswasion, for no Man's Religion can be either hurtful or profitable to his Neighbour: Nor can it be a Part of Religion to compel Men to Religion, which ought to be voluntarily embraced, and not through Constraint; since 'tis expected, that even your Sacrifices should be offered with a willing Mind; so that if you compel us to sacrifice, think not to please your Gods; for unless they delight in Strife, they will not desire unwilling Sacrifices: But God is not a Lover of Contention.* *Cyprian* also agrees with *Tertullian* his Master, in his 62d Letter to *Pomponius*, concerning Virgins, where, treating of the Excommunication of Offenders, he thus speaks: *God commanded, that those who would not obey his Priests, and those Judges, which Time after Time he appointed, should be slain. Such were cut off with the Sword during the Dispensation of the Circumcision in the Flesh. But now, since the spiritual Circumcision takes Place in all the faithful Servants of God, the Proud and Obstinate are to be slain*
with

with the spiritual Sword, by being cast out of the Church. And in his 51st Letter to Maximus, the Presbyter, disputing against those who separated themselves from the Church, he speaks to them in this manner: *Since upon your Deliverance from Prison, you became infected with an heretical and schismatical Opinion, so it was, that all your Glory remained in Prison behind you; There you seemed to have left the Dignity of your Character, since you, the Soldiers of Christ, returned not to the Church when you came from your Imprisonment, who went into Imprisonment with the Commendation and Applauses of the Church; for though there may be Tares in the Church, this ought to be no Obstruction to our Faith and Charity; nor is their being in the Church any Reason for our Departure out of it: It should be our Care that we be found the true Wheat, that when the Master shall gather it into his Granaries, we may reap the Fruit of our Work and Labour. The Apostle, in his Epistle to the Corinthians, says, That in a large House there are not only Vessels of Gold and Silver, but of Wood and Earth, some to Honour, and some to Dishonour. Let us endeavour, as much as we can, to be found amongst those of Gold and Silver. 'Tis the sole Prerogative of the Lord to break the Earthen ones, to whom the Iron Rod is committed. The Servant cannot be greater than his Lord; nor should any one arrogate to himself what the Father hath committed to the Son only, viz. to winnow and purge the Flower, and separate, by any human Judgment, the Chaff from the Wheat. And in his 55th to Cornelius: Nor let any one wonder that some should forsake the Servant appointed over them, when the Disciples left the Lord himself, though he wrought the greatest Signs and Wonders; and proved by the Testimony of his Works, that he acted by the Power of his Father. And yet he did not reproach or grievously threaten them when they forsook him, but gently turned to his Apostles and said, What, and will you forsake me also? Observing that sacred Law, of every one's being left to his own Liberty and Will, and making for himself his own Choice, whether of Life or Death. And a little after, to the same Purpose: As for our part, most dear Brother, we are in Conscience obliged to endeavour, that no one perish from the Church through our Default; but if any one destroys himself, and will not repent and return to the Church, we who endeavoured their Salvation, shall be without Blame in the Day of Judgment; and they only remain in Punishment, who would not be healed by our salutary Admonitions. And since from these Passages, it plainly appears, that Cyprian taught, that all Force in Matters of Religion, is contrary to the Nature of Christianity; I cannot but take Notice of the Dishonesty of Bellarmine, who in de Laicis. his 3d Book of Controversies, c. 21. brings in Cyprian as a Defender of the Murder of Hereticks; who having in his Book concerning Martyrdom, cited that Passage out of Deut. xiii. That the false Prophet shall be slain, adds, If this was to be done under the Old Testament, much more under the New. But if we look to the Words immediately following, we shall find that Cyprian's Opinion was quite the reverse: For these are the Words of Cyprian: If before the coming of Christ, the Commands of worshipping God, and forsaking Idols, were to be observed, how much rather are they to be observed since his Appearance? who not only exhorted us by Words, but by his own Actions; and who, after having endured all manner of Injuries and Reproaches, was crucified, that he might leave us an Example*

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how to suffer and die. So that he hath no Excuse who will not suffer on his own Account; for as he suffered for the Sins of all, how much more ought every one to suffer for his own Sins? If this Passage be read entire, it will appear, how very falsely Bellarmine hath applied it to the Defence of the Murder of Hereticks, which was only intended as an Exhortation to the patient suffering of Martyrdom.

Lactantius defends the same Doctrine in a nobler and plainer manner, *lib. 5. c. 20.* There is no need of Compulsion and Violence, because Religion cannot be forced, and Men must be made willing, not by Stripes, but Arguments. Let them draw the Sword of their Reason: If their Reasons are good, let them produce them; we are ready to bear, if they can teach; if they are silent, we cannot believe them: If they pretend to force us, we cannot yield to them: Let them imitate us, or fairly debate the Case with us. 'Tis not our manner, as they object, to entice Men; we teach, prove, and demonstrate; no one is kept amongst us against his Will; and he must be unacceptable to God, who wants Devotion and Faith; and yet none forsake us, being preserved by the sole Evidence and Force of Truth. And a little after: Let them learn from this what Difference there is between Truth and Falshood; in that they, though boasting of their Eloquence, cannot perswade; yet Christians, though unskilful and ignorant, can; for the Thing it self, and Truth pleads in their behalf. To what Purpose then is their Rage, but to expose more that Folly which they strive to conceal? Slaughter and Piety are quite opposite to each other; nor can Truth consist with Violence, or Justice with Cruelty. And a little after: They are convinced that there is nothing more excellent than Religion, and therefore think that it ought to be defended with Force; but they are mistaken both in the Nature of Religion, and in the proper Methods to support it; for Religion is to be defended, not by Murder, but Perswasion; not by Cruelty, but Patience; not by Wickedness, but Faith. Those are the Methods of bad Men, these of good; and 'tis necessary that a religious Man should be good, and not evil; for if you attempt to defend Religion by Blood and Torments, and Evil, this is not to defend, but to violate and pollute it: For there is nothing should be more free than the Choice of our Religion, in which, if the Consent of the Worshipper be wanting, it becomes entirely void and ineffectual. The true Way therefore of defending Religion is by Faith, a patient Suffering, and Dying for it: This renders it acceptable to God, and strengthens its Authority and Influence. This was that most harmless Perswasion of the Primitive Christians, before the World had yet entered into the Church, and by its Pomp and Pride had perverted the Minds, and corrupted the Manners of its Professors.

CHAP. III.

The Laws of the EMPERORS, after the Nicene Council, against the Arians and other Hereticks.

AFTER the Conversion of *Constantine* to the Christian Religion, the Civil Power became vested in the Hands of Christians. This Change in their Circumstances produced as great a Change in their Doctrine and Manners; and the degenerate Posterity, deviating from the Example of their Ancestors, introduced into the Church Methods of Cruelty, not only equal to those of the Heathen, but even greater than were ever practised by them. What gave the first Rise to it was, the Dispute between *Alexander*, Bishop of *Alexandria*, and *Arius*, a Presbyter of the same Church: When the News of this was brought to *Constantine*, he first by Letters sharply reprov'd them both: *Alexander* for being needlessly inquisitive, and *Arius* for his imprudent Answers, about an unnecessary Question, which arose from their want of being better employ'd, and a contentious and factious Spirit; and seriously exhorts them to mutual Peace in these Words amongst others: *Since therefore the one hath been needlessly inquisitive, and the other as imprudent in his Answers, you ought mutually to pardon each other: And as you do not differ about any of the principal Requirements of the Christian Law, nor pretend to introduce any new Opinion into the Worship of God, but are in these Things of one and the same Mind, you ought to maintain Communion with one another.* But afterwards, with the Perswasion of the Bishops, or out of some political View, he called the *Nicene Council*, that by their Authority the Opinion of *Arius* might be condemned. *Eusebius*, who was present at that Council, was able to give the best Account of it; but he chose rather that their Actions should be for ever forgotten, and contented himself in a very few Words to declare the Issue of it: And if we add to the Account given by him, the somewhat larger one given by *Socrates*, it appears plain, that all who would not subscribe to their Decrees, were condemned to Banishment, and there is no room to doubt, such are the Frailties of human Nature, but that many through Fear were compelled to subscribe. Some few indeed there were, who not at all terrified with the Fear of Banishment, went into Exile with *Arius*, whom the Synod had condemned, because they would not consent to his Condemnation. The Emperor himself put forth an Edict, by which he ordained, that all the Books written by *Arius* should be burnt, *condemning to Death every one that should conceal any of Arius's Books, and not commit them to the Flames.* He afterwards put forth a fresh Law against the Recusants, by which he took from them their Places of Worship, and prohibited their Meeting not only in publick, but even in any private Houses whatsoever.

Euseb. in Life of Constant. 1. 2. c. 69, 70. Secret. 1. 1. c. 70.

Secret. 1. 1. c. 9. Euseb. Life of Constant. 1. 3. c. 63.

After they had thus proceeded to Methods of Severity, and civil Punishments were decreed against those, whose Opinions the Council were pleas'd to condemn,

condemn, whom they expos'd under the infamous Name of Hereticks, and render'd odious to the People, their Cruelty was not satisfied with one Degree of Punishment only; they went from one to another, that so the Doctrine condemned by the Council might find none that should dare to defend it, and so might at last be totally extirpated. From pecuniary Mulcts, they proceeded to the Forfeiture of Goods, Banishment, and at length to Slaughtering and Blood; for such is the Nature of Cruelty, that it seldom confines it self to the first Beginnings; but when it is once let loose, like an impetuous Torrent, it spreads it self every where, and from every Occasion grows more outrageous and furious. This will appear most plainly in the Account I am now giving of the Methods for the Restraining and Punishment of Hereticks.

For in the first Place, Laws were made against Hereticks, whereby they were prohibited from having Churches, holding Assemblies, the enjoying any Ecclesiastical Preferments, the Consecration of Bishops, the Ordination of Priests, the making of Wills, the succeeding to Inheritances, the sharing in any Charities, the Advancement to publick Offices, and ordaining severe Punishments against those who did not observe these Prescriptions.

L. Omnes, c. de Hæret. And first, it was determin'd who should be accounted Hereticks. *They are comprehended under the Name of Hereticks, and are adjudg'd to the Punishments pronounced against such, who shall be discovered to differ, even in the least Point, from the Judgment and Practice of the Catholick Religion.* By the same Law it is ordain'd, *That no one should dare, either to teach or learn those Things that shall have been decreed to be profane.* By the Law following, their Churches are taken from them, and they are prohibited to perform Holy Offices, either in private Houses or Churches, under the Forfeiture of one hundred Pounds of Gold upon all Contraveners. The following Law is yet more severe, which takes from them the Power of Giving, Buying, Selling, making Contracts or Wills, or inheriting their Parents Estates, unless they renounce their heretical Pravity. There are many Laws extant concerning the Banishment of Hereticks. *Theodosius II. and Valentinian III. counting up thirty-two Sects, and their Followers, decree, Let not these and the Manicheans, who are arisen to the Height of Impiety, have the Liberty of dwelling any where within the Dominions of the Roman Empire: Let the Manicheans be expelled from every City, and punished with Death; for they are not to be suffered to have any Dwelling on the Earth, lest they should infect the very Elements themselves.*

See also *L. Quicumque*, where the forementioned Penalties are not only repeated, but other kinds of Punishments ordain'd against them; which are all extant in the Law of the Emperor *Martian*, who renews the Punishments ordain'd by the preceding Emperors against the *Eutichians*, and which is recorded at the End of the Council of *Chalcedon*, and which will suffice instead of all other Instances. By this Law the Emperor ordain'd, *That they should not have Power of disposing their Estates, and making a Will, nor of inheriting what others should leave them by Will. Neither let them receive Advantage by any Deed of Gift, but let whatsoe'er is given them, either by the Bounty of the Living, or the Will of*

the Dead, be immediately forfeited to our Treasury; nor let them have the Power, by any Title or Deed of Gift, to transfer any Part of their own Estates to others. Neither shall it be lawful for them to have or ordain Bishops or Presbyters, or any other of the Clergy whatsoever; as knowing that the Eutychians and Apollinarists, who shall presume to confer the Names of Bishop or Presbyter, or any other sacred Office upon any one, as well as those who shall dare to retain them, shall be condemned to Banishment, and the Forfeiture of their Goods. And as to those who have been formerly Ministers in the Catholick Church, or Monks of the orthodox Faith, and forsaking the true and orthodox Worship of the Almighty God, have or shall embrace the Heresies and abominable Opinions of Apollinarius or Eutyches, let them be subject to all the Penalties ordained by this, or any foregoing Laws whatsoever against Hereticks, and banished from the Roman Dominions, according as former Laws have decreed against the Manicheans. Farther, let not any of the Apollinarists, or Eutychians, build Churches or Monasteries, or have Assemblies and Conventicles either by Day or Night; nor let the Followers of this accursed Sect meet in any one's House or Tenement, or in a Monastery, nor in any other Place whatsoever: But if they do, and it shall appear to be with the Consent of the Owners of such Places, after a due Examination, let such Place or Tenement in which they meet be immediately forfeited to us; or if it be a Monastery, let it be given to the orthodox Church of that City in whose Territory it is. But if so be they hold these unlawful Assemblies and Conventicles without the Knowledge of the Owner, but with the Privy of him who receives the Rents of it, the Tenant, Agent, or Steward of the Estate, let such Tenant, Agent, or Steward, or whoever shall receive them into any House or Tenement, or Monastery, and suffer them to hold such unlawful Assemblies and Conventicles, if he be of low and mean Condition, be publicly bastinado'd as a Punishment to himself, and as a Warning to others; but if they are Persons of Repute, let them forfeit ten Pounds of Gold to our Treasury. Farther, let no Apollinarist or Eutychian ever hope for any military Preferment, except to be listed in the Foot-Soldiers, or Garrisons: But if any of them shall be found in any other military Service, let them be immediately broke, and forbid all Access to the Palace, and not suffered to dwell in any other City, Town or Country, but that wherein they were born.

But if any of them are born in this august City, let them be banished from this most sacred Society, and from every Metropolitan City of our Provinces. Farther, let no Apollinarist, or Eutychian, have the Power of calling Assemblies, publick or private, or gathering together any Companies, or disputing in any heretical manner; or of defending their perverse and wicked Opinions; nor let it be lawful for any one to speak or write, or publish any thing of their own, or the Writings of any others, contrary to the Decrees of the venerable Synod of Chalcedon. Let no one have any such Books, nor dare to keep any of the impious Performances of such Writers. And if any are found guilty of these Crimes, let them be condemned to perpetual Banishment; and as for those, who through a Desire of Learning, shall hear others disputing of this wretched Heresy, 'tis our Pleasure that they forfeit ten Pounds of Gold to our Treasury, and let the Teacher of these unlawful Tenets be punished with Death. Let all such Books and Papers as contain any of the damnable Opinions

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of Eutyches, or Apollinarius, be burnt, that all the Remains of their impious Per-
verseness may perish with the Flames; for 'tis but just that there should be a pro-
portionable Punishment to deter Men from these most outrageous Impieties. And let
all the Governors of our Provinces, and their Deputies, and the Magistrates of our
Cities, know, that if, through Neglect or Presumption, they shall suffer any Part of
this most religious Ediēt to be violated, they shall be condemned to a Fine of ten Pounds
of Gold, to be paid into our Treasury; and shall incur the farther Penalty of
being declared infamous.

Given at Constantinople, in the Ides
of August, and the Consulate of
Constantius and Rufus.

At the same Time that they published these cruel Laws, the Authors of
them would fain be thought to offer no Violence to Conscience. This same
Emperor *Martian*, in another Epistle to the *Archbimandrites* of *Jerusalem*, at
the End of the Acts of the Synod of *Chalcedon*, says, *Such therefore is our Cle-*
mency, that we use no Force with any one, to compel him to subscribe or agree with
us, if he be unwilling: For we would not by Terrors and Violence drive Men even
into the Paths of Truth. Who would not wonder that they should thus seek to
colour over their Cruelties? A Doctrine is forbidden to be learnt or taught,
under the severest Penalties, which those ought to think themselves obliged to
profess, who are perswaded of the Truth of it; and those who do profess
it, are for that Reason exposed to many Punishments; and yet the Authors of
such Punishments would still be thought to offer no Violence to Conscience.
But I would fain know, for what End are all these Penalties against Hereticks
ordained? For no other surely, but that Men may be deterred by the Fear of
them from meeting together, and openly professing themselves, or teaching
others those Doctrines, which they think themselves obliged in Conscience
both to profess and propagate; and that being at length quite tired out by
these Evils, they may join themselves to the established Churches, and at
least profess to believe their received Opinions. But this is to offer Vio-
lence to Conscience, or to force Men, by the Fear of Punishments, not to pro-
fess what they believe, or to pretend to believe what they do not; nei-
ther of which can be done, but in Opposition to the Voice and Dictates of
Conscience.

Simanc.
Tit. 46.
§. 48.

The Constitution of *Theodosius* was in much severer Terms, which is extant
in the Code of *Theodosius*, tit. *de Judæis*, l. 1. & lib. 16. tit. 6. l. 75. in which
we read thus: *Farther, we ordain, that whosoever shall perswade or force a*
Slave, or Freeman, to forsake the Worship of the Christian Religion, and join him-
self to any accursed Sect or Rite, let him be punished with the Loss of Fortune and
Life. And a little after: *Let him first incur the Forfeiture of his Goods, and af-*
terwards be condemned to the Loss of Life, who by false Doctrine shall pervert any
one from the Faith. This Law so pleases *Simanca*, that he congratulates him-
self on its being made by an Emperor that was a *Spaniard*; for after having
recited

recited it, he adds: *A Law truly worthy of an Emperor that was a Spaniard, as though it was the Glory of Spain to exceed all Nations in Cruelty, and its Honour, even in former Ages, to have been as remarkable for using severer Methods of Punishments in this World to miserable Hereticks than others, as they now are for the Barbarities practised by the bloody Tribunal of the Inquisition. The Emperors Honorius and Theodosius also, Cod. Ne Sanct. Baptisina iteretur, l. 2. thus command: If any one shall be discovered to have rebaptized any of the Ministers of the Catholick Party, let him be put to Death, both the Person guilty of this execrable Impiety (if he be of an Age capable of Guilt) and the Party seduced by him.*

And that there might be no Remains of the Opinions condemned by the Synod, and to prevent their being transmitted to Posterity; it was prohibited by the severest Laws, either to keep or transcribe any of their Books. We have seen before the Law of *Constantine*, against all who should conceal any of *Arius's* Books; and another Edict of *Martian*, against the Books of *Eutyches*. *Theodosius* published such another Law against the Books of *Nestorius*, after he had been condemned in the Council of *Ephesus*, l. *Damnato, c. de Hæreticis*: *Let not any one dare to keep, or read, or transcribe the impious Books of the accursed and execrable Nestorius, written against the venerable orthodox Party, and the Decrees of the most holy Council of Prelates at Ephesus; and we ordain that they be diligently sought after, and publickly burnt. Justinian* also forbids the transcribing any heretical Books, under the Penalty of having the Hand cut off. For after that *Anthimus* had been condemned in the fifth Synod, he made this Law against his Books. *Novel 42. cap. 1. We prohibit all to keep any of his Books: And as it is not lawful for any one to write, or have in his Possession the Books of Nestorius, according as the Emperors, our Predecessors, have thought fit in their Constitutions to ordain, with respect to the Sayings and Writings of Porphyry against Christianity; so let nothing said or written by Severus remain in the Possession of any Christian; but let them be abhorred as profane by the Catholick Church, and burnt by those that have them, unless they are willing to suffer the appointed Penalty. Let them not therefore be transcribed by the Notaries of any Sort, as knowing that the Punishment of those who shall write any of his Books, shall be the Loss of their Hand.* From these several Laws, *Conrad Brunus* infers, that the Schools of Hereticks are to be destroyed thus: “The Schools of Hereticks

“are to be destroyed by these Means. Heretical Masters must be removed, Brun. l. 6.
 “the Scholars must be prohibited from coming to their Schools, the Places c. 5. §. 27.
 “they use to meet in must be appropriated to Ecclesiastical Purposes. &c.
 “Masters are to be removed by being publickly put to Death; the Punishment ordained against Hereticks, who shall dare to teach unlawful Opinions, as *Valentinian* and *Martian* have enacted, l. *Quicumque, c. de Hæret.*
 “The Scholars are to be prohibited from going to heretical Schools by a pecuniary Mulct, viz. under the Forfeiture of ten Pounds of Gold, according
 “to the Constitution of the Emperor *Martian*, d. l. *Quicumque, §. Eos vero,*
 “c. *de Hæret.* And in general, the Houses where heretical Assemblies and
 “Conventicles are held, are to be forfeited to the King or Church; but

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“ those especially wherein their Errors and Heresies are taught; according
 “ to the Constitution of *Justinian* against *Anthimus*, &c. *Interdicimus autem*, &c. Thus did the Christians imitate the Heathen Cruelty, by persecuting those that differed from them, and followed the Example of *Julian*, in destroying their Schools, which the Heathens themselves condemned as barbarous and cruel: For thus *Ammianus Marcellinus* declares, b. 25. *His Laws, absolutely commanding some Things to be done, and forbidding others, were generally good, some few excepted; among which was that cruel one, by which he prohibited the Christian Masters of Rhetorick and Grammar to teach, to prevent any from forsaking the Worship of the Gods: But in Procefs of Time, under the Government of the Popes, the Edicts of the Christians vastly exceeded this Cruelty of Julian.*

’Tis true, these were Laws made by the Civil Magistrate, but that they were published with the Approbation of the Bishops, no one can doubt, who compares our Times with the Antient. The Bishops could not bear that their Decrees and Anathemas should be slighted as insignificant and harmless Flashes. They would fain have all condemned by their Sentence appear to others to be justly condemned; and eagerly thirsted after the Mitres and Churches of those, whose Doctrines they were pleased to anathematize; and therefore, in order to get Possession of them, it was found necessary to arm the secular Power, and to enact civil Laws against them, that hereby they might strip them of their Dignities, and drive them into Banishment, in order to enter on their vacant Sees. Nor let any one imagine, that the ancient Times were more holy than ours; the same worldly Spirit that now influences our Synods, governed the Councils of the ancient Bishops: Even the Council of *Nice*, so much celebrated and extolled, is an abundant Proof of this. Such was the fierce and restless Spirit of the Bishops there met together; so many and bitter their Contentions, that, forgetting the principal Cause of their meeting together, they meanly presented Accusations against each other to the Emperor, who, that he might put an End to their Quarrels, ordered the Accusations to be burnt; and commanded them that they should immediately go upon the Business for which they had been assembled. Who can believe, that an Assembly of Men, inflamed with Passion and mutual Hatred, and breathing nothing but Revenge, would rest contented, with having procured the Condemnation only of their hated Enemies, and not rather use their utmost Endeavours to excite the Emperor to banish those whom they had condemned?

Hist. Ec. 1. But not to rely on Conjectures, *Socrates* expressly tells us: “ That *Theodosius*
 7. c. 3. “ Bishop of *Synada* in the greater *Phrygia*, cruelly persecuted the Hereticks
 “ of the *Macedonian* Sect, of which there was a great Number in that
 “ City; driving them not only from the City, but from the very Country
 “ also; not according to the Custom of the orthodox Church, which uses no *Me-*
 “ thods of Persecution, nor thro’ Zeal for the true Faith; but from a covetous
 “ Desire of enriching himself with the Spoils of the Hereticks. To this End
 “ he left no Means untried to ruin the Followers of *Macedonius*, arming his
 “ Clergy, and persecuting them by innumerable subtle Methods, and Tricks
 “ of Law. But his Malice was principally levelled against their Bishop *Ag-*
 “ petus,

“ *petus*, whom he tired out with repeated Injuries. And because he did not think the Governors of the Provinces sufficient for the Punishment of Hereticks, he went to *Constantinople* to solicit new Edicts from the Magistrates.

Nor were the Bishops of *Rome* afraid to implore the Assistance of the Emperors against Hereticks. Pope *Anastafius* persuaded the Judges to condemn the *Manicheans* to perpetual Banishment, whom he could not bring over to the Catholicick Faith; lest by their Contagion they should infect the holy Flock. And *Leo* the Great, writing to *Leo* the Emperor, says: *That the perverse and ensnaring Disputations of the Hereticks would soon come to an End, if put under Restraint by the Imperial Power.* And in his 43d Epistle to the same Prince: *Vouchsafe, by your Regard for the Faith, to yield this Remedy to the Church; that Hereticks may not only be kept out of all holy Orders, but even expelled from every City, that the holy People of God may be in no farther Danger of Infection from these wicked Men.* And in his 45th Epistle, he exhorts the Empress *Pulcheria*, *That she would banish Eutyches further from Constantinople, that he might receive no Comfort from those whom he had drawn over to his Impiety.*

But further, when they had got into Possession of the supreme Power in *Rome*, they were oftentimes the Authors of Persecution themselves. Pope *Celestine*, as *Socrates* relates in his Ecclesiastical History, *b. 7. c. 11.* “ took from the *Novatians* their Churches in *Rome*, so that *Rusticula*, their Bishop, was forced to meet his Flock in private Houses: For till this Time the *Novatians* flourished in *Rome*, were in Possession of many Churches, and had large Congregations to fill them; but they fell a Sacrifice to Envy, because, *The Bishops both of Rome and Alexandria had usurped a tyrannical Power, exceeding all the Bounds of the Priesthood.* For this Reason, the Bishops of *Rome* did not permit even those who agreed with themselves in Opinion, to hold free and open Assemblies; but though they praised them for their Agreement with them in the Faith, yet deprived them of all their Substance. But the Bishops of *Constantinople* were however free from this wicked Spirit; for they not only suffered the *Novatians* to meet within the City, but even bore them a very sincere Affection.” But the Bishops of *Rome*, even when they had no Power at *Constantinople*, yet by their perpetual Solicitations of the Emperors there, at last extorted from them the Oppression of Hereticks. Whilst *Justinian* was Emperor, the Followers of *Anthimus* and *Severus* held their publick Assemblies, although they had been condemned and excommunicated by the Pope of *Rome*. Wherefore the Bishops of the *Second Syria*, and the *Archimandrites* and *Monks*, sent Letters to *Agapetus*, Bishop of *Rome*, then at *Constantinople*, in which they besought him to deliver them from Hereticks. The Bishops thus: *Take from us speedily these evil Men, and offer up this acceptable Sacrifice to God and our Saviour, that we may have a good Account to give in the future awful Judgment. Preserve the Ecclesiastical Dignity free from all Fear, and the thrice repeated heretical Disturbance; establish our Order; and put our most just Emperor in Mind of those many and righteous Sentences that were first pronounced from the Apostolick Chair; ordaining, that those who had their impious Writings should deliver them up, and commit them to the Flames,*

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in Imitation of those who were inflamed with Zeal to destroy the Writings of the Manicheans, and those of the impious Nestorius, and the hardened Eutyches, and Dioscorus their Father and Protector: So will you deprive of all Hope those who vainly trust in them. We therefore pray, most holy Father, that you would put in Execution that Sentence against Anthimus, which is both God's and yours, that so all Offence may be removed from these little ones, that believe in the Lord, and from us all. The Monks also making the same Request, in the Conclusion give this Reason for it: For this Cause we have sent unto you to Rome, and have promised and even undertaken for your desired Return. We have received these Promises from the most pious Emperor, that what you shall canonically pronounce, he will piously execute, that all the World may be delivered from this present Disturbance by them. Agapetus had passed his Sentence before this Request of the Bishops and Monks, and condemned Anthimus, and pronounced, that as he had been expelled from the Bishoprick of Constantinople before, so he should now be banished from that of Trapezuntium, and degraded from every priestly Office and Function. But no sooner had he received these Letters of the Bishops and Monks, but he sent to Justinian the Emperor, that he would banish those whom he had condemned for Hereticks. Baronius adds, When he had done these Things, and thus performed all the Duties of his Office, the most holy Agapetus died, in order to receive his Reward now his Work was done: As though it was such an heroick Action, to conclude his Life with exciting the Emperor to persecute those whom he had condemned for Hereticks, as merited the Reward of eternal Salvation. After the Death of Agapetus, the Monks renewed their bloody Petitions to the Emperor, and beseech'd him that he would banish those whom Anacletus had condemned as Hereticks: For, say they, there is Reason to fear, most pious Emperor, lest for our long Delay, that of the People of Israel should happen to us, who have amongst us Men accursed from the Priesthood; who (because they had in the Midst of them Achan and Jonathan, who exposed themselves to a Curse, the one wilfully, the other through Ignorance) were in Danger of being entirely destroyed, though they knew not that they had the accursed Thing amongst them. Despise not therefore, O ye most Christian Emperors, so great an Evil, but be filled with Zeal to promote the Knowledge of God and his Interest, fulfilling what is written: A wise King scattereth the Wicked; that with David and Josias, and Elias and Agapetus, who were inspired with the noblest Zeal for God, you may have a Part in this World as they had, and bring all your Enemies under your Footstool; and that he may grant you hereafter, with them, an eternal Kingdom, who hath promised, that he will give an hundred fold here, and hereafter Life eternal. Not long after, Anthimus and his Followers were condemned by the Council of Constantinople, through the Intrigues of the Roman Legates; and many Petitions were offered to the Emperor for the Banishment of those the Synod had condemned as Hereticks; so that by the cursed Solicitations of the Ecclesiasticks, he was even forced to consent to their Persecution.

It must however be owned, that some of the Bishops were Enemies to Persecution; and being of more moderate Sentiments, blamed those who defended and encouraged it. Sulpitius Severus tells us: That Idacius and Ithacius foolishly

applied

applied themselves to the secular Powers, that by their Sentence and Authority they would banish the Hereticks from Cities, viz. Instantius and Salvianus, Helpidius and Priscillianus. And when afterward Priscillianus appealed from the Synod of Burdeaux to the Emperor, the Bishops Idacius and Ithacius followed him as his Accusers: But Martin, then Bishop of Treves, was continually soliciting Ithacius to desist from his Accusation; and prayed Maximus that he would abstain from the Blood of those unhappy Men; that it was more than sufficient, that they were adjudged Hereticks, and expelled the Churches by the Episcopal Sentence; and that it was a new and unheard-of Impiety, that the Civil Power should judge in the Affairs of the Church. And the Intercession of Martin prevailed so far, that whilst he continued at Treves all Process was stopped; and when he was about to go from thence, by a peculiar Influence, he obtained a Promise from Maximus, that nothing cruel should be inflicted upon the Accused; although, after his Departure, Priscillianus was condemned to Death. The Reason assigned by Bellarmine, that these Bishops were censured, viz. because they brought an Ecclesiastical Affair before the Emperor, and became Accusers in a Cause of Blood, is very frivolous. 'Tis true, that Martin blames Ithacius that he accused Priscillian before the Emperor's Tribunal; and that, as Sulpicius Severus testifies, not so much from his Hatred of Heresy, as from a Desire of Revenge; and therefore Martin adds, that it was a new and unheard-of Impiety, that the secular Power should judge an Ecclesiastical Cause. But by this Martin plainly shows, that secular Punishments ought never to be inflicted on religious Accounts, because Matters of Faith do not come under the Cognizance of the secular Tribunal; and that the Progress of Heresy neither can nor ought to be prevented by the Blood of Hereticks; and therefore he obtained a Promise from Maximus that nothing cruel should be inflicted on the Accused. We acknowledge with Bellarmine, that a Bishop ought not to be an Accuser in the Cause of Blood; but at the same Time, cannot imagine, with what Justice a Bishop, who ought not to act the Part of an Accuser, may not only excommunicate Hereticks, but, as Bellarmine contends, deliver them over to the secular Power, and even exhort the Judges to perform their Duty: For this is something more than to act the Part of an Accuser. An Accuser only labours to prove the Crime, that when proved, the Judge may pass Sentence on it; but when a Bishop, by his own Sentence, pronounces any Person an Heretick, and delivers him over to the secular Arm, he lays the Judge under a Necessity of burning, without any farther Examination, the miserable Heretick. And if, thro' Compassion, he seems willing to defer the Execution, the Bishop exhorts, and even compels him, under the Penalty of Excommunication, to perform his Office. Who in such a Case will clear the Bishop from the Guilt of the Blood and Murder of the Heretick? Who doth not see that the Bishop is the sole Cause; and the Civil Magistrate, who in all Things blindly submits to the Bishop, is the Instrument only of the Heretick's Death; especially as it is unlawful for him, under any Pretence, to refuse Obedience to the Bishop's Orders? If therefore 'tis unlawful for a Bishop to turn Accuser in a Case of Blood; much more unlawful is it for him to deliver those he condemns as Hereticks

reticks to the secular Arm, and press the Civil Power to put their Sentence in Execution. But to return from this Digression. *Martin* not content to blame *Ibacius*, after *Priscillian* was put to Death, excommunicated him, and with him those who were the Authors of his Murther. The Fear of this Excommunication saved many, that had been thrown into Prison, from Death. The Emperor, who favoured *Ibacius* and *Ursatus*, oftentimes pressed, and at last commanded *Martin* that he should communicate with him; but could not prevail, till he had promised to recal the Tribunes that had been sent into *Spain* to destroy the Churches: Nor could he be at last prevail'd with, notwithstanding the vigorous Endeavours of the Bishops, to subscribe to his Consent to communicate with him; so unjust did it seem to him to punish Men with Death for their Errors in Matters of Faith. Few indeed was the Number of these Bishops, who had the Courage to oppose this persecuting Spirit; and therefore, generally speaking, the poor Hereticks were made to undergo all Sorts of the most cruel Punishments.

C H A P. IV.

The ARIAN Persecutions of the ORTHODOX.

BUT neither did the *Arians*, when they had an Emperor of their own Party, refrain from any Sort of Cruelty, but persecuted those, by whom they had been deprived, with a more implacable and bloody Hatred. The Persecutions against *Athanasius*, their principal Adversary, are notorious to all. *Athanasius* himself, in his Letter to the Hermits, gives us many Instances of their Cruelty, which is the Burthen of his Epistle; and aggravated as far as Words can do it, *viz.* That they scourged the Bishops in *Egypt*, and bound them with cruel Chains; That they sent *Sarapammo* into Banishment, and beat *Potammo* in so barbarous a manner on his Back, that he was left for dead, and died soon after of his Bruises and Pain; That they would not suffer a dead Woman to be buried; That they ejected many Bishops from their Sees, and sent them into Banishment; and that they obtained an Edict from the Emperor, that the Bishops should not only be banished from the Cities and Churches, but even punished with Death wherever they could be found. And he adds: *That so dreadfully were Men terrified by them, that some pretended to believe their Heresies; and others through Fear chose rather to fly into Desarts than fall into their Hands.* In another Place he says: *How many Bishops were brought before Governors and Kings, and heard this Sentence from their Judges: EITHER SUBSCRIBE, OR DEPART FROM YOUR CHURCHES? For the Emperor hath commanded you should be banished from your Churches. How many in every City scattered themselves up and down for fear of being accused as the Bishops Friends? For the Magistrates were written to, and commanded upon*
Penalty

p. 817.

p. 821.

p. 829.

Penalty of a Fine, to compel the Bishops of their respective Cities to subscribe. In fine, all Places and Cities were filled with Terrors and Tumults; for Violence was offered to the Bishops, and the Judges saw the Mournings and Sighs of the People. And at length, after a tragical Account of the various Cruelties and Persecutions of the Arians, he adds: That they would not suffer the Friends of those they had slain, to bury their dead Bodies, but hid them in private Places, that hereby they might conceal their Murthers. There are other Passages to the same Purpose in the same Epistle. P. 859.

In his first Apology also for his Flight, he speaks to the same Purpose, and among other Things relates, that *Sebastianus*, Captain of the Forces, at the Instigation of *George* the Bishop, ordered Virgins to be brought to a flaming Pile, and violently compelled them by Fire to declare their Profession of the Arian Faith; and when he perceived their Courage was not to be thus subdued, he stripped their Bodies naked, and so mangled their Faces with Blows, that it was a long while before their own Relations knew them again. He also apprehended forty Men, and miserably tore their Bodies by a new Method of Cruelty; for he made Rods of the Palm Tree, retaining their Prickles, and with these beat them on their Backs, in such a barbarous manner, that some, by Reason of the Prickles sticking in their Flesh, were forced several Times to apply to the Physicians for a Cure; whilst others actually dy'd under the Torture. As for the others, as many as they apprehended, they banished them, with the Virgins, into Great Hoasis, a Country in Egypt. P. 704.

And that they might have some Pretext to palliate their Persecutions, *Victor*, in his Account of the Persecutions of the Vandals, tells us, that the very Laws made by the Catholicks against heretical Impiety, were now turned, and executed upon the Catholicks themselves; so that what they once suffered from the Catholicks, they made the Catholicks to suffer in their Turn, now they had got the secular Power on their Side. lib. 2.

Lucius, an Arian Bishop, besides the Slaughters, Torments, Banishments, Hangings, Burnings, and other innumerable Cruelties he exercised on the Catholicks, laid waste the Monasteries and Caves of the Monks. Almost the same Things are related of *Severus*, Bishop of *Antioch*. *Victor* in his first Book of the Vandal Persecution, says, that being infected with the Arian Heresy, they filled every Place with Fire and Slaughter, and burnt and demolished the Churches, Temples, and Monasteries; and tortured the Bishops and Priests with various kinds of Cruelties, to force them to deliver up all the Gold and Silver they had of their own, or that belonged to their Churches; and if they gave them any, they put them to yet more exquisite Tortures to force them to deliver up the whole, as imagining they had concealed a Part from them. They deprived the Catholicks up and down of their Churches, and commanded them to be shut up. The same *Victor* recounts the various Sorts of Cruelties wherewith the Arians persecuted the Catholicks, viz. that in *Africa* they were, by the Vandals, first deprived of their Churches and Houses, then driven without the City-Walls, without Creature, Weapon, or Clothes; and yet farther, by a publick Edict, it was commanded, Branus, 1. 2. c. 3. 6. 9. 6. viz. c. 28. 9. 45.

that no one should entertain or feed them; and if any one out of Compassion did this, he was burnt, with his entire Family.

z. 8. §. 8. *Hunerick*, the *Arian* King of the *Vandals* in *Africa*, among other Cruelties he exercised on the *Catholicks*, threw an immense Multitude of them one upon another, like Heaps of Locusts, into strait and vile Places, where they had no Conveniency for easing Nature, but were forced to do it amongst one another as they lay, so that the Stench and Terror exceeded all other kinds of Punishments. *Victor* relates these Things, who himself was an Eye-witness to them.

z. 2. The same *Victor* relates other kinds of Cruelty practised by *Hunerick*; but it would be too tedious to recount them all. 'Tis enough to add, that some had their Tongues cut out, others their Hands, others their Feet chopt off; others their Eyes dug out, and others were miserably slain through the Extremitie of their Tortures. See also *Hist. Tripart.* b. 5. c. 32. and b. 4. c. 39.

Austin also, in his 50th Epistle to *Boniface*, and in his 68th Epistle, and in other Books which he wrote against the *Donatists*, recounts the various Cruelties of the *Donatists* and *Circumcellians*; so that the Christians seemed only to be employed in mutual Butcherings of one another; and acted as though the whole Perfection of the Christian Life consisted, not in the Holiness of their Manners, but in a bitter and imprudent Zeal; so that *Ammianus Marcellinus*, an Heathen Writer, describing those Times, relates of *Julian* the Emperor, b. 22. That he ordered the Christian Bishops and People that were at Variance with each other, to come into his Palace, and there admonished them, that they should every one profess his own Religion, without Hindrance or Fear, whilst they did not disturb the publick Peace by their Divisions; which he did for this Reason, because as he knew their Liberty would increase their Divisions, he might now have nothing to fear from their being an united People; having found by Experience, that even Beasts are not so cruel to Men, as the Generality of Christians are to each other.

The Ecclesiastical Doctors give very pathetic and odious Descriptions of the Persecutions of the *Arians*. 'Tis abundantly plain from the Writings of the Orthodox, which now remain, that their Edicts were far from being vain and harmless Terrors. And if we now had the Writings of the *Arians*, we should not probably find softer Things related by them of the Orthodox, than the Orthodox in their Writings relate of the *Arians*: But by reason of the severe Edicts against keeping their Books, their Works are entirely destroy'd; and we have now no Remains of the History of those Times but what we find in the Writings of the Orthodox. And though these were in some Respects great Men, yet their Actions and Writings abundantly testify, that they were far from being free from human Passions, Hatred, Anger, and the Study of Revenge; especially when they had to do with their Adversaries, and those who differed from them in Matters of Religion. This hath been the Unhappines of all Times, that it is too generally true of Divines, what

Tom. 5. p. 65. *Erasmus* with Grief declared of the Divines of his own, That the Behaviour of some

some of them is such, that they have brought a Reproach on this most holy Study it self, since those who have attained to the Height of this Profession, are sometimes more fierce than the Laity, more ambitious, easier provok'd, more virulent with their Tongues, and more unfit for all manner of Converse in Life, not only than unlearned Persons, but than they themselves would otherwise be; so that some have imagined that the very Study of Divinity hath made them such: or, as he elsewhere says, that their Behaviour is such, that Divinity hath been looked on as a Sort of Study that deprives Men of Sincerity and common Sense. Let us not imagine, that these Things are not equally true of the ancient, as well as of the modern Divines. He that but dips into the Acts of the ancient Councils, and Ecclesiastical Remains, will evidently see, that they had the same Passions with those of our own Time, were equally precipitant in condemning, bitter in reproaching, and violent in persecuting those they call'd Hereticks. Socrates writes of the Bishops of his own Time, That their manner was, to load with *Hist. Eccl.* Reproaches, and pronounce impious all they deposed, without declaring the Causes *b. 1. c. 24.* of their Impiety. When they write against their Adversaries, their Style is oftentimes bitter; an Impotency of Mind that many have observed in the principal and most celebrated Authors. Erasmus, tho' he highly commends Jerome, hath several Times observed the same in him. In his Apology to Martin Dorpius, he thus writes of him: Even Jerome, a Man so grave and *Tom. 9.* pious, could not always govern himself; he grows furiously hot against Vigilantius, *p. 3. 4.* immoderately insults Jovinian, and bitterly inveighs against Ruffinus. In his Apology against Sutor, he goes farther, and says; That tho' his Memory is now *Tom. 3.* deservedly accounted sacred by all, yet whilst he lived, he reviled, and railed at, *p. 119.* and deceived others; and was in his Turn reviled, and railed at, and deceived *Tom. 9.* by others. Hutter gives no better a Character of Jerome, writing against the *p. 640.* *Irenicum* of Paræus, p. 14. He that turns over the Writings of St. Jerome against Jovinian, Vigilantius, and Ruffinus, will be amaz'd to see in a Monk such a boiling and bitter Gall. Upon which Account Budæus pleasantly writes to Erasmus: Who knows, but that for this Reason he may be brought and scourged *Erasmi,* before the Tribunal of Christ? I don't mention these Things to blacken the *Tom. 3.* Reputation of Jerome, but to shew by the Example of this otherwise great *p. 156.* Man, how difficult it is to govern ones self in theological Debates, when we see Men, famous for their Piety, thus carried away by the Heat of Disputes. The Moderation of Austin is generally commended: But he that reads his Writings against the *Donatists*, must acknowledge, that in the Warmth of Disputation he oftentimes exceeds the Bounds of Moderation, and lays to their Charge every thing that came uppermost. Athanasius's Epistle to the Monks is Proof enough of his ungovernable and angry Temper, in which we find nothing but foul and reproachful Language against the *Arians*; a plain Proof of a violently disorder'd Mind. I question not but that he had weighty Reasons for his Anger and Hatred. But 'tis as certain, that when the Mind is disorder'd, tho' for the most just Cause, many Things are rashly thrown out, the Effect of Choler, and not agreeable to Truth: So that 'tis by no Means safe, hastily to credit, all that the an-

gry Fathers have said of, or imputed to their Adversaries, especially as they have taken Care to suppress their Writings. *Cunæus* very solidly and gravely pronounces his Opinion of the Greek Fathers, viz. *The common People think, that he must be very criminal, who doth not believe, that Piety, the great Support of Christianity, is always attended with Candour. For my own part, as I esteem them on many Accounts to be excellent and divine Men, so I know that they have done ill designedly, and were of a very bitter Spirit. Not to mention others, the Greek Fathers, thro' a national Vice, were always too violent on both Sides. They had all of them a rolling Eloquence, admirable Learning, and a Genius fit for every thing; and on these Accounts one may discern a Sharpness and Eagerness breathing throughout all the Remains they have transmitted to Posterity. As for those they were angry with, tho' great Men in themselves, and worthy the highest Commendation, they blacken'd them as the vilest Persons; and on the other hand, they were so lavish of their Praises on those they approved, that, tho' they had little to deserve it, Posterity admires their Virtues, and even adores a Stone of their Sepulchre as a God.* Not much different from this, is that Passage of *Melchior Canus*, in his *Common Places of Divinity*: *I cannot excuse Sozomen's Lyes: For he was a Greek, which Nation is and ever was addicted to lying. And he was so fully convinced, that the most shameful Lyes had crept into the Histories of his own Church, that he breaks out into this Complaint: I speak it rather with Grief, than as a Matter of Reproach, that Laertius hath written the Lives of the Philosophers with greater Regard to Truth, than Christians have the Lives of their Saints; and that Suetonius's Account of the Cæsars is written with greater Incorruptness and Integrity, than the Account which the Catholicks have given, I will not say of their Emperors, but of their Martyrs, Virgins, and Confessors. The two former have not concealed the real or suspected Vices of their best Philosophers or Princes, nor the Appearances of Virtue in the worst; whereas ours, for the most part, either are governed by their Passions, or industriously forge so many idle Stories, that I am not only ashamed but tired of them. Such as these are so far from being useful to the Church of Christ, that they greatly disserve its Interest. I forbear their Names, because here I blame their Morals, and not their Learning, as to which the Censure might be more free. As to Behaviour, one ought to be more cautious towards the Living, and more respectful towards the Dead: But this is certain, that whoever mix Fable and Falshood with Ecclesiastical History, can't be good and upright Men, and their whole Account can be invented for no other Purpose, but to increase their Gains, or to establish Error; of which the first is vile, the other pernicious.* And a little after, describing the Office of a good Historian, he says: *That he ought not to dare to say anything false, or omit anything true, that he may not be suspected to write either out of Favour or Hatred. He adds: Since these Things are necessary Marks of Honesty and Integrity, 'tis strange that Suetonius should have observed them all, and almost all ours have entirely omitted them. 'Tis no difficult Matter to conjecture what their Candour and Fidelity is, in relating the Actions of their Adversaries, and those whom they have condemned for Hereticks, who have been so immoderate and false in their*

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Commendations of their Saints. *Canus* himself confesses, that most of their Writers have been destitute of every Qualification of a good Historian. *Bellarmino*, in his *Marks of the Church*, says: *The Catholics are nowhere found to have praised or approved either the Doctrine or Life of any Heathens or Hereticks.* So that it was a sufficient Reason to write the worst Things of any Man, or to conceal and condemn to eternal Oblivion the best and most laudable Actions, if he had been pronounced an Heretick by the Church; and the Papists now think it Reason enough to give no Credit to any Person, if he doth not condemn, or if he praises the Actions of those who have been declared Hereticks by the Church of *Rome*, and hath in any manner opposed her. On this Principle, *Melchior Canus* gives his Reasons, why all the Faithful of Christ ought to explode the History of *Cario*. For, says he, in his Writings, he vilifies and cruelly uses some of the Popes, who were the best of Men, and commends and extols some of the German Emperors, who were Rebels and Enemies to the Church of *Rome*. So that you may know the *Lion* by his Paw, i. e. a Lutheran by those he praises or condemns. If this Inference of *Canus* were true, 'tis necessary, that he who would be owned for a Catholic, must load all the Enemies of the Church of *Rome* with Infamy and Disgrace, and never blame the Catholics, but praise and commend every thing they do. But if we read the Writings and Histories of the modern Papists, we shall find them filled with so many Stories and evident Lyes, to which the publick Acts and Documents bear Witness, that one can scarce find the smallest Footsteps of Truth in them, and may justly affirm, that they wrote entirely for Gain, or the Establishment of Error. And if their Power should rise again to the same Height as it was in former Ages, so that they should be able wholly to destroy the Writings and Monuments of those who differ from them, and Persons were to learn from their Writings only the Doctrines and Actions of the Reform'd and Protestant, who doth not see what wretched Accounts they would transmit to Posterity, even lighter than Vanity it self; which however could scarce be convicted of Falshood by proper Testimonies, after they had thus destroyed the contrary Documents? And therefore, as 'tis not safe to form a Judgment of the Principles and Behaviour of the Reform'd and Protestant from Popish Writings only, so we ought to be very cautious and backward of pronouncing concerning the Doctrines and Actions of those who were condemned for Hereticks, from the Writings and Histories of the Ancients, because their Writings have been so entirely suppress'd by the Industry and Care of their Adversaries, that there is scarce one genuine Book of theirs remaining, wherein they have described or defended their Doctrine or Manner of Proceeding. But 'tis Time to return from this Digression.

We have shewn with what Bitterness the Orthodox have persecuted the *Arians* and *Donatists*; nor did the *Arians* exercise less Cruelty against the Orthodox, when they had an Emperor who favour'd their Party. But it must be confess'd this Cruelty was not always equal: For although the

Arians

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Arians are not to be excus'd in their barbarous Treatment of the Orthodox; yet we read that sometimes it was greatly abated. *Socrates* in his Ecclesiastical History, l. 4. c. 32. relates of *Valens* the Emperor, That he violently oppos'd those who profess'd the Doctrine of *Consubstantiality*, threatening them every Day with severer Punishments; till *Themistius* the Philosopher partly mitigated his Rage, by an Oration, called *περὸν πρὸς τὸν βασιλέα*, in which he admonishes the Emperor, that he should not so greatly wonder that there was such a Diversity of Opinions amongst Christians; for that it was but small if compared with the Number of the different Opinions amongst the Greeks, which were more than three hundred. This Variety of Opinions must necessarily cause Divisions; but that God was pleas'd with this Diversity of Sentiments, that all might learn the more to reverence his Majesty from the Difficulty of understanding him. When the Philosopher had represented these and other Things of like Nature to him, the Emperor grew afterwards more mild, though he did not entirely lay aside his Fury, punishing the Priests with Banishment instead of Death. But afterwards, as the same *Socrates* relates, c. 35. being press'd with the Gothick War, he left off banishing the *Homoufians*. Farther, there were some amongst them who abstained from all Violence in Matters of Religion, and were willing to allow the free Exercise of it to those who differed from them. *Grotius* gives them this Testimony: Nor is this a little to their Praise, that the Vandals, about the Times of *Hunnerick* and *Gundemond*, and the Goths, always abstained from offering Violence to the Consciences of those subject to them, and permitted the Followers of the *Nicene Faith* to believe and teach, and perform divine Worship as they pleas'd. The Ambassadors of the Goths said to *Belisarius*, that they never forced any one with Threatnings to change his Profession; nor hinder'd the Goths themselves from believing the *Nicene Faith*; adding, that the Goths did not shew less Reverence towards the sacred Places than the Romans themselves. And a little after, p. 32. *Theoderick*, King of the *Ostrogoths* and Italy, is highly extolled by *Eunodius*, the Catholic Bishop of *Ticinum*, for his Piety and Worship of the true God. Such was his Regard even to the Religion he did not profess, that he always made the best Men Bishops. Concerning which, his Nephew *Athalarick* thus writes: " 'Twas but just to obey the Will of so good a Prince, who in a Religion he did not believe, acted with so wise Deliberation, as to choose such a Bishop, as made it appear that this was his governing Desire, to see the Religion of all Churches flourish under good Priests." Hence it came to pass, that he called a Synod to put an End to a Schism that had arose, as *Paulus Warnefredi*, and *Zonaras* declare: He annulled all *Simoniacal Ordinations*, and desired the Catholic Bishops to pray in his Behalf for the divine Assistance; as may be seen in *Cassiodorus*: So that I do not wonder that *Silverius*, Catholic Bishop of Rome, was suspected by the Greeks, of favouring the Empire of the Goths rather than the Greeks. *Procopius* furnishes us with this noble Instance of the Equity of the Goths in Religion.

Proleg. ad
Procop.
Goth. &
Vandalic.
p. 31.

In like Manner the Orthodox Emperors did not always make Use of that Severity which their Laws threaten'd against Hereticks, it being sometimes their Intention only to terrify with the Fear of Punishments, and not to inflict

the Punishments themselves. *Sozomen* relates, that “ *Theodosius* commanded Ec. Hist. l. 7. c. 12. by a Law, that Hereticks should not assemble together, nor teach their Opinions, nor ordain Bishops or others. That some of them should be driven from their Cities and Lands; others declar’d infamous, and denied the Privileges of the City which other Citizens enjoy’d; and that he ordained other grievous Penalties by his Laws, which he never executed: For he endeavour’d not to punish, but only terrify his Subjects, and thus to bring them into his own Sentiments of the Deity; for he commended those who were willingly converted.” The same Writer relates of *Valentinian*, who enjoy’d the Empire with his Brother *Valens*. “ They were l. 6. c. 6. both Christians by Religion; but differ’d in their Opinions and Manners. For *Valens*, when baptiz’d by *Eudoxius* the Bishop, furiously followed the Doctrine of *Arius*, and was angry that he could not force all into his Sentiments. But *Valentinian* embraced the *Nicene* Faith, and favour’d those who were of his Mind; but never injur’d any who were of a different Opinion.” *Socrates* also, and *Sozomen* relate of *Gratian*, who govern’d the Empire Hist. Ec. l. 5. c. 2. with *Valentinian* the Younger, that he ordain’d by Law, That all Persons of every Religion, without Exception, should meet in their Churches; and that the l. 7. c. 10. *Eunomians*, *Photinians*, and *Manichees* only should be expelled from them. *Socrates*, after having recounted the various Sects of Hereticks, adds, That the l. 5. c. 20. *Emperor Theodosius* persecuted none of them except *Eunomius*, whom for gathering Assemblies, and reading over the Books he had written in private Houses at Constantinople, he sent into Banishment, because he corrupted many with his Doctrine: As to the rest he offer’d them no Injuries, nor forced them to communicate with himself; but permitted all to meet in their Conventicles, and to think as they pleased of the Christian Faith. Some of them he suffer’d to build themselves Oratories without the Cities, but the *Novatians* to have their Churches within them, without fear; because they held the same Sentiments, in Matters of Faith, with himself. And he relates of *Atticus*, Bishop of Constantinople, That he did not only preserve his own l. 7. c. 21. People in the Faith, but even surpriz’d the very Hereticks by his wonderful Prudence; that he had no Inclination to persecute them, and that having once attempted to terrify them, he always after shew’d himself more mild and gentle towards them.

CHAP. V.

The Opinion of some of the FATHERS concerning the Persecution of
DISSENTERS.

WHAT the Opinion of those ancient Doctors of the Church, whom we call Fathers, was, we may learn from their Writings. *Athanasius*, in his Epistle to the Hermits, speaks in this Manner of the *Arians*, and thus paints out their Persecutions against the Orthodox: That Jewish He- p. 821;
refy

refy hath not only learnt to deny Christ, but also to delight in Slaughters. But even this was not sufficient to satisfy them. For as the Father of their Heresy goes about as a roaring Lion, seeking whom to devour; so these having Liberty to go up and down, run about, and whomsoever they happen to meet with, who either blame their Flight, or abhor their Heresy, inhumanly tare them with Scourges, or bind them with Chains, or banish them from their native Country. And a little after: If it be a mean and dishonest Thing, that some Bishops have chang'd their Opinion through Fear, how much more heinous and vile is their Wickedness, who, as is the Case generally of those who mistrust the Goodness of their Cause, have forced others against their Will to renounce their Belief? Thus also the Devil, because he hath no Truth in him, invades Men with the Hatchet and Ax; and thus violently breaks open the Doors of those that receive him. The Saviour, on the contrary, is gentle; his Language is, If any one will, let him follow me, and become my Disciple. When he comes to any one, he doth not make use of Force, but knocks at the Door, and says, Open to me, my Sister, my Spouse. If they open he enters; if they refuse it he departs: For Truth is not to be preach'd by Swords, or Darts, or military Weapons; but by Perswasion and Advice. But what room is there for the Liberty of Perswasion, where Men are awed by the imperial Authority? And what signifies Reasoning, when whoever opposes is sure to be rewarded with Banishment or Death? And after a great deal more, he thus inveighs against the bloody Arians: All their Endeavours abound with Slaughter and Impiety; and such is the accursed Craftiness of their Temper and Behaviour, that they abuse and deceive Men by the Promises of Honours, and Majestracies, and Money, that so when they cannot obtain the Constitution of their Bishopricks by lawful Means, they may give the more simple some Appearance of a right Institution. So that the very Name of Heathen is too good for them; so far are they from meriting the Name of Christians, and their Actions so unlike those of Men, that they are perfectly savage and brutal. For such is their Cruelty and Barbarity, that they are more bloody than the very Executioners, and more vile than any other Hereticks, and greatly excelled, even by the Heathens themselves: For I have heard from the Fathers, and I believe it true, that in the Persecution under Maximianus, the Grandfather of Constantius, the Heathens conceal'd our Christian Brethren when they were sought after, and were themselves ostentimes fin'd and imprison'd for no other Reason, but because they would not betray those that fled to them, thinking themselves bound to protect them with the same Fidelity as they would have expected themselves; not in the least afraid to expose themselves to Danger on that Account. But now these wonderful Inventors of a new Heresy, famous for nothing so much as their Treachery, act quite the Reverse; for they seek out those that conceal themselves, and lay Snares for those that harbour them; and become of their own Accord, very Executioners; accounting the Concealed and the Concealer equally their Enemy: So that they are naturally bloody, and Murtherers, and Rivals of the Wickedness of Judas. 'Tis indeed impossible that any Words can sufficiently describe their Actions. What would not this Doctor have said, had he seen the cruel Laws of the Inquisition brought into Use, by which 'tis not only a Crime to conceal an Heretick, but all who do not inform against him are anathematiz'd as Favourers and Defenders of Here-

Here-

Hereticks, and Hinderers of the Office of the Inquisition, and condemned to other Punishments, according to the arbitrary Will of the Inquisitors. He would unquestionably have complained that he wanted Words to describe such an execrable Cruelty. For if what the *Arians* did was beyond Description, how much less can any Words give a just Representation of the Barbarity of the Inquisitors, which is as much superior to the Cruelty of the *Arians*, as theirs was, according to *Athanasius*, to that of the Heathens. But *Athanasius* goes on: *Oh their new Heresy! Such are its Wickednesses and Impieties, that let the Devil be ever so bad, this will appear to be the Devil all over. Such a monstrous Evil never rose up before; for those who had any heretical Opinions, used to keep their Thoughts and Sentiments to themselves. But now Eusebius and Arius, like Serpents crawling out of their Dens, vomit openly the Poison of their impious Sect; this taking the Liberty publickly to blaspheme, and the other as publickly to defend his Blasphemy: But this he could not defend till he had found an Emperor to support his Blasphemy. On the other hand, the Fathers in a general Council, of about 300 Bishops, condemn'd the Arian Heresy, and shew'd that 'twas contrary to the Faith of the Church: But the Defenders of the Sect, seeing themselves despis'd, and being able to alledge nothing agreeable to Reason, have invented a new Way, and attempted to support themselves by the secular Power; in which one cannot help being amaz'd at their Insolence and Wickedness; and how much it exceeds all other Heresies. For the Madness of other Heresies consists in persuasive Words, in order to deceive the Simple: And as for the Heathens, the Apostle tells us, they deceive Men by their Eloquence and Oratory, and subtle Speeches; and the Jews, forgetting the Scriptures, contend about Fables and endless Genealogies: The Manicheans also, and Valentini-ans, and the other Hereticks, endeavour to support their Trifles by adulterating and corrupting the sacred Scriptures. But the Arians, more perverse than all the rest, plainly declare all the other kindred Heresies to be inferior to theirs, since they allow themselves in much more impious Practices, and endeavour to rival all others, but especially the Jews in their Wickedness and Villainies; for as they immediately brought Paul before the Governors Tribunal, whom they could not convict of the Crimes objected to him; so these, every Day devising fresh Tricks, use no other Arguments but the Power of the Judges; and if any one but once contradicts them, he is immediately dragged before the Governor and Captain: And farther, other Heresies being overcome by the Demonstration of the Truth, shut their Mouths in Silence, and have nothing to do but to blush upon Conviction. But this new and execrable Heresy when overcome with Reason, and put to shame by the Power of Truth, endeavours to bring Men over to its Interest by Violence, Stripes and Fails, when Words prove ineffectual to persuade them; and even by this shews it self to be an Enemy to true Piety and the Worship of God: For 'tis the Property of true Religion, not to force but persuade. Thus our Lord, far from forcing Men, left them to the Liberty of their own Will, commonly thus speaking to all: If any one will come after me; and to his Disciples: And will you go away also? But what is more suitable to the Nature of such an Heresy as this, which is quite repugnant to true Religion, and in Rebellion to Christ, avows Constantius as the Author of its Impiety, hereby making*

him, as it were, an Antichrist; what more agreeable to its Nature than to act in Defiance to the Saviour?

In his first Apology for his Flight, he speaks to the same Purpose. And in the first Place to prevent the *Arians* imputing these Persecutions to the Judges, and so pronouncing themselves innocent, he says: *What the Judges seem to do, they are the true Authors of; or rather, they make themselves the Tools to execute the Sentence and Malice of the Judges.* And afterwards he shews from whom they learn'd these Persecutions. *Pray let them tell me, since whatever is said to them, they pretend is unworthy their Regard, whence they have learn'd the Doctrine of Persecution? Surely they had it not from the Saints; it therefore follows, that they must have received it from the Devil, whose Language is, I will pursue and overtake. It is the Command of God, and agreeable to the Practice of the Saints, that we should fly; but to persecute is the Invention of the Devil, who being an Enemy to all, is desirous of exciting every where Persecution.* In this and the like Manner, *Athanasius*, whilst persecuted by the *Arians*, largely and pathetically argues, condemning Persecution of every Sort upon the Score of Religion, and freely pronouncing it the Invention of the Devil. And yet we do not find that this same *Athanasius* made the least Intercession with the Emperor *Constantine*, when the *Nicene* Synod was ended, to prevent the Banishment of *Arius* and his Followers; no, nor one single Word to shew that he even disapprov'd of *Arius's* Banishment; through a too common Weakness of Mind, whereby Men are apt to think, that the same Thing done to them by others would be most unjust, that would not be unjust in them to do to others.

Hilarius against *Auxentius* the *Arian*, shews, with equal Eloquence, his Detestation of Cruelty towards Men differing in their religious Sentiments. *And first I cannot help pitying the Misfortune of our Age, and lamenting the absurd Opinions of the present Times; according to which, human Arts must support the Cause of God, and the Church of Christ be defended by Methods of secular Ambition. I beseech you, O ye Bishops, who believe your selves to be such, what Helps did the Apostles make Use of in propagating the Gospel? What Powers assisted them in preaching Christ, and converting all Nations from Idols to God? Had they any of the Nobles from the Palaces joined with them, when they sung Hymns to God in Prison and in Chains, and after they had been cruelly scourged? Did Paul gather the Church of Christ by Virtue of the Royal Edict, when he himself was made a Spectacle in the publick Theatre? Was the Preaching of the Divine Truth protected by Nero, Vespasian or Decius, which flourished by Means of their very Hatred towards us? Had they not the Keys of the Kingdom of Heaven? Surely they had, though they maintained themselves by their own Hands and Labours, met together in Garrets and secret Places, and travelled by Sea and Land over almost all the Nations, Towns and Cities of the Earth, in Opposition to the Edicts both of Senate and Kings? Did not Mens Hatred of the Gospel manifest the Divine Power, in that the more Christ was forbidden to be preach'd, he was still the more preach'd in the World? But now (O wretched Case!) earthly Suffrages are to recommend the Divine Faith; and Christ is declared to be destitute of Power, since Ambition is become the Means of reconciling Men to his Name.*

Name. The Church now terrifies Men by Banishments and Fails, which was at first believed in by Means of Banishments and Fails: She now relies on the Dignity of her Communicants, though at first consecrated by the Terror of her Persecutors: She now puts her Priests to flight; though she was at first propagated by the Flight of her Priests. She now glories that she is beloved of the World; though she could not belong to Christ, unless the World hated her. And in his first Book to Constantine, to the same Purpose. God rather chose to teach Men the Knowledge of himself than forcibly demand it; and by gaining Authority to his own Precepts, by wonderful heavenly Works, shew'd that he disdain'd a Mind compelled even to the Acknowledgment of himself. If such a Method as this was made Use of to propagate the true Faith, the Episcopal Doctrine should agree with it, and say, He is the God of the whole World, and needs not a constrained Obedience. He doth not require a forced Confession: He is not to be deceived, but engaged: He is to be worshiped, not for his own sake, but ours. I can accept him only that is willing; hear him only that prays, and heal him only that freely confesses him. He is to be sought with Simplicity of Mind, to be learn'd by humble Confession, to be loved with true Affection, to be reverenc'd with Fear, and his Favour to be secured by an honest Mind. But what strange Thing is this, that the Priests are forced by Chains and severe Penalties to fear God? The Priests are kept in Prison; the People are bound in Chains; Virgins are stripp'd naked, and their Bodies, consecrated to God, exposed by Way of Punishment to publick View, made an open Spectacle, and fitted for the Torture.

Ambrose also taught the same Doctrine. The Apostles are not commanded to take Rods in their Hands, as Matthew writes. What is a Rod but an Ensign of Power, and an Instrument of Vengeance to inflict Pain? And therefore the Disciples of a humble Master, I say of a humble Master, for in his Humility his Judgment was taken from him, can only perform the Duty he hath enjoyned them by Offices of Humility: For he sent Persons forth to sow the Faith, who should not force Men but teach them; nor exercise Power, but exalt the Doctrine of Humility. And a little after he adds: When the Apostles would have had Fire from Heaven, to consume the Samaritans, who would not receive our Lord Jesus into their City; he turned about and rebuked them, saying, Ye know not what Spirit ye are of; for the Son of Man is not come to destroy Mens Lives, but to save them.

Gregory Narianzen evidently shews himself to be of the same Sentiment, although he hath not handled this Argument professedly: For having observed that Men were not easily and at once, but slowly and gradually, brought off from Idolatry to the Law, and from the Law to the Gospel; and having consider'd the Reason of it, he thus speaks: And why is it thus? Because we are to know, that Men are not to be driven by Force, but to be drawn by Perswasion. For that which is forced is not lasting; this even the Waves teach us, when they are repelled by Violence; and the very Plants when bent contrary to their Nature. That which is voluntary is both more lasting and safe. This is agreeable to the Divine Equity; the other an Instance of Tyranny. So that he did not think it just even to do good to Men against their Will, or without their Consent.

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sent. And in the Poem of his own Life, he speaks to the same Purpose:

*Perswasion's much more just than Violence ;
Fitter for us, and those whom we attempt
To reconcile unto the Being Supreme :
What by Compulsion's done can never last.
Like as the bending Bow, and Stream repell'd,
The Force remov'd, by their own Power return
To native Form and Place, scorning Restraint.
That's only durable which is th' Effect
Of free Consent and Choice. Love leads the Way,
And steady keeps, by kind, yet powerful Influence.*

Optatus Milevitanus writing against *Parmenianus*, the *Donatist*, vindicates the Church from the Charge of persecuting Dissenters from it. For when *Parmenianus* objected to the *Catholicks*: *That cannot be called the Church, which feeds on cruel Dainties, and grows fat with the Flesh and Blood of the Saints*: *Optatus* thus answers him, l. 2. *The Church hath its proper Members; the Bishops, Presbyters, Deacons, Ministers, and the Body of the Faithful. To which of these different Orders in the Church can you impute what you object? Point out, if you can, by Name, any Minister or Deacon, or instance in any one Presbyter that hath been concerned in it, or any Bishops who have approved it. What one amongst us hath endeavoured to ensnare, or hath persecuted any Person? Declare, if you can, and prove one single Instance of Persecution by us.* In this Passage he plainly acknowledges, that the Church ought not to feed on cruel Dainties, and denies that the *Donatists* can, with Truth, object this to his own Church; though indeed, 'tis scarce to be believed, when one considers the Edicts of the Emperors against the *Donatists*, and other Hereticks. But he goes on, and largely shews, that the *Donatists* themselves had fed on these cruel Dainties, and feasted on Christian Blood; and at length concludes: *See, your own Party have made good what you your self have confessed, that that cannot be the Church which feeds on cruel Dainties. Missionary Dragoons, and ordained Bishops are vastly different. What you have falsely laid to our Charge, hath been done by others, not by us; and what you have owned to be unlawful to do, you your selves have acted.*

What was *Chrystom's* Sentiment in this Affair, he himself sufficiently declares in his Sermon about Excommunication, where he thus inveighs against those, who pronounced others accursed: *I see Men, who understand not the genuine Sense, nor indeed any thing of the sacred Writings, who, to pass by other Things, I am not ashamed to own, are Furious, Triflers, Quarrelsome, who know not what they say, nor whereof they affirm; bold and peremptory in this one Thing, ever determining Articles of Faith, and declaring accursed, Things they understand not. Upon this Account we are become the Scorn of the Enemies of our Faith, who look upon us as Persons that have no Regard for Virtue, and never learnt to do good.* How
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am I afflicted and grieved for these Things? And afterwards, citing that Place of St. Paul, 2 Tim. ii. 24, 25, 26. *The Servant of the Lord must not strive, but be gentle, &c.* he goes on: *Entice him with the Bait of Compassion, and thus endeavour to draw him out from Destruction, that being thus delivered from the Infection of his former Error, he may live, and thou may'st deliver thy Soul. But if he obstinately refuses to hear, witness against him, lest thou become guilty; only let it be with Long-suffering and Gentleness, lest the Judge require his Soul at thy Hand. Let him not be hated, shunn'd, or persecuted, but exercise towards him a sincere and fervent Charity.* And at length he thus concludes: *Impious and heretical Principles are to be opposed and anathematized; but Men themselves are to be spared, and we must pray for their Salvation.* If this was his Opinion as to those who anathematized others only upon the Account of Heresy, how zealous would he have been against such, who, not content to pronounce Hereticks accursed, deliver them over to the secular Arm to be most cruelly punished?

He farther declares his Opinion, in his eighth Homily on the first of Genesis: *Hereticks may be compared to Persons in a Disease, and that are almost deprived of their Sight; for as the one cannot bear the Light of the Sun thro' the Weakness of their Eyes, and the other thro' Illness nauseate the most wholesome Food; so they being distemper'd in their Minds, and darkned in their Understanding, cannot endure to behold the Light of Truth. We ought therefore, in Discharge of our Duty, to hold out the helping Hand, and speak to them with great Meekness. For thus St. Paul hath advised, saying, That our Adversaries are to be instructed with Gentleness, if peradventure God may give them Repentance, to the Acknowledgment of the Truth, and that they may escape out of the Snare of the Devil, having been taken captive by him at his Will — so that there is need of a double Measure of Gentleness and Forbearance, to deliver and bring them out of the Snares of the Devil.* But in his 47th Homily upon Matt. xiii. explaining the Parable of the Tares, he doth not condemn all Sorts of external Violence against Hereticks: *Wilt thou therefore that we go and gather them up? But the Lord forbid it, lest also ye pluck up the Wheat with the Tares; which he said to prevent Wars, and Effusion of Blood, and Slaughter. For if Hereticks were to be killed, a bloody and eternal War would spread it self thro' the World. And therefore he forbids it on a double Account; the one, that the Wheat might not be burnt; the other, that unless they were healed, they could not escape the severest Punishment. Therefore, if you would punish them, and not hurt the Corn, you must wait for the proper Time and Season. What then doth he mean when he says, lest also ye pluck up the Wheat? Undoubtedly this, that if you take up Arms, you must necessarily destroy many of the Saints with the Hereticks; or that even some of these may be changed into the true Wheat: If therefore you too hastily pluck them up, you will destroy all that good Wheat, which might have been produced out of the very Tares. But he doth not forbid us to confine, or shut the Mouths of Hereticks, or to hinder their Liberty of Speech, or synodical Assemblies, or prevent their Union, but only to murder and destroy them.*

St. Jerome is of the same Mind, who in his 62d Letter to Theophilus against Jobu of Jerusalem, thus speaks: *The Church of Christ was founded on the bloody Sufferings*
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and Patience of its first Professors, and not on their abusing and injuring others: It grew by Persecutions, and triumphed by Martyrdoms. For tho' he shews himself very severe against Hereticks, yet he was not for punishing them with Death, but treating them with Gentleness. Thus in his Comment on *Hosea* ii. 1. You that believe in Christ, whether Jews or Gentiles, say ye to the Branches that are broken off, and the People that is cast out, My People, for he is thy Brother; and my Sister, for she hath obtained Mercy. When the Fulness of the Gentiles shall come in, then shall all Israel be saved. This is commanded us, that we should not wholly despair of Hereticks, but provoke them to Repentance, and with a brotherly Affection wish their Salvation. And explaining the Parable of the Tares, *Matt. xiii.* he says: Wherefore he who governs the Church ought not to sleep, lest thro' his Negligence the Enemy should sow the Tares, i. e. heretical Opinions. But whereas 'tis said, lest gathering the Tares, ye pluck up also the Corn, 'tis to shew us, that there is a Place for Repentance, and that we ought not hastily to cut off our Brother, because it may happen, that he who To-day is infected with heretical Pravity, may repent To-morrow, and become a Defender of the Truth. And in his Commentary on the Epistle to the Galatians, ch. v. 9. A little Leaven leavens the whole Lump, among other Things he hath this: A Spark is to be extinguished as soon as it appears, and the Leaven not to be suffer'd to approach the Lump: Corrupted Flesh is to be cut off, and scabby Sheep to be driven from the Sheepfold, lest the whole House, Lump, Body and Flock, should be burn'd, leavened, corrupted, and perish. Arius at first was but as a single Spark, which, because it was not immediately extinguished, set on Fire and ravaged the whole World.

C H A P. VI.

St. AUGUSTINE'S Opinion concerning the Persecution of HERETICKS.

Augustine, in his former Writings, condemned all Violence upon the Account of Religion; for, writing against the fundamental Epistle of *Manichæus*, he begins with this Address to the *Manichæans*: The Servant of the Lord ought not to strive, &c. It is therefore our Business willingly to act this Part. God gives that which is good to those who willingly ask it of him. They only rage against you, who know nothing of the Labour that is necessary to find out Truth, or the Difficulty of avoiding Errors. 'Tis they who rage against you, who know not how uncommon and difficult it is to overcome carnal Imaginations by the Calmness of a pious Mind. 'Tis they who rage against you, who are ignorant how hard it is to heal the Eye of the inward Man, so that it can behold its Sun; not that Sun whose celestial Body you worship, and which irradiates the fleshy Eyes of Men and Beasts, but that of which the Prophet writes, The Sun of Righteousness is risen on me; and of which we read in the *Evangelist*, He was that true Light which enlightens every Man that cometh into the World. They rage against you, who know not that 'tis by many

Sighs and Groans we must attain to a small Portion of the Knowledge of God. Lastly, they rage against you, who are not deceived with that Error, into which they see you are fallen. But as for my self, I, who after long and great Fluctuation, can at last perceive, what is that Sincerity which is free from all Mixture of vain Fable, cannot by any Means rage against you, whom I ought to bear with, as I was once borne with my self, and to treat you with the same Patience that my Friends exercised towards me, when I was a zealous and blind Esouser of your Error.

And again, in his Questions upon St. Matthew's Gospel, chap. 12. when the good Corn sprung up and brought forth Fruit, then appear'd the Tares also: *For when the spiritual Man begins to discern all Things, he begins to discern Errors. His Servants said to him, Wilt thou that we go and gather the Tares? Are we to suppose that those are the Servants, whom he calls a little after Reapers, which in the Exposition of the Parable he expressly saith to be Angels? But who will dare affirm, that the Angels knew not who sowed the Tares, and then first discerned them, when they perceived the Fruit come forth? We ought rather to interpret it of faithful Men here, signified by the Name of Servants, whom he also calls the good Seed. Nor is it any Wonder that the same Persons should be called the good Seed, and the Servants of the Master, since Christ says of himself, that he is the Gate, and the Shepherd; for the same Thing is represented under many different Similitudes for different Reasons; and the rather here, because when he speaks to the Servants, he doth not say, When the Harvest comes, I will say to you, Gather first the Tares: But I will speak, says he, to the Reapers. From whence we may infer, that the gathering the Tares to burn them is the Business of others, and that no Son of the Church should imagine that 'tis an Office belonging to him. When therefore any Person begins to be spiritual, he perceives the Errors of the Hereticks, and judges and discerns every thing that he reads or hears to differ from the Rule of Truth. But until he grows more perfect in these spiritual Things, and ripens into Fruit as the Seed did, he may be surprized how so many Falshoods of the Hereticks should exist under the Christian Name. Hence it was that the Servants said, Didst thou not sow good Seed in this Field? Whence then the Tares? When at last he comes to know, that this is owing to the Subtlety of the Devil, who, far from being awed by the Authority of so great a Name, covers his own Falshoods under it, he may have an Inclination to destroy such Men out of the World, according as he hath Opportunity. But whether he ought to do this, and whether it be the Duty of Men, he consults the Justice of God, whether he hath commanded or permits it? Hence the Servants said, Wilt thou that we go and gather them? To which the Truth it self answered: The Condition of Man in this Life is not such, that it can certainly be known, what that Man may afterwards prove, who is now seen to be in a manifest Error; or how his Error may contribute to the Increase of the Good. And therefore such are not to be destroyed, lest whilst we endeavour to kill the evil, we kill also the good, or such as possibly may hereafter prove so; and lest we hereby prejudice the good, to whom the other may be, tho' unwillingly, useful. But the most proper Time for this is, at the End of all Things, when there will be no farther Opportunity of amending the Life, or of advancing in the Truth, by the Occasion and Comparison of other Mens Errors. And even then this is to be done not by Men, but by the Angels. Hence*

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it was that the Master answers, No, lest gathering the Tares ye pull up also the Wheat. But in the Time of Harvest I will say to the Reapers, &c. And thus he render'd them the most patient and calm.

But afterwards, upon his sharp and long Disputes with the *Donatists*, tho' he was so far of the same Mind, as that he was not willing to punish them with Death, yet he so far altered his Opinion, as that he did not disapprove of, but was for actually inflicting all Punishments, which did not cut off the Hopes of Repentance, *i. e.* all manner, Death only excepted; that being terrified by them, they might be compelled to embrace the orthodox Faith; which he hath shewn in a few Words, in his second Book of *Retractions*, c. 5. *I have two Books entitled, Against the Donatists: In the first I declared, that I did not approve that schismatical Persons should be compelled to Communion by any secular Power. The Reason was, because I had not then experienced what great Mischief would arise from their Impunity, nor how much Good Discipline would conduce to their Conversion.* He argues the same more largely in his 48th Letter to *Vincentius*, on Account of the *Rogatian Heresy*: *My first Opinion was, that none was to be forced to the Unity of Christ; but that he was to be dealt with by Words, fought with by Argument, overcome by Reason, lest those who once were open Hereticks should become feigned Catholicks. But I changed my Opinion, not from the Contradiction of others, but from demonstrative Examples. My own City was first alledged, which tho' entirely in the Heresy of Donatus, was converted to the Catholick Unity by Fear of the Imperial Laws, and now so thoroughly detests their pernicious Animosity, that one would be apt to believe it had never been infected with it. Many other Cities were particularly named to me, so that from hence I understood the Meaning of what is written, Give Opportunity to a wise Man, and he will be wiser. For how many, to our certain Knowledge, were willing to become Catholicks, convinced by evident Truth; but yet deferred it through Fear of offending their Friends? How many were held in Subjection, not to Truth, in which you never had any Concern, but to Obstinacy of Habit, whereby was fulfilled in them that divine Passage, An evil Servant will not grow better by Words; even though he understand, he will not obey. How many imagined that the Donatists were the true Church, because Security had render'd them proud, sloathful and negligent in their Enquiries after the Catholick Truth? How many were prevented, by the false Reports of Slanders, from entering into the Church; who gave out that we placed I know not what upon the Altar of God? How many thought it indifferent to what Party a Christian belonged, and therefore continued Donatists, because they were born in that Sect, and no one forced them to forsake it, and return to the Catholick Faith? Now the Terror of those Laws, by the Publication of which Kings serve the Lord with Fear, was of such Advantage to all these, that they say, some of them: This was what we intended. Blessed be God, that hath given us the Occasion of doing it now, and prevented all farther Delays. Others say: This we knew to be true. But we were under an unaccountable Prepossession. Blessed be God, who hath broke our Bonds in sunder, and hath brought us to the Bond of Peace. Others say: We knew not that the Truth was here, neither were we willing to learn it. But Fear made us diligent in inquiring after it, being apprehensive, that we should lose our temporal Enjoyments,*

Enjoyment, without gaining any eternal Blessings. Blessed be God, who by Fear hath cured us of our Negligence, so that thro' Terror we have enquired after, what in a State of Security we should never have been careful to have known. Others say: We were afraid to enter thro' false Reports, which we could not know to be false unless we entered. Neither should we have entered, unless we had been forced. Blessed be God, who hath taken away our Fear by the Rod, and given us to understand how vain and lying the Reports are, which have been raised of his Church. Hence we believe all those Things to be false, which the Authors of this Heresy have raised, since their Followers have spread much greater Falshoods. Others say: We thought it signified nothing of whatever Party we were Christians. But blessed be God, who hath brought us from the Schism, and shewn us that 'tis agreeable to the one God, that he should be worshipped in Unity. Should I therefore oppose my self to my Colleagues in preventing Methods so gainful to the Lord, and thereby hinder the gathering into the Sheepfold of Peace, where there is one Flock and one Shepherd, the stray'd Sheep of Christ, who now wander in the Mountains and Hills, i. e. in the Swellings of their Pride? Ought I to oppose such a Provision as this, for fear of your losing the Things you call your own, whilst if you were free from Fear, you would proscribe even Christ himself? Have you a Liberty of making Wills by the Roman Law, and ought you to destroy by infamous Charges the Will delivered by God to the Fathers, in which 'tis written, In thy Seed shall all Nations be blessed? Should you be allowed to make free Contracts in buying and selling, and yet dare to divide amongst your selves what the betrayed Saviour bought for us? Is it just that your Donations to others should be valid, and should not what God hath given to his Children be firm, whom he hath called from the rising of the Sun to the setting of it? Can it be unjust to banish you from the Land of your Body, when you endeavour to banish Christ from the Kingdom of his Blood, from Sea to Sea, and from the River to the utmost Bounds of the World? No: Let the Kings of the Earth serve Christ, even by making Laws for Christ.

From these Words of *Austin*, it appears clearer than the Light, that he approved of the Punishment ordained by Civil Laws against the Erroneous, as that they ought not to make Wills, nor buy and sell, nor receive Legacies, but that they should be sent into Banishment. And to shew that he thought this Punishment just upon the *Donatists* and *Rogatians*, he adds: *The Terror of temporal Powers, when it opposes the Truth, is a glorious Trial to the Good and Resolute, but a dangerous Temptation to the Weak. But when it inculcates the Truth upon the Erroneous and Schismatical, to ingenuous Minds it is an useful Admonition, but to the Foolish it proves an unprofitable Affliction.* There is no Power but what is of God, and he that resisteth the Power, resisteth the Ordinance of God: For Princes are not a Terror to them that do well, but to those who do ill. Wilt thou not therefore fear the Power? Do well, and thou shalt have Praise from it. For if the Power favouring the Truth corrects any one, he who is made better by it hath Praise from it: Or if, in Opposition to the Truth, it rages against any one, he who is crowned Conqueror hath Praise from it. But as for thee, thou dost not well that thou should'st not fear the Power. And to make this appear, he largely refutes his Opinion, and then thinks he hath evinced the

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Justice of the Persecution raised against them. And in the former Part of his Letter, he argues, that they ought to be compelled to return to the Church, not by Reason only, but by Terrors. For, says he, if they should be terrified, and not taught, it would seem to be the Exercise of an unjust Power over them; and if they were taught, and not terrified, their old Habits would harden them, and they would move more slowly into the Way of Salvation.

The like may be read in his 50th Epistle, to Boniface, a military Man of Cæsar's Retinue: *A Person in a raging Pbrency can't bear the Physician, nor a libertine Son his Father; the one because he is bound, the other because he is chastised; both because they are loved. But if they neglect them, and suffer them to perish, 'tis a false and cruel Mildness; for if the Horse and Mule, who have no Understanding, bite and strike at those who handle them to cure their Wounds, who yet, tho' they are oftentimes in Danger, and sometimes receive Mischief, don't leave them, till by medicinal Smart and Pains they have made them sound; how much less ought one Man to be given up by another, a Brother by his Brother, lest he perish eternally; when after Correction he might be brought to understand, how great a Benefit was conferred on him, even when he was complaining of suffering Persecution. Therefore, as the Apostle says, Let us do good to all as we have Opportunity; let those, that can, do it by Discourses of the Catholick Precepts, others by the Laws of Catholick Princes, that all may be called to Salvation, and recovered from Destruction, partly by those who obey divine Admonitions, and partly by those who obey the Imperial Commands. When the Emperors make bad Laws in Favour of Falshood against the Truth, true Believers are approved, and those who persevere are crowned with Victory. But when they ordain good Laws for the Truth, in Opposition to Error, the Unruly are terrified, and the Wise amended. He therefore who refuses to obey the Imperial Laws, when made against the Truth of God, acquires a great Reward: He who refuses to obey, when made for Support of divine Truth, exposes himself to most grievous Punishment. For in the Times of the Propbets all those Kings are blamed, who did not forbid and abolish every thing contrary to the divine Precepts, and those who did are highly commended. Even King Nebuchadnezzar, when he was a Servant of Idols, made an impious Law, that the Image should be worshipped. But those who did not obey his wicked Constitution, acted piously and faithfully. And yet the same King, changed by a divine Miracle, made a pious and commendable Law for the Truth; that whoever should blasphem the true God of Shadrack, Meshack, and Abednego, should be destroy'd with his whole House. Those who despised this Law, and deservedly suffered the Penalty of it, might yet say, what these do, that they were righteous Persons, because persecuted by the King's Law; which they might say as well, if they were as mad as those who divide the Members of Christ, destroy the Sacraments of Christ, and yet glory in Persecution: Because they are forbidden to do these Things by the Imperial Laws made for the Unity of Christ, they vainly boast of their Innocence, and seek the Glory of Martyrdom from Men, which they cannot receive from the Lord.* After which he subjoins a long Discourse to prove, that all who suffer Persecution are not Martyrs, but such only who suffer for Righteousness; and that all Persecutors are not of the false Church. For Agar suffered Persecution from Sarah; and yet she who persecuted was holy, and she who suffered

suffered Persecution unholy. And a little after: *If therefore we will acknowledge the Truth, that is an unjust Persecution, which the Wicked make on the Church of Christ, and that a just Persecution which the Churches of Christ make on the Wicked. So that the Church is blessed which suffers Persecution for Righteousness Sake, and they miserable who suffer Persecution for Unrighteousness. Besides, the Church persecutes, by Love; they, by Rage; she, that she may correct; they, in order to overthrow; she, that she may recal from Error; they, to force others into it. She persecutes and apprehends Enemies, to cure them of their Vanity, and that they may advance in the Truth; they return Evil for Good, and because we consult their eternal Salvation, endeavour to deprive us of our temporal Safety. And afterwards: 'Tis an Instance of Mercy to them, because by these Imperial Laws, they are snatched, tho' against their Wills, from that Set, where they have learnt their Errors from the Doctrines of Devils, that they may be healed by being accustomed to sound Doctrines and Manners in the Catholick Church. For many of those, whose pious Ferour of Faith and Charity in the Unity of Christ we now admire, give Thanks to God with great Gladness, that they are not now in the Error to think those evil Things good; which Thanks they would never have given willingly, unless they had been forced unwillingly to depart from that accursed Society.*

As to the Objection, that the Apostles never desired such Methods from the Kings of the Earth, he answers; That none of the Emperors then believed in Christ, and therefore could not serve him by making Laws for Godliness, against Impiety. *But afterwards, when that began to be fulfilled, which is written, All the Kings of the Earth shall worship him, all Nations shall serve him, what Person in his Wits could then thus address himself to Kings? It doth not concern you, who in your Dominions defends or opposes the Church of our Lord, who will be religious or impious. May it not as well be said, It is nothing to you, who in your Dominions is chaste or lewd? For since God hath given to all Men Freedom of Will, why should Adulteries be punished by Law, and Sacrileges permitted? Is the Preservation of the Soul's Fidelity to God of less Importance than a Woman's to her Husband? Or because those Things which are done, not from any Contempt of Religion, but merely thro' Ignorance, are to be more gently animadverted on, are they therefore to be entirely neglected? Who doubts whether it be better to draw Men to the Worship of God by Argument, than to compel them with the Fear of Punishment or Pain? But doth it follow, that because those who are won by Reason are the best, that therefore others are to be wholly disregarded? We can produce many Instances to prove, of how great Advantage Compulsion by Fear and Pain hath been, they having been hereby render'd open to Instruction, or excited to the Practice of what they have been taught. And afterwards: To what Purpose do these Men cry out, Men are free either to believe, or not believe. To whom did Christ use Violence? Whom did he force? I produce the Apostle Paul. Let them own that Christ first forced, and afterwards taught him; first struck, and then comforted him. 'Tis wonderful to consider, how he, who, forced by bodily Punishment, first entered into the Gospel, laboured in it more abundantly than all they, who by the Word only were called to the Belief of it. By how much greater his Fear was that forced his Love, by so much the more perfect was his Love that cast out Fear. Why then should not the*

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the Church compel her lost Sons to return, since these lost Sons have compelled others to their Destruction? Especially as the holy Mother more kindly embraces those, who, having been not so much compelled as seduced, are made to return by terrible tho' wholesome Laws, into her Bosom, and rejoices over them much more than over those she hath never lost. What, doth it not belong to the Pastoral Care, to recover those Sheep, when found, to the Lord's Flock, by the Terror of Stripes, or even Pains, if they resist, which having not been violently snatched away, have wandered from the Flock, thro' soft and gentle Perswasion? And a few Lines afterwards: Because they cannot shew that they are compelled to Evil, they argue, that they ought not to be compelled even to what is good. But we have shewn that Paul was compelled by Christ, so that the Church imitates its Lord in compelling those, first waiting before she compels any, that the Preaching of the Prophets might be fulfilled with respect to the Faith of Kings and Nations. For to this Purpose may be understood that of blessed Paul, Having in a Readiness to revenge all Disobedience, when your Obedience is first fulfilled. Hence also our Lord himself, first commands the Guests to be invited, and afterwards compelled to his great Supper. For when the Servants answered him, Lord, it is done as thou commandedst; and yet there is Room, he said, Go out into the High-ways and Hedges, and compel them to come in. Now in those who were first kindly brought in, is fulfilled the first Obedience; in those who are compelled the Disobedience is revenged. For what is this, Compel them to come in; when 'tis first said, Bring in; and the Answer was, It is done as thou hast commanded, and yet there is Room? If he would have it understood, of being compelled by the Terror of Miracles, those were done in greatest abundance, in Behalf of those who were first called, especially of those of whom 'tis said, The Jews seek Signs. The like may be read in his 204th Epistle to Donatus, a Donatist Presbyter, in which he relates the various Cruelties of the Donatists and Circumcellians, and writes that many were reduced to the Unity of the Church, by the Laws made against them. After a long Account of this, he answers an Objection of the Donatists, that the Catholicks coveted and took away their Goods, and shews the Falshood of it. See also his 116th Epistle to the Donatists.

From hence we may see that Austin hath very fully taught, and endeavoured by many Arguments to prove, that Hereticks ought to be compelled to return to the Church by external Violence and the Fear of Punishments, tho' he was not willing that they should be put to Death. Wherefore he not only writes to Dulcitus the Tribune in his 60th Epistle: Thou hast not received by any Laws the Power of the Sword over them, nor do any of the Imperial Constitutions, which thou art intrusted with the Execution of, command thee to put them to Death. But in his 158th and 159th Epistle to Marcellinus, and in his 160th to Apringius, he largely intercedes to prevent their Death, and that their Punishment might not reach so far. And in his 127th Epistle to Donatus, Proconsul of Africa, he thus writes: Since there are such terrible Judges and Laws, to prevent their incurring the Punishment of the eternal Judgment, we would have them corrected, not destroyed: We would not that the necessary Discipline towards them should be neglected, nor that they should be punished according to their Deserts. Put such a Re-

straint on their Sins, as that there may be some to repent that they have sinned. So that tho' he intercedes for them that they should not be put to Death, yet the only Punishment he would have Hereticks exempted from is Death. Hence in his Epistle to *Cresconius* the Grammarian, *b. 3. c. 50.* he saith: *No good Men in the Catholick Church are pleas'd, that any one, even an Heretick, should be punished with Death.* But as to all other Methods of Persecution, *Austin* is so far from being against them, that he recommends them, as a Remedy proper for the Extirpation of Heresies. Hence in his first Book against *Gaudentius*, *c. 5.* he says: *God forbid that this should be called persecuting Men, when 'tis only a persecuting their Vices, in order to deliver them from the Power of them; just as the Physician treats his distemper'd Patient.*

This then is the so much admired Clemency of *Austin*, that he interceded with the Proconsuls, that the *Donatists* should not be punished with Death; whilst at the same Time he not only approved of all other Penalties except Death, such as Banishment, the denying them Power to make Wills, to inherit their Patrimony, or to receive what was left them by others, of making Contracts, buying and selling, and the like; but he himself accused them to the Proconsuls, that if they persisted in these Opinions, they might suffer these Punishments. Who doth not see, that under such Circumstances, Life is sometimes worse than Death? And that, as *Arcadius* and *Honorius* decreed with respect to the Children of those condemned for Treason, Life would be a Punishment, and Death a real Relief? 'Tis much more terrible to pine away in Poverty, Banishment, and other Miseries, and then perish by a lingering Death, than to be killed outright, tho' in a cruel and bloody manner. Yea sometimes, such hath been the Cruelty of Persecutors, that they have denied those they have persecuted, Death, that they might not seem to give them the Honour of Martyrdom; whilst they have invented and exercised on them all manner of Miseries and Tortures, that by the Weight and Length of their Punishments, they might force them to a Denial of their Faith. There is no need to produce many Proofs or Examples of this Nature, or to search into Antiquity for Instances. I shall only produce two fresh ones, one of which now presents it self to us in *France*. There we see that the miserable Reform'd are not punish'd with Death, but given up to the licentious Abuses of Soldiers, and that they have no End of their Troubles, unless they abjure the Reform'd Religion. And yet all the Reform'd unanimously agree, they never suffer'd a more grievous Persecution. *Bohemia* will afford us another Instance of Persons forced by the like Cruelty to Apostacy. We read in the History of the *Bohemian* Persecution, *c. 99.* that when the Vice Chamberlain of the Kingdom had solicited the Inhabitants of the City *Tusta* in vain to Apostacy, and was complaining of their Obstinacy in the Jesuits College at *Praque*, one *Martyn de Huerda*, a *Spaniard*, was present, and laughed at it, and promised to accomplish the Matter for 500 Pieces of Gold. " Taking with him some Bands
" of Soldiers, he entered the City, and sent them by Tens and Twenties to each
" Senator, and gave them Liberty to plague them by every Method they could
" invent; and by this Means in a little while compelled them all to Apo-
" stacy,

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“ stacy, and then received his Reward from the Chamberlain. The same
 “ *Martyn*, when others had attempted, in vain, the Reformation, as they cal-
 “ led it, of the City *Kutteberge*, terrified the Citizens by the same Means,
 “ till at length they were so oppressed by Means of the Soldiery, and broken
 “ by their continu’d Persecutions, that most of them complied with their Ene-
 “ mies, and submitted their Necks to the Antichristian Yoke; whilst others,
 “ leaving every Thing behind them but their Wives and Children, went into
 “ Banishment.” c. 93. The like Sort of Reformation we may read, c. 97.
 made in the City *Zalerus*. *Cap.* 103. gives an Account of various Punish-
 ments inflicted, by the Cruelty of which many were forced to Apostacy,
 though not one put to Death. Yea, there is an Account, §. 13. “ That
 “ some, who begged rather to be put to Death, than compelled to Apo-
 “ stacy, were answer’d: *Cæsar did not thirst after their Blood, but the Salva-*
 “ *tion of their Souls.* The like Request made by others was received with
 “ Laughter. *Ho, Sirrab, Do you want the Honour of Martyrdom? Ye*
 “ *Wretches, you are unworthy of having any Occasion wherein to glory.*” From
 these Examples ’tis clearer than Day, that some Persecutions, though not
 reaching to Death, may be more cruel than Death it self. And though
 possibly some Person may pretend a Sort of Gentleness in all this, yet let
 him remember what *Bellarmino* justly writes, *De Laicis*, l. 3. c. 21. That *Au-*
stin excepts the Punishment of Death; *not that he thought they did not deserve*
it, but because it became the Clemency of the Church; and because there were, as
yet, no imperial Laws: For the law Quicumque, C. de Hæretici, was not made
till a little after Austin’s Death, ordaining Hereticks to be put to Death. By
 which he plainly insinuates, that he believed that if there had been any im-
 perial Law, ordaining the Punishment of Death to Hereticks, *Austin* would
 have approved of it; for he immediately adds: *That it appears that Austin*
thought it just to kill Hereticks; because he shews, that if the Donatists were
put to Death, they would be justly punished, l. 1. cont. *Epist. Parmen.* c. 7.
and elsewhere.

If any one will compare these Things with the former Opinion of *Austin*,
 he may justly cry out, Oh how much is *Austin* changed from himself, who,
 mindful of his own former Error, from which he was not recover’d, but by
 the great Patience of his Friends, was against using Methods of Cruelty,
 even towards the *Manichæans*. But now he approves of all Punishments
 against the *Donatists*, Death only excepted, that they may be compelled into
 the Catholick Church, even against their Wills, under a Pretence that at
 last they may voluntarily remain in her Communion. Now he puts into the
 Mouths of Persons these forced studied Speeches and Pretences, by which they
 are taught to palliate their Return into the Church, which was in reality
 wholly owing to Violence and the Fear of Punishment, as though it had
 been voluntary, and the very Means of their Salvation. But let us sup-
 pose, that they believe themselves obliged by Virtue of a divine Command to
 preach their Doctrine, lest they should disobey God; and that therefore they
 ought to return into their own Country to propagate it: What would good

St. *Austin* determine against them in such a Case? Why, all his Arguments tend to this, that if they should return, contrary to the imperial Edict, he should not at all disapprove a capital Punishment, if it was so appointed by the Laws.

And indeed, all who since *Austin* have taught that Hereticks are to be persecuted, and even punished with Death, have made Use of no Authority more than *Austin's*; and to shew how highly they esteem his Authority, they use his Arguments as the very strongest, though in themselves absurd, and manifestly contrary to Scripture, to defend a Doctrine so absolutely repugnant to the Nature of Christianity. From him they have borrowed the Distinction, that it is unlawful for Hereticks to persecute the Church, but the Duty of the Church to persecute Hereticks. This is now become the common Exception of all the Murderers of Hereticks, with which every one armed with the secular Power, under a specious Pretence, persecutes and oppresses those who differ from him: This is the principal Argument by which the Papists defend themselves, when they would justify their own Persecution of Hereticks, and condemn all others that persecute them. And which is the Wonder, they commend as praise-worthy and heroical what is practised by their own Church against others, even when they condemn the same Things as cruel and inhumane in them; as though they were exempted from the common Law of Nature, of doing to others as they would be done by. *Conrad Brunus* complains of the Hereticks and Schismatics, that the *Vandals* B. 2. c. 8. and *Donatists* in *Africa*, turned and executed all the Laws made against Hereticks upon the Catholics. *These*, says he, *the Hereticks also of our Time imitate*: In this indeed they are worse than they; because they denied those Laws were ever made against themselves; whereas our modern Hereticks affirm they were made, and ought to be executed against the Catholics, as may easily be seen from many of their Writings. In the same Book he complains: That the Hereticks spare neither Age, nor Sex, nor Degree, nor Dignity; but rage promiscuously against Children and grown Persons, Women and Men, Virgins and Married, old Men and young. He adds, c. 13. 'Tis cruel and most inhumane to abuse the Dead: But this is peculiar to our Hereticks and Schismatics. They conceal the Bodies of Bishops and Presbyters, Women and Virgins, whom they have barbarously killed, and deny them Burial. The Bodies of some they have taken out of their Graves, and cast upon the Ground; trip. 1. 2. others have contemptuously scattered into the Air the Ashes of those whom they have burnt, and thrown the Bodies of some into Rivers. If any one considers the Decretals of the Popes, the Instructions of the Inquisition, and the usual Manner Pope Leo, Ep. 73. of proceeding in it, in which there is no Distinction of Persons; but all are subjected to the Inquisition without Respect to Age, Sex or Dignity, which not only forbids the burying dead Hereticks, but annexes a Punishment to those who bury them; and oftentimes commands their dead Bodies to be taken up, and to be either thrown upon Dunghills, or reduced to Ashes, and their Ashes scatter'd in the Air, as shall be hereafter more largely shewn: I say, if any one considers these Things, he might well think *Brunus* to be in jest; unless he was of *Austin's* Opinion, that the Church might

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do against Hereticks what it would not be lawful for Hereticks to do against the Church: Which Doctrine once allow'd, every one will decide for himself, that his is the true Church, and hence claim a Right of persecuting others, and persuade himself he doth not act unjustly, even though he would not allow others to act so by himself. Thus we see, that Christians by this idle Doctrine, are deviated from their original Simplicity and Meekness; and that in the room of mutual Love, by which all the Faithful were of one Heart and one Soul, there have succeeded in the Church of Christ, not only Discords, Contentions, Hatreds and Enmities, but Slaughters, and the worst of cruel Butcheries.

But surely they ought to consider, that they cannot without Injustice, do to others what they think it would be unjust in others to do to them; and that therefore as they would not themselves be persecuted by others, it must be unjust in them cruelly to persecute others, even though they think them Hereticks. For as *Salvian*, Presbyter of *Marsilles*, admirably writes in his Treatise of the Government of God, *B. 5. p. 150, 151.* *They are Hereticks, but not willingly. They are Hereticks in our Account, but not in their own. For they judge themselves to be so very good Catholicks, that they give us the infamous Name of Hereticks: So that just what we think of them, they think of us. We know they do an Injury to the only begotten Son of God, because they affirm him to be less than the Father. They think we derogate from the Father's Honour, because we make the Son equal to him. The Truth is with us; they imagine it to be with them: We truly honour God; they think that their Opinion is most honourable to God. They are defective in their Duty; but believe that this is the chief Duty of Religion. They are Impious; but think it to be true Piety: Though therefore they err, they err with an honest Mind, not from Hatred but real Affection to God, and believing that they honour and love the Lord. Though they have not true Faith, they esteem even this to be the most perfect Love of God. How they shall be punish'd in the Day of Judgment for this Error in Opinion, no one knows but the Judge. And therefore I think God patiently bears with them, because he sees that though they do not believe aright, yet that they err from a real Love to Piety and Truth, &c.* But the Minds of Christians have been perverted from this Branch of Equity through the Prevalence of Self-love; so that when they could prevail with the Civil Power to assist them, they have pronounced all that differed from them Hereticks, and then exercised all Kinds of Cruelty against them.

C H A P. VII.

The PERSECUTIONS of the POPES against HERETICKS.

IN the following Ages the Affairs of the Church were so manag'd under the Government of the Popes, and all Persons so strictly curbed by the Severity of the Laws, that they durst not even so much as whisper against the received Opinions of the Church. Besides this, so deep was the Ignorance that had spread it self over the World, that Men, without the least Regard to Knowledge and Learning, received with a blind Obedience every Thing that the Ecclesiasticks order'd them, however stupid and superstitious, without any Examination; and if any one dared in the least to contradict them, he was sure immediately to be punish'd; whereby the most absurd Opinions came to be establish'd by the Violence of the Popes. 'Twas at this Time that the Doctrine of Transubstantiation was introduced into the Church, now, in every Thing, subject to the Pope's Beck; and how dangerous it was to oppose it, we may learn from the Instance of *Berengarius of Tours*, Archdeacon of *Angiers*, who, teaching that the Bread and Wine in the Supper, was only the Figure of the Body and Blood of the Lord, was condemn'd as an Heretick, by *Leo IX.* in a Synod at *Rome* and *Vercellæ*, in the Year 1050, and five Years after, *viz.* 1055. was forced to recant, and to subscribe with his own Hand to the Faith of the *Roman* Church, and confirm it with an Oath, by *Victor II.* in the Council of *Tours*. But as *Berengarius* his Recantation was forced; and as he afterwards defended that Opinion, which in his Heart he believed, *Nicolaus II.* called a Council at the *Lateran*, Anno 1059. and there again condemn'd *Berengarius*, and compell'd him to make a solemn Abjuration, which *Berengarius* publickly read, and sign'd with his own Hand. This was that famous Abjuration, which begins, *Ego Berengarius*. Thus was the Truth suppressed by the Papal Violence. In the *East* also, Anno 1118. one *Basilus*, the Author of the Sect of the *Bongomili*, was publickly burnt for Heresy by the Command of *Alexius Comnenus* the Emperor, as *Baronius* relates, Anno 1118. §. 27.

In the mean Time the Power of the *Roman* Pontiff grew to a prodigious Height, and began to be very troublesome, even to the Emperors themselves; for not content with the Ecclesiastical Power, they claimed also the Subjection of the Secular. But in the midst of this thick Darkness, some Glimmerings of Light broke forth through the great Mercy of God.

For after the Year of Christ, 1100. there arose various Disputes between the Emperors and Popes, about the Papal Power in secular Affairs, which, as they were managed with great Warmth, gave Occasion to many more strictly to examine that unbounded Power which the Popes of *Rome* claimed to themselves. Some of the Emperors bravely maintained their Rights against the Papal Encroachments, and were supported, not only by the Arms and Forces of Generals

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and Princes, but by Bishops and Divines, who strenuously wrote in their Defence. This spirited up many others to oppose that unbounded Authority, which the Popes assumed in Matters of Faith, who not only argued that they were capable of erring, as well as the other Bishops, but actually pointed out and censured their many Errors and Abuses of their unlimited Power: All these the Court of *Rome* branded with the infamous Name of Hereticks, and would have made the Sacrifice to the publick Hatred.

They appeared first in some Parts of *Italy*, but principally in the *Milaneze* and *Lombardy*: And because they dwelt in different Cities, and had their particular Instructors, the Papiſts, to render them the more odious, have represented them as different Sects, and ascribed to them as different Opinions, though others affirm they all held the same Opinions, and were entirely of the same Sect. The Truth is, that from the oldest Accounts of them we shall find, that they did not all hold the same Tenets, and were not of the same Sect; though neither their Opinions nor Sects were so many and different as the Papiſts represent. The Principal of them were *Tancbelinus*, *Petrus de Bruis*, *Petrus Abailardus*, *Arnaldus Brixianus*, whose Opinion *Baronius* calls the Heresy of the Politicians, *Hendricus*, and others, who preached partly in *Italy*, and partly in *France* about the Country of *Tbolouſe*; and because afterwards the greater Number of them propagated their Opinions in the Province of *Albigeois*, in *Languedoc*, and gather'd there large and numerous Churches, who openly professed their Faith; they were stiled *Albigenses*.

C H A P. VIII.

Of the ALBIGENSES and VALDENSES.

ABOUT the same Time the *Valdenses*, or the poor Men of *Lyons*, appeared at *Lyons*, whose Original hath been largely shewn by the most Reverend and Learned *Usher*, Archbishop of *Armagh*, in his Book *De Successione*, &c. ch. viii. I shall therefore only enquire, whether the *Valdenses* and *Albigenses* were the same People, according to the common Opinion of Protestants, or different from one another. It cannot be doubted but that they had some Opinions in common. But there is nothing more evident, than that there was amongst them a great Variety of Doctrines, and Difference of Rites and Customs, as appears from the Book of the Sentences of the Inquisition at *Tbolouſe*, which I have publish'd, in which are to be found many of the Sentences pronounced against the *Albigenses* and *Valdenses*, which discover some very curious and uncommon Things, concerning their Doctrines and Rites; and which are such evident Proofs of their difference in Opinions and Customs, that from the reading of a few Lines, one may easily know whether

ther the Sentence pronounced was against the *Albigenses* or *Valdenses*; which manifest Difference hath induced me to believe that they were two distinct Sects; though I have hitherto been in the common Opinion, that they were but one. And that this may appear more clearly, I shall here give out of the Book of Sentences, the Doctrines common to both, and those in which they differ'd, and describe their particular Rites and Customs.

The Opinions common to them both were these: *Every Oath is unlawful* fol. 39. b. *and sinful*; and therefore they would never, upon any Occasion, take an Oath. fol. 96.

Concerning *Penance and the Confession of Sins*: The *Albigenses* are said to believe, *That Confession made to the Priests of the Church of Rome, signifies nothing: That neither the Pope nor any other of the Church of Rome can absolve any one from his Sins; but that they have the Power of Absolving from their Sins, all those who become of their Sect, by the Imposition of Hands.* fol. 40.

Almost the same Things are ascribed to the *Valdenses*, that they teach, *That they have Power from God only, even as the Apostles had, of confessing Men and Women of their Sins, who believe them, and are willing to confess to them: That they hear their Confessions, and enjoyn them Penance for their Sins; although these who hear their Confessions, are not ordained by the Church, are not Priests or Clerks, but Laicks only; and though they confess that they have not, in the least, received this Power from the Church of Rome. And farther, in most of the Sentences against the Valdenses, we find, That they confessed their Sins to one of the Valdenses, and received Absolution and Penance from him, and believed that the said Confession and Absolution, and Penance, as much avail'd to the Salvation of the Soul, as though they had been confessed to a proper Priest. But their Doctrine is best understood by the Sentence of Hugueta, the Wife of John, of Vienna: That God only can absolve from Sins; and that he who receives Confession, can only advise what a Man ought to do, and enjoyn Penance; and that a wise and prudent Person may do this, whether he be a Priest or not.* fol. 147.

As to the Church of Rome, the *Albigenses* are said to believe, *That there are two Churches, one merciful, viz. theirs and the Church of Christ; which retains that Faith, in which every one, and without which no one can be saved: The other a cruel one, viz. The Church of Rome, which is the Mother of Fornications, the Temple of the Devil, and Synagogue of Satan; and that no one can be saved in the Faith of that Church. And elsewhere we read, That no Man can be saved, that is not received by them, and unless he die of their Sect.* fol. 40. fol. 3.

The *Valdenses* are said to have taught almost the same Things: *That they are not subject to the Roman Pontiff, nor to the Prelates of the Church of Rome: That they cannot be excommunicated by the Pope, nor the other Prelates of that Church: That they ought not to obey the Pope, when he commands them to forsake and abjure their Sect, as condemned by the Church: That the Church of Rome sins, and acts unlawfully and unjustly against them, because it persecutes and condemns them. And that they farther taught, That the Prelates of the Church of Rome, are blind Leaders of the Blind; do not preserve the Truth of the Gospel, nor imitate the apostolick Poverty; and that the very Church of Rome is an House of Lies.* fol. 96. fol. 128. b.

- The Opinions that are ascribed to the *Albigenses*, but never to the *Valdenses*, are these: *That there are two Gods and Lords; the one good, the other evil. That the Creation of all Things, visible and corporeal, was not from God our heavenly Father, and the Lord Jesus Christ, but by the Devil and Satan, the evil God, who is the God of this World, and the Maker and Prince of it: Which they express elsewhere in this Manner: That it was not God that caused the Earth to yield Seed and bring forth Fruit. And elsewhere: That the good God made all Things invisible and incorruptible; and that the evil Prince, viz. Lucifer, made all Things visible and corruptible, and even humane Bodies.*
- fol. 40. *And in another Place: That there were two Gods, one good, the other bad; and that the bad God created all Things visible.*

Since these Things are to be met with in the Sentence of *Petrus Auterius*, one of their famous Doctors, I am apt to think, not only that some of the *Manichæans*, who were banished from *Asia*, and came into *Bulgaria*, and afterwards went into the Country of *Tholouse*, lurked amongst them; but that they had, many of them at least, embraced the *Manichæan* Opinions. And indeed, we ought not to conceal the Truth. For although they are to be commended for having discover'd many of the *Romish* Errors in Doctrine, and for their forsaking the Communion of that Church; yet we ought ingenuously to own their Mistakes. And as their recommending to those they received into their Communion, what they called the *Endura*, i. e. fasting themselves to Death, was certainly an Error in Practice; so that we need not be ashamed to own that they sometimes erred in Matters of Faith. 'Tis rather to be wonder'd at, that in so barbarous an Age, they should throw off so many Errors, than that they should retain some.

But besides, they are said also to have held the following Opinions.

- fol. 40. That all the Sacraments of the Church of *Rome* are vain and unprofitable, viz. The Eucharist, Baptism, Confirmation, Order, and extreme Unction.
- fol. 39. b. As to the Eucharist, they are reported to have believed; *That there was*
fol. 120. b. *not the Body of Christ, and that there was nothing but meer Bread.*
- fol. 120. b. As to the Baptisms: *That they condemned the Baptism of Water, saying: That a Man was to be saved by their laying on of Hands upon those who believed them; and that their Sins were to be remitted without Confession and Satisfaction: That no Baptism availed any Thing; no, not their own.* We read also in the Sentence of *Petrus Raymundus Dominicus de Borno*, that he heard *Peter Auterii* teaching, amongst other Things, *That the Baptism of Water, made by the Church, was of no avail to Children; because they were so far from consenting to it, that they wept.*
- fol. 176. As to extreme Unction: *That the Order of St. James, or extreme Unction upon the Sick, made by material Oil, signified nothing; and that they prefer Imposition of Hands, which the Inquisitors call execrable.*
- fol. 3. As to Orders: *That they reproach and condemn the Constitution of the whole Church of Rome, and deny all the Prelates of it the Power of Binding and Loosing; saying: That they cannot loose or bind other Sinners, since they themselves are greater*

Sinners; but that they can give to those they receive, the Holy Spirit, in order to their Salvation.

As to Matrimony: That it is always sinful, and cannot be without Sin; and fol. 40. was never appointed by the good God. Also: That carnal Matrimony between fol. 82. b. a Man and Woman, is not true Matrimony, nor good, nor lawful, nor appointed by God; but a quite different spiritual Matrimony.

As to the Incarnation of Christ: That the Lord did not take a real humane Bo- fol. 40. dy, nor real humane Flesh of our Nature; and that he did not really arise with it, nor do other Things relating to our Salvation; nor sit down at the Right-hand of the Father with it, but only with the Likeness of it. They affirm also: That the most holy Virgin Mary, the Mother of our Lord, neither is, nor was a carnal Wo- man, but their Church, which they say is true Penitence; and that this is the Vir- gin Mary. Or as we read elsewhere: That God never enter'd into the Womb fol. 82. b. of the blessed Virgin Mary; and that he only is the Mother, and Brother, and Sister of God, that keeps the Commands of God the Father. Likewise, that it was fol. 120. b. impossible for God to be incarnate; because he never humbled himself so much, as to put himself in the Womb of Woman.

Concerning the Resurrection of the Dead: They are charged with denying fol. 120. b. the Resurrection of Bodies. Or: There will be no future Resurrection of humane fol. 146. Bodies; and altho' the Souls of Men shall come to Judgment, they shall not come in their Bodies. Which is elsewhere more distinctly explain'd: That they imagine a fol. 40. Sort of spiritual Bodies, and a Sort of an inward Man; in which Bodies Persons are hereafter to rise. One of the Albigenes is said to have believed, that when fol. 146. the Souls of wicked Men are gone out of their Bodies, before and after Judgment, they go through los Bausses, and los Tertres, i. e. over Rocks and Precipices; and that the Devil throws them headlong from the Rocks. Also, That the Souls of Men, even after their Separation from the Body, have Flesh and Bones, Hands and Feet, and all Members; which though they are thrown by Devils headlong from the Rocks, and by this Means tormented, yet can never die.

As to the Adoration of the Cross: That no Man ought to adore the Cross: fol. 68. Which in another Place is very odiously represented, viz. That the Sign of the fol. 3. holy Cross, which the universal Church worships as the Emblem of our Salvation, and the Representation of our Lord's Passion, is a detestable Emblem of the Devil. And the Reason of this is added elsewhere: That the Cross of Christ ought not fol. 176. to be adored; because no Man worships the Gallows upon which his Father was hanged.

As to the humane Soul: That Souls were Spirits banished from Heaven because fol. 120. b. of their Sins.

These are said to be the Principles of the Albigenes, and they will all appear in the Sentence pronounced against Stephana de Proaudo, which I shall here give at large, from the Book of the Sentences of the Inquisition at Tho- louse.

“ In the Year of our Lord 1307; the 5th of the Nones of March, and first Sunday in Lent, We the before-mention'd Inquisitor and Vicars. Whereas “ it most evidently and lawfully appears to us, by thy wicked Assertions, that

“ thou

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“ thou *Stephana de Proaudo*, formerly Wife of *Peter Gilbert*, being infected
 “ with the peffiferous Doctrines of Hereticks, doft assert and confefs into-
 “ lerable and abominable Errors, contrary to the Catholick Faith of the ho-
 “ ly *Roman Church*, denying, with profane Lips, that the Incarnation of our
 “ Lord *Jesus Chrift* hath been or is from the Woman, and that there is to be
 “ a Refurrection of human Bodies, attributing the Creation of vifible Things
 “ to the Devil, whom thou affertest to be the Prince of this World, thereby
 “ denying the Creation to be from the Almighty God. And thou doft re-
 “ proachfully difown, deny and condemn, according to the Error of hereti-
 “ cal Impiety, all the feven Sacraments of our Salvation, *viz.* Baptifm by
 “ corporal Water, and adminifter’d to Children. Likewise the Sacrament of
 “ the holy Body and Blood of our Lord *Jesus Chrift* from Bread and Wine up-
 “ on the Altar. And the Confession of Sins made to the Priests of the *Roman*
 “ Church, to whom thou denyest the Power of binding and loofing. Likewise
 “ the Sacrament of carnal Matrimony, which thou affertest and affirmest can-
 “ not be without Sin, according to the Doctrines of thofe Hereticks. Thou
 “ alfo reproachest and blafphemest our holy Orders, by preferring the damn-
 “ ed and profane Order of Hereticks. Thou sayest that the Order of St.
 “ *James*, or extreme Unction of the Sick with material Oil, profits no-
 “ thing, preferring to it the execrable Imposition of Hands, which they
 “ call Spiritual Baptifm, or the Consolation, or Reception, and good End.
 “ Thou alfo approveft and commendest, doft defend and fustain, the Life,
 “ Sect and Faith of the faid Hereticks, and impioufly affertest and declareft,
 “ that there is no Salvation to any unlefs he be received by them, and die in
 “ their Sect. Likewise thou affertest and affirmest, that the Sign of the holy
 “ Crofs, which the whole Church adores as the Sign of our Salvation, and a
 “ Representation of our Saviour’s Passion, is the detestable Sign of the
 “ Devil. Likewise thou reproachest and condemnest the State of the
 “ whole *Roman Church*, and deniest the Power of binding and loofing in
 “ all the Prelates of the *Roman Church*, faying, that they cannot bind
 “ and loofe other Sinners, fince they are greater Sinners themselves;
 “ and thou affertest that thofe Hereticks, whom thou calleft and affirm-
 “ est to be good Men, can give the Holy Spirit for Salvation to thofe
 “ whom they receive, and sayest that they are Imitators of the Apostle, lead
 “ their Life, and are of their Sect, and sayest and attestest many other erro-
 “ neous and falfe Things, according to the Premiffes, as we our selves have
 “ heard them with our Ears feveral Times from thy own Mouth, in the Pre-
 “ fence of many Perfons. Likewise we have heard from thee, many others
 “ being prefent and hearing alfo, that thou haft feen and heard, in their turn,
 “ feven perfect Hereticks in *Tboloufe*, *viz.* *Peter Raimondi de Sancto Papulo*,
 “ and *Messier Bernart de Monte Acuto*, and *Peter Auterii*, and *James* his Son,
 “ and *William Auterii*, Brother of the faid *Peter*, and *Aucelius* and *Andrew*,
 “ and haft feen an eighth Heretick in the Way, whom thou nameft *Philip*.
 “ Likewise thou haft confefsed before the faid Inquifitor, that thou haft ado-
 “ red the faid Heretick *James* after an heretical Manner. Upon all which Er-
 “ rors

“ rors and Heresies thou hast been frequently admonished, and exhorted by.
 “ Reasons and Authorities of holy Scripture, and besought by sweet Words in
 “ the Lord, as well by me the aforesaid Inquisitor, and the Vicars, as by many
 “ religious Persons, Predicants and Minors, and other Orders, and by other
 “ good Men of the Clergy and Laity in the City of *Tboloufe*, and even by
 “ thy own Parents, that thou would’st forsake the aforesaid Errors, and
 “ with a good and pure Heart would’st return to holy Mother the Church
 “ of *Rome*, without which there is no Salvation, and wouldst abandon that
 “ detestible heretical Sect, which leads Souls to Damnation, and infernal De-
 “ struction. But thou would’st not hitherto acquiesce, nor, tho’ long waited
 “ for, be converted to the Catholick Faith, but even yet persevere in thy
 “ said Obstinacy with an harden’d Mind. Therefore with the Advice of good
 “ Men, skilful in the Canon and Civil Law, and of many religious Persons,
 “ that such a scabbed Sheep may not infect the sound Sheep of the Lord’s
 “ Flock, having God before our Eyes, and not being able to bear such
 “ Blasphemy and Scandal to the Faith, and the Name of our Lord *Jesus*
 “ *Christ*, and having peremptorily assigned to thee this present Day, to hear
 “ thy definitive Sentence, and laying the holy Gospel before us, we do ad-
 “ judge thee to be an Heretick, and as such leave thee to the secular
 “ Court.

These Opinions of the *Albigenses* are not one of them ascrib’d to the *Valdenses*, who had quite different Tenets, which are never mentioned in the Sentences of the *Albigenses*. They are such as these :

That all Judgment is forbidden by God, and that of Consequence ’tis a Sin, and fol. 96. contrary to what God hath forbidden, for any Judge to condemn any Man to Punishment or Death, in any Case, or for any Cause whatsoever. And for this they apply these Words of the Gospel, Judge not that ye be not judged.

That the Indulgences given by the Prelates of the Church of Rome are of no avail ; fol. 96. That there is no Purgatory for Souls after this Life ; and that the Prayers and Vows of the Faithful for the Dead cannot profit them. This is elsewhere more distinctly explained : That this Life is the only Purgatory and Place for Repen- fol. 92. tance for Sins ; and that when the Soul goes from the Body, it goes either to Paradise or Hell ; and that therefore the Valdenses make no Prayers or Vows for the Dead, because, say they, those who are in Paradise do not need them, and those that are in Hell cannot reap any Advantage by them.

*That in the Church there are but three Orders, viz. of Bishops, Priests, and fol. 146. b. Deacons. It is imputed to them also as a Crime, that tho’ they were Laymen, fol. 128. b. they preached from the Gospels, Epistles, and other Books of the holy Scriptures ; whereas the Preaching and Exposition of the Scripture is entirely forbidden the Laity. All these Things will appear more plain from a Sentence passed on one of the Valdenses, which I shall here insert, out of the Book of the Sentences of the *Tboloufe* Inqu. fol. 128.*

“ In the Name of our Lord *Jesus Christ*, Amen. We the foresaid Inquisi-
 “ tors of heretical Pravity, and delegated Commissaries of the venerable Per-
 “ sons, the Vicars General and Chapter of the Church of *Aix*, during the Va-
 “ cancy

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cancy of the See. Whereas it evidently and legally appears to us, as well by the Inquisition made in general against all who are infected with heretical Pravity, and by the Publick Acts and Proceſs of the ſaid Inquiſition, as well as by thy Answers, and Aſſertions, and proper Confeſſions made in Judgment, that you *John Chautoat*, Son of *Peter Chautoat*, of the Village of *Mulſia*, near *Urgeletum*, in the Dioceſe of *Besancon*, uſually dwelling at *Vienna* in the Dioceſe of *Aix*, was long ſince taken up, and have been found by Proceſs, to be of the Sect and Hereſy of thoſe, who are called *Valdenſes*, or poor Men of *Lyons*; which Sect and Hereſy the holy *Roman* Church hath many Years ago condemned as heretical, and hath persecuted and condemned the Followers and Profeſſors of it as Hereticks; which Sect thou haſt held and maintained for nine Years paſt, participating and communicating with the *Valdenſes*, knowing them to be ſuch, by eating and drinking according to their Manner, praying with them on your bended Knees, by hearing their Words and Preachings which they make in their Conventicles to their Believers, and by receiving them in thy Houſe, and alſo by often confeſſing thy Sins to them, and humbly receiving from them

* *Melioramentum*. Abſolution and Penance, which they call the * Amendment; and whereas being apprehended, and at the Beginning, being judicially required, would'ſt not ſwear, but didſt ſeveral Times reſuſe to abjure the ſaid Sect and Hereſy, affirming that you believed it to be good, and that the Followers of it were good Men, and might be ſaved in it. And finally, whereas you have feignedly and falſly ſaid with your Mouth, but not with your Heart, that you would depart from it, and abjure it, and haſt in Word but not with the Heart judicially abjured it; of which Feignedneſs and Falſhood, and the Doubleneſs of thy Heart there is legal Proof, by thoſe Things which you have plainly and fully ſince recognized, aſſerted and confeſſed in Judgment. And farther, whereas you have manifested your Treachery after your feigned tho' judicial Abjuration of the ſaid Sect and Hereſy, by having denied, and ſtill denying with an obſtinate Mind, tho' oftentimes required in Judgment, to ſwear that you would ſpeak the Truth, and doſt as before, and much more evidently, approve and commend the Errors and Hereſies of the ſaid Sect, and aſſerted, that the Followers of it are juſt and good Men; and that the Prelates of the *Roman* Church, and the Inquiſitors of heretical Pravity, who perſecute them, do unjuſtly and unrighteouſly, in apprehending and detaining them, becauſe unwilling to forſake the ſaid Sect, and by delivering them over to the ſecular Power. Particularly, whereas the erroneous Followers and profane Profeſſors of the Sect and Hereſy of the *Valdenſes* hold and affirm, that they are not ſubject to our Lord the Pope, or the *Roman* Pontiff, or to other Prelates of the Church of *Rome*, becauſe it unjuſtly perſecutes and condemns them. *Item*, They aſſert that they cannot be excommunicated by the ſaid *Roman* Pontiff and Prelates, and that no one of them is to be obey'd, when they order and command the Followers and Profeſſors of the ſaid Sect to deſert and abjure it, altho' condemn'd as heretical by the *Roman* Church. *Item*, The

“ foreſaid

“ foreſaid Sect and Hereſy, and Followers and Profeſſors of the ſame, hold
 “ and dogmatize, that every Oath, without Exception or Expoſition, is pro-
 “ hibited of God, and is unlawful, and a Sin ; and this we have heard from
 “ your own Mouth, that you ſo believe and hold, by applying to this Pur-
 “ poſe the Words of the holy Goſpel, and of St. *James* the Apoſtle, of not
 “ Swearing, tho’ in a mad and miſtaken Senſe : Whereas, according to the
 “ found Doctrin of the Saints, and Doctōrs of the Church, and Tradition
 “ of the ſaid Holy Catholick Church, ’tis not only lawful but neceſſary to
 “ ſwear for atteſting the Truth in Judgment, and alſo by a Statute long
 “ ſince publiſhed againſt the foreſaid Error, ’tis appointed, that thoſe who
 “ by a damnable Superſtition reſuſe an Oath, and will not ſwear, ſhall be for
 “ this Reaſon declared Hereticks, and ſubjected to the Penalties ordered by
 “ the Canon. *Item*, Thou thy ſelf haſt oftentimes, and before many of us,
 “ being canonically and judicially required to ſwear for the Truth, wholly
 “ reſuſed to ſwear, and yet reſuſeſt it, aſſerting that you believe that ’tis
 “ prohibited by God, and unlawful, and a Sin to ſwear at all. *Item*, From
 “ the ſame Fountain of Error, and miſtaken Underſtanding, the foreſaid Sect
 “ and Hereſy aſſerts, that all Judgment is prohibited of God, and by Conſe-
 “ quence that ’tis a Sin, and againſt the divine Prohibition, that any Judge,
 “ in any Caſe, or for whatſoever Cauſe, ſhould judge any Man to bodily Pu-
 “ niſhment, or to Death ; applying, without a proper Expoſition, the Words
 “ of the holy Goſpel, where it is written, *Judge not, that ye be not judged* ; *Item*,
 “ *Thou ſhalt not kill*, not underſtanding nor receiving them as the holy *Roman*
 “ Church underſtands and delivers them to the Faithful, according to the
 “ Doctrin of the Fathers and Doctōrs, and canonical Sanctions ; which ſaid
 “ Sanctions the ſaid Sect, departing from the right Path, neither receives nor
 “ accounts valid, but deſpiſes, renounces, and condemns. *Item*, Moſt per-
 “ niciously erring about the Sacrament of true Penance, and the Keys of
 “ the Church ; they ſay, and teach, and hold, that they have Power from God,
 “ as the Apoſtles had, of hearing the Confessions of the Sins of all that are
 “ willing to confeſs, and of abſolving and enjoining Penances : And they do
 “ hear the Confessions of ſuch, and enjoin thoſe who confeſs to them Pe-
 “ nances for their Sins, tho’ they are not ordained Clerks or Prieſts by any
 “ Biſhop of the *Roman* Church, but are mere Laicks, and confeſs they have
 “ not any ſuch Power from the *Roman* Church, but rather deny it, and in-
 “ deed have it not from God, nor from his Church, ſince they are with-
 “ out the Church, and cut off from the Church, out of which there is no
 “ true Penance or Salvation. *Item*, Thou thy ſelf haſt confeſſed in Judg-
 “ ment, that long ſince thou haſt confeſſed thy Sins ſeverally to four of
 “ the *Valdenſes*, viz. *John Moran*, *Peter de Cernone*, *John Brayſſan*, and *Ste-
 “ phen Porcherii*, and haſt received Penance from them, knowing them to be
 “ *Valdenſes*, and that they were not Prieſts ordained by any Biſhop of the *Roman*
 “ Church. *Item*, The foreſaid Sect and Hereſy of the *Valdenſes* make a Jeſt
 “ of the Indulgences which are granted by the Prelates of the Church, aſ-
 “ ſerting that they are not valid. *Item*, It denies that there is after this Life

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“ any Purgatory for Souls, and of Consequence that Prayers, and Alms,
 “ and Masses, and other Vows of Piety, which are made by the Faithful
 “ for the Dead, can at all profit them. *Item*, Detracting from the Prelates of
 “ the Church of *Rome*, they deny and condemn their State, saying, that they
 “ are blind, and Leaders of the Blind, and that they do not preserve the Go-
 “ spel Truth, nor follow the Apostolick Poverty. They also obstinately
 “ and falsely affirm, that the Church of *Rome* is the House of a Lye. *Item*,
 “ Comparing themselves with the Apostolical Life and Perfection, and equal-
 “ ling themselves to them in Merit, they vainly glory in themselves, boasting
 “ that they hold and preserve the Evangelick and Apostolick Poverty. *Item*,
 “ These and other Things, as well erroneous as mad, they privately dog-
 “ matize to their Believers in their Conventicles. *Item*, They preach from
 “ the Gospels and Epistles, and other sacred Writings, which by expound-
 “ ing they corrupt, as Masters of Errors, who know not how to be Disciples
 “ of the Truth, because the Preaching and Exposition of the sacred Scrip-
 “ tures is wholly forbidden to the Laity. *Item*, The said Sect of the *Val-*
 “ *denses* differs and disagrees in several Things, in Life and Manners, from
 “ the common Conversation of the Faithful, as is found and plainly appears
 “ by the Inquisition and Examination as well of the *Valdenses* themselves, as
 “ their Believers, and especially by the Confessions of those who are con-
 “ verted by the Inquisitors from that Sect and Heresy. Moreover, thou
 “ *John* hast judicially before us and elsewhere, oftentimes approved and
 “ praised the said Sect and Heresy of the *Valdenses*, and dost yet approve
 “ and commend it, nor wilt depart from it, nor abjure and forsake it, but
 “ rather persevereest in it with an obstinate Mind, altho’ by us and several
 “ other good Men thou hast been oftentimes invited to Conversion, and
 “ hast been canonically admonished and judicially required by us, that
 “ in Heart and Deed thou shouldst turn from it, and with thy Mouth and
 “ Soul wholly abjure it. We therefore the foresaid Inquisitors, having God
 “ before our Eyes, &c. do declare and pronounce, and deliver you over to
 “ the secular Court, as relapsed into the Heresy which you have before
 “ judicially abjured, and as an impenitent and obstinate Heretick, affectio-
 “ nately bewailing it, as the canonical Sanctions oblige us to do, to preserve
 “ your Life and Members untouched. Signed,

(L. S.) William Juliani, *publick and*
sworn Notary for the Office of
the Inquisition; and James
Masquetius, Notary of the
Inquisition. (L. S.)

From these Instances it appears, that the Opinions of the *Albigenses* and
Valdenses were different. However, 'tis not to be doubted, but that often-
 times their Enemies gave very vile and odious Accounts of the Doctrines they
 held; as will appear by comparing the several Places in which they de-
scribe

scribe them. For the same Opinion, which in one Place appears extremely erroneous; in another, when 'tis more fully explained, and without Spite, is harmless enough; of which the single Instance of the Resurrection of the Dead is full Proof. For sometimes the *Albigenses* are accused, that they deny the Resurrection of human Bodies; as tho' they quite denied the Resurrection of the Dead; which yet in another Place is more distinctly explained thus, that *the Dead shall arise with spiritual Bodies*. And that their Opinions have been misrepresented elsewhere, there can be no Doubt, and it will appear upon a Comparison of the several Places, wherein they are recorded. But that the Opinions of the *Albigenses* and *Valdenses* were very different, cannot be denied. For if they had held the same, no Reason can be assigned, why different ones should have been ascribed to them. One would rather be inclined to believe, that as their Persecutors greedily sought after every Occasion to punish them, they would have fastened on every one of them all the heretical Opinions of the *Valdenses* and *Albigenses*; that so being burdened with numerous Crimes, the Inquisitors might seem to have the more just Pretence for condemning them.

For this very Cause it may be justly concluded, that many other of those impious Tenets that are ascribed by *Baronius*, *Bzovius*, and others, to the *Albigenses* and *Valdenses*, were invented out of mere Hatred to them, and to render them detestable to the People; especially that impious Opinion, which *Eymericus Direct. Inquis. Par. 2. Quæst. 14.* imputes to the *Valdenses*: *That 'tis better to satisfy a Man's Lust by any Act of Uncleaness whatsoever, than to be perpetually burning; and that (as they say and practise) 'tis lawful in the dark for Men and Women to lie promiscuously with one another, whensoever and as often as they have the Inclination and Desire.* For if this had been their Tenet, would there not have been one of that vast Number of Prisoners, that they condemned to such various Punishments, to be found, that was infected with it? Or, if it could have been proved upon them, was the Equity, Humanity and Compassion of the Inquisitors so very great, as to have concealed a Crime, that would have been condemned by the common Voice of Mankind, and exposed those that were guilty of it to the most severe Punishment and Death? Would they, by such a Method of acting, have given the World occasion to censure them for persecuting, and cruelly punishing Men merely for the Sake of holding Opinions different from the *Roman* Faith, tho' consistent with a due Regard to a good Conscience, when at the same Time they might have accused them of so horrid an Impiety? If they had been really such execrable Persons, their Crimes ought to have been publickly exposed; and thus they themselves would have sunk under the Weight of Infamy, and their Prosecutors would have been so far from being charged as bloody Inquisitors, that they would have deserved the universal Applause.

Hence we may learn what Credit is to be given to Popish Writers, when they give us an Account of the Opinions and Practices of those they call Hereticks. 'Tis their Way to charge all that separate from their Communion with Impurity and Lust, as tho' the only Cause of their leaving the Com-

munion of the Church of Rome, was a dishonourable and vile Love of Women; and they have most impudently dared to reproach with this Vice, Persons that have been remarkable for their Chastity and Continence. In the mean while, nothing is more notorious, than that their Monks and Priests, who are forbid the Remedy of a chaste and honourable Matrimony, abandon themselves without Shame to the most impure Embraces, and infamously wallow in carnal Pleasures. *Erasmus, Tom. 9. Page 401. says; There is a certain German Bishop, who declared publickly at a Feast, that in one Year he had brought to him 11000 Priests that openly kept Whores: For they pay annually a certain Sum to the Bishop. This was one of the hundred Grievances that the German Nation propos'd to the Pope's Nuncio at the Convention at Norimberg, in the Years 1522 and 1523. Grievance 91. That the Bishops in most Places, and their Officials, not only suffer the Priests to keep Whores, so they pay a certain Sum of Money, but even force the chaster Priests, who live without Whores, to pay the Price of those that keep them; alledging, that the Bishop wants Money, and that those Priests who pay it may either remain single, or keep Whores as they please. How wicked a Thing this is, every one understands. The same Erasmus, in his Account of the Errors of Bedda, Tom. 9. p. 484. hath the following Passage: What Wonder if some Nuns in the Age of St. Austin are said to have married, when in this Age there are said to be so many Monasteries that are nothing better than publick Stews, and more that are private ones. Even in those where the Rules are more strict, there are more that have the Veil than their Virginity. This I relate with Grief, and I wish it was not true. And a little after: I know some, that have buried in the Monasteries the Girls they have abused, that the Affair might be hush'd up. And p. 569. Bedda, says he, cries out gloriously, God forbid, God forbid, that any Man should be admitted to the Dignity of the Priesthood, who doth not wholly deny himself carnal Embraces, tho' at this Day there are some to be found who keep fifty Whores, not to add any thing worse. And p. 985. concerning the Prohibition of Flesh: Amongst the Priests, how scarce is the Number that live chaste? I speak of those who keep publickly at home their Whores, instead of Wives; for I will not mention the Mysteries of their more secret Lusts: I speak of those Things only that are well known to every one. But the Instance he gives, p. 1380. is yet more execrable: That a certain Dominican Professor of Divinity, whose Name was John, mention'd to him at Antwerp, in the House of Nicholas of Middlebourge, a Physician, a Divine of Lovain, who told him, that he refused to give Absolution to a certain Confessor of the Nuns, because he acknowledged he had lain with 200 of them. But what need is there of producing Testimonies out of particular Authors? The very Laws of the Inquisition, which ordain Punishments for those Priests, who sollicit not only Women, but, what is much worse, even Boys, in the Sacrament of Confession, are an undeniable Proof that these Crimes are too frequent and common in that State of impure Celebacy. So that having their own Minds insnared with the Lusts of the Flesh, and their Eyes, as the Scripture expresses it, full of Adultery, like the Generality of Mankind, they judge of others by themselves, and insinuate that the only, at least the chief Cause*

of forsaking the Church of *Rome*, is the immoderate Love of Women: Whereas, if they were not acted by the Principles of a good Conscience, but from a Desire of gratifying their lustful Inclination, they might with much more Safety abide in the Communion of the Church of *Rome*, where they have daily Occasions offered to them of fulfilling the Lusts of the Flesh: They have nothing to fear, even from the bloody Tribunals of the Inquisition, if they are but cautious, tho' they solicit Women in the very Sacrament of Confession. This for once to refute the Calumnies of the Papists, who, whenever they are giving an Account of the Rise of any of those they call Hereticks, are perpetually repeating this Charge against them. But to return to our Purpose:

Besides the above-mentioned Differences of Doctrines between the *Albigenses* and *Valdenses*, they differed also in their Rites and Customs. For at first there were two Sorts of the *Albigenses*. Some professed their Faith, and used their *fol. 40. a.* Customs, and were called *Perfetti* seu *Consolati*, *Perfetti* or *Comforted*. Others only enter'd into a Covenant with these perfect ones, which they call *La Convenenza*, *The Agreement*, that at the End of Life they would be received into *fol. 15. b.* their Sect. This Reception is often called *Heretication*, and was performed *62. a. 70. a.* after this manner to *Benedictus Molinerii* in a certain Illness that he laboured under: *Bernard de Goch*, one of the *Albigenses*, held the Hands of the sick *Per-* *fol. 120. b.* *son* between his own, and held a certain Book over him, in which he read the Gospel of *St. John*, In the Beginning was the Word, and delivered to him a fine Thread, with which he was to be tied for Heresy. The Rites administer'd to a sick Woman were somewhat different: *Petrus Auterii* said in the Presence of the *fol. 86. a.* sick Woman, Praise God; either instructing the Woman to say so, or saying so by himself. Then he laid his Hand upon the Woman, holding a certain Book, and *p. 43. a.* reading some Words, but first put a white Linen Cloth upon her, and after he had read in the Book, *Peter* and *Aurelius* made many Bows near her Bed. For this Reception they were prepared by certain Abstinences, which I gather from the Sentence of *Peter Raymundus Dominicus de Borno*, who is said to have seen *Peter Auterii* with *Peter Sancii*, who then kept those Fasts, which they are obliged to do, who are to be admitted to the Sect of the Hereticks.

This Admission was believed to save the Soul of the Person admitted, and was called *Spiritual Baptism*, *The Consolation*, *The Reception*, and *Good End*. So *fol. 86. a.* that they were believed to be so sanctified by it, as that afterwards it was *fol. 3. a.* unlawful for them to be touched by a Woman. Thus we read in the Sentence of a Woman, whose Father had been received amongst the *Albigenses*; *fol. 49.* *That she was forbid by her Father to touch him, because after his Reception no Woman ought to touch him, and from that Time she never did touch him.* And in another Woman's Sentence; *That 'twas unlawful for her to touch Petrus* *fol. 68. b.* *Sancii, and that she heard that 'twas reported amongst them, that they neither touch a Woman, nor suffer themselves to be touched by one.*

But inasmuch as it was possible that the Person received might return to his former Pollutions, his Reception was delay'd to his last Sickness, when there was no more Hopes of Recovery, that so he might not lose the Good he had

had received; for which Reason some were not admitted, tho' one of the *Albigenses* was present; because 'twas not believed they would immediately die. Thus 'tis reported of *Petrus Sancii*, that being called to hereticate a certain sick Woman, she was not then hereticated; because he did not think it proper upon Account of her not being weak enough. And afterwards, though the Distemper grew more violent, *Petrus Sancii* did not hereticate her, because she recovered.

As for those who were received during their Illness, they were commanded to make Use of the *Endura*, i. e. Fasting; and to hasten their Death by the opening a Vein, and Bathing. Thus 'tis reported of a certain Woman; That she persevered in the Abstinence which they call the *Endura*, many Days; and hasten'd her bodily Death, by losing her Blood, frequent Bathing, and greedily taking a poisonous Draught of the Juice of wild Cucumbers, mixing with it broken Glass, that by tearing of her Bowels she might sooner die. Of another, 'tis said, That she was forbidden by her Mother-in-Law to give her little Daughter, that had been hereticated by Peter Sancii, any Milk to drink, by which it died. Another confesses, That she had not seen her Father, since his Heretication, eating or drinking any Thing but cold Water. But one *Hugo*, who continued several Days in the *Endura*, did afterwards, by his Mother's Persuasion, eat and recover. The same Year Peter Sancii invited him to enter into the *Endura*, and so make a good End; but he would not agree to it till he came to die. The same *Hugo* saw, that *Sancius* procured and hasten'd his own Death, by Bleeding, Bathing, and Cold. *Petrus Auterii* is said to have received another Woman; and after her Reception, to have forbid, that any Meat should be given to the said hereticated sick Woman; and there were two Women who attended her, that watched that there should be neither Meat nor Drink given her the whole Night, nor following Day, lest she should lose the Good she had received, and contradict the Order of Peter Auterii; although the said sick Woman desired that they would give her Meat. But the third Day after, she eat and grew well. In the Sentence of Peter Raymundus, of the *Hugo's*, we read these Things concerning the *Endura*. You voluntarily shorten your own corporal Life, and inflict Death upon your self; because you put your self in that Abstinence, which the Hereticks call *Endura*, in which *Endura* you remained six Days, without Meat or Drink, and wouldst not eat, neither yet wilt, though oftentimes invited to it. However, all of them did not care to subject themselves to so severe a Law. For we read of a certain Woman, that she would not suffer her sick Daughter, although near Death, to be received; because then her said Daughter must be put in the *Endura*. There is also an Instance of a Woman, who for fear she should be taken up by the Inquisitors, put her self in the *Endura*; and sending for a Chirurgion, order'd him to open one of her Veins in a Bath: And after the Chirurgion was gone, she unbound her Arm in the Bath, that so the Blood running out more freely, she might sooner die. After this she bought Poison in order to destroy her self. Afterwards she procured a Coblers Awl, which in that barbarous Age they call *Alzena*, intending to run it into her Side: But the Women disputing amongst themselves, whether the Heart was on the right Side or the left, she at last drunk up the Poison, and died the Day after.

They had also a peculiar Manner of saluting each other, by embracing, putting their Hands to both Sides, and turning their Head three Times to each Shoulder, saying every Time, Praise the Lord: Which Manner of Salutation seems to have been very common among them; because we find it mentioned in the Sentences of many of them, and was performed sometimes with bended Knees; sometimes by putting their Hands down, even to the Ground. Sometimes also this Custom was insisted on: So we read of a certain Person, being required by the said Heretick, to bend the Knee before him, and say, Praise ye the Lord; he bent on his Knee, and said before him, Praise ye the Lord. The Heretick answer'd; May God bring you to a good End. And of a certain Woman That she saw a certain Person bowing before Peter Auterii, in her aforesaid House; and then she was required to make her Amendment before the said Heretick, as the other did. And then she also began to bend the Knee before the said Heretick, and knew not how to make the aforesaid Amendment; upon which, they who were present began to laugh, which made her blush and go away. We read of another, that he agreed with Peter Auterii, That he would commend himself to him; that he might pray to God for him; and began to bow the Knee before him: And that Peter Auterii said, Ye may not do it; for this is not the Place; and so sent him away, that he might not bow the Knee before him, which he was willing and had began to do. Nor was this Manner of Salutation required only from those who were admitted, but also made Use of by those who were called *Perfeet*; and admitted others, as often as they met one another. Thus we read in the Sentence of Amelius de Perlis, That he and Peter Auterius saluted each other with mutual Adoration before the Inquisitors; and that they both adored each other, after an heretical Manner, before them, by falling on their Faces on the Ground; and said that they were of the same Sect; and acknowledged that they had elsewhere oftentimes adored one another after the same Manner.

They fasted three Days a Week on Bread and Water. A certain sick Man was told, That he must have no Food, unless he could repeat the Pater Noster.

We read of the *Valdenses*, that they had certain *Elders* (*Majores*) of their Sect. Thus John of Lorain was called *Majoralis* of that Sect; and Christian, and John of Chabley, *Majores*.

'Tis reported of them also, That they prayed on their Knees before and after Dinner, leaning on a Table. This occurs in almost all the Sentences of the *Valdenses*. 'Twas also customary with them to say Grace over their Meat; because Perrin Faber was accused, that he eat and drank with the *Valdenses*, at the same Table that had been blessed by them.

They used to compare themselves with the *Apostolical Life and Perfection*; and boast that they were equal to them in Merit; and that they preserved and imitated the *Evangelick and Apostolick Poverty*; upon which Account they obtained the Name of the *poor Men of Lyons*.

Besides this, they had other Customs different from the common Way of Living. Thus we read, That the said Sect of the *Valdenses*, separated and differed in other Things from the common Life and Manners of the Faithful.

fol. 123.

And lastly, we read in the Sentence of *John Philibert*, a Presbyter, *That the Waldenses preach to their Believers sometime after Supper, in the Night, out of the Gospels and Epistles, in the vulgar Language.*

Since therefore there is so great a Diversity in the Opinions and Customs of the *Albigenses* and *Waldenses*, 'tis very evident that they were two distinct Sects, both of them abhorring the Communion of the Church of *Rome*; but in many Things differing from each other. This appears most plainly from these Acts; for all those that received Sentence, to Page 92. are *Albigenses*: *Stephen Poncher* is the first of the *Waldenses*, mentioned in the same Page. Page 96. follows the Sentence against *John Braxsse*, the *Waldensian*. After that, the *Albigenses* and *Waldenses* are condemned promiscuously, but in such a Manner, as that at first View, one may know one from the other. The principal Persons of the *Albigenses*, who received others, and are mentioned in the several Sentences, are *Petrus Auterii*, *James*, his Son; and *William*, *Peter's* Brother, *Petrus Raimundi de Sancto Papulo*, *Aimericus Barrotti*, *Amelius de Perlis*, *Andreas de Padris*, *Octavius*, *Petrus Sancii de Garda*, *Bernardus Andoyni de Monte Acuto*, and a great Number of others, mentioned p. 93, 101, 106, 123, 146. b. From hence I conclude, that they were not only two distinct Sects originally, but that they were not united into one Church afterwards, at least, in the Year 1320. i. e. half an Age after their first Rise.

Pegna in
Direct.
par. 2.
com. 25.

I cannot however deny, that *Ivonetus*, who lived about those Times, attributes many Things to the *Waldenses*, which in these Acts are ascribed to the *Albigenses*, viz. that they are divided into two Parties. *There are some*, says *Ivonetus*, *who are accounted Perfect*: *These are properly called the poor Men of Lyons.* *All are not taken in under this Character, but are first instructed themselves, a long while, that they may know how to teach others.* *These Perfect declare that they have nothing of their own, neither Houses nor Possessions, nor certain Dwellings.* *And if they had any Wives before, they put them away.* *They say they are the true Successors of the Apostles, and are the Masters and Confessors of others; go visiting about the Countries, and confirming their Disciples in their Error: These Disciples bring them all Things necessary.* *Into whatever Place they come, they give Notice of their Arrival: They are met by great Numbers in some safe and secret Place, to see and hear them.* *They send them the best of Meat and Drink.* *They appoint Collections for Support of their Poor, their Masters and Students, who have nothing of their own; or else to inveigle others, who are drawn over to their Party by the Love of Money.* Most of these Things are ascribed in these Acts, to the *Albigenses*; so that they sometimes seem to have been confounded with one another.

On the other hand, *Pegna* and *Eymericus* seem to have acknowledged a Difference between them. For *Pegna*, upon *Eymericus's* Directory of the Inquisitors, *Par. 2. Comment. 38.* calls the *Sacrament of the Albigenses*, *Consolamentum, the Consolation*; and adds, that their other *Sacrament* was the *Blessing of Bread.* *This*, says he, *is a Sort of breaking Bread, which they daily use at Dinner and Supper: 'Tis performed after this Manner.* *When the Puritans (so he calls the *Albigenses*) are come to the Table, they all say the Lord's Prayer; in*

the

the mean while, he who is the principal Person amongst them, either as to Riches or Dignity, takes in his Hand one or more Loaves, according to the Number of those that are present; and saying, The Grace of our Lord Jesus Christ be with you all always; he breaks the Loaf or Loaves, and distributes to all that sit down, whither they are Puritans, or only their Believers. And in this they differ from the poor Men of Lyons; for they perform this Ceremony or Blessing, only once in a Year.

Of the *Valdenses*, *Eymericus* thus writes, P. 3. Num. 112. Those among them that are Perfect, put in the upper Part of the Shoe or *Zabbata*, a Sort of a Escutcheon, as a Sign, from which they are called *Inzabbatati*. They have one among them, superior to the rest, whom they call *Majoralis* or Elder, to whom alone, and to no other, they yield Obedience. When they sit at Table they bless in this Manner: He who blessed the five Barly Loaves and two Fishes, in the Desert, to his Disciples, bless this Table to us. And when they rise, they repeat those Words of the Revelation; Blessing, and Honour, and Wisdom, and Thanks, and Glory, and Strength, be unto our God for ever and ever. Amen. Always holding their Eyes and Hands lift up to Heaven. This Account is agreeable to what we read of the *Valdenses*, in the Book of Sentences of the *Toulouse* Inquisition, but much more explicite and distinct.

The same *Eymericus*, Num. 88, &c. charges these Hereticks, of his Time, with many Equivocations and Tricks, by which they endeavour to deceive the Inquisitors, when they interrogate them concerning their Faith, viz. If they are asked, Do you believe the Sacrament of Baptism necessary to Salvation; they answer; I believe. By which, they mean their own private Faith, and not their believing the Doctrine they are asked about: Or, if it pleases God, I believe well; meaning, that it is not pleasing to God, that they should believe as the Inquisitors would have them: Or, by returning the Question. Sir, How do you believe? And when the Inquisitor answers, I believe the Faith of the Church of Rome, they reply, I believe so; meaning, that they believe the Inquisitor believes as he says; not that they believe as he doth. These and other like Things he affirms that he observed, during the Administration of his Office.

I have been the longer on this Account of the *Albigenses* and *Valdenses*, that every one may judge whether they were one or two different Sects. To speak my own Mind freely, they appear to me to have been two distinct ones; and that they were entirely ignorant of many Tenets, that are now ascribed to them. Particularly the *Valdenses* seem to have been plain Men, of mean Capacities, unskilful and unexperienced; and if their Opinions and Customs were to be examined without Prejudice, it would appear, that amongst all the modern Sects of Christians, they bare the greatest Resemblance to that of the *Memnonites*.

C H A P. IX.

Of the PERSECUTIONS against the ALBIGENSES and VALDENSES.

Baron.
§. 18. N. 4. **I**T was the entire Study and Endeavour of the Popes, to crush in its Infancy, every Doctrine that any way opposed their exorbitant Power. In the Year 1163. at the Synod of *Tours*, all the Bishops and Priests in the Country of *Tholouse*, were commanded to take Care, and to forbid, under the Pain of Excommunication, every Person from presuming to give Reception, or the least Assistance to the Followers of this Heresy, which first began in the Country of *Tholouse*, whenever they should be discovered. Neither were they to have any Dealings with them in buying or selling; that by being thus deprived of the common Assistances of Life, they might be compelled to repent of the Evil of their Way. Whosoever shall dare to contravene this Order, let him be excommunicated as a Partner with them in their Guilt. As many of them as can be found, let them be imprisoned by the Catholick Princes, and punished with the Forfeiture of all their Substance.

Pegna in
Eymeric.
p. 2. com.
39.
Bzovius,
a. 1199.
§. 38. Some of the *Valdenses* coming into the neighbouring Kingdom of *Arragon*, King *Ildefonsus*, in the Year 1194. put forth, against them, a very severe and bloody Edict, by which he banished them from his Kingdom, and all his Dominions, as Enemies of the Cross of Christ, Prophaners of the Christian Religion, and publick Enemies to himself and Kingdom. He adds: If any, from this Day forwards, shall presume to receive into their Houses the aforesaid *Valdenses* and *Inzabbatati*, or other Hereticks, of whatsoever Profession they be, or to hear in any Place their abominable Preachings, or to give them Food, or to do them any kind Office whatsoever; let him know, that he shall incur the Indignation of Almighty God and Ours; that he shall forfeit all his Goods, without the Benefit of Appeal, and be punish'd as though guilty of High Treason, &c. Let it be farther observed, That if any Person, of high or low Condition, shall find any of the often before mentioned accursed Wretches, in any Part of our Dominions, who hath had three Days Notice of this our Edict, and who either intends not to depart at all, or not immediately, but who contumaciouly stays, or travels about; every Evil, Disgrace, and Suffering that he shall inflict on such Person, except Death or Maiming, will be very grateful and acceptable to us; and he shall be so far from incurring any Punishment upon this Account, that he shall be rather entitled to our Favour. However, we give these wicked Wretches Liberty till the Day after All Saints (though it may seem contrary to Justice and Reason) by which they must be either gone from our Dominions, or upon their Departure out of them: But afterwards they shall be plunder'd, whipp'd and beat, and treated with all Manner of Disgrace and Severity.

Raynald.
a. 1199.
§. 23, 24. Nor did they act with less Cruelty against Hereticks in *Orvieto*. Peter Parentius, the *Præfekt*, declared, and that publickly, to a large Assembly, That whosoever, within an appointed Day, would come back to the Church, which never shuts her Bosom to those who return, and obey the Commands of the Bishops, should obtain Pardon and Favour; but that whosoever should

should refuse to return by the prefixed Day, should be subject to the Punishment appointed by the Laws and Canons. But what this Favour was, is described in the publick Records of that Church, in these Words: *But the Bishop inflamed against the Wickedness of the Manichæans, received, with a pastoral Concern, the Confession of the Hereticks, returning from their Heresy to the Catholick Unity, and presented them to the Præfect. Some of these he bound in Iron Chains, others he caused to be publickly whipped, others he miserably banished out of the City, others he fined, who were true Penitents on Account of the Money they lost; from others he took large Securities, and pulled down the Houses of many more: So that the Governor of the City, walking after the Royal Pattern, turned aside neither to the left Hand nor to the right.* To this Account Raynaldus adds, *These Things did this new Phineas, burning with an holy Zeal, for the Catholick Faith, this Year in the Time of Lent.* But he was a little after killed by the Hereticks.

About the Year 1200, Pope Innocent III. wrote to several Archbishops Bzovius, and Bishops in Guienne, and other Provinces of France, that they should banish the Valdenses, Puritans, and * Paterines, from their Territories; and sends thither the Friars, Reyner, and Guido the Founder of the Order of Hospitallers, to convert Hereticks; and commands the Bishops, that those who would not be converted should be banish'd; and that they should humbly receive, and inviolably observe whatever Friar Reyner should ordain against Hereticks, their Favourers and Defenders. He commanded also the Princes, Earls, &c. That those Hereticks who should be excommunicated as impenitent by Friar Reyner, should be adjudged to Forfeiture of their Estates and Banishment; that if after this Interdict they should be found in their Dominions, they should proceed more severely against them, as became Christian Princes. He gave moreover full Power to Reyner, to compel the Princes to this Work, under Pain of Excommunication, and Interdict of their Dominions, without Appeal; and commands him not to delay to publish the Sentence of Excommunication against the Receivers of excommunicated Hereticks. And to conclude, he exhorts the People to give all Assistance, when required, against Hereticks, to the Friars Reyner and Guido, and grants to all who should stand by them faithfully and zealously, the same Indulgence of Sins, which is used to be granted to those who visited the Threshold of St. Peter or St. James. The next Year following he commands the Archbishops of Aix and Metz, and others, with some Abbots, that they should examine the poor Men of Lyons, and others, concerning the Orthodox Faith; and as they found the Matter, should give him full Information by Messenger or Letters; that being thus more fully informed by them, he might know the better how to proceed against them. He made also the most severe Laws for the Extirpation of Heresy, which are contained in his Letters to the Citizens of Viterbo, some of whom had been infected with Heresy.

These §. 23.

§. 37.

Bzovius;

a. 1198.

§. 21.

Raynald's

a. 1199.

§. 27.

* Some of the Sectaries of the Valdenses: They called themselves Paterines, after the Example of the Martyrs, who suffered Martyrdom for the Catholick Faith; because they, like them, were *expositos passenibus*, exposed to Sufferings. *Du Fresne Glossar. Med. & inf. Lat. in voce.*

C H A P. X.

Of DOMINICUS, and the first Rise of the Tholouse INQUISITION.

THUS far we have consider'd the Method of Proceeding against Hereticks, as committed to the Bishops, with whom the Government and Care of the Churches were entrusted, according to the received Decrees of the Church of *Rome*. But inasmuch as their Number did not seem sufficient to that Court, or because they were too negligent in the Affair, and did not proceed with that Fury against Hereticks as the Pope would have had them; therefore, that he might put a Stop to the encreasing Progress of Heresies, and more effectually extinguish them, about the Year of our Lord, 1200. he founded the Order of the *Dominicans* and *Franciscans*, that they might preach against Heresies. *Dominick* and his Followers were sent into the Country of *Tholouse*, where he preached, with great Vehemence, against the Hereticks that were arisen there; from whence his Order hath obtained the Name of *Preachers*, or *Predicants*. *Father Francis*, with his Disciples, batted it with the Hereticks of *Italy*. They were both commanded by the Pope, to excite the Catholick Princes and People to extirpate Hereticks; and in all Places to enquire out their Number and Quality, and also the Zeal of the Catholicks and Bishops in their Extirpation; and to transmit a faithful Account to *Rome*. Hence they were called *Inquisitors*.

It is evident that the first Inquisitors were *Dominican* Friars, or of the Order of *Predicants*; but 'tis not so certain what Year the Inquisition it self was first introduced. *Dominick*, as hath been said, was sent into the Country of *Tholouse*, * or *Gallia Narbonensis*: He, as *Bertrand* relates in his Account of the Affairs of *Tholouse*, whom *Uffer* cites, first lodged in the House of a certain Nobleman, to whom belonged the House of the Inquisition at *Tholouse*, near the Castle of *Narbonne*; and finding him sadly infested with Heresy, *Father Dominick*, Inquisitor of the Faith, reduced him to the Path of Truth; upon which, he devoted himself and his House, to *St. Dominick* and his Order: Which House hath ever since belonged to the Inquisition, and the *Dominican* Order. From hence we may gather, that *Dominick* was the first Inquisitor; and that the Inquisition was first introduced into *Tholouse*: But as to the Year when, Writers differ; some referring it to the Year of Christ, 1212; others to 1208; and others to 1215. This is certain, and agreed by all, that it began under the Papacy of *Innocent III.* and that *Dominick* was appointed the first Inquisitor in *Gallia Narbonensis*: But whether he received his Office of Inquisitor from *Arnaldus*, Abbot of *Cisteaux*, Legate of the Apostolick See, in *France*, or immediately from the Pope, is disputed by the Popish Writers. Those who endeavour to reconcile the Difference, say that *Dominick* was first appointed

*De Succes.
Ecles. in
Occidente,
c. 9. §. 9.*

* That Part of *France*, which anciently contained the Provinces of *Savoie*, *Dauphine*, *Provinces* and *Languedoc*.

Inquisitor by the Legate, and afterwards confirmed by the Pope himself. *Ludovicus a Paramo* seems to be of the same Opinion; for he says, that *Fa-* lib. 2. tit. 1. cap. 1. n. 13. ther *Dominick* first discoursed of his Design, to introduce the Inquisition, to the Abbot of *Cisteaux*, at that Time Apostolick Legate in *France*; and that the Abbot appointed him Inquisitor, at the same Time referring the Affair to the Pope. After this he was confirmed in the Office by a Cardinal Legate in that Kingdom; and at length, after the Conclusion of the *Lateran Council*, Ann. 1216. he was made Inquisitor by Authority of the Pope's Letters, a Copy of which some Authors affirm they have actually seen.

“When *Dominick* had received these Letters, upon a certain Day, in the c. 2. n. 4. Midst of a great Concourse of People, he declared openly in his Sermon, “in the Church of *St. Prullian*, that he was raised to a new Office by the “Pope; adding, that he was resolved to defend, with his utmost Vigour, “the Doctrines of the Faith; and that if the Spiritual and Ecclesiastical “Arms were not sufficient for this End, ’twas his fixed Purpose to call in “the Assistance of the Secular Arm, to excite and compel the Catholick “Princes to take Arms against Hereticks, that the very Memory of them “might be entirely destroy’d.” It evidently appears that *Dominick* was a bloody and cruel Man. This is more than obscurely intimated by the *Dominican*, *Camillus Campegius*, Inquisitor General of *Ferrara*, who after having recited the Letters of *Dominick*, in which he declares the Penances he enjoined to *Pontius Rogerii*, adds: c. 20. *I have the more willingly annexed to this Treatise of Zanchini* *Punishments these Letters of St. Dominick our Father, who first exercised the Office of Inquisitor, that all may be able to make a Comparison between the ancient Severity made use of to stop the Progress of these Crimes, and the present Moderation and Tenderness of this holy Tribunal.* These Letters he wrote, as *Ludovicus a Paramo* observes, when as yet he acted as Inquisitor only by the Authority of the Abbot of *Cisteaux*, and these Letters *Paramus* produces to prove, that *Dominick* as- l. 2. t. 12. c. 2. n. 5. sumed this Office, from a Resolution to punish Hereticks with such Severity, as that by the Fear of Punishment he might deter others from the like Wickedness. He was born in *Spain* in the Village *Calaroga* in the Diocese of *Osma*. His Mother, before she conceived him, is said to have dreamed, that she was with Child of a Whelp, carrying in his Mouth a lighted Torch; and that after he was born, he put the World in an Uproar by his fierce Barkings, and set it on Fire by the Torch that he carried in his Mouth. His Followers interpret this Dream of his Doctrine, by which he enlightned the whole World; whereas others, if Dreams presage any thing, think that the Torch was an Emblem of that Fire and Faggot, by which an infinite Multitude of Men were burnt to Ashes.

In the Beginning the Inquisitors had no proper Tribunal; they only enquired after Hereticks, their Number, Strength and Riches. After they had detected them, they informed the Bishops, who then had the sole Power of Judging in Ecclesiastical Affairs, and sometimes urged them, that they should anathematize, and otherwise punish the Hereticks they had discovered to them. Sometimes they stirred up Princes to take Arms against Hereticks; sometimes

sometimes the People. Such of them as engaged in this Work they signed with the Cross, and encouraged them in their Expeditions against Hereticks. Farther than this, *Dominick*, who was of a bloody fierce Temper, that he might the more effectually extirpate all Heresy, invented a Method, how, under the Appearance of Mercy and Tenderness, he might exercise the most outrageous Cruelty, *viz.* the laying some certain Punishments, by way of wholesome Penance, upon such as were converted to the *Roman* Faith, that being thus converted, they might be freed from Excommunication. For what could carry a greater Appearance of Mercy, than to absolve and receive into Communion, those Hereticks that returned to the Church, and voluntarily subjected themselves to a wholesome Penance? But the Truth is, that this was the Height of Cruelty: For they submitted to such Penances, not from Conviction and Choice, but for fear of a more terrible Punishment. For the Fire and Faggot and other Punishments were ready prepared for such as were not converted; and all that refused to submit to these Penances, were pronounced excommunicate, convict, and obstinate Hereticks, and as such turned over to be punished by the Secular Court. Besides, these wholesome Penances were attended with the greatest Miseries to the Penitents; for either they were condemned to perpetual Imprisonment, there to wear out a wretched Life with the Bread and Water of Affliction, or were marked on their Back and Breast with Crosses, that by these Marks of Infamy, they might be exposed to the Reproaches and Abuses of all Men; and were withal publickly whipped before the People, either in the open Street, or in the Church, and commanded many other Things, under the specious Name of Penance; that by this Severity, which the Penitents were forced voluntarily to submit to, that there might be an Appearance of Mercy in their Case, all others might be deterred from Heresy.

C H A P. XI.

Of the Wars against RAYMOND, Father and Son, Earls of T H O L O U S E.

IN the mean while the Pope, being intent on the Extirpation of Hereticks, excited all the Princes, that they should not yield them any Refuge in their Dominions, but oppress them with all their Force. His principal Care was to expel them from the Country of *Tholouse*, where the *Albigenses* were very numerous. He was perpetually pressing *Raymond* Earl of *Tholouse* to banish them from his Dominions; and when he could not prevail with him, either to drive out so large a Number of Men, or to persecute them, he ordered him to be excommunicated as a Favourer of Hereticks. He also sent his Legate, with Letters to many of the Prelates, commanding them to make Inquisition against

the heretical *Albigenses* in *France*, and to destroy them, and convert their Followers. He also wrote to *Philip* King of *France*, that he should take Arms against those Hereticks, and use his utmost Force to suppress them; that by endeavouring to prevent the Progress of their Heresy, he might be under no Suspicion of being tainted with it himself. With the Pope's Legate there came also twelve Abbots of the *Cistercian* Order, preaching the Cross against the *Albigenses*, and promising, by the Authority of *Innocent*, a plenary Remission of all Sins, to all who took on them the Crusade. To these *Dominick* joined himself, and, as we have related, invented in that Expedition the Inquisition. The *Roman* Pontiffs had appointed this kind of War, which they called *Holy*, against the *Infidels* and *Saracens*, for the Recovery of the Holy Land; and because all who listed themselves in that Service wore the Sign of the Cross near their Shoulders, they were called Cross-bearers. They ordered it also to be proclaimed, that all who would enter into that Holy War, or piously contribute any Money for the Pay of the Soldiers, being confessed and penitent, according to the Rules and Methods fixed by the Divines, should obtain a full Indulgence and Remission of their Sins, and be absolved from the Sentences of Interdict, Suspension, and Excommunication, and especially from those they had incurred by firing or breaking into Churches, or by laying violent Hands on Ecclesiasticks, and from all other Sentences, except the Crime was so enormous, that they could not receive Absolution but immediately from the Apostolick See. They were allowed also, in the Time of a General Interdict, to be present at Divine Services, and to receive the Ecclesiastical Sacraments, in those Places where they were celebrated, by a special Indulgence from the Apostolick See, if they had been absolved before from their respective Sentences, as may be seen in the Bull of *Innocent* the Fourth, which begins, *Malitia hujus temporis*; that by the Hopes of this Immunity, Men might be excited to undertake these Expeditions. Accordingly Multitudes came together, and cheerfully engaged in them, upon the Belief that they could in so easy a manner atone for their Sins. But now the Popes turned these Expeditions against Christians themselves, whom they loaded with the infamous Name of Hereticks, only because they were Enemies to their See, and the exorbitant Power of it. Some of these Cross-bearers *Dominick* sent into the Country of *Tbolouse* against the *Albigenses*, to overcome those Hereticks by the material Sword, whom he could not cut off by the Sword of the Word of God.

[For this Fraternity *Dominick* framed certain Constitutions, by which they were to preserve and govern themselves. The first was, that such who entered into this Warfare, should take a solemn Oath, that they would endeavour with all their Might to recover, defend, and protect the Rights of the Church against all who should pretend to usurp them; and that in Defence of the Ecclesiastical Effects they would expose themselves and their own Estates, and take up Arms, as often as they should be called on to do it by the Prelate of the War, who was then *Dominick*, and afterwards the Masters General of the *Dominican* Order. *Dominick* farther exacted an Oath from

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the Wives of these Cross-bearers, if any of them were married, that they would not persuade their Husbands to forsake this War for the Support of the Ecclesiastical Immunity; and promised them eternal Life for so holy a Service. And to distinguish them from other Laicks, he ordered that both the Men and their Wives should wear Garments of white and black Colours, tho' they differed as to their Make. They also repeated in the canonical Hours the Lord's Prayer, and the Salutation of the Angel so many Times, as was customary in any other common Wars. It was ordained also, that none should be admitted to this sacred Warfare, without a previous rigorous Examination of his Life, Manners and Faith, whether he had paid his Debts, forgiven his Enemies, made his Will, that he might be more ready for the Battle, and obtained Leave from his Wife before a Notary and proper Witnesses. The Wives of those who were slain in the Expedition promised they would never marry again. This kind of Warfare was at that Time very acceptable, so that many eagerly entered into it, that by the Slaughter of Hereticks, and the Plunder of their Goods, they might march away to Heaven.]

But because even these Cross-bearers did not fight against them with that continued Zeal and Fury, that the Pope and *Dominick* would have had them, the *Dominicans* excited larger Numbers to engage in this Warfare, by the Hopes of a plenary Indulgence. The Text which their Preachers used to chuse for this Purpose, was from *Psal. xciv. 16. Who will rise up for me against the Evil doers? Or who will stand up for me against the Workers of Iniquity?* And as they directed their whole Sermons to their own cruel Purpose, they generally thus concluded: *You see, most dear Brethren, how great the Wickedness of the Hereticks is, and how much Mischiefe they do in the World. You see also how tenderly, and by how many pious Methods the Church labours to reclaim them. But with them they all prove ineffectual, and they fly to the Secular Power for their Defence. Therefore our holy Mother the Church, tho' with Reluctance and Grief, calls together against them the Christian Army. If then you have any Zeal for the Faith, if you are touched with any Concern for the Honour of God, if you would reap the Benefit of this great Indulgence, come and receive the Sign of the Cross, and join your selves to the Army of the crucified Saviour.* There was indeed this Difference between those who took up the Cross against the *Saracens*, and those who did it against the Hereticks, that the former wore it on their Backs, and the latter on their Breasts. And that their Zeal might by no Means grow cool, there were certain Synodical Decrees made by the Authority of the Pope, by which the Presbyters were enjoined continually to excite and warm it. *Let the Presbyters continually and affectionately exhort their Parishioners that they arm themselves against the heretical Albigenes. Let them also enjoin, under the Pain of Excommunication, those who have taken the Cross, and not prosecuted their Vow, that they retake the Cross and wear it.*

Uffer. de
Sic. cap.
5. §. 5.

Uffer. ibid.
110. §. 23.

Raynold.
a. 1208
§ 15 &c
Bzovius,
a. 1208.
§ 3, 4.

Raymond Earl of *Tholouse* not being in the least diverted from his Purpose by the Sentence of the Legate, who having consulted with *Dominick*, had forbid him, as a Favourer of Hereticks, the Communion of holy Things, and of the Faithful, was excommunicated by a Bull of *Innocent* himself, as a Defender of Hereticks,

Hereticks, and all his Subjects absolved from their Oath of Allegiance; and Power was given to any Catholick Man, tho' without Prejudice to the Right of the supreme Lord, not only to act against his Person, but to seize and detain his Country; under this Pretence chiefly, that it might be effectually purged from Herefy by the Prudence of the one, as it had been grievously wounded and defiled by the Wickedness of the other.

The Earl, frighten'd by this Sentence, and especially by the terrible Expedition of the Cross-bearers against him, promised Obedience, and sought to be reconciled to the Church; but could not obtain it without delivering up to the Legate seven Castles in his Territories for Security of Performance, and unless the Magistrates of *Avignon*, *Nimes*, and *Agde*, had interceded for him, and bound themselves by an Oath, that if the Earl should disobey the Commands of the Legate, they would renounce their Allegiance to him. It was farther added, that the County of *Venaissin* should return to the Obedience of the Church of *Rome*. The Manner of the Reconciliation of the Earl of *Tholouse*, was, according to *Bzovius*, thus: *The Earl was brought before the Gates of the Church of St. Agde, in the Town of that Name. There were present more than twenty Archbishops and Bishops, who were met for this Purpose. The Earl swore upon the holy Body of our Lord Jesus Christ, and the Relicks of the Saints, which were exposed with great Reverence before the Gates of the Church, and held by several Prelates, that he would obey the Commands of the holy Roman Church. When he had thus bound himself by an Oath, the Legate order'd one of the sacred Vestments to be thrown over his Neck, and drawing him thereby, brought him into the Church, and having scourged him with a Whip, absolved him. Nor must it be omitted, that when the said Earl was brought into the Church, and received his Absolution as he was scourging, he was so grievously torn by the Stripes, that he could not go out by the same Place thro' which he entered, but was forced to pass quite naked as he was thro' the lower Gate of the Church. He was also served in the same manner at the Sepulchre of St. Peter the Martyr at New Castres, whom the Earl had caused to be slain.*

However, the vast Army of the Cross-bearers was not idle after the Reconciliation of the Earl of *Tholouse*, but every where attacked the Hereticks, took their Cities, filled all Places with Slaughter and Blood, and burnt many whom they had taken Captives. For in the Year 1209. *Biterre* was taken by *Bzovius*, them, and all, without any Regard of Age, cruelly put to the Sword, and the City it self destroy'd by the Flames. *Cæsarius* tells us, that when the City was taken, the Cross-bearers knew there were several Catholicks mixed with the Hereticks; and when they were in Doubt how to act, lest the Catholicks should be slain, or the Hereticks feign themselves Catholicks, *Arnold Abbot of Cisteaux* made Answer, *Slay them all, for the Lord knows who are his*; whereupon the Soldiers slew them all without Exception.

Carcaffone also was destroyed, and by the common Consent of the Prelates and Barons, *Simon Earl of Montfort*, of the Bastard Race of *Robert King of France*, [whom *Petavius* in his *Ration. Temp.* calls a Man as truly religious as valiant,] was made Governor of the whole Country, both of what was already conquered, and what was to be conquered for the future. The same Year he

took several Cities, and reduced them to his own Obedience. He cruelly treated his captive Hereticks, and put them to Death by the most horrible Punishments. In the City Castres two were condemned to the Flames, and when a certain Person declared he would abjure his Heresy, the Cross-bearers were divided amongst themselves. Some contended that he ought not to be put to Death; others said 'twas plain he had been an Heretick, and that his Abjuration was not sincere, but proceeded only from his Fear of immediate Death. Earl Montfort consented that he should be burnt; alledging, that if his Conversion was real, the Fire would expiate his Sins; if otherwise, that he would receive a just Reward of his Perfidiousness.

§. 25. In other Places also they raged with the like Cruelty. One Robert, who had been of the Sect of the *Albigenses*, and afterwards joined himself to the *Dominicans*, supported by the Authority of the Princes and Magistrates, burnt all who persisted in their Heresy; so that within two or three Months he caused fifty Persons, without Distinction of Sex, either to be buried alive or burnt; from whence he gained the Name of *the Hammer of the Hereticks*. Raynold affirms, that it ought not to be doubted but that Pope Innocent appointed him to this Office. At Paris, one Bernard, with nine others, of whom four were Priests, the Followers of *Almerick*, were apprehended; and being all had into a Field, were degraded before the whole Clergy and People, and burnt in the Presence of the King.

§. 107.
§. 3.
§. 1210.
§. 10.
Bzovius,
§. 1209.
§. 11.
§. 1211.
§. 2.

The Year following there was undertaken a new Expedition of the Cross-bearers against the *Albigenses*. They seized on *Alby*, and there put many to Death. They took *la Vaur* by Force, and burnt in it great Numbers of the *Albigenses*. They hanged *Aymerick* the Governor of the City, who was of a very noble Family. They beheaded eighty of lesser Degree, and did not spare the very Women. They threw *Girarda*, *Aymerick's* Sister, and the chief Lady of that People, into an open Pit, and cover'd her with Stones. Afterwards they conquered *Carcum*, and put to Death sixty Men. They also seized on *Pulchra Vallis*, a large City near *Tboloufe*, and burnt in it 400 *Albigenses*, and hanged 50 more. They took *Castres de Termis*, and in it *Raymond de Termis*, whom they put in Prison, where he dy'd, and burnt in one large Fire his Wife, Sister, and Virgin Daughter, with some other noble Ladies, when they could not perswade them, by Promises or Threats, to embrace the Faith of the Church of *Rome*.

The Earl of *Tboloufe*, terrified with these Successes of *Simon Montfort*, and fearing for himself and Country, raised a great Army, and had Forces sent him from the Kings of *England* and *Aragon*, to whom he was related. For he married *Joan*, Sister of the King of *England*, who had been formerly Queen of *Sicily*, and had by her a Son named *Raymond*. After her Death he married *Eleanor*, the Sister of *Peter King of Aragon*. But this Army was defeated with a great Slaughter by the Cross-bearers under the Command of *Earl Montfort*, and the Earl of *Tboloufe* driven from his Dominions. About the Beginning of the Year 1215, in a Council of certain Archbishops and Bishops near *Montpellier*, held by the Pope's Legate, *Montfort* was declared Lord of all the Countries he had conquered, and the Archbishop of *Ambrun* was sent.

sent to the Pope, to get him to ratify the Council's Sentence, and *Lewis*, eldest Son of *Philip* the French King, confirmed him in the Possession.

During these Transactions Pope *Innocent III.* in the Year of our Lord 1215. called the famous *Lateran* Council, where *Dominick* was present, in which there were many Decrees against Hereticks, which were afterwards inserted in the Decretals of *Gregory*, *Tit. de Hæret. cap. 13.* To this Council fled the Earl of *Tholouse*, with his Son *Raymond*, being dispossessed of his Dominions by *Montfort*. *Guido*, the Brother of Earl *Montfort*, appeared against him, and after many Debates, Earl *Raymond* is declared, to be for ever excluded from his Dominions, which he had govern'd ill, and ordered to remain in some convenient Place out of his own Lands, in order to his giving suitable Proofs of his Repentance. Four hundred Marks of Silver were assigned him yearly out of his Revenues, as long as he behaved himself with an humble Obedience. But as all bore Testimony to his Wife, that she was a good Catholick Lady, she was left in Possession of the Lands of her Dowry, provided she caused the Commands of the Church to be observed, and suffered none to disturb the Affairs of Peace or Faith. However, all that the Cross-bearers had taken was adjudged to *Montfort*; and as to the rest, which they had not seized on, the Church decreed it should be kept by proper Persons, to preserve the Peace, and the Faith, that there might be some Provision for the only Son of the Earl of *Tholouse*, according as he should deserve it in Part or Whole, after his coming to Age.

Upon this Decree of the Synod *Raymond* went into *Spain*, and his Son *Raymond* into *Provence*, where, with the Help of many auxiliary Forces, he made War on *Montfort*. He recovered some Part of his Dominions, and even the City of *Tholouse* it self. Whilst *Montfort* was endeavouring to retake it with a large Army, he was killed by the Blow of a Stone, and thereby the City delivered from the Siege. Thus *Raymond* recover'd by Arms his Father's Earldom, who died in the Year 1221. and was succeeded by this his Son, who could not obtain, with all his Endeavours, a Christian Burial for his Father.

As Things thus took a different Turn, sometimes according to the Pope's Wish, at other Times contrary to it, he pressed the Inquisition as the most effectual Remedy for the Extirpation of Hereticks. *Bzovius* relates, that at this Time many Hereticks were burnt in *Germany*, *France*, and *Italy*, and that in this Year no less than 80 Persons were apprehended at once in the City of *Strasbourg*, of whom but a very few were declared innocent. If any of these denied their Heresy, *Friar Conrade* of *Marpurg*, an Apostolical Inquisitor of the Order of *Predicants*, put them to the Trial of the Fire Ordeal, and as many of them as were burnt by the Iron, he delivered over to the Secular Power to be burnt as Hereticks; so that all who were accused, and put to this Trial, a few excepted, were condemned to the Flames.

About that Time Pope *Honorius* sent a Rescript to the Bishop of *Boulogne*, *Bzovius*, anathematizing all Hereticks, and Violaters of the Ecclesiastical Immunity, in these Words: *We excommunicate all Hereticks of both Sexes, of whatsoever Sect, with their Favourers, Receivers, and Defenders; and moreover, all those who cause any Edicts or Customs, contrary to the Liberty of the Church, to be observed, unless they*

they remove them from their publick Records within two Months after the Publication of this Sentence. Also we excommunicate the Makers, and the Writers of those Statutes, and moreover all Governors, Consuls, Rulers, and Counsellors of Places, where such Statutes and Customs shall be published or kept, and all those who shall presume to pass Judgment, or to publish such Judgments, as shall be made according to them.

Raynald. In the mean while, after *Raymond* had recovered his Father's Dominions, a. 1221. the Inquisition was banished from the Country of *Tbolouse*. But Pope *Honorius III.* left no Stone unturned to render the Earl obnoxious. He took Care to let him know by his Legate, that he should be stripp'd of his Dominions as his Father was, unless he returned to his Duty; and by Letters bearing Date the 8th of the Calends of *November*, he confirmed the Sentence of the Legate, by which he deprived him of all his Right in every Country that had ever been subject to his Father; and to give this Sentence its full Force, he commanded *Bzovius*, a. 1221. the *Dominicans*, and gave them full Power to proclaim an holy War, to be §. 8. called the * Penance War, against the Hereticks. A vast Number met together at the Sound of this horrid Trumpet, and entred into this holy Society, * de pœnitentia. as they believed it, wearing over a white Garment a black Cloak, and receiving the Sacrament for the Defence of the Catholick Faith.

And that the Pope might more effectually subdue the Earl of *Tbolouse*, he sent his Letters to King *Lewis*, who had succeeded his Father *Philip*, in which he exhorts him to take Arms against the *Albigenses* in this manner. 'Tis the Raynald. Command of God, If thou shalt hear say in one of thy Cities, which the Lord a. 1223. thy God hath given thee to dwell there, saying, Let us go and serve other §. 41. Gods, which ye have not known, thou shalt smite the Inhabitants of that City with the Edge of the Sword, and shalt burn with Fire the City. *Altho' you are under many Obligations already to God, for the great Benefits received from him, from whom comes every good Gift, and every perfect Gift, yet you ought to reckon your self more especially obliged courageously to exert your self for him against the Subverters of the Faith, by whom he is blasphemed, and manfully to defend the Catholick Purity, which many in those Parts, adhering to the Doctrine of Devils, are known to have thrown out.*

Usser. de During this there met a Synod at *Paris*, by the Pope's Command, about the Succes. c. Affair of the *Albigenses*, at which the Pope's Legate was present, with two 10. §. 46. Archbishops and twenty Bishops, where *Amalric*, Son of *Simon Montfort*, demanded the Restitution of the Lands of *Raymond* Earl of *Tbolouse*, which had been adjudged to him and his Father by the Pope and *French* King. *Raymond* defended himself before the Legate, affirming his Country to be free from Heresy. He entreated the Legate to come to the several Cities of his Dominions, to enquire of all Persons the Articles of their Belief, that if he found any holding Opinions contrary to the Catholick Faith, he might punish them according to the Rigour of Justice: Or if he should find any City rebelling against him, he would use his utmost Power to compel it to make proper Satisfaction. For himself he offered, that if he had offended in any thing, which he doth not remember to have done, he would give full Satisfaction to God and Holy Church, as became.

became a faithful Christian, and if the Legate pleased, would submit to an Examination of his own Faith: But this the Legate contemn'd; nor could the Catholick Earl (they are the Words of *Matthew Paris*) find any Favour, unless he would abjure his Patrimony, and renounce it for himself and his Heirs. So that an Expedition of the Cross-Bearers was again resolved on, against Earl *Raymond*, in which *Lewis* the French King engaged, by the Persuasions of *Honorius III.* and many Earls and Prelates, for Fear of the Pope, who had rather have been absent, as thinking it unworthy to oppress a faithful Man and good Christian. And as *Raymond* held several cautionary Lands of the King of *England*, *Honorius* sent him prohibitory Letters, to prevent his making War on the French King, or sending Assistance to *Raymond*, for the Defence of them, in these Words:

Make no War, either by your self, or your Brother, or any other Person, on Raynald.
the said King, so long as he is engaged in the Affair of the Faith, and Service of 1226.
Jesus Christ; least by your obstructing the Matter, which God forbid, the King, 9. 24.
with his Prelates and Barons of France, should be forced to turn their Arms from
the Extirpation of Hereticks to their own Defence. As for us, since we could not
excuse such a Conduct, and Instance of great Indevotion, we could not impart to you
our paternal Favour, which otherwise, in all proper Seasons, should never be want-
ing to you. And as we are not only ready to do you Justice, but even Favour, as far as
God enables us, we have taken Care, that whatever becomes of Hereticks and their
Lands, your Rights, and those of other Catholicks, shall be safe, according to the
Decrees of the foresaid Council.

So that the French King undertook the Expedition, and with a large Army, sat down first before *Avignon*. But the City was valiantly defended, and *Earl Raymond* did much Damage to the Besiegers, killing many of them. A great Part of the Army also, with the King himself, died of the Difentery and other Distempers. The Pope's Legate concealed the King's Death for some Time, lest the whole Army should be forced to break up with Disgrace from the Siege of a single City, without being able to take it. At length, when the City was not to be conquered by Force, the Legate had recourse to Fraud, setting on Conferences for Peace, and giving Hostages for Security. And when he could not persuade the Deputies of the City to yield it up to him, he desired that they would admit him, with the Prelates who were with him, into the City, pretending that he would examine into the Faith of the Inhabitants; and affirming with an Oath, that he put off the Siege of the City for no other Cause, but to seek the Welfare of their Souls. He added, that the Cry of their Infidelity had ascended to the Pope; and that he would enquire whether they had done altogether according to the Cry which was come up unto him. The Citizens trusting to the Legate, and suspecting nothing of Fraud, agreed under the forementioned Condition, and the Security of an Oath on both Sides, that he, with the Prelates and their Servants, should enter the City. But the French, as it had been privately agreed, perfidiously followed them, and violently rushed through the Gates as they were opened, and in Defiance of their Oath, took the Citizens, bound them in Chains, plundered

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dered the City, killed many of the Inhabitants; and having thus, by Treachery, obtained the Victory, broke down the Towers and Walls of that noble City. Thus *Matthew Paris* relates this Story.

After *Avignon* was thus treacherously taken, they bent all their Forces against *Tbolouse*. That City sustained the Siege for a long while, *E. Raymond* omitting nothing that became the most valiant Commander: But at length it was forced to surrender. As for *Raymond*, after several Conferences, he was forced to go to *Paris*, where he obtain'd Peace upon these Conditions; That as *Tbolouse*, and the Bishoprick of *Tbolouse* was given to him only for his Life, he should not leave them to any one of his Heirs; that none of them, or his Daughters, should, after him, claim any Right, excepting those only who descended from his only Daughter *Joan*, and the Brother of King *Lewis*, Lord *Alphonfus*: That he should abjure his Herefy, and promise to be ever after in Subjection to the See of *Rome*: That he should expel all Hereticks, nor by any Means defend them: That he should take the Cross, and at his own Expence war five Years against the *Saracens*, and other Enemies of the Faith and Church: That he should pay 20000 Marks of Silver, and yield up to the King and Church, all the Country beyond the Bishoprick of *Tbolouse* to the East, on this Side and the other Side the *Rhone*. After this he surrender'd himself at the *Lowvre*, to the King's Guards, till his Daughter, and five of his best fortified Castles were delivered up to his Messengers, and the Walls of *Tbolouse* entirely demolished. When all this was done, in the Presence of two Cardinals of the Church of *Rome*, one Legate in *France*, and the other in *England*, he was led to the high Altar, in a Linen Garment, and with naked Feet, and absolved from the Sentence of Excommunication. *Bernard*, in his *Cronicon* of the *Roman* Pontiffs, relating this History, says, as *Bzovius* tells us; *How holy a Sight it was, to see so great a Man, who for a long while could resist so many and great Nations, led naked in his Shirt and Trousers, and with naked Feet, to the Altar.*

Raynald.
a. 1228.
§. 3.
Bzovius,
§. 28.

Vffer. de
Succes. cap.
10. §. 58.

C H A P. XII.

*Several COUNCILS held, and the Laws of the Emperor FREDERICK II.
by which the Office of the INQUISITION was greatly promoted.*

THE Earl of *Tbolouse* being thus subdued, severer Laws were enacted against Hereticks. *Raymond* himself made many Laws against them; ordered all the Hereticks in his Country to be apprehended; and that the Inhabitants of every City or Castle should pay one Mark for every Heretick, to the Person who took him. *Lewis* also, the *French* King, put forth a Constitution

Bzovius,
a. 1228.
§. 6.

stitution against Hereticks, in which he commands the immediate Punishment of all who should be adjudged Hereticks by the Bishop, or any other Ecclesiastical Person. He deprives all their Favourers of the Benefit of the Laws; commands their Goods to be confiscated, and never to be restored to them or their Posterity; and that the *Ballive* should pay two Marks of Silver to any one that apprehended an Heretick.

And now the Pope laboured with all his Might, to confer a greater Power on the Inquisitors, and to establish for them a Tribunal, in which they might sit, and pronounce Sentence of Heresy and Hereticks, as Judges delegated from himself, and representing his Person. But to this there were in the Beginning great Obstacles, the People not easily admitting that new Tribunal, rightly judging that great Numbers would be destroyed by the Informations of the Inquisitors. So that they were very ill looked on by all, even before they had obtained the Power of Judging: For the Magistrates and wiser Part of the People, foresaw what must happen, upon their being invested with such an Authority; and were far from thinking it safe, that their Fortunes and Lives, and those of their Fellow-Citizens, should be exposed to the Pleasure of the Popes Emissaries, and that they should be made entirely obnoxious to their Tyranny.

But upon the Conquest of the *Albigenses*, and the taking their Countries and Cities, the Pope caused the Inquisition to proceed with greater Success. For in *France*, as *Pegna* observes in *John Calderin's* Treatise about the Form of Proceeding against Hereticks; *There were held several Councils at diverse Times and Places, of the French Archbishops, about the Method of Proceeding against, and punishing Hereticks. In the Year of our Lord, 1229. there was a Council at Tholouse, where many Statutes were made; which were publish'd there by Romanus, Cardinal Deacon of St. Angelus, Legate of the Apostolick See. In the Year 1235. another Council was held at Narbonne, of the French Prelates, in which this Affair was more fully discussed than at Tholouse. Afterwards, An. 1246. there was another Provincial Council at Biterre, when these Things were more particularly settled, than in the two former. The Acts of these Councils were not discovered for a long while, but found some Time since in the Vatican Library, and in an old MSS. Parchment, which was brought to Rome from the Inquisition at Florence. Pegna adds, that he would soon publish these Councils, with his Comments on them; and says they are very useful, and suited to the Office of the Inquisitors of heretical Pravity. But I could never yet learn whether they have seen the Light.*

These were the Transactions in *France*. In *Rome*, about the Year 1230. *Raymond of Pegnaforte*, who was a *Dominican*, compiled, by the Command of Pope *Gregory IX.* the Books of *Decretals*, into which he collected all the Laws of the Councils and Popes against Hereticks. Afterwards *Boniface VIII.* ordered a Sixth Book of the *Decretals* to be wrote. After this were added the *Clementines* and the *Extravagantes*, made on various Occasions, that the Inquisitors might want nothing for the full Exercise of their Office: And as the *Valdenses* had stolen into *Arragon* and *Navarre*, chiefly from the neighbouring,

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bouring *Languedock*, there was a Synod held at *Tarracona*, about the Year 1240. in which there were many Things enacted concerning Hereticks and their Punishments.

Even the Emperor *Frederick II.* himself, put forth many Laws against Hereticks, their Accomplices and Favourers, at *Padua*, by which he greatly promoted the Inquisition. In the first, which begins *Commissi nobis*, he ordains, that those Hereticks who were committed by the Church to the secular Court, should be put to Death without Mercy: That Converts through Fear of Death, should be imprisoned: That Hereticks, with their Abettors, where-ever they were found, should be kept in Custody till they were punished according to the Sentence of the Church: That Persons convict of Heresy, who had fled to other Places, should be taken up: That such as were relapsed should be punished with Death: That Hereticks and their Favourers, should be deprived of the Benefit of Appeal; that their Posterity, to the second Generations, should be incapable of all Benefices and Offices; but that their Heirs should be indemnified if they discovered their Parents Wickedness. And lastly, he takes under his imperial and special Protection, the predicant Friars, deputed for the Faith against Hereticks, in all the Parts of the Empire, and all others who were sent for, and should come for the Judgment of Hereticks, commanding the Magistrates severely to punish all convict Hereticks, after Condemnation, by the Ecclesiastical Sentence. In his second Edict, which begins, *Inconfutilem tunicam*, after expressing great Abhorrence of the Crime of Heresy, he commands all impenitent Hereticks to be burn'd with Fire, and the Favourers of the *Patarenes* to be banished. In his third, beginning *Patarenorum receptatores*, he deprives the Children of Hereticks of their Honours, unless any of them should discover one of the Sect of the *Patarenes*; and puts Hereticks themselves under the Ban, confiscating their Estates. In his fourth, beginning *Catharos*, he condemns all suspected Persons as Hereticks, if they do not purge themselves within a Year; commands his Officials to exterminate Hereticks from all Places subject to them; orders that the Lands of the Barons shall be seized by the Catholicks, if they do not purge them from Hereticks, within a Year after proper Admonition, and ordains many Punishments against the Favourers of Hereticks, and the most severe ones against all who apostatise from the Faith: But as the Office of the Inquisition was very much promoted by these Laws, 'tis worth while to give them entire.

The first is this:

FREDERICK, by the Grace of God, Emperor of the Romans, and always August, King of Jerusalem, and Sicily, to his beloved Princes, the venerable Archbishops, Bishops, and other Prelates of the Church; to the Dukes, Marquisses, Earls, Barons, Governors, Scultets, Burgraves, Advocates, Judges, Ministers, Officials, and all other his faithful Subjects, throughout the whole Empire, to whom these Letters shall come, Greeting and all Happiness.

The Care of the Imperial Government, committed to us from Heaven, and over which we preside, by the Gift of God, and the Height of our Dignity, demand the material Sword, which is given to us separately from the Priesthood, against the Enemies of the Faith, and for the Extirpation of heretical Pravity, that we should pursue, with Judgment and Justice, those Vipers and perfidious Children, who insult the Lord and his Church, as though they would tare out the very Bowels of their Mother. We shall not suffer these Wretches to live, who infect the World by their seducing Doctrines, and being themselves corrupted, more grievously taint the Flock of the Faithful. We therefore appoint and ordain, that Hereticks, of whatsoever Name, throughout our Empire, being condemned by the Church, and delivered over to the secular Power, shall be punished according to their Deserts. If any of them, after their being apprehended, shall return to the Unity of the Faith, through the Fear of Death, let them suffer perpetual Imprisonment, and do Penance according to the Canons. Farther, whatsoever Hereticks shall be found in the Cities, Towns, or other Places of the Empire, by the Inquisitors appointed by the Apostolick See, or other orthodox Persons zealous for the Faith; let those who have Jurisdiction there, seize their Persons, at the Instance of the Inquisitors and other Catholics, and keep them in strict Custody, till being condemned by the Censure of the Church, they perish by an accursed Death, for their denying the Sacraments of Faith, and Life. We condemn also to the same Punishment, all whom the Craft of the deceitful Enemy shall employ as Advocates, unlawfully to defend the Error of these Hereticks, especially since those who are defiled with such Wickedness, are equal in Guilt; unless they desist upon proper Admonition, and wisely consult the Preservation of their Lives. We subject also to the same just Punishment, those, who being convicted of Heresy in any one Place, fly to another, that they may more safely pour out the Poison of their heretical Pravity; unless in this Instance, they have a Testimony in their Favour from those who have been converted to the Faith from the same Error, or from those who have convinced them of their Heresy, which in this Case we allow may lawfully be done. We condemn also to Death, all such Hereticks, who being brought to Trial, shall abjure their Heresy when in extreme Danger of Life, if afterwards convicted of having dissembled and taken a false Oath, and of having willingly relapsed into the same Error, that thereby their vile Dissimulation may be more destructive to themselves, and their Falsehood meet with its deserved Punishment. We farther deprive Hereticks, their Receivers and Favourers, of all Benefit of Proclamation and Appeal; being willing that every Seed of this heretical Stain should, by all Means, be extirpated out of our Empire, in which the true Faith ought ever to be preserved. Moreover, as we have received greater Favours from the Divine Mercy, and are exalted to an higher Dignity than the Children of Men, we ought to pay the more solemn Services of Gratitude. If then we manifest our Displeasure against those who contemn us, and condemn Traytors in their Persons, and by stripping their Children of their Inheritance, how justly shall we be more incensed against those who blaspheme the Name of God, and revile the Catholick Faith, and deprive, by our Imperial Authority, all Hereticks, their Receivers, Abettors and Advocates, and their Heirs and Posterity, even to the second Generation, of their temporal Estates, publick Offices and Honours, that they may continually mourn at the Remembrance of their Fathers Crimes,

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and certainly know that God is a jealous God, punishing the Iniquities of the Fathers upon their Children. Not that we would exclude from our Mercy those, who keeping themselves free from the Heresy of their Fathers, shall discover their secret Perfidiousness: For whatever Punishment their Guilt may receive, we would not subject their innocent Children to it. We hereby also declare our Pleasure, that we appoint the Friars Predicant of the Order of Predicants, to take Care of the Faith against Hereticks, in all Parts of our Empire. We also take under our special Imperial Protection, all others whatsoever, that shall come to judge Hereticks, and grant them Leave to go, stay or return, except those who are under the Ban of the Empire; and Will that none shall injure them; but that they shall have the Assistance and Recommendation of all the Faithful in the Empire. We farther command all, and singular of you, that wheresoever, and to whomsoever of you they shall come, ye receive them kindly, and keep their Persons safe from all the Attempts of Hereticks, who may lay in wait for them, and grant them your Advice, safe Conduct and Assistance in the Execution of Affairs, so acceptable before God. And as to all Hereticks they shall discover to you in their Jurisdiction, let them be apprehended, and kept in safe Custody, till being ecclesiastically condemned, they shall suffer the deserved Punishment; as knowing that in so doing, their Obedience will be pleasing to God, and acceptable to us, viz. in assisting, with their utmost Endeavours, the said Friars to root out of all the Parts of our Empire, this new unheard of, and infamous heretical Pravity. And if any one shall be negligent and remiss in this Matter, let him know that he shall be unprofitable before God, and justly incur our highest Displeasure. Dated at Padua, Feb. 22.

The second Constitution of the Emperor Frederick.

FREDERICK, by the Grace of God, &c. The Hereticks are endeavouring to rent the seamless Coat of our God, and raging with deceitful Words, which declare their schismatical Intention, strive to divide the Unity of the indivisible Faith it self, and to separate the Sheep from the Care of Peter, to whom they were committed, by the good Shepberd, to be fed. These are the ravenous Wolves within, who put on the Meekness of the Sheep, that they may the better enter into the Lord's Sheepfold. These are the worst Angels: These are Sons of Naughtiness, of the Father of Wickedness, and Author of Deceit, appointed to deceive simple Souls: These are Adders who deceive the Doves: These are Serpents, which crawl in privately, and under the Sweetness of Honey, vomit out Poison: So that whilst they pretend to administer the Food of Life, they sting with their Tail, and mingle the most bitter Poison into the Cup of Death. These Sects are not now known by their ancient Names; either that they may conceal themselves, or what is yet more execrable, not content to be called by a Name from amongst themselves, as the Arians were from Arius, and the Nestorians from Nestorius; they call themselves Patarenes, after the Example of the Martyrs, who suffered Martyrdom for the Catholick Faith, as though they themselves were exposed to Sufferings. These miserable Patarenes, who do not believe the eternal Trinity, by their complicated Wickedness offend against Three, viz. God, their Neighbours and Themselves. Against God, because they do not acknowledge the Son and the true Faith. They deceive their Neighbours; whilst under

under the Pretence of spiritual Food, they minister the Delights of heretical Pravity. But their Cruelty to themselves is yet more savage; since, besides the Loss of their immortal Souls, they expose their Bodies to a cruel Death; being prodigal of their Lives, and fearless of Destruction, which by acknowledging the true Faith they might escape, and which is horrible to express, their Survivors are not terrified by their Example. Against such Enemies to God and Man we cannot contain our Indignation, nor refuse to punish them with the Sword of just Vengeance; but shall pursue them with so much the greater Vigour, as they appear to spread wider the Crimes of their Superstition, to the more evident Injury of the Christian Faith, and of the Church of Rome, which is adjudged to be the Head of all other Churches; insomuch that they have propagated their Falsehood from the Borders of Italy, and the Parts of Lombardy, where we are certainly informed their Wickedness doth more especially abound, even to our Kingdom of Sicily. This being most highly offensive to us, we ordain in the first Place, that the Crime of Heresy, and of every condemned Sect, whatever be the Name of it, shall be reckoned amongst the publick Crimes, as the ancient Laws declare. Yea, let such know that they shall be deemed guilty of High Treason it self. For as the Crime of Rebellion reaches to the Loss of the Life and Goods of the Persons condemned, and after they are dead, makes their Memory infamous; let the same be observed as to the aforesaid Crime, of which the Patarenes are guilty. And that the Wickedness of those who walk in Darknes, because they are not Followers of God, may be discover'd, we Will, that if there be none to accuse them, strict Enquiry be made by our Officials after such who commit these Crimes, as well as after other Malefactors; and that all who are informed against, if there be but the least Suspicion, be examined by the Ecclesiasticks and Prelates: And if they shall find them to err in any one Point from the Catholick Faith, we, by this our present Edit, condemn the Patarenes, and all other Hereticks, of every Kind and Name, to suffer Death, committing them to the Punishment of the Flames, that they may be burn'd alive in publick View; if after being pastorally admonish'd to forsake the dark Snares of the Devil, they will not acknowledge the God of Light. Nor are we displeas'd that herein we gratify them, since we are assured they can reap no other Fruit of their Error but Punishment only. For such, let no one dare to interceed with us; if any shall presume to do it, let him know he shall justly incur our Indignation. Dated at Padua, Feb. 22.

The third Law is this:

We condemn the Receivers, Accomplices, and Abettors of the Patarenes, to Forfeiture of their Goods and perpetual Banishment; who by their Care to save others from Punishment, have no Fear or Regard for themselves. Let not their Children be in any wise admitted to Honours, but always accounted infamous; nor let them be allowed as Witnesses in any Causes, in which infamous Persons are refused. But if the Children of those who favour the Patarenes shall discover any one of them, so that he shall be convicted, let them, as the Reward of their Acknowledgment of the Faith, be entirely restored by our imperial Favour, to their forfeited Honour and Estate.

The fourth Constitution of the Emperor *Frederick*.

*We condemn to perpetual Infamy, withdraw our Protection from, and put under our Ban, * the Puritans, Patarenes, Speromists, Leonists, Arnaldists, Circumcised, Passagines, Josepines, Garatenfes, Albanenses, Francisci, Begardi, Commiffi, Valdenses, Romanuli, Communelli, Varini, Ortuleni, those of the black Water, and all other Hereticks of both Sexes, and of whatsoever Name; and ordain that their Goods shall be confiscated in such Manner, that their Children may never inherit them, since 'tis much more heinous to offend the eternal, than the temporal Majesty. But if any come under a bare Suspicion, unless by a proper Purgation they shall demonstrate their Innocence, at the Command of the Church, according to the Degree of their Suspicion, and the Quality of their Person, let them be accounted infamous by all, and as under our Ban: And if they remain such by the Space of one Year, we condemn them as Hereticks. We ordain also, by this our perpetual Ediēt, that our Officers and Consuls, or Rectors, whatever be their Offices, shall take a publick Oath for the Defence of the Faith; and that they will, bona fide, study to their utmost, to exterminate from all the Lands subject to their Jurisdiction, all Hereticks specified by the Church; so that whosoever shall at any Time henceforward be admitted into any Office, either perpetual or temporary, he shall be obliged to confirm this Ediēt by an Oath; otherwise let them not be owned as our Officers or Consuls, or any Thing like it. We pronounce all their Sentences null and void. But if any temporal Lord, having been cited and admonished by the Church, shall have neglected to purge his Dominions from heretical Pravity, after a Year elapsed from the Time of his Admonition, let his Country be seized by the Catholics, and let them possess it without Opposition, and preserve it in the Purity of the Faith, by the Extirpation of Hereticks; saving the Right of the principal Lord, provided that he gives no Impediment or Obstruction. But let those who have no principal Lord be subject to the same Law. Furthermore, we put under our Ban, those who believe, receive, defend, and favour Hereticks; ordaining, that if any such Person shall refuse to give Satisfaction within a Year after his Excommunication, he shall be, ipso jure, infamous, and not admitted to any Kind of publick Offices, or the like, nor to chuse any Persons to them, nor to be a Witness. Let him also be † Intestable; and let him not have the Power of making a Will,*

* Certain Hereticks, whose Opinions are now almost equally unknown as the Reason of their Names.

† *Intestabilis* or *intestatus*. Let him be as a condemned and infamous Person. Some of the Councils had decreed, that every Man should distribute a certain Part of his Goods, the Tyth for Instance, to pious Uses, for the Redemption of his Soul; and whosoever did not this, was esteemed a wicked Wretch, that had no Care for his Salvation. On this Account the Priests were commanded to exhort dying Persons to wash away their Sins by sacramental Confession, and to dispose of some Part of their Effects in Favour of the Church or Poor, for the Salvation of their Souls. This grew so into Use, that the Absolution and Viaticum were denied to such as did not obey the Priests Orders in this Matter, as profligate Wretches, unmindful of their Salvation; insomuch that they made no Difference between a Person who died without making any such Disposition of his Effects, and one that slew himself, but accounted them both equally infamous. *De Presne in voce*. And therefore I think the Meaning of the Word *Intestabilis*, in this imperial Constitution, is, That he shall be deprived of the Liberty of making any such Disposition of his Effects to pious Uses, by Will, either to save his Soul, or prevent his being infamous.

nor of receiving any Thing by Succession or Inheritance. Furthermore, let no one answer for him in any *Affair*, but let him be obliged to answer others. If he should be a Judge, let his Sentence be of no Effect, nor any Causes be heard before him. If an Advocate, let him never be admitted to plead in any ones Defence. If a Notary, let no Instruments made by him be valid. Moreover we add, that an Heretick may be convicted by an Heretick; and that the Houses of the Patarenes, their Abettors and Favourers, either where they have taught, or where they have laid Hands on others, shall be destroy'd, never to be rebuilt. Dated at Padua, Feb. 22.

Paulus Servita tells us, in his History of the Venetian Inquisition, that these Laws were made in the Year of our Lord 1244. Bzovius and Raynald refer them to the Year 1225. But whatever was the Year of their Publication, 'tis certain that the Inquisition was greatly promoted by them; and that they were approved and confirmed, by some of the Popes Bulls, in which they were inserted.

C H A P. XIII.

The INQUISITION introduced into Aragon, France, Tholouse and Italy.

IN the Year of our Lord 1231. in the Month of February, some of the Patarenes were discovered in the City of Rome: Some of them who were impenitent were burn'd alive; others of them were sent to the Church of Monte Casino, and to Cava, to be there kept till they recanted. The Pope and Roman Senate made also severe Laws against Hereticks; and because the Milaneze was most infected with Heresy, Frederick, by an imperial Edict, commanded all convicted of that Crime to be delivered over to the Flames, or their blasphemous Tongues to be cut out, if the keeping them alive would prove a Terror to others; which Raynald affirms to be a severe, but most just Edict.

This very Year Pope Gregory IX. gave a famous Instance of his Tyranny and Injustice. Ezelinus, Lord of Padua, and Vassal of the Emperor Frederick, constantly adhered to his Master, and faithfully took the Emperors Part against the Faction of the Pope. On this the Pope endeavoured to render him infamous by the Charge of Heresy; that under this specious Pretence he might expel him his Dominions: But as he failed in this, he stirred up his Children against him this very Year, that being delivered by them into his Power, he might punish him as he pleased. In order to this, he sent Letters to Ezeline, beseeching him to take better Measures, and admonished him to renounce his Errors. A Copy of these Letters he sent to his two Sons, young Ezeline and Alterick, who pretended to abhor their Father's Wickedness, and promised Gregory of their own Accord, as Raynald relates, that they would deliver

deliver their miserable Father into the Hands of the Censors of the Faith, if he persisted obstinately in his Wickedness, that they might not lose the Inheritance of their Ancestors. Upon this the Pope gave them to understand, that he had deferred coming to Extremities against their Father for their Sake, whom he believed still to continue in the true Worship of God, that they might not be involved in his Misfortune; for, says he, the Crime of Heresy, like that of High Treason, disinherits the Children. Then he beseeches and commands them, that they would use all possible Means to deter their Father from Heresy, and the Protection of Hereticks, and that if he despised their Admonitions, they would consult their own Safety, by sending him, as they had promised, before the Pope's Tribunal. *Nor is it to be wonder'd at, adds Raynald, that this Advice should be given to the Sons against their own Father, since the Cause of the divine Being, of whom all Paternity is named, is to be preferred to all human Affections.*

Bzovius, a. 1232. §. 8. The Year following, 1232. the Inquisition was brought into Aragon. The Bishop of Huesca in Aragon was reported to err in Matters of Faith. Upon this Gregory committed the Office of making Inquisition against him to Friar Peter Caderite, of the Predicant Order, and commanded James King of the Aragon, that he should not suffer him, or those whose Advice or Counsel he should think fit to make use of, to be injured by any Means whatsoever. And that he might entirely extirpate Heresy out of the Province of Tarracon, he gave Commission to the Archbishop of Tarracon and his Suffragans, to constitute Inquisitors against heretical Pravity of the Order of Predicants, by a Bull, in these Words: *Since the Evening of the World is now declining, &c. we admonish and beseech your Brotherhood, and strictly command you by our written Apostolick Words, as you regard the divine Judgment, that with diligent Care you make Enquiry against Hereticks, and render them infamous, by the Assistance of the Friars Predicants, and others whom you shall judge fit for this Business; and that you proceed against all who are culpable and infamous, according to our Statutes lately published against Hereticks, unless they will from the Heart absolutely obey the Commands of the Church; which Statutes we send you inclosed in our Bull; and that ye also proceed against the Receivers, Abettors, and Favourers of Hereticks, according to the same Statutes. But if any will quite abjure the heretical Plague, and return to the Ecclesiastical Unity, grant them the Benefit of Absolution according to the Form of the Church, and enjoin them the usual Penance.* Amongst the Inquisitors appointed by them, Friar Raymond Peciafortius Barninonensis was particularly famous, who wrote a Formulary, of the Manner of proceeding against Hereticks, beginning, *I believe that Hereticks, &c.* which was of so great Authority, that Gregory enjoined William Archbishop Elect of Tarracon to follow it in every thing. Bzovius gives us this Formulary entire, in his Annals, under the Year 1235. §. 5.

a. 1234. §. 8. In France there were not wanting some, who stirred up the Remains of the Albigenses, so that, as Bzovius says, they very grievously oppressed the Inquisitors and other Persons, appointed by the Apostolick See for the Direction and Defence of the Catholick Faith*. Gregory IX. excited Lewis the King

* i. e. Perhaps they strove to prevent so intolerable a Yoke being put on their Necks.

againſt them, and adviſed him to join with the Archbiſhop of *Vienne*, ſome Perſon famous for his Wiſdom and Juſtice, who might know what pertained to the Eccleſiaſtick Right, what to the Royal, and what to the Rights of others. He alſo exhorted *Blanche* the Queen to perſwade her Son to perfect ſo righteous a Work. The ſame Author tells us, that the ſame Year, after great ſtruggling, the Inquiſition was brought into *Tbolouſe*, upon the firſt Day of the Feſtival of *Dominick*, but not without a great Tumult of the People, raiſed by a ſeditious Sermon of a ſilly Monk, upon Occaſion of the Death of a certain Matron of *Tbolouſe*, who lived near the Convent of the *Predicants*, and had been hereticated before ſhe died. “ When this came to be publick, Friar *William Arnaldi*, an Inquiſitor, condemned her for an Heretick, and left her to the ſecular Court. After this the Prior of the Friars *Predicants*, *Fu Pontius*, of *Agde*, explaining thoſe Words of Eccleſiaſtic. *xlvi. Elias the Propbet roſe as Fire, and his Word burnt like a Torch*, to a vaſt Company that had met together about Nine, and adapting his Words to the Feſtival and the preſent Buſineſs, turned himſelf, and bowed and bent to the *Eaſt and Weſt*, to the *North and South*, and cried out towards every Part with as loud a Voice as he could, repeating it oftentimes, *In the Name of God, and his Servant St. Dominick, I do from this Hour renounce all Faith with Hereticks, their Favourers, and Believers*. Then he bawled out again: *I adjure the Catholicks, in the Name of God, that laying aſide all Fear, they would give their Teſtimony to the Truth*: And thus left off. About ſeven Days after this Meeting many came in, by whoſe Means the Inquiſitors found out a Way to the Reſeſſes of Darkneſs. Many of them abjured their Hereſy, ſome diſcovered others, and promiſed that at a proper Opportunity they would detect more.” However, the Inquiſitors were the Year following ejected from *Tbolouſe*. But that they were reſtored there again, we learn from *Luke Wadding*, who in his Hiſtory of the Friars Minors, relates, that in the Year 1238, there were at *Tbolouſe* Friar *William Arnaldi* of the *Predicant Order*, and *Sera- phinus de S. Tiberio* of the Minors, Inquiſitors of Hereticks. The ſame Author gives us alſo the Epiſtle of *Gregory IX.* to the Deacon of the Order of Friars Minors in *Navarre*, and to Maſter *Peter de Leedegaria*, a Predicant Friar, living at *Pampilona*, which begins, *Rumor, &c.* in which, amongſt other Things, there is this: *Since therefore, according to the Office enjoined us, we are bound to root out all Offences from the Kingdom of God, and as much as in us lies to oppoſe ſuch Beasts, we deliver into your Hands the Sword of the Word of God, which, according to the Words of the Propbet, Jer. *xlvi. 10.* ye ought not to keep back from Blood; but, inspired with a Zeal for the Catholick Faith, like Phineas, make diligent Inquiſition concerning theſe peſtilent Wretches, their Believers, Receivers, and Abettors, and proceed againſt thoſe who by ſuch Inquiſition ſhall be found guilty, according to the canonical Sanctions, and our Statutes, which we have lately published to confound heretical Pravity, calling in againſt them, if Need be, the Aſſiſtance of the ſecular Arm. Given at the Lateran, 8 Cal. Maii, An. 12.*

ſ. 24.

Bzovius,

a. 1238.

ſ. 4.

Exod-

xxxii. 33.

It can't be doubted that the Office of the delegated Inquiſition was in theſe Times introduced into *Italy*, becauſe the Inhabitants of *Placentia* drove out

a. 1235.
§. 2.

from their City Friar Rowland the Inquisitor in the Year 1234. The Year following the Pope committed the Office of the Inquisition to the Prior of St. Mary ad gradus, and to Friar Radulph, a Predicant at Viterbo, commissioning them to enquire out all Hereticks coming from other Cities, and to absolve from Censures such who abjured their Heresy, and reconciled themselves to the Church. Upon this Affair he gave Letters to both of them at Perouse the second of the Ides of August, and ninth Year of his Pontificate. But two Years after, 13 Cal. of June, and the eleventh of his Pontificate, at Viterbo, he sent Letters to the Provincial of Lombardy, a Predicant, by which he invested him with the Power of making Inquisitors. The Letters begin thus: *Ille humani, &c.* I think it worth while to give you them entire, because they very distinctly represent the Office given to the Inquisitors. After beginning with the usual Complaint of the Rise of Heresy, he enjoins the Inquisitors their Office in these Words: *We therefore being willing to prevent the Danger of so many Souls, entreat, admonish, and beseech your Wisdom, and strictly command you by these Apostolick Writings, as you have any Regard for the Divine Judgment, that you appoint some of the Brethren committed to your Care, Men learned in the Law of the Lord, and such as you know to be fit for this Purpose, according to the Limitations of your Order, to be Preachers General to the Clergy and People assembled, where they can conveniently do it; and in order the more effectually to execute their Office, let them take into their Assistance some discreet Persons, and carefully enquire out Hereticks, and such as are defamed for Heresy. And if they find out either any really culpable, or such who are defamed, let them proceed against them according to our Statutes, lately published against Hereticks, unless upon Examination they will absolutely obey the Commands of the Church. Let them also proceed against the Receivers, Defenders, and Abettors of Hereticks, according to the same Statutes. But if any will abjure their heretical Defilement, and return to the Ecclesiastical Unity, let them have the Favour of Absolution according to the Form of the Church, and be enjoined the usual Penance. But let them be more especially careful, that such who appear to return, don't commit Impiety under the specious Pretence of Piety, and the Angel of Satan thus transform himself into an Angel of Light. Therefore let them peruse the Statutes which we have thought fit to publish concerning this Affair, that they may beware of their Subtlety, according to the Discretion given them of the Lord. And that they may more freely and effectually execute the Office committed to them in all the Premisses, we, considering in the Mercy of Almighty God, and the Authority of the blessed Apostles Peter and Paul, remit for three Years the Penance enjoined them, to all who shall attend their Preaching for twenty Days in their several Stations, and likewise to those who shall give them Assistance, Counsel or Favour, in their Endeavours to subdue Hereticks, their Abettors, Receivers, and Defenders, in their fortified Places and Castles. And as for those who shall happen to die in the Prosecution of this Affair, we grant a plenary Pardon of all their Sins for which they are contrite in their Hearts, and which they confess with their Mouths. And that nothing may be wanting to the said Friars in their prosecuting the foresaid Business, we grant them, by the Tenour of these Presents, full Power of involving, under the Ecclesiastical Censure, all*

BZOVIVS,
a. 1235.
§. 3.

who contradict and rebel against them. We also grant them the Power to restrain, under the same Censure, from the Office of Preaching, which by no means belong to them, the questuary Predicants, whose Business it is simply to ask only charitable Supports, and to sell an Indulgence, if they should happen to have one.

In the same Year 1235. 17 Cal. June, Pope Gregory commanded the Bishop of Huesca, the Prior of Barcelona, and Friar William Barbarano, a Predicant, that they should not suffer the Office by any Means to relax, but should make Inquisition against Hereticks in the Province of Tarracon, and proceed according to the Canons. He also appointed Friar Robert, a Predicant, Inquisitor General against Hereticks in the whole Kingdom of France, and commanded him so to proceed in the Causes committed to him, as that the Innocent should not perish, and that Iniquity should not remain unpunished. The Bull of this Commission is extant, dated at Perouse, 10 Cal. of September, and 9th Year of his Pontificate; in which he prescribed the Form of Penance to such as abjured their Herefy, and ordained many other Things against Hereticks, and commanded the Provincial of the Teutonick Order of Predicants, that he should chuse fit Persons out of all Germany, to preach in every Place the Word of the Cross against the Hereticks and Saracens.

C H A P. XIV.

Concerning the first Hindrances to the Progress of the INQUISITION.

ALTHO' the Pope perpetually pressed the Inquisition, yet it was with great Difficulty admitted. The Novelty of the Tribunal, by which the Laity were excluded wholly from all Judgment against Hereticks, greatly offended Men. They were indeed willing to leave to the Ecclesiasticks the Affair of Doctrine, to judge what was orthodox and what heretical. But they contended that the Judgment of their Persons belonged to them; viz. to determine whether any Person professed any Opinion, condemned by the common Judgment of the Clergy, and so became an Heretick; and especially they believed that it belonged to their Tribunal to pronounce Sentence against the guilty. Whereas they now found themselves wholly excluded from all Share in it by this new Tribunal, which the Pope was endeavouring every where to erect. All the Power left to the secular Magistrate was only to put to Death those who were condemned for Hereticks by the Ecclesiasticks, whereby he became a mere Slave to the Inquisitors, as being obliged to execute their Sentence with a blind Obedience, without any Cognizance of the Crime. This was the Case even of some, who otherwise were zealous Defenders of the Papal Authority. Amongst others, Lewis King of France made a Law, by Raynald, which he commanded, that his Subjects, when cited before the Ecclesiastical a. 1236. Tribunals, should not appear to plead their Cause; and that if they were cen- S. 31, &c. sured for Contumacy, the Goods of those who had passed the Censure should

be seized by the Civil Magistrates, till it was recalled. The Pope thought this Law unjust, and injurious to the prelatical Authority. And therefore, that their Power might not be wholly suppressed by this Law, he sent Letters to the King, in which he set before him the Examples of *Charles the Great*, *Theodosius*, and *Valentine* the Emperors, who had greatly enlarged the Power of the Bishops, and yet had not obscured the Glory of their own Majesty, but rather increased it, and admonished him to repeal those Laws, which were contrary to the Ecclesiastical Liberty. He then put him in Mind of the Sentence pronounced by *Honorius*, by which the Makers of such Laws exposed themselves to Anathema's, unless they repealed them within two Months. The King, who was soliciting the Title of the obedient Son of the Church, yielded to the Papal Severity, and was entreated by *Gregory*, that he would finish the Work of cutting off all the Remains of Heresy in the Province of *Tholouse*, and compel Earl *Raymond* to perform his Promise.

§. 39, &c. The Earl had bound himself by an Oath to extirpate Heresy, and to lead an Army into the Holy Land, when he was at *Paris*, and had made Peace with the *French* King and the Church. But as there happen'd a Tumult at *Tholouse* against the Censors of the Faith, raised by those who were said to be infected with Heresy, and as there was not an immediate Stop put to it upon its first Beginning, the Earl seem'd to have broke his Promise, and to cherish Hereticks, because he did not restrain their Fury. Upon this the Pope severely rebuked him, and, amongst other Things, says: *That he had often hinder'd the Inquisition against Hereticks, by commanding to be observed in their Favour certain Forms, injurious to the Statutes of the Pope himself, and contrary to the Laws relating to the Inquisition of Hereticks; that he had suffered many Persons condemned as Hereticks to dwell publickly in his Country; that he had given Protection to others, who from other Places had fled to him; that his Counsellors and Servants were suspected and defamed of Heresy, &c. So that he had not been afraid to declare himself a Favourer, Receiver, and Defender of Hereticks, and their Abettors; and that tho' he had been admonished on these Accounts, he had not been careful to amend.* The Pope gave fresh Instructions to his Legate on this Affair, and ordered him to renew the *Tholouse* Statutes, to reject all the Edicts and Laws, which infringed the Ecclesiastical Liberty, to remove from the publick Counsels all suspected or defamed of Heresy. And by other Letters he was order'd to cause all the Houses of the *Tholouse* Hereticks to be demolished.

Raynald. He also most earnestly entreated the *French* King, that he would use the
a. 1:36. Power committed to him by God, to compel the Earl and Consuls of *Tholouse* to
§. 45. amend the aforesaid Crimes, and do his utmost to extirpate Heresy. Then he admonished him to force the Earl to go to *Jerusalem* the next *March*, and send his own Brother *Alphonfus*, to whom *Raymond's* Daughter had been betrothed, to administer the Affairs of the Earldom of *Tholouse*.

But the Tribunal of the Inquisition was not only hateful to the People by reason of its Novelty, but because the Inquisitors themselves render'd it hateful by their excessive Cruelty. Amongst these, one Friar *Robert* was not the least. He was surnamed *Bulgarus*, because he had cruelly persecuted and deliver'd
over.

over to the Fire the *Valdenses*, then called *Bulgarians*; or, according to others, because he himself had been a *Bulgarian* or *Valdensian*, and upon his forsaking them, had enter'd into the Order of the *Dominicans*. He was Inquisitor of the Faith in the *Netherlands*, and *France*, a Man of an austere Temper, supported by the Royal Authority of *Lewis*, who commanded him to burn many who were infected with Heresy. But when afterwards the said Friar, according to *Mat. Paris*, under the Year 1236. abused the Authority given him, and transgressed the Bounds of Modesty and Justice, growing haughty, powerful and terrible, condemning to the same Punishment the Innocent as well as Guilty, he was put out of his Office by the Pope's Order, and shut up in perpetual Imprisonment. Afterwards *Fulco* exercised the same Severity in *Languedoc*, upon Account of whose excessive Cruelty, *Philip* the Friar sent in the Year 1301. certain Persons to enquire into his Mismanagement, and ordered that for the future those who were suspected of Heresy should be put in the Royal Prisons at *Tbolouse*, and that the King's Subjects should not be detained by the Inquisitor's Decree, without the Bishop's Advice first had, and the Assistance of the Royal Seneschal. It would have been well if these two Persons only had exceeded the Bounds of just Judgment; but in Reality this was the Fault of most of them. And therefore, that the Minds of Men might not be too much exasperated, they added some of the Order of the Friars Minors to the Predicants, by their Gentleness to temper the others Rigour. This was actually done in the Year 1238.

Raynald.
a. 1238.
§. 60.

Du Cange,
ibid.

And indeed this Tribunal of the Inquisition was the fittest Method in the World for Persons to oppress their Enemies, under the Pretence that they were infected with Heresy, and was abused to this Purpose by political Men as well as Ecclesiasticks, if it be true what *Raynald* writes of the Emperor *Frederick*, that he was greedy of Revenge, and used by various Pretences and Subornation of Crimes, to rage against those, whom he inwardly hated. To this Purpose he pretended great Zeal to cut off Hereticks, and appointed that in all the Provinces and Places of Note there should be a Judge, together with a Prelate, to take Cognizance of the Examination of Persons by Torture; and for this pious Precaution, as it appeared, he was commended by Pope *Gregory*. But he improved this to gratify his Revenge, causing many innocent Catholicks, who had incurred his Displeasure, to be accused of Heresy, and burnt alive, to the great Grief and Offence of all; infomuch that *Gregory* gravely admonished him, that he should endeavour to extirpate Hereticks, and not destroy the Catholicks.

a. 1233.
§. 33, 34.

Apud
Gregor.
Ep. 243.

Ep. 244.

However, the *Roman* Pontiffs did much more insolently abuse their Power. For they were not afraid to brand with the Name of Heresy, and to proceed against as Hereticks, Kings and Princes, and even the Emperor himself, if they would not own their unbounded Power, and do every thing according to their Beck. Of this we have a famous Instance in the Emperor *Frederick*: He had made very severe Laws against Hereticks, greatly increased the Authority of the Inquisition, and in the Year 1236. having found some Persons at *Palence* infected with Heresy, he ordered eternal Marks of Infamy to be imprinted on

Raynald.
a. 1236.
§. 60.

a. 1239.
§. 2, &c. their Faces with a red hot Iron. And yet he could not escape the Pontiff's Thunder: For in the Year 1239. Pope *Gregory* pronounced the Sentence of Excommunication against him, and absolved all his Subjects from the Obligation of any Duty or Oath they were under to him. *Frederick* gave an abundant Answer, and purged himself of the Crimes objected to him in this Sentence, in which there was no mention of Heresy. But the Pope sent Letters to all the Prelates, and to the Christian Kings and Princes, in which he charged him with various Heresies; and, amidst others, with this: *That he constantly affirmed, that he could not be excommunicated by him as the Vicar of Christ; thus affirming that the Power of Binding and Loosing was not in the Church, delivered by our Lord to Peter and his Successors. Whilst he thus asserts Heresy, his own Argument concludes against himself, shewing by Consequence that he hath wrong Sentiments concerning the other Articles of the orthodox Faith, as he endeavours to take away that Privilege of Power granted by the Word of God to the Church, upon which the Faith is founded.*

a. 1245.
§. 1, &c.
§. 45. Neither did the Pope rest till he had put in Execution the Sentence he had pronounced against the Emperor *Frederick*. For in the Year 1245. *Innocent* calls a Council in *France*, and therein condemns and excommunicates him, deprives him of his Empire, and absolves his Subjects from their Oath of Fidelity, and by his Apostolick Authority firmly and strictly forbids all Persons to obey him any more as Emperor or King, and decrees that whosoever should from henceforward yield him Counsel, or Aid, or Favour, as Emperor or King, should be *ipso facto* excommunicated; and that the Electors of the Empire might freely proceed to the Choice of another Emperor, to succeed him in his Place.

a. 1246.
§. 3, §. 17. *Innocent IV.* procured *Henry Landgrave of Thuringheim* to be created King of the Romans, that by his Assistance he might drive *Frederick* from the Empire. *Frederick*, to purge himself of the Crime of Heresy, sent Letters to several Christian Princes, in which he defended himself against the Charge. He also commanded the Archbishop of *Palermo*, the Bishops of *Pavia*, *Monte Cassino*, and *Cava*, the Abbots of *Casanova*, *Roland*, and *Nicholas* a Predicant, diligently to enquire and examine him concerning his Sentiments as to the System of Christian Faith, and other Articles and Mysteries of Religion. This being done, and an Instrument drawn up, he appointed them his Procurators, that they should make Oath before the *Roman* Pontiff, that *Frederick* having been examined, rightly agreed with all Christians in every Article of Faith, and was at the farthest Distance from Heresy. They had a very unwelcome Reception, as being the Procurators of a Man expelled the Company of the Faithful, and for this Wickedness were said to deserve Punishment rather than Audience. But when they affirmed themselves to be the Messengers of a pure Christian Man, the Affair was ordered to be examined by three Cardinals of the *Roman* Church, who pronounced that Purgation trifling and void, inasmuch as they had no Authority to take his Examination. On this he commanded *Frederick*, that if he would regularly purge himself, and submit to a right Examination, he should repair to the Apostolick See, without the Noise and Terror of Arms, attended.

attended only by a small Retinue; and proper Security should be given, that no Injury and Disturbance should be offered to him or his.

After the Imperial Power was thus insulted, no one will wonder that the like Process should be carried on against *Ezeline*, Lord of *Padua*, and zealously attach'd to the Emperor's Party. For in the Year 1248. the same Pope *Inno-*^{a. 1248.}
cent, as we learn from his Letters to the Prelates of the *Milaneze*, the Mar-^{g. 25, 26.}
quisate of *Treviso* and *Emilia**, pronounced the Ecclesiastical Censures against him on the Day of the Festival of the holy Sacrament. He had appointed Inquisitors of the Faith against him before, because he had been aspersed with the Report of Heresy. In order to refute the Charge, he sent Messengers to *Rome*, who bound themselves by a solemn Oath, in the Name of *Cæsar*, to declare that his Sentiments were right concerning the Catholick Faith. But as that Purgation was not allowed of by the Bishop of *Sabine*, who was appointed to take the Report of the Messengers, nor by the Pope himself; because, as he pretended, the Importance of the Affair required the guilty Person to be present; he fixed him the Calends of *August* for the Day in which he was to clear himself; and according to the Papal Manner provided for his Security; hereby demonstrating, that he must entertain no Hopes of Reconciliation, unless he would in all Things subject himself to the Beck and Pleasure of the Pope, and own him as supreme Judge in all Causes whatsoever.

But as *Ezeline* did not appear, the Pope, in the Year 1251. deputed the *Raynald*,
Bishop of *Treviso*, and the Prior of the Predicants at *Mantua*, to let him know^{a. 1251.}
that he should be subject to all the Punishments ordain'd against Hereticks,^{g. 36, 37.}
unless he appeared before the holy See within the next Calends of *August*,
and submitted himself to receive his Commands: That if he refused to ap-
pear, they should publickly declare, that he was to be avoided by all, as one
defiled with Heresy, that his Body might be seized on, his Goods plundered;
and that an Army of Cross-Bearers should be sent against him and his Fol-
lowers. This Process lasted some Time before the Pope pronounced the long
intended Sentence. At length, in the Year 1254. on the Day of the Festival^{a. 1254.}
of the Sacrament, *Ezeline* was condemn'd for Heresy, and subjected by the^{g. 35, 36.}
Pope's Sentence, to all the Punishments of Hereticks. *Innocent* publish'd a
most bitter Sentence against him, in which he charged him with the most hor-
rid Crimes. He commanded also all the Prelates, that they should publish
the Condemnation of *Ezeline*, for Heresy; and punish all who adhered to him,
with the Punishments ordain'd against the Followers of Hereticks. There are
extant also the Pope's Letters upon the same Subject, to *Alberic* his Brother;
by which he gave him all his Brother's Effects, whom he had condemned to
the Punishments of Hereticks, and confirmed the Sentence of *William*, King
of the *Romans*, by which he condemned him for Rebellion, and deprived him
of all his Lands that were subject to the Empire.

* Containing the Dutchies of *Parma*, *Modena*, *Mirandola*, and Part of *Mantua*.

§. 27.

Raymond, also Earl of *Tboloufe*, quite oppressed with the several Misfortunes we have before related, submitted his Neck to the Papal Yoke: For he signified to the Pope, that he desired that heretical Pravity might be quite destroy'd, and wholly extirpated out of his Dominions. The Pope highly extolled him for so pious a Zeal; and to oblige him, as he says, commanded the Bishop of *Agen*, to make Inquisition after, and punish the Hereticks of *Tboloufe*. *William de Podo Laurentii*, as *Ruynald* cites him, relates, that *Raymond* order'd about eighty Persons, who either confessed, or were convicted of Heresy, in Judgment before him, to be burned with Fire in the City of *Agen*, in the Place called *Berlaigas*. But he did not long survive it, dying in the Year 1249. and was the last Earl of *Tboloufe* of that Line. After his Death, the Earldom went to his Son-in-law, the Earl of *Poitiers*, and he dying without Issue, it devolved to the Kings of *France*.

a. 1249.

§. 8, 9.

Bzovius,

a. 1247.

§. 4, & 6.

The Office of the Inquisition was more than ten Years before this brought into *Lombardy*. *Innocent IV.* An. 1247. willing to establish it, commanded Friar *John Vicentinus*, a Predicant, that he should constantly oppose the Hereticks in *Lombardy*, and gave him Power to absolve those who would abjure their Heresy, and return to the Church, and of granting Indulgencies to such who would attend upon his Sermons; and forbid that any of the Superiors of the same Order, the Provincial, or Master General, should hinder him in the Office of the Inquisition, or remove him from it.

a. 1248.

§. 3.

From the neighbouring Province of *Tboloufe* the purer Doctrine had spread it self into the Province of *Narbonne* and *Aragon*: Wherefore *Innocent IV.* in a Letter, sent to *Raymond Penniafortius*, Master of the Predicants, and to the Provincial of *Spain*, commands that they should depute, by the Pope's own Authority, some of the Friars of his Order in the Kingdom of *Aragon*, to be Inquisitors of heretical Pravity, in the Province of *Narbonne*, in that District only that was subject to *James*, King of *Aragon*; and enjoin them, that they should effectually proceed against Hereticks, their Abettors, &c. fearing no one in this Affair, but God, according to the Form published by *Gregory*, and renewed by himself.

But *Luke Wadding* relates, That in the Year 1232. Inquisitors were appointed in *Aragon*, by the Command of Pope *Gregory IX.* the King desiring them of the Pope, at the Instigation of *Raymond Penniafortius*, his Confessor. Not long after a Synod was held at *Tarracon*, which made many Decrees against Hereticks; and an Inquisition was there set up, after the Manner of that at *Tboloufe*, which was carried on with the greatest Rigour against the Hereticks which arose in that Time, and which lasted more than an whole Age. For in the Life of *Nicholas Eymerick*, a Predicant Monk, and Author of the Directory of the Inquisitors, 'tis related, that *Eymerick* flourished in the Times of *Urban V.* and *Gregory XI.* Popes, and of *Peter IV.* King of *Aragon*: That he was created Inquisitor General about the Year of our Lord 1358. and succeeded *Nicholas Rosell*, An. 1356. and made a Cardinal: That he died the 4th of *January*, An. 1393. having strenuously kept up the Office of the Inquisition against Hereticks, 44 Years successively. Upon his

Death

Death the Inquisition remained in Force in that Kingdom; but gradually sunk of it self, upon the entire Extinction of the *Valdenses*.

[About this Time also, the Inquisition was introduced into *Burgundy*. For *Des Loix*, about the Year 1223. the Friars Predicants, of the Order of *Dominick*, were p. 129, &c. received in *Besancon*: For whereas some of the *Valdenses* had retired into the Country of *Burgundy*, *John* Earl of *Burgundy*, at the Intigation of the *Dominicans*, obtained a Bull from Pope *Innocent* IV. beginning, *Zelo magno zelantes*, dated *An. 1247. 12 Cal. Sep.* by which the Inquisition was erected in the Territories of *Besancon*. The same Pope had, in the preceding Year, by a Bull, dated *12 Cal. Dec.* beginning, *Ille humani generis*, &c. admonished the Prior and Convent of the Friars Predicants at *Bisancon*, that they should appoint Inquisitors in that Country; and after an Exhortation to the whole Order, should make Inquisition against Hereticks. But this Tribunal by degrees came also to nothing; because, when the *Valdenses* were extinguished, there were no others for the Inquisition to proceed against. But in these last Ages it was restored again.]

C H A P. XV.

The more happy and speedy PROGRESS of the INQUISITION.

THUS far the Pope had laboured hard in promoting the Affair of the Inquisition. But as there were perpetual Quarrels between the Popes and the Emperor, the Pope's Success was not answerable to his Wishes, as being more intent upon promoting War, than enquiring into, and judging of Heresies. But after the Death of the Emperor *Frederick*, the Affairs of *Germany* being in great Disorder, and *Italy* without any Prince; Pope *Innocent* IV. seeing all Things become subject to his Power, in the *Milaneze* and other Parts of *Italy*, determined to extirpate all Heresies, which had greatly encreased in the preceding War: And because the *Dominican* and *Franciscan* Friars had greatly assisted the Pope against Hereticks, and were animated with a fiery Zeal, he committed this Affair to them, rather than to any others whatsoever. He therefore erected a Tribunal, solely for the Business of the Faith; and gave to the Inquisitors perpetual Power to administer Judgment in his Name in this Cause.

His first and principal Care was to purge *Italy* from Heresy, which was nearest to himself, and mostly subject to his Power; and therefore he erected several Tribunals of the Inquisition therein. In the Year 1251. he created *Vivianus Bergomensis*, and *Peter* of *Verona*, both Friars Predicant, Inquisitors of the Faith in *Milan*, and gave them these Letters, in which he taxes even the Emperor *Frederick*, as a Favourer of Heresy. *Innocent*, &c. *Whilst that* Raynald: a. 1251. *perfidious Tyrant lived, we could not so freely proceed against this Plague, especially* in. §. 342, 354.

The HISTORY of the INQUISITION.

in Italy, through his Opposition; who, instead of putting any Check to it, rather encouraged it. When he became evidently suspected of this, he was condemn'd by us in the Council of Lyons, as well as on Account of his many other enormous Excesses: And therefore we strictly command and enjoin your Discretion, by these our apostolick Writings, as you expect the Remission of your Sins, that ye prosecute this Affair of the Faith, which lies principally upon our Heart, with all your Powers and with fervent Minds; and that ye go personally to Cremona; since we have thought proper to depute for the same Business other discreet Persons in the other Cities and Places of Lombardy; and that after having called a Council in that Diocese, ye do carefully and effectually labour to extirpate heretical Pravity out of that City and its District; and that if you find any Persons culpable upon this Account, or infected, or defamed, unless upon Examination they will absolutely obey the Commands of the Church, ye proceed against them, their Receivers, Abettors and Favourers, by the apostolick Authority, according to the canonical Sanctions, laying aside all Fear of Men; and that if there be need, ye call into your Assistance the secular Arm. Dated the Ides of June, and eighth Year of our Pontificate.

Pegna in
Eymeric.
p. 2. com.
38.

This Peter of Verona appointed, that amongst other Statutes of the Republick of Milan, many also should be made and observed against heretical Pravity. But as he was going from Como to Milan, An. 1252. to extirpate Herefy, a certain Believer of Hereticks attack'd him in his Journey, and dispatch'd him with many Wounds. He was canoniz'd after his Death by Alexander IV. and is worshipped as a Martyr by the Dominicans, whom next to Dominick they esteem as the Patron and Prince of the holy Office of the Inquisition; since he was the first who consecrated it by his Blood. The Ministers also of the Inquisition, which they call in Italy, Cross-Bearers, are from him called Co-Brothers of Peter the Martyr; and in the very Ensigns of this Office he is painted as a Martyr, and Protector of this sacred Tribunal, with a filken Cross, of a red Colour, interwoven with Gold, as the Emblem of his Martyrdom.

But lest the Pope should seem wholly to deprive the Bishops of the Power of Judging, concerning the Faith, which hitherto had been wholly lodged with them, he appointed that a Bishop, with the Inquisitor, should be Judges in this Tribunal: But the Bishop was admitted only for Forms sake. The whole Power of Judging lay wholly in the Inquisitor. And that there might be some shew of Authority left to the civil Magistrates, who by the last Laws of Frederick had the Power of pronouncing Sentence upon Hereticks, he allowed them to appoint Ministers of the Inquisition, but such only as were nominated by the Inquisitor; and to depute one of their Number, nominated also by the Inquisitor, to visit with him the Territory committed to him; and of claiming the third Part of the confiscated Goods; together with some other Things of the like Nature, by which the secular Magistrate seemed indeed to be admitted as a Companion of the Inquisitors, but was in reality render'd their Slave and Tool: For he was obliged, at the Command of the Inquisitor, to apprehend any one, and to imprison him, wherever the Inquisitors pleased. He was also under an Oath to expel from

his Family, and not to admit into any Office, any that should be adjudged Hereticks by the Inquisitors Sentence; and if any of his Number assisted the Inquisitors, they were put under an Oath of Secrecy. From all which 'tis manifest, that the Magistrates were not the Companions of the Inquisitors in that Tribunal, but only their Slaves and Tools. The Pope also ordained, that all Persons should pay towards the Charges of the Jails, Imprisonments, and Support of those who were confined.

By this Means the Office of making Inquisition against Hereticks, was in ^{Wadding,} diverse Places of *Italy* committed both to the Minors and Predicant Friars. ^{a. 1254.} But lest their mutual Power, and the neighbouring Jurisdiction of the Places ^{§ 7.} should create Confusion, or raise Disputes about their respective Bounds, the Pope recalled all the Commissions that had been granted in the Affair of the Faith; and divided, in an exact Proportion, to each Order, the several Parts of *Italy*. The Friars Minors he appointed in the City of *Rome*, throughout *Tuscany*, in the Patrimony of *St. Peter*, the Dutchy of *Spoletto*, *Campania*, *Maretimo* and *Romania*. To the Predicants he assigned *Lombardy*, *Romaniola*, the Marquisate of *Tarvisino*, and *Genova*. The Bull in which he commits the Office of the Inquisition to the Predicants, is in *Bzovius*, *An. 1254.* §. 4. and that to the Minors, in *Luke Wadding*, *An. 1254.* §. 7. After this, the Pope prescribed thirty one Articles to the Magistrates, Judges and People of the three Countries, which he had subjected to the Jurisdiction of the Predicants, which he commanded to be exactly observed, and register'd amongst the publick Records; and gave Power to the Inquisitors to put under Excommunication and Interdict, all who refused to observe them. Armed with this Power, they sometimes very insolently abused it, and attempted to introduce into other Countries what the Pope had order'd only for those that he had put under their particular Jurisdiction. Upon this Account, in the Year 1255. ^{Bzovius,} there was a great Quarrel between *Anselm*, a Predicant Friar in the *Milaneze*, ^{a. 1256.} and the Magistrate of *Genova*. The Friar endeavoured, that some Constitutions made against Hereticks, both by the Apostolick See, and the Imperial Power, should be published, and repositied amongst the Laws of the City. But *Philip Turrianus*, Prefect of the City, refused it, either because he favoured Hereticks, or despised the Commands of the Inquisitor. Upon this the Friar, supported by the Apostolick Authority, proceeded against *Philip* as suspected of Herefy; and because he refused to obey and appear, excommunicated him, and all his Companions in the Government, as Accomplices in the Crime; and interdicted the City from all holy Services. *Philip*, under that Censure, appealed to the Apostolick See; and sent Ambassadors to the Pope, to entreat a Suspension of the Censures, and to wait for the Determination of the whole Affair. The Pope suspended the Curfes ^{Hist. Con-} *Anselm* had pronounced to a certain Day; but before that Day came, *Philip* ^{cil. Trid.} obeyed the Commands of *Anselm*, register'd according to his Order all ^{P. 485.} those Constitutions amongst the City Laws, and proceeded as they directed against all Contraveners.

Thus the Civil Magistrate was sometime forced to yield to the Papal Authority : And this undoubtedly was the Reason, that the Laws of *Frederick* against Hereticks, were, as *Friar Bernard of Como* relates in his *Light of the Inquisitors*, printed at *Rome*, *An. 1584.* register'd in the Records of the City *Como*, and accepted by the whole Council of that City, *Sept. 10, 1255.* Nevertheless, upon Account of the excessive Cruelty of the Inquisitors, and the Greatness of the Expence, the People were violently set against this Tribunal ; and some of the Popes could scarce extricate themselves out of these Difficulties, till at length the People admitted it more easily, being eased of the Expences they had born to support the Inquisition, and because the Episcopal Authority in that Tribunal was greatly enlarged.

Sometimes however they broke out into open Violence, which was with great Difficulty appeased. Thus it happen'd in the Country of *Parma*, as *Honorius IV.* relates it, in his Letter to the Bishop of that City *, extant in *Bzovius.* These Difficulties were indeed overcome by the Authority of the Pope, and Rigour of Punishments ; but contrary to the Inclinations and Endeavours of the People, who cursed the Cruelty of the Inquisitors. From some Countries where the Inquisition had been brought in, it was driven out again ; because it assumed the Cognizance of those Affairs which did not belong to it ; so that the People could no longer bear the intolerable Yoke. In these latter Ages, *viz. An. 1518.* the most violent Tumults were raised in *Brescia*, against the Inquisitors, who exercised the most outrageous Cruelties against some Persons accused of Magick, which were very difficultly appeased, and not till the Ecclesiastical Tribunal and Processess were abolished, and other Judges appointed in their Room. Upon the Death of *Paul IV.* the Prisons of the Inquisition were broke open by the Mob at *Rome* ; and the whole Building, with all its Records, burnt to the Ground. At *Mantua*, *An. 1568.* there was, on the same Account, a violent Sedition, which brought the City it self into the extreamest Danger.

As there occurred to these new Judges many Cases, not determined by the Laws, so that sometimes they were in doubt how to proceed ; they referred them to the Pope, by whom they were deputed, who by his Rescripts, gave them proper Directions, and declared how they were to pronounce in like Cases. There are extant many such Answers of *Innocent IV. Alexander IV. Urban IV. and Clement IV.* to the Inquisitors, instructing them in the Affair of their Office against Hereticks. And although these Rescripts were sent only to the *Italian* Inquisitors, yet we must not think, as *Pegna* remarks, that these Decrees were to be observed in *Italy* only : “ For the *Roman Pontiffs* transmitted their Rescripts to the Inquisitors of *Italy* ; because at that Time there were many of them against the prevailing Heresies of the *Patarenes, Puritans, Leonists,* and other Hereticks, who chiefly infected the Parts of *Italy* ; the Heresies of the *Valdenses,* or poor Men of *Lyons,* being almost buried and extinguished, the Apostolick See having a little

In Eymer. Direct. Inquis. p. 3. tom. 158.

* See Hist. Inquisit. Book 3. Cap. 10.

“ before suppressed them in *Languedoc, Dauphiny, and Provence*, by the
 “ Preaching of many famous Men, and especially of *St. Dominick*. And
 “ therefore the Rescripts sent by the Popes to those Inquisitors, they ordered
 “ to be observed by the Inquisitors of other Provinces, where there were any.
 “ They were sent first to those of *Italy*, because they especially needed that
 “ Provision, and those Constitutions.” One may also read in the Bulls the
 same Laws often repeated, without any Alteration, by different Popes. For, Direct. Inq. Par. 2. Comment. 22.
 as the same *Pegna* observes, “ it seems to have been an ancient Custom, when
 “ the Matter required it, that every Pope, in the Beginning of his Pontifi-
 “ cate, should publish Laws against Hereticks, and Rebels against the
 “ Church, to deter them from so great a Crime by the Severity of Punish-
 “ ments and Penalties, and thus reduce them to the Bosom of the Church.
 “ Sometimes they published the Laws received by their Predecessors, with-
 “ out altering a Word, unless the Occasion required otherwise.

This Tribunal was merely Ecclesiastical, the Civil Magistrate having no Share in the Judgment. The Inquisitor, with the Bishop, pronounced Sentence of Heresy against the Person apprehended. They appointed wholesome Penances to the Penitent, and delivered over the Impenitent and Obstinate to the Secular Court, who without any farther Deliberation condemned them to the Fire.

CHAP. XVI.

The INQUISITION introduced into several Places.

AFTER this manner, Tribunals of the Inquisition were erected in other Bzovius, a. 1251.
 Places besides *Italy*. First in the County of *Tboloufe*. For *Innocent IV.* §. 8. n. 9.
 commanded the Provincial of the Predicant Order in *Provence*, to endeavour,
 with all his Might, to extirpate Hereticks from that County, and the Country
 of *Poitteau*, and gave him plenary Power to excommunicate, absolve, and
 reconcile.

In the Year 1255. *Alexander IV.* at the Request of *Lewis*, appointed Inqui- Raynald. a. 1255. §. 33, 34. Bzovius, a. 1255. §. 8. n. 15.
 sitors of the Faith in *France*, and constituted the Prior of the Predicant Friars
 at *Paris*, Inquisitor over all that Kingdom, and County of *Tboloufe*, with the
 most ample Powers, and exhorted him to advise with grave and prudent Men
 in pronouncing Sentences. These Things are said to have been done at the
 Desire of *Lewis the French King*. *Raynald* adds: *The Kings afterwards for a
 long Time trod in the Steps of this most holy Prince, in defending the Censors of the
 Faith all over the Kingdom of France; till some degenerating from his Piety, abo-
 lished the sacred Tribunals, which had been appointed by the Desire of this religi-
 ous King, and thus unhappily gave the Reins to all Impiety. How terrible a Fire
 hath been raised from hence, which at first might have been extinguished by the
 Blood*

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Blood of a few, France is a Witness, which hath been thus long torn to Pieces by the Sword of Hereticks. So that all pious Men wish and pray, that another Prince may rise up equal in Piety to St. Lewis, who may restore the Tribunals of the holy Faith in France. I cannot help remarking, that from these Words we may learn, not only what the Popes and their Devotees principally regard, viz. to restore the Inquisition wherever 'tis lost, but who and what Sort of Persons are their Saints, to whom they give such high Encomiums in their Writings; not Men remarkable for their Sanctity of Life, nor for governing their Actions according to the Rule of the Christian Doctrine, but Persons who have been the most zealous Promoters of the Papal Authority, who have most advanced the Power of the Church, and heaped upon the Ecclesiasticks the most ample Possessions and Riches. *Philip de Comines* hath a pleasant Story of this kind, in his Commentaries of the *Neapolitan War*, Book 1. *John Galeacius, first Duke of Milan of that Name, had governed with great Cruelty and Pride, but had been very liberal in his Donations. I saw his Sepulchre in the Carthusians Church at Papia, and as I was looking on it, one of them spoke to me of his Virtue, and extolled his Piety. Why, said I, do you thus praise him as a Saint? You see there are drawn the Ensigns of many People, whom he subdued without any Right. Oh, says he, 'tis our Custom to call them Saints, that have been our Benefactors.* Hence we may easily learn who are in their Account wicked and impious Men: Not such whose Manners are contrary to the Precepts of *Jesus Christ*, but who oppose the exorbitant Power of the Pope, and the intolerable Yoke of the Ecclesiasticks; who assert the just Liberties of Mankind, and scorn to be the vile Slaves of the Pope. These they point out to us as wicked Wretches, and accuse of the worst of Crimes, and the most horrid Vices; from whence it appears of it self, what Credit is to be given to those Histories, which are written only by Monks, those sworn Slaves to the Pope. But to return:

Raynald.
n. 1281.
§. 18.

n. 1228.
§. 23, 28.

When the Inquisition was once brought into *France*, the Pope carefully endeavour'd to preserve it, and to cherish and enlarge, by all Measures, the Jurisdiction of that Tribunal. Such who were defamed for Heresy, and afraid of being brought before the Tribunal of the Inquisition, fled to the Churches, for the Benefit of the Ecclesiastical Immunity, and could not be brought from thence by Force before the Inquisitors. The Pope seeing that by this Means many would escape the Judgment of the Inquisition, decreed that this Privilege should not be allow'd them. Farther, to prevent the *Roman Catholick Faith and Worship* from being lost in those Provinces of *France*, where lived many of the *Valdenses*, he transmitted to the Magistrates and Prefects of those Places the Laws made by the Emperor *Frederick* against Hereticks, that they might proceed against those who were infamous on this Account. About this Time also, the Office of the Inquisition was brought into the Kingdoms of *Castile* and *Leon*, altho' there is scarce any mention of the *Castile Inquisition* in the Acts of those Times. However, *Lewis a Paramo* proves its Introduction from the Letters of Pope *Clement IV.* dated at *Viterbo*, Calend. Feb. 1267. by which Power is given to the Provincial of the Predicant Friars in *Spain*, which then comprehended *Castile, Andalusia, Portugal, and Navarre*, to nominate two of the

the aforesaid Order, to make Inquisition against heretical Pravity; which Letters are preserved at *Barcelona* in the Archives of *St. Catherine* the Martyr. Another Bull of Pope *Clement VI.* is also kept there, expedited the 4th of the Ides of *April*, 1350. directed to Father *Nicholas Rossellis*, Provincial of *Aragon*, by which he appoints, that the Inquisitors he had made in his Province should not be subject to those who were chose by the Provincial of *Castile*: From whence *Paramus* rightly gathers, that there had arisen some Controversy between the Inquisitors of *Castile* and *Aragon* concerning their Jurisdiction, and that it had been ended by the Authority of the Pope.

About this Time many Hereticks from the Countries of *Italy*, to escape the Wadding- Hands of the Inquisitors deputed thither, transported themselves into the Isle of *Sardinia*. And therefore, that they might not escape Punishment, nor infect *Sardinians*, Pope *Honorius*, An. 1585. commissioned the Minorites, the In- Raynald. quisors of *Tuscany*, to exercise the Office of the Inquisition also in that Island. a. 1285. Likewise, An. 1288. the Pope commanded, that the Minister of *Provence* should, §. 75. by the Apostolick Authority, appoint one of his Brethren, a wise and learned Wadding. Man, Inquisitor in the County of *Venaisin* in *Dauphiny*, and the neighbouring §. 14. Places, who should execute this Office according to the Laws formerly prescribed by *Clement IV.* And, that there might be no Impediment to the Exercise of it, he two Years afterwards, An. 1290. commands the Governor of the *Venaisin*, by Letters given to him, that the Expences of the Inquisitors should be defray'd. Let him procure, at their Requisition, or any one of them, that the moderate Expences made or to be made by them, necessary to the Support of the Office of the Inquisition, be granted to them without any farther Obstacle or Delay, according to the Pleasure of the Apostolick See; and that all and singular the Goods, movable and immovable, which shall be confiscated by the Sentence of the said Inquisitors, be applied to the Produce of the same District, towards the Necessities of the Court. Then he adds: For we intend that such Expences be defray'd by these Effects; and know, that it will be very disagreeable to our Inclinations, that the said Office receive any Detriment upon Account of the Charges attending it.

In the same Year 1290. the Inquisition was erected in *Syria* and *Palestine*, because some Hereticks and *Jews* had crept in there, who promised themselves Safety from the Disorders of the Wars. The Pope sent a large Bull to *Nicholas* Patriarch of *Jerusalem*, Legate of the Apostolick See, and commanded him to depute Inquisitors of heretical Pravity in all the Countries where his Legateship reached, by Advice of the Provincials of the Predicants in those Parts, or their Vicegerents. The Inquisition lasted some Years in this Country, and was strenuously supported by the Minorites.

In the Year 1291. the Inquisition was brought into *Servia*, and the Pope wrote Letters to *Stephen* King of that Country. This same Year there was a great Quarrel in *Italy* between the Inquisitors of the Orders of the Minorites and Predicants. One Friar *Pagan*, a Predicant, Inquisitor in *Lombardy*, and Friar *Vivian* of the same Order, fiercely opposed the Inquisitor in the Marquise of *Treviso*. This proceeded to such an Height, that many Disturbances were raised in the City of *Verona*, insomuch that the Pope found it necessary to

cite them both before himself. After hearing what they alledged in their Defence, he determined that they had been guilty of great Excesses; and therefore removed them for ever from the Office of the Inquisition, and added other Punishments, which he wrote an Account of to the Bishop, Governor, and Citizens of *Verona*.

z. 1292. The following Year 1292. the Inquisition was erected in the Cities of *Vienne*
 §. 3. and *Albona*, after the same manner as it had been appointed in those of
 Bzovius, *Arles*, *Aix*, and *Ambrun*. The same Year *James* King of *Aragon* greatly pro-
 z. 1292. moted the Inquisition in all his Kingdoms. For by a Law made the 10th of the
 §. 5. Cal. of *May* he commands all the Officials of all his Kingdoms, already made, or hereafter to be made, that at the Notification or Injunction of the Friars Pre-
 dicants, who now are, or hereafter shall be Inquisitors of heretical Pravity, they do, fulfil, and execute, whatsoever they shall command to be done, by themselves or their Deputies, on the Part of the Pope, or the King himself, whether it be to apprehend, or imprison Mens Persons, or any other Thing relating to the Affair of the Inquisition. And he commands them to do this as often as, and wheresoever they shall be required by them, or any one of them.

And that there might be no Place of Refuge left for Hereticks, Tribunals of the Inquisition were erected up and down in various Countries: In *Germany*, *Austria*, *Hungary*, *Poland*, *Dalmatia*, *Bosnia*, *Ragusia*, *Croatia*, *Istria*, *Walachia* in *Lower Germany*, and other Places, to which the Power of the Pope could extend it self. The *Austrian* Inquisition was at first very terrible; for *Paramus*

l. 2. z. 3. relates from *Trithemius*, that in the City of *Crema* many thousand Hereticks
 c. 4. z. 17. were apprehended and burnt by the Inquisitors.

C H A P. XVII.

Of the INQUISITION at Venice.

THE Inquisition at *Venice* was under a different Management. The greatest Part of the Christian World being in Arms, upon Account of the fierce Contentions between the Pope, and *Frederick* the Emperor, *Lombardy* being torn in Pieces by its own Quarrels, and the Marquisate of *Trevise* and *Romaniola* divided between the Followers of the Pope and Emperor, there arose amongst them various Opinions, different from the *Roman* Faith. And because many Persons had fled to *Venice*, to live there securely and quietly, the Magistrates of that City, to prevent it from being polluted with foreign Doctrines, as many Cities of *Italy* were, chose certain Men, honest, prudent, and zealous for the Catholick Faith, who should observe and enquire out Hereticks. Full Power was also given to the Patriarch of *Grado*, and other *Venetian* Bishops, to judge of those Opinions; and it was decreed, that whosoever was pronounced an Heretick

Heretick by any one of the Bishops, should be condemned to the Fire, by the Duke and Senators, or at least the major Part of them*. And least their should be any Hindrance to this Affair, by the Death of a single Bishop, it was afterwards decreed, that such also should be condemned to the Fire, who were pronounced Hereticks by the Bishops Vicars, upon the Demise of the Bishop †. In this Process, the secular Judges appointed by the Commonwealth, made Inquisition against Hereticks. The Bishop judged concerning their Faith, whether it was agreeable to the *Roman* Faith, or heretical. Then the Duke and Senators pronounced Sentence, not as meer Executors of the Bishop's, but as Judges, properly so called: But *Nicholas IV.* a minor Friar, being exalted to the Pontificate, in order to execute the Purposes of his Predecessors, and exalt the Friars of his own Order, did not cease his Endeavours, till he had got the Office of the Inquisition received by a publick Decree at *Venice*; but under this Limitation, to prevent Scandal, that the Duke alone should have Power to assist the Inquisitors in the Execution of their Office; that a Treasury should be appointed, and an Administrator set over it, who should disburse the necessary Sums for the Office, and should receive and keep all the Profits accruing from it, to the Treasury. This was done in the Year 1289. The Pope acquiesced in this Decree; and thus the Office of the Inquisition at *Venice* consisted of Secular and Ecclesiastical Persons, and doth so to this Day; three Inquisitors assisting at it in the Name of the Prince. The Ecclesiasticks have been indeed endeavouring to bring it entirely into their own Hands, but could never prevail with the *Venetian* Senate to agree to it. In the Year 1301. Friar *Anthony*, an Inquisitor, would feign have persuaded Duke *Peter Gradenigo*, to have bound himself by an Oath, to observe the Pontifical and Imperial Laws against Hereticks. But the Duke answered, by a publick Rescript, that he was no ways obliged to take a new Oath; because when he was raised to the high Office of Duke, he confirmed by an Oath the *Concordate* with *Nicholas IV.* and therefore insisted that he was no ways bound, by any Pontifical or Imperial Laws, not agreeing with this *Concordate*. Upon this Answer, the Inquisitor desisted from his Attempt.

From these Things 'tis evident, that the *Venetian* Inquisition is very different from what it is in other Countries, where Ecclesiasticks, intirely devoted to the Pope of *Rome*, have the whole Management of it. For whereas in other Places the Cognizance of Herefy belongs only to the Ecclesiasticks; and whereas all who bear any Part in that Judgment, as Assessors, Counsellors, Notaries, or Witnesses, take an Oath of Secrecy to the Inquisitors, whereby the Magistrate is no more than the blind Executor of the Inquisitor's Sentence; the *Venetian* Senate, by a wise Distinction, considers three Things separately in this Affair: The Judgment concerning the Doctrine for which any Person is to be pronounced an Heretick: The Judgment

* This happened *An. Dom.* 1249. Father *Paul* Hist. Inquis.

† *An. Dom.* 1275. Ibid.

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of the Fact, *viz.* who embraces and professes that Doctrine: And lastly, the pronouncing the Sentence. The first is acknowledged to belong to the Ecclesiastical Court; the two latter they contend belong to the Secular, and was always formerly administr'd by Seculars, during the *Roman* Empire. And though sometimes, by the Indulgence of Princes, the two last were allowed to the Ecclesiasticks, yet the Senate of *Venice* never gave up that Authority, but always order'd their Deputies, and in other Cities of their Territories, the Magistrate, to be present at all Actions of the Inquisitors. And so great is their Caution, that if any one hath any Commerce with the Court of *Rome*, he cannot assist at forming the Proccesses. The proper Business of these Assistants is, only to be present; and if any Thing doubtful occurs, to inform the Prince; and therefore they make no Promise of Secrecy to the Inquisitors, but are obliged to let the Prince know what is done in the Inquisition. Yea, although one of the Clergy, of the same Order with the Inquisitor himself, be accused before the Inquisition, the Civil Magistrate must be present, nor suffer the Inquisitor to proceed, unless he be with him, even after the Injunction made. And although the Inquisitor will communicate the whole Proccess to him, he must nevertheless be present at it: And if the Ecclesiasticks should form the Proccess whilst the Civil Magistrate is absent, he will command it to be resumed before him, even although the Proccess be carried on without the *Venetian* Territories. The Senate hath especially taken Care that neither the Proccess, nor the Persons taken up shall be sent out of their Dominions, unless by the Advice and Consent of the Prince. That this Method is observed in the Inquisition at *Venice*, Father *Paul* proves by a plain Example, in his History of the *Venetian* Inquisition. *An.* 1596. One *Lewis Petruccius Senensis*, was thrown into Prison at *Padua*. And whereas, according to the usual Custom of the Inquisition, the *Roman* Inquisitor ought to have sent to *Padua*, the Facts and Proofs which he had against him; he on the contrary demanded that the Prisoner should be sent to him; and urged this Matter at *Rome* to the *Venetian* Ambassador, and at *Venice* by the Pope's Nuncio: But the Senate made Answer, That it was not proper that that laudable Institution of the Republick should be altered, which orders the Prisoners to be tried in those Places where they are taken up and confined; but that it was just, and agreeable to the receiv'd Custom, that whatever Crimes the Prisoner was accused of should be transmitted to the Inquisitor at *Padua*, that so he might suffer the just Punishment of his Crime. And they thought this so evident and manifest a Piece of Justice, that no Body could oppose it. This Affair was controverted on both Sides by many Letters for five whole Years, *Petruccius* being all the while kept in Prison. But at length the *Romans* finding they could not get the Prisoner into their Possession, wrote, *An.* 1601. to the Inquisitor at *Padua*, to dismiss his Prisoner *Petruccius*; which created no small Suspicion what Sort of Crime it must be, which they had rather should go unpunished than discover it to the Inquisitor at *Padua*.

The *Venetian* Senate hath also been particularly careful that the Inquisitors shall not have the Power of prohibiting Books, because they may easily abuse it to the Detriment of the Commonwealth; for they oftentimes forbid, or adulterate good Books, and useful to the Publick; sometimes they prohibit Books which have no Relation to their Affairs; and sometimes because they arrogate to themselves the Censure of all Books, they hinder the Civil Magistrate from prohibiting and condemning Books highly injurious to the Government.

From these Things and others, which might be mentioned from Father *Paul*, but which for Brevity I omit, 'tis evident that the *Venetian* Inquisition is not so absolutely subject to the Pope as the other *Italian* Inquisitions are; and that it is not entirely committed to Ecclesiasticks, but that the Civil Magistrate hath a principal Share in the Management of it.

[*Tbuanus* relates the same of the *Venetian* Inquisition, viz. That the Senate, *An.* 1548. renewed the Edict that had been first made, *An.* 1521. several Persons suspected as to their Religion, of being Sorcerers, and in a League with the Devil, being put to the severest Torture, at the Desire of the Pope's Legate in *Brescia*; but with this Caution, that Judgment should not be committed only to the Inquisitors and Bishops, but that there should be always present the Governors of the Places, and some Lawyers, who should know and see the Depositions; that none in their Territories, under the Presence of Religion, might, through Injustice and Covetousness, be oppressed; which Caution they observed afterwards, when the Doctrine of *Luther* took deeper Footing, and do maintain even to this Day.]

C H A P. XVIII.

The INQUISITION against the APOSTOLICKS, TEMPLARS, and others, &c.

ABOUT the Year of our Lord 1300. there was great Cruelty exercised upon certain Persons called Apostolicks, in *Italy*. They seem to have been the Offspring of the *Albigenses*: Their Rise is thus described by *Eymericus*. In the Times of *Honorius IV.* *Boniface VIII.* *Nicholas IV.* and *Clement V.* about the Year of our Lord 1260. there appeared *Geraldus Sagarelli*, in the Bishoprick of *Parma*, and *Dulcinus* in that of *Novara*. They gathered a Congregation, which they called Apostles, who lived in Subjection to none; but affirmed that they peculiarly imitated the Apostles, and took on them a certain new Habit of Religion. *An.* 1285. *March*, Ides 5, they were condemn'd by the Letters Patents of *Honorius IV.* beginning, *Olim felicitis recordationis*, and afterwards by *Nicholas IV.* *An.* 1290.

At length, after their Doctrine had prevailed near forty Years in *Lombardy*, *Sagarelli* was condemned as an Arch-heretick by the Bishop of *Parma*, and Friar *Manfred* the Inquisitor, a Predicant, in the Time of *Boniface VIII.* and burnt July the 18th, *A. D.* 1300. *Dulcinus*, with six thousand of his Followers of both Sexes, inhabited the *Alps*, who run into all manner of Luxury, as *Pegna* says, and gained many Profelytes for the Space of two or three Years; and that with such Success, as determined *Clement V.* to send amongst them Inquisitors of the Predicant Order, to put a Stop to so great an Evil, either by recovering *Dulcinus* and his Accomplices from their Error, or by acquainting him whether these Things were so or not, as he had been credibly inform'd, after they had made a strict and diligent Enquiry. Upon their Return they reported to the Pontiff what they had seen and heard, who upon being acquainted with their horrid Wickednesses and Impurities, published a Crusado against so heinous an Impiety, and promised large and liberal Indulgences to all who should engage in so pious a War against such wicked Men. An Army was accordingly gathered, and sent against them with an Apostolick Legate; who coming into the Places where these false Apostles dwelt, and unexpectedly attacking them, they were wholly oppressed by this Catholick Army of Cross-bearers, partly by Hunger and Cold, and partly by Arms. *Dulcinus* himself was taken, and eight Years after the Punishment of *Geraldus*, was, as an Arch-heretick, with *Margaret* his heretical Wife, his Partner in Wickedness and Error, publickly torn in Pieces, and afterwards burnt. The Opinions which *Eymerick* attributes to them agree for the most Part with those which are ascribed to *Peter Lucensis*, a *Spaniard*, excepting that abominable Principle of promiscuous Lust, of which there is not the least mention in the Sentence of the said *Peter*. From whence we may certainly conclude, that this is a mere Calumny upon these Apostolicks, as well as upon the *Valdenses*.

Direct. p.
2. Comm.
37.

The Sentence of this Peter Lucensis is as follows.

Treo' Inq.
fol. 183.

“ *Peter Lucensis*, of the City of *Lugo*, in the Province of *Gallicia*, beyond
 “ *Compostella*, the Son of *Vivian* of the City of *Lugo*, as legally appears by his
 “ judicial Confession, hath acknowledged, that twenty Years since he began
 “ to observe that Order and Life which is called the Life of the Apostles in the
 “ Poverty of the Gospel, and hath observed it with all his Power, as far as
 “ his Frailty would allow him, ever since he was first informed by *Richard*
 “ *Lombard* of *Alexandria*, who observed the said Life and Order, altho’ the
 “ said *Peter* had heard it reported and did believe that the Church of *Rome* had
 “ condemned and disallowed the Order of those Apostles, and did believe that
 “ such Apostles were condemned and persecuted by the Prelates and Reli-
 “ gious, and Inquisitors of heretical Pravity, especially in *Lombardy*, and al-
 “ tho’ he had oftentimes and by many heard it said, that they were excommu-
 “ nicated, who observed the said Order and Life of those called Apostles, all
 “ which Things notwithstanding he did believe the said Order of the Apostles
 “ to

“ to be good, and that they who observed the said Order and Life might be
 “ saved by observing it, if they did not commit other Sins contrary to the
 “ Commands of God. Being asked, if he believed that the Pope and Pre-
 “ lates of the *Roman Church*, and the Religious and Inquisitors, did Evil, and
 “ sinned in persecuting that Order, and those who observed and adhered to
 “ the said Order; he, after many Words, answered finally, that he believed
 “ they did Evil and sinned in this, that they persecuted that Good. Being
 “ asked, if the Sentence of Excommunication pronounced by the Church of
 “ *Rome*, or its Authority, against those who observed the said Order, did
 “ bind them; he answered, that it did not, saying, that he had heard it said,
 “ that the Sentence of Excommunication unlawfully or unjustly pronounced by
 “ any one, did not excommunicate another, but condemned the Person him-
 “ self, and he brought and applied to that Purpose some Authorities from St.
 “ *Paul* and the Gospel, and concluded, that he did not think himself to be ex-
 “ communicated for holding the said Order, notwithstanding any Sentence,
 “ altho’ he had heard it said oftentimes, and by many, that *Gerard Sagarelli*,
 “ who was the first Inventor of the said Order of Apostles, and *Dulcinus*, who
 “ held the said Order, and many others of the said Order, were condemned by
 “ the Inquisitors and Prelates of the *Roman Church*, and left to the secular
 “ Arm and burnt. *Item*, Being question’d, if he believed those to be saved
 “ who suffered Death for the said condemned Order, he would not at first an-
 “ swer directly that he believed them either to be saved or damned. But after
 “ many Days, being asked and re-examined upon this, he answered, that he
 “ did believe that the said *Gerard* was unjustly condemned, saying, that one
 “ Christian, especially if he be a learned Clerk, and understands the Scripture,
 “ ought not to deliver another Christian to Death. *Item*, He expounded ma-
 “ ny Things out of the holy Scripture before the Inquisitor, according to his
 “ own Understanding, to reproach the State of the Church, in which were
 “ contained many erroneous Things; and amongst other Things, he said and
 “ expounded, that when Poverty was changed from the Church by St. *Silvester*,
 “ then Sanctity of Life was taken from the Church, and the Devil enter’d into
 “ the Companions of St. *Silvester* into this World. *Item*, That there was a
 “ double Poverty, the one perfect, which the Apostles held, and all those who
 “ follow and imitate them, hereby meaning himself, and those like him, *viz.*
 “ to have nothing of one’s own, or in common. *Item*, There is an im-
 “ perfect Poverty, such as that of the Religious who live according to the
 “ Rule of St. *Austin* and St. *Benedict*, who have Possessions and Riches in com-
 “ mon, and that such Religious are not perfect in Poverty, because they have
 “ Houses to abide in, and all Necessaries to eat and drink in common. *Item*,
 “ He said that there is a double Church, *viz.* the Spiritual and the Carnal;
 “ that the Spiritual Church is in those Men who live in perfect Poverty, and
 “ in Humility, and spiritual Obedience to God, such as they are who imitate
 “ the Life of the Apostles and Christ: That the carnal Church is of those
 “ who live carnally, and in the Delights of the Flesh, and in Riches and in
 “ Honours, and in Pomp and Glory, such as are the Bishops and Prelates of

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“ the Church of *Rome*, who don't renounce the Things that they possess, nor
 “ give the Goods of the Church to their Parents, Kinsfolk, and Friends. This
 “ Church he says is that carnal Church of which *John* speaks in the *Revelations*,
 “ which he calls *Babylon* the great Whore. *Item*, It is that Beast of which
 “ *John* there speaks, which hath seven Heads and ten Horns, because she hath
 “ seven mortal Sins, and keeps not the ten Commandments. *Item*, It is that
 “ Woman of which *John* there speaks, which had the Golden Cup in her Hand,
 “ full of the Abomination of Sins. *Item*, He expounds the double State of
 “ the Church, where, amongst other Things, he says, that there can be no
 “ Sanctity where there is not true Poverty. So that from the Time that the
 “ State of Poverty of Christ and his Apostles was changed under Pope *Silvester*,
 “ Sanctity was taken away.

“ Af'wards the aforesaid *Peter* being judicially required that he would
 “ swear to speak the Truth, showed himself very backward to swear, saying
 “ that he was afraid for his Conscience, and saying to the Inquisitor, that he
 “ should see and beware of sinning by making him swear, because God had
 “ forbidden Swearing in the Gospel. *Item*, After some Days the aforesaid *Peter*
 “ being judicially required that he should take an Oath to speak the Truth,
 “ would not, and wholly refused to swear, saying that he repented that he had
 “ sworn before the Inquisitor, and believed that he sinned by swearing, saying
 “ that his Conscience was confirmed that he ought not to swear, and in this
 “ Obstinacy he continued for a Month and more, saying that St. *James* in his
 “ canonical Epistle, and *Christ* in the Gospel, had forbidden us to swear, and
 “ he read the Words of St. *James* in his canonical Epistle, and the Words of
 “ the Gospel. And when it was said and expounded to him that the Apostle
 “ *Paul* swore, and the Angel, and that the Catholick Church had determined
 “ that it was lawful to swear for Affirmation of the Truth, and that it was
 “ the Decree of the Church, that whosoever, thro' a damnable Superstition,
 “ should refuse an Oath, and will not swear, shall for this alone be adjudged
 “ Hereticks, and suffer the just Punishment of such, notwithstanding the afore-
 “ said, he the said *Peter* absolutely refused to swear, saying that the making
 “ such a Statute or Order seemed to him erroneous. Being interrogated, if
 “ he believed that the Pope, the Vicar of *Christ*, could make any Statute or
 “ Order, by which he and other Christians should be obliged, since the Pope
 “ hath the Power of Binding and Loosing on Earth, he answered that he
 “ heard a certain learned Pastor say, that some misunderstood these Words of
 “ the Gospel, *Whosoever ye shall bind on Earth*, &c. because they were so to
 “ be understood, that as the Pontiff or Priest in the Old Testament was to
 “ judge between Leprosy and Leprosy, so the Pope and Bishops have no
 “ other Power but to discern between Sin and Sin, *i. e.* between those who
 “ are to be bound, and those who are to be loosed, because otherwise
 “ they take upon them the Pride of the *Pharisees*, because they mortify Souls
 “ they ought not to mortify, and enliven Souls they ought not to enliven.

“ Some Days after this he oftentimes obstinately refused to swear, tho' at
 “ length, with great Difficulty, he consented to swear the 7th of the Calends of

“ *November*.

“ *November.* Afterwards on the 4th of the Nones of *November*, the said *Peter*, being judicially interrogated if he believed that the Lord the Pope could forbid, under the Pain of Excommunication, any Person to hold the said Order of those that call themselves Apostles, which the before-named *Gerard Segarelli* is said to have begun. *Item*, If he believed that they who acted contrary to the foresaid Inhibition of our Lord the Pope under Pain of Excommunication, did incur the Sentence of Excommunication; he answered, that *St. Gregory* says, that if any one excommunicates another unjustly, he doth not excommunicate that Person, but condemns himself.

“ Being interrogated, if he believed that the Pope, by reprobating and condemning the Order of those that call themselves Apostles, and excommunicating them who will not forsake it, doth unjustly; he answered, that he did believe that the Pope did unjustly and against God in so doing, because they who call themselves Apostles were approved of God the Father, and that God had done several Miracles for them, as he heard say, and believes to be true; and said, that he believed that the Inquisitors, and Religious and others who persecute those who hold the said Order of the Apostles, do sin; and to prove this, alledged Words and Examples, according to his own Understanding, and would not swear, saying he had sworn too much already. Finally, the foresaid *Peter* being judicially required to abjure the Sect and Order of those false Apostles, refused to do it, saying, that if he should swear, he should act against his Conscience, and perhaps not observe what he had sworn to, and so should sin; and persisted in his first Opinion, that God had absolutely prohibited swearing.

However, at last they made him solemnly abjure.

In the mean while, the Inquisition raged with no less Cruelty against the *Al-Thol. Inq.* *bigenses* and *Valdenses* in the Kingdom of *France*, especially in the County of *Toulouse*. The Penitent were condemned either to wear Crosses, or to perpetual Imprisonment, and the Impenitent burnt without Mercy.

At the same Time the Order of the Templars was suppressed by the Command of Pope *Clement V.* *Philip* the Fair, King of *France*, had accused this Order of various Heresies and Wickednesses before *Clement*. And as it seemed very hard utterly to abolish so famous and rich an Order, and which had done such excellent Service for the Defence of the Faith, their Cause was debated in several National Councils. At last *Clement* held a General Council at *Vienna*, where the Affair being thoroughly examined, they were condemned for various Heresies and abominable Crimes; which whether they were true, or whether the People envied them for their immense Riches, or whether King *Philip* thirsted after them, 'tis not easily to be determined.

After they had been thus condemned in the Council of *Vienna*, all that were *Bzovius*, in *France* were apprehended at once, as it were by a Signal, and before the *a. 1. 11.* third Year on the 13th of *October* put to the Torture. Most or all of them, §. 8. either thro' the Love of Life, or Conscioufness of their Wickedness, confessed the

the Crimes they were accused of. Many were condemned and burnt alive. Amongst these, *John Mola*, a *Burgundian*, chief Master of the Order, when after his Sentence he was carrying to Punishment, declared, in the most pathetic Manner, his own and his Order's Innocence, even tho' he was promised Life and Impunity, if he would openly and humbly ask Pardon, and retract every thing that he had confessed against that Order before, begging Forgiveness for his false Confession. The next Year Letters were sent by the Pope, in which he commission'd the Archbishops of *Compostella* and *Toledo* to make Inquisition against the Templars in *Castile*, joining with them *Eymerick* the Inquisitor, a Predicator, and other Prelates. In *Aragon* the same Affair was committed to the Bishops *Raymond Valentinus*, and *Somenus Casar Augustanus*. The same was done in all the other Provinces of the Christian World, with this Expedient, that as this Inquisition was made concerning the most weighty Affairs, they should be cognizable only in Provincial Councils. Many of them were put in Irons, and imprisoned in *Aragon* and *Castile*. At *Salamanca* there was held a Council of the Fathers, where there being a Debate concerning the Petitioners in Bonds, and their Cause thoroughly understood, they were pronounced Innocent by the common Suffrage of the Fathers. Nevertheless the Determination of the whole Affair was referred to the Pope, and the Council of *Vienna*. On this the Bishops and Inquisitors of the Faith, from *Spain*, *Italy*, *France*, *England*, *Germany*, and other Kingdoms and Provinces, put the Informations into Publick Writing, and proposing them at the first Session of the Fathers at the Council of *Vienna*, demanded a Re-hearing of the whole Cause of the Templars, and at length the Fathers decreed that that Order should be suppressed; and by their Advice Pope *Clement* publish'd an Edict the 6th Nones of *May*, *An. 1312.* by which he suppresses and dissolves the Order of the Templars, not by a definitive Sentence, but by an Apostolick Provision or Ordination, and reserves all their Effects to the Disposal and Appointment of the Apostolick See. When this Edict came to the several Provinces, the Effects of the Templars were every where seized, and they themselves severely punished.

a. 1312.
§. 2, 3.

Raynald.
a. 1312.
§. 21.
Bzovius,
a. 1307.
§. 9.
a. 1315.
§. 11.

In the same Council large Power was given to the Inquisitors of heretical Pravity and the Bishops, of proceeding against Hereticks. One *Walter*, a *Lolard* in the City of *Crema*, and Dutchy of *Austria*, had many Followers, who, according to some, had their Rise from *Dulcinus*, who at the Command of Pope *Clement* were burnt by the Inquisitors, in that City and other Places. Their Number was large in *Bobemia*, *Austria*, and the neighbouring Countries. Some affirm they were 80000. Many of them were burnt in several Places of *Austria*, who all of them persevered in their Opinions with great Chearfulness to their Death. And therefore, to extinguish both the old Hereticks, and the new ones that might possibly arise, ample Power was given by the *Vienna* Council to the Inquisitors and Bishops, to proceed against those who were defiled with that Impurity, and Prisons were order'd to be built to secure them in Chains.

In *Bobemia* the Office of the Inquisition was committed to *Peregrine Oppo-Raynald*, *liensis* and *Nicholas Hippodines*, Predicants; and to *Coldas* and *Herman*, Minorites; who were commanded to manifest an holy Ardour against the Guilty. The Pope exhorted *John King of Bobemia*, *Uladislaus Duke of Cracow*, *Boleslaus Duke of Wratiflaw*, and the Marquis of *Mifnia*, that they should not suffer Religion to decay and be obscured by new Errors, but that they should assist the Censors of the holy Faith. Fourteen Men and Women were burnt in *Bobemia*. *Walter*, the Principal of the Sect of the *Lollards*, was burnt at *Colonne*, An. 1322.

About the same Time Pope *John*, by a Letter, N^o 190. renewed the Constitutions of *Clement IV.* and other his Predecessors, against the *Jews*, and confirmed by severer Laws the Power given to the Inquisitors against them, and commanded the Book of the *Talmud* to be burnt, and such who were convicted of their execrable Blasphemies to be punished.

Nor did he shew less Severity against the *Valdenses*, reviving about that Time in *France*: For he ordered that many of them, who were convicted of Errors by the Inquisitors, who were Predicant Friars, should be delivered to the Princes to be punished according to the Ecclesiastical Law. There is extant in the *Vatican Library* a large Volume of the Transactions of these Predicant Friars against Hereticks in the Kingdom of *France*, this Year of our Lord 1319.

C H A P. XIX.

The INQUISITION against the BEGUINS.

THE same *John XXII.* condemned the *Beguins* of Heresy, and commanded the Inquisitors of Heretical Pravity to proceed against them, and to deliver over to the Secular Court all who continued obstinate in their Error, to be punished with Death.

These *Beguins* were Monks of the Order of *St. Francis*: They are several Times called, of the *third Rule of St. Francis*. His Rule was, that the Friars of his Order should have no particular Property of their own, neither House, nor Place, nor any thing, but should live by begging: This he called Evangelick Poverty. This Rule was confirmed and approved by several Popes. But as many believed the Observance of it to be above all human Strength, many Doubts arose concerning it; some contending that they were to renounce the Property of all Things in particular, but not in common, and that it was no ways contrary to the *Franciscan* Poverty to have the Possession of Things in common, so that they possessed nothing in particular. But *Nicholas III.* condemned this Opinion by a Constitution, beginning, *Exiit qui seminat*. However, tho' all Property was taken from these Friars, as well in common as in special, yet were they

they not deprived of the Use of what they had. For *Martin IV.* published a Bull, *Feb. Cal. 10. 1282.* by which he ordained that the Property, the Right and Dominion of every Thing which the Friars had by Donation or Legacy, should be in the Church of *Rome*; but that the Friars should have the Use. He also allowed the Ministers and Keepers of the Order, the Faculty of naming Administrators, Stewards, Syndicks, who in the Name of the Church of *Rome*, and for the Advantage of the Friars, may receive and demand Alms and Legacies, and sue for the Recovery and Preservation of them. *Clement V.* confirmed the same in the Council of *Vienna*, by a Constitution, beginning, *Exivi de paradizo*, extant among the *Clementines*. However, *Clement* allow'd, that when it appeared very likely, even from Experience, that they could not otherwise secure the Necessaries of Life, they might have Granaries or Storehouses, in which they might reposit and keep whatever they could get by begging. He left, indeed, the Ministers and Keepers to judge of such Necessity, and gave it in special Charge to their Consciences.

Against this, those who were called *Beguins* protested, declaring they were of the third Rule of *St. Francis*. They contended that the *Franciscans* ought in no Case to have Granaries or Storehouses, because this was contrary to the Perfection of the *Franciscan* Poverty; that the Pope had not Authority to dispense with the Rule of *Francis*, and that if he did, his Decrees were of no Force, and might justly be disregarded. One of them who lived at this Time, *Peter John Olivus*, who wrote a Postill on the Apocalypse, applied to the Pope and Church of *Rome* the Things spoken of the Beast, and the Whore of *Babylon*, of which frequent Mention is made in the Collection of the Sentences of the *Tholouse* Inquisition.

John XXII. succeeded *Clement*, who, by several Constitutions, condemn'd the Tenet of the *Beguins*, and allowed the *Franciscans*, that by the Judgment of the Heads of the Order they might lay up and preserve Corn, Bread and Wine in Granaries and Storehouses. The *Beguins* believed that such a Concession derogated from the Sublimity and Perfection of their Rule and Poverty, and therefore warmly opposed it; and in order to defend their own Rule, dared to deny the Authority of the Pope: Upon this Account they were declared Hereticks, and Commandment was given to the Inquisitors of heretical Pravity, to bring them before their Tribunal, and to proceed against them as Hereticks. This was a bloody Decree, beginning, *Gloriosam Ecclesiam*, in which the Pope gave the Inquisitors these special Commands: Call before you, by the Ecclesiastical Censure, all and singular received by them to their Sect, especially such as are professed; examine them concerning the Faith, and enquire carefully and diligently, by your selves or others, without Noise and the Form of Judgment, concerning the Errors of the aforesaid, and search after their Complices and Abettors; and if there be need, order them to be taken up and confined, making Use, when there is Occasion, of the Assistance of the secular Arm. Compel Gainsayers and rebellious Persons, by the Ecclesiastical Censure; and by a like Censure oblige such Witnesses as you shall think proper to examine upon the Premises, to give their Testimony to the Truth, without allowing to them the Liberty of Appeal.

Appeal. Furibermore we will, and by our Apostolick Authority decree, that any one of you may prosecute the Affair or Article, though begun by another, even although he who begun it, should be under no canonical Impediment; and that from the Date of these Presents, you, and every one of you, shall have perpetual Power and Jurisdiction in all and singular the Premises, even though not begun, present, and future; that ye may be able to proceed against the aforesaid with that Vigour and Firmness in the Premises, though not begun, present and future, as though your, and every one of your Jurisdiction, in all and singular the Premises, had been perpetuated by Citation or other lawful Manner; notwithstanding the Edicts concerning the two Days Journey, made in a general Council, and of Pope Boniface VIII. our Predecessor of blessed Memory, by which, as well the Judges as the Conservators, deputed by the aforesaid See, are prohibited from proceeding themselves, or putting others in their Room, without the Cities and Dioceses in which they were deputed, and from forcing any Persons more than one Days Journey from the Bounds of such Diocese; and any other Constitutions to the contrary notwithstanding. This Decree was dated from Avignon, Feb. Cal. 10. 1318. Soon after four Friars Minors, about the Year 1318. were condemned and burnt as Hereticks at *Marseilles* by the Inquisitor of heretical Pravity, who was himself a Friar Minor, because, as they say, they were resolved to adhere and keep to the Purity, Truth and Poverty of the Rule of St. Francis, and because they would not consent to make the Rule less strict, nor receive the Dispensation of the Lord Pope John XXII. made concerning it, nor obey him nor others in this Affair. Others of the same Order assert, that these four were unjustly condemned, and affirm them to be glorious Martyrs, and that the Pope, if he consented to their Condemnation, was an Heretick, and forfeited his Power. Upon this, the three next Years, viz. from the Year 1318. or thereabouts, they were all condemned for Hereticks by the Judgment of the Prelates and Inquisitors of heretical Pravity in the Province of *Narbonne*, *Beziers*, *Lodun* in the Diocese of *Agde*, and at *Lunelle*, and the Diocese of *Magalane*, who believed that the aforesaid four Friars Minors were holy Martyrs, and who believed and held and thought as they did concerning Evangelical Poverty, and the Power of the Pope, viz. that he lost it, and was become an Heretick. Many however privately gathered up the burnt Bones and Ashes of these four Friars, who had been condemned as Hereticks, and kept them for Reliques, and kissed and worshipped them as the Reliques of Saints; yea, some marked their Names and the Days in which they suffered in the Calendars. This Account of *Eymerrick* agrees well with what we read of the *Beguins* in the Sentences of the *Tholouse* Inquisition. Amongst other Things, we read *Fol. 155.* in the Sentence of *Peter Moresius de Bello Podio*, that he believed, that John XXII. who was then Pope, and whom he calls the Boar of the Forest, had destroyed the Inclosure of the Church, and done more harm to the Church of God, than all former Hereticks had done. In the 156th fol. 'tis ascribed to *Bernard de na Jacina*, that he said twice or thrice, when he was speaking about the Pope's Power to dispense with the Rule of St. Francis: Do you believe that if the Pope bound the Tail of an Ass upon Earth, the Tail of an Ass would be bound in Heaven?

Eymer.
Direct.
Inq. Par.
2. Quast.
15.

P

Thus,

Thus, from a Controversy originally of no Moment, rose up at length, thro' the Warmth of Men's Minds, a dismal Tragedy; and after the Pope's Authority began to be called in question, a severe Persecution was raised against the *Beguins*. In the Book of Sentences of the *Tboloufe* Inquisition there are several Sentences pronounced against the *Beguins*, by which they are declared Hereticks, and delivered over as such to the secular Court. One of these Sentences I will transcribe at large.

“ *Peter Dominicus* being examined, hath judicially confessed all the Errors of the *Beguins*. *Item*, He believes and asserts that the Lord Pope cannot grant to the Friars Minors the Power of having Repositories and Granaries to keep Corn or Wine. *Item*, That he neither can nor could make or cause to be made such a Constitution or Declaration, and that it ought not to be obeyed if made, because contrary to the Vow of the Friars Minors. *Item*, That he can't grant to the Friars Minors, according to God, to carry great Habits, large or died. *Item*, That he cannot, by his Plenitude of Power, make it lawful for a Friar Minor to become a Friar of another Religion or Order, where he may have Possessions, or any thing in common, and that a Friar Minor ought not to obey the Pope in this, and that the Pope would sin in granting such a Dispensation. *Item*, That the Pope can't give Leave, that a Friar Minor, when made a Bishop, may become Lord of the Temporalities of his Bishoprick, or handle Money with his Hand, because he ought to dispense and administer all moveable Effects by another to the Poor. *Item*, He believes and asserts, that the Gospel of *Christ* is the Rule of *St. Francis* in Chastity, Poverty, and Obedience, and that the Pope can't dispense with these three, or any one of them; and that if he should grant a Dispensation, he would act contrary to the Life of *Christ*, and against the Gospel. *Item*, That the Pope can't dispense in any Case, that any Person under the Vow of Virginity or Chastity, whether that Vow be single or solemn, may marry; and that if he should actually dispense, he would herein sin, and not do according to the Power given him of God, which Power he says is for the Nourishment of Virtue, and to be a Remedy against Sin. *Item*, That if the Pope should dispense in the foresaid Case that such Person should marry, it would not be Marriage, but Fornication or Adultery and Sin, and that the Children so born would be adulterous and illegitimate. *Item*, That the Pope can't make any Decretal or Constitution which may dispense with the Vow of Virginity, or Chastity or Poverty, in any Case whatsoever, altho' some very great Good might hereby happen to the Community, such as the restoring Peace to any Kingdom or Province; and that if the Pope should make such Decretal or Constitution, it ought not to be obeyed, neither would he obey it. *Item*, He asserts that he believes and holds that the four Friars Minors who were condemned as Hereticks about four Years ago at *Marseilles*, by the Judgment of the Inquisitor of heretical Pravity, after mature Advice; and also that the *Beguins* or Friars of the third Order of Penitents, or
“ third

“ third Rule of *St. Francis*, who were condemned as Hereticks by the Judg-
 “ ment of the Prelates and Inquisitor of heretical Pravity of *Carcasson*, for
 “ three, two, and one Year past, in the Province of *Narbonne*, and in divers
 “ Places and Cities, were and are Catholicks at the Time of their Condem-
 “ nation, and were Martyrs, and suffered for supporting the Gospel Truth.
 “ *Item*, That all those who condemned them, *viz.* the Prelates and Inquisi-
 “ tors, and all who consented to the Condemnation of the aforesaid, and even
 “ the Lord the Pope, if he consented to it, did err, and are become Here-
 “ ticks, and will be damned unless they repent. *Item*, That our Lord Pope
 “ *John XXII.* is a wicked Man and an Heretick, and is without the Church
 “ of God for this Reason, because he persecuted the poor *Beguins* of the
 “ third Rule of *St. Francis*. *Item*, That he hath lost totally the Power of his
 “ Jurisdiction of Binding and Loosing, and that he doth not think him to
 “ be Pope, nor that he is subject to him, because he condemns, or con-
 “ sents to the Condemnation of the *Beguins*, as Hereticks. *Item*, That all
 “ those who agree and believe that the Pope did well in persecuting the afore-
 “ said *Beguins*, are wicked Men and Hereticks. *Item*, That he would not
 “ confess his Sins to any Bishop or Prelate, who consented in the Condemna-
 “ tion of the aforesaid *Beguins*; and that if he should confess to any one of
 “ them, he doth not believe that they can absolve him from his Sins.
 “ *Item*, That he would not receive any Sacrament from any Prelate, who
 “ obstinately opposes the Deed of the aforesaid *Beguins*, saying, that every
 “ such Bishop hath lost the Power of conferring the Sacraments. *Item*, That
 “ all are Hereticks who obstinately believe and hold contrary to those Things
 “ which he hath confessed, and asserts that he believes and holds. *Item*, That
 “ all who believe and hold the Things which he believes and holds, and are
 “ under the Commands of God by keeping them, are faithful, and the
 “ Church of God. *Item*, That it is much greater Perfection for these *Be-*
 “ *guins* to live by Begging, than to live by Labour, or the Work of their
 “ Hands, altho’ the said *Beguins* do not labour in preaching the Gospel.
 “ *Item*, That he would not obey the Pope, if he should command him not to
 “ beg, or otherwise to live by his own Labour; and that he would not part
 “ with the Habit of the *Beguins*, which he wears, at the Command of the Pope.
 “ *Item*, That he believes and holds and asserts, that the Pope can’t destroy or
 “ abolish any Order formerly confirmed by the *Roman Church*. *Item*, He as-
 “ serts that he believes and holds, that the whole Doctrine and Scripture of
 “ Friar *Peter John Olivi*, of the Order of Friars Minor, is true and catholick,
 “ according to the Understanding which he had therein, as he believes, that
 “ the Doctrine of *St. John* the Evangelist is faithful and catholick, according to
 “ the Understanding which he had therein; and adds, that he believes that as
 “ *John* the Evangelist is in *Paradise*, so he believes that the aforesaid Friar *Peter*
 “ *John* is in *Paradise*, altho’ *St. John* hath the greater Glory. *Item*, He asserts,
 “ That if the Pope should condemn the Doctrine or Scripture of the aforesaid
 “ *Peter John*, he should not think it to be condemned, tho’ he should con-
 “ demn it by a thousand Bulls, and altho’ he should condemn it with the

“ Advice of the Cardinals, and all the Prelates, and even of a whole General
 “ Council. *Item*, That he would not believe the Pope, saying to him, that
 “ the Doctrine of the said Friar *Peter John* contains Errors and Heresies,
 “ nor obey the Pope if he should command him to recal what he had said
 “ on this Head; and that if for this he should excommunicate him, he
 “ should not therefore think himself to be excommunicated. *Item*, He as-
 “serts that he believes and holds those Things to be true, which Friar *Pe-*
 “*ter John* wrote, in a Posthil upon the Revelations, of *Babylon* the great Whore
 “ sitting upon the Beast, by which he understands and expounds it to be the
 “ Church of *Rome*, which he says is *Babylon* the great Whore and the carnal
 “ Church. *Item*, He says, that the said *Roman* Church, under the Name of
 “ *Babylon*, is to be damned, and rejected, and exterminated by *Christ*, in
 “ that sixth State of the Church, which now is; and says, that the spiritual
 “ Church is to be begun and restored by the Rejection of the carnal Church,
 “ even as the old Synagogue of the *Jews* was rejected by *Christ*, when the Go-
 “spel of *Christ* and the primitive Church began. Therefore we the aforesaid
 “ Inquisitors, &c. leave him, as relapsed, to the Arm and Judgment of the
 “ Secular Court, &c. But we will and command that if the aforesaid *Peter Do-*
 “*minici* shall humbly ask, and truly repent, he shall receive the Sacrament
 “ of Penance and the Eucharist. *

Bzovius,
 n. 1322.
 §. 1.

In Decre-
 tal. Exist.

But this Affair did not end here. Friar *Berengarius*, in a Council of many
 Divines and Lawyers, summon'd by the Bishop and Inquisitor at *Narbonne*, de-
 fended the Cause of the *Beguins*. Friar *John Bemmius*, a Predicant and Inquisi-
 tor, pronounced this heretical, and ordered *Berengarius* to recant. He refused,
 and appealing to the Apostolick See, went to *Avignon*, and gave the Pope an
 Account of the whole Affair, who kept *Berengarius* in honourable Custody,
 and propos'd it afterwards to all the Academies, and the most learned Men
 all over the World, as a Question fit to be debated, Whether it was not to be
 esteemed heretical, obstinately to affirm, that our Lord *Jesus Christ*, and his
 Apostles had nothing in special or in common? After the Question was pro-
 posed, that all might give their Opinion with greater Freedom, he suspended
 the Anathema published by *Nicholas IV.* against the Interpreters of this Sense,
 and of the Rule of *St. Francis*, and gave to all free Power to dispute, write,
 and give their Sense concerning the Thesis.

* Besides the Tenets charged upon the aforesaid *Beguins*, there are others imputed to them of a
 very flagitious Nature; viz. that to kiss Women and embrace them, provided they did not con-
 summate the carnal Sin, was greatly meritorious, and an Argument of Fortitude and Abstinence,
 and of a strong and acceptable Love of God, and the truest Proof that each Party was resolutely
 virtuous; and that whatever Lies any Man told a Woman to gain her Consent to his Desires, was
 not Heresy, so that he believed in his Heart that the carnal Act was Sin; even tho' to gain her Con-
 sent he should tell her, that the carnal Act was meritorious, and for the Safety of her Soul, yet that
 it would not be Sin, if he held the contrary in his Heart. And agreeable to this was their Practice,
 putting themselves naked in Bed with naked Women, kissing and embracing them in a very lewd
 manner, boasting of their Continence and Resolution, because they abstained from the last carnal
 Act. These, and many Things of the like kind, are to be found in the Sentence of one *William*
Ruffi, in the Book of the Sentences of the *Tbolouze* Inquisition, fol. 196. b.

The

The Friars Minors met at *Perouse*, from all the Provinces of the Christian World, about the next *Whitsontide*. There was present *Michael Cæsenas*, General of the Order, and other Provincial Ministers. Being admonished by some Cardinals, that they should give their Opinion in this Affair agreeable to the Sense of the Fathers, they replied thus: *Adbering firmly and wholly to the Determination of the holy Roman Church, we say and confess with one Heart and Mind, that to say and assert, that Christ, shewing the Way of Perfection, and his Apostles following the same Way of Perfection, and giving an Example to others who are willing to live perfectly, had nothing by Right of Property and Domain, no proper Right, whether special or in common, is not heretical, but sound, catholick, and faith-xxiv. q. 1. ful: Especially as the holy Roman Catholick Church, which is proved never to have deviated or erred from the Path of Apostolick Tradition, says this expressly, affirms, and manifestly determines it.* *are ff. a. & c. p. d. e. n. d. a. in ff.* Extra de verb. signif. Exiit. l. 6.

When this Rescript of the Chapter was seen, by which the Opinion of the *Beguins* was approved, the Pope published an Edict concerning the Use of Things distinct from Property, beginning, *Ad conditorem Canonum*. But when Friar *Bonagratia Bergomensis*, made by the Chapter Procurator of the Order, protested against the Pope, and appealed to a future Pontiff, or Oecumenical Council, which Appeal was judged to be insolent; the Pope by a Decree, beginning, *Cum inter nonnullos viros scholasticos*, declared it to be heretical to assert, that our Saviour and his Apostles had no Right to use or consume the Things which the sacred Scriptures testify they had, nor any Right to sell or give them, or procure other Things by them.

But as *Cæsenas* did not acquiesce in this Sentence of the Pope, but opposed the Papal Constitutions, being assisted by the Friars *Bonagratia Bergomensis*, *Peter Corbarius*, and *William Ockam*, an *Englishman*, in the Year 1329. May, Cal. 12. he was declared by the Pope to be a Favourer of Hereticks, an open Heretick, an Arch-heretick, and a Schismatick, and degraded from all Offices, Dignities, and Honours whatsoever, and deprived of the Ecclesiastical Privilege, and declared incapable of any, and subjected to all the Punishments and Sentences, Spiritual and Temporal, to which the Favourers of Hereticks, Arch-hereticks, and Schismaticks, are liable, by Divine or Ecclesiastical Law. The Friars Minors being gathered together in a General Chapter at *Paris*, after they had pronounced *Cæsenas* entirely degraded, and put *Gerard Odonis* into his Place, published this Sentence of the Pope, and declared that both he and his Companions had incurred the Penalties of Excommunication and Privation, as notorious and manifest Apostates, which by the Statutes of the Order are well known to be inflicted on those Friars who withdraw themselves, and apostatize from the Obedience of the Order. This Sentence of the Order being sent to the Pope, he again pronounced *Cæsenas* guilty of various Crimes and Heresies, and condemned him, December, Cal. 16. of the same Year. *Corbarius*, terrified with this dreadful Sentence, confessed his Errors, and after having read his Confession and Abjuration of his Errors, and sworn to obey the Apostolick Commands, he obtained the Benefit of Absolution from all Sentences, either of the Law or Men.

Cæsenas

a. 1330.
§. 6.

Casenas however not terrified by these Denunciations, asserted notwithstanding, that he was General of his Order, and a Catholick, and lived safe from the Papal Violence with his Followers, under the Government of *Lewis of Bavaria*. Upon which the Pope renewed his Curfes against them, and cited them by a peremptory publick Edict, to appear personally before him, before the Feast of the Ascension of our Lord, to hear their Sentence. But as they defended themselves against the Accusations and Pro-

a. 1331.
§. 1, &c.

cess of the Pope, by the Apologies they publish'd, *Gerard Odonis*, General of the Minorite Order, sententially condemned them as Favourers of Hereticks, Hereticks and Arch-hereticks, and not only deprived them of the Privileges, Graces, Benefits, Habit, Company and Favour of the Order, but condemn'd them to perpetual Imprisonment. He commanded also all and singular the Keepers and Guardians of Convents, in Virtue of their salutary Obedience, that they should publickly declare them in full Con-

a. 1335.
§. 4.

vent every Week deprived and excommunicate, and sententially condemn'd. And finally, Pope *John* publish'd against them the thirty eighth, and the two hundred fifty ninth Sanctions. His Successor *Benedict XII.* in the Year 1335. and first of his Pontificate, renewed the Curfes that *John XXII.* had pronounced against the *Fratricelli* or *Beguins*, and their Complices, and thus render'd them more heavy.

C H A P. XX.

The PROCESS against Matthew Galeacius, Viscount Milan, and others.

Raynald.
a. 1320.
§. 13.
a. 1322.
§. 5, &c.
Bzovius,
a. 1322.
a. 1324.
§. 14.

DURING this Quarrel with the *Beguins*, Sentence of Excommunication was pronounced against *Matthew Galeacius*, Viscount *Milan*, and against his Sons and Followers. Hereby all the Cities and Lands, subject to their Government (as is declared in the Sentence against *Castruccijs Gerius*) and of his Party were put under an Ecclesiastical Interdict, and many heavy Sentences publish'd against all Persons who adhered to them, favoured, obeyed or assisted them; and that solemn Indulgence, which was always granted to those who assisted in the Recovery of the Holy Land, was openly preach'd against them. The City it self was deprived of its Charter and all its Privileges and Immunities whatsoever; and all the Citizens and Inhabitants favouring the said condemned *Matthew*, given up to be seiz'd by the Faithful, to be made their Slaves by full Right, their Effects granted to any one that could lay hold of them, and their Debtors upon any Account freed from all their Debts, whatever Instrument or Oath they were bound by. Farther, all who sent or bought, or carried Provisions, or any other Things useful in Life, to the City of *Milan*, or who received Pay from them, were sententially

ally excommunicated. *Matthew* despised these Papal Censures, and continued more than three Years under Excommunication. To revenge this Contempt of his Censures, *John XXII.* prosecuted him for Heresy, as contemning the Authority of the Church, and her sacred Rites; and commanded *Aycard*, Archbishop of *Milan*, and the Inquisitors of heretical Pravity in *Lombardy*, to proceed with all Vigour upon the said Crime of Heresy; who after several Citations, at last pronounced the definitive Sentence against him; in which, amongst other Crimes this is imputed to him: *That he held erroneous Opinions about the Sacraments, and the Power of the Keys and Church; and had such an absolute Contempt of them, that he suffer'd himself to lie under several Sentences of Excommunication pronounced against him both by Men and the Law: He caused also the Ecclesiastical Interdict, which the said City of Milan was put under, for the Crimes of Matthew, to be several Times violated, by ordering the Bodies of dead Laicks to be buried in the Churches, and Church Yards, with tolling the Bells, even though the Ministers of such Churches were against it. He also caused the like to be done in those Lands and Places, which were held by his Sons, though put under the like Interdict. At length they pronounce Sentence against him in these Words: For these and many other Reasons, moving us justy and reasonably thereunto, invoking the Name of Christ, and sitting on our Tribunal, we pronounce the definitive Sentence; and by these Writings do sentence, decree and adjudge the aforesaid Matthew, Viscount Milan, absent through Contumacy, the divine Presence making up that Absence, a manifest Heretick: And we condemn the said Matthew as an Heretick; and by the same Sentence confiscate, and declare to be confiscated, all his Effects, moveable and immoveable, Rights, Jurisdictions, and all other Things belonging to him, where-ever they are, and by whatsoever Name they are called. We also deprive, and declare to be deprived, the said Matthew of his military Belt, Offices, publick Dignities and Honours whatsoever, and subject him to the Sentence of Excommunication, perpetual Infamy, and all other Penalties appointed, ordained or promulgated against Hereticks; and order his Person to be seiz'd by the Faithful. Moreover we deprive, or rather declare to be already deprived, the Sons and Grandsons of the aforesaid Matthew, of their Prelatures, Dignities, and other Ecclesiastical Benefices, either with Cure or without, and of all publick Offices and Honours whatsoever, which they are known to possess, and declare them to be for ever hereafter unworthy and incapable of holding Prelatures, Dignities, or other Ecclesiastical Benefices, either with Cure or without, and all publick Offices and Honours whatsoever. This Sentence was pronounced March 14,*

1322.

The Pope also commanded the Archbishop and Inquisitors, that they should proceed against all who adhered to Viscount *Matthew* and his Sons, as against Favourers of Hereticks condemn'd by the Church, and punish according to the Ecclesiastical Law, all who were convicted of being of his Party, and of the other Crimes. The Bishop of *Parma* and two Abbots publish'd these Sentences, and commanded the Anathemas to be every where proclaim'd; and order'd *Raymond Cardonus* to gather an Army to chastise the Rebels. Several Cities were taken, and the Viscount routed. The Senate and People of *Mi-*

lan not enduring thus every Day to be condemn'd, and forbid divine Services, sent twelve Men to the Legate, to beg Peace and Absolution. *Matthew* quite broke by these Evils and others that threaten'd him, resigned the Principality to his Son *Galeacius*, and order'd himself to be carried into the principal Church, where he complain'd that he was unjustly accused of Heresy; and protesting by an Oath that he was without any Crime deprived of divine Services, he appeal'd to God, the righteous Judge, that he was condemn'd most unrighteously by the factious Legate, and forced to abandon his Country. Thus departing from the City, and making the same Profession the Day after in the Church of St. *John Baptist* at *Monza*, he fell into a Fever, and died some Days after with Grief and Sorrow. His Sons buried him in a private mean Place, concealing for some Time his Death, lest his Body should have been burn'd, according to the Order of the Cardinal Legate and Inquisitors, *October 30*. They used the most exquisite Diligence to find it out, but could not discover it, though they pronounced many Anathemas against those who knew where it was laid, and would not reveal it.

Bzovius,
a. 1327.
§. 7. The like Sentence was pronounced not many Years after by the same Pope, against *Marsilius Paduanus*, and *John Sardunus*, Assertors of the Imperial Authority against the unjust Usurpations of the Pope, who pronounced them Hereticks, and manifest Arch-hereticks, and commanded all who followed their Doctrine, to be universally accounted as Hereticks. He farther enjoin'd all the Faithful that they should not presume to receive, defend, maintain, or afford, by themselves, or any other or others, publicly or privately, directly or indirectly, any Assistance, Counsel or Favour to them, or any of them, but that they should rather avoid them as manifest Hereticks. Finally, he orders the Faithful to seize on them, that they might prosecute them with a Zeal becoming the Faith; and to take them where-ever they could find them; and when taken, to deliver them to the Church, that they might undergo the deserv'd Punishment.

C H A P. XXI.

The INQUISITION introduced into Poland, and restored in France.

AS nothing was more serviceable to enlarge the Papal Jurisdiction than the Office of the Inquisition, the Popes were continually endeavouring to promote it; and to establish it in those Kingdoms and Countries, that hitherto had been free from so grievous a Yoke, that there might not be any Place of Shelter or Refuge in the whole Christian World to such as should in the least contradict their Decrees. *An. 1327*. Pope *John XXII*. by Letters to the King and Prelates of *Poland*, and to the Provincial of the Pre-dicant Friars of the same Kingdom, appointed the Inquisition in *Poland*, which
in

in the Year following, 1436. *Uladiſlaus Jagello*, King of *Poland*, confirmed and enlarged, by a Royal Edict, granting them the moſt ample Power, and commanding all the Magiſtrates to give them all Manner of Aſſiſtance in the Execution of their Office.

At this Time the Inquiſition began to decline in *France*; but as there was a pretty large Number of the *Valdenſes* remaining in *Dauphenny*, and their Religion began to ſpread wider, *Gregory* applied himſelf to *Charles* King of *France*. He put him in Mind of the Examples of his Predeceſſors in deſtroying Hereticks, and admoniſhed him to ſuppreſs the Nobles of *Dauphenny*, who took the Hereticks under their Protection; and that he ſhould ſupport the Authority of the Inquiſitors, not only by ſeverer Edicts, but by ſending ſome Royal Officer to their Aſſiſtance. King *Charles* yielded to the Pope's Deſires; and after the Manner of his Anceſtors, by a Royal Edict, commanded that Hereticks ſhould ſuffer the ſevereſt Punishments; and that the Magiſtrates in *Dauphenny* ſhould aſſiſt and aid the Officers of the Holy Inquiſition. *Antonius Maſſanus*, Apoſtolick Inter-nuncio, acted in this Affair with ſuch Zeal, that the Priſons were ſcarce ſufficient to hold the Criminals; nor was their Proviſion enough for their Support. *Gregory* having been conſulted in this Matter, order'd, That as the great Number of Hereticks was owing to the Negligence of the Prelates, the Revenues of the Churches ſhould be applied to that Uſe; and commanded new and ſtronger Jails to be built at *Arles*, *Ambrune*, *Vienne*, and *Avignon*, and granted Indulgences to the Faithful who ſhould contribute to the Work.

From *France*, thoſe who were called **Turelupini*, went into *Savoy*: And therefore the Pope commanded *Amedæus*, Count of *Savoy*, to condemn them to the Flames, and aſſiſt the Inquiſitors. *Bzovius* adds, *It came to paſs, that this ſavage and brutal Set was condemn'd, burn'd, and wholly extirpated this Year.* And again: *Many of theſe Hereticks were burn'd in France at the Pope's Command.* But this horrid Cruelty could not laſt long, and proved at laſt fatal to the Judges themſelves. For in *Savoy* the Inquiſitors were killed, by thoſe unqueſtionably who were afraid that the like Cruelty would be practiſed towards themſelves; which when the Pope heard of, he endeavour'd to render the Murderers hateful to Count *Amedæus*, putting him in Mind, that he had given a moſt excellent Example of defending the Faith by his Victories over the *Turks*, and recovering *Callipoli* from them; and that therefore he hoped he would not ſuffer the Blood of thoſe Orthodox Prelates, who were ſlain out of a real Hatred to Piety, to be ſhed with Impunity.

* Some of the Followers of the *Valdenſes*; ſo called, according to Popiſh Writers, becauſe they inhabited only thoſe Places which were expoſed to Wolves. *De Freſne in Voce.*

C H A P. XXII.

Of WICKLEFF, HUSS, and the INQUISITION against the HUSSITES.

Bzovius,
a. 1377.
§. 8, &c.

ABOUT these Times *John Wickleff* arose in *England*, and not only opposed several of the Errors of the Church of *Rome*, but especially the exorbitant Power of the *Roman Pontiff*, vindicating the Rights of the secular Magistrates, and teaching that the Clergy were not exempted from their Jurisdiction and Obedience. The Pope, by his Letters to the University of *Oxford*, commanded them by Virtue of their holy Obedience, and under the Penalty of being deprived of all Favours, Indulgencies, and Privileges, that had been granted them by the Apostolick See, that they should not suffer any one to defend *Wickleff's* Propositions, but should order *Wickleff* himself to be seiz'd, and send him in safe Custody to the Archbishop of *Canterbury*, and the Bishop of *London*, or one of them. He also by Letters commanded the said Archbishop of *Canterbury* and Bishop of *London*, that they should order *Wickleff* to be apprehended by the Papal Authority, and commit him to Jail, and put him in Irons under safe Custody, till farther Orders from himself upon this *Affair*. And after mention of these Things out of his former Letters, he farther commands, That if the aforesaid *John*, apprehending his being seized and imprisoned, should abscond, so that they could not apprehend and confine him; that then they should take Care peremptorily to admonish and cite him, in the Pope's Name, by a publick Edict, to be set up in one of the Colleges of *Oxford*, then in the Diocese of *Lincoln*, and all other publick Places, to appear and answer personally to his Propositions before the Pope, where-ever he should be, within the Space of three Months, to be computed from the Day of this Citation; adding, That whether the said *John* should appear or not, within the said Term, they should proceed against him upon the Premises, even to the Condemnation he had deserved, according as his Crimes should require, and as they saw fit for the Honour of God, and the Preservation of the Faith. And in other Letters he commands them, That they should endeavour to take *Wickleff's* Confession, and transmit it to him by a faithful Messenger, sealed with their own Seals, without shewing it to any one, and keep him in Irons till they should receive his farther Commands. He sent also other Letters to *Edward* King of *England*, by which he requires and earnestly beseeches him, That he would grant his Favour, Protection and Help to the Archbishops and Bishops, and others, employ'd in prosecuting this *Affair*. All these Letters bare Date *June*, Cal. 11. 1377.

Raynald. After the Death of *Wickleff*, *Richard* King of *England*, commanded by a solemn Edict, all his Writings to be burn'd, together with those of *Nicolas Hereford*, and *John Aston*. In the Year 1396. the Pope wrote to the King, and begged him to assist the Prelates of the Church in the Cause of God, of the King himself, and the Kingdom against the *Lollards*, and earnestly besought him that he would condemn those whom the Prelates should declare Hereticks. The same Year *Thomas Arundel*, Archbishop of *Canterbury*, and

Apo.

Apostolick Legate, held a Provincial Synod at *London*, to extirpate the Heresy of *Wickleff*; in which were condemned eighteen of his Articles. After this the Archbishop used great Severity against those who maintained them, many of whom he condemned to the Flames. To such as abjured he appointed an wholesome Penance, that in the Time of publick Prayers, and in the open Market, they should go in Procession, only with their Shirts on them, carrying in one Hand a burning Taper, and in the other a Crucifix, and that they should fall thrice on their Knees, and every Time devoutly kiss it.

Soon after arose *John Hufs* in *Bobemia*, and began publickly to reprove the dissolute Lives of all the Orders. Whilst he inveigh'd only against the Seculars, all the Divines applauded him; but when once he began openly to reproach them for their corrupt Manners and Vices, they abhorred and detested him, and used their utmost Endeavours to destroy him. At that Time, *An. 1400.* *Jerome of Prague* returned from *England*, and brought with him *Wickleff's* Writings, which *Hufs* approved. And since many others approved of them, out of Deference to the Doctrine and Authority of *Hufs*, and defended the Articles of *Wickleff*; those Articles were again examined and condemned, *May 24, 1408.* by forty Masters, and an infinite Number of Batchelors, who prohibited, under the Penalty of the Bann, any Person to teach them. *Hufs* was very desirous to render all this ineffectual; and therefore, as the Foreigners were divided into three Classes of Votes, and the *Bobemians* made the fourth, according to the Institution of the School, he so order'd it, that the *Bobemians* should be equal in Number of Votes to the other three: Upon which they left *Prague* with Indignation, and went into *Misnia*, and there condemned again *Wickleff's* Books, and adjudged them to the Flames. Above 200 Volumes were burn'd, according to *Æneas Sylvius*, fairly written out, and adorned with golden Bosses and curious Binding.

Not long after this, *Hufs* offer'd certain Theses to be publickly disputed, by which he opposed the Indulgencies which *John XXIII.* had granted to those who should engage in the Cruciad, which he had ordered against the King of *Naples*. *Jerome of Prague*, also shewed their Vanity. At length, after many Proceffes formed against the Memory of *Wickleff*, and against *Hufs*, the Council of *Constance* assembled, and ordered *Hufs* to appear before them, and give an Account of his Doctrine; and to prevent his not coming, *Sigismund* the Emperor gave him Letters of safe Conduct for his coming there, staying, and departure thence. In this Synod the Doctrine of *Wickleff* and *Hufs* was condemned: Several learned Men were deputed to examine both their Doctrines, who when they had read their Books, pronounced that they had found forty five pernicious Articles in *Wickleff*, and thirty in *Hufs*; which tho' they were not all of them equally impious, some being worse than others, yet all contained deadly Poison, and were altogether, or at least, in some Part, contrary to the wholesome Doctrine of the Church: Upon this the Synod not only condemn'd the Books, but pronounced Sentence against *Wickleff*, though dead, by which they declared him an Heretick, excommunicated him, and ordered his Bones, if they could be found, to be taken out of their Grave and

burn'd.

burn'd. They also not only condemn'd *John Hufs*, who came to the Council with Letters of safe Conduct from the Emperor; but in Violation of the publick Faith, order'd him to be burn'd alive. The Emperor, that he might have some Pretence thus to violate his Faith, made a Decree, that Inquisition might be made by a proper Judge of heretical Pravity, notwithstanding the safe Conducts granted by Emperors and Kings, &c. The Words of the Decree are, *Although they should confide in their safe Conduct, and thus come to the Place of Judgment, and would not otherwise have come; and that he who should make such a Promise, was not oblig'd by it as to any one, because he promised what was not in his Power.* Afterwards also *Ferome of Prague*, terrified with the dreadful Punishment of *Hufs*, renounced at first, through humane Infirmity, the Doctrine of *Wickleff* and *Hufs*; but soon recovered his Courage, and boldly asserted and defended it before the whole Synod; upon which they condemned him as a Relapse, and ordered him to be burn'd.

But since many of the Papists endeavour to wipe off this Infamy of having violated the Faith, I shall take this Occasion briefly to shew that the publick Faith was violated in the Case of *Hufs*, by Command of the Synod. They deny that the Synod gave their Faith to *Hufs*, and that 'twas only the Emperor; so that the Synod, which was the legal Judge of the Faith, might pronounce Judgment concerning *Hufs's* Doctrine, although the Emperor had given him Letters of safe Conduct; because the Affair of Heresy is wholly Ecclesiastical, and not within the Bounds of the secular Power. But the Charge is not, that the Synod violated the Faith by condemning *Hufs* of Heresy, but because they caused him to be burn'd. The Power of the Synod, according to the Papists themselves, extends no farther than to their judging of the Faith, and pronouncing by their Sentence any one an Heretick and Obstinate, and throwing him out of the Bosom of the Church; after Sentence they immediately deliver him over to the secular Power, that he may inflict on him the Punishments appointed by the Civil Laws. In this Manner the Synod proceeded in the Cause of *Hufs*. After they had declared him an Heretick, and degraded him in the Council, they added this Decree to their Sentence: *This holy Synod of Constance, considering, N. B. that the Church of God cannot proceed farther, decrees that John Hufs shall be left to the secular Judgment, and given up to the secular Court.* Thus far therefore the Church performed her Duty: All the rest belonged to the secular Jurisdiction. But here the Emperor had taken Care for *Hufs* his Security, by giving him Letters of safe Conduct, and therefore could not condemn him to be burn'd without violating his Faith: And therefore the Synod, to remove this Scruple from the Emperor, pronounced by their Decree, that he who bound himself by such a Promise was in no Manner obliged by it as to any one, because he promised what was not properly in his Power to grant. So that the Synod did not properly violate the Faith given by themselves, but pronounced by their Decree, that Emperors, Kings and Princes were in no Manner obliged by their Promises of safe Conduct, and that therefore they might with a safe Conscience break them, even when granted by publick
Letters,

Letters, at the Beck of the Council: And this is so manifest from the Decree of the Council of *Constance*, that *Simanca*, a *Spaniard*, proves from thence, that Faith is not to be kept with Hereticks: *Therefore*, says he, *Hereticks* De Catol. Doct. iii. 46. §. 52. a. 1422. §. 3. are justly burn'd with righteous Flames, by the most grave Determination of the Council of *Constance*, even though they had received the Promise of Safety. And farther, *Bzovius* relates, that Pope *Martin* endeavouring to dissuade *Alexander*, General of *Lithuania*, from giving any Assistance to the *Bohemians*, thus, amongst other Things, writes to him in his Letter: *But if you have been any Ways engaged by Promise to undertake their Defence, know, that you could not give your Faith to Hereticks, who are Violators of the holy Faith, and that you will sin mortally if you keep it, because a Believer can have no Communion with an Infidel.* What can be clearer? I shall add nothing farther in so evident a Matter. It is enough that I have shewn that the Faith was violated by the Council of *Constance*, the *Papists* themselves being Judges, and indeed approving it.

Wickleff, *Hufs*, and *Jerome*, and their Doctrine, being thus condemned, *Martin V.* sent Letters to the Archbishops, Bishops, and the Inquisitors of heretical Pravity every where, beginning, *Inter cunctas Pastoralis curæ*, in which he tells them, *That in the Kingdom of Bohemia, the Marquisate of Moravia, and the neighbouring Places, John Wickleff, John Hufs, and Jerome of Prague, Arch-hereticks, had risen up, and that the Council of Constance had condemned their Writings and Books. But whereas some of their Followers were in Possession of them; he commands, that all such Persons, and all who approved their Doctrines, and were their Abettors, should be delivered over as Hereticks to the secular Courts: That such who received them, if it were only through common Affection, or the like Causes, should be strictly prohibited: That the Impenitent should be severely punished. He commands Princes to banish them their Dominions. He orders manifest Hereticks, though not condemned, to be punished, and even suspected ones, if they would not canonically purge themselves. He farther commands the Princes to obey the Inquisitors. He orders suspected Persons to be interrogated upon the Articles of Wickleff and Hufs, which he afterwards subjoins with the Interrogatories, and to be cited for this Purpose. He commands this Bull to be publish'd, and that all Sundays and Festivals it should be publicly declared, that all Hereticks and their Abettors were excommunicated. That all who held the Errors of the aforesaid Arch-hereticks, and their Abettors, even though confessed, should be punished, if they refused to make a publick Abjuration, or to undergo the Penance enjoined them. Finally, he repeals every Thing contrary hereto.*

By this Decree the Inquisition was restored and established in the Kingdom of *Bohemia*, whereby many were condemn'd of Heresy, and put to Death by various Punishments: Some were burn'd alive, others thrown into the River, ty'd Hands and Feet, and so drown'd; and others destroy'd by different Methods of Cruelty.

C H A P. XXIII.

Of the INQUISITION in VALENCE, FLANDERS, and ARTOIS.

Bzovius,
a. 1419.
§. 20.

Hitherto the Kingdom of *Valence* had no particular Inquisitor of the Faith. The Inquisitor at *Roses* in *Catalonia* exercised the Holy Office in that Kingdom by his Vicars and Commissaries, so that they could not make so large a Progress in converting the *Jews* and *Moors*, of whom great Numbers lived there. And therefore Pope *Martin*, at the Request of King *Alphonfus*, by Letters dated at *Florence*, Apr. Cal. 6. 1419. decreed, that the Office of the Inquisition in the Kingdom of *Valence*, should, for the future, be governed and administer'd, without any Impediment, not by Commissaries and Vicars, but by an Inquisitor deputed by the Prior, to whom that Affair belongs, who is to reside there personally himself, and act as Principal.

Boxhorm.
Hist. Belg.
p. 42, &c.
J. Le Clerc
Dom. de
Beauvoir.

About the Year 1460. the Inquisition raged cruelly in *Flanders* and *Artois*, against certain Persons, who were falsely accused of Magick, and being in League with the Devil, who, to render the *Valdenses* odious, were called *Valdenses*, and the Place in which they were said to have their nightly Meetings, *Valdesia*. At *Doway*, *Arras*, and other Places, many of them were thrown into Prison at several Times, at the Demand of *Peter Brussard*, Inquisitor, where being overcome with Torments, they confessed every thing they were charged with, and, amongst other Things, that they had given themselves to the Devil, adored him, and known him carnally, and other incredible Things of the same kind. When they were condemned to the Fire, they protested themselves innocent, and publicly declared with a loud Voice that they never were in *Valdesia*, as they called the Place of this nightly Meeting of Witches and Devils; but that they were deceived by their Judges, who by fair Promises of saving their Lives and Estates, if they would confess the Crimes objected to them, drew from them a false Confession of Crimes they were never guilty of. Others said, that they extorted a false Confession from them by Torments, finally beseeching the By-standers to pray for them to God, to whom they committed their Souls in the Midst of the Flames. But their Innocence afterwards appeared; for in the Year 1491. these miserable Creatures, with others thrown into Prison on the same Account, were declared innocent by the Sentence of the Parliament of *Paris*, and had their Effects restored to them, and their unrighteous Judges were severely fined.

C H A P. XXIV.

Of the SPANISH INQUISITION.

IN the preceding Chapters we have seen how the Inquisition was brought into several Kingdoms of *Spain*, but as yet it had not been fixed in *Castile* and *Leon*, or was there grown into Difuse. *Ferdinand* and *Isabel* having united the several Kingdoms of *Spain* by their Inter-marriage, after having obtained signal Victories over the *Moors*, order'd Tribunals of the Inquisition to be erected throughout all their Kingdoms. It is not easy to be determined whether they did this out of their blind Zeal for Religion, or that they might possess their Kingdoms in greater Peace and Security, after having expelled the *Mabometan* and *Jewish* Superstitions out of them, or, as some believe, because they affected the universal Monarchy of *Europe*, and therefore, by some notable Undertaking, to shew their great Zeal for the *Roman* Religion; endeavour'd to secure the Good-Will and Favour of the Pope. However, as the Inquisition had flourished for many Years in *Italy*, *France*, *Germany*, *Poland*, and *Aragon*, they introduced the Inquisition into all their Kingdoms by Authority of Pope *Sixtus*, with greater Pomp, Magnificence and Power, that they might not be exceeded by any Nation, but might rather exceed all others, in their Endeavours to maintain the *Roman* Faith against all Opposition. The Pretence was this:

That by the Licentiousness of former Times great Corruptions had arisen ^{Bzovius,} in the Kingdom, *Moors*, *Jews*, and *Christians* promiscuously conversing, and ^{a. 1478.} having all Sort of Commerce with each other; That by such Commerce ^{§. 14.} and Familiarity some Christians might be easily infected, and others forsake the Christian Worship which they had received, after having renounced their native Superstition, being weak in the Faith, and having none to forbid them. The Infection was said to have spread most at *Seville*, where many, after being privately put to the Question, suffered the most grievous Punishments. The Occasion was this: *Alphonfus Hojeda*, Prior of the Convent of *St. Paul* ^{Param.} at *Seville*, a Predicant, had for many Years, in his Sermons to the People, bit- ^{l. 2. t. 2.} terly inveighed against those, who, leaving the Profession of Christianity, ^{c. 3. n. 2.} apostatized to *Judaism*. This Man was informed by a certain Citizen of the Family of the *Gusmans*, that on a *Thursday*, during the Festival of the Sacrament, the first Vigil of the Night, several *Jews* and Apostates had got together in some Houses, and there performed the *Jewish* Ceremonies, and uttered execrable Blasphemies and Reproaches against our Saviour. All these Things *Gusman* saw with his Eyes in a private Part of a House, where he concealed himself with a Girl. The Prior persuaded *Gusman* to write all these Things down, and sign them with his Name, and then immediately went and discover'd all to the King and Queen at *Cordova*. They ordered that the Affair should be enquired into. Upon this the Prior put six of this Number into

Irons.

Irons in the Convent of *St. Paul*, afterwards several more of them, and at last severely punished all of them, according to the Nature of their Offence. They who were the most guilty were burnt, after long Imprisonment and Torture; such as were less guilty, had their Families render'd infamous; great Numbers had their Estates confiscated, and were condemned to eternal Darkness and Chains. A large red Cross, with Cross Rays, upon a yellow Garment, which they call *San Benito*, different from the rest, was put on most of them, as an Example to others, and by the Severity of the Punishment, to be a Terror to them. All these Things seem'd at first grievous to the Provincials, but especially that the Children should suffer for the Parents Crimes, that People should be render'd guilty by a private Accuser, and condemned without being confronted with the Informer, contrary to the ancient Custom, when Offences against Religion were punished with Death. But what they looked on as the worst was, that the Inquisitors took away all Liberty of free Conversation, having their Spies in Cities, Towns, and Villages, which they thought to be the lowest Slavery. Amongst many different Judgments, some were against Death, tho' all thought very severe Punishments should be inflicted. Amongst these was *Ferdinand Pulgarius*, a Man of a sharp and ready Wit, who wrote the History of King *Ferdinand*. Others thought they ought not to have the Benefit of Life and the common Air; that they ought to be punished with Forfeiture of Goods, and with Infamy, without any Regard to their Children; that this was wisely provided for by the Laws, that Parents should be render'd more cautious, by their Affection for their Children; that dropping of Actions would be prevented, by allowing private Witnesses; and that by this Means none would be punished but such as were plainly convicted, or confessed: That the ancient Customs of the Church were often changed, as Affairs and Times required; and that greater Licentiousness ought to be restrained with greater Severity. Judges were chosen out of every Province, to whose Pleasure the Fortunes, Reputations, and Lives of all Persons were committed.

These Transactions at *Seville* were soon known all over *Spain*, upon which divers Intimations were given to their Catholick Majesties, that most of the *Jews* lately converted to the Faith, whose Parents had been perswaded to believe by the Sermons of *St. Vincentius Ferrerius*, used secretly in their Houses the *Jewish* Rites, and taught Christians the old Law: That therefore they earnestly besought their Majesties, out of their Catholick Piety, to put a Stop to these growing Evils, lest the poisonous Contagion should every Day spread farther; for otherwise, unless a Remedy was immediately applied, great Inconveniences would accrew to the Church of God. Amongst these the Chief were *Peter Gonzalez a Mendoza*, Archbishop of *Seville*, Friar *Thomas a Turrecramata*, a Predicant, the Prior of the Convent of the Holy Cross at *Segovia*, and their Majesties Confessor. By his Instigation principally *Ferdinand* and *Elizabeth* placed *Gonzalez Mendoza*, Archbishop of *Seville*, over all Causes of the Faith, joining in Commission with him Friar *Thomas a Turrecramata*, to recover the Office of the Inquisition, which in Process of Time had very

much

much declined in that Kingdom, to its former Vigour and Severity. They determined that the Office of the Inquisition ought to be reformed. Upon this their Catholick Majesties earnestly desired the Pope, that they might have Power of creating Inquisitors in the Kingdom of *Castile* and *Leon*. *Sixtus IV.* granted it to them; and altho' the Apostolical Letters of this Grant are not extant, yet the same *Sixtus* makes mention of them in two other Bulls, which are preserved in the Books of Apostolical Bulls, by the General Inquisitor at *Madrid*, fol. 1. and 2. Paramus;
l. 2. t. 2.
c. 3. n. 8.

By Authority of this Bull they appointed only two Inquisitors at *Seville*, Friar *Michael a Morillo*, and Friar *John a S. Martino*, the first Doctor, the other Batchelor of Divinity, both Predicants. An. 1482. the Pope confirmed these two, who were chosen Inquisitors by their Majesties, upon this Condition, that they should proceed in Causes of Faith in Conjunction with the Ordinaries of Places, according to the Order of the Law. But because the Pope apprehended that the Inquisitors, which were settled either by the General or the Provincials of the *Dominican* Order in the Provinces, were sufficient to manage the Affairs of the Faith, he deprived their Majesties of the Power of making Inquisitors in other Places. An. 1482. the same *Sixtus IV.* at the Request of their said Majesties, appointed by his Bull, bearing Date the 3d of the Ides of *February*, seven *Dominicans* Censors of the Faith, who might have Cognizance of Matters relating to the Faith in the Kingdoms of *Castile* and *Leon*, because the two Inquisitors at *Seville* were not sufficient. These, by the Pope's Command, made a severe Inquisition against all who were secretly guilty of *Judaism*.

Within the Time fixed for Persons voluntarily to confess their Sins, with the Hopes of Pardon, about 17000 of both Sexes appeared, who had their Lives granted them. Many however refused to obey either the Papal Letters, or Royal Edicts, but persisted in their Herefy; for which they were seized upon the Testimony of credible Witnesses, and, thro' the Violence of their Torments, confessing their Crimes, were thrown into the Fire; of which some are reported to have bewailed their Sins, and acknowledged Christ, whilst others persisted in their Errors, calling on the Name of *Moses*. Within a few Years two thousand of them of both Sexes were burnt. Others, professing Repen-Bzovius;
a. 1481.
§. II.
Raynald;
Epi.ance, were condemned to perpetual Imprisonment, others wore Crosses; the Bones of others who were dead were taken out of their Graves and burnt to Ashes, their Effects confiscated, and their Children deprived of their Honours and Offices. Most of the *Jews* being terrified with this Cruelty, left their Country and Houses, and in this great Distress of their Affairs, fled from the Kingdoms of their Catholick Majesties. Many went into *Portugal*, many into *Navarre*, others into *Italy*, others into *France* and other Countries, where they thought they could be safe; all whose Goods and Effects, moveable and immoveable, if they had any, their Catholick Majesties distributed towards the War, which was then made against the *Moors* and other Barbarians. These Things amounted to a prodigious Sum. In *Andalusia* and *Granada* alone, those who fled with their Wives and Children left five thousand naked and

empty Houses. Others, according to *Paramus*, affirm, that their Number was much greater; this is certain, that in the City and Diocese of *Seville* only, there were above 100000 Persons alive or dead, present or absent, who were condemned for Contumacy, or reconciled to the Church.

And thus the different Opinions concerning the Year of appointing the Inquisition in *Spain* may be easily reconciled. The general Opinion is, that 'twas brought in in the Year 1483 or 1484. *Ribadineira*, in the Life of *Ignatius Loyola*, says, that it was fixed in the Kingdoms of *Castile* and *Leon*, An. 1481. and in *Aragon*, *Valencia*, and *Catalonia*, An. 1483. *Bzovius* refers the Erection of it in the Kingdom of *Castile* to the Year 1478. and says that four Years after it passed into *Aragon*. They all agree, if we consider, that the Inquisition was first introduced, An. 1478. but that the first Inquisitor General, and the supreme Council of the Inquisition was not fixed till the Year 1483.

lib. 2. cap. 18.

The Method of this Tribunal, as now in use, is this: The King proposes to the Pope the supreme Inquisitor of all his Kingdoms, whom the Pope confirms in his Office. The Inquisitor thus confirmed by the Pope, is Head and Chief of the Inquisition in the whole Kingdom, and hath given him by his Holiness full Power in all Cases relating to Heresy. It belongs to his Office to name particular Inquisitors, in every Place where there is any Tribunal of the Inquisition, who nevertheless cannot act unless approved by the King; to send Visitors to the Provinces of the Inquisitors, to grant Dispensations to Penitents and their Children, and to deliberate concerning other very weighty Affairs. In the Royal City the King appoints the supreme Council of the Inquisition, over which the supreme Inquisitor of the Kingdom presides. He hath joined with him five Counsellors, who have the Title of Apostolical Inquisitors, who are chose by the Inquisitor General upon the King's Nomination. One of these must always be a *Dominican*, according to the Constitution of *Philip III.* dated Dec. 16, 1618. Besides these, there is an Advocate Fiscal, two Secretaries, and one of the King's, one Receiver, two Relators, several Qualificators, and Counsellors. There are also Officials deputed by the President, with the King's Advice. The supreme Authority is in this Council of the Inquisition. They deliberate upon all Affairs with the Inquisitor General, determine the greater Cases, make new Laws according to the Exigency of Affairs, determine Differences amongst particular Inquisitors, punish the Offences of the Servants, receive Appeals from inferior Tribunals, and from them there is no Appeal but to the King. In other Tribunals there are two or three Inquisitors: They have particular Places assigned them, *Toledo*, *Cuenca*, *Valladolid*, *Calaborre*, *Seville*, *Cordoue*, *Granada*, *Ellerena*, and in the *Aragons*, *Valencia*, *Saragossa*, and *Barcelona*.

Carena, lib. 3.

Carena, tit. 3. §. 3. &c.

These are called Provincial Inquisitors. They cannot imprison any Priest, Knight, or Nobleman, nor hold any Publick Acts of Faith, without consulting the supreme Council of the Inquisition. Sometimes this supreme Council deputes one of their own Counsellors to them, in order to give the greater Solemnity to the Acts of Faith.

These

These Provincial Inquisitors give all of them an Account of their Provincial Tribunal once every Year to the supreme Council, and especially of the Causes that have been determined within that Year, and of the State and Number of their Prisoners in actual Custody. They give also every Month an Account of all Monies which they have received, either from the Revenues of the Holy Office, or pecuniary Punishments and Fines.

This Council meets every Day, except Holy-days, in the Palace-Royal, on *Mondays, Wednesdays, and Fridays* in the Morning, and on *Tuesdays, Thursdays, and Saturdays* after Vespers: In these three last Days two Counsellors of the supreme Council of *Castile* meet with them, who are also Counsellors of the supreme Council of the Inquisition.

This Tribunal is now arisen to such an Height in *Spain*, that the King of *Castile*, before his Coronation, subjects himself and all his Dominions, by a special Oath, to the most holy Tribunal of this most severe Inquisition. *ibid. §. 12.*

This Office is not, as formerly, committed to the *Predicant* or *Dominican* Friars. They began to employ in it the secular Clergy, who were skilful in the Decrees and Laws, till at last the whole Power gradually devolved on them, so that now the *Dominican* Friars have no Part in it; tho' the Inquisitors oftentimes use their Assistance, in judging of Propositions, and they are employed as Counsellors in the Holy Office. *Pegna in Direct. Par. 3. Comm. 324*

The first Inquisitor General in the Kingdoms of *Spain*, was Friar *Thomas Turrecremata*, a *Predicant*, Prior of the Monastery of the Holy Cross at *Segovia*, who was in high Esteem with their Majesties, as having often expiated their Sins by Penance. *Paramus* relates, that he was created Inquisitor General of the Kingdoms of *Castile* and *Leon* by *Sixtus IV.* An. 1483. and that the Pope gave him Power by his Letters of making such Inquisitors as he thought proper, and of recalling those who had been Inquisitors there before, and ordered him to make use of the new Method appointed in managing Causes of the Faith, which was much more proper than the old one. Afterwards the same Pope made the Provinces of *Aragon, Valencia, Catalonia* and *Sicily*, subject to the supreme Inquisitor of *Castile* and *Leon*, by his Bull, expedited the same Year 1483. This Bull *Innocent VIII.* who succeeded *Sixtus* in the Pontificate, confirmed, as far as it related to *Castile* and *Leon*, An. 1485. and the next Year, as it related to *Aragon, Valencia, and Catalonia.* *Alexander VI.* did the same. *Innocent's* Bull runs thus:

Innocent Bishop, Servant of the Servants of God, to our beloved Son Thomas Turrecremata, of the Order of Predicant Friars, and Professor of Divinity, Health and Apostolical Benediction. Sixtus IV. our Predecessor of happy Memory, in order to extirpate the Heresies, which through the Instigation of the great Enemy of Mankind, had arisen in the Kingdoms of Castile, Leon, and Aragon, and other Kingdoms and Dominions subject to our most dear Son in Christ, King Ferdinand, and to our most dear Daughter in Christ, Queen Elizabeth, as we have been informed, to our great Grief, by diverse Letters instituted and deputed Thee Inquisitor General of heretical Pravity, in all the Kingdoms, Dominions, and Countries aforesaid, as in the said Letters is more fully contained, the Tenor of which is hereby to be fully understood,

understood, as though they were inserted in these present, Word for Word. We therefore desiring, according to the Duty incumbent on us, that in our Time also the Office of the Inquisition may, as it ought, proceed in a due Manner, do by our Apostolick Authority, and by our own certain Knowledge, by Virtue of these present, approve and confirm such Institution and Deputation, and all and singular the Letters for that End, and decree that they shall remain in full Strength; and we do now afresh make, constitute and depute Thee to be Inquisitor in the Kingdoms and Dominions aforesaid, with the same Powers which the said Sixtus, our Predecessor, had before granted you: We do also renew the aforesaid Letters in all and every Thing; and grant unto you full, free and universal Power to take and substitute other Ecclesiastical Persons, fit, learned, and fearing God, provided they be Masters in Divinity, Doctors of the Civil or Canon Law, Licenciates, Canons of Cathedral Churches, or otherways in Possession of Ecclesiastical Dignities, as often, and whensoever you shall know there is need; as also to remove any, and put others alike qualified in their room, who shall enjoy the like Jurisdiction, Power and Authority of Proceeding with the Ordinary in the said Affair, that any other Persons do. And because 'tis just, that those who labour in so holy an Office, Affair, and necessary Work, should not be deprived of their Rights, by the same Authority we grant to all and singular Ecclesiastical Persons, who shall be engaged in this Work, and so long as they shall labour in it, the Fruits, Returns and Profits of all Ecclesiastical Benefices, with or without Cure, which they have, or hereafter shall have, of what Kind soever, in any Churches or Places, freely to enjoy them in the same full Manner (all the Dues and Customs of such Benefices maintained) as they would have enjoyed them if they had personally resided in the said Churches or Places; and that they shall not be obliged in the mean Time to reside in them, nor forced to it by any Person or Authority whatsoever; notwithstanding ye have not made your first personal usual Residence in such Churches or Places, any Apostolical, Provincial, Synodical, or other general Edicts to the contrary, or any special Constitutions, Appointments, Statutes or Customs of those Churches where such Benefices may be, strengthened by Oath, Apostolical Confirmation, or any other Security whatsoever; and although the said Persons may have hitherto, or hereafter shall happen to swear by themselves, or their Procurator, that they will serve in such Benefices, and not obtain Letters Apostolical, to dispense with them, nor make Use of such Letters obtained by other or others, or granted to others upon any Account whatsoever, and all other Things to the contrary notwithstanding, mentioned by the said Sixtus our Predecessor, in his said Letters Apostolical, and all other Things to the contrary notwithstanding whatsoever. Given at Rome at St. Peter's, in the Year of the Incarnation of our Lord 1484, (or 1485.) Feb. Ides 3. and second Year of our Pontificate.

In the Year 1484. as we may collect from the first Instruction of Seville, there was held by the Papal Authority, and at the Desire of their Catholick Majesties, a famous Assembly of Men, most learned in both Laws, and in Divinity, at Seville, Friar Thomas de Turrecremata, Inquisitor General of all Spain, being President, in which the Method of Proceeding against heretical Pravity was agreed on, and several Laws and Constitutions made and settled, which the Inquisitors use to this Day. This Order was afterwards

enlarged by other Instructions. In the same Assembly it was provided that the Inquisitors should publish an Edict in their Dioceses, by which it was ordered, that whosoever, within forty, fifty, or more Days, as they should judge proper, should voluntarily and fully confess their Errors and Heresies before the Inquisitors, and should discover other Hereticks, should be admitted to wholesome Penance, and reconciled to the Church, without suffering Death, Irons, or the Forfeiture and Confiscation of their Effects. The Observation of *Bzovius* is here remarkable. *From this Beginning the Inquisition grew up into such an Authority and Power, as makes it the most terrible to bad Men throughout the whole Christian World; given by God for the unspeakable Benefit of the whole Commonwealth, and as a present Remedy against those threatening Evils with which other Provinces are afflicted: For no human Wisdom could ever have provided against such fatal Dangers.* Neither must I omit what *Simancas* says: *Spain was always most zealous for the Christian Religion, and ever most sincerely revered the Catholick Faith, after it once receiv'd it; and bare the greatest Hatred to Hereticks. All in Spain who have Cognizance of the Affairs of Faith, observe the Duty of their Office with that Fidelity, that Integrity and Vigilance, that no one dares whisper any Thing against the holy Statutes of the Church. In other Places Men are restrained from acting impiously, but in Spain they are not permitted to speak but according to Piety. In other Places Errors are extirpated when they arise; but in Spain the very Seeds of Heresy are destroy'd before they spring up.*

[*Ludovicus a Paramo* relates, that in the Year 1485. there were famous Acts of the Inquisition, by the Inquisitors of heretical Pravity, in the Town of *Guadalup*, held in a Pulpit and on a very large Scaffold, erected before the Doors of the Church, in the Church Yard, over against the Market Place, in which Acts of the Inquisition, which were seven or eight, Friar *Didachus Marchena*, an heretical Monk, and fifty two for judaizing, of both Sexes, were deliver'd over to the Fire; forty six Bodies of Hereticks were dug out of their Graves, and adjudged to the Flames; the Images of twenty five absent Persons were burn'd; sixteen condemned to perpetual Punishment, besides innumerable others sent to the Gallies; and others condemned to ware consecrated course Habits, as a Mark of perpetual Penance and Infamy. When these Acts were finish'd, and the Fathers Inquisitors were departing from *Guadalup*, they publish'd an Edict by the Common Cryer, that within one Month all Persons, of every Sex and Age, infected with the Jewish Superstition, should leave that Town, under the Penalty of being punished as relapsed: And they made it a perpetual Law, that for the Honour of the Virgin Mother of God, and her sacred Convent and People, no converted Person, or of the Race of the Jews, should from henceforth ever dwell there. Upon Occasion of this Edict, Care was taken in the first general Chapter, that was afterwards celebrated in the Convent of *St. Jerome*, the Prior of which, Friar *Numinis ab Arevalo*, with other Inquisitors, held those Acts, that no one of the said Race should ever be admitted to the sacred Order of *St. Jerome*. What *Paramus* adds farther is ridiculous: That when the afore said Inquisitor of the holy Office eagerly desired some Sign from the blessed Virgin *Mary*, of *Guadalup*,

in those Days of the Inquisition, to exalt the Faith, and for the Confusion of Heresies and Errors, there were so many evident Miracles wrought by piously invocating the holy Virgin, that Doctor *Francis Sanctius de la Fuente*, one of the said Fathers, who had undertaken the Care of writing those Things, was quite tired out with writing them, through the Multitude of the Miracles. For there were sixty Miracles counted up for the Confirmation of the Faith, the Approbation of the Office of the holy Inquisition, the Edification of many, and the Display of the Divine Power.

lib. 2. tit. 2. cap. 8. p. 13. p. 179, &c. The same Person relates, that Pope *Sixtus IV.* at the Desire of *Ferdinand* and *Isabell*, extended the supreme Power of the Inquisition, which he had granted to *Thomas a Turrecremata*, in the Kingdom of *Castile*, to *Aragon*, *Catalonia*, *Valencia*, and *Sicily*. However, great Opposition was made to this Tribunal in *Aragon*, many declaring that this new Form of the Inquisition was contrary to the Prerogatives and Liberties of the Kingdom, and was in it self too severe and unrighteous; that the Depositions of the Witnesses were not shewn to the Criminals; and that Persons Estates were confiscated because of some heretical Mark; which Things they affirmed were not only contrary to the Usage of the Kingdom, but to every Rule of Justice. And that they might more easily obtain the Abrogation of the Inquisition, they sent a large Sum of Money to the Courts of the Pope, and of the King. However, they obtained nothing; so that at last the People broke out into an open Tumult, which *Raynald* and *Ozovius* principally attribute] to the new Converts, who from the *Jewish* Superstition and Race were converted to Christianity. Many of the principal Men joined themselves to them, who complained that new Laws were introduced contrary to the Liberties of *Aragon*. During this Sedition *Peter Arbuesius*, the Inquisitor, was killed at *Saragossa*, as he was saying his Prayers before the High Altar. The Murder was imputed to the *Jews*. [The Murderers, as *Paramus* relates, were not long after all taken up by the Inquisitors, delivered over to the secular Arm, and suffered most dreadful Punishments.] But all Attempts for the Liberty of *Aragon* were in vain; and so far was this Tribunal of the Inquisition in Matters of Religion from being abolished, that upon the Death of those who opposed it, it was much more strongly confirmed than ever. For *Ferdinand* and *Isabel*, to give the greater Authority to the Tribunal of the Inquisition, gave the Royal Palace at *Saragossa* to the Judges of the Faith, and by many Provisions confirmed the Tribunal of the Faith.

Raynald.
a. 1485.
§. 21, 22.
Bzovius,
a. 1485.
§. 10, 11.

They also endeavoured to propagate the Office of the Inquisition in all their Kingdoms. Pope *Innocent VIII.* published a Decree, *An. 1491.* against those who should hinder any from appealing to the Apostolick See. When that Constitution was published, it happen'd that the Bishops of *Segovia* and *Calaborre* in *Spain*, their Parents, Kindred, and some other illustrious Ecclesiastical Persons, powerful for their Riches and Interest, were accused of Heresy before the Inquisitor General of *Aragon*, *Valencia*, and *Catalonia*. They appealed to Pope *Innocent*, that they might not be tried in the ordinary Court, but that their Cause might be determined at the Court of *Rome*. Friar *Thomas Tur-*
recremata

Bzovius,
a. 1491.
§. 3.

Turrecremata was at that Time Inquisitor General. The King and Queen thought that that Appeal was made to escape Justice, and would occasion great Scandal and Danger, and therefore intimated to the Pope what was necessary to preserve the Faith, and besought him that he would not suffer any Persons, by frivolous Pretences, to bring the ordinary Jurisdiction of the Holy Office into Contempt. The Pope was not ignorant that the Causes of the Bishops, when guilty of Heresy, belonged to the Apostolick See, but however did not cite them to *Rome*, but appointed the Bishop of *Tournay* his Nuncio or Commissary in *Spain*, who should examine the Cause jointly with the Inquisitor, and report the whole Affair upon the Judiciary Process to the Apostolick See, and wait for the Determination of his Holiness thereupon, but ordered that the Inquisitor should proceed upon all others, who were not Bishops, accused of Heresy, according to his Office. *This was granted, says Surita, at that Time to the Piety of their Majesties, whose only and principal Care was to put a Stop to Impiety.* *Paramus* adds, “ That when it was afterwards found by Experience, c. 4. v. 1. ¶
 “ and the Event of Things, that great Inconveniences arose from that Method of Proceeding, the Pope ordered that the Inquisitor General should determine in all Causes of Appeal, which is observed to this Day, the Pope never suffering such Affairs to be brought before the Apostolick See upon any
 “ Appeal whatsoever.

In the mean Time, *Ferdinand* had made great Slaughter of the *Moors*, and at last entirely subdued them in the Kingdom of *Granada*, having reduced the City of *Granada* it self into his Power. And therefore, to purge their Kingdoms entirely of the Jewish Superstition, *Ferdinand* and *Isabel*, by a Law, Simanc. tit. 35. §. 7. drove the *Jews* out of *Spain*; to whom, however, after a long Consultation of the Wise Men, was granted the Space of four Years, within which they were either to be converted to the Catholick Faith, or sell all their Effects, and depart from *Spain*, with all their Goods and Chattels they had purchased with Money. For, as *Paramus* says, they were not allowed to carry Money out of *Spain*, either Silver or Gold, because it had been prohibited by Law long before for the publick Good. This Edict was render'd more severe by a new Constitution of *Thomas Turrecremata*, Inquisitor General of the Faith, in Bzovius, a. 1494. §. 39. the Month of *April*, who forbid all the Pious to have any Commerce with that Nation, and prohibited them, under a grievous Penalty, not to assist them with Provision, or any other Thing, after the Period of Time that he had set them. The same *Thomas* had before perswaded the King and Queen, that they should not, for the Sake of a large Sum of Money, dispense with the Confiscation of their Effects at the earnest Prayers of the *Jews*. And he prevailed Aphor. 1. 4. c. 22. §. 3. on them not to do it, as *Antonius de Sousa* relates it. But *Paramus* tells us, that quif. l. 4. c. 22. §. 3. he went up to the Palace, and hid under his Habit a Crucifix, and thus spoke n. 16. to the King and Queen with great Freedom: *I understand the King's Affair. lib. 2. tit. Behold the Image of our crucified Saviour, whom that most wretched Judas sold to his Enemies for thirty Pieces of Silver, and betray'd him to his Persecutors. If ye approve that Deed, sell him for a greater Price. As to my self, I renounce all Power. Let nothing be imputed to me. You must give an Account of the Bargain to God.*

Simanc.
ibid.

God. After this, he laid down the Crucifix before them, and departed. When the Time was elapsed, they who persisted in their Religion were forced to depart, with their Wives, Children, Servants, Families, and Effects, and forbid ever to return into *Spain*, where if they were ever after found, they were to be immediately punished with Death and Confiscation of Goods. It was also provided by the Pragmatick Laws, that 'no *Jew* should ever enter *Spain* upon any Pretence whatsoever, under the same Penalty of Death, and Confiscation of Goods, if ever found there; and that it should signify nothing, tho' they declared they were willing to be converted to the Faith, unless they should make publick Protestation of it upon their first Entrance into the Kingdom. And if any Christian was convicted of harbouring the *Jews*, all his Effects were to be forfeited. *Pragm. 5. at Granada, 1492. 2nd Pragm. 6. ibid. 1499.* *John Picus*, Earl of *Mirandola*, gives a fine Account of this Expulsion, in his Book against Astrologers, *lib. 5 cap. 12.* The Number of those who were thus banished from *Spain* were four hundred thousand *Jews*, according to *Reuchlin* and others. *Mariana* says, 'tis not easy to reduce them to any certain Number. Most Writers affirm, there were 170000 Families that departed; others say there were 800000 Persons, a prodigious Number, almost exceeding Belief. Some of them, who were a little more dilatory in gathering together their Effects, and would not turn Christians, were sold for Slaves; and of those who left their Country, *Surita* tells us many died of the Fatigues of Travelling, or the Plague.

Raynald.
a. 1492.
§. 7, 8.

Bzovius,
a. 1496.
§. 15, 16.

The *Jews*, thus driven from *Spain*, fled for the most part into *Portugal*, and obtained from King *John*, under certain Conditions, that they might live there for a certain Season. The Conditions were chiefly these, That every one should pay to the King eight Pieces of Gold, and leave *Portugal* within a limited Time, and forfeit their Liberty if they exceeded it; and that the King should grant them free Liberty to sail away. Whilst the King lived, *Bzovius* tells us he took great Care to perform his Promise to the *Jews*. He commanded his Officers in the Ports, that they should agree with the Masters of Ships, for transporting the *Jews* where they pleas'd for a reasonable Price; and farther order'd, that no one should injure them. But it happen'd far otherwise: For the Merchants and Masters, who had receiv'd the *Jews* on board their Ships, us'd them very cruelly at Sea. Not contented with the Price they had agreed for, they us'd all the Methods they could invent to extort more from them, and besides this, even forced their Wives and Daughters. These horrid Abuses terrifying the *Jews* that yet remained in *Portugal*, and not being able through Poverty to purchase within the Time the Necessaries for their Voyage, suffer'd it to elapse, and thus lost their Liberty; and he who wanted a *Jew* Servant, begged him of the King. In the mean while King *John* died.

Raynald.
a. 1496.
§. 26, Sec.

His Successor *Emanuel*, finding that the *Jews* could not help staying longer in *Portugal* than the Time fixed them by *John*, gave them all their Liberty. Some Time after this he was advis'd by the King and Queen of *Castile* by Letters, not to suffer that wicked Nation, hated by God and Man, to abide in *Portugal*. After mature Deliberation of the Affair, he commanded all the

Jews

Jews and *Moors* in *Portugal*, who would not profess the Christian Religion, to depart the Kingdom, and set them a Day, after which, if any of them were found there, they should forfeit their Liberty. The *Moors* immediately passed over into *Africa*. And as the *Jews* were preparing to depart, the King commanded that all their Children, who were not above fourteen Years old, should be taken from their Parents, and educated in the Christian Religion. It was a most affecting Thing, to see Children snatched from the Embraces of their Mothers, and Fathers embracing their Children violently torn from them, and even beat with Clubs, to hear the dreadful Cries they made, and every Place filled with the Lamentations and Yells of Women. Many through Indignation threw their Sons into Pits, and others killed them with their own Hands. What added to their Misery was, that those who would have gone over to *Africa* to avoid these Evils, were not suffered; for the King deferred giving them the Liberty of sailing Day after Day. And although at first he assigned them three Ports, where they might go on board, he afterwards forbid their sailing from any other but that of *Lisbon*. This brought a vast Number of the *Jews* to that City. But in the mean while the appointed Day was past, so that such of them as could not get off were necessarily made Slaves. Most of them being overcome with these Calamities, chose rather either sincerely or feignedly, to make Profession of Christianity, than to live in such Miseries, and being baptized, recovered their Liberty and Children. No Violence however was offered to the *Moors*, lest the *Saracens* in *Asia* and *Africa* should make Reprisals on the Christians in those Countries.

The Papists usually ascribe this Action of the King's to a pious Mind, and his Zeal to propagate the Christian Religion, and provide for the Salvation of Children, and yet in the mean while condemn it as wicked and unjust, and contrary to the Laws and Constitution of the Gospel; since it is not lawful to compel any one against his Will to the Christian Worship, or to take Children from their Parents, unless the Parents forfeit their Right in them by their Crimes.

In the Year 1500, *Francis Ximenes*, Archbishop of *Toledo*, by the Pope's Persuasion, took great Pains to convert the *Moors* of *Granada* to the Christian Faith. He first of all gained over their chief Priests, which they call *Alfaquins*, by Gifts and Favours. A great Number followed their Example. However others vigorously opposed *Ximenes*, and endeavoured to deter the *Moors* from Christianity. *Ximenes* ordered these to be put in Irons in Prison, and to be very cruelly used. Of this Number was one *Zegri*, who was the most powerful amongst them, upon account of the Nobility of his Birth, and his excellent Qualifications of Mind and Body. *Ximenes* laying aside almost all Humanity, determined to punish him most severely. He delivered him to one *Peter Lyon*, his Chaplain, a Man of a truly Lyon-like Mind, who soon brought him to *Ximenes* his Beck, and made him in a few Days desire to be carried before the *Alfaquin* of the Christians. Bound and dirty as he was, he came before *Ximenes*, and declared he would be a Christian, for that he had had a Vision from *Ala* (as the *Moors* call God) that Night, admonishing him to it. But

truly, says he, laughing, *I am a Fool to seek for Arguments any where else, but from thy fierce Lyon, to whose keeping, if any of us are committed, they will immediately become Christians.* Upon this he declared himself a Christian, and was baptized, and experienced *Ximenes* his Bounty. He was afterwards of great Service, not only in promoting Christianity amongst his Country-men, but to the Common-wealth. *Ximenes* glorying in this Success, commanded all the Alcorans, and all other Books whatsoever that had any Thing in them of the *Mabometan* Superstition, to be brought publickly together. There were about 5000 Volumes, which were all openly burnt in one Heap to a single Book, except some few relating to Medicine, which for the Honour of so useful an Art, were saved from the Flames, and laid up in the *Complutensian* Library. *Bzovius* adds, *There were however many who thought it unjust, and altogether contrary to the Nature of Christianity, to compel any one by Force, and such like Arts, to profess the Faith of Christ, the entire Tendency of which is Gentleness, and which requires especially a ready and sincere Mind. Besides that in the Councils of Toledo, which are reckoned sacred by all Christians, 'tis determined in the most solemn Manner, that no one should be forced to believe in Christ. But he followed his own Judgment, and in the Midst of Danger shewed the Constancy of his Mind, and declared in this important Case the invincible Resolution of his Soul. For in all human Affairs every great Undertaking is sure to raise Envy, which oftentimes overthrows the noblest Designs, and by a thousand Difficulties renders them impracticable.*

One of *Ximenes's* Family, called *Salzedus*, came with two Servants to the *Albaizinum*. This is a Place in the City of *Granada*, craggy, and hanging over the rest of the City, and separated from it by its own Walls. When they were come here, first there arose reproachful Words between them and the Inhabitants, at last they came to Blows, and the two Companions of *Salzedus* were killed by the Multitude. *Salzedus* fled for it, and with great Difficulty escaped. However the Tumult encreased, so that the whole City was in an Uproar. Their Design was to pull down the House of *Ximenes*. The Tumult lasted ten Days, and was at last suppressed by the Garrison. The *Albaizinenfes* were condemned for High Treason, and had the Choice given them of Death or Baptism, upon which to a Man they embraced Christianity. The Archbishop of *Granada* took Care to have them daily instructed in the Christian Mysteries. He also ordered some Lessons out of the Old and New Testament to be read to the new Converts in the *Moorish* Language, and permitted the printing of some Books, in which some Parts of the Service of the Mass, and some Passages of the Gospel were translated into *Arabic*. But *Ximenes* would not suffer it, saying, *It was a Sin to throw Pearl before Swine.* He allowed indeed the Use of some Books written by pious Men in the vulgar Tongue; but said, *That the Old and New Testament, in which there were many Things that required a learned and attentive Reader, and a chaste and pious Mind, should be kept in those three Languages only, which God, not without the greatest Mystery, ordered to be placed over his most dear Son's Head, when he suffered the Death of the Cross; and affirmed, That then Christianity would*

would suffer the greatest Mischiefs, when the Bible should be translated into the vulgar Tongues.

This Tumult spread beyond the Kingdom of *Granada*. *Ximenes*, by the Permission of the Inquisitors, endeavoured to force certain *Moors* called *Élches*, who had embraced Christianity, and afterwards rejected it, to become Christians again, and commanded their Children to be violently taken from them and baptized. This was the Beginning of Troubles, which afterwards grew to such an height, that the *Moors* formed a Conspiracy, and rebelled in many Places. But as their Forces were inferior to the *Spaniards*, they were subdued, and forced to turn Christians. The King granted, that as many as would should go over to *Africa*, and provided them with Ships to transport them at the Port of *Astopa*, demanding from every one that went over ten Pieces of Gold only, as the Price of their Liberty. They who would not leave their Country, he ordered to become sincere Christians. This Agreement being made, many went into *Africa*, though most of them remained in Spain, pretending themselves to be Christians, but not a jot better than those who left it, being of a very obstinate and wicked Disposition.

An. 1501. *Ferdinand*, King of *Castile*, at the Instigation of Pope *Alexander*, Bzovius; took great Pains in catechising the *Moors*, and preventing their Apostacy. a. 1501. He published an Edict in *Castile*, against the *Moors* in that Province, and §. 13. especially against those of *Andalusia*, *Granada*, and *Aragon*, commonly called *Mudegiars*, who lived and traded promiscuously with the Pious, that unless they would become Christians, they should depart his Dominions within a certain Day.

Upon the Death of *Ferdinand*, *Charles* succeeded him. The new Converts Param. l. 2. offered him 800000 Pieces of Gold, if he would command, that the Witnesses tit. 2. cap. at the Tribunal of the Inquisition should be always made publick. The 5. n. 4. young King, who was about eighteen Years old, had a great Mind to the Money. But Cardinal *Ximenes*, Inquisitor General, shewed him the great Danger of such a Method, and that the Church would receive great Injury by it, and by putting him in mind of his Grandfather *Ferdinand*, prevailed with the King to refuse the Offer.

C H A P. XXV.

Of the INQUISITION in Portugal.

WE have related in the former Chapter, how that the *Jews* being drove out of *Spain*, were received under certain Conditions by the King of *Portugal*. However, not many Years after, he erected the Tribunal of the Inquisition in his Kingdom, after the Model of that in *Spain*. *Bzovius* speaks of this Affair, describing the Death of King *John III*. “ How a. 1557. great §. 56, 57.

“ great his Zeal was to maintain the Faith in its ancient Splendor, his introducing the sacred Tribunal of the Inquisitors of Heresy into *Portugal*, is an abundant Proof, bravely over-coming those Difficulties and Obstructions, which the Devil had cunningly raised in the City, to prevent or retard his Majesty’s Endeavours. For he learnt Experience from others, and grew wise by the Misfortunes of many Kingdoms, which from the most flourishing State were brought to Ruin and Destruction by monstrous and deadly Heresies. And it is very worthy Observation, that the Year in which the Tribunal of the holy Inquisition against heretical Pravity was brought into *Portugal*, the Kingdom laboured under the most dreadful Barrenness and Famine. But when the Tribunal was once erected, the following Year was remarkable for an incredible Plenty, commonly called the Year of *St. Blase*, because, before his Festival, which was on the third of the Nones of *February*, the Seed could not be sown in the Ground for want of Rain, whereas afterwards Provision was so very cheap, that a Bushel of Corn sold for Two-pence.”

By what Means King *John III.* brought this Tribunal into *Portugal*, he nowhere tells us. Only he gives us a Bull of *Paul III.* beginning, *Ilius vices in terris*. By which he approves of the Absolution and Indulgencies granted by his Predecessor *Clement VII.* to such as were already converted, in order to draw over the Hereticks and Unbelievers of the Kingdoms of *Portugal* and *Algarve*, to the true Faith. In this Bull it is related, that *Clement VII.* deputed *Didacus de Silva*, a Minim Friar, Professor of *St. Francis de Paula*, to be his and the Apostolick Sees Commissary, and Inquisitor over the new Christians, returning to the *Jewish* Rites they had forsaken, and all others embracing Errors and Heresies, in the Kingdom and Dominions aforesaid, with full Power to make Inquisition against all who were guilty, or suspected of these Crimes, and to imprison, correct and punish them; and that afterwards, for certain reasonable Causes, he suspends, by other Letters, during his Pleasure, the aforesaid, and all other his Letters whatsoever, and all Faculties and Commissions granted in the Premises by the said Letters, to the said *Didacus*, and all Ordinaries of Places whatsoever, and by Friar *Mark* Bishop of *Senogaglia*, Nuncio of the Apostolick See to the King of *Portugal*, acquaints *Didacus* and the aforesaid Ordinaries, and the other Inquisitors in those Parts, of these last Letters. Afterwards there is a long Detail of the Favours granted by *Clement VII.* his Predecessor, to the new Converts, or the Descendants of the *Jewish* Converts, all which he approves and confirms, decreeing that all such Persons, though imprisoned, and their Crimes notoriously proved in their Trials, and they themselves condemned as Hereticks, shall be forgiven all the Punishments they were condemned to as such before the Date of the said Letters; that they shall not be obliged to confess, abjure or renounce; that they shall be freed from their Goals, Banishments and Banns; that they shall enjoy all Privileges and Favours, which are enjoyed by any other of the Faithful of Christ, their Children, and Grand-children, and that they shall not be under any Mark of Incapacity and Infamy; he makes void, cancels,

blots out, and annuls all Proceffes and Sentences pronounced againſt them, and other Tranſactions, though after the Date of the foreſaid Letters; he reſtores to them and their Heirs all their confiscated Effects, if not already brought into the Treafury; orders that no Inquiſition ſhall be made concerning any Crimes favouring of Hereſy, Apoſtacy and Blaſphemy committed by them any Ways, even to the Day of the Date of theſe preſent; that they ſhall not be accuſed of them, or moleſted for them, and that no Prejudice ſhall accrue to them or their Children upon account of them; that they ſhall not be looked on as reconciled and abſolved, and of Conſequence not be accounted as relapſed, if they ſhall afterwards fall into any of the aforeſaid Errors. It is his Pleaſure however that ſuch as are in Priſon, or out on Bail, who have been condemned or convicted of Hereſy, or Apoſtacy from the Faith, or Blaſphemy favouring of Hereſy, or have made their Confefſion, ſhall be obliged publickly to abjure them, before ſome proper Perſon choſen by them; and that having made ſuch Abjuration, they ſhall be releaſed without any publick Penance enjoyn'd them, according to the Form of the aforeſaid Letters, duly ſealed. Dated at *Rome*, *Octob.* 12, 1535. This Decree abundantly ſhews, that the Inquiſition was brought into *Portugal* before this Year, and that the Courſe of it had been for ſome time ſuſpended. But we cannot gather from it, when and by what Means it was firſt introduced, and what was the Cauſe of its Suſpenſion. This we muſt learn from other Authors.

Lewis Paramus relates, whom many others follow, “ That one *Sabavedra* of *De Orig. Corduba* (*Mendoza* calls him *John Perez de Sabavedra*, by which Name *Inquiſ. lib. 2. tit. 2. cap. 15. num. 6.*) a Forger of Apoſtolic Writings, Briefs or Letters, appointed himſelf Cardinal Legate, *A. D.* 1539. by forged Letters or Bulls, and declared that he was ſent by the chief Pontiff to erect the ſacred Tribunal of the Inquiſition in this Kingdom, which, ſays *Paramus*, the Kings of *Portugal* refuſed to receive. But that afterwards conſidering the great Advantage that would ariſe from the Appointment of the aforeſaid *Sabavedra*, they demanded it from the Pope. *Mendoza* differs ſomewhat from *Paramus*, and atteſts that Cardinal *Taveira*, *An.* 1539. perſuaded the moſt ſerene King of *Portugal* *John III.* to erect the ſacred Tribunal of the Inquiſition in his Kingdoms, after the Model of that in the Kingdom of *Caſtile*, which, as he ſays, the aforenamed King endeavoured to obtain, *An.* 1535. However both theſe Authors agree in this, that *Sabavedra* erected the Tribunal of the Inquiſition in *Portugal*, and was Inquiſitor General there ſix Months, and that at laſt he was diſcovered and racked in *Caſtile*, and condemned to the Gallies. *Paramus* alſo adds, that *Sabavedra* left this Account of himſelf, written by his own Hand.” This ſhort Account is taken from the larger one of *Paramus*, by *Anthony de Souſa*, a Predicant, Maſter of Divinity, Counſellor of the King, and of the ſupream Tribunal of the holy Inquiſition, in his *History of the Portugal Inquiſition* prefixed to his Aphoriſms of the Inquiſitors, where he endeavours to refute the Account of

The HISTORY of the INQUISITION.

Paramus, and gives this different one himself of the Original of the Inquisition in *Portugal*.

The *Jews*, as we have before observed from *Bzovius*, were admitted by *John II. King of Portugal*, under certain Conditions, into his Dominion. “ *Emanuel* succeeded King *John II.* who in the Year of our Lord 1497. commanded
 “ by a publick Edict, all the *Jews* to depart out of the Kingdoms of *Portugal*,
 “ under the Penalty of forfeiting their Liberty, as his Predecessor had before
 “ him; and although they incurred the Penalty, yet such was the King’s
 “ Clemency, that it was not inflicted. Many of them indeed departed; but
 “ others, either dreading the bad Treatment they apprehended they should receive from the Officers, Mariners, and others, who were to transport them in
 “ their Ships, or else hoping to receive great Advantage from the Fruitfulness of the Country where they dwelt, desired to become Christians, but
 “ upon this Condition; That they should not be liable to any Inquisition
 “ concerning the Faith, till after twenty Years: And upon this Condition
 “ they were baptized. But as these *Jews* did not profess the Catholick Faith
 “ truly and heartily, but feignedly and externally, they remained as much
 “ *Jews* as they were before; and so much the more dangerous, because concealed. Thus they brought up their Children in their old Errors of Judaismism, as daily Experience demonstrates they do, many of them, to this
 “ Day.

“ King *Emanuel* was succeeded by *John III. An. 1521.* who observing that
 “ Judaismism spread greatly in his Time; that the *Jews* publickly professed their
 “ Errors, and taught them others; that his domestick Servants, not only such
 “ as proceeded from them, but those who were ancient Christians, were infected with the Poison of their Doctrine, contemned the Sacraments of the
 “ Church, did not receive them in the Article of Death, treated with great
 “ Irreverence holy Images, and especially some of the Virgin Mother of God,
 “ the Lady of Angels (they are the Words of *Soufa*) considering these Things
 “ in his Mind, he desired of Pope *Clement VII.* the holy Tribunal of the Inquisition in his Kingdom. And although this Pope, for a long while, and
 “ oftentimes refused it, through the vigorous Endeavours of the *Jews*, who
 “ to their utmost opposed the royal Petition (for the *Jews* always hated this
 “ holy Tribunal, as others do to this Day, for what Reason they best know)
 “ yet at length, with Difficulty he granted it in Form of Law, *Jan. Cal. 16,*
 “ 1531.

“ Immediately after this Grant, *An. 1533.* they obtained from the same
 “ *Clement VII.* a general Forgiveness of all Crimes committed against the
 “ Catholick Faith, which however had not then its Effect. But when *Clement*
 “ was dead, they obtained in the Year 1534. from *Paul III.* his Successor,
 “ by their importunate Prayers, continu’d Negotiations, and the Help
 “ of those, who by their strenuous Solicitations with the upright Pontiff,
 “ were best able to assist and defend them; that the Inquisitors of *Portugal*
 “ should be suspended, as to the Form they had made Use of to that Time;
 “ and in the Year following, 1535. they procured the general Indulgence,
 “ which

“ which had been granted before by *Clement*, the same that we have related before from *Bzovius*. But the Effect of this was, that this Indulgence did not lead them to an Amendment of their Crimes; but as the Event proved, was abused to a greater Indulgence of the Jewish Superstitions; so that Judaism spread more and more, as the Pope himself declared in his Letters, dated *July 15, 1547*. in which he revoked, by Reason of their Perverseness, several Privileges that he had granted them.

“ In the mean while King *John III.* perceiv'd that the Faith was more and more endangered, and as the Pope seemed to be negligent in the Affair, he applied the Remedy of the Inquisition in the Manner as then appeared most suitable to the Case; and sent Letters to the said Pope, worthy of the holy Zeal which inflamed him; in which he acquainted him, That he had, with the greatest Earnestness, solicited this Matter for fifteen Years, before his Predecessor *Clement VII.* and himself. With these Letters, and the Reasons contained in them, the Pontiff was prevailed with, and granted the Inquisition, *A. D. 1536*. From this Time the sacred Tribunal of the Inquisition, and the Office of Inquisitor General hath been transmitted down, even to our own Times, in this Kingdom, by an uninterrupted Succession.”

And the more to confirm this Account, he gives us a List of the Inquisitors General in the Kingdom of *Portugal*, of which the first was Friar *Didacus de Sylva*, Bishop of *Ceuta*, and Confessor to King *John III.* whether of the Order of Minims of *St. Francis de Paola*, or of the Minors of *St. Francis of Assise*, Writers do not agree, even to the Eleventh, now nominated by the Catholick King, and to be confirmed by *Urban VIII.* to which he subjoins a List of the Deputies or Counsellors of the supreme general Inquisition, created by the several Inquisitors General. After this follow the Accounts of the Tribunals of the Inquisition, erected in the several Cities of the Kingdom of *Portugal*, and of the Names of the Inquisitors appointed for the several Tribunals. The Inquisition at *Evora* was erected by *Didacus de Sylva*, first Inquisitor General, *A. D. 1537*. of which the first Inquisitor was *John de Mello*, Doctor of the Papal Law, and afterwards Bishop of *Algarva*, and at last Archbishop of *Evora*, appointed by *Didacus*, the former Year one of the four Counsellors of the supreme general Inquisition. The *Lisbon* Inquisition was erected by Cardinal *Henry*, second Inquisitor General, *A. D. 1539*. over which he appointed for first Inquisitor, *John de Mello*, who had been made first Inquisitor at *Evora*, by *Didacus de Sylva*. The same Cardinal also fixed the Inquisition at *Coimbra*, *An. 1541*. and placed in it two Commissary Inquisitors, *viz.* Friar *Bernard* of the Cross, a Predicant, Bishop of *St. Thomas*, and Rector of the University of *Coimbra*, and *Gomezius Alphonsus*, Batchelor of the Canon Law, and Prior of the collegiate Church of *Aveiro*. — And finally the Inquisition was set up at *Goa*, in the *Indies*. *Francis Xaverius*, signified by Letters to King *John III.* *November 10, 1545*. “ That the Jewish Wickèdness spread every Day more and more in the Parts of the *East Indies*, subject to the Kingdom of *Portugal*; and therefore he earnestly besought the said King

“ that

“ that to cure so great an Evil he would take Care to send the Office of
 “ the Inquisition into those Countries. Upon this Cardinal *Henry*, then In-
 “ quisitor General in the Kingdom of *Portugal*, erected the Tribunal of the
 “ holy Inquisition in the City of *Goa*, the *Metropolis* of that Province, and
 “ sent into those Parts Inquisitors, Officials, and other necessary Ministers,
 “ who should take diligent Care of the Affairs of the Faith. The first In-
 “ quisitor was *Alexius Diaz Falcano*, sent by Cardinal *Henry*, March 15. A.
 “ 1560. who came to *Goa* the End of that Year, and began to execute the
 “ Office of Inquisitor*.

After having at large related these Things, *Sousa* thus concludes, “ From
 “ these Things, and from the Apostolick Bulls, of which the Originals are
 “ preserved in the royal Archives, and in the Rolls of the holy Inquisition ; as
 “ also from the Books of the particular Inquisitors of this Kingdom, ’tis evident,
 “ that the above mentioned Authors are mistaken in their Account, that *Sa-
 “ bavedra* erected the holy Tribunal of the Inquisition in *Portugal*, or was the
 “ Cause of its Erection. For before this the first Apostolick Brief for its
 “ Institution was publish’d, 1531. and the second, A. 1536. whereas *Sa-
 “ bavedra*, according to those Authors, was not till three Years after, viz.
 “ A. 1539. which *Paramus* ought to have observed.” But *Paramus* also farther
 affirms, That before the Year 1539. the Inquisition was in *Portugal*,
 and tells us, that the same *Didacus de Sylva* was Inquisitor ; and that this In-
 quisation was no better than an Image of the genuine Inquisition ; and that the
 Inquisition, after the Manner of *Spain*, was brought in by the Fraud of *Sa-
 bavedra*. *Sousa* adds also other very probable Arguments to shew the Relati-
 on of *Paramus* to be contradictory, and ends his Account with this ; “ That
 “ ’tis not to be believ’d, that an Impostor, pretending to the Authority of a

* [*John Peter Maffei*, Hist. Indic. l. 16. p. 758, 759. gives a more distinct Account of the
 Original of the Inquisition at *Goa*. About the same Time there was an horrible Wickedness com-
 mitted at *Lerinum*. In the principal Church of that City, there was put up a Chest, to receive
 the Charity of pious Persons : They who had the Keeping of it, found in it some vile Papers, con-
 taining horrible Curfes and Reproaches against Christ, the Author of the Salvation of Mankind.
 Besides, *Consalvus Sylveria*, a Jesuit, a Man noble by his Birth, but much nobler for his Virtue
 and Learning, who then preached in the same City, and afterwards was slain for the Cause of
 Christ, at *Monomotapa* in *Æthiopia*, was reviled. This most impious, wicked and audacious
 Crime was suspected by many plain Tokens, to be committed by the false Brethren of the Circum-
 cision, of which Dregs several from *Europe* were by Stealth admitted for Money, by the Wardens
 of the Ports, or Masters of Ships, and brought into the *Indies*, under the Disguise of Mer-
 chants. There they conspired the Prejudice and Destruction of the Christian Name, with the
Egyptians who were generally *Jews*, and of whom there was a great Number in those Places,
 and with Persons of other Nations and Sects. Upon this Occasion the King began to introduce
 the sacred Inquisition into those Countries, which is there exercised to this Day at *Goa*, by proper
 and approved Persons, skilful in the Divine Law, to the great Advantage of the Christian Reli-
 gion. All these Things are taken Word for Word out of *Maffei*, by *Paramus*, l. 2. t. 2.
 c. xviii.]

This Insertion the learned Author ordered to be added, p. 89. but as he forgot to mark the Word
 after which it should be put, I have added it, I think, in the proper Place, and in a marginal Note,
 that I might not spoil his Connection.

“ Cardinal, and Legate a Latere sent to erect the Inquisition, could stay six
 “ Months in this Kingdom, without being discovered. For at that Time
 “ the Ambassadors of King *John III.* were at the Court of *Rome* to solicit
 “ the Affair of the Inquisition, to whom the King would undoubtedly have
 “ signified the Coming of such a Nuncio, and they would have certified him
 “ of the Truth of it, as they had six Months to do it in, which yet was ne-
 “ ver done. At the same time he wonders, as he well may do, at *Paramus*,
 “ that he did not more accurately trace out the Original of that Inquisition,
 “ of which he intended to treat, even though he himself is a Minister in
 “ it to this Day, and must know the Ministers of that Time, because there
 “ could be no Difficulty in looking over the Bulls of its Institution or
 “ Foundation, in which we have an Account of it to the present Time in
 “ a continued Series without any Intermision.”

He thinks *Paramus* was a little too credulous, because, though he confesses,
 “ That *Sabavedra* was a wicked Man, accustomed to Frauds, and a Cheat, and
 “ that such an Event seems very improbable, and contrary to his Understand-
 “ ing; yet nevertheless believes that it happened just as he relates it, and thinks
 “ it absolutely certain, upon the sole Authority of *Sabavedra*, who thus wrote
 “ concerning himself:” And he therefore thus refutes *Paramus*, who could
 not persuade himself to think that *Sabavedra* would dare to fasten such a Crime
 upon himself. “ As though a Knave, a Cheat, and an infamous Fellow,
 “ would not think it the greatest Honour to be had in universal Remem-
 “ brance for so famous an Undertaking, or refuse to assert that this was the
 “ Cause of his Punishment and Condemnation to the Gallies, that hereby he
 “ might conceal the real Crimes that brought him to this deserved Punishment.”

After the Inquisition had been introduced into *Portugal*, three general In-
 dulgences were granted to the whole Nation of the Descendants from the *He-^{Souza, A-}*
brew Converts, in the whole Kingdom and Dominions, subject to it, and *phor. In-*
 which were published all over the Kingdom. The first was granted by *Cle-^{quis. l. 4.}*
ment VII. by a Bull expedited, *Ap. 7th. An. 1533.* which had not its Effect.
 Afterwards *Paul III.* who succeeded *Clement* in the Popedom, confirmed the
 general Indulgence which he had given, and granted it anew, *Octob. 12, 1535.*
 and afterwards, *A. D. 1536.* sent Letters to erect the holy Tribunal of the
 Inquisition, of which I have given an Extract out of *Bzovius.* The second
 was given by the same *Paul III.* *May 11, 1547.* For whereas the Inquisi-
 tors, as they say, had before proceeded with great Moderation in Favour
 of the new Converts, the Good of the Church required that they should
 proceed against Judaifers according to the Rigour of the Law. And there-
 fore the Pope reduced the Method of Process in the Inquisition, according
 to the Form of Law. But lest the new Converts and their Children should
 become subject to a rigorous Inquisition for their past Errors, he granted a
 general Pardon. This was published *June 10, 1548.* The third was granted
 by *Clement VIII.* *Aug. 23, 1604.* and published in *Portugal, Jan. 16, 1605.*
 The Causes of it, as we may gather from the Bull it self, were three. First,
 That the Inquisitors ordered the Punishments against Hereticks to be execu-
 ted

red without Remission. Secondly, Least the Descendants of the *Hebrews*, finding themselves precluded from obtaining Pardon, should grow worse, and add Sins to Sins. Thirdly, Because upon the Grant of such a general Pardon, it was undoubtedly to be hoped, that in a little while, they who had departed the Kingdom, would return to it, and retain the Catholick Worship and Faith under Obedience to King *Philip*, who, as *Sousa* says, greatly desires it, and earnestly seeks it.

He who carefully considers the Reasons of these Pardons, will easily discern, that under the Name of Pardon they introduced a greater Cruelty and Rigour. This is too evident by the second Indulgence. They wanted a more severe Inquisition against the new Christians; and therefore that they might have some Pretence for it, and do it without any Appearance of Wickedness, they abrogated the former Inquisition, that so they might introduce a new one much worse than the former. This *Sousa* very plainly intimates, who defends this Indulgence upon this Account, that *we see the Disposition of the Law is justly altered and changed, because of new Emergences that arise, and because we want a new Remedy.*

Even these Indulgences themselves, though they seem very large, yet are limited with many Restrictions. “ They are indeed granted to all the *Jewish* new Converts to the Faith, of both Sexes, in the Kingdom of *Portugal*, and Dominions thereof, and to their Children, Grandchildren, and Descendants living in the same, whither Natural or Foreigners, present or absent, and to those also who have departed out of the said Kingdoms or Dominions to other Places, even though put under the Bann. *Clem. VII. Paulus III. and Clem. VIII.* However, those who are absent, have no Benefit from these Pardons, if they have not retained the Habit and Name of Christians, but have openly apostatized from the Christian Faith. *Clem. VII. Paulus III. and Clem. VIII.*

“ All Crimes of Heresy, Apostacy from the Faith, Blasphemy, and all other Offences whatsoever, however heinous and qualified, are forgiven to the aforesaid Persons.

“ They are absolved from every Sentence of Excommunication, Suspension and Interdict, and from all other Ecclesiastical Censures, although they have been under them for 40 Years and upward, and though the Apostolick See should have been consulted upon account of them, and from those also contained in *Bulla Caneæ.*

“ They are absolved from all the aforesaid in the Civil, Criminal and Litigious Courts, and in the Court of their Conscience and Mind. But from other Crimes, not favouring of heretical Pravity, they are absolved in the Court of Conscience only.

“ They are restored to the Condition they were in, at the Time they were baptized, are freed from every Mark of Infamy, contracted by themselves or their Kindred, as though they had never departed from the Catholick Faith. They are restored also to every Dignity, Degree, Office, Benefice, or Order, in which they were before, and are moreover qualified to obtain all such Dignities. But *Clement VIII.* did not grant this Qualification.

“ All their confiscated Effects, and all the Profits arising from them are to be returned to them, though they should be in Possession of others, provided they be not brought into the Treasury.

“ All Persons in Prison, or otherwise in Custody, banished, or under the Bann, even though under Sentence for the aforesaid Crimes, are to be wholly freed from Prison, Custody, Banishment, and the Bann.

“ All Proccesses, Informations, Proofs, Cautions, Surety-ships, and Obligations, of every kind, though confirmed with an Oath, are to be made void. As also all Injunctions against them for the Crime of Heresy, Apostacy, Blasphemy, or other Things favouring of Heresy, so that they shall not hereafter in any manner be accused, or molested upon account of them: Neither shall any Proof, no, not the least, be ever after taken against them for the aforesaid Crimes.

“ No publick Penances are to be enjoined them, and they are to be freed from those already laid on you.

“ Those who are at present relapsed, and kept in Prison for the Crime of relapsing into Heresy or Apostacy, are not to be delivered over to the secular Court to be punished with Death, but to be dismissed with such Penalties as the Inquisitors shall think fit to lay on them. *Clement VIII.* granted them no such Immunity.

“ Such who shall make use of this Favour, though they relapse into Heresy or Apostacy, shall not be accounted as relapsed, unless they have judicially abjured.”

The Restrictions by which these Indulgences are circumscribed and limited, are various. “ Such who shall fall into any Heresy, or persist in their old Errors, after the Day of the Publication of this general Indulgence, shall not enjoy the Immunities granted by *Clement VII.*

“ None but such as are contrite in Heart, and after Confession in the Sacrament of Penance, are absolved by a Confessor chosen by themselves, but approved by the Ordinary, shall obtain Absolution in the Court of Conscience.

“ None shall be delivered from the Penances enjoined them by the Inquisitors, unless they have fulfilled them when out of Prison.

“ Such shall not be dispensed with for their Irregularity, who in Contempt of the Keys, have celebrated Masses, or been otherwise present at them, when they have been under Censures.

“ Those who have abjured, are bound to perform the Penances enjoined them, who, upon a previous Abjuration, have been delivered out of Prison.

“ They are not exempted from abjuring before the Inquisitors, who being in Prison, or out upon Bail, have been convicted, or confessed; nor are they freed from their Relapse, if they shall afterwards relapse into Heresy or Apostacy.

“ According to the Bull of *Clement VII.* it was necessary to obtain the Indulgence granted by the said Bull, even in the external Court, that they should

“ should confess their Crimes before the Nuncio, Inquisitors, Ministers deputed by them, or Confessor chosen by them to whom the Indulgence was granted, and that their Names and Surnames should be written in a Book. This Condition was taken away by *Paul III.* and *Clement VIII.* as to the Temporal, Criminal, Civil, and Litigious Court, by which the aforesaid Persons are exempted from Confession, Abjuration, Renouncing, Punishment, and every other Attendance whatsoever.

“ They shall not enjoy the aforesaid Immunities, who, at the Time of the Publication of these Letters, have no manner of House or Habitation in the Kingdom and Dominions of *Portugal*, and shall not return into the said Kingdom or some of its Dominions, within the Term prescribed them by these Letters.

“ The Sentences already pronounced against the aforesaid Persons, and committed to Execution, are not to be annulled.”

Besides these three, no other Indulgences have been granted to the new Christians in *Portugal*, and the *Portuguese* Divines use many Arguments to prove that no other ought hereafter to be given them, alledging, amongst

Ibid. c. 21.
n. 9.

“ other Things, “ That the chief Pontiffs and the Inquisitors General in the Kingdom of *Portugal*, have often used this Method of Cure without any Success. For from the Time of the doubled Indulgence, they are the Words of *Souza*, they were not cured by Mildness. When afterwards, from the Year 1535, to the Year 1548, some Punishments were inflicted on them, but not according to the full Rigour of the Law, their Wickedness still encreased. When after this, to the Year 1606. the Law took Force in its full Severity, there yet appeared no Sign of Repentance in them. And when again they had the Ease of a general Indulgence, and some Favours were conferred on them, their Wickedness grew to such an height, that they seemed almost incurable.”

So that since neither Mercy nor Justice hath any Effect upon them, greater Extremities must be used, and they ought to be treated according to the severe Sanctions of the sacred Canons; and because they still remain addicted to the Jewish Errors, the most terrible Punishments are to be inflicted on them. For where the Process of the Inquisition hath not been interrupted by so many Indulgences, as in Spain, Judaism is almost extinguished.

Ibid. c. 22.
n. 4, 5.

Sebastian, King of *Portugal*, upon Occasion of his unfortunaté and fatal Expedition into *Africa*, granted to the Descendants of the *Jews*, for a large Sum of Money, that their Effects should not be confiscated for ten Years, much against the Advice of his Uncle *Philip II.* King of *Spain*: This Indulgence he granted them by the Authority of *Gregory XIII.* by his Bull expedited, *Octob.* 6, 1579. But afterwards upon the Rout of the King's Army by the *Saracens*, Cardinal *Henry*, the King's great Uncle, succeeded him in the royal Dignity, who immediately, *Decem.* 19, of the same Year, recalled the said Grant, with the Pope's Consent, alledging this Reason in the Decree of Revocation, *That after the most mature Consultation of learned Men, they all agreed that he was bound to make such Revocation, because the Good of the Faith greatly required it.* After *Philip* King of *Portugal* obtained the Crown,
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the new Christians offered him a large Sum of Money, and besought him, that he would procure in their Favour a general Indulgence from the Pope. But he contemned their Prayers, though he was at that Time at War with *France* and *England*, his Divines suggesting to him, *That God was greatly offended with such Money, and that he could expect no prosperous Success from it.*

The following Years the new Christians in *Portugal* endeavoured by many Entreaties to procure the Abolition, or at least Mitigation of the Inquisition. For after that King *Alphonfus* was expelled his Kingdom, and succeeded by his Brother *Peter*, he endeavoured to gain the Affections of his Subjects by Indulgence and Kindness, the better to establish his new Power, which gave some Hopes to the new Christians of being released from the Inquisition. Upon this they deputed certain Persons, who on the 9th of *June*, *An. 1676.* presented, in the Name of the whole Nation, their humble Petition to his Highness, in which they represent to him, that they had before offered their humble Petition to him, for Leave humbly to desire of the Pope some Mitigation of the Inquisition; putting him in mind, that after mature Advice of many Divines, and Doctors of the Law, he had condescended to their Request. They add, that for this End they had sent their Ambassador extraordinary to *Rome*, and that the Office of the Inquisition, and College of Bishops, had also sent thither Deputies, who were both Inquisitors, furnished with the Letters of his Highness. But that they were certified by Letters from *Rome*, that his Ambassador had not only refused to procure them any Assistance, but joined his Endeavours with those of the Inquisitors Deputies, to prevent their Affair from being ever brought on the Carpet, because they did not care that the least Alteration should ever be made in the Laws of the Inquisition. They therefore requested from his Highness an authentick royal Instrument, to certify the Pope, and the supreme Congregation of the Inquisition at *Rome*, that it was not his Highness's Intention, that the Decision of their Cause should be suspended, but that it was his Desire that they should have Justice. The same Day also they presented an humble Petition to the King's Confessor, to beseech him, that he would dispose his Highness to grant their Request.

But as all this proved in vain, they presented an humble Petition to the Pope, *Jan. 10, 1680.* in which they acquaint him, that they were sent and deputed by the new Christians in the Kingdom of *Portugal*, and especially by those who were detained in the Prison of the Inquisition, who were about 500 in Number, of all Sexes and Conditions, some of them having been there twelve, others fourteen, and none of them less than seven Years, and almost destroyed by Nastiness and Filth. They farther relate the various Miseries of the new Christians, and how their Affair hath been prevented from being expedited by the Artifices of the Inquisitors. They therefore beseech the Pope that he would graciously regard and pity that miserable People, and renew his Commands to the Inquisitors to hasten their Affair: And the more to move him, they give him Specimens, which they affirm they can prove by proper Witnesses, by which it plainly appears that the Inqui-

ctors, notwithstanding the Pope's Prohibition, continually proceed in the Administration of their Office, and Oppression of the Miserable.

The same Year, *March 11.* they presented another humble Supplication to the Pope, in which they acquaint him, that after their having presented their former Petition, they had received Letters from *Lisbon*, by which they are informed how many Things were transacted at Court, in Favour of the Inquisitors, and such, which in the present State of Things, were greatly contrary to their Expectations. They also give a large Account of what had happen'd upon Account of the Revolution in the Kingdom; that the Papers and Writings, which they had delivered to the Pope, as also the Writings of the Courts and Halls, were in the Possession of the *Portugueze* Inquisitors, who publickly talk'd of them, and permitted every one to read them, by which they prejudiced others against them: And therefore beseech the Pope, that he would regard them, and put an End to their Miseries.

Finally, in the same Year, *August 6.* they presented a third Petition, in which they tell him, that they had humbly petitioned the Apostolick Nuncio at *Lisbon*, who had referred them to the Archbishop of that See: That in Obedience to his Rescript, they went to the Archbishop. That he had a Conference with the Inquisitor General; and that after a long Consultation nothing was concluded on. That the Archbishop indeed declared, he knew of a Remedy, and could point it out; but that he would not contend with the Inquisitor about it, till he was suspended and deposed from his Office by him, who had the legal Authority to suspend and depose him. And that therefore, since they could not find Relief from his Nuncio, they apply themselves to the Pope, and most earnestly beseech him that he would expedite their Affair.

From these Accounts 'tis plain that these Deputies had some Hopes given them of Favour; but that they were deluded with empty Words and flattering Promises: For they still groan as before, under the cruel Yoke of the Inquisition, without any Mitigation of their Punishments; and to this Day are liable to all the Penalties ordain'd against Hereticks.

C H A P. XXVI.

Of the ATTEMPT to bring the INQUISITION into the Kingdom of NAPLES.

Param.
l. 2. tit. 2.
cap. 10. **A**FTER *Ferdinand* and *Elizabeth* had brought the Inquisition into all the Kingdoms of *Spain*, they would feign have introduced it into others, that were under their Dominion. For as many of the *Jewish* Race had fled out of *Spain* for Fear of the Inquisition, into the Kingdom of *Naples*, and as that Kingdom had been again brought into Subjection to *Ferdinand*, *Didacus Deza*

Deza at that Time General Inquisitor of *Spain*, sent thither in the Year 1504. *Peter Balforatus*, Archbishop of *Messina*, with the Power of Inquisitor. *Ferdinand* gave him Letters to the Governor, Nobles, and University of *Naples*, that they should give him all Assistance and Favour. He tells them that a great Number of Hereticks, having fled from the Kingdoms of *Spain*, through Fear of the holy Office of the Inquisition, had sheltered themselves there as in a Place of Safety, who had been burn'd in Effigy because of their Absence; and that therefore, to purge that Kingdom from the Crime of Heresy, he had appointed *Peter Balforatus*, Inquisitor of heretical Pravity: He therefore commands them to receive him as such, to give him in all Things the Assistance of the secular Arm, and not to suffer him, or any of his Family to be molested. But as there arose many Difficulties and Discouragements, he could not finish his Undertaking.

In the Year 1547. *Charles V.* being Emperor, *Peter of Toledo*, Viceroy of *Naples*, endeavour'd to introduce the Inquisition there, by the Command of *Charles*. But as he apprehended this would be a difficult Thing, he put those into the publick Offices, who he thought would be most forward to promote it. After this he publickly declared, That it would greatly tend to the Establishment of Divine Worship, would be serviceable to the Commonwealth, and be highly grateful to the Emperor; if after the Example of the *Spaniards* and *Sicilians* they would receive the holy Office. But the *Neapolitans* were so moved with the Novelty of the Thing, that they publickly declared that they would rather loose their Lives than submit to the Inquisition; and cry'd out, that the Extirpation of Heresies belonged to the Pope and the Ecclesiastical Judges, and not to the Temporal Prince. When Pope *Paul III.* understood this, he declared by his Apostolick Bull, That the Inquisition against Hereticks belonged to him and his Judges, and not to any other. The King indeed would have had the Inquisition at *Naples* to be subject to the supreme Council of the *Spanish* Inquisition, as were those of *Sicily*, *Sardinia*, and the *Indies*; whereas the Court of *Rome* would have had it subject to them, because not only the Ecclesiastical but Secular Government of the Kingdom of *Naples* is under the Pope. However the Viceroy, that he might not seem to yield to popular Fury, appointed Inquisitors and Officials of the holy Office; with which the *Neapolitans* were so enraged, that on a certain Day, when two Persons were leading to Prison, and crying out they were taken up by the Inquisition, they broke into open Sedition, ran immediately to Arms, and bound themselves by mutual Oaths, infomuch that there was a Civil War, between the Citizens of *Naples*, and the *Spanish* Garrison, in which many on both Sides were slain. At length the *Spaniards*, who held the Fortresses, prevailing, and beating down their Houses with their great Guns, the Tumult was appeas'd, and the Principal were punish'd, Part with Death, and Part with Banishment. However, the Viceroy gave over the Attempt of introducing the Inquisition, not so much for Fear of a new Tumult, as at the Intercession of the Pope and Cardinals, who oppos'd the Inquisition, as not being subject to their Court. And because the *Spaniards* are determin'd to bring in
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Hist. Cor. Trid. l. 3. p. 313. Neapolitans 314. Thuan. Hist. lib. 3.

Paulus Serv. de Inquis. lib. 2. met.

the Inquisition to *Naples* subject to their supreme Council, and the Court of *Rome* is equally determined to oppose these Attempts of the *Spaniards*; hence it is that the Kingdom of *Naples* is to this Day free from this intolerable Yoke: And therefore, if any Matters of Faith are to be judged there, it is done either by the Bishop, or some other Prelate appointed by the Court of *Rome*, who nevertheless dares not begin the Affair without Leave first obtained from the Viceroy.

C H A P. XXVII.

Of the INQUISITION in SICILY, SARDINIA and MILAN.

lib. 2. t. 2.
cap. 11.
n. 8. THE Inquisition had been long before brought into *Sicily*. *Paramus* gives us a Privilege of King *Alphonfus*, in the Year 1452. in which Mention is made of Friar *Henry Lugardi*, a Predicant of *Palermo*, and Inquisitor of heretical Pravity in that Kingdom; by which he confirmed the Privilege given to him by the foresaid Inquisitor, which *Frederick* the Emperor had granted to the Inquisition in *Sicily*, at *Palermo*, in the Year 1224. By this Privilege *Frederick* is said to have ordained, That one third Part only of the confiscated Goods should be appropriated to the Treasury; a third Part reserved to the Apostolick See, and the other third, without any Contradiction, assigned to the Inquisitors, that the spiritual Husbandman may not be defrauded of his Reward, nor so wholesome an Inquisition come to nothing through want of Necessaries to support it. From whence *Paramus* infers, that the Inquisition was brought into *Sicily*, An. 1224. But this Privilege is liable to just Suspicion, unless there be an Error as to the Year. For I have shewn before, that the Inquisitors had no Tribunals granted them any where at that Time; and I shall hereafter prove, that the Distribution of the forfeited Effects into three Parts, did not take Place till several Years after. But whatever becomes of this Privilege, 'tis certain that the Inquisition was establish'd in *Sicily*, An. 1452. and whether this Privilege of *Frederick* was genuine or forged, it was confirmed by King *Alphonfus*. It was afterwards confirmed by *Ferdinand* and *Elizabeth*, An. 1477. at *Seville*, who took the Title of King and Queen of *Sicily*, though *John*, King of *Aragon*, and Father of *Ferdinand*, was yet alive. This Inquisition the Emperor *Charles V.* favoured with many Privileges; the Parents for which, *Paramus* gives us in a long Catalogue.

In the Year 1535. an Official was sent by the Inquisitors, to the Town of *St. Mark*, to apprehend certain Hereticks; but he was assaulted by *Matthew Garruba*, and a large Company with him, who killed many of his Attendants, and gave the Official himself many Wounds, and left him half dead on the Ground. The Nobles also of *Palermo*, and the other Inhabitants of the Kingdom forced the Inquisitor by Threats, to depart, and made him go on Board

a Ship that was ready to fail from the Port ; and burn'd down the Office of the Inquisition, with all the Papers in it ; so that the Inquisition was interrupted and suspended during the Space of ten whole Years. After this the Emperor, by Decree of his Council, renewed it, *An. 1543.* and ordered it to be restored to all its former Privileges, which were confirmed by *Philip II. An. 1546.* The Consequence of this was, that the Nobles, Barons, and most illustrious Persons of the Kingdom, who before hated every Thing belonging to the Inquisition, and the very Name of its Ministers, now desired to become its Officials and Familiars ; and by their own Liberality caused to be built convenient Prisons for the Guilty, which could not be done before by Reason of the small Revenues and Returns of the holy Office. When ever there are any Edicts publish'd, or Acts of Faith celebrated, they assist at them in great State, and accompany the Inquisitors in their Progress through the Isle, entertain them generously, and secure them from every Insult ; so that no Sedition of the People can possibly overthrow it. For in the Year 1562. as the Inquisitor *Horosius* was publishing an Edict of the Faith at *Palermo*, and was hinder'd by the Tumult of the People, the Sedition was easily appeas'd by the Appearance of the Nobles and Barons, who were Familiars ; so that the following Day the Edict was publish'd with universal Applause, and without the least Opposition. And when afterwards there arose some Differences between the Viceroy and secular Judges on one Hand, and the Inquisitors on the other, about their Jurisdiction, *Philip II.* with the Advice of two Counsellors of the Supreme General Council of the Inquisition, *An. 1580.* confirmed all the Prerogatives of the Inquisition ; and in the Year following decreed, that the Counsellors of the holy Office, and the Familiars thereof, should, in all Causes, Civil and Criminal, enjoy the Pre-eminences and Court of the holy Office, as Persons of the same Rank with the Pensionary Officials. After this he commanded the Viceroys, by his Royal Letters, *September 18, 1587.* that they should pay all that Honour and Observance to it, which so holy a Service was worthy of. But in the Year 1592. Count *Alva*, Viceroy of that Kingdom, declared by a publick Edict, that the Prerogatives of the Nobles, Familiars of the Court of the holy Office, were suspended ; and from thence they have had no great Affection for the Inquisition, nor any longer discharge the Function of Familiars.

The same Princes brought the Inquisition into *Majorca*, *Minorca*, and *Sardinia* ; but not without so great a Tumult of the People, as could hardly be suppressed.

In the Dutchy of *Milan*, after it had flourish'd there for many Years, *King Philip II.* by the Persuasion of *Pius IV.* would have formed it after the Model of the *Spanish* Inquisition. [During the Council of *Trent*, *Philip* mov'd *Pius IV.* that the Inquisition at *Milan* should be under the same Regulation as it was in *Spain*, and that he would place at the Head of it a *Spanish* Prelate ; alledging that in regard of the Nearness of the Places infected, it was necessary to use the most exquisite Diligence for the Service of God and the Defence of Religion. It was soon known that the

Matter had been debated in a *Consistory*; and that notwithstanding some Cardinals opposed it, the Pope seemed inclin'd to grant it, at the Instance of Cardinal *Carpi*, who assured him, that it was necessary to keep the City of *Milan* in Devotion towards the Apostolick See. This he did from a secret Hope, cherish'd by the *Spanish* Ambassador, that by this Means he would secure the Favour of the King of *Spain* to make him Pope. Hereupon the Cities of that State, sent *Sforza Marone* to his Holiness, *Cæsar Taverna*, and *Principuale Bischo* to the Catholick King, and *Sforza Brivio* to the Council of *Trent*. This last they commiſſioned to beseech the Prelates and Cardinals of those Places to have Compassion on their Country, which being already render'd miserable by excessive Impositions, would be wholly ruined by this which was worse than all the other; many Citizens already preparing to abandon their Country, well knowing that that Office did not always proceed in *Spain*, to heal the Conscience, but very often to empty the Purse; and for other secular Ends also. And if the Inquisitors, under the King's own Eyes, do so rigidly dominere over their own Countrymen, what will they not do to the Citizens of *Milan*, who are so far distant from any Remedy, and have a much less Interest in their Affections. *Brivio* also declared at *Trent*, how generally the Citizens were perplexed with this ill News, and besought the Assistance of the Prelates. This Relation gave greater Uneasiness to the Prelates, who had more to fear from the Inquisition, than it did to the Seculars. The Prelates also of *Naples* were afraid, that if this Yoke were put on the *Milaneze*, they could not keep it off from themselves, as they had done for some Years before. And therefore the Prelates of the *Milaneze* met together, and resolv'd to write Letters to the Pope, and Cardinal *Borromeo*, subscribed by them all, signifying how great a Prejudice it would be to him, to whom it belonged as Archbishop, to preside in that Office. They put the Pope in Mind, that there were not the same Causes and Respects as there were in *Spain*, to put so rigorous an Inquisition amongst them; which besides the evident Ruin it would bring on that State, would be a great Prejudice to the holy See. For that he could not refuse to establish it in *Naples* also, which would give Occasion to other Princes of *Italy* to desire it in their Dominions; and since the Jurisdiction of the Inquisition extended over the Prelates, the holy See could not expect much Obedience from them, because they would be forced to seek the Favour of secular Princes, to whom by this Means they would become subject: So that if there should be any Occasion for a new Council, the Pope would find but few of the Prelates faithful to him, and subject to his Commands. Neither ought he to believe what the *Spaniards* might possibly alledge, that the Inquisition in *Milan* should be subject to that at *Rome*, since it appears by Experience, how they proceeded in the Cause of the Archbishop of *Toledo*, always refusing to transmit the Proccesses to *Rome*, though it had been often demanded from them, as is practis'd also by the Inquisitors of the Kingdom of *Sicily*, who depend on *Spain*. The Prelates not content with these and other Reasons, alledg'd to the Pope and Cardinals, and others in whom they had any Interest at *Rome*, did farther propose, that some-

something might be inserted in the Decrees of the Council in Favour of the Bishops, either to exempt them from that Jurisdiction, or secure them; and that the Manner of forming Proccesses in that Affair might be determined, which though it could not be accomplished in the next Session, might in that immediately following. Cardinal *Morone*, at that Time President of the Council, gave them some Hopes of Satisfaction. This Accident gave the Council much Trouble, because of the great Number interested in it. In the mean while this Attempt to introduce the Inquisition was looked on with such Indignation at *Milan*, that the City broke out into an open Sedition; where the universal Cry was, that it was insufferable Tyranny to impose on a free City the Yoke of the Inquisition, which was introduced into *Spain*, to root out the *Moors*, and the wicked Nation of the *Jews*; especially since, according to the most ancient Practice of the Apostolick See, Inquisitors had been deputed into that Province. Upon this the Duke of *Seffa*, understanding what general Offence it gave, and fearing from some Reports which had been brought him, lest the Citizens of *Milan* should take Example from the *Low Countries*, who universally agreed to take up Arms to shake off the Yoke of the Inquisition, which was endeavoured to be put on them, and knowing it was not a proper Time to press this Affair; stopped the Ambassadors that had been deputed to the King, and promised that he would take Care that the Senate should have Satisfaction. And thus ended this Affair.]

C H A P. XXVIII.

The Return of the INQUISITION into Germany and France, at the Time of the REFORMATION.

WHEN *Luther* bravely attempted the Reformation of the Church, and severely censured the various and intolerable Abuses of the Church of *Rome*, persevering with great Constancy in the Work he had undertaken, in Spite of Threatnings, Anathema's, and the Papal Thunders; and whereas *Suinglius*, *Oecolampadius*, and others in *Suisserland*, and elsewhere, opposed the growing Superstition, and propagated the Reformation with great Success in many Places and Countries; the Pope, to put a Stop to the Course of their Preaching did not only continually stir up the Emperor, the Kings and Princes against *Luther*, and all who opposed the Doctrines of the Church of *Rome*, but restored also the Inquisition in many Places, which had grown into Decay in several Countries, either through the Cruelty of the Inquisitors, or the Want of Hereticks to proceed against, and commanded it to proceed with great Severity and Rigour against what they called the new Heresies. So that now the Authority of the Inquisitors was encreased in *Germany*, and many were condemned for Heresy by the Sentence of that holy Tribunal, and being delivered over to the secular Magistrate were burn'd to Death.

Bzovius,
a. 1528.
§. 41.

From Germany that bloody Tribunal was soon brought into the neighbouring Kingdom of France, where it had drop'd of it self, for want of Heresies to proceed against. *Antonius a Prato*, Presbyter Cardinal, by the Title of *St. Anastasia*, Archbishop of Sens, Primate and Chancellor of France, held a provincial Council, in February, 1528. in which, after he had condemned the Doctrine of *Luther*, *Melancton*, *Suinglius*, *Oecolampadius* and their Followers, he publish'd a general Decree, by which he declares and renews all the ancient Canons of the Lateran Council against Hereticks, their Favourers and Defenders, Persons suspect of Heresy, and relaps'd, as they are extant in the Decretals, and sometimes guards them by annexing a Punishment. He moreover ordains, *That the Suffragans, if they suspect any Places of Heresy, shall immediately go themselves, or send other fit Persons, and oblige those of the Neighbourhood, by an Oath, to discover such Hereticks, who keep unlawful Conventicles. He also strictly commands them, That they should proceed with all Diligence and Care in this Affair, and proceed summarily and openly in the Business of such heretical Pravity. And if they be remiss or negligent in purging out this Leaven, let them know that they shall incur the Punishments ordained by the Sacred General Lateran Council. Let them also tremble at the Punishments published against the Inquistors, who offend in their Office, by the Sacred Council of Vienne. Let the Suffragans also diligently observe the Constitutions of Urban V. Clement V. and Boniface VIII. He beseeches moreover the King, That he would immediately drive out all Hereticks from every Part of his Dominions. Lastly, he ordains, That the Rulers and Consuls of Cities shall take a corporal Oath, according to the Sacred General Lateran Council; that they will, according to their Office, assist, with all their Might, and lend their helping Hands, faithfully and effectually, to the Church in this Affair of Heresy, when it shall be demanded of them. And whereas the Bishops and Inquistors, whilst they proceed in this Matter, may possibly require Assistance from secular Judges under Excommunication, he declares they shall not incur Excommunication by so doing. To these Things he adds, in the Conclusion, after having recounted various Errors that had been condemn'd, an Exhortation to Christian Princes, that they should labour to extirpate Hereticks; and sets before them the Examples of *Constantine*, *Valentinian*, *Theodosius*, and others, who by their vigorous Endeavours against Hereticks, found Favour with God, and obtained immortal Honour amongst Men. And on the other hand, puts them in Mind of *Licinius*, *Julian*, *Valens*, and others, who experienced the Revenges of the Divine Anger, and received the just Rewards of their Wickedness; because, far from resisting heretical Errors, they supported and propagated them. He earnestly beseeches and exhorts in the Lord, the Christian Princes, that as they would consult their Safety, as they would preserve unurt their Rights of Sovereignty, and as they desire to preserve in Peace and Tranquility the Nations subject to them, they would powerfully defend the Catholick Faith, and endeavour to their utmost to suppress the Enemies of it. This will be easy, when the antient Edicts of Christian Princes against Hereticks, their Books and Favourers, are restored. When once these are put in Execution with an wholesome Severity, there*

will be no Remains of Hereticks, none of their Books or Writings in their Provinces. Their mischievous Sermons will then be at an End, there will be no more clandestine Conventicles, in which Hereticks are wont to introduce strange Customs, abhorrent from Christian Piety. This is what we desire with all our Soul, and ask in our constant Prayers from the Lord, hoping that a Stop will be put to these Things, whilst Christian Princes bravely suppress Hereticks, and we add our pious Labours to prevent the Wolves from destroying the Sheep committed to our Care. And thus at length the Lord will grant us that Peace and Tranquility in this Life, which is so much desired and sought after by the Faithful, and after this Life shall be at an End consummate Happiness. But inasmuch as we know, that it is not sufficient to answer these Ends, merely to exhort the Faithful, unless the Rebellious are suppressed by proper Severity, we have decreed to provide a proper Antidote for this purpose. And therefore by that Authority with which we are invested, we by these Writings put under the Sentence of Excommunication, all Persons whatsoever in our Province, who shall presume rashly to assert, teach or write such impious Tenets, as also all such who by any Means shall assist, counsel or favour them. I cannot certainly affirm whither the Inquisition, which for many Years had been dropped in France, was by Means of this Synod restored there. This is certain, that the Laws used in the Tribunal of the Inquisition were renewed by the Decree of this Synod, and that there is express Mention of the Inquisitors in it; and by other Things it appears that about this Time the Inquisition was again brought into France. For Francis I. chose Inquisitors of the Faith from the Predicant Friars. For in the Orders of that Prince, fol. 408. there is a Writ bearing Date May 30, 1536. by which he appoints Matthew Orry, D. D. a Predicant Friar, Inquisitor of the Faith. Ribadineira also relates in the Life of Ignatius Du Cange Loyola, Book II. Chap. II. and XIV. [and John Peter Maffei, in his Life in voce Inquisitione.] that about this Time he was accused before Michael Orry, a Dominican Divine, and Inquisitor of the Faith at Paris, and by him acquitted. There is also extant in the second Volume a like Writ of King Francis, fol. 247. dated April 10, 1540. by which Authority is granted to Joseph Corregie, a Doctor of the same Order, to execute the Office of Inquisitor of the Faith throughout the whole Kingdom. In the third Volume, fol. 482. there is a royal Statute, bearing Date July 23, 1543. by which Power is granted to the Ecclesiastical Judges and Inquisitors of the Faith, to make Inquisition against Lutherans and Hereticks, provided that Laicks, and such who had not received holy Orders, should be referred to the ordinary Judges. There is also another Statute of Henry II. dated at St. Germain en Laye, June 22, 1550. by which the Edict of Francis I. is recalled, and Matthew Orry, Inquisitor of the Faith, delivered from the Trouble of communicating to the supreme Courts, the Baillives and Seneschals, such Actions as he brought against Hereticks, provided he communicated them to the ordinary Diocefans or their Vicars. At the same Time that Power was confirmed to him, by which he was authorized to recover to a sound Mind, either by Instruction or Admonition, such as erred from the Faith, of grant-

granting Pardon and Mercy to the Penitent, and of punishing and correcting the Obstinate. This Statute was inserted into the Acts of Parliament, with this Condition added, That the said Inquisitors, in all privileged Cafes, should share the Process with the Royal Judges. [Father Paul, in his History of the Council of Trent, B. 5. p. 484, and 487. mentions Anthony Demobares, Inquisitor of the Faith; and p. 494. speaks of other Inquisitors in France. And Thuanus, in his History, B. 8. p. 377. says, that in the Year 1551. 19th Cal. Febr. there was a royal Law rehearsed in the Senate, concerning the Power and Office of Matthew Orry, Inquisitor of heretical Pravity.]

How long the Inquisition continued in France, and how and when it ended, I can't exactly affirm. I am apt to think, that when Liberty of Religion was granted by the Royal Edicts to Dissenters from the Church of Rome, that Tribunal immediately ceased of it self.

C H A P. XXIX.

Six CARDINALS appointed at Rome INQUISITORS Generals.

IN Italy the Pope took all possible Measures, that the Inquisition should discharge its Office with the greatest Rigour. For when, in the Year 1530. the Vicar General of the Order of preaching Friars, signified to Clement VII. that the Lutheran Heresy prevailed in Italy, to the great Detriment of the Catholic Faith, this Pope published a Bull, beginning, *Cum sicut ex relatione*. And lest this Heresy should spread like that of Arius, he commanded the Inquisitors to proceed against all, even the Regulars of every Order; but that they should absolve the Penitent, dispense with them upon account of their Irregularity; and grant Indulgences to the Cross-Bearers appointed for the Service of the holy Inquisition. He commands the Bishops, that in this Affair they should favour the Inquisition, any Thing to the contrary notwithstanding.

Ballarium

Paramus,
l. 2. c. 2.
c. 1. n. 9,
10, 11.

And that the Inquisition might proceed without any Impediment, he appointed a new Council of Cardinals Inquisitors Generals. Before this the Inquisitors were often forced to go to Rome to consult the Pope upon more difficult Affairs; and therefore lest the Office of the Inquisition should be interrupted by the Absence of the Inquisitors, Urban IV. in the Year 1263. created by a Rescript, beginning, *Cupientes*, John Caetanus Ursinus, Cardinal of St. Nicholas in carcere Tulliano, General and Protector of all the Inquisitors, that there might be no need of their going to the Pope in Matters of Difficulty, but that they might consult the Cardinal by Letters, who was himself to consult with the Pope in all Cafes of Importance. Among other Things he thus commands: *Whatever great and dangerous Impediments have arisen in the before mentioned Affair, let them be signified to our beloved Son, John, Cardinal Deacon*

of St. Nicholas in carcere Tulliano, whom we have appointed to take Care of this Matter. And as to any other Difficulties that may hereafter arise, either for want of Assistants, or from any other Cause whatsoever, you may have Recourse personally to the said Cardinal if there be Need, and safely consult him by your Letters or Messengers, that we being sufficiently instructed concerning the Premises, may provide sufficient Remedies against these Difficulties. This Cardinal, when raised to the Papacy, and called Nicholas III. honoured Cardinal Latinus Romanus, his Nephew by his Brother, brought up amongst the Friars Predicants, with the same Office of Inquisitor General. After his Death, in the Time of Celestine V. the Office was vacant, and so continued till the Papacy of Clement VI. who conferred it on William of Tholouse, Cardinal of St. Stephen in Mount Caelius. He burnt some Hereticks, and did several Things for the Inquisition. But because this Dignity was not as yet fixed to the College of Cardinals, nor another primary Inquisitor immediately created by the Pope upon the Death of the former, as the Necessities of the Church of Rome required, the Inquisitors were again involved in the same Difficulties as before; especially at the Time when the Doctrine of Luther, which had spread it self through all Germany, began to appear in Italy also. And therefore the Cardinals John Peter Caraffa, and John Alvarez Toledo, persuaded Pope Paul III. to confer the Office of Inquisitor General upon some certain Cardinals.

Upon this, in the Year 1542. Pope Paul III. by a Constitution beginning, *Licet ab initio*, deputed six Cardinals, Inquisitors General of heretical Pravity, in all Christian Nations whatsoever, as well on one Side as the other of the Alps; and gave them Authority to proceed without the Ordinaries, against all Hereticks, and suspected of Heresy, and their Accomplices and Abettors, of whatsoever State, Degree, Order, Condition and Pre-eminence, and to punish them, and confiscate their Goods: To depute a Procurator Fiscal, Notaries, and other Officials, necessary to the aforefaid Affair: To degrade and deliver over to the Secular Court by any Prelate deputed by them, the Secular and Regular Clergy in holy Orders: To curb Opposers, to call in the Assistance of the secular Arm, and to do every Thing else that should be necessary: To substitute every where Inquisitors, with the same, or a limited Power: To take Cognizance of Appeals from other Inquisitors to them: To cite, forbid, and absolve, in the Court, and out of it, simply or conditionally, from all Ecclesiastical Sentences, Censures, and Punishments, all that should appeal to them. In this Manner he ordains all Judgments to proceed, and annuls every Thing to the contrary; adding withal a penal Sanction, that if any one shall break this Decree, or presume to dare to contradict it, let him know that he shall incur the Indignation of Almighty God, and of St. Peter and Paul his Apostles.

Pius IV. afterwards enlarged the Power of these Cardinals, general Inquisitors of heretical Pravity. For in the Year 1564. April, 1d. 7. by a Constitution which begins, *Romanus Pontifex*, he gave them Authority to proceed in a certain Form, against all manner of Persons, whither Bishops, Arch-

Bullar.
Bzovius,
a. 1442.

§. 7.

Bullar.
Bzovius,
a. 1564.
§. 15.

Archbishops, Patriarchs, or Cardinals, that were Hereticks, their Abettors, and suspected of Heresy, and of referring it to the Pope in a secret Consistory, in order to his pronouncing Sentence. In this manner he ordains Judgment to proceed, annuls every Thing to the contrary, and adds the ordinary penal Sanction.

Agreeable hereto in the Year 1563. the Pope commanded the Cardinals Inquisitors General to proceed at *Rome* against *Odettus*. [*Coligni* Cardinal de *Cbastillon*, *St. Main* Archbishop of *Aix*, *John de Muntluc* Bishop of *Valence*, *John Anthony Caracciolus* Bishop of *Troyes*, *John Barbançon* Bishop of *Apam*, and *Charles Gilaz* Bishop of *Cbartres*;] and at length, in a private Consistory, he pronounced Sentence upon each of them, by which he pronounces, judges and declares them to be Hereticks, Schismaticks, Blaphemers, degraded from all Honour and Profit of the Cardinalate, Archiepiscopal, or Episcopal Power, and Privilege of the Clergy, from the Day of their having committed their Crimes; deprived, and for ever incapable of all Offices, Honours, Dignities and Prelatures, and decrees that they shall be lawfully punished as Hereticks, and as unfruitful Branches cut off from the Church, and orders the Faithful of Christ to apprehend and detain their Persons, and deliver them over to the Ministers of Justice, in order to their suffering the deserved Punishments. [But the *French* King did not acquiesce in that Sentence. Before the pronouncing of it, the Cardinal of *Lorain* advertised the Pope, that the *Maxims* which prevailed in *France*, were very different from those amongst the *Romans*. That in this Kingdom it was very ill taken, that the Causes of the Bishops should, in the first Instance, be judged of at *Rome*. But when the Pope notwithstanding pronounced Sentence, the King commanded his Ambassador *Henry Clutin Orifelle*, that he should put the Pope in mind of former Examples, and of the Liberties and Immunities of the *Gallican* Church, and of the Authority of the King in Ecclesiastical Causes, and desire him, that at present he would not be the Author of so many Novelties. *Orifelle* executed his Commission with Diligence and Vigour, and after many Treaties with the Pontiff about it, obtained that the Affair of the Bishops should be dropped.]

Pius V. that there might be an universal Obedience paid to the Decrees of the Cardinals Inquisitors General, and that none might be able to withdraw from their Authority, commanded the Princes, Judges, and Ministers of Justice, that they should submit to and obey the Commands of these Cardinals in Matters relating to the Office of the holy Inquisition, in a Constitution put forth, *Ann.* 1566. which, as being short, I shall give entire.

Bullar.

Our most holy Lord, *Pius V.* by the Divine Providence, Pope, hath appointed, decreed, ordained and commanded, that Matters of Faith be preferred to all other Things whatsoever, since Faith is the Substance and Foundation of the Christian Religion; and therefore, that all and every Person of this noble City, and its District, the Governor, Senator, Vicar, and Auditor of the Apostolick Chamber, and all Legates, Vice-Legates, Governors of Provinces and Countries, mediately and

immediately subject to his Holiness, and the holy Roman Church, and their Deputies, the Officials, Barisells*, and other Officers in those Places, and also all other Ordinaries of Places, and other Magistrates and Officials, and all Persons of whatsoever State and Condition in all and singular Countries, Towns and Cities throughout the whole Christian Commonwealth, do submit to and obey the said Cardinals Inquisitors, and their Orders and Commands in all Things concerning the holy Office of the Inquisition, under the Penalty of Excommunication, and the Displeasure of his Holiness, and of such other Punishments as shall be inflicted and executed at the Pleasure of his Holiness, and the most Illustrious and most Reverend Lords the Cardinals Inquisitors General.

He beseeches also in the Name of God, That the Kings, Dukes, Earls, Barons, and all other secular Princes, would favour the said Cardinals Inquisitors and their Officials, and afford them their Assistance, and cause the several Magistrates subject to them, to aid them in all Things concerning the said Office: And that they would without Delay, send all Persons imprisoned for any Crimes, or heinous Offences, if they should be accused before the said Office of the Inquisition, to the same Cardinals and Prisons of the Inquisition, suspending all Process for other lesser Crimes, that they might be kept therein, till through Cognisance and Trial should be made of the Crime of Heresy; and after this to remit them to the civil Officers, to proceed against them for other Faults.

Supported by these Constitutions and Papal Decrees, the Cardinals Inquisitors extended their Power more and more. *Paulus Servita*, in his Time, Hist. Inq. cap. 3. complains, that whereas formerly the Pope sent his Inquisitors to the Princes with Apostolick Briefs, requiring them to protect and defend them by their Favour, as is even yet done in the Confirmation of a new Bishop; yet that now the Council of the Inquisition at Rome gave their Inquisitors such Orders, as tho' they sent them into their own Dominions and Territories, and will not suffer any Contradiction to their Commands.

At length *Sixtus V. An. 1588.* by a Constitution beginning, *Immensa Æterni Dei, &c.* appointed 15 Congregations of the Cardinals of the holy Roman Church, and assigned to each of them their proper Business. He approves the first Congregation held in the City for Inquisition of heretical Pravity, and confirms their Authority over all Prelates and Inquisitors, in Matters of Heresy, whether manifest or suspect, and the Privileges of their Ministers, and exhorts the Princes to support it, but so, that no Innovation should be introduced into the Office of the Inquisition, erected in the Kingdom of Spain, without consulting the Pope.

To these Cardinals Inquisitors General were added, for the quicker Dispatch Carena. and Determination of criminal Causes, a Commissary General of the holy p. 1. t. 2. §. 4, 5, 6, 7.

* *Bariselli*. I cannot find any particular Account of these Officers. *Barisa* is genus poculi, a sort of a Cup; and *Barillagium* is the Tribute paid for Wine Vessels; and *Bavillarius* is that Officer who had the Care of the Royal Wines. Whither the *Bariselli* might not be some Officers to receive the Customs, or rather some Officers who had the Care of the Royal Provision, I am not able to determine.

Office, who is always a *Dominican*, and an Assessor General. [Besides these there is present the Master of the sacred Palace, who also always used to be of the *Dominican* Order. But because his Power is very large, especially in the Prohibition of Books, it is worth while to describe that Office a little more distinctly. The Master therefore of the sacred Palace, when there is a Consistory, ordinarily reads in the Pope's Palace something in Divinity.

Des Loix
Ante Spec.
Dug. c. 253.

They say this Office was appointed by the Pope at the Advice of *Dominick*. For seeing daily, that when the Cardinals were engaged with the Pope, their Clergy and Attendance spent their Time in idle Walks and Trifles, he went to the Pope, and said, It was a Shame that those Ministers, who professed all Virtue, should do such scandalous Things, and defile those holy Walls with the most unbecoming Scurrilities. That he thought it would be very useful, that whilst the Cardinals were attending him upon the Affairs of the universal Church, some learned Man should publicly interpret certain Places of the sacred Scripture. *Honorius* was pleased with the Motion, and appointed *Dominick* himself to the Office, who had advised it. So that *Dominick* himself was the first Master of the holy Palace, and it was appointed that some Body should be always chosen to that Office out of the Predicant Order, and called Master of the sacred Palace; and he hath these Prerogatives. *First*, That he always dwells in the very Apostolick Palace, with his Attendance and Household, and hath a Salary for his Support assigned him by the Popes. *Secondly*, He sits in the Pope's Chapel near his Holiness's Feet, and preceeds all the Divines and Masters in Place, Advice and Resolution. *Thirdly*, Without his Licence no Book can be printed at *Rome*; nor any Oration or Sermon pronounced before the Pope, without his Revising and Approbation. *Fourthly*, In all Conferences and Disputations, his Definition, Resolution and Sentence prevails, and no one can reply after him. *Lastly*, He is always present in the Congregation of the most holy Inquisition, with the Pope and Cardinals. He hath also the Title of the most Reverend, and is the first of the Predicant Order, after the Master General; and to conclude, he is chosen into the Office by the Election and Nomination of the Pope, and not by Vote.

These supreme Inquisitors have also an Advocate Fiscal, several Counsellors, Prelates and Regulars, *viz.* the General of the *Dominican* Order, and the Assistant of the Commissary of the holy Office; as also one of the Religious of the *Franciscan* Order. They have also several Qualificator Divines, who qualify Propositions in any Cases that occur.] Whatever the Majority of the Cardinals decree, *Pius IV.* by a Constitution beginning, *Cum nos per nostrum, &c.* ordered should be looked on as the Decree of the whole Congregation; yea, that what the major Part of the Inquisitors present should appoint, should be esteemed as done by all, though some were absent; that by the absent Cardinals were to be understood not such as were absent from *Rome*, because it might be very difficult to know this, but such Cardinals as were absent from this Congregation.

§. 14.

These supreme Inquisitors meet twice a Week, *viz.* on *Wednesdays* formerly in the House of the oldest Cardinal supreme Inquisitor, but now in St.

St. Mary's Church, *supra Minervam*, except the Pope commands otherwise ; and on *Thursdays* in the Presence of the Pope. These Congregations are held every Week, excepting only the holy Week, which preceeds *Easter*. [How-
ever *John de Loix* relates, that there are held three Congregations of the holy Office every Week. *Speculum Inq. Biant p 92.*

The first is on *Monday*, in the House of the holy Office, in which the Commissary General of the Inquisition, who is always a Predicant, and his Attendants dwell. Here are present the Counsellors of the holy Inquisition, the Fiscal, and other Officials, where the Proccesses, Votes and Sentences of all of them are reported and registred. The Master General of the Predicants takes here the first Place, the next the Master of the holy Palace, who is always a *Dominican*, out of Respect to *St. Dominick*, the Author and first Master of this Office ; then two or three Layers, next the Vicar General of the Predicants in the Absence of the General, next the Commissary General of the holy Office, who is always a Predicant ; next the Assessor of the holy Office ; next the Procurator General of the collegiate Friars Minors ; next the Provincial Inquisitors, when they are at *Rome* ; next the Assistant of the Commissary General ; next the Abbreviator of the Proccesses ; next the Fiscal. We must remark here, that the Master General of the Predicants, and the Master of the sacred Palace, are also Counsellors to the Inquisition, for this Reason, because they are promoted to their several Offices.

The second Congregation is held on *Wednesday*, when the Cardinals meet in the House of the oldest, or the Dean of the Congregation, who have decisive Votes ; although regularly they confirm what hath been determined on *Mondays* by the Counsellors and Commissary.

The third Congregation is always held on *Thursday* in the Presence of the Pope, nor is it ever omitted, except on *Thursday* in the Festival Week of the holy Sacrament, and sometimes in the Festival of *Corpus Christi*. In this Congregation his Holiness decides or confirms the Votes of the Counsellors and Cardinals. The Cardinals only sit, all others standing. The Pope makes a Prayer when the Congregation comes in, as the oldest Cardinal doth on *Wednesdays*, and the first Counsellor on *Mondays*. The Provincial Inquisitors, who support their Authority, transmit by Letter their Difficulties to these Cardinals.]

These Things, says *Paramus*, *l. 2. t. 2. c. 1. n. 13.* were not thus ordered in the Beginning. For at the first the other Cardinals, the Pope's Vicar, and the Master of the sacred Palace, were joined with Cardinal *Caraffa*, and managed the Affairs of the Inquisition. But afterwards when *Caraffa* was elected Pope on *May*, Cal. 5. 1556. the aforesaid Congregations were held on certain Days in his Presence ; which Custom continued in the Reign of *Pius V. Gregory XIII.* and *Sixtus V.* but was disused in the Time of *Pius IV.* who being taken up with Affairs of very great Consequence, could not be present with that Congregation.

In the mean while, as the Popes were conferring all this Authority on the Inquisition, and the supreme Council of the Inquisition by their Bulls, several Books were published at *Rome* for the Instruction of the Inquisitors. *An. 1584.*

there was printed at Rome the *Formulary of the Inquisition*, and the same Year, the *Light of the Inquisition*, by Friar Bernard of Como, with Annotations, by Francis Pegna. In the Year following came out the *Directory of the Inquisitors*, by Nicholas Eymerrick of the Friars Predicants, Inquisitor General of Aragon, with the Commentaries of Pegna. To this were subjoined the Bulls and Rescripts of the Popes to the Inquisitors and others concerning Matters of Faith, by the Command of the Cardinals Inquisitors General throughout the whole Christian World.

C H A P. XXX.

Of the INQUISITION in Spain against HERETICKS.

THE Tribunal of the Inquisition in Spain, at first erected to discover Jews and Moors, now began to proceed against Hereticks, and exercised the same Cruelty against these, as they had hitherto against the others. Charles V. King of Spain, who with great Difficulty had brought the Inquisition into the *Netherlands* against the *Lutherans* and *Reformed*, recommended it to his Son Philip in his Will. We have the Clause of the Will given us by *Cæsar Carena*, from *Lewis Paramus*, in his Treatise of the Office of the most holy Inquisition, *Præ lud.* §. 62. in which the Emperor thus speaks: *Out of Regard to my Duty to Almighty God, and from my great Affection to the most serene Prince Philip II. my dearest Son, and from the strong and earnest Desire I have, that he may be safe under the Protection of Virtue, rather than the Greatness of his Riches, I charge him with the greatest Affection of Soul, that he take especial Care of all Things relating to the Honour and Glory of God, as becomes the most Catholick King, and a Prince zealous for the divine Commands; and that he be always obedient to the Commands of our holy Mother the Church. And, amongst other Things, this I principally and most ardently recommend to him, highly to honour and constantly support the Office of the holy Inquisition, as constituted by God against heretical Pravity, with its Ministers and Officials, because by this single Remedy the most grievous Offences against God can be remedied. Also I command him, that he would be careful to preserve to all Churches and ecclesiastical Persons their Immunities. And again in his Codicil to his Will he thus enjoins his Son. I ardently desire, and with the greatest possible Earnestness beseech him, and command him by his Regards to me his most affectionate Father, that in this Matter, in which the Welfare of all Spain is concerned, he be most zealously careful, to punish all infected with Heresy with the Severity due to their Crimes, and that to this Intent, he confer the greatest Honours on the Office of the holy Inquisition, by the Care of which the Catholick Faith will be increased in his Kingdoms, and the Christian Religion preserved.*

Philip gave full Proof of his Zeal to execute his Father's Commands. For
De Bel.
Bel. Dec. 1. as *Famianus Strada* testifies of him, when he was requested by many to grant
 Liberty

Liberty of Religion in the *Low Countries*, he prostrated himself before a Crucifix, and uttered these Words: *I beseech the Divine Majesty, that I may always continue in this Mind; that I may never suffer myself to be, or to be called the Lord of those any where, who deny Thee the Lord.* Nor is this any Wonder: For the Popish Divines endeavour'd to persuade the King of *Spain*, that the Inquisition was the only Security of their Kingdom. Thus *Leonardus Vellius*, a Divine of the Jesuits College at *Cremona*, testifies in his Letter to *Cæsar Carena*, prefixed to his Treatise of the Office of the most holy Inquisition, where he says: *Since the Kings of Spain came to that Government, which now almost extends over the World, we read of no Sect professing it self an Enemy to the Pope, and the Catholick Religion, which did not at the same Time declare War against them. So that the Catholick Kings, and the Catholick Religion, have one common Interest and Cause. And if Pope Paul V. used to acknowledge, that by Means of the Inquisition, the Pontiffs preserved their Triple Crown; I doubt not but that the wisest Kings have been taught by long Experience, that the Hereticks are dangerous Enemies to the Austrian Power, and are abundantly persuaded, that their Sceptre and Kingdom can only be supported by the Ministers of that sacred Office.* No one can wonder, that under this Persuasion the *Spanish* Kings have been violent Promoters of the Inquisition; and that they have inflicted the most cruel Punishments upon the miserable Hereticks. *Philip II.* not only in the *Low Countries*, Hist. Con. Triad. l. 5. p. 486. but also in *Spain*, shew'd himself the Patron of it; and that the most outrageous Cruelty was acceptable to him. He gave some horrid Specimens of it in the Year 1559. in two Cities of *Spain*, when he came thither from the *Low Countries*: "Immediately on his Arrival, as *Thuanus* relates, he began to "chastise the Sectaries. And whereas before this, one or more, just as it "happen'd, were deliver'd to the Executioner, after Condemnation for Heresy, all that were condemned throughout the whole Kingdom, were kept "against his coming, and carried together to *Seville*, and *Valladolid*, where "they were brought forth in publick Pomp to their Punishment. The first "Act of Faith was at *Seville*, the 8th of the Calends of *October*; in which "John Pontius of *Leon*, Son of *Rboderick Pontius*, Earl of *Villalon*, was led "before the others, as in Triumph, and burn'd for an obstinate heretical "Lutheran. *John Consalvus*, a Preacher, as he had been his Companion in "Life, was forced to bear him Company in his Death; after whom followed *Isabella Vænia*, *Maria Viroesia*, *Cornelia*, and *Boborquia*; a Spectacle full "of Pity and Indignation, which was encreas'd, because *Boborquia*, the "youngest of all of them, being scarce twenty, suffer'd Death with the "greatest Constancy. And because the heretical Assemblies had pray'd in "the House of *Vænia*, it was concluded in her Sentence, and order'd to be "levelled with the Ground. After these came forth *Ferdinand a Fano Jobannis*, and *Julian Ferdinand*, commonly called the *Little*, from his small Stature, and *John of Leon*, who had been a Shoemaker at *Mexico* in *New Spain*, and was afterwards admitted into the College of *St. Isadore*, in which "his Companions studied, as they boasted, the purer Doctrine privately. "Their Number was encreas'd by *Frances Chavesia*, a Nun of the Convent " of

The HISTORY of the INQUISITION.

“ of *St. Elizabeth*, who had been instructed by *John Ægidius*, a Preacher at *Seville*, and suffer'd Death with great Constancy. From the same School came out *Christopher Losada*, a Physician, and *Christopher Arellianus*, a Monk of *St. Isidore*, and *Garfias Arias*, who first kindled those Sparks of the same Religion amongst the Friars of *St. Isidore*, by his constant Admonitions and Sermons, by which the great Pile was afterwards set on Fire, and the Convent it self, and good Part of that most opulent City was almost consumed. He was a Man of uncommon Learning, but of an inconstant wavering Temper; and being exceeding subtle in disputing, he refuted the very Doctrines he had persuaded his Followers to receive, tho' he brought them into Danger on that Account from the Inquisitors. Having by these Arts expos'd many, whom he had deceived, to evident Hazard, and render'd himself guilty of the detestible Crime of breach of Faith; he was admonish'd by *John Ægidius*, *Constantine Pontius*, and *Varquius*, that he had not dealt sincerely with his Friends, and those who were in the same Sentiments with himself; to which he replied, That he foresaw, that in a little Time, they would be forc'd to behold the Bulls brought forth for a lofty Spectacle; meaning thereby the Theatre of the Inquisitors. *Constantine* answer'd, You, if it please God, shall not behold the Games from on high, but be your self amongst the Combatants. Nor was *Constantine* deceiv'd in his Prediction. For afterwards *Arias* was called on; and whether Age had made him bolder, or whether by a suddain Alteration his Timorousness changed into Courage, he severely rebuked the Assessors of the Inquisitory Tribunal, affirming they were more fit for the vile Office of Mule Keepers, than impudently to take upon themselves to judge concerning the Faith, which they were scandalously ignorant of. He farther declared, That he bitterly repented, that he had knowingly and willingly oppos'd, in their Presence, that Truth he now maintained, against the pious Defenders of it, and that from his Soul he should repent of it whilst he liv'd. So at last being led in Triumph, he was burn'd alive, and confirm'd *Constantine's* Prophecy. There remained *Ægidius* and *Constantine*, who clos'd the Scene, but Death prevented their being alive at the Shew. *Ægidius* having been design'd by the Emperor, *Philip's* Father, for Bishop of *Drossen*, upon the Fame of his Piety and Learning, being summoned, publickly recanted his Error, wrought on either by Craft, or the Persuasion of *Sotus*, a *Dominican*; and hereupon was suspended for a while from preaching, and the sacred Office, and died some Time before this Act. The Inquisitors thought he had been too gently dealt with, and therefore proceeded against his Body, and condemn'd him dead to Death, and placed his Effigies in Straw on high for a Spectacle. *Constantine*, who had been a long while the Emperor's Confessor, and had always accompanied him in his Retirement, after his Abdication from his Empire and Kingdoms, and was present with him at his Death, was brought before this Tribunal, and died a little before the Act, in a nasty Prison. But that the Theatre might not want him, his Effigies was carried about in a preaching Posture. And thus this Shew, terrible in it self, which drew Tears from most who were present; when

“ these Images were brought on the Scene, excited Laughter in many, and
 “ at length Indignation. They proceeded with the same Severity the follow-
 “ ing *October*, at *Valladolid*, against others condemned for the same Crime,
 “ where King *Philip* himself being present, twenty eight of the chief Nobility
 “ of the Country were tied to Stakes and burn’d.” *Bartholomew Caranza*,
 Archbishop of *Toledo*, was also accused; who for his Learning, Probity of
 Life, and most holy Conversation, was highly worthy of that Dignity, *Bzovius*,
 and cast into Prison, and stripp’d of all his large Revenues. His Cause was
 brought before *Pius V.* at *Rome*, and *Gregory XIII.* pronounced Sentence
 in it.

Philip, not content to exercise his Cruelty by Land, established the Inqui-
 sition also in the Ships. For in the Year 1571. a large Fleet was drawn
 together under the Command of *John of Austria*, and manned with Soldiers
 lifted out of various Nations. King *Philip*, to prevent any Corruption of the
 Faith, by such a Mixture of various Nations and Religions, after having con-
 sulted Pope *Pius V.* deputed one of the Inquisitors of *Spain*, fixed on by the In-
 quisitor General, to discharge the Office of Inquisitor; giving him Power
 to preside in all Tribunals, and to celebrate Acts of Faith, in all Places and
 Cities they failed to. This Erection of the Inquisition by Sea, *Pius V.* con-
 firmed by a Bull sent to the General Inquisitor of *Spain*, beginning, Our late
 most dear Son in Christ. *Jerome Manrique* exercised the Jurisdiction granted
 him, and held a publick Act of Faith in the City of *Messina*, in which many
 underwent divers Punishments.

He also established it beyond *Europe*, not only in the *Canary* Islands, but
 in the new World of *America*; constituting two Tribunals of it, one in the
 City of *Lima*, in the Province of *Peru*; the other in the Province and City of
Mexico. The Inquisition at *Mexico* was erected in the Year 1571. and in a
 short Space gave large Proofs of its Cruelty. *Paramus* relates, that in the
 Year 1574. the third after its Erection, the first Act of Faith was celebrated
 with a new and admirable Pomp, in the *Marquisses* Market Place, where they
 built a large Theatre, which covered almost the whole *Area* of the Market
 Place, and was close to the great Church, where were present, the Viceroy,
 the Senate, the Chapter, and the Religious. The Viceroy, the Senate, and
 a vast Number of others, went with a large Guard, in solemn Procession,
 to the Market Place, where were about eighty Penitents; and the Act last-
 ed from six in the Morning to five in the Evening. Two Hereticks, one
 an *Englishman*, the other a *Frenchman*, were released. Some for Judaising,
 some for Polygamy, and others for Sorceries, were reconciled. The Solemn-
 nity of this Act was such, that they who had seen that stately one at *Val-
 ladolid*, held in the Year 1559. declared, That this was nothing inferior to it
 in Majesty, excepting only that they wanted those royal Personages here,
 which were present there. From this Time they celebrated yearly solemn
 Acts of the Faith, where they brought *Portuguese Jews*, Persons guilty of
 incestuous and wicked Marriages, and many convicted of Sorcery and Witch-
 craft.

C H A P. XXXI.

Of the INQUISITION in the Low Countries.

THE Inquisition was introduced into the *Low Countries* in the Year 1522. and *Francis Hulstus*, and *Nicolas Egmondanus*, a *Carmelite Friar*, were appointed Inquisitors, of whom *Erasmus* thus writes to *John Carondilet*, Archbishop of *Palermo*, in the Year 1524. *And now the Sword is given to two violent Haters of good Learning, Hulstus, and Egmondanus, &c. If they have a Spite against any Man, they throw him into Prison; here the Matter is transacted between a few, and the Innocent suffers barbarous Usage, that they may not lose any Thing of their Authority; and when they find they have done entirely wrong, they cry out, We must take Care of the Faith.* In the same Year he writes to *Bilibaldus Pirckheimerus*. *There (viz. in the Country of Erasmus) reigns Egmondanus, a furious Person, armed with the Sword, who hates me twice more than he doth Luther. His Collegue is Francis Hulst, a great Enemy of Learning. They first throw Men into Prison, and then seek out for Crimes to accuse them of. These Things the Emperor is ignorant of, though it would be worth his while to know them. A great many were miserably used, and barbarously slain through their Cruelty.*

Epist. lib.
31.

Epist. lib.
30.

Wesfen-
bec. de
stat. vel.
in Belg.
p. 20.

But in the Year 1549. *Charles*, created Emperor, endeavour'd to bring the Inquisition more openly into the *Netherlands*, after the Manner of that in *Spain*, by an Edict against Heresy and Hereticks; in which he commands all who had the Administration of Justice, and their Officials, when required by the Inquisitors, and at the joint Request of the Ordinaries or Bishops, to proceed against any one in the Affair of Heresy, to give them their utmost Assistance and Countenance, and to help them in the Execution of their Office, and in apprehending and detaining those, whom they should discover to be infected with heretical Pravity, according to the Instructions which the aforesaid Inquisitors had received from him. In the Conclusion 'tis added, that they should proceed against Transgressors by Execution, whatever Privileges had been before granted contrary to this Decree. This Edict occasioned great Disturbances, especially at *Antwerp*, where when it was known for certain, and that it was soon to be publish'd, a great Number of Merchants determin'd to go into other Places. As this would occasion great Loss to the City, and ruin their Trade, the Magistrates called together the chief Merchants, and Citizens, and enquired what Loss the City had already sustained through Fear of the Inquisition, and what farther Damage it might suffer if the Inquisition should be actually introduced. This was fairly drawn out in Writing; and the Magistrates presented it to *Queen Mary*, Sister of *Charles V.* then Governess of the *Netherlands*, and largely shewed, by many Arguments taken from the Edict, the Instructions of the Inquisitors, and the Privileges of *Brabant*, how many Evils threatned the City and the whole

Country; and besought her that she would intercede with the Emperor, her Brother, that so rich and flourishing a City might not be ruin'd by the Inquisition, from which, as well as from all Ecclesiastical Jurisdiction, it had hitherto been free, and ought ever to remain so according to their Privileges. The several Orders of *Brabant* join'd themselves to the *Antwerpians*, and by their Reasons and Prayers, the Queen was so moved, that she went to her Brother at *Augsburg*, and obtain'd another Edict, allowing the Ecclesiastical Judges a Power of demanding some Person from the supreme Courts of the Emperor, to be join'd with them, when they proceeded against any one for the Crime of Heresy. As to the rest of the former Decree, there was no Abatement. It was received with great Difficulty and Reluctance, and published at *Antwerp* with this Protestation, That this Edict should derogate nothing from their Privileges and Statutes.

But notwithstanding this Declaration of the Magistrates, the Inhabitants could not be easy, such was their Dread of the Cruelty of the Inquisitors; especially because they saw, that those who were privately commissioned by the Pope and the Emperor to be Inquisitors, acted as such themselves, as well as by their Commissaries, in several Provinces and Cities. For several were condemn'd for Heresy by them, in many Cities, and either beheaded, hanged, or burn'd, or tied up in Sacks and drowned. The States, in vain, humbly besought the King to be delivered from so grievous a Bondage. He was deaf to all their Prayers, and determined to lose his Dominions, rather than suffer them to be infected with Heresy. This occasioned still greater Disturbances; and as the Cruelty of the Inquisitors every Day encreased, they broke out at length into an open Revolt. The common People threw down the Images from the Temples, and committed other Violences; on which the King, that he might have some Shew of Justice to conquer the *Low Countries*, and make Laws according to his absolute Will, demanded the Judgment of the supreme Office of the Inquisition in *Spain*, concerning these Revolters. After they had seen the several Informations and Proofs transmitted to them by the inferior Inquisitors; they declared all the Inhabitants of the *Low Countries*, those only excepted whose Names were sent to them, Hereticks and Favourers of Hereticks, and guilty of High Treason, either for what they had done, or omitted to do. The King having received this Answer, sent the Duke of *Alva*, with a great Army into the *Netherlands*; who, as he was a cruel and bloody Man, enter'd the Country with his Forces, and meeting no Resistance, acted every where with the most outrageous Fury. One might have seen throughout all their Cities, old Men and young, Women and Girls, without any Distinction of Dignity, Age or Sex, suffering by the Sword, Gallows, Fire, and other Punishments; till at length the miserable Nation, warmed with the Remembrance of their former Freedom, took Courage and Arms; and after they had recovered their Liberty, drove out the Inquisition from the whole Country.

FINIS LIBRI PRIMII.

THE
HISTORY
 OF THE
INQUISITION.

BOOK II.

CHAP. I.

Of the MINISTERS of the INQUISITION in General.

THUS far we have described the Original of the Inquisition, and its Propagation into several Kingdoms and Countries. There are three Things yet remaining to be treated of. *First*, The Ministers of the Inquisition, as well the Inquisitors themselves, as others who serve them in the holy Office, together with their Duties and Offices. *Secondly*, The Crimes subject to the Cognizance of this Tribunal; by what ways Guilt may be contracted; and what Punishments are annexed to the several Offences. *Thirdly*, What is the Manner of Process observed before the Tribunal of the Inquisition. These shall be dispatch'd in three several Books.

As to the first of these we need not repeat what hath been already said in the former Book concerning the Cardinals, Inquisitors General in all Christian Countries, and of the supreme Council of the Inquisition in the Kingdoms of *Spain* and *Portugal*. I shall speak only of the Inquisitors and those who serve them. For although the Erection of those Councils hath introduced no small Change in the Office of the Inquisition, yet it respects rather the Manner of Process, than the Officers of the Inquisition; which therefore I shall afterwards endeavour to explain according to the best Assistance I can gather from those Authors who have written of the Affair.

The Offices in the *Spanish* and *Portugal* Inquisition are somewhat different from what they were anciently, and from those of the *Italian* Inquisition to
 this

this Day. And because these two Inquisitions are now the principal and most famous ones, wherein they differ from other Inquisitions, I shall carefully describe, and give an Account of the several Offices in them, as they are delivered by the *Spanish* Doctors.

Simancas gives us this Account of the Ministers of the *Spanish* Inquisition. *De Cathol. Inst. tit. 41. §. 3.*
 “ In every Province of *Spain* there ought to be two or three Inquisitors, one Judge of the forfeited Effects, one Executor, three Notaries, two for Secrecy, and the third for Sequestrations, one Keeper of the Prison, one Messenger, one Door-keeper, and one Physician. Besides these, Assessors, skilful Counsellors, Familiars and others are necessary.” In *Italy* they call them Cross-bearers, of pretty near the same Office with the *Spanish* Familiars. Besides these, there is a Promoter Fiscal, a Receiver of the forfeited Effects; and finally, Visitors of the Inquisitors. Of these in their Order.

C H A P. II.

Of the INQUISITORS.

IN the Church of *Rome* there are two Sorts of Judges in the Affair of the Faith: The Ordinaries, such as the Pope, and Bishops of Places, who when ordained or consecrated, are believ'd to receive, by divine Right, Power and Jurisdiction over Hereticks: And Delegates, to whom the Office of judging Hereticks is particularly given by the Pope, who are called Inquisitors by the Laws. Apostolick Inquisitors are therefore Judges delegated by the Pope, who is believed to be the supreme Judge of the Faith, who grants them full Jurisdiction against all Hereticks and Apostates. And they are delegated for all Causes. *Eymeric. Direct. p. 3. q. 2.*

No one can be thus deputed to this Office who is not forty Years old. *We or- dain by the Approbation of this holy Council, that no Person under forty Years old, shall from this Time be admitted to the Office of the Inquisition. Clement, cap. Nolem. tes. de heret. p. 1. r. 5. n. 18. q. 3.* But because Knowledge and Prudence sometimes supply the Defect of Age, 'tis determined by a general Decree of the Pope, that a Person of thirty Years old may be Apostolick Inquisitor in *Spain* and *Portugal*. Even in this Age the Congregation of Cardinals created *Baptist a Martinengo*, Inquisitor at *Cremona*, who was very little above thirty. 'Tis also the Custom to chuse Inquisitors for Cities, not out of the Citizens, but from Foreigners.

These Inquisitors receive Power to execute this Office from the Pope, who sometimes immediately appoints them by Word of Mouth, sometimes by his Apostolick Letters. Thus in the Letters of *Clement*, beginning, *Licet ex omnibus mundi partibus*, written to the Inquisitors; we read, *That the Office of the Inquisition against Hereticks may be more effectually discharged, we command your*

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Discretion by our Apostolick Writings, enjoining you, by the Remission of your Sins, to execute the aforesaid Office, which we commit to you by our Apostolick Authority, in the Love of God, and without any Fears of Men, putting on the Spirit of Strength from on high. Sometimes he commits it to a Cardinal or Legate.

Heretofore the Pope ordinarily granted it to the Master, and Provincial Priors of the Predicants; to the General and Provincials of the Minorites, that they should take Care to provide Inquisitors of the Friars of their Order, for the Places assigned to them, as we find it in their Privileges, and as appears from many Rescripts of the Popes, particularly *Innocent, Clement and Alexander IV.* which begin, *Licet ex omnibus. We firmly charge and command your Discretion, by these Apostolick Writings, that with the Advice of some discreet Friars of your Order, you chuse eight of the said Order, fit for your Province, to perform this Work of the Lord; and that you strictly charge them, in Virtue of their holy Obédience, by the Apostolick Authority, that they execute the Office of the Inquisition, &c.* And they give this Reason, because they are presumed to have greater Knowledge of their own Friars, and can therefore more easily judge who are the most proper to be advanced to so high an Office. But at this Time the Apostolick Inquisitors throughout *Italy* are not chosen by the Prelates of the aforesaid Orders, but either immediately by the Pope, or by a Brief, as the Inquisitor at *Milan and Genoua* are chosen; or by Letters Patents from the Cardinals, Inquisitors General over the whole Christian World. In *Spain* the President of the Inquisition appoints the Inquisitors.

2. 9.

And as the Power of the Inquisitor depends on the Pope, so no one can be removed from this Office; but by the Pope alone, and those to whom his Holiness commits this Power. Formerly he granted the Power to the General and Provincial Masters of the Orders, as appears from these Letters of *Innocent.*

Bzovius,
a. 1245.
9. 12. 7.
10.

Innocent, Bishop, Servant of the Servants of God, to our venerable Brother John, Bishop, formerly Master of Bosino, and to our beloved Sons the Friars of the Order of Predicants, Health and Apostolick Benediction. Being continually refreshed with the sweet Savour of your Order, we deservedly bear an especial Favour towards it, with full Desire wishing its Advancement, and endeavouring with our most diligent Care to procure for it Peace and other Blessings, by which it may obtain through the Lord the desired Encrease. For this Reason we have yielded to your Request, that you, Brother John, Bishop and Master, and your Successors, the Friars of your Order, who are or shall be deputed by the Apostolick See to preach the Cross, or to inquire against heretical Pravity, or any other such Affairs, may lawfully and freely set aside, or recall, quite remove and enjoin them to forbear, and substitute others in their Room, as shall seem expedient to you, and exercise the Ecclesiastical Censure against all Contraveners. And by Authority of these present, we grant, that every Provincial Prior of the same Order may act in like Manner in his Province, as to the Friars of the said Order, to whom this Affair may happen to be committed by the same See. Dated at Lyons, June Id. 5. and third of our Pontificate.

But now the Cardinals, Inquisitors General in Christendom, remove and change, and translate them from one Place to another, as they think convenient.

The

The Popes were greatly desirous that this Office should be free from all Obstruction; and therefore, as one very obvious Difficulty might arise from the Prelates of the several Religions, if such as were created regular Inquisitors should be forced to obey their Prelates in their Office, therefore the Popes exempted them as to this Affair from their Jurisdiction, as appears from a Bull of Clement IV. beginning *Catholicæ Fidei*. *Although the Master and Minister Generals, and other Priors and Provincials, and the Keepers or Guardians of any Places of your Orders, under pretence of any Privileges or Indulgences of the same See, granted, or hereafter to be granted to the said Orders, shall enjoin, or any ways command you, or any one or more of you, to supersede this Affair for a Time, or as to any certain Articles or Persons; we strictly prohibit all and singular of you, by our Apostolick Authority, from presuming to obey, or in any manner to regard them in this Matter. For by the Tenor of these present, we recall all such Privileges and Indulgences relating to this Article, and decree that all Sentences of Excommunication, Interdict and Suspension, that may be pronounced against you, or any of you upon this Occasion, shall be altogether null and void.* So that in the Office of the Inquisition they are by no Means subject to their Superiors, but only to the Pope; insomuch that if an Inquisitor should unjustly prosecute any one for Heresy, the Person apprehended can't appeal to the Superior of that Religion, but only to the Pope. Nor is the Inquisitor in any manner bound to obey the Superior of his Religion, interrogating him on any Affairs relating to his Office, but the Pope alone, whom he immediately represents.

And least the Superiors of Orders should claim to themselves any Power over the Inquisitors, by reason of their Inquisitorial Office, Urban IV. wrote to the Inquisitors in Privilege of the Catholick Faith. *For if the aforesaid See hath sometimes committed by their Letters, under a certain Form, to some Prelates of your Order, a Power to chuse certain Friars of their Orders to exercise the Office of the Inquisition against heretical Pravity, and to remove and substitute others in their Room, as they should think convenient; as this was granted them only, because it was presumed that they had a fuller Knowledge of the Fitness of such Friars, so hereby no Faculty, Jurisdiction or Power is given them over any such Affair committed, and to be committed to you immediately by the aforesaid See.*

This is in Force only when the Inquisitors are of any particular Order, whither Predicants or Friars Minor. It is now of no Use in Spain; for, as *Simancas* tells us, 'tis found by Experience, that 'tis much more useful and proper, that the Inquisitors should be Layers, and not Divines.

In like Manner the Popes ordered, that in Favour of the Faith the Office of the Inquisitors should be perpetual, so that it was not to cease at the Death of the Pope who conferred it, although the Jurisdiction delegated to them might not have been made use of. Thus 'tis ordained by Clement IV. and is to be found in the *Sext. Decret.* *Least any Persons should be in doubt, whither the Office of the Inquisition of heretical Pravity, committed by the Apostolick See under certain Limitations to your Care, expires at the Death of the Pope who granted it, we by this present Edict declare, that the said Office shall last, in Favour of the Faith, after the Decease of him who conferred it, not only*

Eymers.
direx.
part. 3.
qu. 11.

2. 12.

T. 1. 45.
S. 3.

with

with respect to Affairs begun during the Life of the Granter, but as to those which are untouched, and not begun, and what is more, even as to such as may not arise till afterwards. For this Reason the Office of particular Inquisitors continues in Spain, after the Death of the Inquisitor General, although they should be delegated by him; and the rather, because they are chosen under this Form: 34 §. 14. *We constitute you our Vicegerents till we shall specially recall the Commission. In which Case the Jurisdiction of the delegated Judge continues after the Demise of him who deputed him. Cap. Si delegatus, de Offic. deleg. l. 6.*

This Office is accounted of so great Dignity in the Church of Rome, that the Title of *most Reverend* is given to the Inquisitors equally as to Bishops, and because they are delegated by the Pope to their Jurisdiction, they are advanced to the principal Part of the Episcopal Office, and are therefore thought to deserve the Honour of an equal Title of Dignity with the Bishops themselves. From whence also they infer, that the Inquisitors ought to take place of the Vicar General of the Bishop, not only in Causes of Herefy, but in other Acts and Causes that do not belong to the holy Office. *Caren. p. 1. tit. 5. n. 57.*

In Spain oftentimes several Inquisitors are deputed together, and whenever this happens, they take Care not to create two who are akin, in the same Province, nor suffer them to have any Official for their Servant, or of their Household. *Simanc. tit. 34. §. 21.*

§. 15. “ If any Thing hard or difficult happens in any Province, the Inquisitors must refer it to the Council.

§. 16. “ The Inquisitors sit on their Tribunal six Hours every Day, and if any Thing comes before them that belongs to the Inquisitors of another Province, they refer it to them, and the Messengers are to be paid the Expences of the Journey by the Inquisitors to whom they are sent. 4 *Instruēt. Tolet. cap. 28. & 3 Instruēt. Valdolit. cap. 9.*

§. 17. “ Farther, the Inquisitors are diligently to read those Books in which the Testimonies against Hereticks are contained, that from hence they may know the Names and Offences of the guilty Persons, and understand distinctly their several Crimes. And of this Matter the Visitors are particularly to enquire, and report it to the Inquisitor General, if the Inquisitors should happen to be negligent herein. 5 *Instruēt. Hispal. cap. 3.*

§. 18. “ The Inquisitors must take special Care to agree with and be friendly to each other. If any Difference should arise against them, they must conceal it, and refer it to the Inquisitor General, that after he understands the Matter he may compromise it, and judge between them. 1 *Instruēt. Hispal. cap. 26.*”

The Office of the Inquisition ceases upon the Inquisitors Advancement to any Dignity. If the Inquisitor, for Instance, is made a Bishop, these Dignities are incompatible, because both require personal Residence, and therefore the Office of the Inquisitor ceases. *Carena, p. 1. t. 5. n. 102.*

[If the Inquisitors are negligent or remiss in their Office, the Synod of *Sinaglia*, held *An. 1423.* hath decreed, That they shall hereby incur the Penalty of Suspension from entering into the Church for the Space of four Years. *Richer. Hist. Con. l. 3. c. 1. §. 1. p. 9.*

The

The same Synod commands, *That in Provincial or Synodical Councils, a proper Remedy shall be provided, besides the forementioned Penalty, against such negligent Persons, according to the Degree of such Fault or Negligence, all Privileges, Exemptions, Customs and Statutes whatsoever to the contrary notwithstanding.* But I am persuaded that few offend against this Decree, or incur the Penalty of Suspension by Negligence or Lenity; since all Compassion is banished from this Tribunal, and since all who are promoted to this Office of Inquisitor immediately divest themselves, I will not say of all Pity only, but even of Humanity it self.]

If the Inquisitors offend, by unjustly extorting Money, it was anciently provided, in *Clement. de hæret. cap. Nolentes.* that they should be punished by the Prelates of their Order. *Which said Prelates are bound to remove from their Offices such Inquisitors and Commissaries as are found guilty, and when removed, otherwise to punish and correct them according to their Desert.* But now as the Prelates of the several Orders neither appoint or remove Inquisitors, so neither do they punish them; but the Affair is referred to the Cardinals Inquisitors General in Christendom. In *Spain* the President of the Inquisition, whom they call Inquisitor Major, punishes the delinquent Inquisitors, which was expressly granted him by a Bull of *Leo X.* But however notwithstanding this, the Pope can, as often as he pleases, call, cite, and punish the Inquisitors of all Kingdoms at the Court of *Rome*; for he is the Judge of all, and the Inquisitors are delegated by him, and because it appertains to him to take Cognisance of their Causes, and punish their Offences. And if any others take Cognisance of these Affairs, they do it by a Power derived from the Pope, which he can resume as often as he thinks fit, and bring the whole Affair before himself.

When any Inquisitor is to be punished for his Offence, they take Care not to lessen Mens Opinion of the Dignity and Authority of the holy Office by his Condemnation or Punishment, which they say is more dangerous than to suffer an Offender to go unpunish'd; unless it be such an Offence as gives Scandal, and therefore must not be passed over with Impunity. And they alledge this Reason; That the Apostolick Inquisitors are both dreaded and hated by many, and especially by wicked Men; and therefore if they should be easily or publickly punished, the foolish and mad People would soon be drawn by their Crimes to hate and dishonour the holy Office. So that when there is a Necessity to punish the Inquisitors, it must be done with Caution, to prevent greater Inconveniences.

However, from these Laws it is very plain, that the Tribunal of the Inquisition is not so very holy and blameless, as they would have them believe in *Spain* and *Portugal*; but the Inquisitors punish innocent Men sometimes very unjustly, throwing them into Prison, and treating them in a very barbarous and unworthy Manner. Of this we have a fresh Instance in the Inquisition at *Goa*, in relation to Father *Ephraim*, a *Capucine*, whom out of mere Hatred and Revenge they seized, by Craft and Subtlety, and carried away to *Goa*, and there shut him up in the Prison of the Inquisition. The

Story:

Story is this: Father *Ephraim* having had an Invitation from some *English* Merchants, built a Church in the City of *Madrespatan*, which was near to the City of *St. Thomas*. To this Place several of the *Portuguese* came from *St. Thomas's*, to have the Benefit of *Ephraim's* Instruction. By this he incurred the Hatred of the *Portuguese*; and upon some Disturbance that was raised, Father *Ephraim* was called to *St. Thomas* to appease it, where he was seized by the Officers of the Inquisition, and carried to *Goa*, bound Hands and Feet, and at Night coming from on Board the Ship, hurried into the Prison of the Inquisition. All Men wondered that this *Capucine* should be brought Prisoner before the Tribunal of the Inquisition as an Heretick, who was known to be a Person of great Probity and Zeal for the *Roman* Religion. Many were concerned for his Delivery, and especially Friar *Zenon* of the same Order, who tried every Method to effect it. When the News of his Imprisonment came to *Europe*, Persons were very differently affected. His Brother the Lord *Chateau des Bois*, solicited the *Portugal* Ambassador at *Paris*, till he prevailed with him to send Letters to his *Portuguese* Majesty, to desire his peremptory Orders to the Inquisitors at *Goa*, to dismiss *Ephraim* from his Prison. The Pope also himself sent Letters to *Goa*, commanding him to be set free, under the Penalty of Excommunication. The King also of *Golconda*, who had a Friendship for him, because he had given him some Knowledge of the Mathematicks, commanded the City of *St. Thomas* to be besieged, and to be put to Fire and Sword, unless *Ephraim* was immediately restored to his Liberty. The Inquisitors not being able to surmount all these Difficulties, sent him Word that the Prison Gates were open, and that he might have his Liberty when he pleased. But he would not leave his Jail, till he was brought out by a solemn Procession of the Ecclesiasticks of *Goa*. And although there are many Instances of the like Injustice, yet they very seldom publickly punish'd the Injustice and Cruelty of the Inquisitors, least their Authority, which they would have always accounted sacred, should be contemned.

C H A P. III.

Of the VICARS and ASSISTANTS of the INQUISITION.

Eymer. 41. **W**HEN the Inquisition was first appointed and delegated, there were no Cardinals Inquisitors General over Christendom, whom they could consult by Letter, and from whom receive an Answer in Cases of Difficulty, after their having first advised with the Pope. And therefore particular Inquisitors were often forced to go to *Rome*, during whose Absence the Affairs of the Faith were at a stand. To prevent this Inconvenience, the Inquisitor may in such a Case appoint a Vicar General over the whole Province,

Pegna, in Eymer. p. 436.

vince, with a Power of proceeding to the definitive Sentences of the Impenitent and Relapsed. *Urban IV.* in order to remove this Difficulty, *A. D.* 1263. created by a Rescript, beginning, *Cupientes*, the Cardinal of *St. Nicholas in carcere Tulliano*, Inquisitor General, or, as it were, Protector of the Inquisitors, whom particular Inquisitors might consult, either in Person, or by proposing their Doubts to him by Letters. But now all these Inconveniences are over, since the Appointment of the Cardinals Inquisitors General over Christendom, whom they may consult by Letters, and to whom all Princes are subject in this Affair. This is plain from the Bull of *Pius V.* published 1566. In *Spain* the Inquisitors of particular Cities consult the Inquisitor General of those Kingdoms, or President of the Inquisition; and he with those of other Provinces advises with the Cardinals Inquisitors General.

'Tis however now the constant daily Practice of all Inquisitors to have their Vicars General, who, in their Absence, may manage the Affairs of the Inquisition. These are ordinarily appointed by the Inquisitors themselves; for the Inquisitor hath Power of constituting his Vicar or Commissary, by the Bull of *Clement VII.* sent to *Paulus Bugitella*, which begins, *Cum sicut*, in which we 24. 13 read: *Moreover we decree that you may have Authority to appoint your Vicars or Commissaries, Persons whom you shall judge to be circumspect, fit, and proper, provided they are full thirty Years of Age.*

This Power doth not extend only to the appointing one or two Vicars or Pegna, Com. 63 Commissaries, but several, if the Diocese or Province be large, and contains several Cities. For as the Inquisitor cannot be personally present at all of them, 'tis necessary he should appoint Commissaries in them. He must create at least in every City one, a Man prudent and learned, an old Christian, pious, and fit for Business, a religious Person of his own, or some other Order, or a secular Clergyman, *viz.* one possessed of some Preferment in the principal Church of that City, or a Canonist, whom he verily believes will take Care of the Matters of the Faith diligently, and according to the Canonical Sanctions.

This Vicar General may be constituted with such full Powers by the Inqui- Eymer. P. 3. 37 sitor, as to be able to receive Denunciations, Informations or Accusations from and against any Persons whatsoever, and of proceeding, and of citing, arresting, and putting in Irons as well the Witnesses as the Guilty, of receiving their Confessions or Depositions, and of proving them, of examining and compelling to give Evidence, and of putting to the Question and Torture to force the Truth from them, jointly with the Lord Bishop or his Vicar; as also of imprisoning them by way of Punishment rather than Safety, of calling together and advising with skilful Men at his Pleasure; and in general of doing every Thing, which the Inquisitor himself, if present, could do. Only the Inquisitor usually reserves to himself the definitive Sentence of all Impenitents and Relapsed, although he may also commit even this to his Vicar. In P. 38. the *Seville* Instruction, *A. D.* 1484. *cap.* 17. 'tis provided, *That the Inquisitors* Pegna, P. 434 *shall themselves receive and examine Witnesses, and not commit the Examination to a Notary, or any other Person; unless the Witness be so ill, as that he can't appear before the Inquisitor, and it be not reputable for the Inquisitor to go to the Wit-*

ness to receive his Deposition, or except he be otherwise hindred. In such a Case the Inquisitor may commit the Examination of the Witness to the ordinary Ecclesiastical Judge of the Place, or to some cautious and honest Person, who understands how to examine with the Notary, and who shall report the Manner in which the Witness gave his Deposition. But the Power of pronouncing definitive Sentences is very seldom given to the Commissary or Vicar, without first consulting the Inquisitor, who in Decency is bound to defend the Process of his Commissaries. He cannot however grant such Commissary a Power of substituting a Vicar for himself. Sometimes they appoint two Commissaries, who shall equally and jointly proceed against the Guilty.

The Inquisitor only can depose the Vicar thus appointed by himself, and 'tis not in the Power of the Prelates of the Religious.

Sometimes the Pope himself appoints the Commissary, so that there are two sorts of Commissaries, some appointed by the Inquisitor, others by the Pope. Their Power is unequal. The Commissary appointed by the Inquisitor, neither takes Place of the Ordinary, nor possesses all the other Privileges which the Inquisitor doth. Whereas he who is particularly appointed by the Papal Authority, is in all Things equal to the Inquisitor himself.

'Tis a Question amongst the Doctors, Whither upon the Death of the Inquisitor, the Jurisdiction of the Vicar ceases. But though this was controverted heretofore, there seems to be no Doubt remaining about it now. For the Congregation of Cardinals Inquisitors General hath decreed, that the Vicars General of the Inquisitors shall be nominated or chosen by the Inquisitors, and then confirmed by their Congregation. Whilst this Decree is in Force, the Vicars have their Jurisdiction properly from the Congregation; and therefore as Acts derive their Validity from the Person confirming them, the Jurisdiction of the Vicars shall not expire upon the Death or Removal of the Inquisitors. And thus *Carena* tells us it was observed in the City *Pavia*, in which after the two Inquisitors that were dead, the Vicars General of the holy Office managed all the Affairs of the Inquisition.

As to what regards the Vicars appointed in the several Cities, which they call Foraneous Vicars, they have seldom any Thing else granted to them, but only the Management of an offensive Process, as to which they are often to inform the Inquisitor of the Transactions in reference to it. So that they can imprison no Person, unless the Affair be first communicated to the Inquisitor, or except there be a very great and unavoidable Necessity. For Instance, if the Matter relate to a formal Heretick, and there should be Danger in a Delay, that he might endeavour to escape by Flight.

If the Inquisitor needs an Assistant in his Office, the Priors of the Orders are commanded by a Bull of *Clement IV.* beginning, *Ne Catholicæ Fidei negotium*, that to remove all Difficulty, they shall take Care to assign to the several Friars chosen for Inquisitors, their several Assistants, *viz.* Friars of their Order, careful and discreet Persons, fit for the said Business, and who are worthy to be joined with those whom they are to assist. And as often as the Inquisitors shall desire it, let them provide others of the same Order besides those

Caren.

p. 1. 7.
n. 15, 16.

p. 1. 11.
p. 5, 7.

Eymer.
p. 3. 94.
20.

those already provided. Gregory XI. by a Bull beginning, *Catholicæ Fidei negotium*, gives the Inquisitors free Power of going to the Court of Rome, and abiding there, and of taking an Assistant without the Licence of his Order, and of changing such an Assistant, and of taking another out of his Province, and of keeping him with him as often as he shall judge fit, any Prohibition of Prelates or Chapters to the contrary notwithstanding.

CHAP. IV.

Of ASSESSORS and COUNSELLORS necessary to the Office of the INQUISITION.

THE Inquisitors were originally religious Friars, skilful only in Divinity, but ignorant of the Laws. And therefore because they might be easily deceived in a judiciary Process, and so absolve such as should be condemned, and condemn such as should be absolved, they were commanded to call in skilful Persons, such as Divines, Canonists and Lawyers, to consult them, and if there was need to compel them to give their Advice in Virtue of their Obedience; as we find it, *cap. Ut commissi. §. Advocandi. de hæret. lib. 6.* That you also call in as Occasion requires, any skilful Persons to assist you, and give you proper Advice in passing such Sentences, and enjoin them by Virtue of their Obedience, that in this Matter they humbly obey you. And thus we often find it in the Book of the Tbolouse Inquisition, in the Sentences pronounced: *We the aforesaid Bishop and Inquisitor, with the Advice and Counsel of many good Men skilful as well in the Canon as Civil Law, and of many prudent religious Persons, &c.* I do not find that their Number is precisely determined by any certain Law. Carena says, that in the Congregation at Cremona, there are regularly present, four Regular Divines, four Secular Clergymen, Canonists, and four Lay Counsellors; and because the Inquisitor there is always a Master in Divinity, they don't need so many other Qualificators, as the Inquisitors of Spain do, who are Lawyers.

'Tis to be wonder'd at, that the Office of making Inquisition against Hereticks, and of judging them, should be committed to Persons entirely ignorant of the Law. But if we consider the modern Inquisitors, and compare them with the more ancient ones, and judge of their Ignorance by what we find of the Ignorance of the other, it must be owned that they know nothing either of Law, or of Divinity, or of any Theological Points. The Author of the History of the Inquisition at Goa, was in doubt, whither the Baptism of the Breath* could be reconciled with those Words of our Lord, *John iii. 5. Except a Man be born again of the Water and the Spirit, he cannot enter into the Kingdom of Heaven.* The Inquisitor who examined him as to his Faith, was astonished at the citing of this Place, and asked where the Passage was

* *Baptismus Flaminiis* is the Baptism of the Holy Ghost, founded on *Acts i. 5.* and, I suppose, so called from *Job. xx. 22. He breathed on them, and saith unto them, Receive ye the Holy Ghost.*

to be found. * He was equally ignorant of the Canon of the Council of *Trent*, about the Worship of Images. So that he concludes, that the Ignorance of the Inquisitors, in Matters of Faith, exceeds all Belief. Father *Ephraim* also affirmed, That nothing was so troublesome to him in the Prison of the Inquisition, as the Ignorance of the Inquisitor and his Assessors, when they examined him, which was so very great, as that he verily believed not one of them had ever read the holy Scriptures. And therefore as the Inquisitors are thus ignorant themselves, they greatly want the Advice, not only of Persons skilful in both Laws, or as they call them, of Canonists and Layers, but of Divines also. They are generally called Assessors and Counsellors.

They have their distinct Parts. They are not all indifferently consulted in all Affairs, but each of them as to those which they are presumed to understand. The Divines are called in to examine Propositions, and explain their Quality. The Layers are consulted about the Punishment or Absolution of Offenders, and other Merits of Causes. The Inquisitors generally consult and deliberate with these skilful Persons together, and not apart, as is provided in certain Letters of the *Spanish* Counsel.

Tit. 54. When therefore any Question happens in the Cognizance of the Causes of Heresy at the Tribunal of the Faith, relating to the Quality of Propositions, spoken by Hereticks, or Persons suspected of Heresy, the Decision of that Affair belongs to the Divines, from whence they are called *Qualificators*. *Simancas* distinctly describes to us their Office.

§. 2. “ The Answers of the Divines, containing the Quality of Propositions, are
 “ to be inserted in the Acts of the Judiciary Process, subscribed by them,
 “ equally with the Sayings and Witnesses of Persons skilful in other Mat-
 “ ters.

§. 6. “ A Proposition is either heretical, *viz.* when it is contrary to Scripture,
 “ or the Church, or the Decrees of a general Council, rightly assembled, as to
 “ Matters of Faith, or the Determination of the Apostolick See, or the com-
 “ mon Opinion of the Doctors of the Church.

“ Or it favours of Heresy, when it hath an heretical Sense in the most ob-
 “ vious Signification, and first View of the Words, although if piously under-
 “ stood, it may bear a Catholick Sense. As for Instance, this Proposition:
 “ *'Tis ridiculous to carry the Sacrament of the Eucharist in a solemn Procession thro'*
 “ *the publick Streets.* For this Proposition manifestly favours of the Heresy of
 “ the *Lutherans*, and Sacramentaries.

§. 9. “ Or it is erroneous, when any Thing is asserted against a Truth not
 “ plainly determined by the Church, or against a Catholick Verity, not

* Dr. *Geddes* gives us a worse Account of their Stupidity and Ignorance. The Writer of the *Repertorium*, printed at *Venice*, An. 1588. to shew his critical Learning, saith, the Word *Hereticus*, according to some, is compounded of *Erro* and *Recto*, because an Heretick errs from what is right. According to others, it is derived from *Erciscor*, which signifies to divide; and, according to some, it comes from *Adhæreo*, because it is one's adhering obstinately to an Error that makes him an Heretick. And with the same Stock of Learning it was that another Inquisitor proved, from *St. Paul's* Words, *Hereticum devota*, that Christians were commanded to deprive Hereticks of their Lives. *Geddes Tracts*, Vol. I. p. 425.

“ known to all, or at least not to him who pronounced the erroneous Propo-
 “ sition. But as to this Proposition the Doctors greatly differ.

“ Or it sounds ill, and offends pious Ears, viz. such as gives Scandal and §. 10, 11.
 “ Occasion of Ruin to pious Hearers or Readers. When any are offended
 “ at such Propositions, the Assertor of them is forced by the Inquisitors pub-
 “ lickly to declare their true Sense, that so the Scandal given may cease. But
 “ if such a Person be otherwise suspected, he is to be called and interrogated
 “ by the Judges; and if he gives a probable Sense of the Words, he is not
 “ to be compelled to a publick Explanation, provided no one hath been scan-
 “ dalized. He is however to be admonished not to speak such Things
 “ again for the future.

“ Or it is rash, viz. when attested without any grave Authority or just §. 12.
 “ Reason, insolently and boldly, contrary to Ecclesiastical Modesty. As if
 “ any one should say, *The Day of Judgment will be within a Month*. Some-
 “ times however such Propositions are not accounted rash, when they
 “ are modestly asserted, or have some Probability, or pious Tendency to
 “ edify the Hearers or Readers. Of this sort are many Things, which
 “ Men, given to Meditation, may probably imagine to have been done.

“ Or it is scandalous, in which the Scandal may be observed, though other- §. 13.
 “ wise not heretical. As if any one should reckon up the Inconveniences of
 “ holy Confession, or tell the Abuses of the Church of Rome before the com-
 “ mon People; or if any one should say, *That an evil Prelate is truly a Thief*
 “ *and a Robber; The Universities and Colleges are introduced by human Vanity;*
 “ *Pulse and Fish blow up the Belly, and incline Men to Venerly.*

“ Or it is schismatical, when tending to introduce Division into the Church. §. 14, &c.
 “ Or seditious, when it becomes the Cause or Occasion of Sedition in the Church.
 “ Or blasphemous, when injurious to God and his Saints. Or favouring Here-
 “ ticks, when it any ways favours the Persons or Errors of Hereticks. This
 “ for Instance, *Hereticks are not to be punished*. Or it is injurious, when it de-
 “ tracts from, or is injurious to the State of any one of the Faithful, some il-
 “ lustrious Person or Dignity. Such are those Things which mad and impious
 “ Men blab out against the Cardinals and Monks.

“ The same Proposition may also have several Qualities. It may be er- §. 12.
 “ roneous, and heretical, and schismatical, and seditious, rash, and injurious,
 “ and thus have one, two, or more Qualities.

“ Although doubtful Questions concerning the Faith, are to be determined §. 20.
 “ by the chief Pontiff or a general Council, yet as a doctrinal Matter, 'tis
 “ usual for learned and prudent Men to explain and determine what Proposi-
 “ tion hath this or the other Quality. And this properly is the Business of the
 “ Divines. However sometimes the Layers can easily determine such Mat-
 “ ters from the Decrees of the Popes, Councils and holy Fathers.

“ And whereas many who can't deny that they uttered such Propositions,
 “ yet will so endeavour to interpret them, as to prevent their being criminal,
 “ therefore there must be careful Observation made as to the Nature of such
 “ Interpretations. If they are just and probable, and do wholly, or for the
 “ most

“ most part, clear them of the Crimes objected to them, they are to be ad-
 “ mitted. But if they are absurd, incredible, or unlikely, and don’t agree
 “ with what goes before, or comes after, nor with the Nature of just speak-
 “ ing, nor with the Circumstances of Persons, Times, and Places, they are
 “ to be rejected; especially when under the Pretence of an Interpretation
 “ the true Sense of a Proposition is destroyed and corrupted.

Part 1. “ *John Royas* affirms, That the adjudging of Propositions partly be-
 9. 100, &c. “ longs to the Canonists, and gives us a short Account of the Office
 “ of the several Assessors, and in what Matters they are to be consulted.
 “ If there be a Doubt whether any Assertion be expressly condemned as he-
 “ retical, the Cognisance of it belongs to those who are skilful in the Canon
 “ Law; because Heresies condemned are to be found in the *Decretals*, the *Sex-*
 “ *tum*, the *Clementines*, *Extravagants*, and *General Councils*. But if such an Af-
 “ fertion is not expressly determined, it belongs to the Interpreters of holy
 “ Writ. But it belongs to the Divines to determine concerning the indistinctly
 “ and absolutely received Use and Manner of every Proposition, and from their
 “ Assertions in judging Causes of Faith, there must be no receding, which al-
 “ so is more fully decreed by the Counsellors of the supreme General Council
 “ of the Inquisition. But the proper Duty and Office of the Inquisitors of he-
 “ retical Pravity, is to observe the judiciary Order against Hereticks, present
 “ or absent, in their Apprehension, Accusations, Publications of Witnesses,
 “ and in their Sentences, whether definitive or interlocutory, with the Advice
 “ of such Lawyers as are called Counsellors. Of all these Things, the Pro-
 “ fessors of the sacred Writings are wholly ignorant. Under these Counsel-
 “ lers Lay Persons married, who are skilful in the Canon and Civil Law,
 “ are comprehended.” This *Carena* confirms by his own Example, who
 “ says of himself, *I who am a Judge, a Conservator of the Rights of the holy Office,*
 “ *Counsellor and Advocate Fiscal, am married.* But he thinks this is not the Manner
 “ in the Kingdom of *Portugal*, because there the Counsellors have a decisive Vote,
 “ and subscribe to the Sentences.

However, the Inquisitors are not bound necessarily to follow the Advice
 “ of the Counsellors; but after they have heard their Opinion, they are free to
 “ determine what they think proper, though contrary to, or different from
 “ the others Advice; because their Votes are not decisive, but only by way
 “ of Advice. This also is plain from hence, because, as *Camillus Campegius*
 “ says, “ It may happen, that by the Intreaties of others, they may give
 “ wrong Advice, not to say unjust. For the Love of Christ is grown so
 “ cold, that few are to be found who have God only before their Eyes, in
 “ the Advices they give. For they who defend the Guilty, do so perpetual-
 “ ly tire even the Doctors themselves with their Entreaties, that for the most
 “ Part they turn them aside from Justice. Add to this, that the Inquisitors
 “ in *Italy* are so poor, that they cannot maintain certain and fixed Counsel-
 “ lers, nor afford them even a small Salary: So that little Care is taken of the
 “ Affairs of this holy Office.”

Farther, the *Madrid Instruction*, in the Year 1561. hath determined the same. Cap. 66. *In all Cases, in which the Inquisitors and Ordinary, or any of them, differ in Opinion, either in the Determination of a Cause, or any other Act, or in an Interlocutory Sentence, the Cause must be referred to the Council. But if the Inquisitors and Ordinary agree, their Decree must be executed, though the Counsellors differ, and should be more in Number.* There is also a Letter of the Council in Possession of the Inquisitors of *Corduba*; by which it is decreed, That if the Inquisitors and Ordinary Judge do agree, their Sentence is to be preferred, although the Advice of all the Counsellors differ from it. For the Jurisdiction properly belongs to the Inquisitors and Ordinary Judge; and when they have heard the Opinion of the Learned, and thoroughly considered the Process of the Causes, and fully weighed all Circumstances, they can much better determine, and with greater Certainty. But as to the Inquisitors of *Valadolid*, unless the Majority of them agree in the same Sentence, the Cause must be referred to the Council, although the aforementioned Judges should be unanimous. In *Portugal* the Counsellors have a decisive Vote, and subscribe their Names together with the Inquisitors in the Determination of Causes, and the Sentences; and they are chosen under the same Conditions as the Inquisitors are, excepting only that of being forty Years old, which is required by the common Law.

But although this Power is granted to the Inquisitors, yet 'tis safer to follow the Advice of the Skilful. To this End they ought fully to communicate the whole Process of Criminals to them. Per cap. *Statuta*. §. *Jubemus*, lib. 6. *When the Bishop proceeds before the Inquisitors, or whether the Bishops or Inquisitors proceed, if there can be conveniently had a Number of Witnesses, let their Names be declared to certain other wise and honest Persons, whom we order to be called to this Service, and to whom the whole Process under Consideration must be seriously opened, and fully explained, and by whose Advice they must proceed to Sentence or Condemnation. And thus, notwithstanding the Names of the Witnesses be not declared to the Persons accused, let all Credit be given to the Deposition of the said Witnesses, and the Judge proceed upon such Information.* 'Tis however a received Custom amongst the Inquisitors, never to tell the Names of the Witnesses to the Counsellors. 'Tis however the Duty of the Inquisitor to remark the Qualities of the Witnesses; as whether they be religious, skilful, grave, and approved, or whether less approved, common Persons, poor, young, unskilful, and the like; that their Qualities being thus known, the Skilful may more easily understand what Credit is to be given to what they severally say, and what not. If there be Reason to fear that the Witnesses are Enemies to the Criminal, the Inquisitors may in such a Case declare the Names both of the Witnesses and Criminals; because possibly the Counsellors may know them both; and whether they are, or have been Enemies. But to prevent any rash Publication of this Matter, they may bind them by Oath, or under the Sentence of Excommunication, to keep it a Secret; because Secrecy, as they say, is the principal Nerve of the Causes of the holy Office. Cap. eod. *Mure factually to prevent any Danger to the Accusers and Witnesses, and for the more*

cautious Proceeding in the Affair of the Inquisition, by Authority of this present Constitution, we permit, That the Bishop or Inquisitors may enjoin Secrecy to those, whom they entrust with the Knowledge of such Process; and if they think fit, publish against them the Sentence of Excommunication, which they, ipso facto, incur, by discovering the Secret, if they shall reveal the Secrets of the Council, or Processes, committed to them in Secrecy, by the Bishop or Inquisitors, to any Person, without their

Carena,
p. 1. t. 8.
n. 65.

Leave. The Counsellors also generally swear that they will keep Secrecy, and not reveal the Affairs treated of in the Congregation, under the Penalty of Excommunication, to be *ipso facto* incurred, from which they cannot be absolved, but by the Cardinals, supreme Inquisitors. They likewise swear under the same Penalty, that they will not speak of, or debate, either by Word or Writing, or any other Way, of those Things which concern the Causes of the holy Office, unless it be with the Counsellors, and other Officials of the said Office. And although they should not expressly swear; yet there are many Laws that oblige them to keep it, enjoining them not to discover the Causes of Faith, because of the great Danger that may arise from it. And if they should make such Discovery, though not sworn to Secrecy, they may be punished by the Inquisitors without the usual Way of Proceeding. But if they have maliciously done it, and especially to those who may obstruct the Affair of the Faith, or otherwise hinder the Cause, they may be punished as Obstructors of the holy Office, more or less, according to the Nature of the Offence, by which the Measure of the Punishment is to be regulated.

If Bishops or Inquisitors discover the Secrets of the holy Office, they would indeed incur no Censure, but be guilty of mortal Sin; unless they also should have taken an Oath of Secrecy in the Congregation of their Counsellors, according as the Congregation of the Cardinal, supreme Inquisitors, hath decreed they ought to do. For they also take themselves the like Oath of Secrecy.

In Zanch.
cap. 15.

Camillus Campegius contends, “ That the whole entire Process, with the
“ Names and Circumstances, is not to be published to the Counsellors; because
“ they have their Factions and Passions, since they are Fellow Citizens, or
“ otherwise allied to the Criminals, their Friends and Relations, whereby
“ the Safety of the Witnesses will not be sufficiently provided for, according
“ to the Decree of the Canon. Nor doth it signify, though the Inquisitor or
“ Bishop should enjoin them to Secrecy under the Sentence of Excommuni-
“ cation, to be *ipso facto* incurred upon their disclosing the Secrets: For they
“ would think this as a very great Injury done them. Besides, this would be
“ a Snare laid for their Souls; for they would soon fall under Excommunica-
“ tion, through the importunate Instances of inquisitive Persons. Nor will
“ this derogate any Thing from the Process of the Faith, or the Deposition
“ of the Witnesses: Yea, rather the imminent Danger apprehended by the
“ Judges, is a sufficient Reason for not making a Discovery to the Counsellors,
“ any more than to the Criminals. So that ’tis safer to observe the ancient
“ Custom, and not to discover the Witnesses Names to the Counsellors. The
“ same *Campegius* says, undoubtedly, for the better keeping the Secret, that
“ there

“ there is no need of calling in many, and that a few of the better Sort is abundantly sufficient.”

’Tis enquired by the Canonists, whether the Inquisitors are obliged to call for the Vote of the Counsellors before Sentence; so that without it the Sentence shall be void. *Carena* doth not think them oblig’d to it; and says, that in the Inquisition at *Cremona*, he hath oftentimes seen Causes determined by the Bishops and Inquisitors together, without asking the Votes of the Counsellors; and adds, that they ought not so to trust to their Counsellors, as to think themselves excused from reconsidering the Process and Books, and examining the Cause; because as they are Judges, it is their Duty to examine the Merits of the Process. “ Hence it is that if the Inquisitors of heretical Pravity err in determining the Causes of the Faith, whether from their own or their Counsellors Judgment, they are worthy of Punishment, and the Votes of their Counsellors will not excuse them, because they ought to have examined whether their Advice was proper or not. But if the Question is too difficult and hard, either through the Nature of the Fact, or the various Opinions of the Doctors, the Inquisitors are in some Measure excused through their Ignorance of an obscure Law. However, the Advice of the Counsellors, though wrong, hath this wonderful Effect, that though the Inquisitors are faulty, yet their Error is not to be imputed to Corruption. But to avoid all Blame, in all difficult and doubtful Cases; such as the Seizure of noble and religious Persons, and the Release of Criminals; the Affair, with all the Merits and Votes, is to be laid before their Superiors, who are to be consulted, before it is put in Execution.” *Instruct. Granat. a. 1499. cap. 13. Instruct. Hispal. a. 1500. & Instruct. Madrid. a. 1561. c. 5. and 66.*

Although these Counsellors or Assessors of the holy Office may lawfully be chosen by the Inquisitors, and are in Fact deputed by them in several Cities, as at *Pavia*, and the other Cities of that Territory; yet at *Cremona* and *Milan*, the Counsellors, Advocate Fiscal, and Chancellor, are chosen by the Cardinals, Inquisitors General at the Nomination of the Inquisitors. So that these Counsellors depend on that Congregation, and cannot be removed but by it; because the Act is his who confirms it.

The Father and Son must not be chosen together Counsellors of the holy Office. However, the Congregation of the supreme Inquisitors General, for the Merits of *Francis Caucius* a Lawyer, deputed *John Baptist* a Lawyer, his Son, as a Counsellor of the holy Office, or rather as an Assistant to his Father, who had been a Counsellor of the said Office above thirty Years; but upon this Condition, That they should not be present together in the Congregations; because the Counsellors Votes ought to be altogether free.

The proper Place of these Congregations is the Hall of the holy Office. *Carena* says, that he heard from some worthy Persons, that there are Letters of the Inquisitors General upon this Affair, commanding that such Congregations, when held before the Bishop, shall meet in the Episcopal Palace. But when the Bishop will not, or cannot be present, they shall meet in the holy

Office ; and that the Vicar General of the Bishop must be there. And though he himself did not see those Letters, yet he says this is exactly the Method in the Inquisition at *Cremona*.

- n. 44, 45. In voting they observe this Order in the Congregation at *Rome*. The junior Counsellors vote first, that they may not be afraid to differ from the Opinion of the Elder. In the Congregation at *Cremona* 'tis quite contrary, where the more Worthy vote first.
- n. 48. The Method of voting is this : When the Merits of the Proofs are proposed, the Counsellor first examines, whether the Intention of the Fiscal is fully proved, and how. Then he considers, whether the Intention of the Fiscal is drawn from the Proofs and Exceptions of the Matter ; and after having considered these Things, he gives his Vote.

C H A P. V.

Of the PROMOTOR FISCAL.

- Simanc. tit. 53. §. 1, 2. “ **T**HEY usually call that Official of the Inquisition the Promotor Fiscal, “ who acts the Part of the Accuser. He must be an honest, diligent and industrious Person, skilful in the Law. He is prohibited from “ exercising this Fiscal Office in the Province where he was born, that he “ may not be thought to act out of Favour or Hatred.
- §. 3, &c. “ It belongs to this Office to examine the Depositions of the Witneses, to “ give Information of Criminals to the Inquisitors, or Notice of them to the “ Judges, and to demand their Apprehension and Imprisonment ; and finally, “ when apprehended and admonished to accuse them.” In the holy Office in
- Carena, p. 1. t. 9. n. 15. *Spain*, the Fiscals do not form their Accusation against the Criminal, till the Way is clear for the Inquisitors to proceed against him. “ And although “ the Criminals, upon Admonition, should confess all their Heresies, yet the “ Promotor Fiscal must accuse them of the same Things, that Judgment “ may be formed from the Accuser, Criminal and Judge. The Charge is, “ to be drawn up and presented to the Judges by the Promotor, to which he “ is to add an Oath, that none of the Heads of it proceed from a malicious “ Design ; but only that he may the better prosecute his Suit, and that he “ intends to prove them all.
- §. 7. “ If the Judges shall allow any Time to receive the Proofs, he must “ produce the Witneses against the Criminal, and demand their Examination ; and that their Depositions be allowed and published. If after this “ other Witneses shall appear to prove other Heresies, this also shall be added to the Accusation, and the Promotor Fiscal shall accuse the Criminal “ of these. He must also take particular Care to observe all the Confessions, “ Sayings and Answers, of the Criminals, that he may be able to gather what “ relates

“ relates particularly to their Case, and what to other Hereticks. And when §. 10.
 “ the Depositions of the Witnesses are written down and allow’d ; and when the
 “ Judges and Counsellors debate about the Sentence to be pass’d, the Promotor
 “ Fiscal must be absent. But he may be present when the Process of the Cause
 “ is reported, and from Fact or Law alledge what he thinks convenient.” In
 the *Cremona* Inquisition the Fiscal is not present at the Examination of the Carena,
 Witnesses, unless the Inquisitor calls for him. He is however present at the *p. 1. t. 9.*
 Examination of the Witnesses, by Way of Defence, and at the rehearing of *n. 41.*
 the Witnesses, and must be present in the Congregations when they vote in
 the Cause, and always at the Torture, together with the Inquisitor, who sits
 between the Vicar General on the Right, and the Advocate Fiscal on the Left.

“ Heretofore the Promotor Fiscal was bound to defend the Causes of the §. 11.
 Treasury before the Judge of the forfeited Effects, which is to this Day in
 Use in some Provinces. But generally speaking, this Affair belongs now to
 the Advocate of the Treasury.

“ Besides this, in *Spain* they chuse a Person for Procurator General of the *tit. 52.*
 “ holy Inquisition there, that he may manage the Affair of this most holy §. 6. 2 In-
 “ Office at the Court of *Rome*, who is to have a proper Salary paid him out of *struct. Hif-*
 “ the forfeited Effects. Into this Office a skilful and honest Man must be *pal. cap. 2.*
 “ chosen.

CHAP. VI.

Of the NOTARIES of the INQUISITION.

THE Office of the Registers, whom they also call Notaries and Secreta- *Simanc;*
 ries, is to write down the Injunctions, Accusations, and all the Plead- *tit. 41.*
 ings of the Causes. The Judge ought not only to take Care that the Notary § 7.
 writes down the Depositions of the Witnesses, or the Answers of the Crimi- *Campeg.*
 nals, but also that he diligently explains, and particularly remarks, during *in Zanch.*
 the Process, the several Circumstances relating to the Witness, the Infor- *c. 9.*
 mer, and the Person against whom Inquisition is made, *viz.* Whether the Co-
 lour of his Face changes ; whether he trembles or hesitates in speaking ; whe-
 ther he frequently endeavours to interrupt the Interrogatories, by haucking or
 spitting ; or whether his Voice trembles, and the like. All these Circum-
 stances the Judge ought to take Care to have particularly specified in the
 Process, that it may not be said, that the Person inquired against is put to
 the Torture without Proofs.

Whatsoever the Notary writes down from the Mouth of the Criminals, or *Pognæ-*
 Witnesses, must be in the same Language in which the Witness or Criminal *prax. Inq.*
 speaks, without altering, adding, diminishing, transposing or inverting any *l. 2. c. 20.*
 of the Words. If the Criminal or Witness doth not understand *Latin* ; and *n. 22, &c.*

if the Notary or Inquisitor doth not understand the Language of the one or other, the Inquisitor must have a skilful Interpreter. For it may happen that a *Frenchman*, a *Spaniard*, an *Englishman*, or a *German* may be examin'd before an *Italian* Inquisitor. The Depositions of the Witnesses and the Confessions of the Criminals, are to be written down by the Notaries, in the same Words in which they are deliver'd. And when there are several Witnesses, 'tis not sufficient that the Notary, when he hath particularly wrote down the Depositions of the first Witness, says, that the second or third says entirely the same as the first; but he must write down the particular Words of the several Witnesses, because oftentimes the Case before this Tribunal is the Proof of formal Heresy. *Clement VIII.* in a general Congregation of the Inquisition, *November 9, 1600.* hath particularly commanded the Inquisition not to omit any of the Interrogatories which are made by the Judge, in the Examination of the Witnesses and Criminals, but to write them down at large. [Yea, so favourable are they to this Affair of the Faith, that though the Notaries should make one false Libel, yet all their others are valid, whilst they are kept in Office; although when the Author is condemned, the Book is commonly condemned too. *Ibid.*]

*Ex Glos.
in cap.
Fraterni-
tatis.*

*tit. 41.
§. 7.*

“ These Notaries are to be chosen of the Laity; but in Causes of Heresy, the
 “ Clergy and Monks, and also others in holy Orders may discharge this Office.
 “ And although in *Spain* they usually take them from amongst the Laity, yet
 “ *Simancas* says, that possibly it would be better, that they should be chosen
 “ from the Clergy, because they would want less than those who have Wives and
 “ Children; for the Salary is scarce sufficient for one. They are also obliged
 “ to register in a certain Book, all the Commands of the Inquisitors, given
 “ to the Executors and Receivers, against Hereticks, and their Effects;
 “ that if any Question should arise concerning these Things, they may be
 “ able, from those Registers, to determine it. Besides, they must be con-
 “ tent with their Salary, and receive nothing for their writing, except the
 “ Notary of the forfeited Effects, who may demand his lawful Dues, because
 “ he hath no Salary. They must also travel at their own Expences within
 “ their proper Province, to ratify the Depositions of the Witnesses, the Proof
 “ of the Defences, and the Exceptions against the Witnesses, as it is contain'd
 “ in a certain Decree of the Council.” *C. ut Officium. §. ad conscribendum. de*
hæret. lib. 6. 2 Instruct. Hispal. c. 13. and 4 Instruct. Tolet. c. 18.

*Pegna, in
direct. par.
3. com. 20.*

Heretofore the *Roman* Pontiffs made several Provisions to support Persons to register the Acts of the Inquisition, because the Inquisitors were poor, and could not maintain a certain Notary, who should be appropriated to this Business; sometimes dispensing with the Clergy and Religious, who were Notaries before, that they might exercise the Office of Notaries in the Cause of the Faith; sometimes allowing that two proper Persons should register the Transactions, to whom full Credit should be given. This was decreed by the Council of *Biterre*. *Cap. IV. Take Oaths from those, who being thus cited before you, shall appear within the Time of Grace assigned, that they shall speak as far as they know, the whole Truth, and nothing but the Truth, concerning the Fact of heretical*

Pravity, either relating to themselves, or others, the living or dead: and after having interrogated them carefully concerning all and singular the Matters worthy of Enquiry, either by your selves, or by the Writers, see that their Confessions and Depositions be faithfully written down, and placed in the Acts of the Inquisition; either by some publick Person, if you can get one, or by any other that is proper and sworn, to whom let another fit and sworn Person be added, that thus such Writings, whither by a publick Hand, or by two fit Persons, as we have mentioned, being thus repositied and written in the Acts, and recited to him who confesses and deposes before the Inquisitor and Notary, or the said two proper Persons, may obtain full Confirmation and Validity. At that Time the Inquisitors themselves could not make Notaries, but were obliged to take the publick Notaries of the Bishops, or of the temporal Lords of those Places, in which the Office of the Inquisition was committed to them, who were to make the Proceses, and to execute other Things pertaining to the Affair of the Faith. Or they might desire the Pope to create for them two or three Persons for Notaries of their own Nomination. As to those who had been Notaries, the Inquisitor could compel them to execute that Office, although they were become Religious, by a Bull of Urban IV. beginning, *Licet ex omnibus. §. ad conscribendas.* But now by a Rescript of Pius IV. beginning, *Pastoralis officii cura,* given An. 1561. Cal. 6th September, it is provided, that the Inquisitors and their Commissaries, in all Causes of Faith, may, when they think it necessary, by the Apostolick Authority, chuse, assume, and create Notaries, one or more, either all Clergymen, or Regulars of any Order. However a Religious or Clergyman is not immediately created a Notary, when he is commanded by the Inquisitor to write the Acts of the sacred Office; but that all Things may be valid, he must create this Religious a Notary before some other Notary, before proper Witnesses, Pen and Ink being regularly delivered to him, and a solemn Oath administered to him, with the customary Words, *Be thou a Notary and Faithful:* And of all these Things the Notary, who is present at this Creation, must draw up a publick Instrument. And although when they are first created Notaries, they take an Oath to do all Things faithfully, yet nevertheless as often as the Inquisitors send for any Notaries afresh, to write down the Acts of the holy Office, they must take a new Oath of them faithfully to execute their Office, and to preserve the Secrets, which is peculiar in this Cause of Faith. So that if a Notary, or any other Minister of the Inquisition discovers the Secret committed to him, he may not only be punished, but condemned as guilty of Perjury, and fall into some Suspicion of favouring Heresy. [When the Notaries are thus created, the Prelates of the Orders can't remove or change them, since they are created by the delegated Authority of the Apostolick See; nor can the Delegates of the Apostolick See excommunicate them, by the Bull of Urban IV. beginning, *Ne Inquisitionis.*]

“ In Spain, even now, the Inquisitors may, if there be Occasion, create another Notary, and pay him a just Salary, as is provided for by one of the Letters of the Council. If he be sworn to Secrecy, he is obliged to give Security to the Promotor Fiscal, and to the other Parties concerned, and

Eymer, p. 3. qu. 18.

Pegna, Com. 67.

Com. 68. Campeg. ad Zanch. c. 9.

Simanc. s.

“ and to deliver in a written Account, of the Time of Condemnation, and
 “ Commission of the Crime. For they will not suffer the whole Process to be
 “ shewn, lest Suits should arise from Suits, and the Secrets of the whole Cause
 “ should be discovered. For the Consequence of this would be, that the
 “ Names of the Witnesses would be known by all, whereby their Safety would
 “ be endangered, and many Exceptions would be urged against them by Slander-
 “ ers. Provision was made against these Inconveniences, by a certain Letter
 “ of the Inquisitor General. Farther, all these Notaries must attend the
 “ Tribunal of the Inquisitors six Hours every Day. If any one offends in
 “ his Office, he is to be punished according to the Nature of his Crime by a
 “ Fine, Suspension of Office, Deprivation, or Banishment, to be moderated
 “ at the Pleasure of the Inquisitor General and Council. *Epist. dat. Granat.*
 “ *Sept. 4, 1499.* and 4 *Instruct. Tolet. cap. 28, and 13.*

§. 9.

“ The Writings of the holy Inquisition are to be kept under three Keys,
 “ which are to be in the Hands of the Promotor Fiscal, and Notaries, nor
 “ must they be read or shewn to any one, but in the Presence of all. Besides
 “ these written Acts are to be carefully kept in the publick Hall of the Inqui-
 “ sitors, that they may be present, as often as there is need, nor may the
 “ Notaries shew them to any one, nor remove them into another Place; and
 “ if they are convicted of doing the contrary, they are to be removed from
 “ their Office, without Hope of Pardon. However, the Inquisitors, when
 “ required by the Royal Judges, or by those who have any Interest and Con-
 “ cern in the Affair, must command the Notaries to give a Copy of the Pa-
 “ pers, but so as that the Secrets of the Office, which must be kept concealed,
 “ may not thereby be discovered, according to the Caution given by a Letter
 “ of the Council. But a Copy of the Acts, which are usually read in pub-
 “ lick, may be given, *viz.* of the Confessions, Sentences, and other Things
 “ of the like Kind, but of nothing more. 3 *Instruct. Valadolid. c. 7. & 4 Instruct.*
 “ *Tolet. c. 13.*

Brunus,
l. 4. c. 3.

§. 11.

Carena,

p. 1. t. 12.

n. 7.

n. 9.

“ These Notaries have their Substitutes, who serve them as Coadjutors in
 “ writing, or taking Notes.
 “ As to the Salaries of the Notary, if they are certain, the Inquisitors of
 “ the holy Office usually determine how much they are; if uncertain, they
 “ can't exceed the Tax of the supreme Inquisitors.
 “ In the Inquisition of *Cremona* there is one Notary, chosen by the supreme
 “ Inquisitors at the Nomination of the Inquisitor, who hath a certain Salary
 “ of sixty Pieces of Gold; which is afterwards usually increased by Order of
 “ the said Inquisitors to those that have deserved well; and one other regular
 “ Notary chosen by the Inquisitor himself. In the Diocese the Inquisitor usu-
 “ ally deposes one Notary, to be present with the other publick Vicars.

C H A P. VII.

Of the JUDGE and RECEIVER of the confiscated Effects.

“ **H**E who is chosen Judge of the confiscated Effects, must be an honest ^{Simanc.} Man, and skilful in the Law, not of *Jewish* Extract, nor of the ^{tit. 41.} *Mabometan*, nor of an heretical one, but one who may be capable of dis- ^{§. 4.} charging the Office of Assessor. His Office is, to judge between the Treasury and private Persons, in Causes relating to the Effects of Hereticks. But he may also take Cognizance between private Persons, when their Cause hath any Connection with the other. An Appeal lies from his Sentence to the Senate, but not to any other Judges. But if the Dispute is between the Treasury and the Church Defendant, or between Ecclesiastical Persons, or concerning the Revenues of Benefices, the Inquisitors are to take Cognizance of it, as is more fully contained in one of the Resolutions of the Senate. The Inquisitor General, by Advice of the Senate, chuses this Judge and all the other Ministers.

“ He is generally called in *Spain* the Receiver, whom in *Italy* they call the ^{Simanc.} Treasurer of the holy Office. He receives the confiscated Effects, and by ^{tit. 43.} Command of the King is Procurator of the Treasury, demands, defends, ^{§. 1, &c.} and sells the confiscated Goods, and pays the Salaries and other Expences of the holy Office. He who is chosen to the Office, must be an honest and wealthy Person, capable of making up and reporting his Accounts, and must give proper Sureties to pay all his Deficiencies. He is to be chosen by the Inquisitors, according to *Carena*, p. 1. t. 13. n. 1.

“ It belongs to the Office of the Receiver to be present at the Sequestration of Goods, which can't be done but by the previous Command of the Inquisitors. It must be performed by the Executor, in Presence of the Receiver, and Notary of the Sequestrations, and some other Notary; and all the Goods of the Criminals, which are found in their Possession, or are in the Hands of others, are to be written down severally in a Catalogue or Inventory, two Copies of which are to be made out, each Notary to have one. ^{2 Instruēt. Hispal. cap. 8.} All the Effects are to be deliver'd to the Sequestrator, with an Inventory subscribed by the Executor, and the said Sequestrator and the Notaries, one Copy of which is to be kept by the Notary of the Sequestrations. The Sequestrator is to be chosen by the Executor and Receiver, who must be a sufficient Citizen, not of kin to the Heretick, nor of an evil Race. But when the Process is formed against any Person dead, his Effects must not be delivered to the Sequestrator, but taken an Account of, and sealed up, and left with the Possessors under good Securities. If any other Persons Effects are with those of the Hereticks, they must be immediately delivered to the Owners. Debts also must be paid out of the Effects delivered in to the Sequestrator, without waiting for the Issue of the whole
“ Cause

“ Cause. Finally, if the Criminal be absolved, all his Effects must be immediately delivered to him. 4 *Instruct. Tolet. cap. 22.* As to perishable Effects, and which may grow worse by keeping, and such also as are too chargeable to keep, viz. Cattle and Slaves, the Receiver must sell them by Command of the Inquisitors, without whose Permission nothing can be done.

“ When the necessary Expences are deducted, the Surplus Money which remains out of the Sale of the Effects, is to be deposited with the Sequestrator, of which the Receiver must touch nothing till the Criminal is condemned. As to other Things which may be kept, they are to be hired out at reasonable Prices by the Receiver and Sequestrator. But these and other the confiscated Effects, must not be sold but by Auction, and then go to the best Bidder. The same is to be observed as to the Effects which are hired out. 2 *Instruct. Hispal. cap. 9.* In these Sales the Receiver must use great Fidelity and Diligence, and though he promises after the Rate of two or three *per Cent.* for the Recovery of any Effects, yet when they are recovered, he must allow only one.

“ When the Heretick is condemned, the Sequestrator must immediately deliver all the Effects to the Receiver before two Notaries, nor can he receive or sell any Thing but in their Presence. But the Judge of the confiscated Effects may at the Instances of the Receiver give Notice by the Criers of the future Auction. If any one thinks himself to be concerned in it, he may, when he knows the Effects are to be sold, come to the Judge and demand his own, and sue for his Right. If no one comes, the immovable Effects are to be sold, and to be put up to Sale by Auction the thirtieth Day, after the publick Notices, and other customary Things of the City, before the Receiver and other Parties concern'd.” 4 *Instruct. Tolet. Cap. 24.*

“ As to those Effects which are disputed, they must not be sold by the Receiver, till the Suit is finished. As to Effects that are pawned, the Receivers may sell them, not so as to prejudice the Right of the Creditors; but if the Effects amount to more than the Debt, they must be sold, and the former Creditors first paid, and the Remainder carried into the Treasury. 4 *Instruct. Tolet. Cap. 23.* However, the Sale of the forfeited Effects is not to be deferred upon Account of Actions, that do not appear to have any just Foundation, but such Effects are to be sold, and such a Sum must be deposited in the Sequestrator's Hands, that is equal to the Value of the Debt sued for, and the Charges of the Suit. Farther, if there be any Effects which are to be in common between the Treasury and others, they must be divided, if it can be done conveniently: If it cannot, and it appears better to sell them entire and without Division, the Treasury hath the Privilege to order all of them to be sold by the Receiver, although the least Part belongs to it, but must receive no more than its proper Debt, and pay the Remainder to the other Creditors.” 4 *Inst. Tolet. Cap. 23.*

“ The Receivers must omit none of these Things; if they do they incur the Sentence of Excommunication, and are to be fined 100 Pieces of Gold, and make good all Losses to the Treasury. *eod. cap. 23.*

“ The Receivers of one Province must not seize on the Effects of Hereticks which belong to other Receivers, but give them more certain Notice of such Effects; otherwise they are deprived of their Office, and pay the Loss, and double more. *2 Instruēt. cap. 2.*

“ All the Monies received by the Sequestrator, and the Money that arises from the Sale of the Effects, the Receivers must deposit within three Days after into the publick Chest, which must be locked up with three Keys, which the holy Senate hath ordered under Excommunication, and a Fine.

“ The Receivers of the Treasury can't forgive any Monies to Debtors, and if any are forgiven by them they are reclaimed; nor can they make any Bargain or Composition with them. *4 Instruēt. c. 23.*

C H A P. VIII.

Of the EXECUTOR and OFFICIALS of the INQUISITION.

“ THE Executor is he who executes the Commands of the Inquisitors. *Simanc. tit. 41.* His Office is principally to apprehend and keep in Custody Criminals, whom he is obliged to pursue, if they are at a Distance, and to put in Irons, and to be content with his appointed Salary. But if it be needful for the Familiars to attend him, they must have a Salary appointed by the Inquisitors, to be paid by the Receiver out of the Treasury. And as he is a mere Executor of a Command, he must carefully keep within his Bounds, and punctually execute the Order of the Judges. These they also call Apparitors and Pursevents. *4 Instruēt. Tolet. cap. 26.*”

Their Office is the same with theirs who are otherwise called Officials, *Bzovius;* concerning whom *Innocent IV.* hath ordained these Things, by a Constitution, beginning, *Ad extirpanda*, as they are all placed in Order, in a Book entitled, *The Manner of proceeding against Hereticks*, ascribed to *John Calderine.*

Let the Governor or Ruler be obliged, within three Days after his Entrance into his Government, to appoint twelve honest and Catholick Men, and two Notaries, and two Servitors, or as many as shall be necessary, whom the Diocesan, if present, and willing to be concerned, and two Friars Predicants, and two Minorites deputed to this Service by their Priors, if there should be there Convents of the said Order, shall think proper to be chosen. Such Persons, when appointed and chosen, may and ought to take up heretical Men and Women, to seize on their Effects, and to cause them to be seized on by others, and to cause that these Things be fully done, as well in the City,

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as in his whole Jurisdiction and District, and to bring them, and cause them to be brought into the Power of the Diocesan, or his Vicars.

Let their Office continue only during six Months, after which let the Governor be obliged to substitute so many other Officials according to the prescribed Form, who may execute the foresaid Office according to the said Form for the six Months next following.

But let them not be compelled to any other Office or Employment, that doth or may in any manner hinder the said Office, nor let any Statute made, or to be made, binder by any Means their Office.

Let full Credit be given to these aforesaid Officials concerning all Things which are known to belong to their Office, without requiring from them any special Oath, or admitting any Proof to the contrary, when two or more of them shall be present. Farther, when these Officials are chosen, let them swear to execute all these Things faithfully, and according to their Power, and to speak nothing but the Truth concerning all these Things, so that they may be more fully obey'd in all Things appertaining to their Office, and let the said twelve and their Servitors, and the before appointed Notaries, together, or separately, have full Power of commanding, upon Pain of Punishment and the Ban, all Things appertaining to their Office, and let the Governor or Ruler be obliged to confirm and ratify all their Commands which they shall give relating to their Office, and punish those who don't observe them.

Farther, let the Governor be obliged to send with their Officials, one of his Soldiers, or some other Assistant, if the Diocesan, or his Vicar, or the Inquisitors deputed by the Apostolick See, or the said Officials shall demand it; and let such Soldier faithfully execute their Office with them. Let every one also, if he be present, or required, whither in the City Jurisdiction or District, be obliged to grant to these Officials, or their Companions, Counsel and Assistance, when they will apprehend, seize the Effects of, or make Inquiry concerning any heretical Man or Woman, or enter into any House or Place, or Passage, to take Hereticks, under the Punishment of 25 Imperial Pounds, or the Ban. Let every corporate Town be obliged to it under the Penalty of an 100 Pounds and Ban, and a Village under the Penalty of fifty, to be paid every time in ready Money.

Alexander IV. An. 1255. wrote to the Inquisitors of Liguria*, and Insubria†, That the aforesaid Officials may command any City, Borough or Village, under the Penalty and Ban of 1200 Marks of Silver and more, at the Pleasure of the Governor of such Place, that they shall present, within a competent Time fixed, to the Governor, or Diocesan, or his Vicar, or the Inquisitors of Hereticks, all heretical Men and Women, which the said Officials shall signify to them. And the Governor of such Place shall be obliged to exact this Punishment from all who do not observe this Order.

Innocent IV. adds in the same Bull, That if any Loss shall at any Time happen to the said Officials in their Persons and Effects, in executing their Office, they shall be indemnified with full Restitution by such City or Place, and that the said Officials, or

* Containing the Towns of Genova, Nizza, Vintimilia, Albenga, Polenza, Alba, Aste, Aich, Tortona, and Voghera.

† Containing Milan, Lodi, Crema and Monza.

their Heirs, shall not at any time be sued for any Thing they have done, or belonging to their Office, any farther than as the said Diocesan and Friars think fit.

And if the aforesaid Diocesan or Friars shall think fit to remove any one of the said Officials for being unskilful or improper, or for any Engagement, or Excess, the Governor or chief Officer shall be obliged to remove him at their Command and Appointment, and to substitute another in his Place, according to the prescribed Form.

But if any one of them shall, contrary to his Oath, or Duty of his Office, be found to have favoured Heresy; besides the Mark of perpetual Infamy which he shall incur as a Favourer of Hereticks, let him be punished by the Governor or chief Officer, at the Pleasure of the Diocesan of the Place and the said Friars.

CHAP. IX.

Of the FAMILIARS, or ATTENDANTS.

Innocent III. granted large Indulgences and Privileges to those, who should accompany or assist the Inquisitor in his making Inquisition against and punishing Hereticks, that this newly appointed Office might have the more happy Success. Hence the Soldiers, who were Assistants and Helpers to the Inquisitor, were commonly called Familiars*, as belonging to the Inquisitor's Family. In some Provinces of *Italy* they are called Cross-bearers, and in others the Scholars of *St. Peter the Martyr*, and they ware a Cross before them upon the outside Garment.

† Anciently certain Persons were appointed, whose Office it was to use all Diligence in searching out Hereticks, and to this Purpose they applied the Decree of the Council of *Biterre*, cap. 34. *In all Parishes, as well within Cities as without them, let one Priest, or two or three of the Laity of good Reputation, or more if need be, be bound by Oath to remove and change, as often as it shall seem good to*

De-prox. Inq. c. 5. §. 3.

* The Familiars are the Bailiffs of the Inquisition, which, tho' a vile Office in all other Criminal Courts, is esteemed so honourable in this of the Inquisition, that there is not a Nobleman in the Kingdom of *Portugal* that is not in it, and such are commonly employed by the Inquisitors to apprehend People. Neither is it any wonder that Persons of the highest Quality desire to be thus employed, since the same plenary Indulgence is granted by the Pope to every single Exercise of this Office, as was granted by the *Latevan Council* to those who succoured the Holy Land. *Dr. Geddes Treats, Vol. I. p. 425, 426.*

† When the Familiar is sent for to apprehend any Person, he hath the following Order put in to his Hand. *By the Command of the Reverend Father N. an Inquisitor of heretical Pravity, let N. be apprehended and committed to the Prisons of this holy Office, and not be released out of them, but by the express Order of the said Reverend Inquisitor.* And if several Persons are to be taken up at the same time, the Familiars are commanded so to order Things, that they may know nothing of one another's being apprehended. And at this the Familiars are so expert, that a Father and his three Sons, and three Daughters, who lived together in the same House, were all carried Prisoners to the Inquisition, without knowing any Thing of one another's being there until seven Years afterwards, when they that were alive came forth in an Act of Faith. *Geddes, Vol. I. p. 429.*

you, (the Inquisitors) who diligently, faithfully and frequently may search out Hereticks in Villages, and find them when out of their Houses, their subterraneous Shelters, Huts and Fastnesses, and all other their biding Places, all which let them cause to be stopped up or destroyed. “ The Familiars or Cross-bearers are now in their Room ; and they are then especially in Service, when the Bishops or Inquisitors have Diocesefes bordering upon and near to the Lands of Hereticks, or Persons suspected of Heresy, so that a mutual Commerce can scarce be avoided amongst them. For as then they may more reasonably be afraid, lest those who are subject to them, and belong to their Jurisdiction, should be infected and corrupted by Hereticks, they ought to use the strictest Diligence to know with whom Hereticks lodge, and into whose Houses they are received ; and whither any subject to them go to the neighbouring Towns of Hereticks, and for what Cause, and whither they have brought from thence the Poison of heretical Pravity by Doctrines they have heard or read.” So careful are they upon every Occasion, that there shall not be the least Dispute about any of the Doctrines of their Church.

But now the Familiars always accompany the Inquisitors in Spain, even though they are free from the Danger which *Pegna* was so very solicitous about. *Simancas* describes to us their Offices and Immunities.

Tit. 4^r.
§. 15.

“ The Familiars or Attendants are necessary to accompany the Inquisitors, and to defend them, if Need be, from the Insults of Hereticks ; and to follow the Executor when going to apprehend Criminals ; and to do other Things which the Judges shall think proper to fulfil the Duty of the holy Office of the Inquisition. The Familiars are allowed to use Arms, but must not abuse them. Such as are to be chosen, must be good, peaceable, and married Men, as it is provided by a certain Letter of the Council ; and no more must be admitted but what the Necessity of the Office requires. *Clement. 2. §. ult. debæret.*

§. 16.

“ And because the Familiars have no Salaries, and no one is bound to serve for nothing, ’tis necessary that certain Privileges should be granted them, in which Matter there have been several Alterations by the Royal Commands, they having sometimes had Immunities allowed them, and at other Times been deprived of them, because of their Excesses, and unruly Multitude. At length, by the King’s Command, certain of the Royal Council and the Senate of the holy Inquisition met together, and published a Constitution, by which certain Immunities are granted to the Familiars, their Number fixed, and the Manner prescribed, in which the Differences and Contentions that may arise between the Inquisitors and royal Judges, upon account of the Familiars, are to be suppressed and determined. *4 Instruēt. Toled. c. 5. Constitut. Royal, published March 19, 1553.*

§. 17.

“ And first as to the Number of Inquisitors, ’tis appointed, that in the City of *Toledo* there shall be 50 Familiars chosen by the Inquisitors, as many at *Seville*, and 50 in *Granada*, and no more ; 40 in *Corduba*, *Cuenca*, and *Valadolid* ; at *Calaborre* and *Ilerena* 25 ; in the City of *Murcia* 30 ; in every Town where there were 3000 Burgessees, six, in all others of 500 Burgessees,

“ four; in other lesser Towns two only in each. But in every Sea-port or
“ Frontier Town four may be chosen. If more are chosen they have no
“ Privilege.

“ By the same Constitution 'tis provided, that in every Province there §. 18.
“ should be given in to the Consistories of the several Cities a List of the Fa-
“ miliars, that the Governors and Magistrates may know them, and see that
“ they don't exceed the Number; and that if they are quarrelsome, or unworthy
“ their Office, they may report it to the Inquisitor General and Council;
“ which is also to be done when any one is put into the Room of another Fa-
“ miliar. 'Tis farther appointed, that in all Civil Causes the Familiars shall be
“ cited before the secular Judges as much as if they were not Familiars.

“ But in Criminal Causes the Familiars are exempted from the Jurisdiction §. 19.
“ of the secular Judges, and are to be punished by the Inquisitors, except in
“ the Case of Treason, and the Crime against Nature, Rebellion and open
“ Sedition. Likewise the Familiars are to be punished by lay Judges, if they
“ offend against Letters of Safety granted by the Prince, if they obstinately
“ oppose the Royal Commands, if they betray and ravish Women, if they
“ are publick Thieves, Breakers open of Churches, Monasteries, or other
“ Houses, or if they set them on fire, or commit any other greater and more
“ heinous Crimes than these, or if they insolently and obstinately contemn the
“ royal Judges, or if they resist them, or if being themselves in secular Offices
“ they commit any Offence therein.

“ Farther, the secular Judges may take up the Familiars for those Crimes, §. 20.
“ the Cognizance of which belongs to the Inquisitors, but must immediately
“ send them to their proper Judges, with a summary Proof of their Offences,
“ at the Cost of the criminal Familiar. 'Tis likewise provided by the same
“ Constitution, that as often as the Familiars offend in any City or Place
“ where no Inquisitors reside, they shall be so often obliged to shew to the
“ Judges of the Place, where the Familiar hath committed his Offence, a
“ Copy of the Sentence pronounced by the Inquisitors against him, with a
“ publick Testimony that he hath satisfied the Sentence pronounced against him
“ for his Crime.

“ But if any Difference arises between the Inquisitors and secular Judges §. 21.
“ concerning the Cognizance of any Offence committed by a Familiar, the
“ Cause must be referred to the Royal Court, with a summary Proof of the
“ Crime, that upon hearing the Case by two royal Counsellors, and two others
“ of the Senate of the holy Inquisition, the Cause may be remitted to those
“ Judges to whom the Cognizance of it shall appear to belong, simply, with-
“ out Noise and Form of Judgment. And from this Sentence there must be
“ no Appeal. Farther, if these supreme Judges shall disagree to whom to send
“ the Prisoner, and three of them should not be of the same Opinion, the
“ King must be consulted. In the mean while the Familiar must be kept in
“ Custody by that Judge who took him up; but his Trial must be deferred
“ till he is sent to his proper Judge, to whom, upon a Declaration made, he
“ must be immediately restored, though he should happen to have been
“ put

“ put in Chains by another Judge. Thus far the royal Constitution, dated “ the 10th, and confirmed the 19th of *March*, 1553.

We read of a famous Case of this Nature, concerning Jurisdiction between the Inquisitors and secular Judge in *Nicholas Rodrigues Fermosino*, which is added to his Treatises of Judgments, &c. This *Fermosino* was in the Office of Counsellor of the Treasury, in the Inquisition of *Valladolid*, and created Inquisitor, and by King *Philip IV.* made Judge of the confiscated Effects of the said Inquisition. The Case was this: The Magistrates of *Valladolid* order'd rough Walls to be built, to prevent Travellers coming into the City for Fear of the Plague. *Antonius Moreno*, Governor of the House of Penance, in that City, and his Aunt *Mariana de Pareda*, formerly Wife of a certain Secretary of the Inquisition at *Ilerena*, obstructed this Building. And therefore *Jerom Antony de Torefillas*, Mayor of the City, took both of them out of the House of Penance, *An.* 1648. 3d Cal. of *August*, and put them in the common Jail, and laid them in Irons. The Inquisition demanded of him three Times, that he would release the Prisoners, and send them back to the Tribunal of the Inquisition, as their competent Judge, with all the original Acts and Procefs. The Mayor first said he would restore them, but afterwards declared that he would not deliver them over, but under this Condition, that the Tribunal should proceed to no other Procefs. The Inquisition was not satisfy'd with this, and the Affair was greatly contested on both Sides. The Inquisition sent their Orders to the Mayor, and the Mayor, by his Answers, opposed the Orders and Commands of the Inquisition. At last, the Dispute ran so high, that the Inquisition, after a declaratory Injunction, laid him under Excommunication and the Anathema; and because he continu'd to exercise every Act of Jurisdiction, they put him under a general local Interdict. But this made no Impression on him; for he answer'd, That the Tribunal of the Inquisition had no Jurisdiction over him; and that whilst the Dispute was to whom the Cognizance of the Prisoners belonged, their Excommunication could not touch him, especially as he had appealed from all Censures of the Inquisition. At length the Inquisition prepared to publish the Order for Cessation of divine Services. But the Royal Court, to put an End to this troublesome Difference, commanded the Mayor to dismiss his Prisoners; and the Tribunal of the Inquisition, to destroy all the Acts and Procefs against the Mayor, to grant him Absolution, and remove the Interdict. But the Inquisition was not satisfy'd in this; but by *Fermosino*, their Fiscal Advocate, prayed the King, That the Mayor might be severely punished, adding this Reason, least a Way should be opened to infinite Contentions and Extorsions of the like Nature; especially since the other Judges will every Day, considering these Things went unpunished, urge many frivolous Reasons for not acknowledging any of the Censures of this Tribunal, in Contempt of Justice.

C H A P. X.

Of the CROSS-BEARERS.

BESIDES these Familiars, there is another Sort of them, called Cross-Bearers, instituted by *Dominick*, to whom he gave such Constitutions and Laws for their Direction, as obliges them vigorously to prosecute Hereticks, and when there is Need, to endeavour, with the greatest Violence, their Destruction. “ They make a Vow between the Hands of the Inquisitors to defend the Catholick Faith, though with the Loss of Fortune and Life; and may be compelled to perform their Vow. The Popes have honoured this Fraternity with many Graces, Indulgencies and Favours,” which may be seen at large in *Campegius*. *Bernard Comensis* gives us the Main of them in his *Light of the Inquisitors*.

“ Their Indulgence is, (1.) Their having a plenary Remission of all their Sins. This was granted by *Alexander IV.* in a Privilege beginning, *Præ cunctis*, and by *Gregory IX.* and *Clement IV.* and also by the *Extravagants de hæret. Cap. Excommun. §. Catholici vero*. But upon this Condition, that they vigorously prosecute their Vow in aid of the Inquisition, even to Death. (2.) Every such Cross-Bearer may be absolved by the Inquisition, from every Sentence of Excommunication, Suspension and Interdict of a Canon; and from those especially which he may have incurred for the burning of Churches, or laying violent Hands on Ecclesiastical Persons, and from all other Sentences generally promulgated by the Apostolick See. (3.) The Inquisition may dispense with these Cross Bearers, if of the Clergy, for all Irregularities they may have contracted by celebrating divine Service, when under any canonical Sentence. (4.) All their Vows may be commuted for by the Inquisitors; those only excepted of the holy Land, and which are perpetual. (5.) The Inquisitors may allow them to be present at Divine Services, and to receive the Ecclesiastical Sacraments in such Places where, by the Apostolick Indulgence, they are allow'd to be admistred, in the Time of a general Interdict. All these Things appear by a Privilege granted by *Innocent IV.* which begins, *Malitia hujus temporis*.” These Privileges were confirmed by *Pius V.* by his Constitution, beginning, *Sacrosanctæ Romanæ & universali Ecclesiæ*, dated *October 13, 1570.* so far as they are not repugnant to the Decrees of the Council of *Trent*.

From these Privileges it appears, that when the Faithful are to take the Cross, their Vow must be made only before the Inquisitors or their Vicars; and that they receive no Advantage from them, unless they have the Inquisitors Leave. These Things and the like, *Campegius* thinks, should be preach'd to the Cross-Bearers, lest they should pretend Ignorance. “ For he saith, That he discovered many Errors and Abuses of these Cross-Bearers, in a City, within his Province of the Inquisition; for he found a large Number of them,

“ who did not enter into this Warfare by the Door, nor receive the Cross
 “ from any Inquisitor or Vicar ; but that the very Laicks, the Ministers of
 “ this same Fraternity, whom they call Officials or Massaries *, wrote the
 “ Names of others that came to them in the Book of the Cross-Bearers ; and
 “ thus unjustly invaded the Province of the Inquisition. He adds moreover,
 “ *Not being able to bear this, I made a Sermon on the Cross, in the Cathedral, ac-*
 “ *cording to the ancient Stile of the Inquisitors, granting the usual Indulgence to*
 “ *the Auditors ; and publickly admonished them of their publick Error, and parti-*
 “ *cularly explain'd what they ought hereafter to do ; who upon discovery of the*
 “ *Truth, submitted, after many Disputes, and the Advice of Advocates. For they*
 “ *would have had, even against my Will, that some of these should have assisted*
 “ *at the Examinations, as though it belonged to them of right. Whereas I declared,*
 “ *That the Inquisitor was the Head and Captain of the Cross-Bearers, and there-*
 “ *fore would not have them preside over the Inquisitors, but according to Equity*
 “ *be subject to it.*

Lucerna
Inquis.

“ The Office of those Cross-Bearers is to provide the Inquisitors with
 “ Necessaries ; so that they are excommunicated if they refuse to give Money
 “ to the Inquisitor, when he asks and wants it for the Service of the Office of
 “ the Inquisition ; because private Persons, who have bound themselves by
 “ Oath or Vow, are even by Omission said to be Favourers, viz. if they
 “ do not manifest, or perform what they have promised by Vow.

The Ceremonies they use when they take the Cross on them, are accurately
 described by *Campegius*.

*The Instruction of Campegius concerning the Manner of Signing with
 the Cross.*

Tr. tr.
form. xi.
p. 2. fol.
269. verso.

“ **W** Hoever from his Affection to the Catholick Faith, will take the Cross,
 “ let him be diligently instructed by the Inquisitor, or his Vicar,
 “ concerning the Bond of his Vow, and the Weight of his Obligation. Let it
 “ be especially declared to him that he shall be bound not only to part with all
 “ his outward Estate, but even to give up his Life for the most holy Faith, at
 “ the Command of the Inquisitor or his Vicar ; and that having once taken
 “ the Cross by Vow, he shall not lay it down without the special Dispen-
 “ sation of the Pope. If he be found ready to observe all these Things, the
 “ Inquisitor or his Vicar may admit him to the Vow of the Cross. And
 “ because the Crosses given are first to be blessed, therefore we appoint this
 “ Form of Benediction.

Verf. *Our Help is in the Name of the Lord.*

Anfw. *Who made the Heavens.*

Verf. *Lord shew us thy Mercy ;*

Anfw. *And grant us thy Salvation.*

* A Sort of House-keepers, who looked after the Goods and Furniture of the Monasteries.

Verf. *The Lord be with you,*
Anfw. *And with thy Spirit.*

Let us pray.

A *lmighty and everlasting God, who hast consecrated the Sign of the Cross with the precious Blood of thy Son, and by the same Cross and Death of thy Son Jesus Christ hast redeemed the World, and by the Virtue of the same venerable Cross, hast deliver'd Mankind from the Tyranny of the old Enemy ; we humbly beseech thee, that thou wilt vouchsafe to bl + es this Cross, and grant unto it an heavenly Virtue and Grace, that whosoever shall bear it on him may merit a Plenitude of heavenly Grace, and to have Christ for his Protector, against all the Enemies of his Soul and Body, who with thee lives and reigns, World without End. Amen.*

“ The Cross thus blessed, he who is to be signed with it, kneeling before
“ the Inquisitor or his Vicar, thus reverently declares his Vow.

I N. Vow to God, and the blessed Mary, and the blessed Peter the Martyr, that I will receive and carry the Cross, to the Honour of Jesus Christ our Lord, the Advancement of the Catholick Faith, and to the Extirpation of Hereticks and their Favourers, throughout all the Diocese of F. And I promise to expose my temporal Substance, and my proper Life, for the Defence of the Faith, when there shall be need, and I shall be so required to do ; and that I will be obedient to the Reverend Father Inquisitor, his Successors or Vicars, in all Things appertaining to the Office of the Inquisition.

“ This done, the Inquisitor or his Vicar gives him a red Cross blessed,
“ saying,” *Receive the Sign of the Cross of our Lord Jesus Christ, in the Name of the + Father, and the + Son, and the Holy + Ghost, as the Figure and Memorial of the Cross, Passion and Death of Jesus Christ our Saviour, for the Salvation of thy Soul and Body, and the Defence of the Catholick Faith, that the Favour of the Divine Goodness may bring you to the heavenly Kingdom. Amen.*

A Prayer to be said over him that takes the Cross.

Verf. *Lord shew us thy Mercy ;*
Anfw. *And grant us thy Salvation.*
Verf. *The Lord be with you,*
Anfw. *And with thy Spirit.*
Verf. *Lord bear my Prayer ;*
Anfw. *And let my Cry come up unto thee.*

Let us pray.

GRant the Right-hand of thy heavenly Aid, O Lord, to thy Servant, whom, for the Glory of thy Name, thou wouldst have mark'd with the Sign of the most holy Cross, and be a Defender of the holy Faith against perfidious Hereticks, that he may seek thee with his whole Heart, manfully defend the Catholick Faith, and may attain what he worthily seeks after; so that when he hath finished his Warfare, he may merit to be a Co-beir of the Kingdom of thy Son, through the same Lord Jesus Christ, &c.

The Manner and Form of absolving these Cross-Bearers in the Article of Death.

fol. 270. **T**HE Lord Jesus Christ, who said to his Disciples, Whatsoever Things ye shall bind on Earth, shall be bound in Heaven; and whatsoever Things ye shall loose on Earth shall be loosed in Heaven, of which Number, though unworthy, he hath made me one; he absolveth thee, by my Ministry, from all thy Sins, whatsoever thou hast committed, in Thought, Word, or Deed; and as far as 'tis permitted to my Weakness, by the Authority of the same, our Lord Jesus Christ, and of the blessed Apostles, Peter and Paul, as also of our Lord Pope Urban III. and according to the Privileges which the Roman Pontiffs have granted to the Office of the Inquisition, and by Virtue of the Privilege of Pope Innocent IV. of which this is the Tenor; That you, and such faithful Persons, who have taken the Cross for the Sake of this Vow, may receive a large Recompense of Reward; we give you that Indulgence and that Privilege, which are given by a general Council to such who go for the Recovery of the Holy Land, by Virtue of this Indulgence and Privilege, which Clement IV. and Clement VII. or any other Roman Pontiffs have vouchsafed to all Cross-Bearers, who persevere to the End of Life, in the Vow of the Cross which they have taken, and give their Assistance to the Inquisitors, for the Defence of the Catholick Faith, by which is granted to them, in the Article of Death, plenary Indulgence and Remission of all Sins: I absolve thee from every Sentence of Excommunication, Suspension and Interdict, and restore thee to the Sacraments of the holy Roman Church. By the same Authority I absolve thee from all and singular thy Sins, for which thou art contrite in Heart, and which thou hast confessed with thy Mouth; and I grant thee full Remission of thy Sins, as far as 'tis agreeable to the Divine Majesty, that thou mayest be absolved before the Tribunal of our Lord Jesus Christ, and receive eternal Life, and live for ever. Amen. In the Name of the † Father, and the † Son, and the Holy † Ghost. Amen.

Param. These Cross-Bearers were heretofore of great Use to the Inquisitors. But
 l. 2. t. 3. in Process of Time, as there was no need of Arms to subdue Hereticks,
 c. 3. n. 7. the Name of this Warfare grew into disuse; and with the Change of some
 of their Constitutions, they were called, Of the Penance of St. Dominick, in honour

nour of their Founder. This Religion is the Third of those instituted by Dominick, the Constitutions of which have been confirmed by the Roman Pontiffs.

C H A P. XI.

Of the VISITORS of the INQUISITORS.

“ AS the Offices of the Inquisitors and other Ministers were perpetual, *Simanc.*
 “ it was necessary, that sometimes they should give an Account of *tit 41.*
 “ their Behaviour. Therefore there was a Magistrate created to visit the *§. 27, 28.*
 “ Inquisitors, and all the other Ministers, who was called the Visitor. His
 “ Office was to visit all the Provinces of the Inquisitors, and report to the
 “ Inquisitor General and Council whatever was proper to be amended. He
 “ was strictly to keep to his Instructions, not to be the Guest of those he visited,
 “ nor to receive any Thing from them himself, or by others. If one was not
 “ sufficient they might chuse more.” *Simancas* adds, That his great Uncle, *Fran-*
cis Simancas, Archdeacon of *Cordova*, enjoy'd this Office without any Colleague.
 But now they appoint Visitors privately, as often as it is any where necessary. *4 Instruct.*
 “ All the Ministers of the holy Inquisition are obliged to swear before the *Tolet. c. 3.*
 “ Inquisitors and Bishop, or his Vicar, that they will faithfully discharge the *§. 30.*
 “ Trust committed to them. The Inquisitors, Counsellors, and others also *§. 31.*
 “ swear, that they will faithfully conceal all Secrets, which if any one dares
 “ to discover, he is to be deprived of his Office, and to suffer other Punish-
 “ ments, according to the Nature of his Crime.
 “ 'Tis also part of their Instructions, that the Inquisitors, and all other *§. 35.*
 “ Ministers, shall serve in their Offices, by themselves, and not by their Sub- *§. 36.*
 “ stitutes; the Ministers are not to absent themselves without Leave of the In-
 “ quisitors, which must not extend to above twenty Days. If any one is long-
 “ er absent, or goes without Leave, he must be deprived of his Salary, his
 “ Absence is to be noted, and his Salary not paid by the Receiver, without
 “ first inspecting the Book of Defaults, according to several Letters of the
 “ Council.
 “ Farther, no one must be a Minister of this holy Office in any Province *§. 38.*
 “ where the Inquisitor is either kin to him, or his Lord. 'Tis also prohibi-
 “ bited for any Minister to intermeddle in any Negotiation, either by him-
 “ self or others. He who contravenes this Order is to be deprived of his
 “ Office, and fined 20000 Peices. He who doth not discover this is to be ex-
 “ communicated. *4 Instruct. Tolet. Cap. 12.* and at the End of all the written
 “ Instructions, and the printed ones, *fol. 21.*
 “ If any lesser Crime be committed by those Ministers, they may be punish- *c. 35.*
 “ ed by the Inquisitors. If their Offence be more grievous, it must be re-

- §. 40. " ported to the Inquisitor General and Council, that if the Case requires it, they may be deprived of their Office. 1 *Instruct. Hispal. c. 27.* 'Tis also prohibited by the same Instructions for any one to be in two Offices, or enjoy two Salaries. 4 *Instruct. Tolet. cap. 18.*

C H A P. XII.

Concerning the Duty or Power of every MAGISTRATE.

- T**HUS far we have treated of the Ministers which belong to the Inquisition of Hereticks. The Civil Magistrate hath no Part in this Affair; for he is entirely excluded from all Cognizance of the Crime of Heresy. Thus *Simancas* teaches: " The Cognizance of Heresy solely belongs to the Ecclesiastical Judge, because this is a Crime committed against the Faith and Religion; for as to those Crimes which the secular Administration knows nothing of, and which are declared such by the Christian Religion, such as Heresy, Schism, and others of the like sort, the Ecclesiastical Judge only hath Cognizance of them. And therefore to whatsoever Branch of the secular Judgment the Cognizance of such Crimes may at any time happen, it must be immediately referred to the Ecclesiastical Judges.
- Tit. 36. §. 1. " It is more largely forbidden by the royal Laws at this Day in *Spain*, that no one of the secular Judges, of whatsoever Dignity and Power, shall by any Means presume to take Cognizance even of those civil or criminal Causes which belong to the Inquisitors, and the Judges of forfeited Effects; no not under Pretence of relieving Persons oppressed by Violence, which, in other Cases, would be a most wholesome and present Remedy to redress the Grievances of the Ecclesiastical Judges. However, if any will appeal in the before-mentioned Causes, they must apply to the Council of the holy General Inquisition. This royal Command was dated at *Burgos, March 7, 1508.* and renewed 1553."

However, they stand in need of the Arms and Power of the Magistrate, for the Punishment of Hereticks, and that they may execute the Sentences pronounced against them. For 'tis not lawful for Ecclesiastical Persons to kill any one. Therefore they desire to have all Magistrates obedient to their Beck and Commands, and to have no Liberty of Conscience granted by them to Hereticks, but insist on their being ready and prepared to draw their Swords against Hereticks at the Pope's Command. This is the Doctrine of *Maldo-net*, explaining the Parable of the Tares sown amongst the Wheat. For after he hath said that the *Calvinists* and *Lutherans* are to be cut off as manifest Hereticks, he adds these Things: *Not that I speak thus, as though I had not rather have them converted than put to Death. All that I intend is to admonish Princes, or because Princes may not read these Things, those who can advise them, that 'tis not lawful*

Comment. in Mat. xiii. 26.

lawful for them to grant Hereticks those Liberties of Conscience, as they are called, too much in use, in our Days, unless first of all the Church, or the Roman Pontiff, who is the Head of the Church, the Person of Christ, and as it were the Father of the Family, shall judge, that the Tares cannot be plucked up unless the Wheat also be destroyed; and that 'tis for the Advantage of the Church to permit both to grow together till the Harvest. In this Matter Princes, who are but the Servants of the Father of the Family, are not to judge, but the Father of the Family himself, i. e. the Governor of the Church. Nor should Princes ask the Father of the Family, that he would suffer both to grow till the Harvest, but whether it be his Pleasure that they should go and pluck up the Tares. They ought to be so affected and prepared, as to need rather to be restrained than incited by the Father of the Family.

But because there is but seldom such a Readiness in Kings and Princes to extirpate Hereticks, the Ecclesiasticks are incessantly egging them on till they have prevailed on them to yield to them all Things. Farther, they affirm that this is the Duty of the Pope and the other Bishops, as we read in *Conrad Brunus*, in his Book of Hereticks and Schismaticks. *It belongs to the Duty of the Roman Pontiff and the other Bishops, diligently to admonish the Emperor, and other Kings and Princes, under whose Government there arise Heresies and Schisms, as often as there is Need; first, that they preserve the true and Catholick Religion and Faith, and observe the Commands of God; and secondly, that they every where suppress and extinguish heretical Impiety, by the Discipline and Rigour of the secular Power, which the Sacerdotal Office cannot do by their Doctrine and ecclesiastical Censures. Thus Pope Leo implored the Assistance of the Emperor against Hereticks, in his 55th Letter to the Emperor Martian, and 36th to the Empress Pulcheria, and 23d to the Emperor Theodosius II. It belongs also to the Care and Concern of the Pope, to take certain good and faithful Men in the Court of every Prince, who may enquire out Hereticks, and every Thing that belongs to the Defence of the Catholick Faith, and the Preservation of Unity; and put the Prince in mind of whatsoever is necessary to Peace, and inform the Pope of all such Transactions whatsoever; as we find it in the 34th and 80th Letters of Leo to Bishop Julian, the 55th to the Emperor Martian, and 73d to the Emperor Leo.*

But not content with this, the Popes, by their Decrees, Bulls and Rescripts, command all Magistrates whatsoever, to yield all Assistance to the Inquisitors, severely threatenng them with the most grievous Punishments, if they are wanting to their Duty. All which Things are laid together in the Book concerning the Form of Proceeding against Hereticks, generally ascribed to *John Calderine*.

“ The Duty of every Magistrate or Governor is described perfectly enough Tr. 87.
 “ in the Constitutions of *Clement*, and in the Decretals, although the Emperor, Tom. xi.
 “ and the Popes *Gregory*, *Alexander* and *Innocent*, touch upon some of these Mat- P. 2. fol.
 “ ters. What the Magistrates and other Officers ought to do, is not put down in 412.
 “ the Order in which it is written, but in such a Manner as renders it more easy to
 “ be remembred. *Clement* writes after this Manner to the Magistrates and Ru-
 “ lers,

“ lers, and Consuls, and Nobles *, and Councils, and Communities of Cities and
 “ other Places in Italy: By these our Apostolick Writings we command all of you, that ye
 “ severally cause to be written in the Registers, the Constitutions made by us, with the
 “ Additions, Modifications, and Declarations made by the said Alexander our Pre-
 “ decessor, and that they shall never be erased from thence; and that ye proceed ac-
 “ cording to them, without any Omision, against every Heresy that exalts it self
 “ against this holy Church. Otherwise we command by our Letters our beloved Sons
 “ the Predicant and Minor Friars, Inquisitors of heretical Pravity, and every of
 “ them, deputed through Italy by Authority of the Apostolick See, and hereafter to
 “ be deputed, that within a certain limited Time, they compel every one of you thus
 “ to do, under the Penalty of Excommunication against your Persons, and Interdict
 “ against your Country, without any Benefit of Appeal.

1. “ We ordain, that the Magistrate, Head Officer, or Governor, or Consuls, or
 “ whoever preside over the City, or shall be substituted in the Room of others, for a
 “ Time only, either now, or for the future in Italy, shall swear that he will precisely,
 “ and without any Delay, inviolably attend to and observe, and cause to be observed
 “ the whole Time of his Government, by all as well in the Country as the City, and
 “ in all Places subject to his Jurisdiction, all and singular the under written Constitu-
 “ tions, and take an Oath from all that shall succeed them in the Power or Govern-
 “ ment, concerning these Things, that they will precisely observe them. And if any one
 “ refuses this, let him in no manner be owned for a Magistrate, Head Officer, or Go-
 “ vernor, or Ruler; and whatsoever he doth as Magistrate or Head Officer, or Con-
 “ sul, or Ruler, let it have no Validity; and let no one be obliged or bound to attend
 “ on them, even though he shall have taken an Oath to obey them.

2. “ We ordain also by a perpetual Edict, that the Magistrate, or Consuls and Ru-
 “ lers, whatever be their Offices, shall publicly swear that they will defend the
 “ Faith, that they will study in Sincerity, and with all their Might, to exterminate
 “ from the Places subject to their Jurisdiction, all Persons marked out for Hereticks by
 “ the Church; so that whatsoever for the future shall be taken into any perpetual Ma-
 “ gistracy, shall be altogether and wholly obliged to confirm this by Oath, otherwise let
 “ them not be acknowledged for Magistrates, Consuls, or the like, and let all their
 “ Sentences be invalid and null by our Decree.

3. “ Also the same Magistrate, Head Officer, Consul, Ruler, and all others taken into
 “ the Government of any City or Place, shall in the Beginning of their Government,
 “ in a publick Assembly, according to Custom, put under the Ban of such City and
 “ Place, as though it were for the worst of Crimes, all Hereticks of both Sex, and
 “ whatsoever be their Names, and they shall be obliged to confirm such Ban pronounced
 “ by their Predecessors. Let them also command that no Heretick, Man or Woman,
 “ shall any longer dwell, or stay, or subsist in such City, or any Place of the said Ju-
 “ risdiction or District.

* *Antianis*. They are in *Genoa* and other Towns of *Italy*, Patricians and Nobles, superior to others in Age, unto City and Honour, and are therefore themselves Magistrates. *De Fresne in voce.*

“ Farther, we farther order and notify, that the Predicant Friars deputed against
 “ Hereticks for the Affair of the Faith, in the Parts of our Empire, and all others
 “ also who shall come to judge Hereticks, unless any of them be proscribed by the Em-
 “ pire, shall be received under the special Protection of our Empire, in going, staying
 “ and returning, and that they shall remain without Injury, under the Pro-
 “ tection and Recommendation of the Faithful of the Empire. We command every one
 “ of you, that ye receive them kindly, whensoever and to whomsoever of you they
 “ shall come, and that ye give them Counsel, safe Conduēt and Assistance, in per-
 “ forming such acceptable Services before God. Whatsoever Hereticks also they shall
 “ discover to you in your Jurisdiction, let them be apprehended and kept in safe
 “ Custody, till by Judgment of Ecclesiastical Condemnation, they shall undergo the
 “ Punishment they deserve.

4.

“ Farther, let the Magistrate or Ruler, or he who hath the principal Government,
 “ be obliged to chuse one of his Assessors, and send him to the Diocesan if present, and
 “ the Inquisitors or Inquisitor, deputed by Authority of the Apostolick See, to go with
 “ them, as often as they please, within the Jurisdiction of such City, Place or Di-
 “ strict; which Assessor shall force three or more Persons of good Report, according as
 “ the aforesaid Inquisitors or Inquisitor shall think fit, or the whole Neighbourhood, if
 “ they judge proper, to take an Oath, that if they know of any Hereticks there, or of
 “ their Effects, or of any Persons that keep private Conventicles, or differing in Life
 “ and Manners from the common Conversation of the Faithful, or of any Believers,
 “ Defenders, Receivers, or Favourers of Hereticks, they shall endeavour to discover
 “ them to the said Inquisitors or Inquisitor.

5.

“ Also the Magistrates, Consuls, Ruler, and all who are at the Head of Affairs,
 “ shall be obliged to purge from heretical Pravity the City or Place where they preside,
 “ and the whole Country or District subject to their Jurisdiction, according to the Laws
 “ published against heretical Pravity at Padua, by Frederick, heretofore Emperor
 “ of the Romans, then persisting in his Devotion to the Roman Church, and shall
 “ cause them to be registred in their Records, never to be rased out.

6.

“ But if the temporal Lord being required and admonished by the Church, shall
 “ neglect to purge his Dominions from heretical Pravity, for the Space of a Year, af-
 “ ter the Time of Admonition, we expose his Country to be seized by the Catholicks, who
 “ upon the Extermination of Hereticks, shall possess it without any Contradiction, and
 “ preserve it in the Purity of the Faith, reserving the Right of the principal Lord,
 “ provided he gives no Hindrance, nor creates any Obstacle to this Affair. Let the
 “ same Law be observed, with respect to such as have no principal Lords.

7.

“ Farther, let the Magistrate, Head Officer, Consul, or Ruler, or any other de-
 “ puted to such Government, be obliged to cause such Hereticks, when apprehended,
 “ to be carried, at the publick Expence, any where within the Jurisdiction or Di-
 “ strict of the Diocesan, Bishop, or City, or Place, wheresoever the Diocesan, or his
 “ Vicar, or Inquisitors, or Inquisitor aforesaid shall order them.

8.

“ Farther, let such Magistrate, Head Officer, Consul or Ruler, or others, be obliged
 “ to order such heretical Men or Women, when apprehended, to be kept at the com-
 “ mon Expence of such Place where they preside, by Catholick Men chosen to this Of-
 “ fice by the Diocesan, if present, or by the Inquisitors or Inquisitor, in some special

9.

- “ Fail, safe and secure, in which they shall be by themselves, separate from Robbers
 “ and Outlaws, till it shall be determined concerning them.
10. “ Farther, let such Magistrate, Head Officer, Consul or Ruler, or others such, be
 “ obliged to bring, with a sufficient and secure Guard, all Hereticks, of whatsoever
 “ Name, within twelve Days after they are taken, before the Diocesan, or his spi-
 “ ritual Vicar, or the Inquisitors of Hereticks, or Inquisitor, to form an Examina-
 “ tion of them and their Heresy.
11. “ Moreover, let the Magistrate, Head Officer, Consuls, or others such, be obliged
 “ to compel all Hereticks they have apprehended, without Loss of Members, or Dan-
 “ ger of Death, as real Thieves and Murderers of Souls, and Stalers of the Sacra-
 “ ments of God, and the Christian Faith, expressly to confess their Errors, and accuse
 “ other Hereticks whom they know, and to discover their Effects, their Believers, Re-
 “ ceivers and Defenders, by the same Means as the Thieves and Robbers of temporal
 “ Things are compelled to accuse their Complices, and confess the Crimes they have
 “ committed. And when they are condemned for Heresy by the Diocesan or his Vicar,
 “ or by the Inquisitors or Inquisitor, the Governor, Head Officer, or any of the other
 “ above named, or his or their special Deputy, shall be obliged to receive them as soon
 “ as they are delivered over to them, and punish them with the deserved Pu-
 “ nishment.
12. “ Farthermore, the Magistrate, Head Officer, Consul or Ruler, or any other chief
 “ Officer of a City or Place, shall be obliged to write down in four Libels of the same
 “ Tenour, the Names of all those who shall be defamed or rendred infamous, or put un-
 “ der the Ban for Heresy, one of which shall be given to the Community of such City,
 “ or Place, another to the Diocesan, another to the Predicants, and another to the
 “ Minors. And they shall cause their Names to be solemnly called over in publick
 “ Assembly three times in a Year.
13. “ Farther, let the chief Magistrate of a City, or Ruler of any Place, under what
 “ Character soever, be obliged effectually to execute these Things, the pulling down
 “ the Houses of Hereticks, the causing them to be condemned, the delivering and di-
 “ viding their Effects, found and seized, of which we have spoken before, within
 “ ten Days after the Accusation or Injunction made, and to demand the Fines they are
 “ condemned to, to be paid down, and to divide their Effects, according to what is
 “ hereafter contained.
14. “ Moreover, let the chief Magistrate or Officers be obliged to appoint one of their
 “ Assessors, whomsoever the Diocesan, or his Vicar, and the said Inquisitors or In-
 “ quisitor of Hereticks shall chuse, faithfully to perform these Things, and to change
 “ them for any Time if they think proper. Nor let any Condemnations or Penalties,
 “ which shall be incurred on the Account of Heresy, be ever remitted by any Means,
 “ or upon any Account, neither by Word, Counsel, or at the Desire of the People.
15. “ Furthermore, let the chief Magistrate, Head Officer, Consul, or any other Per-
 “ son in Authority, be obliged to divide all the Effects of Hereticks and their Recei-
 “ vers, which shall be seized or found by the said Officials, and the Fines to which
 “ they shall be condemned for them, as also the Timbers, Stones, and Tiles of the
 “ Houses, and Castles, which shall be destroyed upon the Account of Heresy, and all
 “ the Effects, movable and immovable, which shall be confiscated upon the same Occa-
 “ sion,

“ sion, in such manner, that the first Part shall be distributed for the common Use of
 “ such City or Place; the second in Favour and for the Assistance of the Office, and
 “ be given to the Officials who shall have performed these Affairs; and let the third
 “ Part be deposited in some safe Place, to be reserved by the said Diocesan and Inqui-
 “ sitors, or Inquisitor, as they think fit, and to be expended by their Advice in Favour
 “ of the Faith, and for the Extirpation of Hereticks, any Statute made, or to be made
 “ to the contrary notwithstanding.

“ Farther, let the chief Magistrate or Ruler of any City or Place, be obliged faith- 16.
 “ fully to sell, with the Advice and Consent of the Inquisitors or Inquisitor, all Goods
 “ confiscated upon account of heretical Pravity, within three Months after such Con-
 “ fiscations: If he doth not do it, let him thereby incur the aforesaid Penalties; and
 “ let the Inquisitors or Inquisitor nevertheless have free Liberty to sell them, with the
 “ Advice of the Diocesan, or of his Vicar, if he be absent, and of two Friars Predi-
 “ cants, and as many Friars Minor, whom the Prior and Guardian, if there be a
 “ Convent there of the said Orders, shall think proper to be chosen, and let the Buyers
 “ of such Effects freely and lawfully have and possess them, and let the real Property
 “ of them be transferred to them upon their buying them.

“ But if any one shall otherwise attempt to destroy, diminish, or change any 17.
 “ Thing in these Statutes and Constitutions, without the special Authority of the Apo-
 “ stolick See, let the chief Magistrate, or Consul, or any other Officer, who shall be
 “ for any Time in such City, or their Deputies, declare him perpetually publicly in-
 “ famous, according to the prescribed Form, as a publick Defender and Favourer of
 “ Hereticks, and punish him with a Fine of Fifty Imperial Pounds of Money, which,
 “ if he cannot recover, let him put him under the Bann of common Malefactors, and
 “ never release him from it, but upon Payment of double such Sum.

“ Moreover, let the chief Magistrate, or Head Officer, or Consul, or any other 18.
 “ Magistrate, of any City and Place, be obliged to destroy or erase wholly out of the
 “ Statutes and Records any Statutes made or to be made, that shall be found to con-
 “ tradict these Constitutions, or by any Manner of Means to oppose the mentioned Sta-
 “ tutes and Laws: And let them in the Beginning and Middle of their Government,
 “ cause these Statutes, Constitutions and Laws, to be solemnly rehearsed in publick As-
 “ sembly, and in all other Places without their City, as shall seem fit to the Dio-
 “ cesan, or the Inquisitors, or Inquisitor.

“ Moreover, let all these Statutes, or before mentioned Constitutions, and Laws, and 19.
 “ any other that shall be made at any Time by Authority of the Apostolick See, against
 “ Hereticks and their Accomplices, be written down in Four Volumes, each of them ex-
 “ actly the same, and let one of them be placed in the Statute Office of every City or
 “ Place, the second deliver'd to the Diocesan, the third to the Friars Predicants, the
 “ fourth to the Friars Minors, to be carefully kept, that they may not suffer by any
 “ Forgery any Alteration in any Thing whatsoever.

“ Farther, let the chief Magistrate or Head Officer, Consul, or any other Ma- 20.
 “ gistrate, be obliged, within twelve Days of his Government, to examine the
 “ chief Magistrate, Head Officer, Consul, or Ruler, whom he immediately
 “ succeeds, and his Assessors also, by three Catholick and faithful Men, to
 “ be chosen within three Days of the aforesaid Government, by the Friars Predi-
 “ cants and Minors, such as shall be appointed by their respective Prior and Guar-
 “ dian,

The HISTORY of the INQUISITION.

“ dian, together with the Dioceſan, or by the Inquiſitors or Inquiſitor of heretical
 “ Pravity, concerning all Things contained in the ſaid Statutes, or Conſtitutions, and
 “ Laws, againſt Hereticks and their Complices, and to puniſh them if they have been
 “ faulty, for all and ſingular Matters which they have omitted, and force them to
 “ make Satisfaction out of their own Eſtates, notwithstanding they ſhall have been
 “ abſolved from ſuch Examination by any License of Counſel, or any other Perſon
 “ whatſoever. And the aforeſaid three Perſons ſhall ſincerely ſwear that they will
 “ examine the before mentioned Perſons concerning the before recited Matters.

Boniface VIII. touches upon all theſe Things, ſaying briefly, “ That the
 “ Affair of the Inquiſition againſt heretical Pravity may go on proſperouſly in our
 “ Times, to the Glory of God, and the Encreaſe of the Faith, we approve and com-
 “ mand to be obſerved certain Laws promulgated by Frederick, formerly Emperor of
 “ the Romans, then perſiſting in his Devotion to the Church of Rome, as far as
 “ they promote the Honour of God, and of his holy Church, and tend to the Extirpa-
 “ tion of Hereticks, and are not contrary to the canonical Statutes. Likewise we re-
 “ quire and admoniſh all chief Magiſtrates and temporal Lords, and the Governors
 “ of Provinces, Countries, Cities, and other Places, of whatſoever Dignities, Of-
 “ fices or Names, as they deſire to be reputed and accounted faithſul, that they do
 “ obey the Biſhops of the Dioceſe, and the Inquiſitors of heretical Pravity deputed, or
 “ hereafter to be deputed by the Apoſtolick See, for the Defence of the Faith, and that
 “ when required by them they do endeavour to ſearch out, to apprehend and keep in
 “ ſafe Cuſtody the Believers of Hereticks, their Favourers, Receivers and Defenders,
 “ and that they carry or cauſe to be carried, without Delay, the aforeſaid peſtilent
 “ Perſons into the Power or Jail of the before mentioned Inquiſitors, or to any Place
 “ where they or any of them ſhall command, within their Dominion, Power or Di-
 “ ſtrict, where they ſhall be kept in ſtrict and ſafe Cuſtody by Catholick Men deputed
 “ by the aforeſaid Biſhops, or Inquiſitors, or any one of their Deputies, till their
 “ Affair ſhall be determined by the Judgment of the Church: And that the aforeſaid
 “ chief Magiſtrates, and temporal Lords or Governors, or their Officials or Deputies,
 “ do immediately receive ſuch as are condemned for Heresy by the Biſhop of the Dio-
 “ ceſe, or Inquiſitor or Inquiſitors, and when delivered to them, puniſh them with the
 “ deſerved Punishment, notwithstanding the Appeals or Complaints of the aforeſaid
 “ Children of Wickedneſs, ſince, according to the Appointment of our Predeceſſors,
 “ as well as by the Imperial Law, the Benefit of Appeal and Complaint is expreſly
 “ denied to Hereticks, their Believers, Receivers, Favourers and Defenders.

21. “ We alſo more ſtrictly forbid the aboveſaid chief Magiſtrates, temporal Lords and
 “ Governors, and their Officials, to take any manner of Cognizance, or to judge con-
 “ cerning this Crime, ſince it is meerly Eccleſiaſtical, or by their Leave and Com-
 “ mand to deliver out of Priſon any Perſons apprehended for the ſaid Crimes, with-
 “ out the Leave and Command of the ſaid Biſhops or Inquiſitors, or at leaſt one of
 “ them, or to reſuſe to perform or fulfil Execution for ſuch Crime appointed by the
 “ Dioceſan, or Inquiſitors or Inquiſitor, as is agreeable to their Office, or that
 “ they otherwiſe preſume direſtly or indireſtly, to hinder any Judgment, Sentence, or
 “ Proceſs of the Dioceſan or Inquiſitors.

22. “ We moreover ordain, that the chief Magiſtrate, Head Officer, Governor or
 “ Conſuls, or any other preſiding over any City or Place, now or hereafter, ſhall,
 “ at

“ at the Command of the Diocesan, or his Vicars, or the Inquisitors of heretical Pravity, swear precisely to regard, inviolably to observe, and cause to be observed by their Subjects, during the whole Time of their Government, in all the Countries subject to their Jurisdiction and Government, the Constitutions published, and approved by the Apostolick See against Hereticks, their Believers, Receivers, Favourers and Defenders, their Children and Grandchildren: And whosoever refuses to swear to observe them is infamous, and shall be deprived of the Honour and Office of his Government, as a Favourer of Hereticks, and suspected concerning the Faith; and let him not be accounted as a chief Magistrate, Head Officer, Consul, or Governor, or ever be raised to any publick Dignity or Office. And let whatever be doth as chief Magistrate, Consul, or Governor, have no Validity. But Clement, in his Constitutions, saith thus: “ If any chief Magistrate, Head Officer, or any of the before-named, shall refuse and neglect to observe these Constitutions, and every Thing contained in them; besides the Mark of Perjury, and the Hazard of perpetual Infamy, let him forfeit two hundred Marks, which shall be exacted of him without Remission, and converted to the publick Use of the Place where he governs; and yet nevertbeless he shall be deprived of the Honour and Office of his Government, as a perjured and infamous Person, and as a Favourer of Hereticks, and suspected concerning the Faith, and never more be any where accounted as a chief Magistrate, Head Officer, Consul, or Governor, nor ever after promoted to any publick Dignity or Office whatsoever. Boniface, in 6 Decret. says thus: But if any one of the aforesaid chief Magistrates, temporal Lords, Governors, or their Officials, or others, shall act contrary to the aforesaid, or shall presume to oppose himself in the aforesaid Affair of the Faith to the aforesaid Diocesan, Bishop, or Inquisitors, or any ways to hinder him: As also every one who shall knowingly give them Assistance, Counsel, or Favour in the aforesaid, let him know that he shall be pierced thro’ with the Sword of Excommunication, which, if he endures for a Year with an obstinate Mind, he shall from thence be condemned for an Heretick.

All these Constitutions wholly subject the secular Magistrate to the Inquisitors, who bid them draw their Sword at their Pleasure, and readily execute their Commands with a blind Obedience.

CHAP. XIII.

Of the Privileges of the INQUISITORS.

AS we have briefly described the Offices of all the Ministers of the Inquisition, it remains now that we treat more fully and distinctly of the Inquisitors, who are the Chief of all. We will therefore give an Account of their Privileges and Power.

The Privileges of the Inquisitors are many and great, which the Popes of Rome have granted them with a liberal Hand, that they may more cheerfully perform

perform their Duty, and vigorously execute the Laws made against Hereticks.

Eymer. Urban IV. by a Bull, beginning, *Ne Inquisitionis negotium*, grants the Inquisitors, *That no Delegate of the Apostolick See, or Sub-delegate under him, no Conservator, or Executor deputed by the said Apostolick See, or hereafter to be deputed, shall be able to publish the Sentence of Excommunication, Suspension or Interdict against them, or their four Notaries or Writers faithfully obeying them in these Matters, whilst they shall be engaged in the Prosecution of this Affair, without the special Command of the aforesaid See, making full and express Mention of this Indulgence; and he decrees every Thing done contrary hereto to be null and void.* This Privilege is granted them, that the Causes of Religion may not be forsaken or hindred by the Excommunication of the Inquisitors, and other Ministers of the Office, and Hereticks in the mean while go unpunished by such Hindrances of their Judges.

He hath granted the same also by a special Privilege to the Inquisitors of the Orders of Predicants and Minors, that they may not be hindred by their Superiors in the Causes of Faith. *If it should so happen that the Master and Minister General, and other Priors and Ministers Provincial, and Keepers and Guardians of other Places of your Order, shall, under Pretence of certain Privileges or Indulgences of the same Apostolick See granted to the said Orders, or hereafter to be granted, enjoin, or in any manner command you, or any one or more of you, that you supersede this Affair for a Time, or as to certain Articles, or certain Persons; we by our Apostolick Authority do strictly prohibit you, and all and singular of you, that ye do not presume in this, or by any Means whatsoever, to obey and submit to them. For we, by the Tenor of these present, do revoke all such Privileges or Indulgences, as far as relates to this Article, and do wholly pronounce null and void all Sentences of Excommunication, Interdict and Suspension, if it shall so happen that they have been pronounced against you, or any of you, upon this Occasion. For if the aforesaid See doth sometimes give Commission, under a certain Form, by its Letters to any Prelates of your Orders, that they shall be able to take certain Friars of their Orders to execute the Office of the Inquisition against heretical Pravity, and to remove them when they think expedient, and to substitute others, yet by this there is no Faculty, Jurisdiction or Power granted them in this Affair, immediately committed, or to be committed to you by the aforesaid See, because the only Reason why such Commission in such Part is granted them is, that they are presumed to have a more full Knowledge of the Fitness of the Friars of their own Order.*

Eymer. 'Tis also granted to the Inquisitors in Favour of the Faith, that when they cannot, without Loss of Time, and Danger to the Affair, have Recourse to their Superiors, who, in such Places may lawfully execute Justice, they may require the temporal Lords, and their Officials, though excommunicated, to afford them their Assistance and Favour, according to their Office, without incurring themselves the Penalty of Excommunication: per cap. *Præsidentes de hæret.* 1. 6. *Though they require such excommunicated Persons, they shall not therefore incur the Sentence of Excommunication.* Agreeable to this, although the Acts of Tyrants are in Law void and null, yet in Favour of the Faith, if a Tyrant,

rant, or any other unjust Lord, by Command of the Inquisitors, doth any Thing against Hereticks, 'tis valid.

The Inquisitors only, and not the Ordinaries, can publish Edicts against Hereticks. Thus lately a certain Edict, published by Command of the Ordinary, during the Time of Lent, was revoked. But we shall speak more of this in the fifteenth Chapter. Likewise the Inquisitors only, and no others, can absolve from Excommunication for Heresy contracted, by Virtue of a Jubilee, or Letters of the Apostolick See, and even from the Sentence of Excommunication, which the Pope himself pronounces against them at the Festival of the Sacrament.

The Inquisitors can excommunicate, suspend, and interdict. How grievous this their Excommunication is, shall be also related, Chap. XV. They can also command any Presbyter with Cure or without, to publish monitory Letters made by him, and denounce before the People the Persons excommunicated by them. And if he refuses to do it, they may punish such Presbyter, not only with a Censure, but with some other Punishment.

Persons under Excommunication or Interdict by the Inquisitor, can't be absolved by the Ordinary, or any other Person, without the Command of the Pope, except in the Article of Death.

The Inquisitors may apprehend Hereticks, though they fly to Churches; nor can the Bishops hinder them from this under any Pretence. As *John XXII.* hath decreed by a Constitution, beginning, *Ex parte vestra.*

The Inquisitor may prohibit the secular Judge from proceeding against any Person upon Account of any Processes made by the Inquisitor himself, or upon Occasion of any Confession made before such Inquisitor. See cap. *Tuam.* of the *ordi. cogni.*

Whosoever by himself or others shall kill, or beat, or strike any one of the Inquisitors or Officials of the holy Office, he is to be delivered over to the secular Court without any Charge of Irregularity, according to the Grant of Pope *Leo X.* dated at *Florence, Jan. 28, 1515.* The foresaid Grant is now extended to those who damage the Effects of the Inquisitors, or Officials, by the proper Motion of *Pius V.* dated at *Rome 1569.*

Likewise the Inquisitors receive the entire Fruits of their Benefices, together with the daily Distributions, when absent; as appears in the Letters of *Paul III.* and *Pius V.* which are in the first Volume of the Letters of this Inquisition in *Valentia, fol. 308.*

The Pensions reserved by the Apostolick Authority to the holy Office, are free from the Payment of the fifteenth, as the supreme Congregation of the holy Office hath declared, *Jan. 4, 1622.* for the Inquisitor at *Pavia* against the Chapter of the Metropolitan Church at *Milan.* The Pope hath also often declared that the Benefices united to the Inquisitions are free from Payment of the Tenth.

They are also free from all real and personal Offices, and even from the Law of the Generality, by a special Royal Privilege, which is also extended to some of the Officials, as is more fully contained in the said first Volume, *fol. 288.*

Lodg-

424. Lodgings, Provisions, and other Necessaries, are to be provided for the Inquisitors and their Officials at a just Price, according to the Tenor of the Privilege of Queen Joan.
440. The Inquisitors may make Statutes against Hereticks, and encrease the Punishments against them.

They may also carry Witnesses above two Days Journey.

Eymcr. Farther, Urban IV. hath granted another Privilege to the Inquisitors, that
 p. 3. 2^o. they may absolve themselves and their Assistants, and dispense with themselves as to their Irregularity. *That you may the more freely promote the Affair of the Faith, we grant you by the Authority of these present, that if it should happen that you, and the Friars of your Order, your Assistants, should in any Cases, by human Frailty, incur the Sentence of Excommunication and Irregularity, or remember that you have incurred it; since you cannot easily, on this Account, have Recourse to your Priors, because of the Office enjoyn'd you, you may mutually absolve one another upon these Accounts, according to the Form of the Church, and by our Authority may dispense with your sekoes, in Cases in which the said Priors can do it by Grant of the Apostolick See. They can likewise absolve their Servants and Familiars from Excommunication for apprehending any one upon Account of their Office, as Innocent IV. says in a Bull, beginning, Devotionis vestrae.*

Clement.
 de heret.
 cap. Multorum.
 §. Verum quia.

But there are three Cases in which the Inquisitors cannot mutually absolve themselves. The first is, when they have omitted to proceed against any one they ought to have proceeded against. The second, when they have falsely charged any one with Heresy, or said that they have hindred the holy Office, who in Reality have not. *But because 'tis very heinous not to act for the Extirpation of the aforesaid Pravity, when such infectious Wickedness requires it; 'tis also very heinous, and most worthy of Condemnation, maliciously to charge innocent Persons with such Pravity. We therefore command the aforesaid Bishop and Inquisitor, and others substituted by them to execute the said Office, in Virtue of their holy Obedience, and under the Threatning of eternal Damnation, that they proceed so discreetly and readily against Persons suspected or defamed for such Pravity, that they do not maliciously or fraudulently, falsely charge any one with so great a Crime, or with hindring them in the Execution of the Office of the Inquisition. But if through Hatred, Favour or Love, or with a View of any temporal Gain or Profit, the Bishop or Superior shall omit to proceed against any one, contrary to Justice and their Conscience, when they ought to proceed upon such Pravity; or with the same View shall charge any one with such Pravity, or hindring the Office, and upon this Account shall by any Means presume to trouble him, besides other Punishments to be inflicted on them according to the Quality of the Fault, such Bishop or Superior shall hereby incur the Sentence of Suspension from his Office for three Years, and others the Sentence of Excommunication. From which Sentence of Excommunication those who incur it, shall not obtain the Benefit of Absolution from any one but the Pope himself, except in the Article of Death, and not then without Satisfaction made, any Privilege whatsoever to the contrary notwithstanding. But the Inquisitors are not subject to this Penalty, if they omit to proceed through Ignorance, but only when they know they ought to have proceeded, and have then omitted to proceed through Hatred, Favour, Love,*

Love, Money or Entreaty, contrary to Justice and their own Conscience; or, on the other Hand, have proceeded when they ought not. The third Case is when they have unlawfully extorted Money, under Pretence of their Office, or have confiscated the Effects of the Church for the Offences of the Clergy. Clement. de hæret. cap. Nolentes. *We also do more strictly enjoin all their Commissaries whatsoever, as well as those of Bishops and Chapters, during the Vacancy of the See, deputed for this Affair, that they shall not extort Money from any Persons, by any unlawful Means whatsoever, under Pretence of the Office of the Inquisition; and that they shall not knowingly attempt to confiscate to the Church the Churches Effects for any Offence of the Clergy. And if any act contrary to these Things, or any one of them, we decree that they shall be actually excommunicated, from which they shall not be absolved, unless in the Article of Death, till they have made full Satisfaction to those from whom they have extorted Money: All Privileges, Agreements, or Remissions whatsoever to the contrary notwithstanding.*

Amongst the Privileges of the Inquisitors 'tis not the least, that the Inquisitor hath Power of granting an Indulgence of twenty or forty Days, as he shall see fit, to all that are truly penitent, and confessed, and who attend on his Sermon made for the Faith, according to the Rescript of Innocent, Clement, Alexander, and Urban IV. *Præ cunctis*. They can also release from the Penances enjoin'd them, for three Years, all the Companions and Friars of the Inquisitor, and also his Notaries, who have laboured together with them in the Prosecution of this Affair, and who have, from their Hearts, personally afforded Assistance, Counsel and Favour against Hereticks, their Favourers, Receivers and Defenders. And if any of them should happen to die in the Prosecution of this Business, they grant them full Pardon of all their Sins, for which they are contrite in Heart, and confess with their Mouth. Gregory IX. plainly declares thus, in his Rescript, beginning, *Ille humani Generis*, in these Words. *Add to these Things, In order to their more freely and effectually executing the Office committed to them in all the Premises, we confiding in the Mercy of Almighty God, and in the Authority of the blessed Peter and Paul his Apostles, do release for three Years from the Penance enjoin'd them all who shall attend on their (the Inquisitors) preaching, twenty Days in their several Stations; and all those who shall, from their Heart afford Assistance, Counsel and Favour to the subduing of Hereticks, and their Favourers, Receivers and Defenders, in their fortified Places and Castles, or any other that rebel against the Church. And if any such should happen to die in the Prosecution of this Affair, we grant them full Pardon of all their Sins, for which they are contrite in their Heart, and which they confess with their Mouths.* Pagna tells us that the Cross-bearers enjoy this Privilege to this Day, and they are the same with the Familiars in Spain, who are at the Beck of the Inquisitors, and execute all Things they order them, to promote this holy Office, the Propagation of the Faith, and the Extirpation of heretical Pravity. But as there are extant the Bulls of five Popes, who every one of them grant these three Years of Indulgences, some infer from hence, that these Years of Indulgences are to be added together, and therefore that Indulgences of fifteen Years are granted to all who promote the Office of the Inquisition, for every Time and Instance. And Pagna,

Eymer. 3. part. qu. 127. Com. 1767

Com. 178;

Lucern. Inq. in voc. Indulgentia eorum qui,

who believed once that the Indulgences of the former Popes were only confirmed by the Bulls of the latter, says there is Reason to add them to one another.

But to the Inquisitors themselves is granted a plenary Indulgence in Life and Death, by a Rescript of *Alexander IV.* beginning, *Firmissime teneat*, in which we read thus: *By the Mercy of Almighty God, and confiding in the Authority of his blessed Apostles, Peter and Paul, we grant unto you, being truly penitent, and confessed, full Pardon of your Sins.* And by a Rescript of *Urban IV.* and *Clement IV.* beginning, *Præ cunctis.* And to you who labour in this Affair, we grant you that Pardon of Sins which was granted in a general Council, to those who succour the holy Land. This Indulgence was granted by *Innocent III.* in the Lateran Council at Rome, Anno 1215. and runs thus: *In order to recover the holy Land, &c. we, trusting in the Mercy of Almighty God, and in the Authority of the blessed Apostles, Peter and Paul, by that Power of binding and loosing, which God hath conferred upon us, tho' unworthy, do grant to all who undertake this Labour in their own Persons, and at their own proper Expence, full Pardon of all their Sins, for which they shall be truly contrite in Heart, and confess with their Mouths, and do promise them an Encrease of eternal Salvation at the Retribution of the Just. And as to those who shall not go thither in their own Persons, but only shall appoint proper Persons, according to their Ability and Faculty, maintaining them at their own Expences; and as to those also who go thither in their own Persons, tho' at the Expence of others, we grant them full Pardon of all their Sins. We also will and grant, that all shall be Partakers of the same Remission, according to the Nature of their Assistance, and the Affection of their Devotion, who shall agreeably minister of their Substance towards the Relief of the said holy Land, or shall give proper Counsel or Advice in the aforesaid Matters. The holy and universal Synod also doth unanimously bestow the Assistance of their Prayers and Blessings upon all in common, who piously proceed in this Work, that it may worthily profit them to Salvation.*

In verb.
Indulg.
§. Item.
Inquisito-
res.

This plenary Indulgence the Repertory of the Inquisition extends so far, as that the Inquisitors shall not only obtain it once in their Lives, but by all perfect Acts whatsoever, that are celebrated against Hereticks, in Favour and to the Praise of the Faith.

C H A P. XIV.

Of the AMPLITUDE of the JURISDICTION of the INQUISITORS.

BECAUSE the Inquisitors are Judges delegated by the Pope in the Cause of Faith, that all Heresy may be wholly extirpated according to the Pope's Pleasure, Power is given them in Favour of the Faith, of proceeding against all sorts of Persons whatsoever. Few only are excepted. The Inquisitor can't proceed against the Officials and Legates of the Apostolick See, nor against Bishops; but he may give Notice of their Crimes to the Apostolick See. *Ex-*

trav.

trav. de hæret. c. 3. and cap. Inquisitores. de hæret. lib. 6. John XXII. ordained the same, when Matthew de Pontiniano, a Predicant, Inquisitor of heretical Bzovius, Pravity in the Kingdom of Sicily, pronounced Sentence of Excommunication^{a. 1326.} against G. de Baleto, Archdeacon of Forli, and Chaplain to the Pope. But^{§. 9.} Pius IV. by an Extravagant, beginning, Romanus Pontifex, in the Year 1563. ordained, that the Cardinals Inquisitors General over all Christendom, might proceed against Bishops, and all other Prelates whatsoever, and admonish and cite them, and require their personal Appearance within a certain Term, and that under grievous Penalties; that so when the Process is formed, it may be reported to the most holy Lord, and that the deserved and just Punishment may be published against them.

As to such Religious as were exempt, there was formerly a great Variety *Direct.* about the Power of proceeding against them. For Alexander IV. by a cer- *Par. 3.* tain Rescript, beginning, *Ne commissæ vobis, Anno 1260.* ordained, that the *Qu. 28.* Inquisitors should proceed, without Distinction, against all manner of reli- *Com. 77.* gious and exempt Persons whatsoever. The same also was ordained by others. But Pius II. about the Year 1460. granted to the Vicar of the Order of the Friars Minors, that he should make Inquisition, and punish his own Friars suspected concerning the Faith, or of Heresy. A few Years after Sixtus or- dained by a golden Bull, beginning, *Sacri Prædicatorum*; which may be seen in the Book of the Privileges of the Predicant Order, *fol. 163.* that the Pre- dicants shall not proceed against the Friars Minors, nor the Minors against the Predicants, in those Places where they exercise the Office of the Inquisi- tion. A few Years after this, Innocent VIII. forbid all the Inquisitors to pro- ceed in any Manner, or make Inquisition against the Friars Minors, as ap- pears from the Apostolick Letters written about this Affair, contain'd in a Book entitled, *Fundamentum trium Ordinum beati Francisci.*

But whereas these Immunities were sometimes manifestly dangerous to the Faith, the later Popes have subjected all religious or otherwise exempted Persons, in the Cause of Faith, as formerly, to the Inquisitors of heretical Pravity. Thus Clement VII. by a Rescript, beginning, *Cum sicut*; and Pius *Simana. 1* IV. by another beginning, *Pastoris æterni*; for which Reason it was declared *tit. 34.* by Charles V. Emperor in Spain, That the Soldiers of St. James, if they *§. 32.* should happen to be Hereticks, are not exempted from the ordinary Jurisdic- tion, nor from that of the Inquisitors. The same Rule also is entirely to be observed as to the Soldiers of St. John, and as to all others whatsoever.

In some particular Religions, the Order is prescribed, which must be ob- served in denouncing heretical or suspected Friars; whereby the Prior of the Convent must make the Denunciation to the Provincial, the Provincial to the General, and the General to the Office of the Inquisition. But that this round about Way may be avoided, when this Method cannot be so con- veniently observed, the Prior alone may make the Denunciation, or any other in his Room upon his Absence, that the Cause of Faith may not be delay'd.

But although the Inquisitors may thus proceed against all religious and exempt Persons, yet there are some religious against whom private Inquisitors are not easily allow'd to proceed, because of the Prerogative of their Dignity. Such are the Masters General of Orders, of the Predicants, Minors, and the like; and also the Masters General of the Military Religions. When such are to be proceeded against, the proper Way is, first to inform the Inquisitors General, who, upon taking Cognizance of the Cause, must decree what is necessary to be done, unless the Criminal attempts to escape, and their appears Danger in Delay.

Direct.

Par. 3.

Qu. 29.

per cap.

Accusatus.

§ Sacer-

dotes.

Extra. de

hæret.

Qu. 31.

Farther, the Inquisitor hath Power to proceed against Priests. *Moreover, the Priests and others of the Clergy, who shall be found to hinder the Office of the Inquisition, either by instructing Hereticks and their Believers, when cited, to conceal the Truth, or speak Falsehood, or by endeavouring unlawfully to deliver them, may in such Cases, since 'tis certain they act in Favour of heretical Pravity, be restrained by the Inquisitors, and chastised with deserved Punishment, either by seizing their Persons, or otherwise, as the Fault of the Criminal shall require.*

And finally, they may proceed against all Laicks whatsoever, without Distinction, infected, suspected, or defamed of Heresy, of every Condition, not excepting Princes and Kings. In the latter Case they think it safer, when they proceed against Princes and Nobles that are Hereticks, or suspected of Heresy, to consult the Pope, according to whose Will, and Manner prescrib'd by him, they must proceed against them: Not for that they think any Deference is due to Nobility, which is forfeited by Heresy, but to prevent Scandal. For if the Inquisitors should publickly animadvert, on Nobles, Consuls, and Magistrates, they might easily be hinder'd, especially in suspected Places, and where the Inquisitors are poor and weak.

Moreover, they may proceed against all Persons whatsoever, of every Condition; and whatsoever Privileges they enjoy, if they any ways obstruct the Office of the Inquisition. Thus *Alexander IV.* commands in his Bull, beginning, *Cupientes. Let all Contraveners be punish'd by the Ecclesiastical Censure, without any Regard to their Appeal: Any Privileges or Indulgences whatsoever, granted by the said See, or hereafter to be granted, specially or generally, under whatsoever Expression or Form of Words, to any Persons of whatsoever Condition, Dignity, or Degree, Religion or Order, or to any Communities or Universities of Cities or Places, to the contrary notwithstanding. For by these or any other Privileges or Indulgences, we would not have an Affair of so great Piety obstructed.* The same Pope, in his Bull, beginning, *Ne commissum vobis,* commands, That if the Clergy and Religious do not assist the Inquisitors according to their Office and Power, they may be proceeded against according to the Canonical Sanctions, any Privileges to the contrary notwithstanding.

Cap. ut

commissi

de hæret.

lib. 6.

The Inquisitors may also proceed against those, who have offended in their Province, and remove themselves to another; as also against those, who having offended any where else, are found in their Province. This is determined by the Council of *Narbonne*, cap. 19, 20, 21. *If there be any Criminal or Suspected Persons belonging to your Inquisition, you may freely proceed against them as if present,*

sent, though they are and have been absent, if within a competent Time, peremptorily assigned by you to them, and published in the Churches, they do not take Care to appear, or lawfully excuse themselves. For we judge that all belong to your Inquisition, who have offended within the Bounds of the said Inquisition, or who have, or had any Dwelling there, when the Inquisition was began; or who abide there upon Occasion of any publick or private Office, or shall be found there, though they have not any certain Dwelling, when cited by you, whether you laid them under any Security or not, if you have begun to make any Inquisition against them, or have commanded them to purge themselves: For against such you may and ought to proceed, whether present or absent; unless any other Inquisitors have already began to proceed against them, upon Account of some greater or lesser Fault, committed elsewhere, or because they have an House, or for any other of the aforesaid Reasons. For since the Inquisition, of which God is the Author, is celebrated in different Places, and by different Inquisitors, 'tis safer and better that every Criminal, in whatsoever Places he hath offended, should be subject to one, viz. to the Inquisitor of such Place, by whom he may have been first apprehended, for any of the aforesaid Causes, without Fraud, and Danger of the Affair of Souls. Nevertheless, let the other Inquisitors make Inquisition as to every Thing they can discover concerning him, and acquaint those Inquisitors with it, to whom the said Criminal is engaged. Thus will you fight as it were as one Man, and shall overcome. See also *Instruct. Valadolit. A. 1488. Cap. 8.*

In like Manner, when they want the Testimony of other Persons, they may cite Witnesses from one Diocese to another, notwithstanding the Constitution of the two Days Journey made in a General Council*. But they say this must be done with Prudence. For Persons of Distinction are not easily to be thus removed; and therefore they must be so dealt with, that it may seem they are rather entreated than compelled. And lest they should refuse to submit to the Power of the Inquisitors, they say 'tis more decent and modest for the Judges to wait on them, or at least, to send others to them to receive their Depositions. The same must be observed as to all other illustrious Persons, Nuns, and other honourable Women. But then the Inquisitor must determine what Decency and Modesty must be used towards each of these, and how the Causes of Faith may receive the greatest Advantage, from the Dig-

Dives.
Par. 3.
Com. 123.
Simanc.
tit. 64.
§. 13.

* The Form of the Citation is thus:

To all and singular Christians, as well Ecclesiasticks as Laicks of both Sexes, of whatsoever Degree, Order, Condition, Pre-eminence, Dignity, or Authority, the highest not excepted. Know ye, That we, by the Series and Tenor of these Presents, and by our Authority, and by that of the Office we execute here, do Charge and Command, That within twelve Days after the Publication hereof (the first four of which, are to be as the first, and the next four as the second, and the last four as a peremptory and third Canonical Admonition) all that do know or suspect any of Heresy, do come and inform against them, upon Pain of the greater Excommunication *late Sententie*, which shall be *ipso facto* incurred, and from which they cannot be absolved by any, but by our Lord the Pope, or by us. And we do further Certify, That whosoever, despising the Penalty of this Excommunication, shall forbear to inform us, shall moreover be proceeded against as a Favourer of Hereticks. *Geddes Traicts, vol. I. p. 427, 428.*

nity, Authority, Honourableness, and other Qualities of the Witnesses. We have a famous Instance how insolently the Inquisitors sometimes abuse this Power, in *Joan*, Daughter of the Emperor *Charles V.* whom they cited before their Tribunal, to interrogate her concerning a certain Person, in some Matters relating to the Faith. The Emperor himself was so afraid of this Power, that he commanded his Daughter not to put off the Affair, but make her Deposition without delay, to avoid the Sentence of Excommunication, as well against others as against himself, if she believed him culpable in the smallest Matter. Upon which the most serene *Joan* gave in immediately her Deposition before *Fernand Valdez*, Archbishop of *Seville*, at that Time Inquisitor General. But if the Bishop or Inquisitor sends for Witnesses from any other Diocese, he is not obliged to send the Process to the Bishop of such Diocese; nor can such Bishop justly demand it. On the contrary, he is obliged and bound to send the Witnesses, after having read the Letters of the Bishop who requires it, and says he hath Need of this or the other Witness, to give his Testimony in the Cause of Faith. The necessary Witness must therefore be sent, and Care taken, if it can be done, that he may not know that he is called to bear Witness against any one in the Cause of Faith, least he should discover the Affair, and so obstruct it; unless for other Reasons it ought to be done upon full Knowledge of the Probity and Fidelity of the Witnesses.

In this Age the *Spanish* Inquisition endeavoured, under a specious Pretence, to extend its Jurisdiction over the Subjects of other Kings. According to the Conventions and Treaties between the Kings of *England* and *Spain*, the *English*, who the *Spaniards* call Hereticks, were allow'd, upon the Account of Commerce and Trade, to dwell in the Countries of the Catholics, upon this Condition, That they should not be molested for any Matters relating to Religion and Faith, unless they gave publick Offence; in which Case they were to be punish'd in Proportion to the Scandal given, according to Law. *Antonius de Sousa*, Counsellor of the Tribunal of the supreme Inquisition in *Portugal*, enquires when the Inquisitors may proceed against them, and gives many Limitations concerning such Hereticks, as they call them, whereby he subjects them entirely to the Power of the Inquisitors.

Aphor. Inq.
l. 1. c. 31.

“ And first, he asserts, that the Condition that Hereticks shall not be interrogated concerning the Faith, unless upon Account of Scandal, is of no Validity, if it is only supported by the King's Authority; but the Inquisitors have full Power to proceed against them according to Law: Because Lay Jurisdiction doth not extend to Matters Ecclesiastical, and relating to the Faith. And therefore, unless that Condition be confirmed by the Pope, the Inquisitors may proceed against any Person, as soon as ever it appears that he is an Heretick, whether he discovers his Heresy in their District, or in any other; because an Heretick sins every where, and therefore may be taken and punish'd any where. In this Case, if such Heretick hath received Instruction, he may be compelled to keep the Faith; if he hath not been instructed, he may be oblig'd to receive it; and if he refuses to accept it, he may be punish'd as an Heretick.

“ But

“ But if this Condition should be approv'd by the Pope, the Inquisitors
“ may proceed against Hereticks giving Scandal, and punish them according
“ to the Nature of it. And first, he says 'tis probable, that the Inquisitors
“ may interrogate concerning the Faith, and oblige Hereticks that give
“ Scandal, to receive Instruction, or if instructed, to forsake their Heresy :
“ Because the Condition ceases by the Offence, and the Obstruction is remov'd,
“ and the foresaid Hereticks remain within the Bounds of the Law. But that
“ the Inquisitors may proceed thus far, they ought fully to prove that Here-
“ ticks have given Scandal ; since the giving this is the Condition that confers
“ Jurisdiction. He thinks it however more probable, that when the Scandal is
“ prov'd, the Inquisitors can punish such Hereticks only for Scandal, and not
“ for Heresy ; because this seems to be excepted by Virtue of the Condition
“ which the Pope hath approved. So that the Offence of Scandal gives no
“ Jurisdiction over any other Offence that is excepted.

“ As to Scandal, he saith, That any one who gives it, not only in *Spain*,
“ but to any Catholick on the *Spanish* Sea, may be punished as well as if he
“ had given it by Land ; but not if it was given in his own Country, or
“ elsewhere without the Bounds of *Spain*.

“ But if any of the foresaid Hereticks shall be accused to the Inquisitors for
“ any foreign heretical Act, before such Treaty of Commerce, and after-
“ wards comes to *Spain*, notwithstanding such Treaty, he may be apprehend-
“ ed, and obliged to receive the Faith. For the Inquisitors, by the preced-
“ ing Denunciation, have acquired a Power against such Hereticks, which
“ Power is not taken away by the Treaty of Commerce. If any one removes
“ his Dwelling from *Spain* into *England*, to escape the Judgment of the Inqui-
“ sitors, although he should not be accused before, but after the Treaty, of
“ an heretical Act committed before it, he cannot enjoy any Benefit by it ;
“ because he ought not to be countenanced in his Fraud.

“ As to the Sorts of Scandal for which such an Heretick may be punish'd,
“ they are these, *viz.* If by Reasons, Persuasions, or any other Way, he en-
“ deavours to persuade any Catholick to embrace his Sect, or any Error
“ against the Faith, or to turn him aside from the Catholick Doctrine or
“ Purity of Faith ; if he profanes the Sacraments, or doth any Injury to
“ them, or to holy Images, if he doth not rise in Presence of the Host, or
“ covers his Head before it, with other Things of the like Nature.

“ The Punishment of such Persons upon these Accounts is arbitrary, greater
“ or less, according to the Nature of the Scandal. If it be very heinous, they
“ may be turned over to the secular Court. They may not be forced to
“ make that Abjuration, which, according to Law, is enjoyn'd to Hereticks
“ or suspected Persons ; because even suspected Persons are not judged for He-
“ resy only, nor do they return to the Catholick Faith. But they may be
“ obliged to swear, that as long as they remain in that Kingdom, or in any
“ Places subject to it, they will not commit any Fault whatsoever against
“ the Catholick Faith.

One may easily infer from this Doctrine of *Soufa*, what the Subjects of *Great Britain*, and other Kingdoms and States must expect, if all Things are to be done according to the Pleasure of the Inquisitors, and how little Safety they will find by such Treaties against the Violence of the Inquisitors, unless they are protected by the Authority of their King, against these their vile and unrighteous Practices. [Of this we have a noble Instance given us by *Oliver Cromwel*, Protector of *England*. *Thomas Maynard*, Consul of the *English* Nation at *Lisbon*, was thrown into the Prison of the Inquisition, under Pretence that he had said or done something against the *Roman* Religion. *M. Meadows*, who was then Resident, and took Care of the *English* Affairs at *Lisbon*, advised *Cromwel* of the Affair; and after having received an Express from him, went to the King of *Portugal*, and in the Name of *Cromwel*, demanded the Liberty of Consul *Maynard*. The King told him, 'twas not in his Power, that the Consul was detained by the Inquisition, over which he had no Authority. The Resident sent this Answer to *Cromwel*, and having soon after received new Instructions from him, had again Audience of the King, and told him, That since his Majesty had declared he had no Power over the Inquisition, he was commanded by *Cromwel*, to declare War against the Inquisition. This unexpected Declaration so terrified the King and the Inquisition, that they immediately determined to free the Consul from Prison; and immediately opened the Prison Doors, and gave him Leave to go out. The Consul refused to accept a private Dismission, but in order to repair the Honour of his Character, demanded to be honourably brought forth by the Inquisition. The same *Maynard* continu'd many Years after under the same Character, in the Reigns of *Charles* and *James II.* and liv'd at *Lisbon* till he was about eighty Years old, without any Molestation from the Inquisition. This Story was well known to all foreign Merchants, who lived at that Time, and many Years after at *Lisbon*.]

C H A P. XV.

Of the Power of the INQUISITORS.

Direct.
Par. 3.
Qu. 32.
cap. Abolendam.
§. Statutus, de heret.

THAT the Inquisitor may discharge his Duty without any Hindrance, Power is given him to compel the Governors of Cities to swear that they will defend the Church against Hereticks. *We ordain moreover, that the Earls, Barons, Governors and Consuls of Cities and other Places, shall take their corporal Oath at the Admonition of the Bishop, and swear that they will faithfully, effectually and sincerely assist the Church, according to their Office and utmost Power, against Hereticks and their Accomplices, when required by the Bishops: And if they refuse to do this, let them be deprived of that Honour which they possess, and never be raised to any other. Let them farther be excommunicated, and their Countries*

Countries put under the Interdict of the Church. If any City shall think fit to oppose these Injunctions, or neglect to punish those who do, at the Admonition of the Bishop, let their Commerce with other Cities be cut off, and let them know that they are deprived of the Episcopal Dignity. We ordain moreover, that the Chief Magistrate, Head Officer, Ruler or Consuls, or any others who preside over any City or other Place, either now, or who shall preside over it hereafter, shall, at the Command of the Diocesan, or his Vicars, or the Inquisitors of heretical Pravity, swear that they will precisely regard, and inviolably observe, and cause to be observed by their Subjects, during the whole Time of their Government, in the Countries subject to their Jurisdiction or Government, the Constitutions promulgated and approved by the Apostolick See, against Hereticks, their Believers, Receivers, Favourers and Defenders, and against their Children and Grand-children. And whosoever will not swear, and observe them, let him be deprived of the Office and Honour of his Government, as infamous, and as a Favourer of Hereticks, and suspected concerning the Faith; and let him no longer be accounted as a Chief Magistrate, Head Officer, Consul or Ruler in any Place, nor ever after be advanced to any Dignity or publick Office. And whatever he doth as Chief Magistrate, Ballivoe, Consul or Ruler, let it be null and void.

To this there is another Oath annexed, viz. to extirpate with all their Power, from their Countries, those who are noted for Hereticks by the Church, which the Inquisitor may compel all temporal Lords, having perpetual or temporal Jurisdiction, to take. Let all secular Powers, whatever be their Offices, as they desire to be accounted and held as faithful, they publicly take an Oath for Defence of the Faith, that they will endeavour with all their Might, in good Faith to root out of all Countries subject to their Jurisdiction, all Persons declared Hereticks by the Church. And at the Time that any Person is advanced to any perpetual or temporary Dignity, let him be obliged to confirm this Article by an Oath. Thus also the Council of Biterre, cap. 32. Let the Earls, Barons, Rulers, Consuls and Ballives of Cities, and other Places, swear, that they will faithfully and effectually, when required by them, assist the Church against Hereticks and their Accomplices, according to their Office, and the utmost of their Power; and that they will in good Faith endeavour with all their Might, to exterminate out of all Countries subject to their Jurisdiction, all Persons declared Hereticks by the Church. Thus also the Council of Tholouse. We forbid also the Prelates, Barons, Gentlemen, and all Persons of Estates, to give the Stewardship and Management of their Lands to Hereticks and their Believers. Neither let them presume to have or keep in their Family or their Counsel, such Persons, nor any defamed for Heresy, or who they believe to be suspected of it. And finally the Council of Biterre commands, that Hereticks shall not be entrusted with Stewardships, or Administrations, nor suffered to be in the Counsels or Families of the Great. Pegua remarks here, that in the 6th Council of Toledo, held 686. there is a Passage concerning the Kings of Spain, That when they come to the Kingdom, they shall not ascend the Royal Throne, till amongst other Stipulations by Oath, they have promised that they will not suffer any Persons who are not Catholics to remain in their Kingdom. This, says he, I wish was every where recalled into Use, and inviolably maintained.

The

Cap. 2.
Officium.
d. Statu-
mus, de
heret. lib.

24. 33.

Cap. Ex-
communi-
camus
itaque,
de heret.

g. Mone-
antur.

Par. 3.
Com. 4;

Cap. 16.

Cap. 28;

Cap. 3.

Q. 33.
Cap. Statutum, de hæret. 1.6.

The Inquisitors may also compel the temporal Lords to revoke all Statutes that hinder the Office of the Inquisition. *Let not any Statute of any City, Castle, Town, or other Place, by which the Affair of the Inquisition of heretical Pravity is directly or indirectly hindred, or any ways retarded, so that ye cannot freely proceed therein, be of any Force whatsoever. And we decree, that the Lord, chief Magistrate, Head Officer, Consuls or Rulers of such City and Place, by whom the said City or Place is governed, under whatsoever Name, shall be compelled by Ecclesiastical Censure, to discover such Statute to the Diocesan of the Place, or his Vicars, or the Inquisitor, or Inquisitors of heretical Pravity, without Delay. And if it shall be found such, let it be entirely repealed, or at least so far moderated, that the Processes of the Inquisition be not hindred thereby, or in any wise retarded.*

P. 3.
Com. 1.
Cap. Ut Inquisitionis, de hæret. lib. 6.

Farther, the secular Magistrates are expressly commanded to seize and keep in Custody Hereticks at the Inquisitors Demand, and to carry them wheresoever they order. *That the Affair of the Inquisition against Hereticks may go on prosperously in our Times, to the Glory of God, and the Encrease of the Faith, we approve and order to be observed certain Laws published by Frederick, formerly Emperor of the Romans, then remaining in his Devotion to the Church of Rome, as far as they promote the Honour of God, and his holy Church. We therefore require and admonish all secular Magistrates and temporal Lords, and the Governors of Provinces, Lands, Cities, and other Places, by whatsoever Dignities, Offices or Names they may be distinguished, that as they desire to be esteemed and held as faithful, they obey the Diocesan Bishops, and Inquisitors of heretical Pravity, deputed, or hereafter to be deputed by the Apostolick See, in all Things relating to the Defence of the Faith; and that when required by them, they endeavour to seize, and keep in safe Custody Hereticks, their Believers, Favourers, Receivers, and Defenders; and that without Delay they carry or order to be carried the aforesaid Persons into the Power or Jail of the Bishops, or the said Inquisitors, or to any other Place which they or any of them shall command within the Power of the said Lords, or the District of such Rulers, where they shall be kept in close and safe Custody by Catholick Persons, deputed by the aforesaid Bishops, or Inquisitors, or any one of them, till their Affair is determined by the Judgment of the Church. The Law of the Emperor Frederick here referred to, begins, *Commissi vobis*; the third Section of which is this: *Farthermore, whatsoever Hereticks shall be found in Cities, Towns, or other Places of the Empire, by the Inquisitors deputed by the Apostolick See, and other Orthodox Persons, zealous for the Faith, let such as have Authority there, be obliged to apprehend them at the Notice of the Inquisitors, and other Catholick Persons, and when apprehended, to keep them in strict Custody, till being condemned by Ecclesiastical Censure, they perish by an accursed Death, who have condemned the Sacraments of Faith and Life. Thus also Innocent IV. by a Rescript, beginning, *Ad extirpanda*, commands, *Let every Magistrate or Ruler, cause the said Hereticks, when taken, to be carried, at the Expence of the Place where he presides, wheresoever the Diocesan or his Vicars shall order, within the Jurisdiction or District of such Diocesan, Bishop, City, or Place. And that these Words relate to the Inquisitors also, the Beginning and whole Substance of that Rescript shews, which Clement IV. hath also declared by another Rescript, beginning, *Ad extirpanda*.***

And

And finally, the Emperor *Frederick* hath commanded by the same Law, all Governors, as well Ecclesiastical as Secular, kindly to receive the Inquisitors, and defend them against the Incurfions of Hereticks, §. 10. *We hereby declare, that we take under our special and Imperial Protection the preaching Friars of the Predicant Order, deputed for the Affair of the Faith against Hereticks in the several Parts of our Empire; as also all others sent for, and who come to judge Hereticks, unless any of them be proscribed by the Empire, where-ever they go, abide, or return; and 'tis our Pleasure that they receive no Offence from any, but that they receive the Assistance, and have the Recommendation of all the Faithful of the Empire. We therefore command you, and all of you, that wheresoever, and to whomsoever of you they come, ye receive them kindly, and preserve their Persons free from the Incurfions of Hereticks that lie in wait for them, and that ye grant them all Counsel, safe Condu&t, and Assistance, in their Execution of Affairs so acceptable before God.*

The Inquisitors may also exact an Oath from the Magistrates, for their observing not only the Laws of the Emperor *Frederick* against Hereticks, but all other Statutes as well Ecclesiastical as Secular, as appears from two Rescripts of *Innocent IV.* beginning, *Orthodoxæ fidei*. The same hath been particularly decreed by the Council of *Biterre*, cap. 31. *And that by the Help of the Lord Herefy may be the better and more speedily extirpated, and the Faith planted in the Earth, see that the Statutes and Laws made concerning these Things by the Apostolick See, and its Legates, and the Princes, be most exactly observed.*

As there are many Difficulties that daily arise in the Punishment of Hereticks, and the Causes of Faith, which are not fully and plainly determined by the Laws, for this Reason, and to prevent the Necessity of consulting the Pope in all doubtful Cases, *Innocent IV.* by a Rescript, beginning, *Cum negotium*; and *Alexander IV.* by another, beginning, *Præ cunctis*, gave to the Inquisitors free Power of interpreting the Ecclesiastical and Secular Statutes against Hereticks, their Believers, Favourers, &c. as often as there appears in them any Thing ambiguous or obscure. This is certainly a very large Power, which the *Seville* Instructions have also granted to the Inquisitors. *Inst.* 1. cap. 28.

Simancas observes here, “ That smaller Matters only, and such as 'tis im-
“ possible to bring within the Laws, are left to the Determination of the
“ Inquisitors, and that they cannot of themselves decide Matters of greater
“ Moment, which the Laws have not, but that they must consult the Inqui-
“ sitor General and Senate about them. He adds, that even as to those
“ Things which are left to themselves, they must not judge according to their
“ own Will and Pleasure, but conformable to the Statutes and Laws; nor
“ follow their own Conscience, unless it be entirely informed by the Laws.”

[*Paramus* is of the same Mind with *Simancas*, altho', as he says, “ The Words
“ of the *Seville* Instruction, cap. 28. seem to imply the contrary. For thus
“ they order. *It must be left to the Pleasure and Prudence of the Inquisitors, to
“ proceed according to the Disposition of the Law, in those Things which are not ex-
“ pressly declared, and according to their own Conscience.* However, *Paramus*

“ thinks, that if these Words are strictly examined, they will import nothing more, than that those Causes of the Faith, which are left to the Pleasure of the Inquisitors, must be judged and decided according to the Sentences of the Laws. And thus the Judges must satisfy their Consciences, because the Words of the Instructions, as of all other Statutes, receive their Interpretation according to the common Law. Now, according to the Disposition of the Law, the Judge must form his Judgment, not according to his Conscience, but according to the Allegations and Proofs. *From which this is inferred, that tho’ the Judge certainly knows in his Conscience, that the Person accused is not guilty of the Crime, yet if he be convicted by Proofs against him, the Judge ought, and without Sin may condemn him.* However, *Paramus* believes it to be safer, and more agreeable to Religion, for the Judge, in such a Case, to excuse himself from acting, and to desire of his Prince that the Cause may be delegated to some other, or he may thus delegate it to another himself.] But *Camillus Campegius* thinks, that all Things, which the Laws have not so clearly determined, are left to the Inquisitors Declaration or Interpretation; that whatever Things are obscure and ambiguous, may be expounded and declared by the Inquisitor; and that therefore whatever is not determined by the Law is committed to the Pleasure of the Judge.” *Sousa* gives a yet larger Power to the Inquisitors, and allows not only that they can interpret what the Laws and Statutes have not, if any Thing doubtful occurs, but that “ when there are severally equally probable Opinions in any Case, they may follow which they will, and when there is no Scandal, judge sometimes according to one, and sometimes to another. He adds, that ’tis more likely, that the Inquisitor cannot follow the less probable Opinion, unless it happens to be more established by Custom, and he knows that the Sentence will be repealed by the supreme Council.”

It is also further granted to the Inquisitors, ever since the Beginning of the delegated Inquisition, that for the Defence of their Person and Family, and the better to apprehend Hereticks, their Receivers, Favourers, &c. they may have their Officials, and an armed Attendance, and bear Arms themselves. But because it often happens, that Abuses creep in under the Pretence of Privilege, unless such Privilege be wisely used, *Clement V.* in the Council of *Vienne*, about the Year 1310. confirmed this Privilege to the Inquisitors, but took away the Abuse that had crept in. *Cap. Nolentes* in *Clement. §. porro.* Moreover, we strictly forbid the Inquisitors, in any manner to abuse their Privilege of wearing Arms, and to have any other Officials but such as are necessary to help them in the Execution of their Office. And this Privilege is so peculiar to the Inquisitors in Favour of the Faith, and from the Hatred of heretical Pravity, that their Officials, who in *Italy* are called *Cross-bearers*, and in *Spain* *Familiars*, and who are commanded by the Holy Office to denounce or apprehend Hereticks, or to wait on the Inquisitor whenever he commands it, may carry Arms either by Night or by Day, any civil or municipal Law made, or to be made, to the contrary notwithstanding. If indeed any one should make a

Law

In Zanch.
c. 17.

Apkew. Inq.
l. 2. c. 1.
§. 11, 12.

Qu. 56.

Com. 105.

Law to prohibit the Officials of the Inquisitors to wear Arms, he might be punished as an Hinderer of the Holy Office. If the Inquisitors own Servants are not sufficient, he may call in the Aid of the secular Arm. *Finally, that you and every one of you may have immediate and inviolable Power of apprehending Persons concerning the aforesaid, we will, that in order to the more usefully executing all these Things, you may, when there is Need, call in the Assistance of the secular Arm, and put all Contraveners under Ecclesiastical Censure, without Benefit of Appeal.*

Qu. 57.
c. ut officium.
§. denique.

The Inquisitors may also punish those, who presume to injure them in Word or Deed; and so much the rather, because they think that their Office ought to be esteemed more holy and venerable than that of all other Judges whatsoever.

Simanc. tit. 34. §. 28.

They may compel any Witnesses, even tho' a Person of Distinction, to appear before them, and to give Evidence in a Cause of the Catholick Faith. But this is so explained by *Campegius*, "As that the Inquisitor can only compel the Witness to give his Evidence, when it doth not expose him to any imminent Danger; if it doth, he cannot be compelled. The Judge may also force them to appear, by forming a Procefs against them, that they refuse to appear and bear Witness, because corrupted by the Criminal with Money, which obliges them to be forth coming, least they should be falsely condemned. If any refuse to appear, the Judge may cite them, and proceed against them; and if they dont't then appear, he will treat them as actually corrupted. He may farther punish them for Contumacy with Confiscation of their Effects." These are the different Opinions of the Doctors, as alledged by *Campegius*.

In Zanch cap. 13. d

Besides this the Inquisitors may compel the Witnesses to give Evidence, by threatening them with a Fine, or taking Pledges from them, by Excommunication and Torture. *Carena* tells us, that in the supream Inquisition at *Rome*, a certain Person was forced by Torture to take the Oath which he refused.

part. 3. tit. 7. §. 1. n. 7.

If the Advocates or Notaries give any Assistance or Help to Hereticks, or their Favourers, the Inquisitors must proceed against them. *Since a special Injunction is usually more regarded than a general Command, we strictly forbid you Advocates and Notaries from granting in any Instance your Help, Counsel or Favour to Hereticks, their Believers, Favourers or Defenders, and from giving them your Assistance in Causes or Facts, or to any who make any Disputes under their Examination, and from drawing for them in any wise publick Instruments or Writings; which if any one shall presume to do, he shall be suspended from his Office, and be subject to perpetual Infamy.* cap. si adversus nos. de hæret.

Direct. Qu. 39.

They have Power also to command those who have Proceffes, or any other Instruments drawn against Hereticks, to deliver them to them. *We grant you also the Power of causing all Persons to deliver to you the Books, or Registers, and other Writings in which the Inquisitions and Proceffes against Hereticks, carried on by any by the Authority of the Apostolick See, or its Legates, are contained. Alexander IV. ordained the same by a Rescript, beginning, Cupientes, sent to the Predicant Friars, Inquisitors of heretical Pravity in Lombardy, and the Marquifate of Genoa: Desiring that the Affair of the Inquisition against heretical*

Cap. ut commissi vobis. de hæret. l. 6.

Com. 88.

Pravity, committed to your Care, may happily prosper in your Hands, to the Glory of God, and Increase of the Catholick Faith, we by Authority of these present, grant to you, and every one of you, the Power of compelling by the Ecclesiastical Censure, either by your selves, or by others, whom you or any one of you shall judge proper for this Business, all those who have, or have had any Writings or Instruments of the Inquisition, or belonging to this Office, made hitherto by any, or to be made, against Hereticks, their Believers, Receivers, Favourers or Defenders, to deliver them to you, or some one of you, without any Difficulty or Danger of Delay, without allowing them any Benefit of Appeal.

From this Rescript they infer, that the Criminal, in a Cause of Heresy, is obliged to deliver the proper Instruments against himself to the Fiscal, from which he may gather his Intention, and form his Accusation; although regularly the contrary is determined by Law; and not only against himself, but against every other Person the Fiscal proceeds against; which though it doth not take place in other Cases, yet doth in Favour of the Faith. So that if *Titius* is apprehended for Heresy, and delivers an heretical Book, or the like, to *Sempronius*, *Sempronius* is to be compelled to produce it not only against himself, but against *Titius* too. And what in this Case is said of Books and Writings, extends to all other Things which may help to find out the Truth, which are to be all given in, in Favour of the Faith.

Calder. de
modo pro-
ced. cont.
heret.
f. 411.

Excommunication also is a Branch of the Inquisitorial Power, which they have a very ample Power of inflicting, because their Excommunication is more heavy than that of others, and that in a fourfold Respect. First, because whoever are excommunicated by them, must be put under the Ban by a publick Edict and Proclamation. Secondly, their Effects must be confiscated, and the Inquisitors may compel the Magistrates and Governors to both. This appears from a certain Privilege of *Innocent IV.* beginning, *Cum Fratres Prædicatores*; in which he writes to the Barons, and other Lords, and Governors, and Cities, saying, *We have thought it meet to beseech, exhort and admonish all of you, and strictly charge you, by our Apostolick Writings, and command that all those who shall be excommunicated, and declared publicly to be excommunicated, by the said Inquisitors, or others at their Command, for the Crime of Heresy, or for defending, receiving, or favouring Hereticks, be put under the publick Ban, and have all their Effects confiscated.* Thirdly, because such who are excommunicated by the Inquisitors, and persist with an obstinate Mind for the Space of a Year under Excommunication, must be judged as Hereticks, and become subject to the Punishments published against Hereticks. As appears from the Law of the Emperor *Frederick*, beginning, *Patarenorum*; and from many other Laws. Fourthly, because they can excommunicate with the greater Excommunication all who partake with Persons excommunicated by them, such as Hereticks, their Believers, Favourers, Receivers and Defenders, according to the Bulls of *Innocent* and *Alexander IV.* beginning, *Noverit universitas vestra.* But if any shall contemptuously refuse to avoid such Persons, after being marked out by the Church, let them be excommunicated, and otherwise punished with due Severity.

They

They have also Authority to excommunicate Lay Persons disputing concerning the Faith, publickly or privately ; as also all who do not discover Hereticks either by themselves or some other Person, as appears from these Letters of the Popes.

Farther, the Power of the Inquisitors was formerly very great, because they could reserve to themselves the Authority of encreasing or lessening the enjoined Penances. *We also grant you Power, when you shall think it proper, to mitigate or change, in Concert with the Prelates, to whose Jurisdiction they are subject, the Punishment of those, who are shut up in Prison or Jayl, if they humbly obey your Commands.* The Inquisitors may also encrease the Penances enjoined to such who are converted upon account of their Indevotion, Wickedness, or Quarrelling, *i. e.* if they don't bear their Imprisonment with Patience, or if there be any other Tokens, that they don't in all Things obey the Beck of the Inquisitors. This the Council of Narbonne hath ordered the Inquisitors to take Care of. *Cap. 7. This Restriction always carefully observed, that it shall be lawful for you, or other Inquisitors, or those to whom the Church of Rome shall think fit to commit this Affair, or those to whose Office it belongs, at any time, and for every reasonable Cause, to add to, or take from the Penances enjoined them, according to your Will and Pleasure.* Yea, this Power was given to the Inquisitors by the Council of Biterre, *Cap. 22.* even though there should be no fresh Reason for it. *You shall always retain this Power, of sending the aforesaid Hereticks to Jayl, without any new Cause, when you shall judge it expedient for the Affair of the Faith.* Hence we find, that in the Book of the Sentences of the Tholouze Inquisition, the Inquisitors ordinarily reserve this Power to themselves. When they shew Grace to condemned Persons, and release them from wearing their Crosses, and enjoin them other Penances in the room of this, such as Pilgrimages, visiting of Churches, and the like, they add ; *Reserving to our selves and Successors in this Office, the Power of adding to, lessening, and commuting in all the aforesaid, and of enjoining them to wear their Crosses, if it shall seem good to us and our Successors, even without any fresh Cause.* When they bring them out of Jayl, and change the Punishment of Imprisonment into that of wearing the Cross, or any others, they add ; *Reserving to us, and every one of us, and our Successors in the Office of the Inquisition, full Power over the aforesaid Persons, and every one of them, of bringing them back, and recalling to the aforesaid Prison, even without any fresh Cause ; as also of encreasing or lessening, mitigating, or remitting in the aforesaid, if it shall seem convenient, to us, or any one of us, or our Successors.* Nor do they reserve this Power to themselves only in conferring Graces, but even in the pronouncing Sentences. Thus this Caution is ordinarily subjoined to those Sentences, by which Prisoners are condemned to wear Crosses. *Reserving to our selves and our Successors in this Office, the Power of encreasing, diminishing, mitigating, commuting, or even of remitting the aforesaid Penance or Punishment.* But when they condemn any one to Imprisonment, they subjoin a larger Caution, and more fully expressed. *We reserve to our selves, and to our Successors in this Office, full and free Power of mitigating, diminishing, encreasing, commuting, or even of remitting the aforesaid Penance or Punishment ; as also of pass-*
Cap. 12
commissi.
de hæret.
lib. 6.
fol. 85. b.
fol. 100.
sing

sing other Sentences upon any one or more of the aforesaid, if they shall be found maliciously to have suppressed any Things concerning the Fact of Heresy, or to have involved any innocent Person in the said Crime of Heresy. Even though they should have forgot to have added this Caution to their Sentences, the Doctors however think, that the Inquisitor hath and may exercise the Power of encreasing, diminishing, remitting and commuting the enjoined Penances. Per Cap. Ut commissi. de hæret. lib. 6.

Royas,
Assert. 48.
part. 2.

But now this Power is not granted to the Inquisitors in Spain. For this kind of Dispensation belongs at this Day there, only to the Inquisitor General, because the Inquisitors and Ordinaries have already discharged their Office. *Instruct. Hispal. cap. 7. and Tolet. cap. 9. Hist. Concil. Trid. l. 6. p. 550.*

CHAPTER XVI.

Of the POWER of the INQUISITORS in prohibiting BOOKS.

THAT this may be more distinctly explained, and that it may be known what and how great the Power is which is committed to the Inquisitors, concerning the Prohibition of Books; I shall give you an Account of this Affair from the very Rise and Origin of it.

The first of whom we read, who prohibited Books of Religion, was *Antiochus Epiphanes*, whose Servants are said to have rent in Pieces the Books of the Law, which they found, and to have burnt them with Fire; and to have put to Death every one with whom was found the Book of the Testament, or who consented to the Law, 1 Maccab. i. 56, 57. *Dioclesian* was the next, that most cruel Persecutor of the Christian Faith; of whom *Eusebius* relates, that by an Edict, he commanded the sacred Books to be burnt with Fire. Yea, he adds in the same Chapter; *We saw with our Eyes the sacred Books of the divine Scriptures burnt in the publick Forum.* Farther, the Presidents in every Province, City, Town and Village, took Care that the Christians should deliver up their sacred Books, and they compelled them to it by most grievous Torments. Hence all those were called *Traditores*, Deliverers up of the Scripture, who terrified by such cruel Punishments, delivered up the Books which they had.

l. 8. c. 2.

Baron,
c. 302.
n. 22. 1

The Christians themselves afterwards brought into the Church this Custom of raging against the Books of Hereticks, as they call them, as well as against their Persons, which was first derived from the Heathens, when the Empire fell into the Hands of Christian Emperors. *Constantine*, after the Conclusion of the Synod of *Nice*, commanded the Books of *Arius*, condemned by it, to be burnt under the Penalty of Death. *Theodosius* and *Valentinian* decreed the same concerning *Nestorius*, his Followers and Books, l. damnato. c.

Socrates,
Ec. Hist
l. 1. c. 6.

de

de hæret. *Valentinian* and *Martian* concerning *Eutyches* and his Books. 1. *quicumq.*
 §. *Nulli.* and *Omnes.* c. de hæret. *Justinian* ordained the cutting off the Hand
 of those who wrote out the Books of *Antimus*, condemned in the fifth Sy-^{l. 6. c. 6.}
 nod. And 'tis worth Observation what *Brunus* says concerning Hereticks §. 2.
 and Schismaticks; *That it appears to have been a most ancient Custom of the*
Church, that when Heresies were condemned, their Writings should be destroyed,
from hence; that of all the Heresies, which for a long Time continued in the Church,
the Books containing them are now no where extant, and the Opinions of most of
them would have been altogether unknown, unless the Remembrance of them had
been preserved in the Writings of the holy Fathers, who endeavoured to confute
them.

All these Laws against the Books of Hereticks were made by Emperors
 who had the legislative Power in their Empire. [“ But after the Year ^{Hist. Cen.}
 “ 800, the Popes of *Rome* usurped to themselves many Branches of the ci- ^{Trid. l. 6.}
 “ vil Government, forbidding the Reading of Books, and commanding ^{P. 551.}
 “ them to be burnt, after they had condemned the Authors of them; but till
 “ this very Age, there are but very few Books found, that are prohibited
 “ after this Manner: At least, the universal Prohibition of reading Books,
 “ containing heretical Doctrine, or suspected of Heresy, under the Penalty
 “ of Excommunication, without any other preceding Sentence, had not yet
 “ grown into Practice.”] But after that the Pope had arrogated to himself the
 Judgment of the Faith, and order'd himself to be acknowledged the infal-
 lible Judge of all Controversies of the Faith, he also assumed to himself all
 Judgment concerning Books, and the Power of prohibiting them. From this
 Claim of Power have sprung those expurgatory Indexes, by which, not on-
 ly the Books of such Authors as are condemned by the Church of *Rome* are
 prohibited, but the Writings of all, even of the greatest *Romanists* themselves,
 are subjected to a Censure; and whatsoever is found in them contrary to the
 Opinions of the *Roman* Church, or not altogether agreeable to them, is
 marked with a †, and commanded to be blotted out; and every Place
 is so carefully noted, that no one can be ignorant, what Words are to be
 erased. So that if the Popes Command, as contained in that Index, is to be
 observed; we shall read no Books as written by the Authors, nor have their
 Sense, but only that of the Court of *Rome*. [“ Pope *Martin V.* by his Bull ^{Hist. Cen.}
 “ excommunicated all Sects of Hereticks, but especially the *Wickleffits* and ^{Trid. l. 6.}
 “ *Hussites*; but without any Mention of those who read their Books, altho' ^{P. 551.}
 “ they were in the Hands of a great many. But *Leo X.* having condemned
 “ *Luther*, forbid also all his Books to be read under Pain of Excommuni-
 “ cation. The Popes after him, by the Bull, *In cœna*, condemned and ex-
 “ communicated all Hereticks, and therein devoted also to the same Curses,
 “ all those who read their Books. And in other Bulls, against Hereticks in
 “ general, did thunder out the same terrible Sentences against the Readers
 “ of those Books. This occasioned a very great Confusion: For as the
 “ Names of the Hereticks who were condemned were not published, Per-
 “ sons were to judge of the Books, rather from the Nature of the Do-
 “ctrines

“ Strines than the Names of the Authors. And as different Persons judged
 “ differently concerning these, the Consciences of Men were troubled with
 “ innumerable Scruples. Those Inquisitors of heretical Pravity who were
 “ more diligent, made Catalogues of such Authors as they knew; but as
 “ they had not compared them with each other, the same Difficulty still
 “ remained.

But that no one might be at a Loss for the future, what Books the Pope had prohibited the reading of, by his Bull, it was necessary to make an Index of the prohibited Books. The *Roman* Authors differ amongst themselves who order'd the first Index to be made. Father *Paul*. tells us, that *Philip*, King of *Spain*, first endeavour'd to prevent this Confusion, by giving a more convenient Form, and by a Law, made 1558. order'd, That the Catalogue of Books, prohibited by the Inquisitors of *Spain*, should be printed. After his Example, *Paul IV.* commanded at *Rome*, That those who were at the Head of the Office of the Inquisition, should make such an Index, and print it, which was shortly after done, *Anno 1559.* But *Gretser* says, that the Index of prohibited Books was printed in *Italy*, by the Papal Authority, *An. 1548.* And a larger one, *An. 1552.* Another larger one yet, *An. 1554.* Another, *An. 1559.* by Pope *Paul V.* much larger than the others. But whether the Pope, or *Philip* King of *Spain* first ordered such an Index to be made, 'tis certain that *Paul IV.* published one, *An. 1559.* “ In this they went many
 “ Steps farther than in former Ages, and laid the Foundations of maintain-
 “ ing and greatly enlarging the Authority of the Court of *Rome*; depriving
 “ Men of that Knowledge which is necessary to every one's defending him-
 “ self from their unjust Usurpations: For till this Time the Prohibition of
 “ Books never extended to any but those of Hereticks; neither were any Books
 “ forbidden to be read, unless the Author had been first condemned. But
 “ this Index was divided into three Parts. The first contains the Names of
 “ those, all whose Works, whatever be the Argument, even though pro-
 “ phane, are absolutely forbidden. And in this List are placed, not only
 “ such who have professed a Doctrine contrary to the *Roman*, but many of
 “ those also, who have lived and died in the Communion of the Church of
 “ *Rome.* In the second are contained the Names of those Books which have
 “ been severally condemn'd; other Books of the same Authors not being in
 “ the least prohibited. The third Part contains certain anonymous Writers,
 “ with the Addition of a general Clause, by which all Books are prohibi-
 “ ted, which have not the Names of their Authors, from the Year 1519.
 “ Under this, many Authors and Books are condemned, which all learned
 “ Men in the Church of *Rome* have been conversant in, for one, two and
 “ three hundred Years past, with the Knowledge of, and without any Con-
 “ tradiction from the Popes of *Rome*, during all that Time. Amongst the
 “ modern Books, some were condemned that were printed in *Italy*, and even
 “ at *Rome*, with the Approbation of the Inquisition, and even by the Pope's
 “ own Bull. Such are the Annotations of *Erasmus* on the *New Testament*,
 “ approved by *Leo X.* after he had read them over, by a Bull dated at
 “ *Rome*,

Hist. Con.
Tvid. ibid.

De jure
prohib. lib.
l. 1. c. 19.

Hist. Con.
Tvid.
p. 552.

“ *Rome, Sept. 10, 1518.* But above all this is remarkable, that under Colour of
 “ Faith and Religion, the Books of such Authors are prohibited and condemn-
 “ ed with the same Severity, in which the Authority of Princes, and the Civil
 “ Magistrate is defended against the unlawful Ufurpations of the Ecclesiasticks ;
 “ and in which the Power of Councils and Bishops is maintained against the
 “ unjust Encroachments of the Court of *Rome*: And finally, all those which
 “ plainly detect their Hypocrisy and Tyranny, by which, under the Disguise
 “ of Religion, they impose on the People, or persecute them. In a Word,
 “ Religion was never before made subservient, by such an admirable Myste-
 “ ry, to bereave Men of their Senses. Yea, this Inquisition went one Step
 “ farther, and made a Catalogue of sixty two Printers, prohibiting all the
 “ Books they had ever printed, or published, of whatsoever Author, Art,
 “ or Language, and that with an Addition of great Moment, by which they
 “ prohibited at once, all the Books that had been printed by any Printers,
 “ who had ever printed a single Book of Hereticks. So that there scarce re-
 “ mained any one Book to be read. And what added to this Severity of the
 “ Inquisitors was, that the Penalty pronounced against those who read the
 “ Books contained and prohibited in that Catalogue, was that of Excom-
 “ munication, *latæ sententiæ*, reserved to the Pope, the being deprived and
 “ made incapable of Offices and Benefices, perpetual Infamy, and other ar-
 “ bitrary Penalties. *Pius IV.* who succeeded *Paul*, revoked this severe Cen-
 “ sure, and referred this Index, with the whole Affair, to the Council of
 “ *Trent*.

“ Amongst the Fathers at *Trent*, there was a great Difference of Opinions *Hist. Conc.*
 “ about the making this Index. For some thought that this of *Paul IV.* *Trid. p.*
 “ was sufficient, as being most perfect in it self; and that if any one should al- *553.*
 “ low the Books prohibited in this Catalogue, he would declare that this
 “ Proceeding at *Rome* was imprudent, which would be to take away all Au-
 “ thority from the Index already published, and from the Decree now to be
 “ made; because it was a common Maxim, That new Laws lessen their own
 “ Value, more than they do that of the old ones. *Lewis Beccatellus*, Arch-
 “ bishop of *Ragusi*, said there was no Need of Books, because there was
 “ more than enough of them since the Invention of Printing; and that it was
 “ much better that many Books should be prohibited without Cause, than
 “ that one which deserved Prohibition should be allowed. Others thought
 “ that the Council should take this Affair of the Books into their Considerati-
 “ on, as if there had not been any Prohibition at all before; because that that
 “ which was made by the Inquisitors at *Rome*, was for that Name hateful to
 “ the *Ultramontanes*, and was so very severe, that no Body could observe it.
 “ That there was no juster Reason in the World for repealing a Law, than
 “ that it cannot be observed, or at least, not without great Difficulty; espe-
 “ cially if the Punishment annexed to the Breakers of it was too severe.”
 At Length, the Fathers, after several Debates, not being able to agree,
 thought fit to refer the whole Affair to the Pope. Upon this, Pope *Pius*
IV. as *Clement VIII.* reports, in his Bull, *October 17, 1595.*] took the

Advice of certain Prelates of great Learning and Wisdom, and published an Index of the prohibited Books, and certain Rules, by his Letters, in Form of a Brief. The same Pius, in his Bull of *March 24, 1564.* says, That the Index was presented to him by Order of the Synod, that it should not be published before it was approved by him. Wherefore, after it had been examined at his Command, by some of the most learned and approved Prelates, he approved it, together with the Rules put before it, commanding it to be received by all, and the Rules to be observed; adding this strict Charge: *We forbid all and singular, as well Ecclesiastical Persons, secular and regular, of whatsoever Degree, Order and Dignity, as Lay, of whatsoever Honour and Dignity, to read, or dare to have any Books, contrary to the Order of these Rules, or the Prohibition of the said Index. And if any one shall act contrary to those Rules, and that Prohibition, by reading, or having the Books of Hereticks, or the Writings of any Author condemned and prohibited for Heresy, or Suspicion of false Doctrine, he shall, ipso jure, incur the Penalty of Excommunication; and for this Reason Inquisition and Process may be made against him, as suspected of Heresy; besides other Penalties in this Case incurred, ordained by the Apostolick See, and sacred Canons.* Thus by the Command of Pius IV. this Index of prohibited Books came forth, *An. 1564.* “ But because it was not received in some Places
 “ and Provinces, because some Books were prohibited by it, which learned
 “ Men could not be deprived the reading of without great Inconvenience;
 “ and because some Things were obscure, and needed Explication, they made
 “ certain Rules, to provide, as well as they could, for the Advantage and
 “ Studies of learned Men, without any detriment to Truth and Religion.” Hence Sixtus V. order’d it to be enlarged with many Rules; but died before he had brought it to Perfection. Clement VIII. commanded it to be retained, and enlarged it, and thus encreased and enlarged, he confirmed it, and the Rules prefixed to it; and commanded it to be published, *An. 1595.* The first of these Rules is this: *All those Books, which either the Popes, or General Councils have condemned, before the Year 1515. and which are not in this Index, are to be looked on as really condemned here, even as they were condemned before.* By the fourth Rule, the common reading of the Holy Scripture is forbid, in these Words:

Since it is plain by Experience, that if the sacred Writings are permitted every where, and without Difference, to be read in the Vulgar Tongue, Men, through their Rashness, will receive more Harm than Good; let the Bishop or Inquisitor determine, with the Advice of the Parish Priest or Confessor, to whom to permit the reading of the Bible, translated by Catholick Authors, in the Vulgar Tongue; according as they shall judge whether it be most likely that such reading the Scripture may do harm, or tend to the Encrease of Faith and Piety. Let them also have the same Power as to all other Writings. But if any without such Leave, shall presume to read or have them, without first shewing the Bible to the Ordinaries, he shall not receive the Absolution of his Sins. And as to all Booksellers, who shall sell the Bible translated into the Vulgar Tongue, without such Leave, or by any other Method shall publish them; let them forfeit the Price of the Books, and let the Money be given to pious Uses by the Bishop; and let them be subject to other Punishments at the Plea-
 sure

sure of the said Bishop, according to the Nature of the Offence. As to Regulars they shall not read or buy them, without Leave first had from their Prelates. To this Rule there is added in the Index this Observation. It must be remarked, concerning this fourth Rule of the Index of Pope Pius IV. of blessed Memory, that no new Power is given by this Impression or Edition to the Bishops or Inquisitors, or the Superiors of the Regulars, to grant License of buying, reading and keeping the Bible published in the Vulgar Tongue. Since hitherto, according to the Command and Use of the holy Roman and Universal Inquisition, this Power of granting such Licenses to read and keep the Bible, and other Parts of the sacred Scripture, as well of the New as the Old Testament, published in any Vulgar Language, is taken from them; as also all Summaries, and historical Abridgments of the said Bible or Books of the holy Scripture, written in any Vulgar Language whatsoever. And this must be inviolably observed.

In the tenth Rule there are several Things to be observed about the printing of Books, viz. that no Books shall be published at Rome, unless first examined by the Vicar of the Pope, and the Master of the holy Palace, or Persons deputed by the Pope. And as to other Places, unless it be approved by the Bishop, or some one deputed by the Bishop, or the Inquisitor of heretical Pravity, and such Approbation subscribed with their Hand. If any publish Manuscript Books without Approbation, they are subject to the same Penalties as the Printers. The Shops of Bookfellers are order'd to be often searched, and they themselves are commanded to keep a Catalogue of all the Books they sell, and to keep no other, nor to deliver them upon any Account, without Leave of such as are deputed, under Penalty of losing their Books, and other Punishments to be inflicted at Pleasure of the Bishops and Inquisitors. All Buyers, Readers, or Printers, are also punishable at their Pleasure. If any one brings any Books into a City, he must acquaint the said Deputies with it, and not give or lend them to be read to any Person without shewing the Books to them, and having their Leave.

Finally, in the Instruction given to those who are intrusted with the Care of prohibiting, purging and printing Books, this Oath is ordered to be taken by Printers and Bookfellers. *Let Printers and Bookfellers promise upon Oath, before the Bishop or Inquisitor, and at Rome, before the Master of the Holy Palace, that they will perform their Service in a Catholick, sincere and faithful Manner; and that they will obey the Decrees and Rules of this Index, and the Edicts of the Bishops and Inquisitors, as far as relates to their Arts, and will not knowingly suffer any one to serve under them, who is defiled with heretical Pravity.*

After this Trent Index was published, Philip II. King of Spain, commanded another larger one to be printed at Antwerp, An. 1571. at the House of Christopher Plantin, with this Title: *The expurgatory Index of Books, published in this Age, either mixed with Errors contrary to sound Doctrine, or with the Gall of unprofitable and offensive Scandal, according to the Decree of the holy Council of Trent, drawn up in the Netherlands, by the Command of his Catholick Majesty, Philip II. and with the Advice and Assistance of the Duke of Alva, An. 1571.*

“ This Book was printed by Plantin, the King’s Printer, and at his Majesty’s

own Charge, not with a Design to be published and dispersed, but to be given only to them, who were appointed to preside over what they call the Expurgation of suspected Books. There was added a most severe Command of the King; That these Censors should keep this Index very privately, and let no others know of it, nor communicate it to any one whatsoever, nor give any Copy of it; but that they should most carefully regard this only, to search out, expunge and restore such suspected Places of Books, as they should think proper to expunge. By this Means this Book lay concealed for fifteen Years, like certain Mysteries, in the Libraries of these Censors. But by the singular Direction of Divine Providence, it happened, that about the Year 1586. this Index fell into the Hands of *Francis Junius*, who made it publick." *John Pappus* gives an Account of this whole Affair, in his Preface to the new Edition of this Index, which he published at *Strasburg*, An. 1599.

Besides this, another *Expurgatory Index* was published in Spain, at the Command of *Gaspar Quiroga*, Cardinal and Archbishop of Toledo, Inquisitor General of Spain, and with the Advice of the supreme Senate of the holy general Inquisition, and printed at *Madrid*, by *Alphonfus Gomez*, the King's Printer, An. 1584. A Copy of this was, as it were, snatched out of the Fire by the English, when they plundered *Cadiz*, and destroy'd every Thing else with Flames, and sent by King *James*, to the most noble Lord *Mornæus Du Pleffis*, who caused it to be printed a little after at *Saumur*, keeping the Original himself, to prove the Edition authentick. After this, many other Expurgatory Indexes of Books of all Sorts came out at *Rome* and *Naples*. There was a much larger one, particularly printed in *Spain*, by Order of *Bernard de Sandoval*, Archbishop of *Toledo*, and Inquisitor General, and finally the compleatest of all, by Command of *Anthony a Sotomayor*, supreme President and Inquisitor General in the Kingdom of *Spain*, &c. and published with the Advice of the supreme Senate of the General Inquisition, An. 1640. which was reprinted at *Geneva*, An. 1667. according to the Copy printed at *Madrid*, in the Printing-house of *Didacus Diaz*. To this there were many Rules prefixed; and to the *Geneva* Edition was added the Index of the Decrees, which were made by the Master of the holy Palace, by Virtue of his Office, or by the Command of the holy Congregation, or by the holy Congregations for the Indexes and holy Office, after the before-mentioned Index of the Council of *Trent*.

As to what concerns the Rules prefixed to this Index, I shall not give any Summary of them, because the Book it self may be easily had in the Shops. The Rules of the former Indexes are explained and confirmed by these. I shall only transcribe out of the fifth Rule, such Things as are added to explain more clearly the fourth Rule of the Index of *Trent*, in which the promiscuous Reading of Books is prohibited.

All Bibles extant in the vulgar Tongue are prohibited, with all Parts of them, either printed or Manuscript, with all Summaries and Abridgments, although historical, of the said Bible, or Books of the holy Scripture, in the vulgar Language or Tongue;

not including the little Clauses, Sentences, and Heads which are inserted in the Books of Catholick Writers, who cite and explain them. This Caution is also to be observed, that the Book of the Epistles and Gospels, as 'tis called, written in the vulgar Tongue, is comprehended in this Prohibition, although there be sometimes added short Expositions in certain Parts and Gospels; for it is almost all written out of the sacred Text, and therefore prohibited upon account of the Danger of Error, to which the ignorant common People are subject, through a corrupted Understanding, and other Inconveniences that have been found to arise by Experience. And that all Scruples may be avoided, the Reader is to understand which is the vulgar Tongue, and which not. The Hebrew, Greek, Latin, Caldee, Syriack, Ethiopick, Persick and Arabick are not, being those original Languages, which are not now used in common Conversation. All other Languages whatsoever are to be understood to be vulgar. I have thought proper to add this Rule, Word for Word, that the Tyranny of the Papists, in prohibiting the reading of the holy Scripture, which they endeavour to dissemble, conceal, and by various Pretexs to disguise, may clearly and evidently appear.

From these Things 'tis plain, that the Inquisitors, especially in Spain, have *Diret.* a very great Power in the Prohibition of Books; because these expurgatory *Inq. Ey-* Indexes are made and published by the Command of the Inquisition in the *mer. Com.* Kingdom of Spain. How large this Power is, *Pegna* gives us a full Account. *22. par. 2.*
 " The Bishops and Inquisitors may condemn and prohibit in their Diocesess all
 " Books which contain Opinions, expressly condemned by the Church, al-
 " though written by Authors not condemned by Name, because Things
 " once condemned may be forbidden with any new Condemnation. Also all
 " Books suspected of Heresy, whatsoever be the Heresy they are suspected of,
 " though published by Catholick Authors. For since they may proceed a-
 " gainst all Persons whatsoever, at least so far as to make Inquisition even for
 " small, tho' probable, Suspicions of Heresy, he infers from hence, that they
 " may much more proceed against suspected Books, and prohibit such as contain
 " suspected Propositions. For, says he, Books are much more likely to do
 " harm than Men, because those who read them more firmly insist on the
 " Things contained in them, than those who only hear the Conversations
 " of others; and farther because Hereticks by teaching can scarce
 " spread their Doctrine over a single City, whereas Books may be carried
 " from Place to Place, and infect not only a City, but Kingdoms and Pro-
 " vinces. Also all Books containing Propositions scandalous, dangerous, er-
 " roneous, favouring of Heresy, and any ways differing from the Catholick
 " Faith, and not agreeable to Christian Piety and good Manners. This was
 " provided for by *Paul III.* in a certain Rescript, beginning, *In Apostolici*
 " *culminis.* The same is to be said of such Books as contain double, doubtful
 " or dubious Propositions, which contain a double Sense, one heretical,
 " the other Catholick. These may be prohibited by the Inquisitors, till such
 " Propositions are declared in a Catholick Sense. In the Index also of prohi-
 " bited Books, at the End of the tenth Rule, Power is granted to the Bishops
 " and Inquisitors General, of prohibiting such Books as may be permitted
 " in.

“ in these Rules, if they shall think proper to do it in their Kingdoms, Provinces or Diocesess.”

Inquis.
Venet. cap.
29.

The *Venetian* Senate, as they defend their own Authority against the Inquisition in other Cases, so they would never allow this important Affair to the Power of the Inquisitors. For as Father *Paul* justly observes, they consider, that the main Design of the Ecclesiasticks, is to assume to themselves a Power to prohibit not only Books of Religion, but such as treat of any other Matters whatsoever; and to deprive Princes of the Power of prohibiting in their own Territories any Book, if they have approved it, whatever be the Subject it treats of. The Consequence of which they see would be this, that they cannot prohibit any Book from being brought into their Dominions, and publicly sold, if the Ecclesiasticks approve of it, though it be in it self dangerous to the Commonwealth. For these Reasons they have vigorously endeavoured to reserve this Power to themselves, and not to suffer it to be transferred to the Inquisitors. On this account great Differences arose between the Pope and the Senate, and in the Year 1595. there met the Cardinal Nuncio and the Inquisition on the Pope's Part, and the principal Senators on the Senate's Part, who, after long and continued debating the Affair for four whole Months, at length agreed, that the Power of prohibiting Books in the *Venetian* Territories, should belong to the Senate, and not to the Inquisitors. Of this Agreement only sixty Copies were printed at the earnest Request of the *Romans*, for this Reason, that it should become known but to a few. Whereas on the other hand, innumerable Indexes of prohibited Books, in which the Power of prohibiting them is ascribed only to the Ecclesiasticks, are every where to be found; by which Artifice they design, that this Agreement shall be known only to a few, and may be gradually wholly lost. For which Reason Father *Paul* thinks, that the Senate ought particularly to guard against these Arts.

And indeed the *Romanists* have given Proofs enough, that they claim to themselves only the Prohibition and Approbation of Books, and would entirely deprive the Secular Powers of it, that they may not have the Power of prohibiting Books, which they see dangerous to their Government, and designed to excite Sedition and Rebellion. We have a famous Instance of this in Cardinal *Baronius*, and on the other hand, we have as noble an Instance of the just Vindication of the regal Majesty in the King of *Spain*, though himself subject to the Yoak and Bondage of the Inquisition. *Baronius*, in the Beginning of the Year 1605. published his Eleventh Volume of Ecclesiastical Annals, in which he inserted a long Discourse of the Monarchy of *Sicily*, in which were many Things contrary to the Honour of many of the Kings of *Aragon*, and particularly against King *Ferdinand*, and the other Ancestors of the King of *Sicily*, who then reigned, who also was King of *Spain*. This Book, as soon as it was brought to *Naples* and *Milan*, was prohibited by the King's Ministers, as manifestly injurious to their Sovereign. As soon as the Report of this Prohibition came to *Rome*, *Baronius* called together a Counsel of Cardinals, upon the Vacancy of the See by the Death of *Clement VIII.* and bitterly inveighed against the

the King's Ministers, who, by prohibiting his Book, had presumed to lay hold of the Ecclesiastical Authority. After this, *Paul V.* being created Pope, *June 13th* of the same Year, the Cardinal wrote a long Letter to the King of *Spain*, in which, amongst other Things, he asserts, that it belonged only to the Pope, to approve or disapprove all manner of Books, and especially Ecclesiastical ones; and grievously complains that his Majesty's Ministers had prohibited his Book in *Italy*, to the great Reproach and Contempt of the Ecclesiastical Authority. The King sent the Cardinal no Answer, but privately approved the Edict of his Ministers. In the Year 1607. the Cardinal published his Twelfth Volume of Annals, and could not contain himself, but in an entire Digression reproached, and severely inveighed against this Action of the King's Ministers.

We therefore more strongly inculcate these Things, approved of by the antient Custom of the Church, and Authority of the Catholick Faith, because in these most unhappy Times the King's Ministers have dared to do, what is dreadful to relate, and horrible to see, viz. to censure Writings that have been approved by the Pope, so that the Bookellers are not suffered to sell them, without Leave first obtained from them, which sometimes they deny at Pleasure, prohibiting the Sale of them, and thereby manifest to the World that they act contrary to Right and Justice. What else is this, but what 'tis Impiety to say, to wrest one of the Keys given by Christ to Peter, viz. the Key of Knowledge, out of the Hands of his Successors, and to suffer it to be usurped by a Lay Hand, and Lay Princes. Am. 1186. S. 29. S. 84. The Spanish Senate, according to Custom, proceeded slowly, and with mature Advice, and waited three whole Years. But in the Year 1610. the King published an Edict, by which he condemned and prohibited the said Book, and treated the Cardinal in the same manner as he had done him and his Predecessors. And to give that Decree the greater Authority, he commanded it to be published in *Sicily*, by Order of Cardinal *Doria*, who confirmed it by subscribing it with his own Hand; and which was printed, and every where dispersed about and sold. The Court of *Rome* was greatly disturbed at it, and especially because 'twas put in Execution by the Cardinal's Command. However the *Spaniards* would never revoke the Decree.

Thus we see that the King of *Spain* vindicated his Authority, and the Honour of his Ancestors, because the Controversy was about the Right of Empire. But this is the only Instance of this Nature, and which the King could not pass over without injuring his own Majesty. In all other Cases the Power of prohibiting Books is left wholly to the Inquisitors, which, as we have seen, is very large in the Kingdom of *Spain*.

C H A P. XVII.

What the INQUISITORS can do themselves, and what in Conjunction with the ORDINARIES.

BECAUSE the Judgment of Heresy is, as we have seen, committed to the Ordinaries or Bishops, and to the Delegates or Inquisitors, 'tis proper to consider what each can separately do, and what are those Acts in which both must necessarily concur, in order to their being effectual and valid.

Eymer.

p. 3. q. 47.

The Inquisitor without the Bishop, and the Bishop without the Inquisitor, may cite and arrest, or apprehend and deliver any one to safe Custody, and put them in Irons, if they think proper, and make Inquisition against such as are accused. But neither without the other can deliver any Persons to hard or close Imprisonment, which hath more of the Nature of Punishment than of Custody, or put them to the Torture, or force them in Irons by Hunger to discover the Truth, which is one sort of very grievous Torment, or proceed to Sentence against them. This appears from the *Clementines*. *Therefore to promote the Glory of God, and for the Increase of the same Faith, and that the Affair of the Inquisition may go on more prosperously, and that the searching out of heretical Pravity may proceed more solemnly, diligently, and cautiously, we decree that it shall be carried on as well by the Diocesan Bishops, as by the Inquisitors deputed by the Apostolick See, laying aside all carnal Love, Hatred and Fear, and every Regard to temporal Interest. So that every one of the aforementioned may without the other cite, arrest or take up, or commit to safe Custody, and also put Criminals into Irons, if they shall think proper. And this we lay upon their Consciences. They may also make Inquisition against them, as they shall think it in this Case most agreeable to God and Justice. But neither the Bishop without the Inquisitor, nor the Inquisitor without the Diocesan Bishop, or his Official, or during the Vacancy of the Episcopal See, such Person as shall be deputed by the Chapter, if they can each of them respectively obtain a Copy, within eight Days after they have given Notice to each other, shall be able to commit any one to hard and close Imprisonment, which looks more like Punishment than Custody, or put them to the Torture, or proceed to Sentence against them. And if any one shall presume to do otherwise, it shall be ipso jure, null and void. In like manner the Inquisitor without the Bishop cannot deprive, nor declare to be deprived of their Benefices and Ecclesiastical Dignities heretical Clergymen, unless it shall legally appear that the Diocesans have conferred such Benefices knowingly upon such Persons; for we declare that their Consent in such Cases shall not be required, but rather that they should be punished by their Judge.* Decret. 6. de hæret. cap. *Ut commissi*. §. ult. But whatsoever was the antient Law, 'tis now a very plain and clear Case, by the Rescript of Pius V. beginning, *Cum ex Apostolatus*, that the Benefices of the heretical Clergy, are vacant from the Day of their committing their Crime, and reserved to the Disposal of the Apostolick See. From whence it appears that the Inquisitor may declare them deprived of them.

Cap. Multorum de hæret.

Cap. Multorum de hæret. *Therefore to promote the Glory of God, and for the Increase of the same Faith, and that the Affair of the Inquisition may go on more prosperously, and that the searching out of heretical Pravity may proceed more solemnly, diligently, and cautiously, we decree that it shall be carried on as well by the Diocesan Bishops, as by the Inquisitors deputed by the Apostolick See, laying aside all carnal Love, Hatred and Fear, and every Regard to temporal Interest. So that every one of the aforementioned may without the other cite, arrest or take up, or commit to safe Custody, and also put Criminals into Irons, if they shall think proper. And this we lay upon their Consciences. They may also make Inquisition against them, as they shall think it in this Case most agreeable to God and Justice. But neither the Bishop without the Inquisitor, nor the Inquisitor without the Diocesan Bishop, or his Official, or during the Vacancy of the Episcopal See, such Person as shall be deputed by the Chapter, if they can each of them respectively obtain a Copy, within eight Days after they have given Notice to each other, shall be able to commit any one to hard and close Imprisonment, which looks more like Punishment than Custody, or put them to the Torture, or proceed to Sentence against them. And if any one shall presume to do otherwise, it shall be ipso jure, null and void. In like manner the Inquisitor without the Bishop cannot deprive, nor declare to be deprived of their Benefices and Ecclesiastical Dignities heretical Clergymen, unless it shall legally appear that the Diocesans have conferred such Benefices knowingly upon such Persons; for we declare that their Consent in such Cases shall not be required, but rather that they should be punished by their Judge.* Decret. 6. de hæret. cap. *Ut commissi*. §. ult. But whatsoever was the antient Law, 'tis now a very plain and clear Case, by the Rescript of Pius V. beginning, *Cum ex Apostolatus*, that the Benefices of the heretical Clergy, are vacant from the Day of their committing their Crime, and reserved to the Disposal of the Apostolick See. From whence it appears that the Inquisitor may declare them deprived of them.

Pegna:

Lucern.

Inq. in voce

Inquisitor.

'Tis

'Tis controverted amongst the Doctors, whether the Bishop without the Inqui- Direct.
 sitor, or the Inquisitor without the Bishop, can pronounce the Sentence of Ab- p. 3. q. 48.
 solution. 'Tis the Custom in *Spain*, for the Inquisitors to absolve without Com. 97.
 the Bishops. But if there is an Abjuration to be made, the Consent of both Caren.
 is necessary, according to the Rescript of *Innocent IV.* beginning, *Tunc potissime.* p. 1. tit.
But if any shall wholly abjure heretical Pravity, and will return to the Ecclesi- 4. §. 11.
astical Unity, let the Diocesan be consulted, and grant them the Benefit of Absolution,
according to the Form of the Church, and enjoin them the usual Penance. But if such
 Abjuration or Purgation be made before one of them only, it is to be account-
 ed valid. From hence they draw this Inference; That if any one shall have
 abjured, as an Heretick, or vehemently suspected, before either one of the a-
 foresaid, and shall afterward be found to have fallen into Heresy, he may be
 delivered over to the secular Court as a Relapse; and that he cannot defend
 himself by urging the Nullity or Invalidity of the Abjuration, as having been
 made only before one of them.

The Bishop and Inquisitor may constitute each other their Vicegerents, in Qu. 49.
 those Cases in which neither can act separately. *But if the Bishop, or the Per-* com. 92.
son delegated by the Chapter during the Vacancy of the See, cannot for the aforesaid Cap. Mul-
Reasons, or will not personally meet with the Inquisitor, or the Inquisitor with either torum.
of them; the Bishop, or his Delegate, or the Delegate of the Chapter, during the
Vacancy of the See, may appoint the Inquisitor in his Room, and the Inquisitor or
his Delegate may thus appoint the Bishop, or signify their Advice and Consent by Let-
ters. If they will not meet together, the one must require the other; nor can
 either of them proceed till eight Days after they have thus mutually de-
 manded each others Attendance.

The Bishop and the Inquisitor may proceed by a delegated Authority, and Qu. 5.
 then they are equal. When the Bishop proceeds by his ordinary Authority,
 and the Inquisitor by a delegated one, the Inquisitor is the greater. If the Simanc.
 Bishop and Inquisitor cite the same Person before them, to answer concerning tit. 44.
 the Faith, he must, when cited, appear before both, if the Times of the §. 13.
 Citation are different: if they are the same, he must appear before the In-
 quisitor. For the Inquisitors are specially delegated for the Affairs of the
 Faith. But in this Case they may oblige each other. But in *Spain* the Inqui- Direct.
 sitors are always preferred in these Causes, and the Bishop cannot hinder the p. 3. qu.
 Process of the Inquisitor. 50.

When the Bishop and Inquisitor differ, they can't proceed to a definitive
 Sentence, but must refer the whole Cause drawn up to the Pope, or to the
 supream Tribunal of the Inquisition. In *Spain* this must be done even, when
 they differ in Cases of no great Importance. This is prescribed by the *Ma-*
drid Instruction, An. 1561. cap. 66. In all Cases where there shall happen a Dis- Com. 99.
ference of Opinion between the Inquisitors or Ordinary, or any one of them, in determi-
ning a Cause, or in any other Act, or in an interlocutory Sentence, the Cause must be
referred to the supream Senate of the Inquisition. But if the Bishop and Inquisitors
agree, although the Learned in the Law and the Counsellors differ, even though they
may be more in Number, the Sentence of the Bishop and Inquisitors must be executed.

The HISTORY of the INQUISITION.

However, in very important Cases, the Sentence of the Inquisitors, Ordinary and Counsellors, though they all agree, shall not be put in Execution, without consulting the Senate, according to Custom and Order.

Qu. 51.

When the Bishop and Inquisitor proceed separately, so that there are two Processes carried on for the same Fact, one by the Bishop, and the other by the Inquisitor, they ought to communicate their Processes to one another.

Cap. per
hoc. §. 1.
sum. de
hæret. l. 6.

But that the said Affair of the Inquisition may proceed better, more effectually and profitably, we grant, that the Bishops and Inquisitors may make Inquisition concerning the same Fact, either together or apart. If they proceed separately, they shall be obliged mutually to communicate the Processes, that hereby the Truth may be the better found out. And unless in this Case the Inquisitors shall think fit to refer the pronouncing Sentence to the Diocesans, or the Diocesans to the Inquisitors, let them both join in passing it. If they cannot agree in pronouncing it, let them draw up a full Account of the Case, and refer it to the Apostolick See.

Qu. 53.
Ex. eo.

This Communication of the Processes is to be made only once, and that when the Process is finished. By an Extravagant of *Benedict. XI.* which says: *When they both proceed separately, they must at the End of the Process, when nothing remains but only to pronounce Sentence, communicate it to each other. One Case however we except, viz. if either of them cannot conveniently proceed, without seeing what the other hath done. In this Case let a Copy of the whole Procedure be granted, though but one, to prevent any Fraud.*

Caren.
p. 1. tit. 4.
§. 21.

But in *Spain* and *Portugal* the Inquisitors only form the Processes, and apprehend Criminals in Causes of the Faith, and if the Bishops have any Informations against such Criminals, they must transmit them to the Inquisitors. But it is uncertain whether these *Spanish* Inquisitors claim this by any legal Custom and Prescription, or by the Pope's Privilege.

These are the Things to be observed, when the Ordinary and Inquisitor concur in the Judgment of the Faith. But because oftentimes in *Spain* several Inquisitors are deputed together, it will be proper to consider how far each of them may separately proceed.

Qu. 46.
Com. 95.

As often therefore as it happens that two Inquisitors are constituted in the same Province, they may both together, or each of them separately, proceed against Hereticks throughout the whole Province committed to them, sit in Judgment in any Part of it, and when the Executor is absent create another, because they have entire Jurisdiction. However, a Criminal can be punished only by one of them. But if there be any special Inquisitor deputed against any Person by the Pope, the Inquisitors of Provinces and Dioceses, who, as general Judges, seem to have universal Jurisdiction, at least with respect to Persons, cannot proceed against him, though they have actually began the Process; because their Jurisdiction is suspended by a special Commission granted by the Pope. He who is thus constituted special Inquisitor, may make use of every Thing that hath been done and discovered by the other Inquisitors, whom if it be necessary he may compel to deliver to him all the Processes, Writings, Inquisitions, Depositions of Witnesses, and all other Things they have discovered against any Criminal. Although 'tis reckoned more hand-

handsome to do this by the Authority of their Superior, when this Power is not specially given him in the Letters of his Commission.

But although each of the Inquisitors hath entire Jurisdiction, yet neither of them can proceed without the other to the Publication of Testimonies, nor to grant a Copy of the Process to the Criminal. This Rule holds only when both the Inquisitors are present. For when either of them is absent, the other can do every Thing that is needful, calling in the Assistance of skilful Persons.

4 *Instruēt. Tolet. c. 1.*

When the same Hereticks may be proceeded against by different Judges, that Inquisitor who first began the Process, is to be preferred to the other in the same Cause. For which Reason the Inquisitors of other Provinces must send their Testimonies, and all Things they have discovered against the Criminals, to that Inquisitor who first began the Process.

The elder Inquisitor is to be preferred, although translated from one Province to another, unless he may have been deprived of his Office, and afterwards restored, or laid down the Office of his own Accord for any certain Time. This is fully contained in one of the Letters of the Inquisitor General.

7. *Royas* hath fully explained this Matter, *viz.* how several Inquisitors in one Province, and how the Inquisitors and Ordinary must act, and given in Reasons why. "The Jurisdiction of the Inquisitors is mutual and entire, where one of them only presides over the Jurisdiction for determining the Causes of the Faith; for a Colleague in any City or Territory hath no Power in Causes already decided. 4 *Instruēt. Tolet. c. 1.* But if they are all present, neither of them without the other can proceed to apprehend Criminals, to the Publication of Witnesses, to the Torture, to enjoin canonical Purgation, or to pronounce any definitive Sentence. And as to the Ordinaries, such of them as are Inquisitors have a cumulative Jurisdiction, and not a privative one, in these Articles only; *viz.* in pronouncing Sentences of Torture, and in other definitive Sentences, as well as in those which arise from the Judgment it self. But in all other Articles the Inquisitors have privative and not cumulative Jurisdiction. For as to other civil and criminal Causes not touching the Faith, the Inquisitors may proceed without the Bishop, because the Cognisance of them belongs to them rather by the Royal than the Apostolick Authority; or else by daily Custom, as particularly in the Kingdoms of *Valencia, Aragon,* and Principality of *Catalonia,* which Custom gives them their Jurisdiction." *Royas* adds, "I am grieved and ashamed to tell how in our Times this Jurisdiction is almost destroyed, and rendred weak and infirm by the Negligence of some, to the great Detriment of the Affairs of the Faith."

Finally, they observe, that 'tis much safer for the Bishops to send to the *Carena,* Inquisitors the Causes of Heresy, and Suspensions of Heresy, because Secrecy is the Strength of all the Causes of the Holy Office. This is inviolably observed before the Inquisitors, but cannot be so well kept before the Bishops. This the Inquisitor *Cantera* attests, whilst he was Vicar General of *Pampilona*;

viz. that he could never procure Secrecy to be kept in that Ecclesiastical Court; and though he oftentimes punished the Notaries, it signified nothing at all. *Carena* also relates, that Cardinal *Camporeus*, Bishop of *Cremona*, and one of the supream Inquisitors, in all Causes in which Lay Persons had a Right to decide and give Judgment, did for fourteen Years always remit all Causes of Heresy, and Suspicion of Heresy, immediately to the Inquisitors; because he well knew, how great Inconveniences would arise, if the Ordinaries, who have neither secret nor safe Jayl and Ministers, should interest themselves in forming Processes.

C H A P. XVIII.

Of the JAYL of the INQUISITORS, and KEEPERS of the JAYL.

JAYLS were formerly appointed to keep Men in Custody, and not to punish them. But by the Canon Law they may be used for Punishment. *Direct.* p. 3. *Qu. 58. com. 107.* Cap. *Quamvis*. de pœnis. lib. 6. *Although it be well known that the Jayl is particularly designed to keep Criminals in Custody, and not to punish them, yet we do not disapprove that convict Persons should be delivered over to Prison to do Penance either for ever, or for a Time, as you shall judge most convenient, ibeir Crimes, Persons, and other Circumstances, being carefully considered. Simancas gives this Reason for it: For since the sacred Canons, ibrough the Ecclesiastical Lenity, cannot inflict the Punishment of Death, the Consequence is, that lest Crimes should go unpunished, they may inflict the Penalty of Perpetual Imprisonment for more grievous Offences, which is indeed very grievous, and equal to Death. Heretofore the Bishop and Inquisitor might have their separate Jayls, to hold Persons in Custody, but not to punish them; for as they cannot condemn any one to Imprisonment without the Consent of both, 'tis therefore required that the Jayl for Punishment shall be common to both. But now they have not usually separate Prisons; the same that belongs to the Inquisitor, in which Criminals are kept in Custody, being common to the Bishop.* *Cathol. Ir-* sit. ut. 16. §. 15.

Here are two Things to be explained. First, what must be done before any Person can be thrown into Jayl. Secondly, what Method must be observed in keeping and placing the Prisoners.

Part 2. Assert. 1. As to the first, *Royas* gives this large Account of it. In all Causes, as well civil as criminal, Criminals must not be apprehended, without a summary Inquisition against them concerning their Crime first had. This is particularly to be observed in the Crime of Heresy. For though in other Crimes no one suffers much in his Reputation merely for his being thrown into Prison, yet to be taken up for the Crime of Heresy is greatly infamous, which must therefore be proceeded in with great Caution. For since the Reason of proceeding in the Crime of Heresy is much more important than in other Offences, there

is Need of a greater Inquisition, and of a summary Cognifance, before Criminals are apprehended. So that no one is lightly to be shut up in clofe Pri-
son for small Offences, for Propositions that sound ill, or that are scandalous,
or blasphemous, or others which do not contain real Heresy; but is to be
confined either in some Monastery, or in his own House or City.

The Inquisitors may indeed proceed in the Crime of Heresy against any
Person, especially if he be otherwise vile, upon a light and moderate Suspi-
cion, so far as to ask such suspected Person, what he thinks of the Faith. But
in order to apprehend any one for Heresy, two credible Witnesses are re-
quired, although they say that the Testimony of a single one, if beyond all
Exception, is sufficient, who deposes what he saw or heard; yea, if he be
not beyond all Exception, yet is otherwise fit, provided he agrees with the
Informer; for in this Case they say there are two Witnesses, and consequent-
ly more than half Proof, which is sufficient for any ones being apprehended.
But that one Witness above all Exception, is enough in this Case, they
prove from the *Madrid* Instruction, *An. 1561. Cap. 4.* which says, *If the
Testimony be not sufficient for the apprehending.* This Instruction is in the sin-
gular Number, and therefore intimates, that one lawful Witness against any
one is sufficient for his being taken up; especially if the Person be scandalous,
and vile, and suspected; as are all the new Converts of the Mahometan Sect
in the Kingdom of *Valencia*; and as *Royas* says, the *French* and *Germans* of the
Lutheran. But if the Person accused be noble, and of good Reputation
and Fame, he is not to be apprehended upon a single Testimony. How-
ever, this is left to the Pleasure of the Judge, after having considered the
Quality of the Person and his Offence; not that the Inquisitors of the Faith
should appear eager to take up Criminals; for they are always to use great
Circumspection. This is especially necessary in the receiving and examining
Witnesses. They must in the first Place admonish them, how horrible and
dreadful a Wickedness it is to give false Witness in any Causes, and especi-
ally in the holy Office of the Inquisition, and that they should have God and
his awful and tremendous Judgment before their Eyes, that they may not,
for Prayer, or Price, or Entreaty, or any other wicked Affection, defame an
innocent Person with so great a Crime. Then the Witnesses are to be inter-
rogated concerning the Place, and Time, what they saw or heard; whether
the Person acted, or pronounced heretical Words, once or oftner; with what
Obstinacy or Eagerness he affirmed them; and what other Persons were pre-
sent; and for what Causes, Reasons, and Occasions they were present; and
concerning all other Circumstances necessary to discover the Truth or False-
hood.

These Things premised, the Witnesses received, and the Propositions qua-
lified, the Promotor Fiscal demands before the Inquisitors, that the Criminals
be apprehended and imprisoned, that they may suffer the deserved Punish-
ment.

When the Offence thus appears, and 'tis proper to apprehend the Criminal, ^{Pegna,}
the Inquisitor may then order him to be taken up. When they have deter- ^{Corr. 107.}
mined

mined upon his being apprehended, they give out the Order to that Officer, who, according to the Custom of the holy Office, is to take up Criminals; and his Order is subscribed by the Inquisitors. If several Persons are to be taken up the same Day and Time, they give an Order for each Person, which is inserted in their respective Processes, that such Acts, which are of great Weight, may appear openly.

As to the second. All Criminals have not alike Places of Imprisonment, their Cells being either more terrible and dark, or more easy and chearful, according to the Quality of the Persons and their Offences. In Reality there is no Place in the Prison of the Inquisition, that can be called pleasant or chearful, the whole Jayl is so horrible and nasty.

These Jayls are called in *Spain* and *Portugal*, *Santa Casa*, i. e. the holy House. Every Thing it seems in this Office must be holy. The Prisons are so built, as the Author of the History of the Inquisition at *Goa* describes them, that they will hold a great Number of Persons. They consist of several Porticoes, every one of which is divided into several small Cells of a square Form, each Side being about ten Foot. There are two Rows of them, one being built over the other, and all of them vaulted. The upper ones are enlightned by Iron Grates, placed above the Height of a tall Man. The lower ones are under Ground, dark, without any Window, and narrower than the upper ones. The Walls are five Foot thick. Each Cell is fastned with two Doors, the inner one thick, and covered over with Iron, and in the lower Part of it there is an Iron Grate. In the upper Part of it is a little small Window, through which they reach to the Prisoner his Meat, Linnen, and other Necessaries, which is shut with two Iron Bolts. The outer Door is entire without any opening at all. They generally open it in the Morning, from six a Clock till eleven, in order to refresh the Air of the Prison.

In *Portugal* all the Prisoners, Men and Women, without any Regard to Birth or Dignity, are shaved the first or second Day of their Imprisonment. Every Prisoner hath two Pots of Water every Day, one to wash, and the other to drink, and a Besom to cleanse his Cell, and a Mat made of Rushes to lie upon, and a larger Vessel to ease Nature, with a Cover to put over it, which is changed once every four Days. The Provisions which are given to the Prisoners, are rated according to the Season, and the Dearness or Plenty of Eatables. But if any rich Person is imprisoned, and will live and eat beyond the ordinary Rate of Provisions, and according to his own Manner, he may be indulged, and have what is decent, and fit for him, his Servant, or Servants, if he hath any, with him in the Jayl. If there are any Provisions left, the Jayl-keeper, and no other, must take them, and give them to the Poor. But *Reginald Consalvius* observes, p. 106. that this Indulgence is not allowed to Prisoners of all sorts, but to such only as are taken up for small Offences, who are to be condemned to a Fine. But if they find by the very Accusation that any Persons are to be punished with Forfeiture of all their Effects, they do not suffer them to live so plentifully, but order them a small Pension for their Subsistence, viz. about thirty Maravedis, of the Value of ten *Dutch* Stivers.

Stivers. This agrees with the Account of *Isaack Orobio*, who had a plentiful Fortune at *Seville*, and was nevertheless used very hardly in the Prison of the Inquisition there. Although his Estate was very large, yet he was allowed a very small Pension to provide himself Provision. This was Flesh, which they made him sometimes dress and prepare for himself, without allowing him the Help of any Servant. In this Manner are the richer Prisoners treated. As to the poorer, and such who have not enough to supply themselves in Jayl, their Allowance is fixed by the King, viz. the Half of a silver Piece of Money, called a Real *, every Day; and out of this small Sum, the Buyer of their Provision, whom they call the Dispenser, and their Washer must be paid, and all other Expences that are necessary for the common Supports of Life. Besides, this very royal Allowance for the Prisoners doth not come to them but through the Hands of several Persons, and those none of the most honest; first by the Receiver, then the Dispenser, then the Cook, then the Jayl-Keeper, who, according to his Office, distributes the Provision amongst the Prisoners. *Gonsalvius* adds, that he gave this particular Account of this Matter, because all these Persons live, and have their certain Profits out of this small Allowance of the King to the Prisoners, which coming to them through the crooked Hands of these Harpies, they cannot receive it till every one of them hath taken out more than a tenth Part of it.

The Author of the History of the Inquisition at *Goa* tells us, this Order is observed in distributing the Provisions. The Prisoners have Meat given them three times every Day; and even those who have the Misfortune to be in this Case, and they have Money, are not treated much better than others, because their Riches are employ'd to make Provision for the Poorer. I was informed by *Isaack Orobio*, that in *Spain* they sometimes give the Prisoners Coals, which they must light, and then dress their own Food. Sometimes they allow them a Candle. Those who are confined in the lower Cells generally sit in Darkness, and are sometimes kept there for several Years, without any one's being suffered to go or speak to them, except their Keepers, and they only at certain Hours, when they give them their Provision. They are not allowed any Books of Devotion, but are shut up in Darkness and Solitude, that they may be broke with the Horrors of so dreadful a Confinement, and by the Miseries of it forced to confess Things which oftentimes they have never done.

And how dreadful the Miseries of this Prison are, we have a famous Instance given us by *Reginald Gonsalvius Montanus*. In the Age before the last, a certain *English* Ship put in at the Port of *Cadiz*, which the Familiars of the Inquisition, according to Custom, searched upon the Account of Religion, before they suffered any Person to come a-shore. They seized on several

* Dr. *Geddes* tells us of one in the Inquisition at *Lisbon*, who was allowed no more than three Vintems a Day; a Vintem is about an *English* Penny Farthing.

English Persons who were on board, observing in them certain Marks of Evangelical Piety, and of their having received the best Instruction, and threw them into Jayl. In that Ship there was a Child, ten or twelve Years, at most, old, the Son of a very rich *English* Gentleman, to whom, as was reported, the Ship and principal Part of her Loading belonged. Amongst others they took up also this Child. The Pretence was, that he had in his Hands the Psalms of *David* in *English*. But as *Gonsalvius* tells us, those who knew their Avarice and cursed Arts, may well believe, without doing any Injury to the Holy Inquisition, that they had got the Scent of his Father's Wealth, and that this was the true Cause of the Child's Imprisonment, and of all that Calamity that followed after it. However, the Ship with all its Cargo was confiscated, and the Child, with the other Prisoners, were carried to the Jayl of the Inquisition at *Seville*, where he lay six or eight Months. Being kept in so strait Confinement for so long a while, the Child, who had been brought up tenderly at home, fell into a very dangerous Illness, through the Dampness of the Prison, and the Badness of his Diet. When the Lords Inquisitors were informed of this, they ordered him to be taken out of the Jayl, and carried, for the Recovery of his Health, to the Hospital, which they call the *Cardinal*. Here they generally bring all who happen to fall ill in the Prison of the Inquisition, where, besides the Medicines, of which, according to the pious Institution of the Hospital, there is Plenty, and a little better Care, upon account of the Distemper, nothing is abated of the Severity of the former Jayl; no Person besides the Physician, and the Servants of the Hospital, being allowed to visit the sick Person; and as soon as ever he begins to grow better, before he is fully recovered, he is put again into his former Jayl. The Child, who had contracted a very grievous Illness from that long and barbarous Confinement, was carried into the Hospital, where he lost the Use of both his Legs; nor was it ever known what became of him afterwards. In the mean while 'twas wonderful, that the Child, in so tender an Age, gave noble Proofs how firmly the Doctrine of Piety was rooted in his Mind; oftentimes, but especially Morning and Evening, lifting up his Eyes to Heaven, and praying to him, from whom he had been instructed by his Parents, to desire and hope for certain Help; which the Jayl-Keeper having often observed, said, He was already grown a great little Heretick.

p. 121.

About the same Time a certain Person was taken up and thrown into the same Jayl, who had voluntarily abjured the *Mabometan* Impiety, and came but a little before from *Morocco*, a famous City of *Mauritania*, and Capital of the Kingdom, into that Part of *Spain* which lies directly over against it, with a Design to turn Christian. When he had observed that the Christians were more vicious and corrupt than the *Moors* he had left, he happened to say, that the *Mabometan* Law seem'd to him better than the Christian. For this the good Fathers of the Faith laid hold of him, thrust him into Jayl, and used him so cruelly, that he said publicly even when

in

in Confinement, that he never repented of his Christianity from the Day he was baptized, till after his having been in the Inquisition, where he was forced against his Will to behold all manner of Violences and Injuries whatsoever.

The Complaint of *Constantine*, the Preacher of *Seville*, was not less grievous, concerning the Barbarities of this Prison; who, although he had not as yet tasted of the Tortures, yet often bewailed his Misery in this Jayl, and cried out: *O my God, were there no Scythians in the World, no Cannibals more fierce and cruel than Scythians, into whose Hands thou couldst carry me, so that I might but escape the Paws of these Wretches.* *Olmedus* also, another Person famous for Piety and Learning, fell into the Inquisitors Hands at *Seville*, and thro' the Inhumanity of his Treatment, which had also proved fatal to *Constantine*, contracted a grievous Illness, and at last died in the Midst of the Nastiness and Stench. He was used to say, *Throw me any where, O my God, so that I may but escape the Hands of these Wretches.*

The Author of the History of *Goa* agrees in this Account, who frankly owns, that through the Cruelty and Length of his Imprisonment, he fell into Despair, and thereby often attempted to destroy himself; first by starving himself, and because that did not succeed, he feigned himself sick; and when the Physician of the Inquisition found his Pulse unequal, and that he was feverish, he ordered him to be let Blood, which was done again five Days after. When the Doctor was gone, he unbound his Arm every Day, that so by the large Effusion of Blood, he might continually grow weaker and weaker. In the mean while he eat very little, that by Hunger and Loss of Blood, he might put an End to his miserable Life. Whilst he was in this sad Condition, he had sent him a Confessor of the *Franciscan* Order, who, by various Arguments of Comfort, endeavoured to recover him from his Despair. They also gave him a Companion in his Jayl, which was some Comfort to him in his Confinement. But growing well again after about five Months, they took his Companion from him. The Lonesomeness of his Jayl brought on again his Melancholy and Despair, which made him invent another Method to destroy himself. He had a Piece of Gold Money, which he had concealed in his Cloaths, which he broke into two Parts; and making it sharp, he opened with it a Vein in each Arm, and lost so much Blood, that he fell into a Swoon, the Blood running about the Jayl. But some of the Servants happening to come before the usual Time to bring him something, found him in this Condition. The Inquisitor hereupon ordered him to be loaded with Irons upon his Arms and Hands, and strictly watched. This Cruelty provoked him to that Degree, that he endeavoured to beat his Brains out against the Pavement and the Walls; and undoubtedly the Ligaments upon his Arms would have been torn off, had he continued any longer in that State. Upon this they took off his Chains, gave him good Words, encouraged him, and sent him a Companion, by whose Conversation he was refreshed, and bore his Misery with a little more Easiness of Mind. But after two Months they took him from him again, so that the Solitude of his Jayl was more distressing to him than before.

Inquis.
Goan.
cap. 13.

The Prisoners, as soon as ever they are thrown into Jayl, are commanded to give an Account of their Name and Business. Then they enquire after their Wealth, and to induce them to give in an exact Account, the Inquisition promises them, that if they are innocent, all that they discover to them shall be faithfully kept for, and restored to them; but that if they conceal any Thing, it shall be confiscated, though they should be found not guilty. And as in *Spain* and *Portugal* most Persons are fully persuaded of the Sanctity and Sincerity of this Tribunal, they willingly discover all their Possessions, even the most concealed Things of their Houses, being certainly persuaded, that when their Innocence shall appear, they shall soon recover their Liberty and Effects together. But these miserable Creatures are deceived; for he that once falls into the Hands of these Judges, is stripped at once of all he was possessed of. For if any one denies his Crime, and is convicted by a sufficient Number of Witnesses, he is condemned as a negative Convict, and all his Effects confiscated. If to escape the Jayl, he confesses his Crime, he is guilty by his own Confession, and in the Judgment of all justly stripped of his Effects. When he is dismissed from Prison as a Convert and Penitent, he dares not defend his Innocence, unless he desires to be thrown again into Jayl, and condemned, and, as a feigned Penitent, to be delivered over to the secular Arm.

2. Part.
Assert. 2.

Of these Things *J. Royas* gives us an Account. “When any Criminal is apprehended, and put into the Jayls of the Holy Office, his Effects must be immediately sequestred, that they may not be conveyed away, or concealed, and put into the Hands of some proper Person before the Notary and Executor, who is to have the Custody and Care of them. Such Effects as cannot be kept, he who hath them in Custody, must sell by the Inquisitors Command. This Sequestration is made only for real and formed Heresy. From hence they infer, that this Sequestration or Description of Effects is not to be made, when the Inquisitors proceed against Blasphemers, or Fortune-Tellers, or those who marry again whilst their former Wives are living, or against Clergymen in Orders, or professed Monks who have contracted Matrimony, or against Persons who speak Propositions rash, scandalous, injurious, or that sound ill; and in all other Causes, in which there is not, *de jure*, any Confiscation of Effects, that which preceeds it, *viz.* the Sequestration of such Effects, by Consequence ceases.”

Inquis.
Goan. cap.
18.

When the Prisoner is brought before his Judge, he appears with his Head and Arms, and Feet naked. In this Condition he is brought out of Jayl by the Warder. When he comes to the Room of Audience, the Warder goes a little forward, and makes a profound Reverence, then withdraws, and the Prisoner enters by himself. At the farther End of the Audience Room there is placed a Crucifix, that reaches almost to the Cieling. In the Middle of the Hall is a Table about five Foot long, and four broad, with Seats all placed round it. At one End of the Table, that which is next to the Crucifix, sits the Notary of the Inquisition, at the other End the Inquisitor, and at his left Hand the Prisoner sitting upon a Bench. Upon the Table is a Missale, upon which

which the Prisoner is commanded to lay his Hand, and to swear that he will speak the Truth, and keep every Thing secret. After they have sufficiently interrogated him, the Inquisitors ring a Bell for the Warder, who is commanded to carry back his Prisoner to Jayl.

No one in the Prison must so much as mutter, or make any Noise, but must keep profound Silence. If any one bemoans himself, or bewails his Misfortune, or prays to God with an audible Voice, or sings a Psalm or sacred Hymn, the Jayl-Keepers, who continually watch in the Porches, and can hear even the least Sound, immediately come to him, and admonish him that Silence must be preserved in this House. If the Prisoner doth not obey, the Keepers admonish him again. If after this the Prisoner persists, the Keeper opens the Door, and prevents his Noise, by severely beating him with a Stick, not only to chastise him, but to deter others, who, because the Cells are contiguous, and deep Silence is kept, can very easily hear the Outcries and Sound of the Blows. I will add here a short Story that I had from several Persons, which, if true, shews us with what Severity they keep this Silence. A Prisoner in the Inquisition coughed. The Jaylors came to him, and admonished him to forbear coughing, because it was unlawful to make any Noise in that House. He answered, 'twas not in his Power. However, they admonished him a second time to forbear it, and because he did not, they stripped him naked, and cruelly beat him. This encreased his Cough, for which they beat him so often, that at last he died through the Pain and Anguish of the Stripes.

They insist so severely on keeping this Silence, that they may cut off every *Gonsalv.* Degree of Comfort from the Afflicted, and especially for this Reason, that *p. 117.* the Prisoners may not know one another, either by singing, or any loud Voice. For it oftentimes happens, that after two or three Years Confinement in the Jayl of the Inquisition, a Man doth not know that his Friend, nor a Father that his Children and Wife are in the same Prison, till they all see each other in the Act of Faith. And finally, that the Prisoners in the several Cells may not talk with one another, which, if ever found out, their Cells are immediately changed.

If any one falls ill in the Prison, they send to him a Surgeon and Physician, who administer all proper Remedies to him to recover him to Health. If there be any Danger of his dying, they send him a Confessor, if he desires it. According to the Provision of the *Madrid Instruction, An. 1561. cap. 71.* *If any Criminal falls ill in Prison, the Inquisitors must take diligent Care* *Dir. 3.* *that he may have Medicines, and all Things necessary for his Safety, and the Advice* *p. 2. com.* *of one Physician or more, to recover him. And if he desires a Confessor, let them assign him one of known Probity, and who may be confided in, and let him be sworn to Secrecy. If the Penitent says any thing to him in Confession, which he would have told out of the Jayl, let him not obey him in this by any Means, nor discover any such Commands. But if he enjoins him any thing out of Confession, let him reveal that to the Inquisitors. Farther, let the Inquisitors admonish and instruct the Confessor how he shall behave towards the Penitent, particularly that he tell him, that since he*

was imprisoned for Heresy, and accused as guilty of it, he cannot be absolved, unless he judicially declares his Heresy. Let other Things be left to the Judgment and Conscience of the Confessor, who ought to be instructed that he may understand what is fit to be done in such a Cause.

If the Criminal doth not ask for a Confessor, and the Physician believes the Distemper to be dangerous, he must be persuaded by all Means to confess; and if he judicially satisfies the Inquisitors, he is to be reconciled to the Church before he dies, and being absolved in Judgment, the Confessor must absolve him Sacramentally. This is ordered by the same Instruction.

If he is well, and desires a Confessor, some are of Opinion he may not have one granted him, unless he hath confessed judicially. Others think he may; and in this Case the Confessor's Business is to exhort him to confess his Errors, and to declare the whole Truth, as well of himself as of others, as he is bound *de jure*, to do. However, he must add, that he must not accuse himself or others falsely, through Weariness of his Imprisonment, the Hope of a more speedy Deliverance, or Fear of Torments. Such a Criminal the Confessor cannot absolve, before his Excommunication is first taken off, and he is reconciled to the Church. But in *Italy* the Prisoners are more easily allowed a Confessor than in *Spain*.

They are particularly careful not to put two or more in the same Cell, unless the Inquisitor for any special Reason shall so order, that they may not concert with one another to conceal the Truth, to make their Escape, or to evade their Interrogatories. The principal Reason indeed seems to be, that through the Irksomeness of their Imprisonment, they may confess whatsoever the Inquisitors would have them. But if an Husband and his Wife are both imprisoned for the same Offence, and there be no Fear that one should prevent the other from making a free Confession of the Crime, they may be put in the same Cell.

Genfaly.
p. 125.

Inquis.
Goan.
c. 12.

The Inquisitors are obliged to visit the Prisoners twice every Month, and to enquire whether they have Necessaries allowed them, and whether they are well or not. In this Visit they usually ask him in these very Words, How he is? How he hath his Health? Whether he wants any Thing? Whether his Warder is civil to him? *i. e.* Whether he speaks to him in a reproachful and severe Manner? Whether he gives him his appointed Provision, and clean Linen? and the like. These are exactly the Sentences and Words they use in these Visits, to which they neither add any Thing, nor act agreeable; for they use them only for Forms sake, and when the Inquisitor hath spoken them, he immediately goes away, scarce staying for an Answer. And although any one of the Prisoners complains that he is not well used, 'tis of no Advantage to him, nor is he better treated for the future. If there be Occasion or Necessity, it will be convenient for them to visit the Prisoners three or four times every Month, yea, as often as they think proper, *viz.* when the Criminal bears with Impatience the Misfortune and Infamy of his Imprisonment, in such Case the Inquisitor must endeavour to comfort him very often, not only by himself, but by others, and to tell him, that if he makes a free Confession, his whole Affair shall be quickly and kindly ended. The

The Inquisitors must take Care not to talk with the Criminals, when they are examined or visited, upon any other Affairs but such as relate to their Business. Nor must the Inquisitor be alone when he visits, or otherwise gives them Audience; but must have with him his Colleague, or at least a Notary, or some other faithful Servant of the Holy Office. According to the *Madrid Instruction*, An. 1561. cap. 17.

This also they are particularly careful of, that the Criminals may not be removed from one Cell to another, nor associate with any other. If any Prisoners have been shut up together at once in the same Cell, when they are removed, they must be removed together, that hereby they may be prevented from communicating any Thing that hath been transacted in the Prison. This is more especially to be observed, in case any of them recall their Confession, after they have been removed from one Cell and Company to another. But if a Criminal confesses, and is truly converted, he may more easily be removed from one Cell to another, because the Inquisitor is in no Pain for fear of his retracting, but may oftentimes make use of him to draw out the Truth from other Prisoners, according to the Advice of *Eymerick*, in his Directory of the Inquisition, p. 3. n. 107. and *Pegna's* Commentary 23. *Things of this Nature*, says he, *are to be learned rather from Experience than Art, or Precept, especially as there are some Things which must neither be revealed or taught, and are well known in themselves to the Inquisitors.*

If Women are imprisoned, they must each of them have, according to *Pegna*, their Quality, one honest Woman at least for a Companion, who must never be absent from her, to prevent all Suspicion of Evil. This Companion must be antient, of a good Life, pious and faithful. Sometimes when Women are to be imprisoned, they do not carry them to the Jayl of the Inquisitors, especially if they are Regulars, if the Jayls be within the Walls of the Monasteries, but to the Convents of the Nuns. When this happens, they command the Abbess or Prioress to admit no Body to discourse with the Prisoner without express Leave of the Inquisitor, but diligently to observe the Order given her. But when the Cause is of Importance, and full of Danger, and such they esteem all that relate to the Faith, they think it safer that Women should be imprisoned in the Jayls of the Inquisitors. But the Cardinals Inquisitors General are to be consulted in this Affair, who, after mature Consideration, are to determine whether it be most expedient that such Criminals should be kept in the Jayls of the Bishops, or Inquisitors Regulars, especially if they are young and handsome, as is often the Case of those who are taken up for telling Peoples Fortunes about their Sweethearts.

'Tis farther the Custom and received Use of this holy Tribunal, that such who are imprisoned for Heresy, are not admitted to hear Mass, and other Prayers which are said within the Jayl, till their Cause is determined. Their principal Pretence for this Custom is, that it may possibly happen, when there is a great Number of Criminals, that the several Accomplices, Companions and Partakers of the Crime, may at least by Nods and Signs discover to one another, how they may escape Judgment, or conceal the Truth.

But

But the true and genuine Reason is, that the Prisoner may have nothing to contemplate besides his present Misfortune, that so being broken with the Miseries of his Confinement, he may confess whatsoever the Inquisitors would have him. For this Reason they deny them Books, and all other Things that would be any Relief to them in their tedious Imprisonment. If any one of the Prisoners whatsoever prays the Inquisitor when he visits him, that he may have some good Book, or the Holy Bible, he is answered, that the true Book is to discover the Truth, and to exonerate his Conscience before that holy Tribunal; and that this is the Book which he must diligently study, viz. to recover the Remembrance of every Thing faithfully, and declare it to their Lordships, who will immediately prescribe a Remedy to his languishing Soul. If the Prisoner in the same or next Visit is importunate about it, he will be commanded Silence, because if he asks to please himself, they may grant or deny him according to their Pleasure.

Simanc.
tit. 41.
§. 5.

The keeping the Jayl antiently belonged to the Executors Office, and as often as he was absent, he was obliged to provide another Keeper at his own Charge. But now the Jayl-Keeper is created by the Inquisitor General, and is different from the Executor.

Those who keep the Jayls for the Crime of Heresy, must swear before the Bishop and Inquisitor, that they will faithfully keep their Prisoners, and observe all other Things prescribed them by *Clement. I. de hæret. §. Porro.*

Simanc.
de Cathol.
Instit. tit.
16. §. 7,
8, 9.

There must be two Keepers to every Jayl, industrious and faithful Men, one appointed by the Bishop, the other by the Inquisitor. Each of them may have their proper Servant. Besides this, to every Cell there must be two different Keys, each Keeper to have one, which they may give to their Servants, to supply the Prisoners with Necessaries. The Bishop and Inquisitor have no Power to agree that there shall be but one Keeper, because it doth not seem safe enough, neither is it allowed them by Law, nor appointed in their Cause or Favour. *Clem. I. §. Sane. de hæret.*

But now there is only one Jayl-Keeper appointed in every Province, chosen by the Inquisitor General, who is not allowed to give the Prisoners their Food. But the Inquisitors chuse some proper Person to this Office, who is commonly called the Dispenser. The Provisions they give the Criminals are generally prepared and dressed in the House of the Inquisition; because if they were to be prepared in the Houses of the Criminals themselves, or any where else, something might easily be hid under them, that might furnish them with the Means to conceal the Truth, or to elude or escape Judgment. This however is to be left to the Prudence and Pleasure of the Inquisitors, whether and when the Criminals may without Danger prepare their Provision in their own Houses. But upon account of the Hazard attending it, the Inquisitors but seldom, and not without exquisite Care, gratify them in this Particular. If any Things are sent them by their Friends or Relations, or Domesticks, the Jayl-Keeper and Dispenser never suffer them to have it, without first consulting the Inquisitors. *Instruct. Tolet. c. 26.*

As these Keepers have it in their Power greatly to injure or serve their Prisoners, they must promise by an Oath, before the Bishop and Inquisitors, that they will exercise a faithful Care and Concern in keeping them, and that neither of them will speak to any of them but in Presence of the other, and that they will not defraud them of their Provision, nor of those Things which are brought to them. Their Servants also are obliged to take this Oath.

But notwithstanding this Law, a great Part of the Provision appointed for the Prisoners is with-held from them by their covetous Keepers; and if they are accused for this to the Inquisitors, they are much more gently punished, than if they had used any Mercy towards them. *Reginald Gonzalve* relates, that in his Time, *Gaspar Bennavidius* was Keeper of a Jayl. “ He was a Man of monstrous Covetousness and Cruelty, who defrauded his miserable Prisoners of a great Part of their Provision, which were ill dressed, and scarce the tenth Part of what was allowed them, and sold it secretly, for no great Price, at the *Triana*. Besides, he wholly kept from them the little Money allowed them to pay for the washing of their Linen, thus suffering them to abide many Days together in a nasty Condition, deceiving the Inquisitor and Treasurer, who put that Money to the Keepers Account, as though it had been expended every Week for the Use of the Prisoners, for whom it is appointed. Neither was it very difficult to deceive them, because they took but little Pains to enquire out the Truth. If any one of the Prisoners complained, muttered, or opened his Mouth upon account of this intolerable Usage, the cruel Wretch, who had divested himself of all Humanity, had a Remedy at hand. He brought the Prisoner immediately out of his Apartment, and put him down into a Place they call *Mazmorra*, a deep Cistern that had no Water in it. There he left him for several Days together, without any Thing to lie on, not so much as Straw. His Provision there was so very rotten, that it was more proper to destroy his Health by Sickness, than to preserve it, or support him in Life. All this he did without ever consulting the Inquisitors, and yet fraudulently and villanously pretended their Command to his Prisoner. If any one besought him to complain to the Inquisitors for so injurious a Treatment, for they could not do it by any other Person, and to desire an Audience, the cunning Wretch knowing that the whole Blame must lie upon himself, pretended that he had asked, but could not obtain it. By such forged Answers, he kept the miserable Prisoner in that deep Pit twelve or fifteen Days, more or less, till he had fully gratified his Anger and Cruelty. After this he brought him out, and threw him into his former Jayl, persuading him that this Favour was owing to his Humanity and Care, having made Intercession for him with their Lordships. In short, his Thefts and Injuries with which he plagued his Prisoners, who were otherwise miserable enough, were so numerous, that some Persons of Interest with the Inquisitors at length accused him before them. Upon this he was imprisoned himself; and being found guilty of many false Accusations, he received this Sen-
“ tence :

“ tence : That he should come out at a publick Act of the Faith, carrying
 “ a wax Candle in his Hand, be banish’d five Years from the City, and forfeit
 “ the whole Sum of Money, which by Virtue of his Office he was to
 “ have received from the holy Tribunal.

¶ 114.

“ This very Man, whilst he was Keeper, had in his Family, an ancient
 “ Servant Maid, who observing the Distress of the Prisoners, labouring under
 “ intollerable Hunger and Nastiness, through the Wickedness and Barbarity
 “ of her Master, was so moved with pity towards them, being her self
 “ well inclined to the Evangelical Piety, that she often spoke to them through
 “ the Doors of their Cells, comforted them, and as well as she could exhorted
 “ them to Patience, many Times putting them in Meat under their
 “ Doors, in Proportion to the mean and low Abilities of her Condition.
 “ And when she had nothing of her own, by which to shew her Liberality
 “ to the Prisoners of Christ, she stole good Part of that Provision from
 “ the wicked Thief her Master, which he had stolen from the Prisoners, and
 “ restored it to them. And that we may the more wonder at the Providence
 “ of God, who so orders it that the worst of Parents shall not have always
 “ the worst of Children, but sometimes even the best ; a little Daughter
 “ of the Keeper himself was greatly assisting to the Maid in these pious
 “ Thefts. By Means of this Servant the Prisoners had Information of the
 “ State of the Affairs of their Brethren and fellow Prisoners, which much
 “ comforted them, and was oftentimes of great Service to their Cause. But
 “ at length the Matter was discover’d by the Lords Inquisitors, by whom
 “ she was thrown into Prison for a Year, and underwent the same Fate
 “ with the other Prisoners, and condemned to walk in the publick Procession,
 “ with a yellow Garment, and to receive two hundred Stripes, which was
 “ executed upon her the following Day through the Streets of the City, with
 “ the usual Pomp and Cruelty. To all this was added Banishment from
 “ the City and its Territories for ten Years. Her Title was, *The Favourite*
 “ *and Aids of Hereticks*. What excited the implacable Indignation of the
 “ Lords, the Fathers of the Faith, against her, was, That they discovered
 “ in her Examination, that she had revealed the Secrets of the most holy
 “ Tribunal to some of the Inhabitants of the City, particularly relating to
 “ the Provision allotted to the Prisoners. From both these Examples, and
 “ from their different and unequal Punishment, any one may see, how much
 “ safer it is to add to the Affliction of the Prisoners in their Jayl, than to
 “ comfort them by any Act of Humanity and Mercy whatsoever.

¶ 11.

And in order that the Jayl of Hereticks may be kept secret, no one of
 the Officials, no not the Judge himself, as we shall afterwards see, can enter
 it alone, or speak with the Prisoners but before another of the Officials,
 nor without the previous Order of the Inquisitors. All are obliged to swear
 that they will observe this, that no one may see or speak to the Prisoners
 besides the Person who gives them their Necessaries, who must be a faithful
 honest Person, and is obliged to sware that he will not discover the Secrets,
 and must be searched to prevent his carrying any Orders or Letters to the
 Prisoners.

This

This Command they will have observed as most sacred, because, as they say, Secrecy is the Strength of the Inquisition, which might easily be violated, unless this Order be punctually kept, and therefore they always most severely punish those who transgress it. *Gonsalvius Montanus* gives us a very remarkable Instance of this. “ A few Years ago, viz. before *Gonsalvius* wrote this Account, one *Peter ab Herera*, a Man not altogether vile, but of some Humanity, and not very old, was appointed Keeper of the Tower of *Triana*, which is the Prison of the Inquisition. It happened, as it often doth in such numerous and promiscuous Imprisonments, that amongst other Prisoners committed to his Custody, there was a certain good Matron, with her two Daughters, who were put in different Cells, and earnestly desired the Liberty of seeing one another, and comforting each other in so great a Calamity. They therefore earnestly entreated the Keeper, that he would suffer them to be together for one quarter of an Hour, that they might have the Satisfaction of embracing each other. He being moved with Humanity and Compassion, allowed them to be together, and talk with one another for half an Hour, and after they had indulged their mutual Affections, he put them, as they were before, in their separate Prisons. A few Days after this they were put with great Cruelty to the Torture; and the Keeper being afraid, that through the Severity of their Torments, they should discover to the Lords the Fathers Inquisitors, his small Humanity in suffering them to converse together for half an Hour without the Inquisitors Leave, thro’ Terror, went himself to the holy Tribunal, of his own Accord confessed his Sin, and prayed for Pardon, foolishly believing, that by such his Confession, he should prevent the Punishment that threatned him for this Action. But the Lords Inquisitors judged this to be so heinous a Crime, that they ordered him immediately to be thrown into Jail, and such was the Cruelty of his Treatment, and the Disorder of Mind that followed on it, that he soon grew distracted. However, his Disorder and Madnes did not save him from a more grievous Punishment. For after he had lain a full Year in that cursed Prison, they brought him out in the publick Procession, cloathed with the yellow Garment, and an Halter round his Neck, as though he had been a common Thief, and condemned him first to receive two hundred Lashes through the Streets of the City, and then to the Gallies for six Years. The Day after the Procession, as he was carried from the *Triana* to be whipt with the usual Solemnity, his Madnes, which usually seized him every other Hour, came on him, and throwing himself from the Ass on which, for the greater Shame, he was carried, he flew upon the Inquisitory * *Aluaxile*, and snatching from him a Sword, had certainly killed him, had he not been prevented by the Mob who attended him, and set him again upon the Ass, and guarded him till he had received the two hundred Lashes according to his Sentence. After this the Lords Inquisitors ordered, that as he had behaved himself indecently

* An Officer that executes the Orders of the Inquisition.

“ towards the *Alguazile*, four Years more should be added to the six for which he was at first condemned to the Gallies.”

Carena,
p. 1. t. 15.
n. 114

These Keepers are answerable for the smallest Fault, for they are to use the same Care in the Custody of their Prisoners, as Fathers ought to do in governing their Families; so that if they suffer any one to escape from Jayl, they are to be punished according to the Nature of their Offence. 'Tis therefore their Business frequently to visit and search the Cells of their Prisoners, to prevent any Thing from being clandestinely carried in, by which they may destroy themselves, dig through the Walls, and so escape. Their Care of the Women is to be peculiarly strict, since the Sex is naturally frail, and more subject than Men to yield to Passion and Despair, and so are more likely to seek an Occasion of destroying themselves. They must, above all other Things, take Care that they do not behave themselves indecently towards their Women Prisoners. Thus the Congregation of Cardinals Inquisitors General, condemned a Jayl Keeper to the Gallies for seven Years, and to perpetual Banishment from the Place where he committed his Offence, for having carnal Knowledge of a Woman that was Prisoner in the Holy Office; as appears from the Letters of Cardinal *Arigoni*, Jan. 13, 1610. directed to the Inquisitor of *Cremona*.

If the Inquisitor thinks it necessary to prevent the Escape of any Prisoners, he may lay them in Irons. If the Poverty of the Inquisitors is so great, or their Jayls so defective, as that they are not fit to hold in safe Custody, either for the Thinness of the Walls, or for want of Iron Bars to the Windows, or sufficient Bolts for the Doors, if the Magistrate be required by the Inquisitor, he must take Care of the safe Custody of the Prisoners, according to the Constitution of *Alexander IV.* beginning, *Ad extirpanda*.

Simanc.
tit. 41.
§ 10.

What the several Duties of the Messenger, Door-Keeper, and Physician are, is plain enough from their very Names. They must be honest Men, and not suspected, and born of old Christians.

C H A P. XIX.

Of the Expences requisite in the Administration of the INQUISITION and Confiscation of Effects applied to this Use.

As. 1252.
§. 3.
Bzovius,

THESE Jayls cannot be built, nor Criminals be apprehended, nor maintained in Prison, without Expence. It was therefore necessary that some Law should determine how these Expences should be provided for. Besides the Inquisitors, and all other Servants of the Inquisition, must have their Salaries paid them. Originally this Burthen was laid on the Cities themselves, as may be collected from the Constitution of *Innocent IV.* *Ad extirpanda.* Let the chief Magistrate or Governor be obliged, at the Expence of the Place where he presides,

presides, to cause such Hereticks, when apprehended, to be carried wheresoever the Diocesan, or his Vicars, or the Inquisitors, or Inquisitor, shall order them to be carried, within the Jurisdiction or District of such Diocesan Bishop, or of such City or Place. The Officials shall be allowed out of the Chamber of such City or Place, when they go without the said City or Place, in Execution of their Office, every one of them eighteen Imperials in ready Money per diem, which the Magistrate or Governor shall give, or cause to be given them, within three Days after their Return to such City or Place. They shall also have the third Part of the Effects of Hereticks they seize on, and of the Fines to which they shall be condemned, according as it is contained below, and with this Salary shall be content. Neither shall they be compelled by any Means to any other Office and Service, that may hinder them in the Exercise of this.

But as the Cities thought themselves aggrieved by this Charge, and openly refused to bear it, the confiscated Effects of Hereticks have been applied to these Uses, and the Cross-bearers have bound themselves by Vow, that they will expend their own Estates for the Defence of the Faith. But that it may be more distinctly understood how these Effects are applied to the Uses of the Inquisition, I shall endeavour to trace this whole Affair from the Beginning.

When the delegated Inquisition was first constituted, the Sentence concerning the Confiscation of Effects in the Dominions of the Church, was pronounced by the Ecclesiastical Judge; but in other Countries by secular Princes, as appears plain from the Text in cap. *Vergentis. de hæret.* But in the Countries subject to our temporal Jurisdiction, we ordain that the Goods of Hereticks shall be exposed to Sale; and in other Countries we command that it shall be done by the secular Powers and Princes, and if they appear negligent, we will and command that they shall be compelled to do it by Ecclesiastical Censure, without Benefit of Appeal. But in a Course of Years it was, without any Difference, provided that the Declaratory Sentence concerning such Confiscation, should every where be passed by the Ecclesiastical Judge, who judges of the Crime; and farther, that the Execution of such Confiscation, viz. the Seizure of the Goods, should be made by the Ecclesiastical Judge, viz. by the Bishop or Inquisitor: *The Execution of such Confiscation, or the Seizure of the Effects themselves shall not be made by Princes, or other temporal Lords, before the Sentence for such Crime shall have been published by the Bishop of the Place, or some other Ecclesiastical Person, who hath Power in this Affair.* C. *Cum secundum leges. §. fin. de hæret. lib. 6. ibid.*

Whether Hereticks repent or not, whether they are converted before they are delivered to the secular Court, or afterwards, their Effects are *ipso facto*, confiscated. *The Goods of Hereticks, who offend more grievously, horribly, and testably than others, we, with the Advice of our Brethren, decree to be, ipso jure, confiscated.* Neither doth it signify whether the Heretick hath persisted in his Heresy for a longer or shorter Time; because Heresy is not judged of by the Length of Time.

But if any voluntarily return to the Church, before they are accused or denounced, or if immediately after they are apprehended, they make a full and entire Confession of themselves and others, whom they know to be He-

reticks : Such who thus return with a pure Heart, before the Depositions of the Witnesses are published, are, as seems equitable, kindly excused from Imprisonment, and have also for the same Reason the Confiscation of their Effects remitted them. In *Italy* 'tis owing rather to Custom than to any Papal Constitution, that the Effects of penitent Hereticks are not sold. But in *Spain*, the Effects of Hereticks, though penitent, are confiscated, not only by the Papal, but Royal Laws.

Simanc.
t. 4.
§. 17.

L. Mani-
chaos.
Cod. de
hæret.

But as to the Seizure and Application of such confiscated Effects, the Civil Law thus determines. *Whom also we persue with the Publication of all their Effects.* However such Effects, published because of Heresy, were not condemned to the Treasury, if the Children of such Hereticks were Catholicks ; as is plain from the before-mentioned Law. *Neither do we permit their Children to become their Heirs, unless they forsake their Parents Wickedness.* It is also farther explained, *L. Cognovimus, C. de hæret.* to whom the confiscated Effects of Hereticks shall be applied, if their Children are not Catholicks, *viz.* to their next Relations and Kindred, if Orthodox and Catholick. But if none such are to be found, the Effects are all to be converted to the Treasury of the secular Prince. And a little after, in Authent. §. *si quis de predictis.* this Method of Succession is prescribed, if the Fathers should be Catholicks, and their Children Hereticks. Because heretical Children and Relations cannot succeed Catholick Parents, if the Father be a Clergyman, the Church shall inherit ; if a Layman, his Estate shall go to the Treasury. Many Ages after this, *Frederick* the Emperor, by a Law beginning, *Catharos.* thus ordained, about the Year 1220. *We condemn all Hereticks of both Sexes, and every Name, to perpetual Infamy, we deprive them of our Protection, and put them under the Ban, ordering their Effects to be confiscated, and never more to return to them, so that their Children shall never come to the Possession of them, since 'tis much more heinous to offend the eternal than the temporal Majesty.*

But as the Crime of Heresy is merely Ecclesiastical, they contend that the Ecclesiastical Laws, which order all Things relating to the Punishment of it, ought to prevail, and be every where observed. And therefore since the Confiscation of Effects is one of the Penalties ordained against Hereticks, they affirm, that what hath been ordained by the Ecclesiastical Papal Laws and Constitutions, ought to be observed by all that would approve their Obedience to the Church of *Rome.*

Pope *Innocent* III. in the Year of our Lord 1199 or 1200. and second Year of his Papacy, first ordained at the *Lateran, April Cal. 8.* by a decretal Epistle, beginning, *Vergentis in senium,* directed to the Clergy, Consuls, and People of *Viterbo*, that the Effects of Hereticks should be confiscated, as had been determined by the Civil Laws, and that they should be applied to the Treasury of the Church in the Countries subject to her, and in other Dominions of the Empire, to the Treasury of the secular Judge. And this he commands to be observed, although Hereticks should have Catholick Children, who by the Civil Law were allowed to succeed to their Parents Estates. The same Confiscation of Effects, a few Years after, *viz. An. 1215.* was decreed in

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the *Lateran Council* under *Innocent III.* cap. 3. and is contained, *C. Excommunicamus, 1. §. Damnati, vero.* but with this Difference observed, between the Effects of heretical Laity and Clergy. So that the Goods of such condemned Persons, if they are Laicks, shall be confiscated; if of the Clergy, they shall be applied to the Churches, from whom they have received their Stipends.

Hence Pope *Innocent IV.* 1252. and ninth Year of his Pontificate, by a Constitution made at *Perouse*, the Ides of *May*, and beginning, *Ad extirpanda*; commanded the confiscated Goods of Hereticks to be divided into three Parts, and applied in the Manner as is prescribed in these Words. *Moreover, the chief Magistrate or Ruler shall be obliged so to divide the Effects of Hereticks, which shall be seized and found by the said Officials, and the Fines which shall be exacted for them, as that one Part shall go to the common Use of the City or Place, the second to the Officials who shall be engaged in the Affair, in Favour and for the Assistance of the Office; and the third shall be deposited in some safe Place, to be reserved and expended as the said Diocesan and Inquisitors shall think fit, and with their Advice, in Favour of the Faith, and the Extirpation of Hereticks, notwithstanding any Statute made, or to be made to the contrary.* This *Alexander IV.* confirmed *An. 1259.* by a Constitution, beginning, *Ad extirpanda.* But in the Year 1260. he granted by an Extravagant at *Genoa*, beginning, *Discretioni vestræ*, to the Inquisitors in the *Roman Province*, and Administration of *St. Francis*, that the Goods of Hereticks and others mentioned in it, should be sold, and the Money kept for the Uses of the Church of *Rome.* By Authority of these present, we grant full and free Power to your Discretion, of which we have full Confidence in the Lord, of selling and dividing freely the Goods of Hereticks, their Favourers, Believers, Receivers, and Defenders, already published, or confiscated, or hereafter to be published and confiscated, as you shall think the Affair of the Faith committed to you shall require; and of reserving the Money arising from thence to the Use of the Church of *Rome*; and also of compelling all who shall oppose you in this Matter, by Ecclesiastical Censure, without allowing them the Benefit of Appeal.

Clement IV. his Successor, *An. 1265.* by a Constitution beginning, *Ad extirpanda*, ordered the same threefold Division, but makes more particular Mention of the Effects. *Moreover, the chief Magistrate, Officer, Consul, or any other Ruler, shall be obliged to divide in such a Manner all the Effects of Hereticks, and their Receivers, which shall be seized or found by the said Officials, and the Fines exacted for them; as also all the Timber, Stones, and Tiling of the Houses and Castles that shall be destroyed on the Account of Heresy; and also all the moveable and immoveable Effects that shall be confiscated on the same Account, as that one Part, &c.*

Boniface VIII. *An. 1295.* by a Constitution of his to be found, *Cap. Cum secundum leges de hæret. lib. 6.* declared likewise, that the Effects of Hereticks were *ipso jure* confiscated. But he prohibited the temporal Lords to lay hold of, or seize on them, before the lawful Ecclesiastical Judges had pronounced concerning the Crime of Heresy. *Benedict. XI.* by an Extravagant beginning, *Ex eo.* *An. 1303.* orders; *The said Diocesans shall not demand any Account of the Profits arising from the Office of the Inquisition; any Constitution, Custom, or Com-*
mand

mand to the contrary notwithstanding. • But you shall give it to our Chamber, or to any Person, whom we or the Roman Pontiffs our Successors shall appoint for this Purpose. And this we command to be generally observed.

From these Constitutions they infer, that if any temporal Lord, in Favour of the Faith, actually doth these Things, or other Things equivalent, or greater, or of like Nature, to what the said Constitutions require, he ought to have a third Part of the confiscated Effects; or more, if the Pope allows, and knowingly permits it. And therefore in *Spain* the Effects of such as are condemned for Heresy are rightly applied to the Royal Treasury; because the King hath not only the Care of constituting the Senate, which manages in the Royal Palace all the Causes of the whole Kingdom of *Spain* relating to the Punishment of this Crime, and of which one of the principal Prelates is President; but also liberally supplies the Inquisitors, which the said Prelate appoints by the Papal Authority, and sends throughout the whole Kingdom, to extirpate heretical Pravity, with all their Expences, and every Thing else necessary to their Office. But as in many Places the temporal Lords do not grant the Inquisitors their Expences, nor submit to those Burthens and Labours, which *Innocent, Alexander, and Clement. IV.* have commanded, *Pegna* doth not understand by what Right they can appropriate to themselves the third Part of such confiscated Effects; and therefore thinks that they ought all to be applied to promote and advance the Holy Office. Especially as the Inquisitors have now their proper Jayls, their necessary Attendance, and their own Notaries and Ministers, to the greatest Part of whom the temporal Lords give neither Subsistence or Salary; and when desired, oftentimes refuse to do it. Yea, if the Inquisitor sometimes asks the Guards, Apparitors, or Soldiers of the secular Lord, to execute any Affairs of the Faith, to take up Hereticks, or carry them to Jayl, he will not suffer them to go, without first receiving the Satisfaction and agreed Price from the Inquisitors.

This *Camillus Campegius* especially urges with Reference to the Inquisitors of *Italy*, “ Who, he says, are generally Mendicant Regulars, who scarce receive enough from their Monasteries to support them, or cloath themselves decently; who in Justice ought to have their Provision and Cloathing, and other Necessaries, not from the Monasteries, but from the Office it self in which they serve. For that these Inquisitors are so entirely devoted to the Affairs of the Office, that they cannot serve Religion or the Monastery, which is such a Detriment to Religion as ought not to be suffered. Add to this that Religion, and the very Monasteries are greatly damaged upon Account of the said Office, because these Religious are hated, and are for this Reason deprived of much Alms, and exposed also to many Dangers of Life.”

Hence he infers, that the Inquisitors may receive not only their Expences, but also a Salary or Fees. And as to the Objection that the confiscated Goods of Hereticks are appropriated to maintain the Inquisitors, he answers: “ That such Confiscation seldom happens, since the Effects are restored to such as return, few being found who are obstinate or relapsed, and these, gene-
“ rally

“ rally speaking, so very poor, that they are not able to defray the Expences of the Notaries, nor maintain themselves whilst they are kept in Jayl. As to the other Objection, That the Inquisitors ought to be content with the Subsidy exacted from, or given them by the Cross-bearers, he answers, that this is far from being sufficient, because either they cannot or will not give. Besides, many of them subvert the very End of their Institution, and are rather Masters over the Inquisitor, than subject to him, and sometimes do more harm than good to this Holy Office. 'Tis true, many of them are very jealous and zealous for the Faith, who, according to the Obligation of their Vow, willingly expose their Life and Substance for the Faith. But as they themselves are poor, they want Assistance instead of being able to support others.” He goes on, “ Since this is really the Case, how can the Inquisitors sustain the Burthens of their Office? How can they be able to repair or build Jayls? How can they satisfy the Keepers, and other Officers? How can they provide Sustenance for the poor Prisoners, or Beds for them to lie on? How can the Inquisitors themselves visit their Diocese or Province? Who shall supply them with Horses and Ships? Who shall give them, their Companions, Notaries, and Servants, the Charges of their Journey? For 'tis not decent or safe that the Inquisitor should travel alone. The Duties of this Service are almost infinite, which neither the Bishops, Cities, or Princes, will so much as touch with their Finger.

“ Since therefore the *Italian* Inquisitors have no Benefice, or Incomes, or if they have, such as are not sufficient to maintain them, they may demand their Expences, Salary or Fees. This however the Inquisitors and other Officials who are Bishops, as they are in *Spain*, cannot do. Nor such who receive their Expences from the Apostolical Chamber, as is observed at *Rome*, or who otherwise receive Assistance or Support, to enable them to discharge the Duties of the said Office.

“ At this Time the Inquisitors affirm, that the Church of *Rome* is the Treasury as far as relates to the confiscated Effects of Hereticks; and that she hath ordered that one half of the said Effects shall be appropriated to her own Chamber, and that the other half shall remain in the Office of the Inquisition for the necessary Uses thereof. This Custom is now observed.”

Campegius, in his Additions, cites the Letters of *Innocent IV.* directed to the Archbishops and Bishops, and Provincial of the Province. *We, treading in the Steps of Pope Gregory our Predecessor, of blessed Memory, order that the moveable Effects and Houses of such who are imprisoned for Heresy, shall be sold, if it can be done without Prejudice of their Lords, or grievous Scandal; and that the pecuniary Penalties which shall be laid by the said Friars Inquisitors, on any Persons, on Account of heretical Pravity, for the Advantage of the said Affair, and after having considered the Quality of the Persons, and Nature of their Offences, shall be entirely reserved for building separate and sufficient Prisons, and for supplying the necessary Expences of the Prisoners, and of the said Friars, and other Persons, whom they shall think proper to make use of to carry on the said Affair. And in the Extrava-*

gant Ex eo. de hæret. §. fin. The said Diocesans shall not demand any Account from

you of the Profits arising from the Office of the Inquisition, any Constitution, Custom, or Command to the contrary notwithstanding. But you shall send the Account to our Chamber, or to such other Person as we or our Successors the Popes of Rome shall appoint for this Purpose. This we command shall be generally observed.

In voce.
Bona hē-
ret.

- And lastly, Friar Bernard Comensis, in his Light of the Inquisitors, hath given us this short Account of the whole Affair. “ The Effects of Hereticks, “ since they are *ipso jure* confiscated from the Day of the Crime committed, “ shall not be sold or alienated by the said Hereticks. Yea, the Treasury or “ Inquisitors shall reclaim the said Effects, if sold or alienated, out of the “ Hands of the Possessors, without any Charge, through what Hands soever “ they may have passed; unless the Price, or something equivalent to it, was “ amongst the Effects of the said Heretick thus alienating them.
- “ The Ordinary or Diocesan shall have no Part of the Profits of the Goods “ of Hereticks, appropriated to the Office of the Inquisition, although he “ himself proceeds in the said Office; but must discharge his Duty at his own “ proper Expences, and out of his own Returns, because he is the Ordinary, “ according to the Extravagant of *Benedict XI.* beginning, *Ex eo quod.* Nor “ are the Inquisitors obliged to give an Account to the said Diocesans of the “ Effects accrewing to the Office of the Inquisition. *Ibid.*
- “ Whereas the Cross-bearers now generally provide, in Aid of the Office “ of the Inquisition, all the necessary Expences of the said Office, at the “ Pleasure of the Inquisitors, and appoint such Officials as are necessary to “ the said Office, and pay them, as the Inquisitors order them; they have “ therefore now introduced a Custom, that the Confiscations made of the “ Effects of Hereticks by the Inquisitors, shall be applied to the Office of “ the Inquisition, and administered by the Inquisitors, or the said Cross-bearers, “ at the Pleasure of the Inquisitors, to expedite the Affairs of the said Of- “ fice, and in all Causes appertaining to it.
- “ When the Effects of Hereticks are confiscated, such Confiscation reaches “ not only to such Effects as are found in the Territory where the Condem- “ nation is made, but to such as are found in any other Territory; and the “ Execution shall be made by the Officials of that Place where the Goods “ are. For Instance, if a Man is born at *Bologne*, and hath a good Estate “ there, and yet builds himself an House at *Florence*, and is by the Inquisi- “ tor of *Florence* condemned there for Heresy; in such Case the Inquisitor of “ *Bologne* shall seize upon all his Effects which he finds there, because the “ Purse of the Church of *Rome* equally extends to *Bologne* as to *Florence*. But “ ’tis not thus with the Part that comes to the Officials. See the Declara- “ tion of *Nicholaus IV.* *An. 1291. Oef. 5.*
- “ The moveable Effects of the Criminal, which are found in any other “ Territory, must go to the Treasury of such Place in which they are con- “ demned.

C H A P. XX.

Of the SALARIES of the INQUISITORS, and other OFFICERS.

TIS very evident from what hath been already said, that the Method of paying the Inquisitors their Salaries, is not every where the same, but very different, according as the confiscated Effects are seized, either by the secular Lords or the Inquisitors.

Formerly, in *France*, the Expences and necessary Supports were given them out of the royal Treasury, by the *Ballives* *; who, in that Age, received the Returns of their several Districts, and had their Accounts audited in the Chamber of Accounts, as appears from those Accounts themselves. For some of them gave in an Account of the Expences of the Friars Inquisitors at Ascension Term, *Ann.* 1248. There is also extant in the Royal Chamber of Records, Register Book 36. Cap. 16. an Edict of *Philip* the Fair, by which they are commanded, not only to furnish the Inquisitors with necessary Provisions, but also to give them Assistance and Counsel in the Execution of the Office committed to them. *To the Seneschall of Tholouse, and Carcassone, greeting: Whereas Friar William de Morreriis, a Predicant, of whom we have received a favourable Account, is, as is reported, newly deputed by the Apostolick Authority, Inquisitor at Tholouse, we command you, that ye cause to be given and ministred to him our Fayls, situate in our Lands, for the Custody of Persons taken up for the Crime of Heresy; as also Money for his Provision, and for executing his Office; and that you grant him all Help, Favour and Counsel therein, as hath been hitherto granted to other Inquisitors, and as long as it shall be our Pleasure. Dated at Vicenn.* 1302.

James, King of Aragon, by a Law, beginning, Quoniam fidei Catholicæ, made May 23, 1292. thus commands: Likewise also we Will and Command, that ye provide for the said Inquisitors, their Expences, and pay all their Charges they shall be at upon Account of the said Inquisition, as well for Horses as for other Matters, as they shall give in their Accounts of them, as often as you shall be required by them, or any one of them.

In *Italy* and other Places, where the Inquisitors are poor, the Common-wealth must maintain them in the Places where they live, as is provided by many Rescripts of former Popes; and particularly by a Rescript of *Innocent IV.* beginning, *Ad exstirpanda.* 'Tis also the Duty of the Cross-bearers to support the Inquisitors with their Estates, to which they have oblig'd themselves by Vow.

In *Spain* all these Things are determined by certain Laws. As to the Expences relating to the Criminal under Inquisition, the *Madrid Instruction,*

* *Ballives*, are Judges to administer Justice in Provinces and greater Cities, and who also took Care of the Fines, Confiscations, Mortuaries, and other Effects belonging to the King, in their respective Districts. *Du Fresne.*

An. 1561. Cap. 9. hath thus determined: *Let so much Money be taken out of the sequestred Effects of the Delinquent, as is necessary to carry him to Jayl, and six or eight Pieces of Gold more for his own Support; nor shall any more Expences be allow'd him than are necessary for him, and the Cattle that are to carry him, and the Bed on which he is to sleep. If there be no ready Money in the sequestred Effects, such of them however as are less necessary shall be sold to bring in the said Quantity. The Executor of this Affair shall take Care to write down what he orders at the Bottom of the register'd Effects, and what remains shall be assigned over to the Dispensator of the Prisoners, in the Presence of the Attorney of the Sequestration. And the Inquisitors shall be certified as to the whole Affair.*

In many Inquisitions this exact Order is not observ'd, either through Poverty, or for other Reasons; in which Case every one abides by the received Custom of his Inquisition.

In Spain there are fixed Salaries for the Inquisitors, and other Ministers of the holy Office, which are paid them at stated Times out of the forfeited Effects, according to the Quantity and Order describ'd by *Simancas. Cathol. Inst. tit. 41. n. 33, 34.*

§. 33.

“ The Salaries must be paid to the Inquisitors and Officers by the Commonwealth, which they serve with great Labour, but greater Profit. Every Inquisitor hath annually allow'd him 60000, which now is increas'd to an hundred thousand Pieces, every one of which is worth two of those Brass Pieces of Money, which they commonly call *Albi*. The Judges of the forfeited Effects have each of them 30000. The Promotor Fiscal as many. The Scribe or Notary the same. The Executor 60000. The Receiver as many. The Messenger 20000. The Door-keeper 10000. The Physician 5000. These Salaries may be increas'd at the Pleasure of the Inquisitor General, and are to be paid by the Receiver at the fixed Times, which if he neglects to do, he may be deprived of his Office by the Inquisitors. *4 Inst. Tolet. c. 2. Inst. 3. Valladolid. c. 13.*

§. 34.

“ All these Salaries are paid out of the forfeited Effects. A third Part is to be paid in the Beginning of every fourth Month, and they then begin to be due, when the Judges and Ministers go from their Houses to manage the Affairs of this holy Inquisition. But if they die before the four Months compleat, their Salaries shall be paid and go to their Heirs.

§. 133.

“ The Assessors and Counsellors have no Stipend, but must give their Advice *Gratis*, when the Inquisitors desire it, as some Lawyers affirm; and though they may receive a Salary freely offer'd them, yet they cannot demand it, because all Christians are bound to support and defend the Affair of the Catholick Faith. However, these Assessors, who are the Eyes of the Judges in every Cause, even though it be spiritual, justly receive a Salary for their Service and Labour. For many Things are justly received, which it would be Injustice to demand.

Tit. 5.

§. 6, 7.

“ Those Advocates who defend the Causes of the Poor have a Stipend out of the Treasury, which is usually very small, tho' honourable. But if the Criminals are not poor, the Advocates are paid out of their Effects.

'Tis also provided in *Spain*, by many Constitutions, that Inquisitors, who receive Gifts incur the Sentence of Excommunication, and are deprived of their Office, and fined double the Value of what they take. Simanc. de Cathol. Inst. t. 34. n. 45. This holds if they take Gifts from their Officials. 'Tis ordain'd also, by the same Instructions, That all the Officers shall be content with their Stipends, and receive no Gifts; not so much as any Thing to drink or eat. And if any one is convicted of doing it, he is deprived of his Office, must pay double the Sum, incurs the Sentence of Excommunication, and is fined in 10000 Pieces. If any one of the Officers knows of any such Thing, and doth not discover it to the Inquisitors, he must suffer the same Punishment. The Words of the Instruction, *An. 1484. Cap. 1.* are these: *They have likewise decreed, that the Inquisitors and Assessors of the Inquisition, and other their Officials, such as Advocates, Fiscals, Executors, Notaries, and Door-keepers, shall receive no Gifts or Money from any Persons whatsoever, which the said Inquisition doth or may lay hold of, nor from any other Persons appointed by them. And the Inquisitor General shall command them not to receive any Thing under Pain of Excommunication, Deprivation of Offices, which they hold from the holy Inquisition, and returning double of what they take.*

But *Paramus* doth not interpret this Constitution, so as to make the Inquisitors, who are criminal in this Respect, actually incur Excommunication, and Deprivation of Office, but only so as to make them liable to this Punishment from the Inquisitor General. He also believes, if it be a small Matter, the Inquisitors may take it when voluntarily offer'd to them. But 'tis his Judgment that they would do better to take nothing at all, neither from the Criminals, which looks very suspicious, nor from their Relations or Friends, or any other Persons whatsoever. Lib. 3. q. 2. n. 68.

Every Minister of the Inquisition is also forbidden to concern himself in any Traffick, either by himself or other Persons: If any one doth, he is deprived of his Office, and fin'd 20000 Pieces. If any one doth not discover this, he is excommunicated, 4 Inst. Tolet. c. 12. Simanc. de Cathol. Inst. t. 41. n. 38.

The Inquisitors, Ministers, and Receivers, are also forbidden to buy any Thing of the confiscated Effects, although they are publickly sold. If any one doth buy any of them, though openly and honestly, he nevertheless incurs the Sentence of Excommunication, and is fined in an 100 Pieces of Gold. Ibid. c. 23. §. 29.

However, as the Author of the History of the Inquisition at *Goa* informs us, the Inquisitors know how to amass vast Riches, by two Methods. When the Effects of the Prisoners, after Confiscation, are sold by the Cryer, the Inquisitors, notwithstanding this Interdict, usually send one of their Domesticks, who bid a low Price for such Things as their Masters want, being pretty secure that no Body else will out-bid them; and by this Means they buy very valuable Things for half Price, or less. Besides this, the Inquisitors have a Right to demand the Payment of the Expences, and other necessary Charges they have been at, when, and in what Sums they please, whenever the Money arising from the Confiscations is carried into the Royal Treasury; c. 23.

fury ; without ever giving any Reason, or any ones daring to ask them for what Purposes they employ it.

Gonsalvius Montanus also tells us, in his Arts of the *Spanish* Inquisition, *Cap. 10.* That the Inquisitors are sometimes prevailed with to use their Prisoners a little more kindly, by some pretty Presents made by their Friends and Relations. But this Matter must be dextrously managed, that so the Inquisitor may not refuse the Offer. The first Thing therefore is, to bribe one of his Servants, in which there is no Difficulty, provided it be done privately. When the Inquisitors themselves are tampered with, they generally answer, That holy Tribunal is incorrupt, and suffers no Manner of Gifts whatsoever to be received. But they have generally, amongst their Attendance, some Child of their Brother or Sister, or, at least, a Servant that they greatly esteem, and who is to be highly respected, and who only sees the Inquisitor refuse the Presents offered to him. This Servant comes to the Prisoners Friend, and privately points out to him the Relation of the Lord Inquisitor. This is giving him to understand, unless the Person be a Stock, that though before he in vain attempted to corrupt the Integrity of this holy Tribunal, he may by this Conveyance prevail upon the Inquisitor, though he would refuse to accept the same Present when more openly offered him.

The End of the FIRST VOLUME.

THE
HISTORY
OF THE
INQUISITION.

THE HISTORY

OF

ACQUISITION

THE
HISTORY
OF THE
INQUISITION.

By *PHILIP a LIMBORCH,*

Professour of Divinity amongst the REMONSTRANTS.

Translated into *English*

By *SAMUEL CHANDLER.*

V O L. II.

To which is prefixed,

A large **INTRODUCTION** concerning the Rise and Progress of **PERSECUTION**, and the real and pretended Causes of it.

Their tender Mercies are Cruelty.

Their Throat is an open Sepulchre; with their Tongues they have used Deceit; the Poison of Asps is under their Lips: Whose Mouth is full of Cursing and Bitterness.

L O N D O N :

Sold by J. GRAY, at the *Cross-Keys* in the *Poultry*.

M D C C X X X I .

and Ecclesiastical Offices. Some are Civil, which the Civil Laws have enacted, such as the depriving Men of the Privileges and Benefits of Law, pecuniary Mulcts, Banishment, Death, and the Bann. Some are mixed, ordained both by the sacred Canons, and the imperial Laws; such as Confiscation of Goods, absolving Subjects from their Allegiance, Infamy, and the Ecclesiastical Interdict. I choose rather to distinguish Punishments only into Ecclesiastical and Civil. By Ecclesiastical, I mean those which are inflicted on any one considered as a Member of the Church, and which are supposed to derive on him some spiritual Evil. By Civil, I understand such Punishments as refer to the Body or Estate of any one, and are inflicted on him as a Member of Civil Society, whether they are appointed by the Civil or Canon Law, or by both.

Simancas gives a merry Reason why they punish Hereticks so severely, instead of convincing them by Scripture of their Error and false Doctrine. *West. tit. 59. must not contend with Hereticks by Scripture, because by that our Victory will be uncertain and doubtful.* So that 'tis no wonder they should defend Doctrines, which have no Foundation in Scripture, by Force, and dreadful Punishments, and extort that Confession by the Fear of Punishment, which they can never persuade the Mind of the Truth of, as being destitute of the Weight of Reason, and the clear Testimony of Scripture. But 'tis time to return to our Subject.

The first Punishment ordained against Hereticks by the Canon Law, is Excommunication. This was in use amongst the Christians in former Times. For ever since that Councils were held for the Extirpation of Heresy, the Custom of excommunicating Hereticks was introduced. By this Excommunication Hereticks were driven from the Sacraments, deprived of the common Suffrages of the Church, and expelled the Company of the Pious and Faithful. Thus the Synod of *Vernon* determined in the Year 755. Chap. 9. *That ye may understand the Nature of this Excommunication, he must not enter into the Church, nor eat and drink with any Christian; let none receive his Gifts, nor offer him a Kiss, nor join with him in Prayer, nor salute him.*

The Ceremony of Excommunication is thus: When the Bishop pronounces the Anathema, twelve Priests must stand round him, and hold lighted Candles in their Hands, which they must throw down on the Ground, and tread under their Feet at the Conclusion of the Anathema, or Excommunication. Then a Letter is sent about to the Parishes, containing the Names of the excommunicated Persons, and the Reason of their Sentence.

Excommunication is either the greater or the less. Of both the Synod of *Nimes* hath thus decreed, *An. 1284.* The greater Excommunication is, when the Prelate says, I excommunicate thee. This Excommunication separates a Person from the Communion of the faithful, and the Participation and Perception of the Sacraments. The lesser Excommunication is, when any one communicates with a Person under the greater Excommunication; by thus partaking with him he is removed from the Perception of the Sacraments, so that he ought not to receive the Eucharist or other Sacraments, till he is absolved. An Interdict is, when the Prelate says, I interdict thee; or, I put thee under the Ecclesiastical Interdict; or, I interdict or prohibit thee from entering the Church. Such an interdicted Person, and he

The HISTORY of the INQUISITION.

who is under the greater Excommunication must not enter the Church, nor stand near it, when divine Service is performing, as long as they are under the Sentence.

An Interdict is a general Excommunication, pronounced against a Province, a Town, or City, Cap. 17. *de verbor. Signif.* Brunus describes it as applied to Ecclesiastical Affairs.

Brunus,
l. 5. c. 16. c.
§. 10.

“ An Ecclesiastical Interdict is one of the principal Ecclesiastical Censures, as it forbids a Person all divine Services, which is it self the greatest Punishment, as it deprives a Man of the Benefit of divine Services and Sacraments, and affects the Soul, even as a Civil Interdict doth the Body. It is pronounced sometimes against a Person, viz. a Community or Chapter. Sometimes against a Place, viz. a Church or City. And there is this Difference: When a Community is interdicted, the Clergy may perform divine Service with a loud Voice, the Gates being shut, and the Bells rung, provided the excommunicate and interdicted Persons be excluded, which they can't do in an interdicted Place. Farther, when a Community is put under an Interdict, we are not to understand it of the Community as a Body, but of some particular interdicted Persons; because the Matter of the Interdict is proportioned not to the Body, but the several Members. And yet an Interdict may be pronounced against the whole Community, as a Punishment of the Crime of the Governors of the University, or Body, in which case both the Guilty and Innocent are subject to the Ecclesiastical Interdict, especially those who were present, and knew the Faults of the Governors, without opposing them. In this Case the Truth is, that all the Citizens, even the Ignorant and Innocent, are included in the Interdict.

2. Du
Cange
in voce
Interdict.

The Form of the Interdict we have in the Council of *Limoges*, An. 1301. Session the Second. *Unless they come to Terms of Peace, let all the Country of the Limosin be put under a publick Excommunication, so that no Person, except a Clergyman, or poor Beggar, or Stranger, or Infant from two Years old and under, be permitted Burial, in the whole Limosin, or permitted to be carried to Burial in any other Bishoprick. Let divine Service be privately performed in all the Churches, and Baptism given to those who desire it. About the third Hour, let the Bells ring in the Churches, and all prostrate pour out their Prayers, upon account of the Tribulation, and for Peace. Let Penance and the Viaticum be granted in the Article of Death. Let the Altars of all the Churches be stripped, as in Easter Eve, and the Crosses and Ornaments be taken away, as a Token of Mourning and Sadness to all. Let the Altars be adorned at those Masses only, which any of the Priests shall say, the Church Doors being shut; and when the Masses are done, let them be stript again. Let no one marry during the Time of the Excommunication. Let no one give to another a Kiss. Let no one of the Clergy or Laity, no Inhabitant, or Traveller, eat Flesh or other Meat, than such as is lawful to eat in Lent, in the whole Country of the Limosin. Let no Layman or Clergyman be trimmed or shaved, till the censured Princes, the Heads of the People, absolutely obey the holy Council. Some Synods held at Landaff, recited in the English Councils, after the Ecclesiastical Laws of King Alfred, declare, that in the Time of the Interdicts the Altars were uncovered, the Crosses and Relicks of the Saints laid upon the Ground, and the Bells turned upward.*

There

There is another Form of the Interdict extant in a Manuscript of the Church of Beauvis, amongst the Laws of Charles the Great. *In the Name of Christ, I Hildegarius, Bishop of Beauvis, by the Authority of the Father, the Son, and the Holy Ghost, and by the Authority of St. Peter, Prince of the Apostles, and by our own Authority, do excommunicate and interdict this Church, and all the Chapels belonging to it, that no one may have Power from Almighty God, or from St. Peter, the Prince of the Apostles, from this Day to sing or hear Mass, or perform any divine Office, or receive the Tythe of Almighty God, without our special Leave. And whosoever shall presume, contrary to these Interdicts, either to sing or hear Mass, or to perform divine Service in any Place, or to receive the Tythe of Almighty God, let him be excommunicated and accursed by the Authority of the omnipotent God the Father, the Son, and the Holy Ghost, and of St. Peter, and all the Saints, and separated from the Society of Christians, and from the Doors of our holy Mother Church, where there is Remission of Sins, and let him be Anathema Maranatha, to the End of the World, with the Devils in Hell. So let it be, once, twice, thrice, Amen.* Boniface VIII. ordained, that notwithstanding the Ecclesiastical Interdict, divine Service might be performed in the four Festivals, to which Urban VI. added the Festival of *Corpus Christi*, as may be found in the great *Belgick Chronicle*, An. 1389.

[Thus *Du Cange* describes the Interdict. But the *Venetian Divines*, in their Treatise concerning the Interdict of Pope *Paul V.* An. 1606. *Propos.* 19. affirm that the Interdict is a new Censure in the Church; and they thus prove it: Because there is no mention of an Interdict, either as to the Word or Meaning, in the holy Scripture, or any one of the antient Fathers, or in the Collection of Canons by *Curcard* or *Gratian*, who wrote about the Year 1150. And therefore it did not begin till after his Time, because *Alexander III.* first mentions it in the Decretals, in a certain Letter of his to the *English Prelates*, An. 1170. They add,

In the Beginning, when the Interdict took place, all divine Services were prohibited, except the Baptism of Children, and the Penance of the dying. *Alexander III.* Capit. *Non est nobis.* respons. An. 1170. About the Year 1200. *Innocent III.* allowed of Preaching and the Sacrament of Confirmation. Capit. *respons.* de Sent. Excom. About the Year 1230. *Gregory IX.* granted, that Mass should be celebrated once every Week, but without the ringing of the Bell, with a low Voice, and the Gates shut, in order to consecrate the most holy Sacrament for dying Penitents. Cap. *Permittimus.* de Sent. Excom. About the Year 1245. *Innocent IV.* permitted the Sacrament of Penance to be administred to the Cross-bearers, and Strangers, and that two or three of the Clergy might celebrate divine Service with a low Voice. Cap. *Quod.* in Text. de Pœn. About the Year 1300. *Boniface VIII.* decreed that Penance should not only be administred to the Sick, but to such as were well, and every Day, and that divine Service should be performed with a low Voice, the Gates shut, and without ringing the Bells, except on the Feasts of the *Nativity*, *Easter*, *Whitsunday*, and the *Assumption of the Blessed Virgin*, when it should be celebrated with open Gates, and the ringing of the Bells, c. *Alma Mater.* de Sent. Excom. in 6.

To this they subjoin the Effects of an Interdict, to shew that if this Censure be not used with some Difference, it will destroy the Church. It is worth while just to recite these Effects in the Words of the aforementioned Place, *Alma Mater*. and from the Extravagant *Provide*. *Because*, says he, *by such sort of Statutes the Indevotion of the People is forgotten, Heresies spring up, an infinite Number of Dangers arise to Souls, and the Church, without her Fault, loses the Obedience due to her.* The Words of the Extravagant are these: *Prayers for the Dead, especially by the frequent Oblation of the salutary Host, are either entirely prevented, or greatly lessened; young Persons and Children more seldom partake of the Sacraments, and are thereby less inflamed and confirmed in the Faith, the Devotion of the Faithful grows cool, Heresies spring up, and the Dangers of Souls are increased.* The Gloss upon the same Chapter *Alma Mater* says, That after the Removal of the Interdict from any Place, Persons of thirty or forty Years old, who had never seen the Mass celebrated, laughed at the Priests as they were celebrating it. *Sotus* a famous Doctor says, *That though an Interdict on one hand tends to terrify the Excommunicate, yet on the other it endangers divine Service, especially if it lasts for any considerable while; for that not only the Laity lose their Affection and Regard for divine Services from not being accustomed to frequent them; but even the Clergy themselves grow more remiss and indolent in performing them: Upon which Account Religion it self suffers great Loss, and the Manners of the People grow wild and savage.* Thus far the *Venetian Divines*.]

Distin.
22. *Qu.* 3.
Artic. 1.

Pegna p. 2.
com. 22.
Hierolex
in voce
Processus.

Heretofore they used, three times a Year, solemnly to anathematise Hereticks of every Sect, viz. in the Day of *Cæna Domini*, the Ascension, when Christ prayed for all the Faithful, and in the Feast of the Dedication of the Churches of *St. Peter and Paul*; to denote that the excommunicate Person was deprived of the Sacrament of the Supper, that he could not partake of the Prayers of the Church, and that he was expelled the Church, so that he could not pray with the rest of the Faithful. To this Custom succeeded the Process of the Bull, called *In cæna Domini*, which was read publickly, and with a loud Voice, every Year, on *Holy Thursday*, in the Morning, by the last Cardinal Deacon, in the Presence of the Pope, and the rest of the Cardinals and Bishops, by which all Hereticks are anathematized. When the reading of it is finished, the Pope takes a little lighted Torch, and throws it into the Street, as a Token of the Thunder sent against the Excommunicate. The Use of this Bull doth not seem very antient; for neither *Thomas*, nor *Eymericus*, nor other antient Writers mention it. But it seems to have begun in the Time of *Martin V.* about the Year 1420. when the *Bokemian Doctrine* was damned by the Council of *Constance*. *Paul II.* and *Sixtus IV.* make mention of it in some Rescripts, beginning, *Etsi dominici Gregis*. Afterwards *Leo X.* increased it against *Luther*, as did *Paul III.* and the other *Roman Pontiffs*, till at length, *An.* 1616. it was brought into this Form by *Paul V.*

The pastoral Diligence and Care of the Roman Pontiff is continually employed, according to the Duty of his Office, in procuring all Peace and Tranquility for the Christian Republic; and especially shines forth in maintaining and preserving the Unity and Integrity of the Catholick Faith, without which 'tis impossible to please God; viz.

ibid

that the Faithful of Christ may not be as little Children, tossed, and carried about with every Wind of Doctrine, by the Wickedness of Men who go about to deceive; but may all meet in the Unity of the Faith, and Acknowledgment of the Son of God, and grow into a perfect Man, and may not hurt one another in the Fellowship and Communion of this Life, nor give Occasion of Offence to each other, but rather being joined in the Bond of Charity, as Members of one Body under Christ the Head, and his Vicar upon Earth the Roman Pontiff, the Successor of the most blessed Peter, from whom the Unity of the whole Church flows, may encrease unto Edification, and may thus, with the Assistance of divine Grace, so enjoy the Quiet of the present Life, as that they may obtain the Blessedness of the future. For which Causes the Roman Pontiffs, our Predecessors, have, on this Day, celebrated for the anniversary Commemoration of the Lord's Supper, been used solemnly to exercise the spiritual Sword of Ecclesiastical Discipline, and the salutary Arms of Justice by the Ministry of the Chief Apostolate, to the Glory of God, and the Salvation of Souls.

We therefore to whom nothing is more desirable, than under God, to defend inviolable the Integrity of the Faith, the publick Peace and Justice, following this antient and solemn Custom,

1. Do excommunicate and anathematize, on the Part of Almighty God, the Father, Son, and holy Spirit, and also by Authority of the blessed Apostles Peter and Paul, and by our own, all Hussites, Wicklessites, Lutherans, Zuinglians, Calvinists, Hugonots, Anabaptists, Trinitarians, and Apostates from the Christian Faith, and all and singular other Hereticks, by whatever Name distinguished, or to whatever Sect they belong, as also their Believers, Receivers, Favourers, and in general all their Defenders, and such who without our Authority, and the Authority of the Apostolick See, do knowingly read, or retain, or print their Books containing Heresy, or treating of Religion, or who in any manner defend them, or upon any account, publickly or privately, upon any Pretence or Colour; as also all Schismatics, and those who obstinately withdraw themselves or depart from our Obedience, or that of the Roman Pontiff for the Time being.

2. Likewise we excommunicate and anathematise all and singular Persons, of every State, Degree, and Condition, and interdict all such Universities, Colleges, and Chapters, of whatsoever Name, who appeal from our Appointments and Commands, and those of the Roman Pontiffs for the Time being, to an universal future Council; as also all those by whose Assistance, Counsel or Favour such Appeal shall have been made.

3. Likewise we excommunicate and anathematise all Pirates, Corsaires and Robbers, who infest our Sea, especially from Monte Argentaro to Terracina, and all their Favourers, Receivers and Defenders.

4. Likewise we excommunicate and anathematise all and singular Persons whatsoever, who, when the Ships of any Christians shall be overset by a Storm, or by any Means suffer Shipwreck, shall take away from them their Effects of any Kind, whether they find them in the said Ships, or thrown into the Sea, or cast on the Shore, as well in our Tuscan and Adriatick Seas, as in other Regions and Shores of any other Sea whatsoever; so that they shall not be excused upon Account of any Privilege, Custom, or Possession of Time immemorial, or any other Pretence whatsoever.

5. Like-

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5. Likewise we excommunicate and anathematise all, who either lay or encrease Taxes or Gabels in their Lands, except in such Cases as are permitted them by Law, or by the special Leave of the Apostolick See, or who cause such as are prohibited to be laid or encreased.

6. Likewise we excommunicate and anathematise all Forgers of Apostolick Letters, even in Form of Brief, and Supplications, concerning Grace or Justice, signed by the Roman Pontiff, or the Vice-chancellors of the Holy Roman Church, or their Vicegerents, or by the Command of the said Roman Pontiff: As also such who counterfeit Apostolick Letters, even in Form of Brief; as also such who falsely sign any Supplications under the Name of the Roman Pontiff, or his Vice-chancellor, or their Vicegerents.

7. Likewise we excommunicate and anathematise all those who carry or send over to the Saracens, Turks, and other Enemies and Adversaries of the Christian Name, and such as are expressly, or by Name declared Hereticks by our Sentence, or that of this Holy See, Horses, Arms, Iron, Bars of Iron, Tin, Steel, and all other Kinds of Metals, and warlike Instruments, Timbers, Hemp, Ropes, made either of Hemp or any other Matter, and the Materials themselves, and all other such sort of Things, by which they may injure Christians and Catholicks; and also all those who either by themselves or others, give Information to the Turks and Enemies of the Christian Religion, or to Hereticks, of the Affairs concerning the State of the Christian Commonwealth, to the Prejudice and Destruction of Christians, and the Detriment of the Catholick Religion, and all such who in this Affair any ways afford them Help, Counsel, and Favour, all Privileges whatsoever hitherto granted by us and the aforesaid See to any Persons whatsoever, Princes, and Republicks, not making expresse Mention of such Prohibition, to the contrary notwithstanding.

8. Likewise we excommunicate and anathematise, all who hinder or attack those who bring Provisions, or other Things necessary for the Use of the Court of Rome; as also those who prohibit, hinder, and prevent such Things being brought or carried to the said Court of Rome, or who defend those who do these Things, either by themselves, or others, of whatsoever Order, Prebeminence, Condition and State they may be, even though they should be rendred Illustrious by the Pontifical or Regal, or any other Ecclesiastical or worldly Dignity whatsoever.

9. Likewise we excommunicate and anathematise all those who, either themselves, or by others, kill, mutilate, spoil, apprehend or detain any Persons coming to the Apostolick See, or going from it; as also all those who not having the ordinary Jurisdiction, or that delegated by us and our Judges, shall rashly claim it to themselves, and shall presume to commit such Things against those who abide in the same Court.

10. Likewise we excommunicate and anathematise all such who kill, mutilate, wound, detain, apprehend or rob such as are coming to Rome, or Pilgrims going to the City upon account of Devotion or Pilgrimage, and staying in it, or going from it, or who in these Things give them Assistance, Counsel or Favour.

11. Likewise we excommunicate and anathematise all such who kill, mutilate, wound, strike, apprehend, imprison, detain, or in an hostile Manner pursue the Cardinals of the Holy Roman Church, the Patriarchs, Archbishops, Bishops, Legates or Nuncios of the Apostolick See, or who eject them from their Dioceses, Territories,

ories, Lands or Dominions; as also those who command or confirm these Things, and grant their Assistance, Counsel or Favour in them.

12. Likewise we excommunicate and anathematise all those, who kill, or any ways strike, or deprive of their Effects, either by themselves or others, any Ecclesiastical Persons whatsoever, or Seculars coming to the Court of Rome upon their Causes and Affairs, and prosecuting them in the said Court, or such who procure and manage their Affairs, Advocates, Procurators, and Agents, or Auditors and Judges in the aforesaid Causes and Affairs, deputed upon Occasion of the said Causes and Affairs; as also all such who by themselves or others, directly or indirectly, shall dare to commit, perform or procure such Crimes, or shall grant Assistance, Counsel or Favour in them, of whatsoever Prebeminence and Dignity they may be.

13. Likewise we excommunicate and anathematise all as well Ecclesiastical as Secular, of whatsoever Dignity, who, under the Pretence of a frivolous Appeal from the Burthen or future Execution of the Apostolick Letters, even in Form of Brief, concerning as well Grace as Justice, and of Citations, Inhibitions, Sequesters, Monitories, executorial Processes and other Decrees, proceeding, or which for a Time or otherwise may have proceeded from us, and the aforesaid See, or Legates, Nuncio's, Presidents, Auditors of our Palace, and of the Apostolick Chamber, Commissaries, and other Judges, and Apostolick Delegates, shall have Recourse to the Secular Courts, and Lay Power, and shall suffer such Appeals from it, though at the Instance of the Procurator or Advocates of the Treasury, and shall cause such Letters, Citations, Inhibitions, Sequesters, Monitories, and other the aforesaid to be taken and retained, or who hinder and prohibit, either simply, or without their Pleasure, Consent or Examination, these Things to be put in Execution, or the Attornies or Notaries employed in the Execution of such Letters and Processes from making such Instruments or Acts, or when made from delivering them to the Party concerned, or who apprehend, strike, wound, imprison, detain, banish from Cities, Places and Kingdoms, deprive of their Goods, terrify, extort Money from, or threaten by themselves, or any other or others, publicly or privately the said Parties or their Agents, Kindred, Relations, Acquaintance, Notaries, Executors, or Under-Executors of the said Letters, Citations, Monitories, and other the aforesaid, or who shall presume to forbid, ordain and command directly or indirectly any other Person whatsoever, either in general or particular, that they do not apply or have Recourse to the Court of Rome in pursuing the said Affairs, or obtaining Graces or Letters, or soliciting such Graces and Letters from the said See, or using them when obtained, or who shall themselves, or by their Notaries, or Attornies, or any other Ways dare to keep them.

14. Likewise we excommunicate and anathematise all and singular Persons whatsoever, who themselves or by others, by their own proper Authority, and in Fact, under the Pretence of any Apostolick Executions, or other Graces and Letters, remove Grants of Tythes, or other spiritual Causes, or annexed to spiritual, from our Auditors, and Commissaries, and other Ecclesiastical Judges, or who hinder the Course and Hearing of them, or Persons, Chapters, Convents, Colleges, who are willing to prosecute the said Causes, and who interpose themselves as Judges in the Cognisance of them, or who by Statute or otherwise compel the acting Parties who have, or do cause them to be tried, to revoke, or cause to be revoked Citations or Inhibitions, or other

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Letters decreed therein, and to cause, or consent that those Persons, against whom such Inhibitions have proceeded, shall be absolved from the Censures or Penalties contained in them; or who in any manner obstruct them in the Execution of Apostolick Letters, or Executorials, or Processes, or aforesaid Decrees, or who give their Favour, Counsel, or Assent towards it, even though they should pretend it was to prevent Violence, or under any other Pretences whatsoever; yea, though they should pretend 'tis only till they have intreated, or caused Intreaty to be made for our Information, unless they legally prosecute such Supplications before us and the Apostolick See; even though they who commit such Things should be Presidents of Chanceries, Councils, or Parliaments; Chancellors, Vice-Chancellors, Judges, the Counsellors ordinary or extraordinary, of any secular Princes whatsoever, even though they are illustrious for the Imperial, Regal, Ducal, or any other Dignity whatsoever; or whether they be Arch-Bishops, Bishops, Abbots, Commendatories or Vicars.

15. Or who by Virtue of any pretended Office, or at the Instance of any Party or other Persons whatsoever, bring, or cause, or procure directly or indirectly, under any Colour whatsoever, to be brought, Ecclesiastical Persons, Chapters, Convents, Colleges of any Churches, before them to their Tribunal, Audience, Chancery, Judges, or Parliament, contrary to the Disposition of the Canon Law; or who shall make, ordain, or publish Statutes, Ordinations, Constitutions, Pragmaticks, or any other Decrees whatsoever, in general or particular, upon any Account, or under any Colour whatsoever, and even under Pretence of any Custom or Privilege, or for any other Reason whatsoever, or who shall make use of them when made or ordained, by which the Ecclesiastical Liberty is taken away, or in any Degree hurt, or sunk, or otherwise by any Means restrained, or whereby our Rights, or those of the said See, or any other Churches, are any Ways directly or indirectly, tacitly or expressly prejudiced.

16. All such moreover, who, on this Account, in any manner directly or indirectly, hinder the Arch-Bishops, Bishops, and other superior and inferior Prelates, and all other ordinary Ecclesiastical Judges whatsoever, by imprisoning or molesting their Agents, Procurators, Familiars, or their Relations or Kindred, or others, so as to prevent their exercising their Ecclesiastical Jurisdictions against any Persons whatsoever, according to what the Canons and sacred Ecclesiastical Constitutions, and the Decrees of General Councils, and especially the Council of Trent, ordain; and also those who after the Sentences and Decrees of their Ordinaries, or any Persons delegated by them, or who any other ways evading the Judgment of the Ecclesiastical Court apply themselves to Chanceries, or any other secular Courts, and who procure from them Prohibitions or penal Commands to be decreed and executed against the Ordinaries and their aforesaid Delegates; and those also who decree and execute these Things, or give their Assistance, Counsel, Patronage or Favour therein.

17. Those also who seize on the Jurisdictions, Profits, Returns, and Incomes belonging to us and the Apostolick See, and to any Ecclesiastical Persons whatsoever, by reason of their Churches, Monasteries, and other Ecclesiastical Benefices, or who upon any Occasion or Cause sequester them, without the express Licence of the Roman Pontiff, or others who have a legal Power to do it.

18. Such also who lay any Imposts, Tythes, Taxes, Duties, and other Burthens upon the Clergy, Prelates, and other Ecclesiastical Persons, and upon their Effects, or those

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those of their Churches, Monasteries, and other Ecclesiastical Benefices, or upon their Fruits, Returns, or suchlike Incomes, without the like special and express Leave of the Roman Pontiff; or who exact them by any other invented Methods whatsoever, or who receive them when laid, even from those who voluntarily give and grant them. Moreover all such who by themselves or others, directly or indirectly presume to do the aforesaid Things, or procure them to be done, or give their Assistance, Counsel or Favour in them, of whatsoever Prebeminence, Dignities, Order, Condition or State they may be, even though they shine with the Imperial or Regal Dignity, or whether they are Princes, Dukes, Counts, Barons, or other Potentates whatsoever, or whether they be any ways Presidents, Counsellors, and Senators, in Kingdoms, Provinces, Cities and Countries, or adorned with any, even with the Pontifical Dignity, renewing hereby the Decrees made concerning these Matters by the sacred Canons, as well in the Lateran Council lately held, as in other general Councils, with also the Censures and Penalties contained therein.

19. Likewise we excommunicate and anathematise all Magistrates and Judges, Notaries, Scribes, Executors, Sub-executors, who in any manner concern themselves in capital or criminal Causes, against Ecclesiastical Persons, by processing, banning, apprehending them, or by pronouncing or executing Sentences against them, without the special specifick and express License of this holy Apostolick See, or who extend such License to Persons and Cases not expressed, or who otherwise rashly abuse it, even although such who do commit these Things should be Counsellors, Senators, Presidents, Chancellors, Vice-Chancellors, or called by any other Name whatsoever.

20. Likewise we excommunicate and anathematise all those who by themselves, or others, directly or indirectly, under any Title or Colour, shall presume to invade, destroy, seize and detain, in whole or in part, this holy City, the Kingdom of Sicily, the Isles of Sardinia and Corsica, the Countries on this Side Faro, the Patrimony of St. Peter in Tuscany, the Duchy of Spoleto, the County of Venaisin, and the Maritime Provinces of the Marquisate of Ancona, Massa, Treve, Romagna, Campania, and their Countries and Places, and the Lands of the special Commission of the Arnulphs, and our Cities of Bologna, Faenza, Rimini, Benevento, Perouse, Avignon, Civita Castellana, Todi, Ferrara, Comachio, and other Cities, Countries and Places, or Rights belonging to the Roman Church, and subject mediately or immediately to the said Roman Church; as also presume to usurp, disturb, retain, or interrupt by any Methods the supream Jurisdiction in them actually belonging to us, and the said Roman Church; as also their Adherents, Favourers, and Defenders, or who any ways grant them Assistance, Counsel or Favour.

It being our Will that these our present Processes, and all and every Thing contained in these Letters, shall last, and have their entire Effects, as long as there shall be any such Processes made by us, or the Roman Pontiff for the Time being.

Furthermore, no one shall be absolved from the aforesaid Sentences by any other Person but the Roman Pontiff, except in the Article of Death, nor even then, unless he shall give Security to stand to the Commands of the Church, and make Satisfaction; notwithstanding any Pretences of Faculties or Indulgencies, granted and renewed, or to be granted or renewed by us, or the said See, and the Decrees of any Council, by Word or Letters, or any other Writing, general or special, to any Ecclesiastical Persons whatsoever,

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soever, Seculars, and the Regulars of all Orders, even of the Mendicant and Military ones, even to such as enjoy the Episcopal, or any other greater Dignity, and to the Orders themselves, and their Monasteries, Convents, and Houses, and Chapters, Colleges, Confraternities, Congregations, Hospitals, and holy Places; as also to any of the Laity, tho' Illustrious for the Imperial, Regal, or any other worldly Excellency.

But if any Persons, contrary to the Tenor of these Presents, shall actually presume to grant the Benefit of Absolution to such who are entangled in this Excommunication and Anathema, we put them under Excommunication, intending to proceed more severely against them, spiritually and temporally, as we shall know to be most convenient.

Declaring and protesting, that no Manner of Absolution, even to be made solemnly by us, shall comprehend, or be of any Benefit to the aforesaid excommunicate Persons, contained under these Presents, unless they shall first abstain from the Premises, with the Purpose of not committing such Things for the future; or to those who have made any Statutes, as aforesaid, against the Ecclesiastical Liberty, unless first they shall publicly revoke such Statutes, Ordinations, Constitutions, Pragmaticks and Decrees, and shall erase and blot them out from their Archives, Records, or Books in which they are found to be registred, and shall certify us concerning such Revocation; moreover, that by such Absolution, or by any other contrary Acts, tacit or expressed, or by our Patience and Forbearance, or that of our Successors, continued for any Time whatsoever, no Prejudice can or ought to affect the Apostolick See, and the Holy Roman Church, in all and singular the Premises, and in any of its Rights, where and whensoever pursued or to be pursued.

All Privileges, Indulgences, Grants and Letters Apostolick, general or special, to the aforesaid, or to any one of them, or to any others of any Order, State, or Condition, Dignity or Prebeminence, altho' as before they may enjoy the Pontifical, Imperial, Regal, or any Ecclesiastical and worldly Dignity; or to their Kingdoms, Provinces, Cities, or Places, granted by the aforesaid See, upon any Account, even by way of Contract, or Reward, and under any other Form and Tenor, and with any Clauses, even the Derogatories of Derogatories, even tho' they contain that they may not be excommunicated, anathematised, or interdicted, by Letters Apostolick not making full and express Mention, Word for Word, of such Privileges, Indulgencies, and Grants, and of their Orders, Places, proper Names, Surnames and Dignities; as also all Customs, even Immemorial, and Prescriptions the longest that can be, and all other Observances whatsoever, written or not written, by Virtue of which they may be able to help or defend themselves, so as to exclude themselves from being concerned in these our Processes and Sentences, to the contrary notwithstanding.

All which Things, as to this Affair, and the Tenors of all of them, as tho' they were inserted here to a Word, without the Omission of any Thing, taking them as expressed in these Presents, we entirely take away, and wholly revoke, and all other Things whatsoever to the contrary.

And that these our present Processes may more easily come to the public Knowledge of all, we will cause the Papers or Parchments containing these Processes, to be fixed up in the City, on the Gates of the Church of St. John Lateran, and the Cathedral Church

Church of the Prince of the Apostles, that they whom such Processes concern, may be able to pretend no Excuse, or alledge Ignorance, that they had not seen them or known them; since it is not probable, that that should remain unknown, which is thus openly published to all. Moreover, that these Processes, and present Letters, and all and singular the Matters contained in them may become yet more known, by being published in most Cities and Places, we by these Writings, order, and in Virtue of their holy Obedience, strictly enjoin and command, all and singular, Patriarchs, Primate, Arch-Bishops, Bishops and Ordinaries of Places, and Prelates constituted every where, that either by themselves, or any other or others, they solemnly publish, and propose, shew, and declare to the Minds of the Faithful of Christ, these our present Letters, after they have received them, or had the Knowledge of them, once every Year, or oftener, if they think fit, in their Churches, when the greatest Number of People shall be met together for divine Worship.

Moreover, let the Patriarchs, Arch-Bishops, Bishops, and other Ordinaries of Places, and Prelates of Churches, and also all Rectors, and others having the Cure of Souls, and Presbyters, Seculars, and the Regulars of every Order, deputed by any Authority to bear Confession of Sins, have by them a Transcript of these present Letters, and study diligently to read and understand them: It being our Will, that altogether the same Credit shall in Judgment, and out of it, be every where given to the Transcripts of these Presents, even when printed, subscribed with the Hand of a publick Notary, and marked with the Seal of the ordinary Judge of the Roman Court, or any other Person constituted in Ecclesiastical Dignity, as would be given to these Presents, if they were themselves exhibited and shewn. Let therefore no Man dare to infringe, or by any rash Endeavour to contradict this Page of our Excommunication, Anathematization, Interdict, Innovation, Innodation, Declaration, Protestation, Sublation, Revocation, Commission, Command and Will. If any one shall presume to attempt this, let him know that he shall incur the Indignation of Almighty God, and his blessed Apostles, Peter and Paul. Given at St. Peter's in Rome, in the Year of the Incarnation of our Lord MDCXVI. Apr. 22. and Twelfth Year of our Pontificate.

M. DATARIUS.

J. Bulgarius.

The Place † of the Seal.

Registered in the Secretary of Briefs.

S. de Urfinis.]

This Excommunication infers other Punishments. For if an Heretick ex-communicated hath any spiritual Jurisdiction, he forfeits it, nor can he va-
lidly perform those Acts which require Jurisdiction, because as this is given by the Church, the Church may resume it. Hence all Things that are done by a Priest or Bishop, without Permission, are null, for the want of Jurisdiction. All Absolutions, Censures, Sentences, Punishments, done by him, are void. Thus it is said, that an excommunicated Person can't excommuni-
cate, and that they are not to be looked on as excommunicate, who are ex-communicated by Hereticks. Yet they so far retain the Powers belonging to
their

Becani
Theol. Schol.
last. p. 581.

Cap. Au-
d vinitus
24
Qu. 2.

Ibid. Cap. aperte. their Order, that they may validly do an Act which doth not require Jurisdiction, tho' not lawfully, because they sin in doing it; and they give this Reason, because the Power of any Order consists in an indelible Character. Hence they infer, that he who hath once legally received this Power, must always keep it, and that therefore he may validly do an act, which doth not require Jurisdiction, provided the due Matter, Form and Intention be preserved, because such a Power hath its Force from the Institution of Christ, which the Church cannot take away.

Eymer, part. 3. Qu. 113. Pegna, Com 162. Finally, Hereticks are deprived of all Ecclesiastical Benefices and Dignities. But there is this Difference between Hereticks, and their Favourers, Receivers and Defenders. Hereticks are *ipso jure*, deprived of their Ecclesiastical Benefices from the Day of their committing their Crime, by a Rescript of Pius V. beginning, *Cum ex Apostolatus*, in which he reserves all Benefices of whatsoever sort, and where-ever they are, vacant for the Crime of Heresy committed by any one, to the Nomination and Appointment of the Apostolick See; whereas the Receivers, Favourers and Defenders of Hereticks are not *ipso jure*, deprived of their Benefices, but must be deprived by Sentence. Cap. *Excom. 1. §. Credentes. de hæret.*

Qu. 114. Com. 163, 164. This is extended to their Posterity, to the second Generation by the Father's Side, and the first by the Mother's. Cap. *Quicumq; §. Heret. de hæret. 1. 6. and Cap. Statutum de hæret. lib. 6.* So that if the Father be an Heretick, his Son and Daughter, and Grandson by his Son, is judged incapable, but the Grandson by the Daughter is not incapable, because he is reckoned of his own Father's Family. If the Mother be an Heretick, the Son or Daughter only in the first Degree is incapable, and no farther. The Sons of those also suspected of Heresy are incapable. But when the Receivers and Abettors of Hereticks and the like are dead, there can be no Process against them, because their Crime is extinguished by Death. As for those Children who accuse their heretical Parents to the Judges of the Faith, the Punishments appointed by Law don't affect them.

Bzovius, a. 1247. §. 4. n. 15. Amongst the Ecclesiastical Punishments is also reckoned, that no Offering is to be made for those who die in Heresy, nor are they to receive Christian Burial. Cap. *Sicut ait B. Leo de hæret.* And this Innocent IV. especially ordained by a perpetual Constitution, induced thereto by that solemn Sentence, *The Bodies of excommunicated Persons ought not to be buried in the sacred Places of the Faithful, because as the Church had no Communion with them when alive, she will have no Communion with them when dead.*

C H A P. II.

Of the Civil Punishments of HERETICKS.

POLITICAL Punishments appointed by the Canon and Civil Laws against Hereticks, are various.

The first is what is commonly called, the Confiscation of their Goods. *Cap. Vergentis in Senium. de hæret. We ordain that the Goods of Hereticks be confiscated in all Countries subject to our temporal Jurisdiction, and in other Places also by the Powers and secular Princes of them; and if they should prove negligent in this Affair, we will and command that they be compelled to it, by an Ecclesiastical Censure, without Benefit of Appeal.*

[“ This Confiscation of Effects, *Lewis a Paramo* derives from the Example L. I. t. 2. c. 7. p. 45. of God, who, not contented with the Sentence of Death pronounced against our first Parents, drove Man from the Place of his Delights, stript of all his Goods, wounded in Naturals, and spoil'd of those Gifts that had been freely granted him, his original Integrity especially being irreparably lost, and adjudged him to hard and continual Labours, and out of his Hatred to so great a Wickedness, commanded the very Earth to bring forth Briars and Thorns. This Example, he saith, the most holy Tribunal of the Inquisition follows, confiscating by a just Proscription the Goods of Hereticks, and depriving them of all their Effects and Fortunes. Neither ought this Instance to be accounted Foreign from the Case. For altho' the Confiscation of Effects doth not regularly take place as to all other Crimes, tho' very heinous, nevertheless God, the first of the Inquisitors, that in this detestable Crime of Heresy he might give an Example to other delegated Inquisitors, deprived our Parents of all their Effects, of the Possession of their earthly Paradise, the Use of all the Fruits of it, and their Dominion over all the Creatures; for they did not only after this not obey our first Parents, but became Enemies to them. He also deprived their Children and Successors of these Goods, &c. and this irrevocably. Nor can any one ever more come to such a Place.”] Moreover, the Goods of Hereticks are declared *ipso jure*, confiscate, in the Chap. *Cum secundum leges. de hæret. l. 6.* *We decree by the Advice of our Brethren, that the Goods of Hereticks, who offend more grievously, horribly and detestably than the before mentioned, be ipso jure, confiscate.*

This Law is of great Use in the Tribunal of the Inquisition, and extremely hard and severe upon the Criminals, their Relations and Heirs. For hence Simanc. tit. 9. §. 21, &c. it is, that because the Goods of Hereticks are *ipso jure* confiscate, they become forfeited from the very Day of their Crime, so that all Donations by Hereticks, altho' secretly made, are null and void. Even Portions given to Daughters, to support the Burthens of Matrimony, tho' it be the Duty of a Father to portion them out, or given to such as have taken on them the holy

holy Vow of a Monastick Life, are to be revoked and confiscate. *Zanchinus* gives this Reason, *Cap. 27*. Because his Goods are confiscate from the very Day of his committing the Crime, and therefore he can have no right of Administration. But as for the Goods of such, who can't purge themselves, or are condemned for Contumacy, they are not forfeited but from the Day they are presumed to be Hereticks, not from the Day that the Witnesses declare them to have been Hereticks.

§. 9, &c. If any one gives a Legacy upon account of Death, and falls into Heresy, and his Goods become confiscate, the Legacy shall be recovered as void, and belongs to the Treasury equally with all the other Goods of the Heretick. If an Husband bequeaths any Thing to his Wife, and his Memory be condemned for Heresy after his Death, such Donation shall be revoked, altho' his Legacies to others shall stand good. If any Thing be owing to an Heretick by a conditional Contract, it belongs to the Treasury under that Condition, who must perform it, if they conveniently can. All the Goods of a Wife condemned for Heresy and Impiety are forfeited, whether they be her Dowry, or any other Things besides, which she brought to her Husband, or such Donations as the *Spaniards* call *Arrbæ* *; or such Profits as belong to Wives by the Royal Laws. But the Husband hath all his Actions good against the Treasury. In like manner the Goods of an heretical Son gotten in War are confiscated, because that is the Son's private Property, in which the Father hath no Right. If he shall happen to have sold any of his Goods, and the Money be in his Possession, or any Thing equivalent, let it be restored to the orthodox Buyer, but if it be consumed, it shall not be restored.

Zanch.
c. 27.

Hence it is, that in every Sentence, the Time of the Person's falling into Heresy is particularly expressed, and these or the like Words inserted in it,
c. 41. *And by this our Sentence we declare, That all and singular his Goods were brought into our Treasury from the said Time of committing the Crime, and we do solemnly declare all and every of them to be confiscated to the Treasury of the Church of Rome, and our Office of the Inquisition.*

A Person however must be declared an Heretick by the Judge, before his Goods are actually confiscate. For as *Brunus* says, "The Law hath taken
l. 4. c. 12. " Care, that if any one falls into an Heresy already condemned, he shall nei-
§. 3. " ther be accounted or punished as an Heretick, unless the Judge shall have
" pronounced by his Sentence, that he is under the principal Condemnation.
" So that the Hereticks do, *ipso jure*, lose all Property in their Estates, yet
" they can't be confiscated till after the declaratory Sentence is pronounced.
" But however, this must be understood of such a Crime as hath not been
" certified to the Judge, either by Confession, or legal Proof, or the Evidence
" of the Thing it self. For in notorious Crimes, which need no Declaration,
" there seems no need of a declaratory Sentence, according to *Dominick*;
" who thought it sufficient, that if an Heretick did not appear to purge him-
" self, by the Time fixed by the Judge, nor produce his Vindication, an

* *Arrbæ* are the Presents given to any Women upon their being betrothed.

“ Execution

“ Execution might be granted against him, even without a declaratory Sentence, altho’ there are some who insist upon the Necessity of a declaratory Sentence even in notorious Crimes, and think that no Execution can be granted without it.”

This Confiscation of Goods is so rigidly insisted on, that there is no possible way of evading it, no not by the Alienation of a Man’s Effects. The Treasury of the Inquisition devours all. Thus we read, that amongst other Conditions of Peace prescribed to *Raymond Earl of Tholouse*, these were some.

N. 11. *Likewise we ordain, that whereas we have understood that the Believers of Bzovius, Hereticks, who intend to become perfect Hereticks, according to their detestable Life, a. 2. 2. 28. sell before-hand their Possessions and Inheritances, to defraud the Treasury, or give or convey them, or by other Means alienate them, those Contracts shall be all void, and the aforesaid Goods shall be confiscated, if all Circumstances of the said Contracts and Contractors considered, it shall appear to us that they were fraudulently made.*

N. 12. *Furthermore, whereas we have understood that certain Hereticks remove to other Hereticks, under the Pretence of Merchandize or Travelling, that by such Absence they may defraud the Treasury, and convey away their Goods, we ordain, that the Bishop of the Place shall admonish and require their Relations, or such who have their Goods in Possession, to assign some just and reasonable Cause of their continued Absence, and if they do not assign such Cause within a Year, to be computed from the Time of the Admonition given by such Bishop, that then, if such absent Persons are otherwise suspected, they shall be presumed Hereticks, and all their Goods confiscated. But if they, or their Heirs, or those who possess their Goods, shall assign any just or probable Cause of such their Absence beyond the aforesaid Time, either after or before the Confiscation of their Goods, that then such Goods may be lawfully left in their Possession, or restored to them.*

The same Things as are prescribed in these Conditions to the Earl of *Tholouse*, are observed in *Italy*, by the Pope’s Command, that by no Pretence of Alienation there may be any Possibility of escaping the Confiscation of Goods, or Forfeiture of Dominion. *Lucas Waddingus* relates in his Annals, that *Friar Andrew*, Inquisitor in *Tuscany*, proceeded to seize a certain powerful Heretick, called *Capellus de Cbia*. The Pope commanded, that all the Faithful, both Ecclesiastical and Secular, should grant their Assistance, that they should muster an Army against him, and proceed in an hostile Manner to waste and destroy his Lands. *Capellus*, knowing himself proscribed, made a pretended Sale of the Castle of *Casal*. *Peter James Surdus*, a Citizen of *Rome*, obtained from the Senators of the City an Order, that the Inhabitants of *Viterbo*, who had taken Arms in Obedience to the Church and the Inquisitors, should not attack it, falsely pretending that it belonged to him. The Pope chid him severely, adding these amongst other Words. *We therefore will, and by these Presents strictly command you, that as soon as ever you receive them, and as you regard the divine Favour and ours, you desist from so impious and pernicious an Undertaking, as the Defence of the said Castle, and that you don’t enter it by any Means whatsoever; but that you do procure, that the Inhibition given thro’ your Instigation by the aforesaid Senators of Viterbo, be totally revoked. Otherwise we will have you to know, and cer-*

tainly to understand, that we shall proceed against you, by Authority of the Lord, both spiritually and temporally, as a Defender and Favourer of Hereticks. Anagni, 2 May, and sixth Year of our Pontificate. Moreover he exhorts the Inhabitants of Viterbo, that notwithstanding the contrary Orders of the Senators of the City, they should proceed in an hostile Manner, to waste the Lands of the aforesaid *Capellus de Chia*.

But in our own Time the *Spanish* Inquisitors are endeavouring to extend their Power and Jurisdiction further, and under the Pretence of Confiscation of Goods, to seize on theirs also, who have any Commerce with the *Spaniards*, though they live in other Countries not subject to them, and have separated from the Communion of the Church of *Rome*, because they have in their Possession some of the Effects of those who are in the Prison of the Inquisition, or condemned by the Inquisitors, according to the daily Practice of Traders and Merchants. Of this the Inquisition of *Madrid* gave a remarkable Instance a few Years ago. Feb. 1687. Many Persons were thrown into the Inquisition at *Madrid*, accused of being concealed *Jews*. Amongst these were *Diego* and *Anthony Diaz*, and *Don Damianus de Lucena*. About the End of August 1688. Sentence was pronounced against them, by which all their Effects were confiscated, and they themselves sent to *Toledo*, there to perform wholesome Penance. These Persons traded with *Peter Poulle*, a Merchant of *Amsterdam*, who was neither a *Jew* nor a *Spaniard*, but a Christian, and a *Dutchman*, who had in his Hands several of the Effects of these *Spaniards*. The Inquisition, in order to possess themselves of those Effects, which were not subject to their Power, discovered by private Enquiry, that this *Dutch* Merchant traded with several *Spanish* Merchants, and that he had a great many Effects in their Hands, and therefore ordered them all to be seized by the Receiver of the forfeited Goods, till they had the Value of those Effects, which the *Amsterdam* Merchant had in his Custody; and gave this Reason for the forcible Seizure, that the imprisoned Persons had a Claim upon the Estate of the *Dutchman*, and that their Claim was devolved upon the Inquisition, and that therefore they had the same Right as the Prisoners themselves to attach the others Effects, wherever they could be found in *Spain*: However, this Endeavour was in vain, because no Confiscation can be just, of such Effects which are in the Possession of another Person, who lives out of the Territories of the Judge, and is not subject to his Jurisdiction; and therefore the Lords of the united Provinces, at the Information and Request of the *Amsterdam* Merchant, obtained that those Effects should be restored to him.

This Punishment of Confiscation is inflicted upon all who are convict of Heresy, or confess, whether they repent, or persist in their Heresy, because they are declared to incur the Punishment, *ipso jure*, as soon as they fall into Heresy.

But if any return of their own Accord to the Church, before they are accused or denounced, or immediately after their being seized give a full and genuine Confession of themselves, and of all others whom they know to be Hereticks, and who return with a pure Heart, before the Depositions of the Witnesses are made publick, as they may be graciously saved from Imprisonment,

Pegna,
Com. 148.
in 3 Part.
Direct.

so for the same Reason it seems equitable, not to confiscate their Goods. In *Italy* 'tis rather owing to Custom, than to any Right given by the Popes, not to confiscate the Estates of penitent Hereticks. But in *Spain* this Confiscation of the Effects of Hereticks takes place, even tho' they are penitent, by the Papal Authority, and the Laws of their own Kings; for there they believe that the Inquisition ought not to restore the forfeited Goods even of Penitents, to the Damage of the Treasury, when once it hath a Right to confiscate them.

But if any return to the Church within the Time fixed by the Inquisitors, the Catholick Kings have ordained, that they may recover and dispose of their own Effects, as tho' they had never fallen into Heresy, except they attempt to alienate their immoveable Effects; for this they are prohibited to do, without a Decree of the Prince, lest they should dispose of all their Effects, and fly over to the Enemies of the Catholick Religion. 2 *Instruēt. Cap. 5.*

In the Conditions of Peace prescribed to *Raymond Earl of Tholouse*, it is farther provided, *That the Goods of such as are heretically cloathed, shall be confiscated, even tho' they have of their own Accord forsaken the Manners of the Hereticks, unless they can produce Letters testimonial of their Reconciliation, or can make it appear, and prove it by other Catholick and reputable Persons. And altho' there be good Proof of their Reconciliation, yet they are subject to the same Punishment, unless they wear Crosses according to the Admonition of their Bishop, or if they lay them aside by their own Authority, or if they are found to conceal them within their Garments, when they ought to wear them upon the Outside of their Cloaths, hanging down upon the Fore-part of their Breasts.*

But whereas the Children of the condemned Persons are by this Punishment reduced to the extreamest Want, being thus stripped of every Thing that belonged to their Fathers, to make it appear that they don't wholly abandon the Care of them, 'tis order'd, that the Inquisitors, out of the Dictates of Mercy, may make some Provision for the poor Children of condemned Hereticks, according to their respective Sexes and Ages. Lusty Boys they order out to some mechanick Trade. The Girls they put to Service to some honest Matrons of the City, that they may be instructed in the Faith. As for those who can't work, either thro' their Age, or bad Health, their Pity reaches no farther than to give them a mere Sustainance out of their Fathers Effects, sometimes intreating the Ecclesiastical and Secular Princes to exercise a little Liberality towards them; which they especially ought to do, who receive these forfeited Effects. In relation to which 'tis thus provided in *the Seville Instruēt. c. 22. a. 1484.* *In like manner they have decreed, that if there be any unmarried Sons or Daughters of Persons delivered over to the secular Court, or condemned to perpetual Imprisonment for their Crimes, the Inquisitors shall provide and order, that the aforesaid Orphans shall be recommended to some honest Persons, and Catholick Christians, to be bred up, and diet with them, and to be instructed in the Catholick Faith; and let them draw up an humble Petition for the aforesaid Orphans, in Reference to their Condition, what they want, and whether they are good Christians, especially for the poor Girls, that they may either marry, or profess.* In our own Time they

leave nothing for the Children of Hereticks, tho' they prove Catholicks, no not so much as seems due to them by the Law of Nature.

The next Punishment that follows this Confiscation of Goods, is the disinheriting the Children, insomuch that tho' they are Catholicks, they can never inherit the Estates of their Fathers who died in Heresy. *Cap. Vergentis in senium de hæret.* Neither ought any Pretence of Compassion to prevent this severe Censure of disinheriting even their orthodox Children, since in many Cases the Judgment of God so proceeds, as that the Children are temporally punished for their Fathers, and because, according to the Canonical Sanctions, Crimes are revenged not only upon the Authors of them, but upon their Posterity. *Zanchinus* adds, that the Children of Hereticks are incapable of succeeding to any of their Kin, or to other Persons, whither they die with a Will or intestate. *John Royas* adds, that the Children of Hereticks, tho' born before the Commission of the Crime, are comprehended under the canonical Penalties and Prohibitions, and says this is the common Opinion of the Doctors. The Reason is, because Heresy is a spiritual Crime, and doth not derive its Original from the Flesh; and therefore it signifies nothing whether the Children be of the infected Root or not. But if a Son accuses his heretical Father, as his Reward, he is freed from the Penalties ordained against the Children of Hereticks, according to the Law of the Emperor *Frederick*. We don't exclude from the Bounds of our Mercy such who, far from following the Heresy of their Fathers, shall discover their Wickedness; so that to whatever Punishment the Fathers Guilt is subject, let their innocent Children be freed from it.

The third Punishment is, their being rendred infamous. *Cap. Excommunicamus. 1. §. Credentes. de hæret.* There, amongst other Things, 'tis said, Let him be ipso jure, infamous; let him not be admitted to any publick Offices, or Counsels, nor to abuse any into them, or to bear Witness; let him also be Intestable*, so that he can have no Power to make a Will, or to inherit by Virtue of one. Farthermore, let no one be forced to answer him upon any Affair, but let him be forced to answer others. If he should happen to be a Judge, let his Sentence be void, and no Cause be referred to his Hearing. If he be an Advocate, let him not be admitted to plead. If a Notary, let no Instruments, drawn by him, be valid, but condemned with their condemned Author. And in alllike Cases we command the same to be observed.

Direct. p. 3. Qu. 116. som. 165. Simanc. tit. 46. §. 74. The fourth Punishment is, that they are deprived of all Dominion, natural, civil, and that which is introduced by the Law of Nations. First, they are deprived of that natural Power they have over their Children. *Cap. Quicunq; §. ult. de hæret. l. 6.* Being thus deprived of the natural Power of Parents, they lose all Authority over their Children, who, becoming as it were Strangers and Foreigners from their Fathers Family, are under no Obligation to obey them as before. This Crime of Heresy in the Father, even before 'tis declared by the Church, frees the Son from his Father's Power, according to the Gloss in *Cap. Quicunq; §. ult. verbo desierint, de hæret. l. 6.*

Farther, they are deprived of that civil Power which they have over their Servants, and of that political Power, which they have over any others subject to them. *Cap. ult. Extrav. de hæret.* So that Slaves, Freed-men and Ser-

* See Marginal Note, Vol. I. Pag. 76.

vants are *ipso facto*, freed from Servitude, and every Instance of Duty, the Moment their Master falls into Heresy. In *Spain*, if the Slaves are Believers, or profess the Christian Religion, when their Master falls into Heresy, they recover their Freedom, according to the *Seville Instruction*, An. 1484. cap. 24. *Our Lords the King and Queen, out of their Goodness and Clemency, will and ordain, that the Servants of all Hereticks shall be made free, provided that if whilst they lived with them they were Christians.* But if they had not professed the Christian Religion, they are forfeited with the other Effects. And tho' such Slaves should have been made free by their Masters, yet if it was after their becoming Hereticks, 'tis for that Reason null and void.

Subjects, when the Prince or Magistrate is an Heretick, are freed from their Obedience. Thus it hath often happened, that Kings pronounced Hereticks by the Pope, have, with all their Posterity, been deprived of all their Dignities, Jurisdictions and Rights, their Subjects absolved from their Oaths of Allegiance and Fidelity, and their Dominions given as a Prey to others.

And finally, they are deprived of that Power, which is introduced by the Law of Nations, whereby they lose all Property in every Thing they have. *Cap. cum secundum leges. de hæret. l. 6.* insomuch, that every one is at once wholly freed from every Obligation he can be under to Persons fallen into manifest Heresy. *Cap. absolutos, de hæret. l. 1.* *Let all know that they are freed from the Debt of Fidelity, Dominion, and all Service, to manifest Hereticks, how strong soever the Obligations may be which they are under.* These Things are thus inferred: "First, if an Heretick deposits any of his Effects with any Person, such Person is not obliged to restore them to the Heretick, after his Heresy is manifest, but to the Treasury. Farther, a Catholick Wife is not obliged to any Duty to her heretical Husband, because by the Husband's Heresy she is freed from her Duty. In like manner a Catholick Husband is freed from all Duty to his Wife, if she be an Heretick. Nevertheless they can't marry with others, because the Band of Matrimony is not dissolved. An Husband can't be forced to cohabit with his Wife if she is fallen into Heresy, even tho' she is reconciled; nor is he bound to maintain her, because her Dowry is confiscated by Heresy; and as she is stripped of her Dowry by her own Fault, the Husband is not obliged to maintain an unindowed Wife. *Zanchinus Ugolinus* explains this Matter more largely. The very Children, Brothers and Sisters of Hereticks, ought to forsake them. Yea, the very Band of Matrimony with such is dissolved. For if any one departs from the Orthodox Faith, and falls into Heresy, his Wife is not obliged to cohabit with him, but may seek to be separated from him by the Judgment of the Church, such Separation of the Bed being as reasonable upon account of spiritual Fornication, as for carnal. And if any Heretick shall, after his Fall, return to the Unity of the Church, the other married Person shall be obliged to return to him, if they were not before parted by the Sentence of the Church. But if they were parted by Sentence, it shall be at the Option of the other Party who continued in the Faith, whether to return, or become Religious; because such Party can't remain in the World, and take another

“ another during the Life of the Party converted, because made whole by
 “ Penance.

Simanc.
ibid.

“ Moreover, the Governors of Forts and Castles, of People or Cities, are
 “ not obliged to restore them to their heretical Lord, nor to keep them in
 “ his Name. Finally, all Vassals whatsoever are *ipso jure*, freed from every
 “ Obligation to their Lords, tho’ such Obligations shall have been con-
 “ firmed by an Oath.”

Hence proceeds the Maxim, that Faith is not to be kept with Hereticks,
 which some are not afraid openly to teach; altho’ those who are more wise
 in *Germany, France, and the Low Countries*, endeavour to wipe off this Spot
 from their Church. But the *Spaniards*, tho’ they can’t be daily charged with
 this Perfidiousness, because they have none whom they call Hereticks living
 amongst them, yet assert it in plain and open Words, without dissembling,
 and are not ashamed to defend and confirm it by the Practice of the
 Council of *Constance*. See amongst others, *Simancas Cathol. Instit. Tit. 46. §. 52,*
53, 54.

ibid. 46.
 §. 52.

This then is one Part of the Punishment of Hereticks, and what tends to
 render them more odious, that Faith is not to be kept with them. For if it is
 not to be kept with Tyrants, Pirates, and other publick Robbers, because
 they kill the Body, much less is it to be kept with obstinate Hereticks, who
 destroy the Soul. And therefore certain Hereticks were most justly burnt by
 the grave Decree of the Council of *Constance*, tho’ they had the Promise of Se-
 curity. *St. Thomas* also is of Opinion, that an intractable Heretick is to be be-
 trayed to his Judges, notwithstanding a Catholick may have given his Faith,
 and bound himself by an Oath to the contrary. Add to this, that the Catho-
 licks ought to have no Commerce, nor enter into Peace with Hereticks; and
 therefore notwithstanding the Faith given to them, and confirmed by an
 Oath, it is not to be kept, because against the publick Good, the Salvation of
 Souls, and contrary to the Laws of God and Man. But if Faith be given to
 Hereticks by a Prince, or any publick Power, ’tis to be exactly preserved,
 excepting only in those Things which the inspired or natural Law forbids the
 Performance of.

§. 53.

§. 54.

Brunus,
l. 5. c. 15.
 §. 8.

To the same Purpose speaks *Brunus*, altho’ many now endeavour to disguise
 this Villany. No Peace can, at this Day, be confirmed with Hereticks, who
 spread their impious Doctrine amongst the Christian People by their wicked
 Preaching, if made on this Condition, that they must not be offended. Yea,
 so much the more to be abhorred and abominated is Peace made with Here-
 ticks and Schismaticks upon this Condition, that such as offend them shall be
 condemned for Breach of the Peace. For how can Peace be broken by offending
 them, with whom no Christian Man ought to have Communion, and whom
 they ought not to bid God speed? Such may safely be offended, who by the
 Civil Laws are put under the Imperial Bann, who are permitted to have no Li-
 berty of meeting or abiding on the *Roman* Ground, or indeed in any Place,
 wherein they may injure the very Elements themselves, and finally, who by
 all Laws human and divine, deserve to be extinguished.

The same Person teaches, that no Covenants, Conventions or Laws are C. 16, 17, firm, that permit Hereticks to have or reform Churches, or to possess or administer their Revenues; or by which the Proceſſes of Churches againſt Hereticks or Schiſmaticks, that are or may be moved in Judgment, are wholly put off, or ſuſpended for a Time, or for ever; or finally, by which Hereticks and Schiſmaticks are permitted to exerciſe any Jurisdiction or Adminiſtration, either by themſelves or with Catholicks, or to enjoy any publick Offices.

Moreover, all Places of Refuge, which are open to Malefactors and the worſt of Villains, are denied to Hereticks, as tho' they were the very Offſcouring of the Earth, and had put off the very human Nature at the ſame time they did the *Roman* Religion. Thus *Simancas*: " An Heretick flying to tit. 46. a Church, ſhall not be protected by the Sanctity of the Place, *i. e.* the Im- §. 65. munity of the Churches. And therefore *Gundemir*, King of the *Goths*, who granted this Immunity to the Churches of *Spain* more than 900 Years ago, tit. 46. excepted three Sorts of Men from it, *viz.* Thieves, Traytors and Here- §. 65. ticks, as *Peter Medina* relates in his Life.

" *Simancas* adds, That altho' in almoſt all Crimes nobler Perſons are ſubject §. 67. to one ſort of Punishment, and the meaner to another, yet in the Crime of Hereſy the ſame Punishment is appointed for all, without Reſpect of Perſons. So that a noble Perſon falling into Hereſy is infamous and vile, and muſt ſuffer the Punishment due to the meaneſt. For there is no Difference in Matters of Faith and Religion between the Great and the Small, the Noble and Ignoble. The Law of *Honorius* and *Theodoſius* ſays, They are all §. 68. equal to one another, who are equal in the Pravity of Doctrine. And another Law ſays, They who are alike deſiled, and made equal by their Wickedneſs, are equally ſubject to the ſame Punishment, l. 49. tit. 4. lib. 16. C. Theod. and l. 1. tit. 27. lib. 9.

Finally, they teach, that heretical Kings are to be deprived of their Kingdoms for Hereſy. Thus *Simancas*: " 'Tis enquired whither the Kingdom §. 75. of an heretical King, who hath no Superior, can be confiscated? The Reaſon of the Doubt ariſes from this, becauſe the Goods of Hereticks are forfeited to the ſuperior Lord. And therefore *Alphonſus Caſtrenſis* is of Opinion, That ſuch Kingdom belongs to the Catholick Son of an heretical King, in the ſame Manner as it would if the Heretick were dead. But if the Son and next of Kin be alſo Hereticks, a Catholick Kingdom may chuſe themſelves an Orthodox King. But if the Kingdom be heretical, the Election of a Catholick King belongs to the chief Pontiff." This Opinion is not diſpleaſing to *Simancas*, tho' he adds, that it may juſtly be ſeized on by the Catholicks.

The fifth Punishment is Imprisonment. For altho' by the Civil Law the Brunus, Priſon is only to detain Men, yet by the Canon Law it may be uſed as a Pu- l. 5. c. 12. niſhment. C. *Quamvis* de poenis, lib. 6. So that an Heretick either confeſſed or convict, may either be delivered to the ſecular Court, or condemned to perpetual Imprisonment. In which Caſe the condemned Perſon ſhall be puniſhed at the Option of the Judge.

Brunus, l. 5. c. 14. The sixth Punishment is the Bann and Diffidation *. Authent. *Gararos, c. de hæret.* The Bann is that Sentence, by which any Person is cast out of the Commonwealth, so that he can't enjoy the publick Protection, or discharge any publick Offices, or receive any Benefit of Law, and hath some Likeness with Excommunication. For as by Excommunication a Person is cast out from the Converse of the Faithful, so by the Bann he is excluded from the common Good. Diffidation declares Hereticks to be Enemies of their Country and the Empire. Its Effect is this: When any one is declared an Heretick by the Sentence of the Judge, any Man, by his own private Authority, may seize, plunder and kill him, as an Enemy or Robber, even tho' he be a Clergyman. He may be capitally punished as a Deserter, and attacked with Impunity where-ever he is found. That Hereticks may thus be seized on, and plundered by the private Authority of any Man, *Innocent IV.* openly determines by a Rescript, beginning, *Ad extirpanda*, in which, amongst other Things, there are these. *Also the same Governor or Ruler of any City or Place, in the Beginning of his Government, shall hold a publick Assembly as usual, and put under the Bann of that City or Place all Hereticks of both Sexes, and of whatsoever Name or Degree, even as he would the vilest Offenders, and shall be bound to confirm the Bann they were put under by his Predecessors; especially that no Heretick, Man or Woman, may any longer inhabit, abide, or dwell in the City, in any Part of its Jurisdiction, or District of the same. And whosoever shall discover him or her, he may freely and safely apprehend and seize them, and lawfully strip him or them of all their Effects, which they who take them shall have full Right to, unless they happen to be in Office.* And this Plunder of Hereticks Brunus tells us is by divine Right. *Hereticks, by divine Right, may be stripped of all their Effects, as unworthy their Possessions. For the Just shall devour the Labours of the Wicked; and therefore Catholicks may claim the Places of Hereticks. These Things are permitted against Hereticks, because Religion and the Christian Faith is endangered by their Impiety.* Austin Epist. 48.

De hæret. l. 5. c. 5. Brun. l. 5. c. 16. §. 13. " But if an whole City or Community favours and defends Heresies, or nourishes Schism against the Catholick Church, let it be out-lawed, and put under the Imperial Bann. The Consequence of this will be, that a City thus banned and out-lawed will become an Enemy of the Empire, and all its Citizens, as Enemies, may be with Impunity hurt in their Persons and Goods, and be all of them expelled, by the Prince, from such Cities where they dwell. Such a City may be also subject to such a Punishment as is proportionable to Death it self; *i. e.* by the Civil Law it may be erased from its very Foundations, and by the Canon Law burnt to Ashes. This Punishment the Canonists derive from *Deut. xiii.* where the *Israelites* are commanded to burn that City which should serve other Gods, and destroy it utterly, and all that is therein, and the Cattle thereof, with the Edge of the Sword. And there are some who think this is allowed to every

* *Diffidare* is properly to withdraw by Letters or Writing, that Protection, which one owes to another, or hath promised him.

“ one, and that the Church hath granted Authority to all to extirminate Hereticks; tho’ others are of Opinion this can’t be done but by the Authority and Command of their Superiors; which Opinion, according to *Brunus*, is the safest, if not more agreeable to Law, as *Dominick* apprehended it was. But the most necessary Thing of all is, that no Injury be done to heretical Universities or Communities, before they are pronounced guilty of this Crime by a declaratory Sentence.”

But if Hereticks are apprehended, ’tis not lawful for any one to undertake their Defence*. All Advocates or Notaries, who give Assistance or Favour to Hereticks or their Abettors, or who plead for them when under Examination, or draw any Instruments for them, are pronounced infamous, and suspended from their Office †. Hence they infer, “ That no one must defend, or be an Advocate for any who are known to be Hereticks. As often indeed as this is doubtful, and it is not yet certain whether the Words or Deeds objected against any Person as heretical, do savour of manifest Heresy; or whilst the Charge of Heresy is not confirmed by Witnesses, or other legal Proofs, any one may be Advocate for him, and plead in his Defence; *i. e.* if the Inquisitors allow him, and provided he take an Oath before-hand to make a just Defence, and to desist from it as soon as ever it shall be known that the Person he defends is an Heretick. And this is always the Method observed.”

The last Punishment of Hereticks is that of Death, and that not the common one, but the most terrible that can be inflicted; *viz.* to be burnt alive. This they infer from *2 Kings* xxiii. where *Ozias* commanded the Bones of the heretical Priests to be burnt; and from the Words of our Lord, *John* xv. 6. *If a Man abide not in me, he is cast forth as a Branch, and is withered, and Men gather them, and cast them into the Fire, and they are burned.* Here *Brunus* observes, some think that this Punishment was introduced only by Custom, and can be proved by no other Right, whither divine or human. This is his Opinion, for, says he, *this Punishment can’t be inferred from that Passage of the Gospel, of throwing the Branch into the Fire. For this speaks of the eternal Fire of Hell, and not of the temporary Punishment of Fire. Nor do the Civil Laws prove this Punishment. For tho’ they fix that Punishment against Hereticks, which we call Death, yet they don’t express this kind of Death, viz. the Punishment of Fire; which undoubtedly the Lawgivers would have done, if they had determined to appoint it against Hereticks; especially as the Punishment is so terrible, that they expressly mention it, when ever they think the Heinousness of the Crime deserves it; as may be made appear from other Constitutions, where this Punishment is particularly specified.* [However, *Ludovicus a Paramo* finds out this Punishment of Fire in many Places of the New Testament. “ *James* and *John* thought that the *Samaritans*, who would not receive our Lord, should be destroyed with Fire from Heaven, according to *St. Luke*. Cap. 9. See here now the Punishment of Hereticks, *viz.* Fire. For the *Samaritans* were the Hereticks of those Times, *Mat.* xxi. and xxii. *Mark* xii. and *Luke* xx. Christ adds three Parables. One of the two Sons.

* Cap. *Si adversus nos terra consurgeret.* de hæret. & cap. 2. §. 1. de hæret. lib. 6.

† See cap. *Excommunicamus.* §. *Credentes.*

“ Another of the Vineyard let out to the Husbandmen. The third of the
 “ Nuptial Feast prepared for those who were invited. By these he plainly
 “ shews, that the Kingdom was to be taken away from the heretical Jews, and
 “ their City to be burnt with Fire. See here now the very Confiscation of Ef-
 “ fects, and Fire with which Hereticks are punished.” Nor is this Reasoning
 to be wondered at in a Man, who every where in the Old and New Testament,
 and even in Paradise it self, finds out an Inquisition against Hereticks, and en-
 deavours to prove by many Arguments, that God himself exercised the Office
 of Inquisitor of heretical Pravity against *Adam* in Paradise, *lib. 1. tit. 2.*] The
 first who ordained this Punishment of burning Hereticks, after it had been
 some time in Use in the Church of *Rome*, was *Frederick II.* by a Law
 which begins, *Inconsutile. §. 4.* which says: *By the Tenor of this present Law,*
we decree, that the Patarnes, and all other Hereticks whatsoever, being condemned,
shall suffer that Death which they affect, and that being committed to the Flames, they
shall be burnt alive in the View of all Men. This Law many Popes have con-
 firmed, and therefore the Punishment of Fire hath been ordinarily inflicted up-
 on impenitent Hereticks, as is the Custom of the Church of *Rome* to this Day.
Panormitanus says *, *that Hereticks ought to be punished with Fire, and burnt, and*
that in this the Divine, Canon, Civil, and Common Law agree. *Simancas* also †
 not only endeavours to prove by many Arguments, that Hereticks ought to
 be burnt, because Heathens and Hereticks thus punished the Catholicks, as
Eusebius, Ruffinus, Socrates and others testify ; but contends that 'tis the most an-
 cient Punishment, as appears from the Acts of the Council of *Chalcedon* ; because
 the Bishop of *Alexandria* is there reported to have said, If *Eutiches* pretends to
 be wiser in his Opinions than the Church, he is not only worthy of Punish-
 ment, but to be burnt ; and because, as *Nicephorus, Eccles. Hist. Book 18.*
 Chap. 4. relates, they ordered *Anatolius* the Heretick to be burnt alive.

De Cathol *Simancas* also infers this Punishment from a certain Law of *Theodosius*, say-
Justit. tit. ing, that *Theodosius* published a Constitution, in which are these Things. *Far-*
 46. §. 48. *thermore we command, that whosoever shall bring over a Servant or Freeman unwill-*
 ingly, or by Persuasion, to the wicked Sect, or Ceremony from the Christian Wor-
 ship, shall lose both his Fortune and his Head. And a little after, *Let him farther*
know, that his Goods shall be forfeited, and afterwards he himself put to Death, who
shall pervert any one from the Faith by false Doctrine. *Simancas* adds, *A Law truly*
worthy of a Spanish Emperor. Vid. Cod. Theodof. Tit. de Judæis L. prima. &
 lib. 16. tit. 6. l. 55.

§ 53.

So that Hereticks must be punished with Fire, and if that can't be done,
 they must at least be banished and expelled, and their Effects forfeited, agree-
 able to the Laws of the old *Gotbick* Kings in *Spain*, by which the Goods of He-
 reticks were confiscated, and they themselves deprived of Honour and Dignities,
 and banished for ever.

With this Punishment of Fire only Hereticks relapsed, obstinate and impe-
 nitent are punished, who, after Sentence, are delivered over to the secular

*In cap. ad Abolendam. de hæret. lib. 6. super gloss. in verb *Audientia*, allegans *Hofiensem*
 post *Joan. Andr.* † *Cathol. Institut. tit. 46. §. 47. & seq.*

Judge, who was bound immediately to condemn them, and send them to the Fire. The Obstinate were to be burnt alive; others to be first strangled, and then burnt. *5 Instruēt. Hispal. cap. 9. Simanc. Ibid. §. 49.*

Sometimes this Punishment of Burning is heightened by another kind of Cruelty. In *Spain* and the *Netherlands*, lest they should speak to the Spectators when brought to the Stake, and piously testify their Constancy, they were gagged with an Iron Instrument, so that in the Midst of their Torments they could utter only an inarticulate Sound. Thus also *Simancas* pronounces, *That obstinate Hereticks should be burnt alive, and be brought to the Stake* *tit. 48. §. 6.* *gagged, that they mayn't offend the little ones.* This Muzzle or Gagg the *Spaniards* in their Language call *Mordaza*. And if they could invent any Thing more terrible, they would not fail to use it against Hereticks. This *Carena* *tit. 13.* testifies, affirming that the Custom of punishing Hereticks with Fire is most §. 1. *Num;* reasonable, *because Burning is the most terrible Death, and therefore the most grievous of all Crimes ought to be punished with it; so that if any Punishment more terrible than this could be found out, it ought to be inflicted on Hereticks; and also because by this Means the Heretick and his Crime is more speedily blotted out from the Remembrance of Mankind.*

Thus we see that there is no kind of Punishment that can possibly be invented, but is enacted against Hereticks, and that greater Gentleness is used towards Thieves, Traytors and Rebels, those Enemies of Mankind, than towards miserable Hereticks; who endeavouring to worship God with a pure Conscience, and regulate their Lives by the Gospel Rule, yet oppose some Doctrines of the Church of *Rome*, which they are persuaded are contrary to the Gospel; and that it is a much more grievous Offence in that Church, to oppose certain Opinions by the clear Light of the Word of God, and to reject certain Pharisaical Superstitions, than openly to condemn the divine Commands by an impious and profane Life, and vilely to dishonour the most holy Name of God.

CHAP. III.

Of Open and Secret HERETICKS.

Hereticks are divided into several Classes in the Church of *Rome*, and this is very necessary for the Instruction of the Inquisitors, that they may always certainly know what Sentence to pronounce upon each. However, every Thing is not so fully determined, but that there yet remain great Controversies amongst the Doctors and Inquisitors themselves, so that one of them often judges more favourably than another; and therefore 'tis of great Concern by what Inquisitor any Person is to be judged; for he who happens to be condemned as an Heretick by a severe one, might have obtained a milder Sentence, had he been tried by a Judge of more favourable Sentiments and Opinions.

First of all Hereticks are divided into Open and Secret. “ An open He-*Eymer,*
“ retick is one, who publickly avows something contrary to the Catholick *p. 2. q^{ue}.*

“ Faith, or who professes an heretical Error contrary to the Faith, or who
 “ defends an Error of his own, or one of other Hereticks, or who is con-
 “ victed before the Judges of the Faith of heretical Pravity, or confesses it
 “ himself; or finally who is condemned for it by their Sentence.

Simanc.

tit. 52. §. 3.

“ A secret or concealed Heretick is one who errs in his Mind concerning
 “ the Faith, and purposes to be obstinate in his Will, but yet hath not shewn
 “ it outwardly by Word or Deed. He who is a concealed Heretick in this
 “ Sense, is generally called an Heretick purely intellectual: and the common
 “ Opinion of the Doctors is, that such a one doth not incur the Sentence of
 “ Excommunication, and is not subject to the Judgment of the Church for
 “ his Heresy, because the Church hath no Power over purely internal Acts,
 “ and cannot by its Jurisdiction direct, prohibit or punish them; and be-
 “ cause Excommunication doth not belong to the Court of Conscience, but to
 “ that of external Judgment.

Part. I.

§. 240,

&c.

“ *John Royas* however affirms, that the Canonists differ from this general
 “ Opinion of the Divines, and determine that an altogether concealed Here-
 “ tick is excommunicated, because there is no Need of the Service of Men in
 “ Penalties which are *ipso jure*, contracted. For as a Man falls into Heresy
 “ by a mere Act of his Will, so for the same Reason, because he by his Will
 “ alone believes heretical Errors, he actually falls into Excommunication;
 “ especially because Excommunication necessarily draws along with it imme-
 “ diate Execution, and cleaves to Heresy as a Leprosy to a Leper, and a
 “ Shadow to a Man. He adds: If any one contracts Heresy in his Mind and
 “ Understanding, believing God was not incarnate, or that holy *Mary* was not
 “ a Virgin, and doth not proceed to the external Act, by openly declaring it
 “ to himself or another, but contains his Error and aforesaid Heresy entirely
 “ in his Heart, but afterwards, through the Influence of better Counsels, for-
 “ sakes and repents of it, and then comes, as hath been often done, to the In-
 “ quisors of heretical Pravity, confessing that he received and believed the
 “ said Errors, desiring from them Absolution and wholesome Penance, is not
 “ such an one an Heretick, even though altogether and entirely concealed and
 “ mental, and by Consequence excommunicated, and therefore to be absol-
 “ ved? And whereas 'tis objected, that the Church doth not judge of secret
 “ Things, he adds, this is meant only of that Court, which consists of the
 “ Actor, the Criminal, the Judge and Witneses; whereas the Crime of He-
 “ resy, tho' altogether concealed, requires nothing external, because 'tis a
 “ mental Offence, and is committed by the mere Thought of the Mind, and
 “ therefore the Church may well judge of this without the Judgment of a
 “ Court, and by a Parity of Reason of Excommunication which cleaves to
 “ Heresy. Besides the Church forbids the inward Acts of the Mind, and
 “ declares a Person an Heretick, tho' secret or mental, and therefore it judges
 “ of secret Things, and therefore why not of Excommunication, which ad-
 “ heres to Heresy. This is a Decision of great Moment. For an excom-
 “ municate Person needs Reconciliation, and tho' the Reconciliation granted
 “ to a Penitent be favourable, yet as 'tis the Absolution of Excommunication,
 “ such Reconciliation is attended with Forfeiture of Goods and perpetual Im-
 “ prisonment.

§. 115.

“ But

“ But a Person may be called a concealed Heretick in another Sense, viz. Simanc. who by Word or Writing hath brought forth that Heresy which he hath conceived in his Heart, tho’ with Secrecy and Craft; so that ’tis called concealed Heresy, because ’tis not notorious, and can’t be proved. Such a one incurs the Sentence of Excommunication, and is liable to the other Punishments of Hereticks, because he hath declared his Heresy, tho’ privately; and if he confesses his Heresy before the Inquisitor, and repents, he is to be privately absolved. Thus in the *Seville Instructions*, 1 Cap. 5. §. 11. where we have the general Form of publick Abjuration laid down, with this Exception: *Unless the Crime be so secret, that the Penitent only knows it, and it can’t be discovered by another, in such Case he is to be secretly reconciled and absolved;*” which they thus explain, When an Heretick hath declared or written down his intellectual Heresy, and yet no one hath heard or read it, tho’ others understand this of an Heresy purely mental.

Altho’ an Heretick be thus concealed, yet if he infects or perverts others, §. 12. he is immediately to be discovered to his Judges without any preceeding Admonition. But yet they don’t affirm that a concealed Heretick is obliged to betray himself, when he is asked by the Judge in a general Inquisition, Whether he knows any Heretick. In like manner, when an Heretick purely mental confesses his intellectual Heresy in the sacred Court of Penance, he doth not incur Excommunication by this external Act, because such an Action is §. 9. good and pious, and not liable to human Judgment.

C H A P. IV.

Of Affirmative and Negative HERETICKS.

Hereticks are farther distinguished into Affirmative and Negative. Affirmative are such, who err in their Mind in Matters of Faith, and who shew by Word or Deed, that they are thus obstinate in their Will, and openly confess it before the Inquisitor. Negative Hereticks are those, who, according to the Laws of the Inquisition, are rightly and justly convicted of some Heresy before a Judge of the Faith, by some lawful Witnesses, whom either they cannot or will not refute, but yet who will not confess, constantly persisting in the Negative, and that they profess the Catholick Faith, and detest heretical Pravity. They except indeed against Facts committed many Years before, which are presumed to be forgotten. But even this is not to be presumed in Facts of Importance and Weight, according to the *Seville Instructions*, An. 1484. cap. 13. Such are, If any hath wilfully preached up heretical Propositions, or broken the Images of the Saints. Neither is this to be understood of Persons of good Memories, but only of light Facts, and of Persons naturally dull and forgetful. Who are to be esteemed such, and what Time is to be supposed sufficient to such Forgetfulness, is entirely left to the Ecclesiastical Judges, after they have weighed the Circumstances of Persons and Things.

He also is esteemed by many a negative Heretick, and, as it were, dimi-
nute, confessed, and obstinate, who doth not discover either all the Heresies of
which

which he is convicted, or the whole Time of his Offence, or all his Accomplishes, if the Things are so fresh, as that he can't be supposed to have forgotten them. Amongst these sort of Negatives are also reckoned by some, such who confess before the Inquisitor heretical Facts or Words, but who deny any Pravity of Intention, altho' others, as we shall soon see, call them Impenitent.

Catbol. In- What their Punishment ought to be, the Doctors differ. *Simancas* says, *stit. tit. 6.* That he who confesses heretical Words, but denies the Pravity of Intention, 9. 19. may be condemned as Impenitent, except the Matter be doubtful. In such Case he ought to be purged, or abjure, because of his being suspected, or put to the Torture, which is generally the Custom.

De heret. But because this Case often happens in *Spain*, because of their new Con- *part. 1.* verts from the *Jews* and *Moors*, *John Royas* handles this Matter largely, of which I shall here give you the Substance; from whence we shall know what sort of Christians they are, which the *Spanish* Kings have converted to their Church by the Fear of Punishment from amongst the *Jews* and *Moors*.

n. 1, &c. We know by Experience, how many there are who are detained for heretical Pravity in the Prisons of the Office of the holy Inquisition, who ingenuously confess heretical Deeds and Words, but who absolutely deny all rash Belief, and Pravity of Intention. Thus a Man may confess that he hath said, as often happens in examining Causes of Faith, that every one may be saved in his own Sect and Opinion, a *Jew* by the *Jewish* Law, a *Saracen* by the *Mahometan*, and a *Lutheran* in the *Lutheran* Sect. For the guilty Person sometimes confesses in his Discourse, that he pronounced the aforesaid Words inadvertently, and thro' the Error of his Tongue, and being asked by the Inquisitors of heretical Pravity, Whether he believes such Things, he says he never did, but that he ever held what the holy *Roman* Church preaches and teaches. Thus he denies the Intention, and only confesses the Words, which without doubt are heretical. Another Instance is of one who confesses that he said simple Fornication is not a mortal Sin, and yet denies all rash Belief and Error of Understanding, asserting that, speaking for Wantonness sake, he pronounced the aforesaid Words to some Wenches, which are in Reality heretical Words.

10. An Instance of an heretical Fact shall be in him, who being baptized, is afterwards circumcised, and observes the Fast called *Ramadan*, and the Passover, after the *Mahometan* Manner, and makes the *Zalab*, i. e. his *Adoration or Prayer* in his own Home or in the Mosques, washing first his Body, and especially his Privities, bending his Knees, bowing down, and lifting up his Head, and who feeds on Fleashes killed from the * *Keblab*. The new Converts in the Kingdoms of *Valencia*, *Aragon* and *Granada*, publickly observe many other sacrilegious and impious Rites. Another Example is of him, who especially if he be *15.* of the *Jewish* Race, observes the Sabbath by refraining from all Labour, and observes the other Festivals of the *Jews*, and who confesses such Facts and *33.* Words, but affirms that he said or did them inadvertently and ignorantly, and that he is ready to submit to the Correction of the Church. 'Tis queried,

* The *Mahometans* call that Part of the World, where *Mecca* is situated, by the Name of *Kebla*, towards which they are obliged to turn themselves when they say their Prayers. *Mecca* is situated towards the South.

whether such a one is to be accounted an Heretick, even tho' not convicted by lawful Witnesses.

On the negative Side 'tis urged, that Heresy supposes an Error in the Understanding, and Obstinacy in the Will in adhering to those Things which are contrary to the Determination of the Church. Hence they infer that that of *Innocent* is reasonable and true, who said, That if any one believes what the Church believes, but thro' the Influence of natural Reason falsely supposes that the Father is either greater than the Son, or before him, or that the three Persons are three Things distinct from each other, he is not an Heretick, and doth not offend, because he believes this is the Churches Belief, and supposes his own Opinion to be the Faith of the Church. Therefore he thinks 'tis but reasonable, that in the Defences of the Criminals, regard ought to be had to their Simplicity and Imprudence, so that the Punishment may be mitigated, and that the Judges, especially the Inquisitors of heretical Pravity, according to their Office, should be very solicitous and diligent in examining and searching into their Defences, because of the partial and maimed Defence of the Criminals, tho' the Party doth not seek it, or even refuse it. But he adds, that 'tis antiently decided by the *Rota* 875 in *C. Accusatus de heresi*, in tit. *de hæret.* that if any one be accused of Heresy, and legally convicted by Witnesses or otherwise, and yet denies that he said or believed such heretical Things, yet that he ought nevertheless to be condemned as a negative and impenitent Heretick, and delivered over to the secular Arm, altho' he asserts that he believes, and hath believed as the Church believes. 40. 64. Cap. Firmiter de summa Trin. &c. n. 6. 66, 67. §. 69.

However, the Doctors generally maintain the Affirmative, because the Nature of Facts demonstrate the Intention, Mind and Will of the Doers. For Instance, If any one should do a properly *Jewish* Action, such as observing the Sabbath, and other *Jewish* Rites, from thence is inferred the Intention and Will of *Judaizing*. If the Intention doth not appear, in a doubtful Case, 'tis presumed that this was done with the Intention of *Judaizing*, when the Act or Commission is certain, either from the Person's Confession, or by Witnesses, and especially if the Person be suspected. He therefore who confesses an heretical Action, and denies the Intention, which is the Quality affecting such an Action to make it punishable or not, may possibly be condemned as a negative Heretick; at least may be tortured to discover his Intention, as the Doctors are generally of Opinion, and as is the usual Practice. But if the Fact be plainly heretical, such as a Person's going over, or returning to the *Jewish* or Pagan Rites, 'tis sufficient to his being condemned as an Heretick, that he be convicted of the Fact, altho' there be no certainty as to his *Belief*. They also make a Difference between an heretical Word and Fact, and *Royas* gives the Reason of this Difference. There is this Difference between one who confesses an heretical Fact, and one who confesses an heretical Word, and denies the evil Intention; that he who confesses the Fact is to be delivered over especially if he be a suspected Person, and the Fact hath been repeated; whereas he who confesses an heretical Word, is to be tortured to discover his Intention. The Reason of the Difference is, because there is a greater Affection of the Soul, and Deliberation of the Mind in Facts than in Words. To this they add, that there are other §. 276. §. 284. Part. 5. §. 400. §. 317.

other Sins, such as Covetousness, Intemperance, Lust, &c. to which Men are naturally prone. Others to which Nature doth not lead Men, yea rather to which the Appetite and Pleasure of Men is repugnant; such as, in the Time of a Fast not to eat till Night, or pray, or not to eat Swines Flesh, not to drink Wine, or to observe the evil Ceremonies of the *Mahometans* or *Jews*. As to the former, Men are carried into them by their own Wills. As to the latter, the Will is undoubtedly governed in its Choice by the Understanding, and therefore it may be concluded that they proceed from an evil Intention and Belief. So that if several Witnesses depose in general, that such a one hath a good Reputation, their Testimony deserves no Credit to prove such a one to be a Catholick, if he be convicted by two Witnesses, to have particularly said or done something repugnant to the Catholick Faith. This is the Case when the Action is forbidden. But if it be of an indifferent Nature, which may be either good or evil, they say there ought to be no Presumption of a Crime, but that the ambiguous Deeds or Words ought to be interpreted on the more charitable Side. If, for Instance, any one says, The *Lutherans* are more noble, *i. e.* in the Catholick Sense, the Peers and Nobles in *France* are *Lutherans* more than the common People, 'tis not heretical. If it be understood of the Nobility of their Virtues and Morals, 'tis suspicious; if of the Nobility of Religion, 'tis heretical. But this they say must only be understood as to the full Proof of an Offence, and not as to any Presumption for which a Person may be tortured, especially if he be suspected. For in a doubtful Case Heresy is to be presum'd, and if the Proofs appear too plain, he is to be put to the Torture (because the Salvation of his Soul is concerned) that he may confess under Torture, and be reconciled, and receive his Penance, that if he be capable of Correction his Spirit may be saved, according to *St. Paul*. Farther, 'tis usual in this Office of the Inquisition, that in expounding the Words of any Proposition, the Nature and Condition of the Speakers be attended to; particularly whether the Words were spoken by a Countryman, of poor Capacity, in a blundering Way, and without Deceit and evil Belief; or by a learned Person, of an acute Understanding, and in a subtle Manner; for then they are to be understood to be deceitful. All these Things are to be considered by the Qualificator Divines, whom the Inquisitors call and consult, and to whose Opinions the Inquisitors ought wholly to assent. Finally, they affirm, that if the Mind and Intention is not to be proved by the external Actions, it can never be proved, and so the Crime of Heresy can never be punished. From hence *Royas* concludes, that he who confesses an heretical Action or Word, but denies the wicked Intention, denies that which is the principal Form and Substance, and is therefore to be delivered over as a diminute, impenitent and negative Heretic. The same is to be affirmed of him, who being fully convict of several Errors, confesses some, but denies others; because he is deficient in a substantial Part. 'Tis not so with one who confesses all his Errors, tho' not the several Times which are proved by legal Witnesses.

From this long Account, of which this is only the summary, one may infer, that 'tis the common Opinion of the *Spanish* Doctors, that such who confess an heretical Word or Action, but deny the Intention, are to be put to the Torture

ture to make them confess such Intention ; but that such who confess an heretical Deed, and deny the Intention, are to be sent back as negative Hereticks, and delivered over to the secular Court. Yea, as to doubtful Words, it is to be presumed there is Heresy ; not so indeed as to be full Proof, but so far as to be a just Reason for the Torture.

Royas affirms the same of such who retract the Confession they have made when under Examination. *Part. 2. Assert. 25.* “ He who confesses his heretical Errors when under “ Profecution, and afterwards retracts his Confession, is to be delivered over as “ a Negative, unless the Mistake plainly appears. For by Confession the Of- “ fence is fully proved, and by retracting it, the guilty Person becomes obsti- “ nate, impenitent and negative. And therefore unless the Mistake appears, he is “ to be delivered over even though there be no other Proof of the Crime, and “ although his Confession was made and confirmed under Torture. For “ this is the same Thing as a free and spontaneous Confession, although “ afterwards revoked, if the Mistake doth not plainly appear.”

C H A P. V.

Of HERETICKS *Impenitent and Penitent.*

OTHER Hereticks are called Obstinate, or Impenitent, others Penitent. An impenitent one is he, who being legally convict of Heresy *part. 2. before a Judge of the Faith, or having confessed it, will not obey his Judge, 7. 40.* when he commands him to forsake his Error and abjure it, and give competent Satisfaction, but obstinately perseveres in such Error.

Simancas distinguishes between an obstinate Heretick and an impenitent *tit. 48.* one.

“ Whosoever believes any Proposition to be true, and knows the contrary *§. 7.* “ Opinion to be the Catholick one, is for this Reason only a consummate ob- “ stinate Heretick.

“ There are others whose Obstinacy is not fully manifest, but who are ac- *§. 9. Et c.* “ counted as consummate obstinate by the Presumption of the Law. Every one “ for Instance, who being capable of Reason, denies any Proposition of the Ca- “ tholick Faith, publicly known amongst all the Faithful ; especially if he “ appears to be a skilful and wise Person ; because he is presumed to know “ what all know, and what all Christians are bound explicitly to know.

“ 2. He who asserts any Heresy, having before taught the contrary Catholick *§. 10.* “ Truth, even tho’ he errs in such Propositions, which he was not bound ex- “ plicitely to know. But however this doth not hold, when ’tis propable there *§. 11.* “ may have been Forgetfulness, either through Length of Time, Decay of Me- “ mory, or Foolishness. 3. He who for a long while persists in an Error, the *§. 12.* “ contrary Catholick Truth of which he was not bound explicitly to know ;

- “ because his persisting in Error is his own Fault, which he is bound to forsake under Necessity of Salvation, and because he is negligent in his Search after Truth, in which the Christian Salvation consists. 4. He who hinders the Preaching, Defence and Doctrine of the Catholick Faith, and contemns the Censures of the Church; and also he who swears he will never depart from his Error.
- §. 13. “ And although any Person should err thro’ probable Ignorance, yet if after legal Admonition he doth not immediately repent, he is to be accounted obstinate; because he is then as truly an Heretick, as if he had willingly erred from the Beginning. A legal Admonition is to be judged of according to the Nature of the Heresy. In Heresies plainly condemned, that is a legal Admonition, if it be shewn to the erroneous Person, that the holy Scripture, or the Determination of the Catholick Church be contrary to his Heresies. But if the Heresy be not condemned by Name, evident Arguments shall be esteemed as a just Admonition; in a Word, whatever is a probable Cause to recover the Erroneous from his Error.”
- §. 15. *Obstinate Hereticks, according to Simancas, are to be burnt alive, and delivered over to the Fire with their Mouths gagged, and their Tongues tied, that they may not offend the little ones. For in this, says Carena, ’tis the only kind of Piety, to be cruel, whilst he is Impenitent.*
- §. 17. “ An impenitent Heretick is one, who will not repent of his Error, as to which every impenitent Person is also obstinate. So that if his Heresy be plainly proved, and he will not confess his Error with a pure Heart, nor readily abjure his Heresy, and submit to the Penance enjoined him, he is to be left to the secular Judge as obstinate and impenitent, although he protests a thousand times over that he was and is a Catholick, and is resolved to live and die in the Christian Faith. So that the Impenitent is the same that others call Negative; and if such a one be convicted to have said or written any Heresy, it signifies nothing, though it be proved that he was a Catholick before, or after, and every time else, unless he will return to the Church, and submit to his Penance.”
- §. 6. But *Simancas* gives a different Account, viz. That a Person may always retract his Confession before the Tribunal of the Inquisition, and that his last Confession only is to stand, from whence ’tis to be concluded, whether he be a penitent or impenitent Heretick. If he persists in his Confession, and submits himself to the Church, he is penitent. If he retracts his Confession, he is accounted and punished as an Impenitent. His Words are plain. “ In the p. 3. t. 14. Process of the holy Inquisition, the guilty Person may retract his Confession when and how he pleases; and although he gives no probable or sufficient Reason, his Retracting is to be admitted; and his last Confession is to stand, whether it be for or against him; for by this ’tis to be determined, whether the Criminal be penitent or impenitent. And this is the §. 13. §. 92. Course of the Law.”
- §. 27. If it should happen that any one should confess through Fear of Punishment, yet he must not assert his Innocence, upon Pain of being again delivered to the

vi. 13.

§. 14.

the Inquisition, and punished as Impenitent. So that 'tis not lawful so much as to mutter any Thing against the Judgments of this holy Tribunal, tho' they are unjust. This *Simancas* plainly teaches. " He who is reconciled to the Church, and says he never was an Heretick, but that he confessed Things he never committed, through Fear of false Witneses, is to be punished as an Impenitent, unless he repent. This is upon Supposition that he hath not satisfied the Penance enjoined him; for if he hath performed it, he is rather Rash than Impenitent. Now rash Persons are to be punished according to the Pleasure of the Judges, and sometimes to be scourged and threatned with more grievous Punishments, if they afterwards fall into the same Rashness." *Zanchinus* treats more distinctly of such Persons. " If any one, after having confessed his Error, and receiv'd Sentence of Penance, retract's his Confession, and says that he confessed through Fear of Charges, or some greater Punishment, he appears by this his Retractation not to have been really but feignedly converted, and is therefore to be punished as an Heretick; and if he hath abjured in his first Confession, he may be looked on only as a feigned Relapse; but if he persist in his Denial, he may be condemned as an obstinate Heretick."

In the mean while, that they may not appear to be the Defenders of any unjust Sentence, they allow innocent Persons, who, wearied with Imprisonment, and through Fear of Death, have confessed Crimes they never committed, to have their Cause reheard before the Inquisitors, but with such a Limitation, as is enough to deter the most innocent Person in the World, which *Simancas* thus describes to us. " An innocent Person, who, through Fear of Witneses, and wearied out with Imprisonment, confesses he hath been an Heretick, if he can prove his Innocence, ought not to neglect his Reputation, but to have the Cause heard over again by the Inquisitors. But if he can't refute the Witneses, nor justly retract his Confession, he ought to confess that Sin to his Parish Priest, and do nothing more, lest something worse should happen to him;" *i. e.* lest he should be dismissed as an Impenitent, and delivered over to the secular Court.

Besides these, there is another Kind of Impenitents, *viz.* such who have professed their Heresy, but don't observe the Penance enjoyn'd by the Inquisitor. Such are thought to be but feign'd Converts, and therefore Impenitent. Thus *Simancas*. " Those who don't satisfy the Penance enjoyn'd them, ought to be punished as impenitent, perjured, and feigned Converts. They are Impenitent, because they don't perform Penance; perjured, because they violate the Oath, by which they promised they would obey the Commands of the Church; feigned Converts, because they neither perform true Penance, nor remain in due Obedience to the Church." *Friar Bernard Comensis*, in his Light of the Inquisition, calls these Impenitent. But *Pegna* says, there is Need of mature Deliberation, and manifold Distinctions in this Matter.

However, *Simancas* doth not rank them with other Impenitents, because he adds, " That such Impenitents are not immediately to be left to the secu-

“lar Court, but they must be dealt with by Law till the pronouncing the definitive Sentence. Neither are they to be rooted up out of the Catholick Church, till they have been once and again, and several times admonished about the Salvation of their Souls, by learned, pious, and religious Men.”

Eymer.

p. 2. q. 40.

Penitents are those, who, admonished by the Ecclesiastical Judge, abjure their Error, and give suitable Satisfaction at the Pleasure of the Bishop and Inquisitor. Of these there are two Sorts: Some come of their own accord, or within the Time of Grace, without being cited, or called by Name, or having any particular Inquisition made after them; whereas others return after being apprehended, cited, and inquisited, and oftentimes after many Admonitions. The first are treated with greater Mildness, and are sometimes enjoin'd a secret Penance, but must however abjure their Errors, and be bound under the Forfeiture of all their Effects to the Inquisition, to accomplish the Penance enjoined them. These Things we have in the Council of *Biterre*, cap. 5. *To such who confess within the Time of Grace, voluntarily and fully, and declare they will return to the Ecclesiastical Unity, grant them the Benefit of Absolution, according to the Form of the Church; viz. causing them to abjure every Heresy that exalts it self against the holy Roman Church, and the Orthodox Faith, under every Name whatsoever, and to swear that they will also preserve and defend the Catholick Faith, which the said holy Roman Church holds and preaches, and that they will prosecute to their utmost Hereticks of every Kind, convicted as well as condemned, their Believers, Receivers, Defenders and Abettors, by seeking after, accusing and seizing them, or at least, by faithfully discovering them to the Inquisitors, or other faithful Persons, who have better Inclination and Ability to apprehend them: And that in whatsoever Respect they are or shall be found to have offended in the same Crime, they shall abide by the Commands of the Inquisitors and Church, and receive and fulfil the Penance which at any time they shall enjoine them, and shall solemnly bind themselves thus to receive and fulfil it, under Penalty of forfeiting all their Effects to the Inquisition and Church.*

fol. 416.
verso.

In the same Council, towards the End, there is very strict Command, concerning the giving this pecuniary Caution. *As to such who return of themselves, without being accused by others, let the Inquisitor take diligent Care, that they give Money Security, after they have sworn to stand precisely by the Commands of the Church, and to observe and obey them. Afterwards let a private Penance be enjoined them at the Pleasure of the Inquisitor, and thus returning, let them be absolved and dispensed with. Clement IV. in his Bull, Licet ex omnibus, commands the Inquisitors to look to it very carefully, that they be not deceived by a feigned Conversion. But if any of the aforesaid Persons will wholly abjure their heretical Pravity, and return to the Ecclesiastical Unity, grant them the Benefit of Absolution according to the Form of the Church, and enjoine them the usual Penance, being particularly careful, that they do not fraudulently return by a feigned Conversion, and thus deceiving you, or rather themselves, wear the Wolf under the Appearance of the Lamb.*

As to those who do not voluntarily return, the Penance enjoin'd them is more severe, for they are accounted convict, and in some Measure forced. There is no particular Account to be given of their Penances, which are left to the Plea-

Pleasure of the Inquisitors. The Manner they are herein to observe, we have in the Council of Narbonne, cap. 5. in these Words. *This we strictly enjoin in this Manner, because we would not have you enjoin all the Penances aforesaid every where, or subjeēt all Persons to all of them, but that you should cautiously and wisely dispense them according to the Discretion given you by the Lord; according to the Nature of the Offences, Persons, Places, Times, and other Circumstances, so that whether you punish or pardon, the Life of Offenders maybe amended; or at least that it may appear who walks in Darknes and who in Light, and who is truly penitent, and who a pretended Convert, that from hence there may be no Scandal to true Catholics, nor under Pretence of Scandal, nor any other Way, as far as lies in your Power, by which Heresy may either be defended or nourished.*

But if there be a great Number of Penitents, the Council of Tاراcon hath decreed, that a prudent Judge may use somewhat of Moderation. *Likewise if Bzov. the Number of Hereticks, or their Believers be large, and they are ready to abjure^{a. 1242} their Heresy, a prudent Judge may inflict Canonical Punishments on them, whether^{9. 4.} greater or less, according to the Provision of the Apostolick See, and thus avoid the Punishment of Intrusion*. Or if the Number be not so very large, a prudent Judge may use Moderation according to his Discretion, as to the Believers in Hereticks, after having considered Circumstances. Provided always, that perfect Hereticks, or those who dogmatically affirm their Heresies, or Believers of them being relapsed into such Belief, after having abjured or renounced Heresy, shall be perpetually imprisoned, after having fully abjured their Heresy, and Absolution from Excommunication, that there they may save their Souls, and may not corrupt others.*

Finally, also the Council of Narbonne hath provided, c. 18. that none recovered from Heresy, if they had been greatly culpable, should be admitted to any Religion; in these Words: *And least such Persons should corrupt the Simplicity of Religion, let none of the aforesaid Criminals enter into any Religion whatsoever, without the Leave of the Lord Pope, or his Legate. And if any such shall have entered without their or your Leave, after the Inquisition against them hath been begun, or even before, without having confessed, and being canonically absolved, recal them.* Lastly, 'tis required that such as are reconciled, shall confess the same Crimes to their own Parish Priest, after they have been judicially absolved by the Inquisitors; which is also provided by the Madrid Instruction: *After^{a. 1561} the Penitent shall have been judicially absolved, let the Priest sacramentally absolve him. cap. 71.*

But they will by no Means allow such to be received, who, after a long Time, and frequent Admonitions and Exhortations, scarce seem capable of Conversion, and especially if they appear so, at that Instant of Time, when they are to be deliver'd over to the secular Court; because the Fear of Death seems rather to induce them to seek Mercy, than the Love of Truth. Nor such who by Commands, Threatnings, Punishments, Rewards, sworn Promises, or any other the like Ways, endeavour to persuade any to Heresy, or obstinately to defend any Heresy they may have embraced. Nor finally such, who have persuaded, or endeavoured to persuade, Kings, Princes, the Queen, or

* *Intrusio* is a Person's thrusting himself into the Possession of something to which he hath no legal Right.

Cathol. Instit. tit. 47. §. 68. &c. the Sons and Daughters of Kings, to embrace Heresy. *Simancas* gives the Reason: "Because such a one is to be left to the secular Judge without Mercy, as having added High Treason to Heresy, by endeavouring to destroy, with the most aggravated Crime, the Soul of the Prince, and thereby in Consequence of the whole Common-wealth. Kings also themselves may easily be perverted by Means of such Women; and if such are guilty of High Treason, who violate their Chastity, much more those who cause their Souls to commit Adultery."

Tr. tr. fol. 417. As to the Heirs of penitent Hereticks, there is a Decree of the Council of *Biterre*, determining what they are obliged to. *You ought to require a suitable Satisfaction from the Heirs of such, who having confessed and being reconciled, have died without Penance, that so great a Crime, publickly confessed in Judgment, may not go unpunished in any. Let the same be done to those who having received Penance, have died without performing it, or delay'd to do it, or who have obliged themselves to fulfil it, under Forfeiture of their Effects, or who have been commanded to transport themselves. Alexander IV. in his Consultations agrees with this, saying, Moreover, some, as you add, have bound themselves to the Inquisitors, under Forfeiture of all their Effects, to receive Penance from them, and fulfil it for their heretical Offences, who, after being enjoined it, have died without performing it, or rather having neglected it wholly, or in part. 'Tis therefore asked, Whether the Inquisitors themselves, or those who succeed them, may force the Heirs or the Possessors of the Goods of such deceased Persons, to make Satisfaction for them? To which we answer, That if by such Penance, any Obligation profitable to Salvation, shall have been laid, for which the temporal Effects are to be answerable, the Inquisitors may force the Heirs to fulfil it, or such other Persons to whom the Effects may come under such Obligation. But they can by no Means be forced to undergo those personal Punishments that Hereticks themselves must suffer if they return. Hence *Guido Fulcodius*, in his Consultations, answers, That he believes such as are absolved by the Inquisitors, and die before they have performed their Penance, are reserved for Purgatory, and that nothing farther is to be laid upon their Heirs. *Alexander IV.* also answers: There are others also who have confessed in Judgment their Heresy, before the Inquisitors of heretical Pravity, and died before they have been enjoined Penance. We answer, That inasmuch as they did not die Hereticks, but rather incorporated into the Unity of the Church, we do not see that Satisfaction for a Crime extinct is to be required from them after Death, or from their Heirs who succeed to their Estate. But in the Case where Heirs are not admitted to inherit for the Fault of their Predecessors, if Death should happen between the Sentence declared, and the Confiscation of their Effects, such Confiscation must take place after Death, notwithstanding it did not whilst the Criminals lived.*

asp. 28. 2. *Zanchinus* explains these Things more distinctly and briefly. "A three-fold Punishment descends to the Children of a Person condemned as an Heretick. The first is the Forfeiture of Effects, because they are absolutely deprived of paternal Succession. The second is, their Incapacity to succeed any of their Relations, or other Persons whatsoever, either by Will or without one. The third, their Inability to enjoy any Ecclesiastical Bene-
" fice,

“ fice, or even publick Office. As to other Punishments inflicted on Here-
 “ ticks, their Children are exempted from them. As to the Children of
 “ fuch who return, and are received to Mercy, though once Hereticks, and
 “ theirs who have been suspected, but died with Purgation enjoined them, or
 “ not, these Punishments are not to be inflicted on them. The third Punish-
 “ ment only is to be laid on the Children of Persons suspected of Heresy, be-
 “ cause of their favouring, defending and receiving it, if their Parents die
 “ fuch. But if they die after being received to Mercy, and Penance enjoind
 “ them, even this Punishment doth not pass to their Children, whether they
 “ have accomplished their Penance or not.

“ As to the penitential Punishments, some are of such a Nature, as that
 “ they may be fulfilled by others; particularly pecuniary ones; such as the
 “ building a Church or Hospital, the giving Portions to poor Girls, the pay-
 “ ing a Fine, the returning of Usury. If any one dies before the Accom-
 “ plishment of such Penance, his Children and Heirs are obliged to fulfil it.
 “ Others are personal, such as to pray, fast, hear Divinity, to hear Mass
 “ every Day, to abjure their Error, and be confessed every Week. These
 “ cannot pass to the Children or Heirs, but are reserved for Purgatory.”

Pegna agrees with this Account. “ The Heirs of suspected Persons, Fa-
 “ vourers of Hereticks, &c. cannot be compelled to perform the personal
 “ Penance enjoined a suspected Person, but not accomplished by him. But
 “ they may be compelled to accomplish the Penance enjoined him when
 “ living out of his Effects. If therefore it was enjoined him to build a Church
 “ or Hospital, to return Usury, and the like, and his Estate was bound to
 “ accomplish this Penance, to whatsoever Successor or particular Person such
 “ Estate shall devolve after his Death, it must come to him under such Obli-
 “ gation.” The same is provided for also by the Council of *Biterre*. *Let the*
same take place with respect to those, who die without fulfilling the Penance enjoined
them, if they have delayed it, or bound their Estate for Performance of it.

Direct. 177
quis. p. 3.
2. 120.
com. 169.
Cap. Accu-
satus §.
si vero. de
heret. 1. 6.
Cap. 19.

CHAP. VI.

Of Arch HERETICKS.

AMongst Hereticks there are some Arch Hereticks, such who have in-
 vented and broached Heresies, or taught them others when invented,
 and so become themselves the Masters of Error. These are usually called
 Dogmatists or Dogmatifers, and antiently perfect Hereticks. If such as these
 will be converted, the Council of *Biterre* hath thus determined concerning them.
 Cap. 16. *Let perfect Hereticks, or convicted ones, be secretly examined before certain*
discreet and faithful Men, persuading them, according to their Duty, to Conversion,
and to such as are willing to turn approve themselves favourable and kind, because by
such

Direct.
part. 2.
qu. 39, 40.

The HISTORY of the INQUISITION.

such much Light will be spread, and great Advantage will accrue; and mitigate their Penances according to the Nature of their Conversion and Merit, or shew them Regard, as you shall think proper and convenient. Thus also the Council of Tarracon: But let perfect Hereticks, and Dogmatifers, if they will be converted, after Absolution and Abjuration; be shut up in perpetual Imprisonment. Hence in the Sentence of Peter Auterius, a Doctor of the Albigenes, we read: Saving however, and retaining, that if thou wilt turn from this Sect and Heresy, and be converted, and return to the Ecclesiastical Unity, thy Life shall be saved: reserving however to our selves full and free Power of enjoining thee a Punishment and wholesome Penance for the Things thou hast done in thy former Sect and Heresy.

Lib. Sent.
Inquis. Tho-
los. fol. 40.

The Reasons they assign, why they receive to Penance penitent Arch Hereticks, or Dogmatists, are these. Because, if they are converted, and preach to those they have deceived, they may easily convert many of them. Add to this, that as they best understand the Errors and Deceits of Deceivers, which they themselves have taught, they can more easily refute them by Writing or Talking. And finally, because Dogmatists, truly converted, and openly penitent, are as it were a clear Mirror of Repentance and Humility, into which Sinners may look and be converted, and be preserved in their Duty. This is especially to be observed, when an Arch Heretick is of great Authority, for his Doctrine and Dignity, and who therefore, it may be hoped, will convert many by his Authority. And thus *Berengarius* was heretofore received. However, the Doctors now think, that considering the most miserable Condition of these Times, in which Hereticks dare every Thing that is impious, all Arch Hereticks are to be delivered over, without Mercy, to the secular Court, because, as *Simancas* says, *They deserve to die not one Death only, but many; and therefore he is for punishing them not as other Hereticks, but with severer Punishments, without any Compassion.* He farther says, *That the Masters of the Lutheran Heresy are by no Means to be spared; as being tainted with many Vices and Crimes, viz. Enemies to the Church, Haters of the Saints, Violators of the divine Law, sacrilegious Persons, Corrupters of good Works, and therefore of all good Manners, and Subverters of Nations.* And therefore he adds, *they must not be forgiven, who commit such wicked, abominable, and heinous Crimes.* Thus also, according to *Pegna*, “No Arch Heretick, though he should give Proofs of a real Conversion, ought to escape the Punishment of Death. But because the Church is kind and merciful, there is no Papal Law by which ’tis provided, that Dogmatists shall, without Distinction, be delivered over to the secular Court. Yea, the contrary may be gathered from *Cap. ad abolendum. de hæret.* But then especially are Arch Hereticks to be received, when they come, without any Inquisition after them, or being cited or called by Name, but of their own Accord, to confess their Sin, and implore Mercy. But when they are received, he will have very heavy Penances enjoined them, which ought not to be mitigated, but after a long Season, and the most evident Signs of true Repentance, Conversion and Humility.

tit. 47.
§. 54.
§. 71.
§. 63.

C H A P. VII.

Of the Believers of HERETICKS and of SCHISMATICKS.

Furthermore, there are some who are Believers, others who are Receivers, *Direct.* some Defenders, and others Favourers of Hereticks. The Believers of Hereticks are, some of them, they who believe their Errors and Heresies. Such are excommunicate. Others are judged to believe the Errors of Hereticks, from their Words or Actions. By their Words, *viz.* by their own Confession, when they say they believe such an one's Errors. Or by the Evidence of the Fact, *viz.* by publickly preaching or defending their Errors. Or by legally producing Witnesses, by whom they are convicted of divulging such Errors. As to Facts: In the Beginning of the delegated Inquisition, it was much doubted by what Facts any Persons could be judged to be Believers of Hereticks. But the Council of Narbonne hath determined it. Cap. 29. *Amongst those Faults by which they may be judged to be Believers of Hereticks, these, to prevent your farther Doubt, we firmly think to be such, viz. if they have done Reverence to Hereticks, or, as believing them, have implored their Prayers, declared them to be good Men, and have thus as it were adored them. If without any Design to betray or seize them, or any other excusable and commendable Cause, they have been present at their Consolation, when they falsely and deceitfully pretend, that they save him by the Imposition of Hands, whom they comfort, though hereby they make him an Heretick. Or at their Service, when they imagine that their Principal, holding an open Book in his Hand, gives them Remission of their Sins, as in a general Confession. Or at the Supper of the Waldenses, when, on the Day of the Supper, the Table is set, and the Bread placed on it, and he believes, according to their damnable Sect, that when one of the Waldenses blesses it, and breaks it, and gives it to those present, he makes the Body of Christ. If they confess their Sins to the said Waldenses, as a Person uses, and ought to confess to his proper Priest. If they knowingly and damnably receive from Hereticks or the Waldenses Peace, or Bread blessed by them, sent or given them by any one whatsoever. If they have believed that they may be saved in their Sect, or that they are good and holy Men, or the Friends or Messengers of God, or of good Conversation and Life. Or that their Persecutors sin. Or if they have so far praised them, or by any other Sign or Word have professed that they give them Credit or Belief, in a Case of Law or otherwise. If they have willingly and oftentimes received them, heard them, visited them, gave them, or sent to them Provision or other Things; or have learnt Prayers, Epistles or Gospels from them. These Things and the like, although they will not prove singly, yet will be of great Service; especially as St. John hath said in his Epistle, If any one comes to you, and brings not this Doctrine, receive him not into your House, nor bid him God speed; for he who bids him God speed, partakes of his evil Works. But we would have all these Things to be so understood, as to intend that such who shall be found thus culpable, did know the Persons by whom these Things were done to be Hereticks and Waldenses; and that holy Church doth declare them separated from the Unity*

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of the Catholick Faith for their own Errors, and their damnable Sects, and doth communicate, persecute, and damn them. Nor is he lightly to be believed, who says he was ignorant of it.

Qu. 34.

By this Decree any Facts are made Signs, by which a Person may be judged to be a Believer of Hereticks. But because no Inference can be made concerning any Man's Faith with equal Certainty and Strength from every one of these Facts, the Popish Doctors make use of a Distinction. For, say they, there are some Facts in which the Error is manifestly expressed, which cannot by any Means be taken in a good Meaning; *viz.* to do Reverence to them according to their Custom, and to receive the Communion from them after their Manner. These Things demonstrate a Person to be an Heretick, and he may be proceeded against as such. For they say the Plea can hardly be allowed, that he did these Things for the sake of some temporal Profit, and not out of any real Error of Mind. There are other Things which occasion violent Suspicions: As when any one defamed for, or suspected of Herefy, seeks Consolation from Hereticks, according to their Manner at the Time of Death. If any one doth this, the Law presumes him an Heretick, and against this Presumption no Proof can be regularly admitted. Other Things there are, in which there is no Appearance of any heretical Rite, such as to visit Hereticks, give them Food, accompany them, defend their Persons, and the like. These Things demonstrate no Man to be an Heretick, but only render him suspected of Herefy.

Cap. Ex-
com. itaq;
Extra de
heret. §.
Adjicimus.

Amongst others Signs by which the *Valdenses* may be known, is the Refusal of an Oath, when they are compelled to it by the Inquisitors; because they hold every Oath in every Case to be unlawful. Thus we read, *If any of them, thro' a damnable Obstinacy, refuse the Solemnity of an Oath, and will not swear, from this alone they are to be accounted Hereticks.*

There are other Believers of Hereticks, concerning whom 'tis not evident that they believe their Errors, but who appear to believe the Words, Commands, and Works of Hereticks. Such are they who commit those Facts in which there is no Appearance of any infidel Rite; who go and come at their Command, hear, tho' seldom, their Sermons, carry their Letters here and there, wait on them, receive their Books without burning them, carry them Provision, afford them safe Conduct, visit them, and do other Things in which there is nothing of any heretical Custom.

Such are neither looked on nor treated as Hereticks, though they bring themselves under Suspicion greater or less, in Proportion, as the Appearances are greater or less. Wherefore they deal with them as with suspected Persons, of whom afterwards. 'Tis here enquired, whether a Person, who hath heard the Sermons of Hereticks, once or twice, ought to be accounted for a Believer of Hereticks. The common Opinion is, that he ought not to be accounted such for once or twice hearing the Sermons of Hereticks, unless he hath done it oftener. However, they distinguish. If any Catholick, living in the Country of Hereticks, goes once or twice to their Sermons, he is not to be judged to be a Believer of them. But if in Catholick Countries he knows
that

that Hereticks hold private Conventicles, if he goes to them but once, he will incur the Suspicion of believing them, unless he discovers it to the Bishop or Inquisitor. Because in this latter Case he is judged to approve what he might have prevented, if he had made a Discovery to the Ecclesiastical Judges, as he ought to have done.

Schismatics have a very near Agreement with Hereticks, and they are thus distinguished by *Simancas*.

“ Schismatics are either consummate Hereticks, or near akin to Here-*tit.* § 8.
 ticks, *viz.* who only depart from the Unity of the Church, and the Obe-*§ 40 § 5.*
 dience of the chief Pontiff. These differ but little from Hereticks. For
 “ they believe that there may be Salvation and true Sacraments without the
 “ true Church, and many other schismatical Things. These are to be pu-
 “ nished with almost the same Punishments as Hereticks themselves.

“ Others are without Blame, and have a just Excuse; *viz.* they who, thro’*§ 9.*
 “ probable or insuperable Ignorance, believe a Person to be Pope who is not
 “ rightly elected; which sometimes happens upon a doubtful Election, when
 “ two or more contend for the Pontificate. One of these may, with a good
 “ Faith, be owned for true Pope, though not justly elected.” After *Siman-*
cas hath thus explained the Matter, he pronounces a cruel Sentence against
 the modern Hereticks, *i. e.* against all in this Age, who live without the Com-
 munion of the Church of *Rome*, in *Germany*, *France*, the *Netherlands*, and some
 other Northern Countries.

“ The modern Hereticks are not united. There are many Schisms amongst
 “ them, so that in one House you may find several Beliefs, the Husband,
 “ Wife, Children, and Family, all believing differently.

“ Against these impious Fanatics, who endeavour to defile all divine
 “ Things, the Laws rise up with revenging Fire. These pestiferous Here-*§ 14.*
 “ ticks are driven out of *Spain*, who rejecting all that antient Discipline,
 “ which the holy Spirit taught, which so many Ages, the Consent of so ma-
 “ ny Nations, so many great Men, famous for their Piety and Learning, have
 “ delivered down to us, instead of retaining the true Method of governing
 “ the Christian Commonwealth, throw all Things into Disorder, and more
 “ than *Babylonish* Confusion.”

The Punishments of Schismatics are Privation of Ecclesiastical Power, *Carenā;*
 Excommunication, Incapacity for all Offices for the future, and finally Death,*p. 2. t. 3.*
 And the Doctors observe, that when Schismatics are impenitent, the secular
 Judges may in such Case punish them, if Clergymen, without degrading them.
 They add, that all Lords and Magistrates, as well Ecclesiastical as Secular,*n. 49.*
 who fall into or raise Schism, ought to be punished likewise with Death; ac-
 cording to the Bull of *Paul IV.* beginning, *Cum ex Apostolatus officio*, in which
 the Pope commands that all such Schismatics shall be punished, even for the
 first Offence, as the very Relapsed themselves. But if they repent, the In-*§ 13.*
 quisitors, after a formal Abjuration of their Schism, and their Suspicion of
 Heresy, according to the Degrees of it, usually punish them with other Pu-
 nishments

nishments at Pleasure; either by Fines, Banishment, Imprisonment, Confinement, Gallies, and Death, according to the Nature and Aggravation of their Fault.

C H A P. VIII.

Of the Receivers and Defenders of HERETICKS.

Direct.
part. 2.
qu. 51.

THE Council of *Tarracon* hath determined those to be Receivers of Hereticks, who have twice, or more, knowingly received Hereticks in their House, or any other Place. A Receptacle is an House or Lodging, where Hereticks have met together twice or more to preach or read, or where they have frequently lodged. But such offend more grievously who know their Errors, and that the Church doth persecute them, and nevertheless receive and conceal them from the Hands of the Church, even though they have done this but once; and by this Reception they render themselves suspect of Heresy, more or less, according to the Difference of Circumstances. And therefore, as suspected Persons, they are obliged to abjure. Their Punishment is Excommunication, and if after this they persist in their Crime, they are put under the Bann, banished for ever, and suffer Confiscation of all their Goods. But if any one receives an heretical Relation, his Crime is less, and he is more gently punished. And in this they consider the Degrees of Kindred, that such who are nearest akin to the received Heretick, may be more gently dealt with than those who are farther off.

Qu. 52.

The Defenders of Hereticks, according to the Definition of the Council of *Tarracon*, are such who knowingly defend Hereticks by Word or Deed, or any Method in their own Lands, or any where else, whereby the Church is prevented from executing its Office in the Extirpation of heretical Pravity. Now there are different Ways of defending. An Heretick may be defended with Arms, or without them, or by giving him Notice for his Escape. He may also be defended, when under Trial, or when he is not. They may also be said to be Defenders of Hereticks by Consequence, who hinder in any Manner the Office of the Inquisition. Besides this, there is another Case by which a Man may be said to be a Defender of Hereticks, when he puts another Person or himself in the Room of the Heretick to be apprehended. Concerning which, *Innocent IV.* sent this Rescript. *Ad extirpanda. If at any Time, any Men or Women not Hereticks, shall, with their Consent, be taken and put in the Place of Hereticks, or themselves personate Hereticks, let them suffer perpetual Imprisonment, and at the same time let the Hereticks themselves be compelled to return and deliver up themselves. And as for those who contrived the Deceit, let them, according to the aforesaid Law, suffer Confiscation of their Goods, and perpetual Banishment.* In the same Bull there are other Sorts of Punishments appointed

pointed against the Defenders of Hereticks. *Whosoever shall dare to rescue an heretical Man or Woman, when taken, from him or those who have apprehended them, or to prevent their being taken, or to hinder any one's Entrance into any House or Tower, in order to seize or search for them, let such an one, according to the Padua Law of Frederick the Emperor, suffer Confiscation of Goods, and perpetual Banishment, and let the House from which they were excluded be rased to the Ground, and never rebuilt; and let the Effects found there be his who can seize them, as if Hereticks had been actually found there.* Moreover, he makes their Sons infamous, and excludes them from all Honours, unless they discover Hereticks. But if they discover them, they are delivered from these Penalties. *Pius V.* also by a certain Rescript, beginning, *Si de protegendis*, ordained the most severe Punishments against the Defenders of Hereticks, which they incur in many Cases therein mentioned.

C H A P. IX.

Of the Favourers of HERETICKS.

THE Favourers of Hereticks, as the Name shews, are those who shew Favour to Hereticks, and are in all Things equal to the Defenders of them. They are either Magistrates or private Persons, and they may all favour Hereticks by Omission or Negligence, by Deed or Assistance, and finally by Counsel or Words. The Magistrates Office is to extirpate Hereticks, and expel them from his Kingdoms and Dominions, and to give all Counsel and Favour to the Inquisitors of heretical Pravity, for the punishing and restraining of Hereticks, and the Suppression of all rising Heresies, because the Inquisitors without the Magistrates Help are weak, and cannot drive away Hereticks; and therefore they must bend all their Endeavours to this, that the Wickedness of Hereticks may not encrease under their Government, and the Security and Religion of the Catholicks be not diminished or disturbed. The Favourers therefore of Hereticks are such: First, who omit to do those Things concerning Hereticks, or Persons suspected and defamed for Heresy, or those who believe, receive, defend, and favour them, which they are obliged to do by Office, when required to do it by the Inquisitors or Bishops, or one of them, *viz.* if they do not take them up, keep them in safe Custody, send them to the appointed Place, or if they don't readily punish them, when condemned and delivered over to them. For they are obliged to all these Things. Cap. *Ut Inquisitionis*, de hæret. lib. 6. and especially by a Rescript of *Inno-* Souzz,
cent IV. and *Clement. IV.* beginning, *Ad extirpanda.* In like Manner the Pre- lib. 1.
lates or Inquisitors, who neglect to make safe Prisons, to set over them faith- c. 25. §. 4.
ful Keepers, to apprehend, torture, or punish Hereticks, or to keep them in safe Custody, in order to favour Hereticks, are judged to be themselves Favourers

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vourers of them ; but not if these Omissions proceed from Negligence, or any other Cause. Secondly, the Magistrate is a Favourer of Hereticks by Commission. If, when taken, he delivers them from Jayl without the Leave or Command of the Bishop and Inquisitor, or one of them ; or if he doth directly or indirectly hinder their Proceſs, Judgment, or Sentence, or do other Things like them. As appears from the Chapter before mentioned, *Ut Inquisitionis. §. probibemus.* All these are *ipſo jure*, excommunicated, as Favourers of Hereticks ; and if they obstinately remain under this Excommunication for the Space of a Year, are to be punished as Hereticks. The Council of *Tholouſe* hath appointed other Punishments for them. Chap. 3, 4. *We likewise ordain, that whoſoever ſhall knowingly permit any Heretick to dwell in his Jurisdiction, either for Money, or any other Cause whatſoever, and ſhall confeſs, or be convicted of this, he ſhall loſe his Eſtate for ever, and his Body ſhall be in the Power of his Lord, to do with it as he ought to do. And if he be not convicted of having done this knowingly, and his Negligence be not proved to be ſcandalous, and yet Hereticks are frequently found in his Country ; or if he be deſamed upon this Account, let him ſuffer the legal Punishments.* See alſo the Bull of *Paul IV.* beginning, *Cum ex Apoſtolatus officio.* *Bzovius* alſo relates, in his Account of the Year 1215. §. 10. that by the Command of the Apoſtolicall Legate the Walls of *Narbonne* were thrown down ; and alſo of *Tholouſe*, the greateſt Part of them, becauſe they had been the Receptacles of Hereticks. The ſame Council of *Tholouſe* determines what ſhall be the Punishment of inferior Magiſtrates, in their ſeveral Diſtricts, if they are found negligent in apprehending Hereticks. Cap. 6. *As to the Ballive of any Place as to which there is any Preſumption, who is always Reſident, unleſs he be found very diligent and careful againſt Hereticks, let him forfeit all his Effects, and never more be ſuffered to be a Ballive there, or any where elſe.*

Private Perſons are ſaid to be Favourers of Hereticks, when out of their own Raſhneſs they free from Priſon Hereticks, or Perſons apprehended for Hereſy, or give any Aſſiſtance, Council or Favour towards their Deliverance, or ſo accompany them, when freed, as not to ſeize them ; or reſiſt thoſe who would apprehend them, or preſume directly or indirectly to hinder Proceſs, Judgment, or Sentence, in a Cauſe of Faith, or give Council, Aſſiſtance or Favour to ſuch Hindrance. Private Perſons indeed are not ſaid to be Favourers of Hereticks by mere Omiſſion, *viz.* for not apprehending or not taking them into Cuſtody, as not being obliged to it. Nevertheless they will be Favourers, if they ſhall omit to diſcover and apprehend them, when obliged to it by Office : Such, for Inſtance, are the Croſs-bearers, who in *Spain* are called *Familiars* ; or if when called on by the Magiſtrate, to aſſiſt in apprehending Hereticks, they reſuſe to do it without Reaſon, and when they have nothing to prevent them.

Laſtly, both Magiſtrates and private Perſons may be ſaid to be Favourers of Hereticks, by omitting to diſcover them, becauſe all Perſons are obliged under Pain of Excommunication, to diſcover all Hereticks, even concealed ones, to the Biſhops and Inquiſitors, and, if it be neceſſary, to accuſe them.

So

So Gregory IX. ordained in one of his Extravagants against the *Patarenos*, beginning, *Excommunicamus*, inserted amongst the Apostolical Letters for the Office of the Inquisition. *Likewise if any Person knows any Hereticks, or such who hold private Conventicles, or who differ in their Life and Manners from the Conversation of the Faithful, let him endeavour to discover them to his Confessor, or some one else, who he believes may give Notice to the Prelate, otherwise let him be excommunicated.* And this Obligation of informing against Hereticks is so strict, that it takes place notwithstanding any Oath, Covenant, or Promise to the contrary. But if the Wife only should happen to know that her Husband eats Flesh on forbidden Days, and knows him to be so furious, as that probably he would murder or abuse her, if she informed against him, some think her Fear may excuse her from the Suspicion of Heresy. But we shall speak more fully of the Obligation to inform in the following Book.

The Council of *Narbonne* hath determined the several Ways, by which any one may be said to be a Favourer of Hereticks. Cap. 14, 15, 16. *We account those equally Favourers of Hereticks, who obstruct the Extirpation or Correction of Hereticks or their Believers, and those who don't give that Assistance to it, which they can't omit without a manifest Fault. But such Persons may be more or less guilty in these Matters, from a careful Consideration of Circumstances. He, for Instance, greatly favours Hereticks or their Believers who conceals them, when he may, and ought to discover them. He favours them more, who by concealing them, or otherwise maliciously endeavours to prevent their Examination or Imprisonment, or Punishment. He most of all, who releases those who are apprehended or imprisoned, without the Churches Leave; or if such Things are done by his Counsel, Help, Command or Care. But he is above all others to be accounted guilty of this Crime, who having temporal Jurisdiction, defers to persecute these aforesaid pestiferous Hereticks, or Persons declared to be Rebels against the Church, or to extirminate them out of his Country or Province, or to animadvert against them without Delay. Such a one is justly to be suspected of being joined in wicked Society with them, who neglects to put a Stop to so great a Wickedness, after having received the proper Information by the Church or otherwise; since he both may do it, and is bound to it; especially if he is under the Obligation of an Oath to do it. But neither are they free from this Crime, who, when they have the Opportunity of Time and Place, and Leave to apprehend Hereticks, or the aforesaid Rebels, and to assist those who are to take them up, wickedly neglect it; especially if required by those who apprehend them, or are willing to do it. And since there are many, and almost unsearchable Methods of doing Harm, by which Hereticks, their Believers and Favourers endeavour to destroy the Vineyard of the Lord of Sabaoth, which ought to be prudently and vigorously opposed, let your Piety take Care, according to the Grace given you of the Lord, to find out these Evils, and apply the wholesome Remedy; and let your Prudence make up what can't so easily be committed to Writing.*

Lastly, Friar *Ivonetus* describes the Marks and Signs, by which Persons may be known to be Favourers of Hereticks. There is extant a Volume of his, the Fragment of which is in a Parchment Book of the *Vatican* Library, intitled, *How the Favourers of Hereticks may be discovered.* And he there reckons up five

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five Signs in these Words. *The Favourers of Hereticks may easily be known by these five very probable Marks. First, Whoever privately visit them, whilst in Custody, and whisper with them, and gives them Victuals, are suspected of being their Disciples and Favourers. Secondly, Whoever greatly lament their Apprehension or Death, seem to have been their spiritual Friends whilst they lived; for 'tis scarce credible that any Person can be a long while intimate with an Heretick, and not know his Secrets. Thirdly, Such who complain that they are unjustly condemned, after they have been openly convicted, or have confessed their Heresy, it appears that they approve their Sect, and think the Church hath erred in condemning them. Fourthly, Such who look with a bitter Countenance upon those who persecute Hereticks, or preach vigorously against Heresy; for he who diligently observes, may see by their Eyes and Nose, and Aspect, that they do not look with a favourable Countenance, and are therefore greatly to be suspected, that they hate those against whom their Heart appears to be so bitter, as their Countenance betrays, and love those for whose Destruction they so much grieve. Fifthly, If any are found to have by Stealth gathered together in the Night the Bones of Hereticks burnt, as Reliques, 'tis not to be doubted but that they reverence them as Saints, whose Bones they lay up as a kind of Sanctuary, and are therefore equally Hereticks with them. Because no one accounts an Heretick for a Saint, but he who believes his Sect to be holy, and is equally an Heretick with him. These Things give great Presumption of Heresy against him, altho' it be not sufficient Proof to condemn him, unless there concur other Arguments, by which it manifestly appears they did the aforesaid Things in Favour of Heresy.*

C. Excom-
municat-
mus.
§. Creden-
tes.
Ibid. de
hæret.

The Favourers of Heresy are *ipso jure*, excommunicated. If they are mere Favourers, but not publickly excommunicated, they don't incur any other Penalties. But if they are publickly declared excommunicate, and don't give Satisfaction within a Year, they suffer other Penalties, which are largely described.

C H A P. X.

Of the Hinderers of the Office of the INQUISITION.

THE Hinderers of the Office of the Inquisition come nearest to the Favourers of Hereticks, and are usually reckoned amongst them.

That this Office may be vigorously exercised, and that no Hereticks may escape the Rigour of it, all are strictly commanded, of whatsoever Dignity or Condition, especially Arch Bishops, Bishops, and other Prelates, to favour the Business of the Inquisition, and yield all Countenance and Help to the Inquisitors. Thus *Alexander IV.* in his Bull, beginning, *Orthodoxæ fidei Christianæ*, commands all Arch Bishops, Bishops, and other Prelates. *Since therefore there are certain Predicant Friars appointed by the Apostolick See, Inquisitors against Hereticks in the aforesaid Provinces, that they may carry on the Business of the*

Faith

f. 420.
rv. 1r.

Faith, with a fervent Mind, and constant Heart, through many Tribulations and Persecutions, we admonish and exhort all of you in our Lord Jesus Christ, strictly commanding you by these Apostolical Writings, in Virtue of your Obedience, and enjoining you, that you favourably assist these Inquisitors in carrying on the said Affair; and that laying aside the Fear of Man, you effectually give them your Counsel and Help: Knowing, that those who hitherto have done, and shall do these Things, shall always obtain the special Favour of the Apostolick See, and find us favourable and kind in all their Occasions. But as for those whom we shall know to be Contemners, besides the divine Judgment that hangs over them, they shall not escape the Ecclesiastical Vengeance.

The same Pope, in the Bull beginning, *Ne commissum vobis*, says, That if the Clergy and Religious shall not assist the Inquisitors, according to their Duty and Ability, they shall be proceeded against according to the Canonical Sanctions, notwithstanding any Privileges. And in the *Decretals V.* in the Chapter *Excommunicamus*, at the End, the Bishops are commanded, under the Penalty of Deposition, to perform all these Things.

But Innocent IV. in his Bull to the Provincial of Lombardy, beginning, *Tunc potissime*, hath threatned with all imaginable Curfes, and the most terrible Destruction, Magistrates, unless they promote the Affair of the Inquisition, and much more if they presume by any Means to hinder it. *Inasmuch* Bzovius, as we desire above all Things to promote this wholesome Affair, we intend, with the ^{a. 1252.} Help of God, wholly to remove all manner of Obstructions from it. And therefore ^{9. 4.} if it should so happen, which however we do not believe, that any City or Community, any Princes or Nobles, or others in Power, shall presume to oppose this Business, or by any Means to obstruct it, so that those who are deputed by us for this Affair cannot freely proceed therein; yea, unless they cherish it, and studiously assist it, we shall severely reach forth against them the Sword of the Ecclesiastical Power, to suppress so audacious and pernicious Insolence, and wholly to confound it; and we will call in against them the Kings and Princes, and other Faithful of Christ, who have taken on them the Sign of the Cross, whether for the Succour of the holy Land, or otherwise for Christ's Service, as also the rest of the Catholicks, that Heaven and Earth may be moved up together against this detestable Rashness; since 'tis no less expedient, but rather more so to defend the Faith in Places near us, than in those which are farther distant. The same Things are almost to a Word extant in the Bull of Urban IV. beginning, *Licet ex omnibus mundi partibus*. Published An. 1262. April 19th.

Persons are said to hinder the Office of the Inquisition, either directly or *Directe*. indirectly. Directly, such who deliver from Prison by their own Rashness ^{Inq. p. 2.} Persons taken up for the Crime of Heresy, or who destroy the Proccesses of the ^{9th. 54.} Inquisition, or who wound the Witnesses in a Cause of Faith for their Testimony. Or if a temporal Lord ordains, that no one ought to take Cognizance of the Crime of Heresy but himself, and that no one shall be accused, or give Testimony but before himself. As also all such, who use only Threatnings ^{Carena,} and terrifying Words; and who directly hinder Procces, Judgment, and Sen-^{p. 2. t. 4.} tence in a Cause of Faith, or give Counsel, Help and Favour in doing thus. ^{9. 23.}

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They are said indirectly to obstruct, who use any Insinuation or other Means, from whence consequentially any Impediment may arise to the Office of the Inquisition. Such for Example, who order that no one shall bear Arms, unless of the Household of the temporal Lord, and that no one shall apprehend, or cause to be apprehended any Person, but the temporal Lord. For from thence it follows, that those who belong to the Inquisitors can't wear Arms, nor take up any Person. These are less criminal than the former; but are all excommunicated; and if they lie under that Excommunication for a whole Year, they must, in order to their Reconciliation, abjure such Impediment and Favouring, otherwise they are delivered over as impenitent Hereticks to the secular Arm.

The Power of proceeding against such Persons, was given to the Inquisitors by *Urban IV.* and other Popes, in a Rescript to the Inquisitors of heretical Pravity, beginning, *Præ cunctis*, where, amongst other Things, there are these. *But if, what we do not believe, there should happen to be any, of what Condition soever, who shall oppose this Affair committed to you, or shall presume in any wise to obstruct it, so that you cannot freely proceed in it; yea, unless, when required, they shall support it, and, according to their Office and Ability, give it their Assistance; proceed without Fear, in Dependance upon the said Authority, according to the Canonical Sanctions, against such Persons as against Favourers and Defenders of Hereticks.* See also Chapter *Ut Inquisitionis. §. Prohibemus.* lib. 6.

Nor are there wanting Examples of an Inquisition actually made, not only against private Persons, but also against Magistrates, yea, whole Cities and Communities, on the Account of their hindring the Inquisition. *Bzovius* relates a memorable Instance, which happened in the Territory of *Parma*, about the Year 1285. from a Letter of *Honorius IV.* brought to the Bishop of *Parma*, in which there are these Things. “ Friar *Florius* a Pre-
“ dicant, Inquisitor of heretical Pravity in the Parts of *Lombardy*, deputed
“ by the Apostolick See, condemned a certain Woman, relapsed into Here-
“ sy, after Abjuration, who being delivered to the secular Court, was burnt.
“ But some Persons, who were met together in the Place where the said
“ Woman was burnt, and a great Number of others, who flocked from the
“ different Parts of the City, ran in a violent Manner to the Place of the
“ Friars of the said Order, and forcibly enter'd the said Place, and broke
“ open the Church Doors, destroyed the Houses with Stones, and presumed
“ to enter by Violence the little Chapels of the said Place, and unjustly plun-
“ dered the said Friars of their Books, Garments and Effects, and beat and
“ wounded several of them, one of whom, after a few Days, died of the
“ Wounds he had received; so that the Friars were forced to leave the Place.
“ And because the Governor and Magistrate neglected to proceed to the
“ Punishment of that Crime, according to their Office, they were cited by
“ the Bishop of *Ostia* personally to appear before him at a certain Place and
“ Time. They appeared; but because there was no proper Syndick for
“ the aforesaid Community, who appeared before him, according to the
“ Form

“ Form of the said Citation, he published the Sentence of Excommunication against them, and put the City under an Interdict. After this the Governor and Magistrate desired that the Sentence of Excommunication and Interdict should be taken off, and promised that they would obey the Pleasure of the Church; and that they would give sufficient Security upon Oath, and Sureties, to stand to the Law for all the aforesaid Enormities, Offences and Injuries. This Security was accepted, and upon the Appearance of the proper Sureties for the aforesaid Community, each Person being bound in a thousand Marks of Silver, that they should obey the Commands of the Church, the Sentence was remitted, and they themselves summoned to appear within the Space of one Month before Pope *Martin IV.* by themselves, or their Syndicks, or their Procurators, sufficiently instructed for this Purpose, in order to obey the Pope’s Command for these Excesses, and to receive what in Justice was to be exacted of them. They appeared within the said Term before the Pope, but there was no farther Process made upon the said Affair. So that *Honorius IV.* commanded the Bishop of *Parma* to cite them again before him, to obey his Orders, and to receive what in Reason should be appointed them. What was the Event of this Process, and what was the Punishment inflicted upon the Magistrate, *Bzovius* doth not relate.”

We have another Instance in the Book of the Sentences of the *Tboloufe* In-^{Fol. 138.}quisition. Certain Persons were thrown into the Prison of the Inquisition at *Cordes*, in the Territories of *Tboloufe*. The Magistrate and People rose up against the Bishop of *Viviers*, and the Inquisitors, and by several Methods obstructed the Office of the Inquisition. The Sentence of Excommunication was pronounced against them. At length the Magistrates and principal Persons threw themselves in a very humble Manner before the Inquisitors at a general Sermon of the Faith, submissively confessing their Fault, and begging Pardon for their Offence. They submitted themselves purely and entirely to the Will and Order of the Inquisitors, declaring that they were ready to make Satisfaction, and to receive and do Penance, such as they should think fit to enjoin them. They pray to be absolved from the Sentences of Excommunication, and promise that they would be devoted, and persevere in their Devotion and Reverence and Obedience to the Inquisitors, their Successors, and the Office of the Inquisition all the Days of their Life. This so humble a Supplication, moved the Minds of the Inquisitors to Mercy, so that tho’ the Magistrates and People had grievously offended against the Bishop of *Viviers*, the Inquisitors and their Office, and were therefore worthy of the severest Punishments, yet in Consideration of their Humiliation and Supplication, they absolve them from the Sentences of Excommunication; but under this Penance, that they shall build a Chapel in their City, with Ornaments, and all other Requisites, to perform divine Service, and should farther erect three Images over the Door of the Chapel, one of the Bishop of *Viviers*, and the other two of two Inquisitors. And finally, they reserve to themselves the Disposal of certain particular Persons of the said Community, to the Number of six or eight,

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eight, whom they would call by Name that Day or the following, whom, as the principal Offenders, they would enjoin wholesome Penance ; and they oblige the whole University, and every Person thereof, that they and every one of them shall satisfy the Bishop and Church of *Viviers*, as also the Office of the Inquisition and the Inquisitors, and all Persons belonging to them, and pay the Expences they have been at upon account of the said Affair.

In the same Book of Sentences there are two other Instances of Inquisition made against private Persons for hindring the Office of the Inquisition.

The first is that of Friar *Bernard Deliciosi*, who was accused, that, as the principal Director, he had prosecuted the Complaints of the Cities of *Carcaffon*, *Viviers*, and *Cordes*, having procured for this Purpose a large Sum of Money from the said Places, and by the Sale of his Books, and by Borrowing ; that he had spoken very freely of the Processes and Sentences of the Inquisitors published against certain Persons for Heresy, in the most publick Conversations and elsewhere, even in the secular Courts ; that he had justified Persons apprehended and condemned for Heresy, and said, *That though they were true Catholics, they were forced by the Violence of their Tortures to confess themselves and others guilty of Heresy, and that they were unjustly condemned* ; and hereby excited the Magistrates and People to oppose the Bishop and Inquisitors : That he also publickly asserted at *Tholouse*, *That St. Peter and St. Paul could not defend themselves from Heresy if they were alive, and had Inquisition made against them in the Manner practised by the Inquisitors*, and that he thus informed the King of France against the said Inquisitors : That he falsely ascribed to the Inquisitors an Instrument drawn up against the City of *Carcaffone* upon the Affair of Heresy, and made this an Argument of exciting the People, that they might see what these Predicants would be able to do against particular Persons, who could make so false and pernicious an Instrument against a whole Community : That by this Means he hindred the Office of the Inquisition, raised a Sedition and Rebellion, and did many other Things, by which the Exercise of the Office of the Inquisition was obstructed : That moreover, after having taken the Advice of many Persons, at several Times, and in different Places, he had been deputed by the Magistrates of *Carcaffone*, to the Lord *Ferrand de Majoricis*, and had offered to him the Borough of *Carcaffone* in these Words. “ My Lord, you may know that the Magistrates of *Carcaffone*, upon account of the Disturbances raised by the Inquisitors, and because the King of France will not take Care to protect them from the Actions of the Inquisitors according to their Desire, are willing to receive you for their Lord and Defender, and will receive you, if, and whensoever you will please to come, and deliver up to you the Borough of *Carcaffone*, &c.” And that the Lord *Ferrand* answered, that he would willingly accept what they offered him by the said Friar. And finally, he was accused of Magick, and that he had by him, and read a certain conjuring Book : That hereby he incurred the Sentence of Excommunication, and with an obstinate Mind continued under it for fifteen Years, and at the same time celebrated divine Services : That at length, after daily Contumacy, and long Processes form’d against him, he had

had fully confessed all, and humbly desired to be absolved from his Sentences of Excommunication. Upon this he was absolved from the said Sentence, but immediately pronounced, degraded, condemned to perpetual Imprisonment, and to do perpetual Penance in Irons, and with the Bread of Sorrow, and Water of Affliction. Moreover, the Inquisitors reserve to themselves the Mitigation of the aforesaid Penance, according as they should think expedient, and he himself should deserve it by Patience and Humility, and the Sacrifice of a contrite Heart. But Pope *John XXII.* revoked this Reserva-^{fol. 135.} tion of mitigating the Punishment, and commanded that the whole Sentence and Penance pronounced against him, should be rigorously and entirely executed.

The second Instance is that of *William Garrici*, who, besides his being present at the Heretickation of a certain Person, and adoring Hereticks after an heretical Manner, is said to have consented, with others, in the Advice and Endeavour, privately by the Assistance of one of the Servants of the said Inquisition, to steal away and burn the Books of the Inquisition at *Carcaffone*, in which were written the Confessions and Depositions in the Fact of Heresy, and to have hindred by several other Methods the Office of the Inquisition. For this Reason he was excommunicated, and continued under it several Years, and was condemned to be imprisoned. But at length, after many Evasions, he acknowledged his Fault, and submitted himself to the Pleasure of the Inquisitors, humbly desiring Favour and Mercy from them. After he had solemnly abjured, not only Heresy, but also the favouring, receiving, defending, and partaking with Hereticks, he was absolved from his Excommunication, and had this Penance enjoined him; That in the first general Passage he should personally transport himself, where he should tarry during the Pleasure or Command of the Inquisitors, or their Successors. Or if he should be legally prevented, that then he should be obliged to send in his Room, at his own Cost and Expence, a sufficient and proper Soldier for the Defence of the holy Land. That within the Space of thirty Days he should depart the Kingdom of *France*, to such Place as the Inquisitors should appoint, there to abide till the Time of his transporting himself, or after that Time, if he sends a Soldier in his Room. After this Sentence was pronounced, read and published by the Inquisitors, Master *William Garrici*, upon his bent Knees, and with his Hands held up together, in Token of great Humility, said, That he accepted the aforesaid, giving and returning Thanks, first to the Lord Jesus Christ, and then to the Inquisitors, for these Favours bestowed upon him.

Other Magistrates are punished with Sentences of Excommunication, their Countries are put under Interdict, and given to the first Conqueror of them, many Instances of which we have seen in the first Book of this History. And because this Office, in it self hateful, is rendered much more so by the excessive Cruelty of the Inquisitors, who have hereby raised the Anger and Indignation of all Mankind against them; therefore Pope *Pius V.* to prevent the least Hurt or Injury from being offered them, and every Hindrance that

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that may be made to this Office, did, in the Year of our Lord 1569. publish a most severe Bull against all who should hurt the State, Effects and Persons of the sacred Office of the Inquisition of heretical Pravity, which it is well worth while to give here entire.

PIUS, *Bishop, Servant of the Servants of God, for the perpetual Remembrance of the Thing.*

IF we are possessed with a daily Care of proteſting all other Miniſters of the Church, which we have received into our Care and Patronage from the Lord; how much more neceſſary is it that we ſhould be careful, that they who are employed in the ſacred Office of the Inquiſition of heretical Pravity, may remain free from all Dangers, under the Protection of the inviolable Authority of this See, and that all Offices for the Exaltation of the Catholick Faith may be diſcharged? Since therefore the Violence of ſuch ungodly Perſons grows every Day ſtronger, who by all evil Arts endeavour to ſubvert the aforeſaid Office, and to diſturb the Miniſters of it in the Diſcharge of their Duty, we are driven by Neceſſity more ſeverely to curb this their wicked and ungodly Inſolence. We therefore ordain by this general Conſtitution, with the Advice of our Brethren, that whoſoever, whether a private Perſon, or whole City, or People, or Lord, Earl, Marquis, Duke, or any other more illuſtrious Perſon, ſhall kill, wound, drive away, or terrify any one of the Inquiſitors, Advocates, Procurators, Notaries, or other Miniſters of the aforeſaid Office, or of the Biſhops who execute this Office in their Dioceſe or Province, or the Accuſer, Denouncer, or Witneſs, at any time produced, or called out in a Cauſe of the Faith; and whoſoever ſhall aſſault, invade, burn, or plunder the Churches, Houſes, or other Things, whether publick or private, of the Office or its Miniſters; or whoſoever ſhall burn, take away, or deſtroy the Books, Letters, Authorities, Copies, Registers, Protocols, Draughts, Writings, or other Inſtruments, whether publick or private, whereſoever they are placed; or whoſoever ſhall carry them away from the Fire, or plunder, or by any other Method; or who ſhall be preſent, though unarmed, at ſuch Fire, Aſſault, or Plunder, with a Deſign to ſeize, burn, or conceal them; or who ſhall prohibit ſuch Effects and Perſons to be preſerved and defended; or whoſoever ſhall break open any Jail, or other Place of Cuſtody, whether publick or private,; or ſhall take out and cauſe to eſcape any Priſoner; or ſhall forbid any one to be apprehended, or if apprehended, ſhall reſcue, receive, or conceal him, or ſhall furniſh him with an Opportunity of eſcaping, or ſhall command it, or who ſhall make any Aſſembly or Concourse, or for theſe Ends ſhall give any Perſons his Aſſiſtance, or ſhall knowingly otherwiſe grant them Help, Counſel or Favour, publickly or privately in any of the aforeſaid, even though no Perſon ſhould be killed, no one wounded, no one delivered, eſcape, or reſcued, nothing forced, nothing broken open, burnt or plundered, altho' no Damage ſhould actually follow; he ſhall nevertheless by Authority of this preſent Canon be put under Anathema, become guilty of High Treason, and be deprived of Dominion, Dignity, Honour, Fee, and every other temporal and perpetual Benefice whatſoever, and left to the Pleaſure of the ſecular Judge, who ſhall inflict on him the ſelf ſame Punishments, which are by the
lawful

lawful Constitutions ordained against condemned Persons, and shall have all his Goods and Effects confiscated, as the Canonical Sanctions have ordered against condemned Hereticks; his Children shall be liable to their Fathers Infamy, and incapable of all Inheritance, Succession, Gift, Legacy whatsoever, whether from Relations or Strangers, nor ever be advanced to any Honours whatsoever. Nor shall any Person be able to purge himself, or to propose or carry any Cause, who shall have committed so heinous a Crime out of Contempt or Hatred of this Office, unless he can make the contrary to appear by very evident Proofs. The same also that we have ordained of the aforesaid, and their Children, we declare shall also take place with respect to all the Clergy, and Presbyters, Seculars and Regulars of all Orders, even tho' exempt; to all who have the Episcopal, or any higher Dignity, or whatsoever Privileges they may enjoy; so that they, by Authority of these Presents, shall be deprived of all their Ecclesiastical Benefices and Offices, degraded after the Manner of Hereticks, by the Ecclesiastical Judge delivered over to the secular Power, and subjected, as though they were lay Persons, to the aforesaid Punishments. However, we reserve to our selves and our Successors, the Causes belonging to the Popes, that when the Matter is enquired into, and related to them, we may proceed against them to Deposition and other the before-named Penalties, as the Heinousness of the Crime shall require. And whosoever shall attempt to ask Pardon, or otherwise to intercede for such Persons, let them know they shall actually incur the same Penalties, which by the sacred Constitutions are denounced against the Favourers of Hereticks. But if any one who is conscious or accessary to such Crimes, shall, through a Regard to Religion, or moved with Repentance, discover the Matter, before it is otherwise known, he shall be freed from Punishment. But 'tis our Desire, that this Method of granting all Absolutions whatsoever from the aforesaid Crimes, as also of Restorations and Restitutions to Reputation and Honour, shall be henceforth observed, viz. that our Successors shall grant none of them till six Months at least after their Advancement to this supream Dignity, nor without Petitions expressly made and verified to the supream Office of the Inquisition established here. Decreeing that all and every such Absolutions, Restorations and Restitutions, which shall henceforward be granted to Petitions not thus verified and express, shall be of no manner of Advantage to any one; and that they ought not to derogate in any Part from these Presents, unless the whole Tenor of them be inserted to a Word, and such Grace be granted from the certain Knowledge of the Roman Pontiff, and signed with his own Hand; and if it should happen that for any Reason they be derogated from, such Derogations shall be of no Strength and Validity whatsoever. We therefore command all and singular the Patriarchs, Primates, Arch-Bishops and Bishops, and other Prelates of Churches constituted throughout the whole World, that by themselves, or another, or others, they procure these present Letters, or Copies of them, to be solemnly published every one in their Provinces, Cities, Dioceses, and Places, and as far as they are able to be firmly observed, by restraining all Contradictors whatsoever by Ecclesiastical Censures and Penalties without any Appeal, and by encreasing again and again such Censures and Penalties, and by calling in, if Need be, the Assistance of the secular Arm. All Constitutions and Ordinations Apostolick, and all other Things whatsoever to the contrary notwithstanding. 'Tis also our Will, that Copies of these Presents shall be printed and published, and signed with the Hand of a publick

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publick Notary, and with the Seal of every Ecclesiastical Court or Prelate, and that they shall every where have the same Authority, as these Presents would, if they were exhibited and shewn. Moreover, we conjure all Princes of this World, to whom the Power of the secular Sword is granted for the Punishment of evil Men, by that Faith which they have promised to defend, so to interpose and act their Parts, either by granting Assistance to the aforesaid Ministers, or by punishing the Crimes after the Sentence of the Church, that by their Help the Ministers of so great an Office, may happily execute their Trust, to the Glory of the eternal God, and the Increase of Religion, whereby they will receive a most ample Reward from God, in the Participation of eternal Blessedness, which he hath prepared for the Defenders of the aforesaid Faith. Let it therefore be lawful for no Man to infringe, or rashly dare to contradict this Page of our Sanction, Legation, Statute, Decree, Command, Obtestation and Will. But if any one shall presume thus to do, let him know that he shall incur the Indignation of Almighty God, and of his blessed Apostles Peter and Paul. Given at St. Peter's in Rome, in the Year of the Incarnation of our Lord, **CIOICLXIX.** Ap. 1. and Fourth Year of our Pontificate.

p. 2. t. 13.
9. 24. According to the Constitution of this Bull, very grievous Punishments are often inflicted on those who violate it. *Carena* relates from *Farinacius*, that a certain Prisoner in the holy Office was hanged for killing his Keeper, in order to make his Escape. He adds, That at *Cremona*, An. 1614. a certain Jew was hanged for killing another Jew who had deposed against him in the holy Office. And not only thus, but if the Wound is not mortal, but slight, he says that he hath seen such Offenders sometimes condemned for ever to the Gallies, or at least for ten Years. This was executed upon a certain Person at *Cremona*, who had caned a Witness for deposing against his Brother in the holy Office. His Sentence was publickly read to him in the great Episcopal Hall at *Cremona*, *Carena* himself being present.

The same *Carena* gives us a Case, by which it will appear, that sometimes those who terrify Witnesses, but yet don't obtain their End, have been dismissed with a severe Reprimand, and being put in mind of the before-mentioned Bull. A certain Sergeant of the holy Office had a Message from the Inquisitor to deliver to a certain Countryman's Wife: The Woman not being at home, the Sergeant would leave it with her Husband, upon which the Countryman gave him several hard Names, and follow'd him with Weapons, crying out, *Li scirro becco torna in dietro a tor il tuo precetto.* The Pope consented that the Cause should be tried before him, July 15, 1621. and the Sentence approved was, that the said Countryman had incurred the Penalty of this Constitution, and that he was to be condemned to the Gallies for five Years; with this Addition, That from the Goodness of the Pope he should be heard, if he desired the Grace of Commutation, upon Consideration of the Plainness of the Man, and his conjugal Affection.

However, *Carena* adds a Caution, that from these Instances 'tis not lawful for the Inquisitors and Ministers of the holy Office, to make for themselves a general Rule, viz. that such who terrify the Witnesses ought to be punished,

punished, as above, and after the same Manner as those who wound them ; for this is not left to the Pleasure of the Inquisitors or Ordinaries by the Matter of this Bull, but to the Cardinals, the supream Inquisitors, to whom it belongs to declare, whether Criminals have incurred the Penalties of this Constitution, or not.

He gives us another Instance that happened at *Cremona*, An. 1592. A certain Person had accused all the Witnesses examined against him in the holy Office, and had caused them to be imprisoned by the secular Judge for sundry Crimes and Damages which they and their Cattle had occasioned in his Grounds. The major Part of the Congregation at *Cremona* thought, that although the Accusation could not be called formally that terrifying of which the Bull speaks, yet inasmuch as it appeared slanderous and deceitful, the Criminal should be obliged to free the imprisoned Witnesses from Jail at his own Expence, and pay them, when delivered, all their Charges.

This takes place, not only when any Person is accused as an Heretick, §. 17. " but in all and every Cause whatsoever belonging to the holy Office ; because every Cause belonging to this Tribunal, is properly said to be a Cause of the Faith, and to belong to it, and to infer some Mark of the Faith, either directly or indirectly. And in all Causes of this holy Office there is the same Reason for maintaining the Liberty of this Tribunal. Thus in the Year 1635. a certain *Neopolitan* Soldier had rescued from the *Sbirri* a certain Blasphemer, taken up in the Name of the holy Office, for which he was condemned by Order of the supream Tribunal of the City to all the Penalties of this Constitution. Altho' afterwards, through the Favour of the said supream Tribunal, the Punishment of Death was exchanged for that of the Gallies for ten Years. And this was publickly executed at *Cremona*, in the Hall of the holy Office."

Yea, they extend this Affair sometimes so far, that all manner of Offences committed against any one that belongs to the Inquisitors, though they have no Relation to the Faith, are punished in the same Manner, as though the Office of the Inquisition had been hindered by them, or the Inquisitor himself had received some grievous Injury. *Reginald Gonsalvius* gives us a remarkable Instance of this which happened in the former Age at *Seville*. The Bishop of *Terragone*, chief Inquisitor at *Seville*, went one Summer for his Diversion to some pleasant Gardens situate by the Sea Side, with all his Inquisitory Family, and walked out, according to his Custom, with his Episcopal Attendance. A Child of the Gardener, two or three Years old at most, accidentally sat playing upon the Side of a Pond in the Garden, where my Lord Bishop was taking his Pleasure. One of the Boys that attended his Lordship, snatch'd out of the Hand of the Gardener's Child a Reed, with which he was playing, and made him cry. The Gardener hearing his Child, comes to the Place, and when he found out the Occasion of his crying, was angry, and bad the Inquisitor's Servant restore the Reed to him. And upon his Refusal, and insolently contemning the Countryman, he snatched it away, and as the Boy held it fast, the Gardener slightly hurt his Hand

by the sharp Husk of the Reed, in pulling it from him. The Wound was far from being mortal, or from endangering the Loss of any Part, and so could not deserve a severe Punishment. 'Twas no more than a Scratch of the Skin, a mere childish Wound, as one may imagine by the Cause of it. However, the Inquisitor's Boy came to his Master, who was walking near the Place, to complain about his Wound, upon which the Inquisitor orders the Gardener to be taken up, and thrown into the Inquisitory Jayl, and kept him there for nine Months in very heavy Irons, by which he received such Damage in his Circumstances, which were at best but mean, as the poor Man could not easily recover; his Children and Wife, in the mean while, being ready to perish for Hunger. And all because he did not pay Defe-
 rence enough to the Inquisitor's Boy, as a Member of the holy Tribunal. At nine Months End they dismissed him from Jayl, and would have persuaded him, that they dealt much more mercifully with him, than his Crime de-
 served.

C H A P. XI.

Of Persons suspected of HERESY.

Direct.
part. 2.
Qu. 55,
56.

Simanc.

z. 50. §. 8,
&c. §. 17.

ALthough, in other Cases, 'tis usual to distinguish between a Suspicion and a Presumption, a Suspicion being no other than a Man's Opinion concerning a Crime, several of which Suspicions must concur to form a Presumption of it, yet in the Cause of Heresy they are taken for the same. A Presumption or Suspicion therefore in this Affair is, a probable Guess of a doubtful Matter, proceeding from the Nature of the Thing, or the Circumstances of Affairs or Persons. Presumptions arise from a Person's Country and Parents; but these are too general. Others arise from his Education, and the Manners of those with whom he converses. This is the Reason that the Inquisitors, in their first Examinations, so diligently ask the Criminals of what Nation, Country, Family and Kindred they are, amongst whom they have been educated, who were their Masters, Instructors, Companions and Friends. For these Things, and a thousand other such are usually considered in doubtful Cases, that from hence they may draw more probable Proofs. They also consider the Sex. A Man may more easily be presumed guilty of Robbery. A Woman of Witchcraft. And farther, they consider the Age, Fortune, Difference of Condition, Nature of Mind, and Inclinations.

In the Cause of Heresy Suspicion is threefold; Light, Vehement and Violent: A light Suspicion is that which arises from the external Signs of Actions and Words, by which such a Guess may be made, as may imply, not indeed frequently, but seldom, and by Accident, that he who says or does such Things is an Heretick. This is inferred by a small Consequence.

As

As if any one should argue thus: He is found to frequent private Conventicles, and in his Life and Manners departs from the common Conversation of the Faithful; therefore he is an Heretick, because Hereticks themselves are found to do such Things frequently. Such are lightly suspected of Heresy. But the Inquisitors teach, that such Persons ought not easily to be proceeded against in a Cause of such Importance. However, sometimes the very speaking to Hereticks hath not escaped without Punishment. Thus *Bzovius* relates, *An. 1234. §. 14. Acursius*, the Son of *Aldobrandinus*, a Citizen of *Florence*, incurred the Canon, because, whilst he dwelt in *France*, he conversed with Hereticks. For 'twas, they thought, a Crime for any one so much as to salute them, contrary to the Apostolick Institutions. But as he was afterwards absolved by *Raymond Peniafortius*, Penitentiary of the Apostolick See, Pope *Gregory* enjoind the Prior, and Friar *Robert*, and the rest of the Predicant Friars in *Paris*, that they should not any ways molest him, or suffer or command him to be molested.

A vehement Suspicion, which is also called *Juris*, arises from such external Words and Deeds, which, when known, infer an Argument frequently conclusive; and because, as to most, he who doth or says such Things is an Heretick; and is usually taken for full Proof, if there be nothing proved to the contrary. Such are those, who being called to answer concerning the Faith, do not appear in the Time assigned them; such who knowingly hinder the Office of the Inquisition; who knowingly give their Counsel and Assistance and Favour to such Hinderers; who instruct Hereticks when cited to conceal the Truth, and speak falsely; who are any ways excommunicated upon Account of the Faith; who knowingly favour, defend, and receive Hereticks; who are infamous for Heresy, upon account of their Familiarity with such whom they know to be Hereticks; who knowingly accompany, visit and receive Hereticks. He also who gives a Kiss to an Heretick is vehemently to be suspected of Heresy, according to the Judgment of the Synod of *Terragone*, according to this Decree: *It is likewise enquired: Whether he who gave a Kiss to one of the Inzabbatati, or an Heretick, when he believed and knew him to be such a Person, or prayed with him, or concealed him, or heard preaching or reading from him, and believed him to be a good Man, is to be judged of as a Believer of his Errors? And we say that he is not. However, let such an one be condemned as a Favourer, or Concealer, and Benefactor, and vehemently suspected to believe his Errors; unless he should be so learned or discreet, as not to be able to pretend Ignorance. And this we think proper to leave to the Pleasure of the prudent Judge.* Besides these, such also are vehemently suspected, who are judicially convicted of Perjury, or a Lye, in a Cause of the Faith, and who have often done or said any thing against the Faith, and the like, for all the particular Cases cannot be enumerated. They who do such Things are said to be vehemently suspected.

Amongst these are reckoned also, such who knowingly give Ecclesiastical Burial to Hereticks, their Believers, Receivers, Defenders, and Favourers, who bury them in the Church-yard, after a Christian Manner, with Psalms and Prayers. For he who knowingly buries those, whom the Church persecutes

Dir. 7. p. 5.
i. e. qu. 40.
com. 89.

cutes and condemns as Hereticks, or suspected of Heresy, doth, whatever he may think in his Mind, seem by Fact to declare and profess, either that the Church ought not to deprive such Persons of Burial, or that it is lawful to pray for Hereticks and their Believers, &c. because he buries them after the Manner of Catholicks. But whether this Suspicion be only light, or vehement, skilful Men must judge of according to the Quality of the Persons. The Punishment of such is Excommunication, from which they cannot be absolved without proper Satisfaction, whether it be Abjuration or Canonical Purgation. Nor can they merit the Benefit of Absolution, unless they unbury them with their own Hands, and throw out the Bodies of such condemned Persons from their Graves. Cap. *Quicumq;* in princ. de hæret. lib. 6.

The same Suspicion arises, if any one celebrates the Obsequies of such a Person after the Manner of Catholicks, when such Heretick or suspected Person dies any where else, at *Geneva* for Instance, or any other Place, where Men live and believe heretically. And finally, if any one steals away and preserves the Ashes, Bones, Garments or the like, of burned Hereticks.

But if any one finds an Heretick, or a Believer or Favourer of Hereticks, or any such Person dead, in those Places in which he cannot easily accuse them before the lawful Judges, then he may inter them, but not in holy Ground, that so their unburied Bodies may not corrupt the Air; nor shall he hereby deserve any Punishment, or contract any Suspicion of Heresy. He must however report the Affair to the Judges of the Faith, as soon as he can, that they may appoint what is needful to be done.

Tit. 49.
§. 1, 3.

part. 2.
assert. 33.

There is also another Kind of suspected Persons, *viz.* those who have said any Thing scandalous or suspected, as *Simancas* teaches us. *Tit. 49.* “No one ought to preach, who is not examined and approved. But if any Preacher thus examined and approved, shall have said any Thing scandalous or suspected, the Inquisitors must summon him, and immediately compel him, either publickly to retract it, or to explain it to the People in a pious and catholic Sense; and he is moreover to be corrected and admonished, not to dare to preach such Things for the future. But if he preaches any Heresy, he must be punished according to his Crime, and deprived of the Office of Preaching. *J. Royas* explains this more fully. Whosoever shall confess, or be convicted of Propositions rash, injurious, scandalous, or the like, he must be punished in an extraordinary Manner, and forced to abjure, according to the Nature of the Suspicion, whether it be light or vehement. 4 *Instruēt. Tolet.* cap. 8. *Instruēt. Madril.* An. 1561. c. 53. and 65. For these and the like Crimes, which are not direct Heresies, Criminals are seldom detained in the secret Prisons of the holy Office, but in Monasteries or private Places. 4 *Instruēt. Hispal.* c. 4. 3 *Instruēt. Pinciana.* c. 10. This is the Case, though the Crime be not fully proved; but pecuniary Punishments inflicted for such Offences, must be converted to the Use of the holy Office.”

But lest the Popish Doctors should be easily rendered suspected of Heresy, and deprived of their Office by the Inquisitors, they generally make use of a certain

certain Protestation, that by this Means they may escape Censure, as *Simancas* teaches. " Because 'tis dangerous to dispute about Matters of Faith and Religion, even though the Truth be spoken, therefore learned Men, wise and pious, when they treat of these Things, do with Prudence usually make a solemn Protestation, that they would not by any Means deviate from the Catholick Faith, but in all Things, and always embrace the Doctrine of the Universal Church, and willingly subject themselves to her Censure. After this they add a conditional Revocation, to this Sense: That if it shall happen that they have said or written any Thing against the Catholick Faith, they do from henceforth retract it, and would have all understand that it was said or written through Unskilfulness or Imprudence, and not through Malice or Obstinacy." But lest any one should easily escape the Censure of the Inquisitor by such kind of Protestations, *Simancas* adds these Limitations. " That such Protestation, though repeated a thousand times, doth not excuse, when any one willingly errs against the Catholick Faith; or when through Ignorance he errs in those Things, which he is explicitly required to know, unless possibly he is able to prove his Ignorance, or some Cause of his Error. But it will be of great Advantage to him when he errs in those Things, which are so difficult, obscure and doubtful, that may sometimes escape the most learned Men. Because such an Error is supposed to arise more from Ignorance than Malice."

Suspicion also arises, that a Person thinks ill of some Doctrine or Institution, or Order of the Church, or some other Thing concerning which he must believe as the Church believes, *viz.* concerning the Power of the Pope, and Prelates, the holy Religions of the Monks, the Rites of the Sacraments, and other Things, if he treat them unworthily, injuriously and disgracefully; or if he defiles these excommunicatory Libels, which are commonly called *Cedulones*, by drawing nasty Figures upon them. Such Persons *Columna Marcellius*, Arch-Bishop of *Salerno*, in a certain Answer contends, do belong to the holy Office, because, by this Action, they seem to think wrong of the Power of the Prelates, and to contemn the Censures of the Church, and to scoff at and disgrace the Church which uses such Censures. Farther, if any one persists in his Excommunication for two Years, or for one, he is suspected of Heresy. For then 'tis presumed that he thinks ill of the Sacraments of the Church, and its Power, because he despises its Excommunication. But if any one be excommunicated for Contumacy committed, in a Cause of Heresy, after a Year he is looked on as an Heretick, and may be punished as such.

Such also are suspected who converse with Hereticks, and from such Conversation there arise Signs sufficient to put such an one to the Torture, as *Carena* teaches, p. 2. l. 4. §. 7. n. 69.

A violent Suspicion, which is also called *Juris* and *de Jure*, is a certain Disposition of the Law, presuming something, and determining upon such Presumption, as though it were certain and known. Nor can any Proof to the contrary be regularly and directly admitted against such Presumption; because, as it proceeds from open and violent Marks, it is taken for a manifest

fest Truth. It arises from external Signs of Actions or Words, by which it may be concluded effectually, and almost always, that he who says or doth these Things is an Heretick. As if heretofore any one should adore Hereticks, or reverence them after their Manner; or receive the Consolation or Communion from them, or do the like Things belonging to their Custom. Cap. *Filii & Accusatus*. Extra. de hæret. lib. 6. Such are said to be violently suspected.

A Person lightly suspected, is enjoined Canonical Purgation, or even a light Abjuration. In this Case however the Proceeding must be cautious; because if any one falls into the like Suspicion after Abjuration, he must be more grievously punished. Cap. *Accusatus*. In princip. *A Person accused or suspected of Heresy, against whom there is arisen great and vehement Suspicion of this Crime, if in Judgment he abjures his Heresy, and afterwards falls into the same Suspicion, ought to be looked on as a Relapse by a certain Construction of Law, although before his Abjuration the Crime of Heresy hath not been proved. But if such Suspicion shall be light and moderate, although on this Account he is to be more grievously punished, yet he is not to be punished as those who relapse into Heresy.*

A Person vehemently suspected is not an Heretick, nor can he be punished as an Heretick. Extra. de præsumpt. c. *litteras*. §. *Quocirca*. where 'tis expressly said, *Because for the mere Suspicion, though vehement, we would not have him condemned for so grievous a Crime. But he must be commanded to abjure generally every Heresy, and especially that in which he offended, as a Person vehemently suspected. And this is no light Punishment. Because if he afterwards relapses either into his former Heresy, or any other, or associates with those whom he knows to be Hereticks, or affords them such Favour as is capable of no Excuse, he incurs the Penalty of the Relapsed. Cap. Accusatus. where we have these Words. But as to the Person who offends in one Sort or Set of Heresy, or errs in one Article of Faith or Sacrament of the Church, and afterwards shall abjure simply or generally his Heresy; if after this he offends by falling into another Sort or Set of Heresy, or errs in any other Article or Sacrament, we will that he shall be judged as one relapsed into Heresy. He also, concerning whose Fall into Heresy before Abjuration, there hath been, or now is a Certainty, who, after such Abjuration, shall receive, accompany, visit, or associate himself with Hereticks, or shall make or send them Presents or Gifts, or grant them such Favour as cannot be excused, even though he doth not adore them, to use your Words, is deservedly to be judged as a Relapse; since 'tis not to be doubted that these Actions are the Consequence of the former Error he approved. If he doth not consent immediately to abjure at the Command of his Judge, he is excommunicated; and if he continues under Excommunication for a Year, he must be condemned as an Heretick, and delivered over to the secular Arm; and may in the mean while be punished with some lesser Punishment, at the Pleasure of his Judge, as particularly with a Fine.*

Simanc.

§. 46.

§. 76.

“ But this only takes Place, when the Criminal is vehemently suspected,
 “ and upon account of his Age, or State of Health, or any other Cause, can-
 “ not be tortured or purged. In such a Case he is carried out in publick,
 “ clothed

“ cloathed with the penitential Habit, and is solemnly to abjure, and to forfeit the third Part of his Effects, more or less, at the Pleasure of the Judge. “ But these Penalties must be applied to the Expences of the Office of the holy Inquisition, nor can they be received as Payment of the Salary due to them, or their Ministers, as is more fully contain’d in a certain Command of the General Inquisition. 4 *Instruct. Tolet. cap. 8.*”

As to the Heirs of those who are suspected of the Crime of Heresy, and who are Favourers, &c. of them, they must not be condemned to pay those pecuniary Penalties, if such suspected Persons die, whilst the Accusation is depending; because Suspicions, though vehement, are extinguished by the Death of the Criminals. *Cap. Accusatus. §. Porro. Moreover, if any one, upon account of the Reception, Defence, or favouring of such Hereticks, shall have bound his Estate to perform that Penance which the Inquisitors would enjoin him, and shall die before such Penance be enjoin’d him, his Heirs shall not be obliged to make such Satisfaction for a Crime already extinguish’d by Death. Nor can they be compelled to perform a personal Penance enjoin’d to such suspected Person, but not actually perform’d by him. But they may be forced to perform the Penance actually enjoined him, whilst alive, out of his Estate. Cap. Accusatus. §. si vero. But if any one hath tied his Estate to the Inquisitors, to receive from them and perform Penance, upon account of those Things in which he hath offended, by receiving Hereticks, or defending and favouring Hereticks, though he is not an actual Heretick himself, and shall die after such Injunction of Penance, without having performed it; if by such Penance any Burthen, profitable to Salvation, be laid upon, and to be exacted from his temporal Estate, his Heirs may be compelled by the Inquisitors to fulfil it, or any other to whom such Estate with this Incumbrance on it may devolve. So that if it was enjoined him to build a Church or Hospital, or to restore Usury, and the like, and he hath bound his Estate for accomplishing the said Penance, to whatsoever Successor, even though to any particular one, such Estate shall, after his Death, devolve, it always comes to him with such Incumbrance. This is also provided for by the Council of Biterre, cap. 19. Let the same take place as to those, who die after having received Penance, but have delay’d to perform it; or, as above-mentioned, have tied their Estates to fulfil it.*

He who is violently suspected, is to be condemned as one convicted of Heresy, and as an Heretick. *Cap. Excommunicamus. 1. §. Qui vero. Extra. de hæret. lib. 5. & Cap. Cum contumacia. & Cap. Ut Officium.* For he either confesses his Crime or not. If he confesses, and will return, and abjure his Heresy, he must be admitted to Penance. *Cap. Ad abolendam. & Cap. Excommunicamus. 2. §. fin.* If he doth not consent to abjure, he must be delivered over to the secular Court, and receive his deserved Punishment. *Cap. Ad abolendam. §. 1.* If he doth not confess his Crime after he is convicted, and will not consent to abjure, he is to be condemned as an impenitent Heretick. *Cap. Ad abolendam.* From these Things it appears, that although a light, a vehement, or violent Suspicion, arise from different Causes, yet it may happen that a light Suspicion may at length arise to a violent one, and the Beginning of a violent Suspicion end in a light one. For Instance, if one lightly suspected,

suspected, and cited to answer concerning the Faith, doth not appear, he becomes vehemently suspected, and is excommunicated. And if he abides under that Excommunication for a Year, he is violently suspected, and condemned as an Heretick.

C H A P. XII.

Of Persons defamed for HERESY.

Direct.
p. 2. qu.
57.

WHO they are that are defamed for Heresy, we are taught by the Council of *Tbolouse*. Cap. 16. *Such ought to be accounted defamed, who are cried out against by publick Report, or of whose Defamation amongst good and grave Persons there is legal Proof before the Bishop of the Place.* So that to the perfect Proof of such Defamation or Infamy for Heresy, two good and grave Witnesses suffice. But if they are vile and infamous, although they are not to be despised on this Account, so as to stop proceeding to an Inquisition from what they depose, yet such Defamation is not fully proved by them.

Lucern.
Inq. in
voce Infam.

They say also, that 'tis not necessary that the Witnesses should hear this Infamy from the same prudent and discreet Persons; but 'tis sufficient, though they hear it from different. And they give this Reason for it; because as they are only to prove Infamy, 'tis sufficient if the Witnesses agree in and concerning this Matter. Yea, they teach farther, that 'tis not necessary that the Witnesses should agree as to the Causes of their own Knowledge. So that if the Witnesses should say, they know this Infamy, because they have heard of it, they are not bound to prove they have heard it; nor is it required that one Witness should agree with the other as to Time and Place, and the Causes of their Knowledge. Because the Question is not about these Things, but only concerning the Fame and Infamy. So that tho' they appear singular in what they say, their Assertion shall be abided by.

ibid.

When once this Infamy is proved by Witnesses, they enquire, whether the Person inquisited can prove himself to be of good Reputation, and thus put a Stop to the Inquisition concerning the Truth of the Crime, and take away the Proof of his bad Character. Here the Popish Doctors greatly differ. Some say, that the Proof concerning his good Character, ought not to be admitted, because it seems to be elusive. For if an hundred Persons should say such an one hath a bad Character, and a thousand that he is of a good one, the Proof of the good one doth not discharge him, because he still remains infamous in the Account of others, and the Inquisition is to be made in regard of them. Others say, that the Report of the greatest Number is to be stood to. Others, that the Proof is to be admitted, but whether it affects the contrary Proof depends upon considering wherein the publick Report agrees, what is the Quality of the Witnesses and Persons, according to which the Judge is

to determine which of the Proofs is valid. Others say, that either the Witnesses on both Sides depose concerning the Person's Character, as to the same Place and Time, and then the most credible Witnesses are to be believed; or the Witnesses on both Sides are equally credible, and then the greatest Number must determine; or the Number of them is equal, and then the most probable Proof is to take Place, and that Proof is to be accounted the most probable, which adds Weight to the Cause by any like Presumption.

The Punishment of one thus defamed is Canonical Purgation, and some other ordinary Penalty. *Cap. Excommunicamus itaq; Extra. de hæret. §. Ad-jicimus*, when the Defamation is fully proved. But if it is not fully proved, the Person cannot be compelled to a Canonical Purgation, unless there be fuller Proof, and other Signs and Tokens concur with the Defamation. They say 'tis the same, if the Infamy arises from Rivals and Enemies. This is sufficient to give a Beginning to the Inquisition, but not to enjoin Canonical Purgation, unless what they say be probable. Sometimes also Persons are defamed for Heresy upon this Account, that they have lived in Places defamed or suspected of Heresy, and from thence have come amongst the Papists. In this Case the Synod of *Saltzbourg*, held two Ages ago, hath decreed: *The Parish Priests ought also to observe those who come from the Countries of Constit. 6. Hereticks, or Places suspected of Heresy, and to consider the Words and Deeds of all cap. 2. such, and to take Cognizance of their Life, Behaviour and Manners; and if there be any Ground of Suspicion, to acquaint the Ordinary with it.* Finally, the Council of *Tbolouse* hath provided, That the Prelates, Barons, and all other Lords *cap. 16. of Countries, shall not have in their Families or Counsel, Persons defamed or suspected of Heresy, in these Words: Neither let them presume to have or retain in their Family or Counsel, such Persons, viz. Hereticks, or Believers of Hereticks, or any other defamed of Heresy, or whom they believe to be suspected concerning it.* This they explain, not only of Persons condemned, and judicially and legally proved to be infamous and suspected, but of such Persons before they have received Sentence.

C H A P. XIII.

Of Persons Relapsed.

A Person is said to be relapsed, upon a double Account, either into Here-^{Direct.}fy, or the favouring of Heresy. One relapsed into Heresy is he, who ^{p. 2. qu. 58.} after he hath been convicted either by the Evidence of the Fact, or his own Confession, or by a legal Production of Witnesses, hath publickly abjured his Heresy, and is convicted of falling into it again. So that though a Person who falls into the same Error again and again, without any solemn Pen-

nance intervening, or making an Abjuration or Canonical Purgation, may be truly said to be a Relapse, yet he cannot be punish'd as such, so as to be delivered over to the secular Court, if so be he will repent. Of these relapsed Persons there are four Sorts. The first, when any one falls into the same Heresy he hath abjured. Here the Doctors dispute, whether or no a Person who abjures as an Heretick before the Inquisitors Subdelegate, and afterwards falls into the same or any other Heresy, is to be accounted as a Relapse, if there be no Certainty of the Subdelegation of that Judge before whom he abjures. However, in the City of *Como*, a certain Woman, who had thus abjured, was given over as a Relapse to the secular Arm, and burnt, by the Advice of the whole College of Counsellors in that City, and of the Bishop, and of *John Thomas Odeschalcus*, a Senator. It was determined also after the same Manner at *Mantua* in a like Case. The second, when any one falls into an Heresy which he abjured as vehemently suspected, but not if he only falls again into a vehement Suspicion of Heresy. The third, when after a general Abjuration of Heresy, he falls into an Heresy different from the particular one he abjured. The fourth, when after having abjured as an Heretick, he accompanies, visits, &c. Hereticks, sends them Presents, or grants them Favour.

Carena, p. 2. t. 2. §. 5. n. 31. The Gloss on the aforesaid cited Chapter only excepts the Case of Hunger, which excuses, provided it be violent. But this Exception was not allowed by the supream Council of the *Spanish* Inquisition, in which a certain Person was delivered over to the secular Arm as a Relapse, who having been reconciled as a *Moor*, returned afterwards to some of that sort, and would have excused himself by this Gloss, that he went to them upon account of Hunger.

p. 2. assert. 41. §. 332. So that in order to a Man's being accounted as a Relapse, *J. Royas* says 'tis necessary, that it be proved that the Criminal did fall into Heresy, and is now fallen again into it. The Proof, as to the first, must be true or presumptive, as to the second Legal: He therefore advises, that the Promoter Fiscal should be cautious in accusing the Criminal of his first Lapse, that he may not be obliged only to exhibit the first Sentence pronounced against such a Relapse, but that it may appear by the Confession of the Criminal, and the Instrument of his Sentence, that he was fallen into Heresy, and hath abjured. But even then the Criminal is to be heard, desiring to alledge and prove his Innocence. The same *Royas* says, that in the Inquisition of *Valence*, there is an Apostolick Indult, which provides, that Persons relapsed, if *Moors*, and truly penitent, may be again reconciled to the Inquisitors, because new Converts should be more mildly dealt with. But this must not be extended to their Teachers commonly called *Alfaquins*.

§. 335. §. 348. *tr. iv. fol. 417.* But besides these, there are two other Ways, by which a Person is accounted to be a Relapse. First, When he is found to be perjured after Abjuration, according to the Rescript of *Innocent IV. Sperabamus. Calling before you again as well those who have confessed concerning heretical Pravity, as those who have not, whether they have been enjoined Penance by you on this Account or no, compel them to declare the Truth, as well concerning themselves, as others suspected of Heresy;*

Herefy; so that if any of them be found to have suppressed the Truth in any Thing, or as Dogs, to have returned to the Vomit, they shall be altogether accounted unworthy of all Favour. From whence the Author of the Book, Concerning the Form of Proceeding against Persons inquisited for Herefy, of which Calderine is supposed to be the Author, infers, that such Persons are accounted Relapsed. Secondly, When after Abjuration and Purgation, the Criminal hath not performed the Penance enjoined him by the Inquisitors. To this Purpose the Words of the Council of Biterre are cited. *Whosoever shall lapse again after such (general) Abjuration, and they who do not observe and do the Penances enjoined them, let them be punished as Relapsed.* Bernard Comensis is of the same Opinion. *If Hereticks do not fulfil the Penance enjoined them after having abjured Herefy, Matthew says, they ought to be accounted as Relapsed, and he alledges the Text, Clem. 3. eod. tit. in fi. ibi, & satisfacionem habuerint. He also cites Cap. ad Abolendam. §. penult. Pagna notes, That this Opinion, simply taken, is not true, but that many Heads must be distinguished, that the Truth may be understood, as we have taught in our Directory of the Inquisitors, p. 3. q. 97.* But between these and the former sort of relapsed Persons, there is this Difference, that the former are to be left without any Mercy to the secular Arm; but as to the latter, 'tis in the Inquisitors Pleasure to deliver them to the secular Judgment or not.

However, all who do not observe the Penance enjoined them, are not pro-miscuously accounted Relapsed. This Penance is either altogether contrary to Herefy, viz. if the Penitent be commanded to abjure, to preach against his Errors, not to communicate with Hereticks, and the like. In this Case, if he doth not obey, they say he may be punished as a Relapse. Or the Penance tends to the Purgation of his Fault, viz. when Fastings, Prayers, and other pious Works are enjoined the Penitent. In this Case he who doth not perform every Thing, may be punished with an arbitrary Fine. But Simancas is of a different Opinion, who thinks such Persons to be obstinate, impenitent, or any Thing rather than Relapsed; and that therefore Penance ought to be again enjoined them at the Pleasure of the Judges, according to the Nature of their Crime.

In like manner he who is condemned to perpetual Imprisonment, and escapes out of it, is generally accounted as a Relapse, because his Conversion seems to have been feigned, and he himself to have fallen into his former Error. Bernard Comensis is of this Opinion. But Simancas rejects this Opinion and false, and says, such a one is an Impenitent, but not a Relapse. So that whilst he continues his Escape, and doth not satisfy the Penance enjoined him, he may be condemned as an Impenitent. But if either he returns himself, or is apprehended, and ready to satisfy the Church, then he is to be enjoind a greater Penance upon account of his Escape, but is to be kindly received into the Bosom of the Church.

As to the Punishment of the Relapsed, the Council of Tarragone hath formerly thus determined. *Some Persons doubt, whether Persons relapsed into the Belief of Hereticks, and dogmatizing Hereticks, ought to be left to the secular Judgment, if after they are apprehended they will repent. To us it seems that they ought not.* But

in every such Case they are to be condemned to Imprisonment. Thus also Guido Fulcodius, in a certain Consultation, answers. But if, which God forbid, such should relapse, they are not to be received without a publick Penance, which is elsewhere determined, unless it may possibly occasion any Scandal, and a greater Division, which we ought diligently to take Care of. But the Council of Narbonne, cap. 11. thus determines. As to those, who, after their Abjuration of Error and Purgation, shall be found to have fallen again into the Heresy they have abjured, leave them without farther hearing to the secular Judgment, to receive their due Punishment, since 'tis enough that such have once deceived the Church by a false Conversion.

Carena,
p. 2. t. 1.
§. 6. n. 41.

tit. 57.
§. 8.

There is only this Difference, that if they repent, they are not denied the Sacraments of Penance and the Eucharist. Cap. *Super eo. de hæret. lib. 6.* But in Spain the Eucharist is generally denied to such Relapsed, upon account of the Danger which may happen by the Alteration which he receives, who is to be delivered over to the secular Arm, and he is only allowed the Sacrament of Penance. Hence they say, that relapsed Penitents are reincorporated into the Church, which is done by the Sacrament of Penance; but that they are not reconciled to it, because the Sacrament of the Eucharist is necessary in order to it. But if they do not repent, they are delivered over to the secular Court as obstinate Hereticks. But *Simancas* observes, that there are some "who think that relapsed Hereticks may sometimes obtain Pardon, viz. when "any one really relapsed, and not yet accused, nor convicted by any Witnesses, "secretly accuses himself to the Inquisitors, voluntarily confesses his Errors, "and with Tears asks Mercy, being ready to undergo any Penance, because "as to him there can't be that evil Suspicion, by which relapsed Persons are "presumed to be feignedly converted. But *Simancas* himself is of Opinion, "that this can't be defended, unless it be helped out with a favourable Inter- "pretation, because the Judge is the Keeper and Minister of the Laws, and "not the Lord of them." We must not omit here, that Pope *Paul IV.* Anno 1555. by a Bull beginning, *Cum quorundam hominum*, commands, that all and singular such should be accounted as relapsed into Heresy, and delivered over as such to the secular Court, even for the first Fault, who teach that God is not three in Persons, that the Lord Jesus is not consubstantial to the Father and the Holy Ghost; or that he was not conceived of the Holy Ghost; or that he did not undergo the Death of the Cross to reconcile us to the Father; or that the Virgin Mary is not the true Mother of God; or did not preserve her Virginity entire, viz. before, when, and always after she brought him forth.

A Relapse into the Favouring of Heresy, is one who hath abjured such Favouring, and afterwards relapses into it, as the Council of *Tarragone* defines it. But whether this is to be understood, if they relapse into the same Favouring, or into any other, and whether both, or the former only, are to be delivered over to the secular Court, and punished with Death, the Laws do not clearly determine. And therefore some think it the safest way, in such Case, to consult the chief Pontiff, or the Senate of the general *Roman* Inquisition.

The Council of *Tholouse* hath thus determined concerning Persons relapsed into the Favouring of Heresy, as this Decree is extant in the Book, *Concerning the*

the Method of Proceeding against Persons inquisited for Heresy. As to those who were known to be Receivers, Defenders and Favourers, and have been reconciled, and sworn to obey the Commands of the Church, and have fallen again into the Crime they have abjured, or obstinately refuse to receive and fulfil their Penances; if being afterwards admonished, or not admonished, they will humbly acknowledge their Guilt and amend, after receiving from them such and so great Securities, besides the Caution of an Oath, as may restrain them by the Fear of temporal Punishment, enjoin them such Penance as may be a Terror to others. But otherwise proceed against them as far as ye can by Law.

C H A P. XIV.

Of such who read and keep prohibited Books.

BESIDES these there are others, whose Crimes may be thought more properly to belong to another Court. But it sometimes happens that they are said to be sprinkled with the Plague of Heresy, because they are suspected of it, and therefore must be inquisited upon account of their Intention. Amongst these first occur those who read and retain Books prohibited upon account of Heresy. These are numbered amongst suspected Persons, and there are several severe Edicts of the Roman Pontiffs against them.

Pius V. published a Bull upon the Festival of *Cena Domini*. In the first Chapter are excommunicated all Hereticks and Shismaticks, of whatsoever Name or Sect, and all Favourers, Receivers, and Believers of Hereticks, and those who any wise knowingly read, keep in their Houses, print, or in any wise defend, for any Cause, publickly or privately, under any Pretence or Colour, and in general all who defend their Books, without the Authority of the Apostolick See. Pius IV. recalled all Licences of reading and keeping such Books, by his Constitution, which begins, *Cum pro munere*, March 24. 1564. By these Letters he commands, that all Persons shall deliver and consign over all condemned Books to the Inquisitors of the Cities where such Books are. In like manner those who retain them cannot be excused, even though they keep them locked up in a Chest, so that no one can see or read them, because all such Excuses are cut off by this Sentence, and by the alledged Constitution of Pius IV. Again, those who print them are excommunicated; and also those who in any wise, or for any Cause, publickly or privately defend heretical Books, &c. and the Absolution of all such Persons is reserved to the Pope.

And that all manner of Leave of reading even the least Thing in a Book condemned for Heresy, may be cut off, they declare that they understand not only printed Books, but even Manuscripts and Parts of them, which they thus expound. He who reads that Part of the Books of Hereticks that

that are divided into Tomes, which doth not professedly contain Herefy, is not accounted to read a Book prohibited by the Bull *Cana*, even tho' the other Tomes should be heretical. But if a Tome contains Herefy, or treats of Religion, and it be divided into several Books, he who reads one of the Books of such a Tome, is said to read a Book prohibited by this Bull, even though the particular Book doth not contain Herefy, nor treat of Religion, and is bound up separately from the others. Yea, 'tis enough to say that a Person hath read a prohibited Book, if he only just runs it over with his Eyes, adverting to the Things written in it, though he doth not mention one Word of it with his Mouth. And yet, which is strange, they add, that he who by Memory recites a prohibited Book, though he doth it with an evil Intention, is not accounted so to read it, as to incur the Censure pronounced against such who do; so observant are they of the Letter of the Law; though at the same time he incurs the Censure of the Bull, who reads a Book prohibited by it, though he doth not do it with an ill Design, but out of pure Curiosity, or to confute the Errors of Hereticks. But to a Man's incurring the Penalty of Excommunication, 'tis necessary that he should knowingly read it. So that Ignorance excuses, but not when 'tis gross and affected, *viz.* when a Person pretends not to know that the Author of a Book was an Heretick, although he knew the Book treated of Religion, or that the Book treated of Religion, although he knew the Author to be an Heretick. He who keeps the aforesaid Books either in his own, or another's House, whether he understands the Book or not, whether it be the whole or a part, even so much as a single Leaf, whether he keeps it to read, or only for Curiosity and Ornament's sake, or to exchange for other Books, or to wrap up what he sells with the Leaves of it, incurs the Excommunication of the Bull. Likewise he who causes it to be printed, defends it, praises it, says 'tis not fit to be burnt or prohibited, or hinders its coming to the Inquisitors Hands.

22. These are all suspected concerning the Faith, and may be punished by the
 23. Inquisitors as suspected. But if any one doth not deliver an heretical Book
 28. to the Inquisitors, but burns it by his own Authority, he is not suspected of
 33. Herefy, though he falls into Excommunication; because *Julius III.* by a Con-
 34. stitution, beginning, *Cum meditatio cordis*, commands, that such Books shall
 36. be really and effectually delivered up to the Inquisitors. When any one de-
 30. livers up a Book to the Inquisitors, he must be interrogated by them whence
 Carena, he had it. He who keeps an heretical Book, which hath not the Author's
 p. 2. t. 10. Name, is himself reputed the Author, unless he discovers his Name, and
 46. whence he had the Book. If any bring the Books of Hereticks, prohibited
 39. either for Herefy, or false and suspected Doctrine, to any Country of the
 41. Faithful, they are Favourers of Hereticks, incur Excommunication, have all
 their Goods confiscated, and if they are mean Persons, are whipped; but if they
 are of the better Sort, they are banished at the Pleasure of the Inquisitors.
 But these are not the only Punishments used. Tyranny prepares the Way
 42. for greater Cruelty. If there arises a vehement Presumption of Herefy, up-
 on account of any one's reading, retaining, defending, or printing the Books

of Hereticks, and other additional Circumstances, they can make use of the Torture to find out the Truth.

The Circumstances are such as these. If the Persons inquisitioned are learned, Carena, Secondly, If the Books contain Heresies. Thirdly, If they have kept and read them a considerable Time, and with Care, and have imported them from distant Countries. These Things render the Person vehemently suspected, and he may be tortured concerning his Intention and Belief of heretical Propositions, and his Accomplices, from whom he had the Books, and may be forced to abjure upon account of the vehement Suspicion, and be banished at the Pleasure of the Inquisitors. Such who write out the Books of Hereticks, in order to print and publish them, and such who sell Paper and Ink for such Writing and Printing, if it be knowingly, are Favourers of Hereticks, and may be arbitrarily punished. Nor is he free from Punishment who reads and retains the Book of an Heretick, professedly containing Heresy, or treating of Religion, although he doth it with a Design to confute the Errors of it, and the holy Office is apprised of such Design. For Instance, if an House be searched, and prohibited Books are found in it, and at the same time such Writings as recite the Passages of such Books, and confute the Errors of them; although such a Person is free from all Suspicion of Heresy, and must not therefore be tortured or made to abjure, yet he is to be punished, and falls into the Excommunication of the Bull *de Cæna*, because he keeps the said Books without Leave, and by his own Authority, but must therefore be absolved from it again. Soufa 43. Carena, n. 28, 29.

This Interdict of reading prohibited Books is so universal, that it comprehends even the Clergy themselves, and as most contend, the Bishops and very Cardinals, who cannot read the said Books without the Pope's Licence; because all Licences and Privileges were revoked by *Julius III.* in a Constitution, beginning, *Cum meditatio*; and afterwards by a Constitution of *Paul IV.* beginning, *Cum futurum*; and of *Pius IV.* *Cum pro munere*; and by a Constitution of *Gregory XV.* published Dec. 30. 1623. beginning, *Apostolatus officium*; and finally by a Constitution of *Urban VIII.* published Ap. 11. 1631. this Revocation was often confirmed. Hence it is that this Penalty is appointed against the Clergy who retain and read prohibited Books, that they are vehemently suspected, may be deprived of the active and passive Voice, suspended from divine Services, deprived of the Offices of Reading, Preaching, &c. and farther be enjoined Fastings, Pilgrimages, &c.

As to the Inquisitors, some will have them not to be comprehended in the Bull; others, that they are as well as others, unless they have particular Leave from the Pope himself, or the Congregation of the Cardinals of the holy Office, who alone have the Power of giving this Licence, and not this unless it be in full Congregation, or at least not without the major Part of the Cardinals be present. And even this their Power some so far restrain, as to contend that the College of Cardinals cannot grant it during the Vacancy of the See. But whatever the Power of the Cardinals Inquisitors General in this Case is, 'tis limited by an express Exception of the Books of *Charles Molière*. 12, 13. 9. Soufa, l. 1. nœus, §. 59.

- §. 64. *næus*, the reading of which the Pope only can allow; according to the Constitution of *Clement. VIII.* beginning, *Apostolicæ sedis auctoritati*, published *An. 1602.* But in *Portugal* the Inquisitors General may, by the Concession of *Paul IV.* to Cardinal *Henry*, *Dec. 10. 1560.* grant Leave to the Inquisitors and other Persons of approved Life and Religion, if they are proper, and skilful and learned in Divinity, and not at all suspected, to read any prohibited Books whatsoever, for this Reason only, to enable them to oppose and refute Hereticks. The same Power that is granted to the Inquisitors, is also understood to be granted to the Deputies of the Inquisition in the Kingdom of *Portugal.* Because, as they enjoy the Privileges of Inquisitors, and have a decisive Vote in Causes, and are Judges in Causes of Heresy, and can punish Hereticks, as well as burn their Books, they may read the same prohibited Books, which the Inquisitors themselves are permitted to read. This they may with much greater Reason do, who are of the Council of the supream Senate of the Inquisition.
- §. 57.

C H A P. XV.

Of POLYGAMISTS.

Carena, *p. 2. l. 5.*
 §. 2.
Polygamists are those who marry several Wives at once. The Tribunal of the Inquisitors takes Cognizance of their Cause, because they are suspected of Heresy, and are presumed to think wrong concerning the Sacrament of Matrimony, and to hold it lawful to have several Wives at once.

§. 10.
 n. 55.
 When a Polygamist is in the Jaysls of the holy Office, and he is known to be the self same Person, either by his Confession, or by Witnesse, and when his Crime is proved, he is asked, Whether he truly believes that it is, and hath been lawful for a Christian Man, after the Evangelick Law, to marry several Wives at once? If he answers affirmatively, he is taken for a formal Heretick, and is to be punished as such. But if he answers negatively, and like a Catholick, denying that he had any heretical Intention, but was rather enticed to a second Matrimony by the Lust and Concupiscence of the Flesh, he must be put to the Torture concerning his Intention, that the Judges of the Faith may certify themselves what the Polygamist truly thinks concerning the Faith, because the Crime of Heresy is secret, and lies hid in the Mind. This is peculiar to this holy Office; though, according to the Laws of it, they rightly apply the Torture. For since the Fact which the Criminal confesses, or of which he is convicted, may be committed without any Error of the Mind, but for some other Cause, for Instance, Concupiscence, the Criminal is tortured concerning his Intention and Belief of those Things which he hath done. And thus we see, that 'tis a smaller Crime in the Church of *Rome* to marry two Wives thro' Lust and carnal Concupiscence,

cupiscence, contrary to the Dictates of Conscience, than from some Error of the Mind, and with a Conscience that doth not condemn the Fact.

Polygamists are suspected of Heresy. In *Spain* they are only lightly §. 11. suspected, and therefore, according to the general Custom of *Spain*, they must abjure only as lightly suspected. But in the supream Tribunal of the *Roman* Inquisition, they are vehemently suspected, and must abjure as such.

Yea, such who marry a second Wife, being ignorant that the first is dead, ^{n. 59.} but yet bring Witnessess to prove that they had no Wife, although their actual Polygamy is not certain, yet they must abjure as vehemently suspected, and be condemned to the Gallies. *Carena* gives us an Instance of a certain Person of *Bologna*, who had married his first Wife there, and afterwards, having examined Witnessess, to prove he never had a Wife, married a second at *Naples*, being ignorant whether the first was dead. This Man was brought before the Pope by the sacred Congregation, *Octob.* 19. 1620. and being first put to the Torture concerning his Intention, he was forced to abjure as vehemently suspected, and condemned to the Gallies for five Years. Because, though his actual Polygamy was not certainly proved, yet, as to himself, he had consummated the Crime.

But if any one, during the Life of his first Wife, betroths another, he is only lightly suspected, and must therefore only abjure as such. And they give this Reason of the Difference; because, in this Case, there is no actual Abuse of the Sacrament, but only an evil Disposition of Mind to abuse it.

After Abjuration these Polygamists are enjoined various salutary Penances by §. 13. the Inquisitors, such as Fastings, Prayers, and the like, after which, he who ^{n. 61.} hath married two Wives, is condemned to the Gallies for five Years; and if he hath produced false Witnessess to prove the Death of his former Wife, for seven Years and more, at the Pleasure of the Inquisitors, and is commanded to return to his first Wife. If they are of the ordinary sort of People they are generally beat, and half their Effects confiscated. And in some Places they have an infamous sort of a Mitre put on their Heads, and are afterwards beaten. In *Spain* they are condemned to the Gallies for ten Years. If any one hath married thrice or more, he is more grievously punished, and condemned for a longer while to the Gallies. Thus at *Rome*, *May* 18. *An.* 1597. four Polygamists were condemned to the Gallies in the Church of St. *Mary supra Minervam*, by the supream Tribunal of the *Roman* Inquisition, two of them for seven Years, who had married three Wives, and the other two for five Years, who had married two.

C H A P. XVI.

Of those who celebrate and administer the Sacrament of Penance, not being Priests.

Soufa, l. 1. §. 32. n. 7. **H**E who celebrates Mass, not being in Presbyters Orders, is subject to the Judgment of the Inquisitors, and opposes in Fact the Catholick Verity, according to the Constitution of *Gregory XIII.* beginning, *Officii nostri.* The Evil of this Crime, according to *Soufa*, reaches to Idolatry, because those who thus celebrate, make the Faithful of Christ to adore Bread and Wine, as though it were the true Body and Blood of our Lord.

In like manner he who is no Priest, and yet hears Confessions, and gives Absolution, is said to abuse the Sacrament, and greatly to injure his Neighbour.

Carena, p. 2. t. 11. §. 1. Such are vehemently suspected of Heresy, because they think, at least as to the very Fact, that other Persons besides Priests may be the Ministers of those Sacraments.

§. 6. n. 30. Such Criminals are to abjure as vehemently suspected, and are then delivered over to the secular Arm to be punished with Death; but are first degraded from their Orders if they are in any. Thus *An. 1636.* and the following, two of these Criminals were delivered over to the secular Court at *Naples*, and by Order of the holy Council first hanged, and then burnt.

§. 7. *Urban VIII.* commanded by a Letter of Cardinal *Mellinus*, to the Inquisitor General of *Portugal*, *March 5. 1622.* that Criminals confessing, or convicted of this Crime, should be absolutely delivered over to the secular Arm, and punished with Death. But in as much as before these Letters they were not punished with Death in *Spain*, according to the Constitutions of *Gregory* and *Clement*, so *Soufa* affirms, that he never saw this Punishment inflicted in the Kingdoms of *Spain*, after the said Letters of Cardinal *Mellinus*. But this

Soufa, l. 1. §. 32. n. 13. was the Method of Punishment there generally made use of, *viz.* that if the pretended Priest was a Layman, or vile Person, he was beat, and sent to the Gallies, and enjoined some spiritual Penances. Or if he was a Person of Credit, or a Religious, he was sent to the Gallies. If of such Quality as that he could not be sent to the Gallies, he was banished; and, if in any Order, suspended from it the whole Time of his Banishment. If the Offence was attended with any aggravating Circumstances, they add other Punishments according to their Quality.

We have an Instance to this Purpose in the Book of Sentences of the *Toulouse* Inquisition, *fol. 122.* A certain Countryman called *Rolland*, believed he had a Power from the Lord to celebrate Mass, and to consecrate the true Body of Christ from common Bread, and the true Blood from Wine mixed with Oyl and Salt, in a wooden Bowl that had a Foot to it, which he used instead of a Chalice. And thus he every Day sacrificed secretly in his own House,

The HISTORY of the INQUISITION.

“ upon a certain Scaffold built of Wood, in the Market-place of the City,
 “ which they call *Noede*, because he assumed to himself, by certain false A-
 “ postolick Letters which he had forged, the Title and Name of the Bishop
 “ of *Laubatch*, and being for some time taken as a Suffragan to the Bishop of
 “ *Utrecht*, had presumed to celebrate and exercise the lesser and greater Or-
 “ ders, and other Episcopal Functions in the said Bishop’s Diocese, and for
 “ ten Years before that in the Dioceses of *Treves*, *Mayence*, and *Strasburg*. After
 “ his Degradation, he was delivered over as a Laick to the *Scultet* and *Scabi-*
 “ *nes* * of *Utrecht*, who were present, and received him into their Court ; and
 “ by their Sentence, *Florentius*, Lord Bishop of *Utrecht*, presiding in the
 “ said Place, the said *James* was condemned to be burnt with Fire, in a Caul-
 “ dron, made ready for that Purpose near the Scaffold. But he was at last
 “ graciously taken out of the Cauldron, and beheaded in the same Place.
 “ And therefore the aforesaid Lord *Florentius*, and the six under-written
 “ Bishops, more being met together, and each of them robed in their *Pon-*
 “ *tificalibus*, and seated on the aforesaid Scaffold, Master *Arnold Pot*, in their
 “ Stead, and at their Command, pronounced this Sentence against the said
 “ *James*.

In the Name of God, Amen. Florentius de Wevelichoven, by the Grace of
 God and the Apostolick See, Bishop of Utrecht, and also by the same Grace,

Arnoldus, Bishop of Capitolias.

Hubert, Bishop of Opinum.

Andrew, Bishop of Moscow.

Wenemar, Bishop of Sibula.

Bertoldus, Bishop of Lindavv.

and, James, Bishop of Sarrepte.

Judges together in the under-written Affair. The Empire of Reason presiding in the Mind of the Judge, Justice sits upon the Tribunal in the Examination of Truth, and the Righteousness of the Judges, as a King upon the Throne, out of whose Mouth proceeds a two-edged Sword. By the terrible Aspect of which the Pleasure of a Man’s own Will is scattered, and the criminal Appetite of the Wicked, without Respect of Persons, is limited under the Rule of the Law. For this hath been taken Care of by the Judge, from whose Countenance right Judgment proceeds, that Judges should be appointed in the World, who should love Righteousness, judge the Children of Men, and punish Offenders, according to the Measure of their Fault. Attending therefore with great Grief of Heart to thy heinous Wickedness, unheard of in all Ages, which thou hast committed, who art the Head of Scandal, and Rock of Offence, and with frequent Sighs and Groans recounting the most unhappy Boldness of thy Rashness, which even disturbs the Heaven, and makes the very Earth to tremble, we are forced, Justice demanding it, to proceed against thee, to that just Punishment and Revenge which thou hast deserved. Having therefore called on the Name of Christ, sitting on our Tribunal, and having God only before our Eyes, and having taken the Counsel of prudent and skilful Persons ; whereas by thy Confession, and by other Proof, it evidently and legally appears to us, that thou hast forged Apostolical Let-

* The chief Magistrates and Officers of the City.

ters, and hast impudently and damnably presumed to usurp and ascribe to thy self rashly and fallaciouly the Title of the Pontifical Dignity, and to confer on great Numbers of Persons the greater and lesser Orders, to perform Cbrisms †, to consecrate Churches, Chapels and Altars, to reconcile Persons, and confirm them, by anointing them on the Forehead, and to exercise other Offices incumbent on the Ministry of the Pontifical Dignity, under a false and feigned Episcopal Title, in the Dioceses of Treves, Mayence, Strasburgh and Utrecht, and in other Places, for the Space of ten Years and more, although thou wast not a Bishop, and in Faēt art not, to the great Danger of thy own Soul, and the Souls of many others, and to the Injury and Contempt of the whole Catholick and Universal Church; even although we Florentius Bishop of Utrecht, out of the Motion of our Clemency, have thought fit to indulge thee for a long while with Space for Repentance, whilst thou hast been kept in Custody in our Jayl, that thou mightest study to appease the Anger of the most High, whom thou hast grievously offended with thy horrible Impieties, and with devout and frequent Prayers and Tears mightest endeavour to obtain his Mercy. But thou being ignorant to return to a sound Mind, and to bring forth those Fruits meet for Repentance, which we have long expected, with an hardened Heart, and obstinate Mind, hast not been afraid, we speak it with Grief, to despise the Space mercifully granted by us to thee for thy Repentance, even to this present Time, to the Loss of thy own Salvation. Therefore we Florentius, and the other Bishops above named, being specially and presentially called, and met together to this present Act, upon account of those Things which we have seen, heard and known, and do know and understand, do perpetually degrade, depose and deprive thee, being legally cited to the said Act, from all Ecclesiastical Orders, and the Priestly Office, as a Falsifier of Apostolick Letters, an Abuser of the Ecclesiastical Sacraments, an Enemy of Souls, a Destroyer of the Faithful, and a Transgressor of the sacred Canons, and we sententially condemn thee thus actually to be degraded, and at length degraded, to be left to the secular Court, and then to be punished without danger of Death.

“ After the aforesaid Sentence pronounced on him, being present, the degraded Person was carried down, and cloathed with the sacerdotal Vestments, carrying the Chalice, &c.” After this follows a long Account of the Degradation in the said Book. But as I shall professedly treat of this Degradation in the following Book, I shall there together and at once give an Account of this whole Affair, and say nothing of it here, that I may not repeat the same Thing.

† *Crismata conficere*, is to consecrate the holy Oils which were used in the Church of Rome. These were principally two. One that was made of Oil and Balsom, which is the principal Sort. Those who were baptized were anointed with it on the Top of the Head; those who were confirmed on the Forehead, as were also those who were ordained. The other is Oil without any Mixture, consecrated by the Bishop, with which the *Cateckumens* were anointed upon their Breast, Shoulders and Forehead, before their Baptism. Sick and possessed Persons also were anointed with the same Oil.

C H A P. XVII.

Of Soliciting CONFESSORS.

Souls, l. 1.
c. 34. §. 1.
Carena,
p. 2. l. 6.
§. 1.

BY these are understood such Confessors, who, in the Sacramental Confession, solicit and provoke, or attempt to solicit and provoke Women to dishonourable Actions. *Paul IV. An. 1561. Ap. 16.* published a Bull against such Persons, directed to the Arch-Bishop of *Seville*, beginning, *Cum sicut super*, and *Pius IV.* another, *Ap. 6. 1564.* and the supream Inquisitors General an Edict, approved by *Clement. VIII.* But those Bulls, and that Decree seem only to take place in *Spain*, because the Bulls were directed to the Arch-Bishop of *Seville*, and the Decree of the sacred Congregation expressly restrained to the Places of *Spain*. But in the Year 1612. in the Month of *April*, it was decreed by *Paul V.* that all the Inquisitors should be admonished to command the Confessors, to abstain from all and every sort of Solicitation, and to proceed rigorously against all those who did not. And finally, there is extant a Constitution of *Gregory XV.* published *Aug. 30, 1622.* beginning, *Universi dominici*, in which he confirms the Letters or Bull of *Paul IV.* and commands it to be firmly and inviolably observed, not only in the Kingdoms of *Spain*, but in all other Parts of the Christian World. And because the Words of that Bull about the Middle of it, *Whatsoever Persons, and whatsoever they shall be which they solicit*, are general, from this Generality of the Words they conclude that they extend also to Confessors, who solicit Boys in the Sacramental Confession.

The Incontinence of the Priests gave Occasion to these Edicts and Bulls, viz. because, as the Words are in the Bull of *Paul IV.* *Certain Priests in the Kingdom of Spain, and in the Cities and Dioceses thereof, having Cure of Souls, or exercising such Cure for others, or otherwise deputed to bear the Confessions of Penitents, have broken out into so heinous an Iniquity, as to abuse the Sacrament of Penance in the very Act of bearing Confessions, and thus are not afraid to injure this Sacrament it self, and him who hath appointed it, the Lord God and our Saviour Jesus Christ, by enticing and provoking, or trying and procuring to entice and provoke penitent Women to lewd Actions, whilst they are bearing their Confession.*

Confabr.
p. 185.

When this Bull was first brought into *Spain*, all Persons were commanded by a publick Edict, solemnly published throughout all the Churches of the Arch-Bishoprick of *Seville*, that whosoever knew or had heard of any Monks or Clergymen who had abused the Sacrament of Confession to these Crimes, or had in any manner acted in this vile Manner at Confession with their Daughter or Daughters, they should discover him within thirty Days to the holy Tribunal; and very grievous Censures were annexed to such as should neglect or contemn it. When the Decree was published, so large a Number of Women went to the Palace of the Inquisitors in the City of *Seville* only, to make their Discoveries of these most wicked Confessors, that twenty Secretaries, with

with as many Inquisitors, were not sufficient to take the Depositions of the Witnesses. The Lords Inquisitors being thus overwhelmed with the Multitude of Affairs, assigned another thirty Days for the Witnesses; and when this was not sufficient, they were forced to appoint the same Number a third and a fourth time. For as to Women of Reputation, and others of higher Condition, every Time was not proper for them to apply to the Inquisitors. On one hand their Conscience forced them to a Discovery through a superstitious Fear of the Censures and Excommunication; and on the other hand, their Regard to their Husbands, whom they were afraid to offend, by giving them any ill Suspicion of their Chastity, kept them at home; and therefore veiling their Faces after the *Spanish* Custom, they went to the Lords Inquisitors, when, and as privately as they could. Very few, however, with all their Prudence and Craft, could escape the diligent Observation of their Husbands at the Time of Discovery, and hereby possessed their Minds with the deepest Jealousy. However, after so many had been informed against before the Inquisitors, that holy Tribunal, contrary to all Mens Expectations, put a Stop to the Affair, and commanded all those Crimes which were proved by legal Evidence, to be buried in eternal Oblivion.

In the mean while this Crime, according to the Bulls and Edicts of the Popes, ought to be judged and punished before the Tribunal of the Inquisitors. These Edicts are generally so interpreted by the Doctors, as to comprehend §. 4. those who solícite by other Persons, *viz.* when they solícite a Woman to be Procurefs. For the Words of the Bull are, *To be committed either by themselves, or with others*: As also to comprehend all lewd Actions, whether compleat or not. As for Instance, when a Priest doth not solícite a Woman, but a Wo-Soufa, l. 1. man her Confessor, and he not only yields to the Periuasions of the Woman, c. 34. but at her Persuasion doth any dishonourable Action in the Confession §. 9. it self.

It is required however, that the Solicitation be made in the Act of Sa-31. cramental Confession, or immediately before or after it, *i. e.* that no Act inter-32. vene between the Solicitation and Confession. Hence they do not count it an immediate Act, if a Woman coming to confess is prevented by her Con-33. fessor, and persuaded to put off her Confession to another Time, and when she hath changed her Intention of Confessing, is solícited by her Confessor. Such a one however, is comprehended in the Constitution of *Gregory*, because he solícites under the Pretence of Confession. Nor is an Act immediate, if a
Woman desists from her Purpose of Confession after the Confession is actually
begun, and says to her Confessor, she will not confess any more, but talk
with him, and the Solicitation immediately follows in a long Discourse, pro-
vided there be no Pretence of Confession, if the Solicitation be made by the
Confessionary; or if when the Confession is ended, the Confessor follows the
Woman to her own Home, and there at any intervening Time solícites her.

'Tis therefore necessary to constitute an immediate Act, that it include
Confession by some depending Circumstance or other. *Soufa* enumerates six
Cases, which include Confession. " First, If a Woman, not intending to so-
" licite

“ licite her Confessor, but to make a full Confession, accuses her self, by
 “ discovering a lustful Mind towards the Confessor himself, or towards any
 “ other Person, and the Confessor says, We will talk of this when your Con-
 “ fession is ended, and then immediately sollicitates her. Secondly, If a Con-
 “ fessor persuades a Woman to confess to him with an Intention of sollicitating
 “ her, and immediately after the Confession tempts her to dishonourable
 “ Actions. Thirdly, If immediately after Confession he says to the Peni-
 “ tent, repeating the Sin confessed by her, since you have carnally lain with
 “ another Person, do me also the Favour and lay with me. Fourthly, if a
 “ Confessor sollicitates a Boy, after he hath confessed and absolved him, by car-
 “ rying him immediately, after Confession, into his House or Chamber, to
 “ give him a signed Copy of his Confession. Fifthly, If a Confessor enjoins
 “ Penance to a Woman that hath confessed to him, *viz.* to be whipped na-
 “ ked by the Confessor himself, and when the Penance is to be done, he him-
 “ self whips her with his own Hand or with a Scourge. Sixthly, If a Confessor
 “ persuades a Woman to shew her Privy Parts to him, which, in her Confes-
 “ sion, she declared to be affected with a certain Disease.”

’Tis the same with those, who, tho’ they do not sollicitate in the very Act of
 Confession, yet do it in the Place appointed to hear Confession, according to
 the Constitution of the General Inquisition, before *Paul V.* July 10.
 1614.

Carena,
 §. 9.

Women thus sollicitated are admitted to prove this Offence, *viz.* if the Wo-
 man be of an approved Life, and the Confessor be given to the Sins of the
 Flesh; but not if the Woman be scandalous, and a Whore; and if they do
 not appear voluntarily before the Inquisitors, but are forced by their Confes-
 sors, upon their Refusal to absolve them, unless they discover the evil Con-
 fessor. Hence it comes to pass, that the Deposition of several Women is not
 sufficient for the Conviction of a Confessor. Thus *Carena* reports, that by
 Order of the sacred Congregation of the supream *Roman Inquisition*, a Parish
 Priest at *Naples* was not accounted as convicted, though several Women de-
 posed that he had sollicitated them, most of whom he had attempted by Touches
 and Signs, and one by Words. He was only tortured by Order of the same
 Congregation, and, confessing nothing, suspended for a Year from his Cure.

z. 59.

§. 12.

However, the Deposition of a Woman only is not sufficient Proof for the
 Apprehension or Torture of the Confessor, unless he himself hath a bad Cha-
 racter, because they never proceed to torture, unless the Crime be half pro-
 ved. So that as they teach, since two Women are not enough to make a full
 Proof, one cannot be sufficient for the half Proof.

§. 14.

But if the Crime be half proved, the Confessor may be tortured, to make
 him confess the Act. If he confesses it, or is fully convicted of it, and denies
 an heretical Intention, he is to be tortured as to his Intention, *viz.* to disco-
 ver whether he believed, that it was lawful to abuse the Sacrament of Pe-
 nance to lascivious Actions, and to use the Sacrament as a Means to obtain
 such Purposes.

In *Spain* these soliciting Confessors are only lightly suspected, because the *Spaniards* consider it rather as proceeding from Lust than an Intention to abuse the Sacrament of Penance. But in *Italy* they are vehemently suspected; and therefore whereas in *Spain* they abjure only as lightly suspected, in *Italy* they abjure as vehemently. So *Carena* gives an Instance of a certain Confessor in one of the Cities belonging to the Territories of *Cremona*, who abjured as lightly suspected for this Crime of Soliciting, but was forced to abjure again as vehemently suspected at *Cremona*, by Order of the supream Tribunal of the City of *Rome*.

Besides salutary Penances, such as Fastings, Prayers, and the like, such Confessors are usually condemned to the Gallies for five or seven Years, to perpetual Imprisonment; yea, sometimes at the Pleasure only of the Cardinals supream Inquisitors, they may be delivered over to the secular Arm, as the Constitution of *Gregory XV.* plainly directs. They are also to be suspended for ever from hearing Confessions, to be deprived of their Benefices, Dignities, active and passive Vote, at the Pleasure of the Inquisitors. Such Confessors as are Regulars, may also be enjoined to be in the last and lowest Place amongst the Regulars of their Monasteries. Sometimes the Inquisitors must command, that the Sentence against a Regular Confessor shall be read publickly in the next general Chapter of their Religion, as a Terror and Example to others.

[Yea sometimes, according to the Heinousness of the Offence, a more grievous Punishment is inflicted. *John Stock*, Notary of the Apostolick *Rota*, relates, in a Letter written at *Rome*, October 8, 1564. to *J. Hensberg*, a Divine of *Cologn*, a remarkable Instance of this. *These Wretches of ours are not so holy as they appear. They walk in the Likeness of Sheep, but within are ravening Wolves, and their pretended Sanctity is a double Iniquity. They are under the Influence of a strong Ambition. The Venetians ordered one of them to be burnt alive, by Command of the Pope. He had been Father Confessor to some Nuns in the Dominions of Venice, and had got twelve of them with Child, amongst whom the Abbess and two others had Children in one Year. As he was confessing them, he agreed with them about the Place, Manner, and Time of lying with them. All were filled with Admiration and Astonishment, taking the Man for a perfect Saint, he had so great a Shew of Sanctity in his very Face.* Epist. ad Belgas, Cent. i. Ep. 66. p. 345. and Ep. 63. p. 316.]

In *Portugal* also the Crime of Sodomy belongs to the Tribunal of the Inquisition, by the Decree of *Gregory XIII.* Aug. 13. An. 1574. by which 'tis granted to the Inquisitor of *Portugal*, to proceed in the Crime of Sodomy, as in the Crime of Heresy, observing the same Manner and Form. By the Laws of the Kingdom of *Portugal*, Sodomites are punished with Death, and Confiscation of all their Effects, and their Children and Grandchildren become infamous. After the natural Death of a Sodomite, if the Crime hath not been proved, they cannot proceed against him, neither as to the Crime, nor Confiscation of Effects, although the Crime can be proved by legal Witnesses. Because Crimes, which are not particularly excepted, of

which *Sodomy* is one, are extinguished by the Death of the Delinquent.
 §. 32. Nor do they proceed against a dead Sodomite, nor confiscate his Effects, or
 l. 2. c. 26. although he hath been convicted or confessed when he was alive. If such a
 §. 30. one takes Sanctuary in a Church, he can't be taken out of it.

If we compare these Things with the Punishments of Hereticks, as related in the second Chapter of this Book, it will appear, that the Crime of *Sodomy* in the Kingdom of *Portugal* is esteemed a much smaller one than that of *Heresy*, because Sodomites enjoy Privileges which are denied to Hereticks. And yet it may happen, that a truly pious Man, who fears God, and is most careful of his eternal Salvation, may be accounted an Heretick by the *Portuguese* Inquisitors, whereas a Sodomite cannot but be the vilest of Men. But 'tis not at all strange, that by the Laws of that Tribunal, *Barabbas* should be released, and Christ crucified.

C H A P. XVIII.

Of one that is inforDESCENT in Excommunication.

Carena,
 p. 2. t. 8. §. 2. **A** Man is said to be inforDESCENT in Excommunication, who, after he hath been by Name declared Excommunicate, persists in that Excommunication for a Year. The Nature of this Crime requires Obstinacy of Mind, including the Contempt of the Keys. This they infer, when the excommunicated Person hath had Knowledge of the Excommunication, and taken no Care to obtain Absolution. For if within a Year he endeavours to obtain Absolution, though he should not actually receive it; or if there be any real Hindrance that prevents his Appearance, he is not judged guilty of Contempt.

§. 3. He who thus persists in his Excommunication, is accounted as confessed and convicted of the Crime for which he was excommunicated; nor is he to be any farther heard, unless he can demonstrate his Innocence with new Proofs. If the Crime for which he was excommunicated be of the Number of those, which do, *ipso jure*, infer Privation, he must be deprived of his Benefice for InforDESCENCE. But if it be such a Crime for which the Delinquent is to be deprived of his Benefice, but not *ipso jure*, in such a Case he is also to be deprived for InforDESCENCE.

§. 5. n. 19. He who thus persists in Excommunication, is violently suspected of *Heresy*. For if there be only a light Suspicion of *Heresy* against any Person, and if when cited he is obstinate, the Suspicion then begins to be vehement. If through Contumacy he continues in Excommunication for a Year, the vehement Presumption becomes violent, and thus he may be taken for an Heretick, and punished as such. Because, from thus persisting, there arises a Presumption of the Law, and *de jure*, by which the Crime of *Heresy* is sufficiently proved. But

But that such a one may be condemned as an Heretick, he must not fail to^{n. 21.} be cited, in order to purge himself from the Suspicion of Heresy, because he continued for a Year in Excommunication.

If such an excommunicated Person appears when the Year is elapsed, and^{n. 23.} desires to prove his Innocence, before he is declared an Heretick, he must^{24.} be admitted to Trial. Yea, as some affirm, he must be heard even after he is declared an Heretick, and his Effigies burnt.

If when he appears, and doth not prove any legal Impediment, but only^{8.} his Innocence as to the Heresy for Suspicion of which he was cited, altho' he is to be absolved from the Heresy, yet he is to be tortured to discover his Intention, upon account of a vehement Suspicion of his Contempt of the Keys of the Church, and must abjure as one vehemently suspected. If neither a legal Impediment nor his Innocence appear, he is to be dealt with as one vehemently suspected of Heresy, and of the Contempt of the Keys.

If he proves nothing, and is impenitent, or relapsed, he is to be left to the secular Court. If he is penitent he must abjure, according to some, as vehemently suspected; according to others, formally. Besides, wholesome Penances are to be enjoined him, and he may be condemned, according to the Nature of his Crime, to more grievous Punishments, and especially pecuniary ones.

C H A P. XIX.

Of BLASPHEMERS.

There are two Sorts of Blasphemers. Some who do not utter heretical^{Eymer.} Blasphemies, who do not belong to our History; and others who^{p. 2. 2. 41.} throw out Blasphemies that are heretical, and who are therefore subject to the Judgment of the Inquisitors. *J. Royas* argues concerning them in this manner. “ ’Tis very often a Matter of Doubt in the Court of the Inquisition,^{p. 2.} what Blasphemies may be said to be heretical, to make the Cognifance of^{assert. 12.} them belong to the Inquisitors. But, according to the common Custom,^{9. 170.} and agreeable to Law and Reason, these Words are heretical, *I deny God, I do not believe in God.* In Spanish, *Discreo de Dios, reniego de Dios, o reniego de la fe, o de la cruz, o Crisma a que teng o en la frente, o reniego de la puridad de nuestra senora,* i. e. *I do not believe in God, I deny God, or I deny the Faith, or the Cross, or the Chrism, which I have received in my Forehead, or I deny the Virginity of our Lady.* These Words are said to be heretical Blasphemies, and the Inquisitors have Cognifance of them, because they have an Infidel Signification, and Denial of the Faith, and are directly opposed to a Confession of the Faith. But other Blasphemies, *viz. Pese a Dios,*

“ *Dios, por vida de Dios, voto a Dios, malgrado aya Dios, o despecho de Dios,* and the like, *i. e. let it trouble God, by the Life of God, I vow to God,* God’s
 “ *Curse on you, or God spite you,* are not heretical, because not opposed to a
 “ Confession of the Faith, although they are absolutely Blasphemies. The
 “ Punishment of these belongs to the ordinary Judges.” In *Italy* also ’tis
 “ not reckoned Blasphemy: if any one says, *Al corpo di Dio, o dira vel pu-*
 “ *tana di Dio becco; vel al dispetto di Christophero, or putana della virgine Gio-*
 “ *vanna; i. e. Body of God, or he will say, &c. or in spite of St. Christopher;*
 “ *or the Whore of the Virgin Joan.*

Carena,
 p. 2. t. 7.
 §. 8.

’Tis disputed amongst the Doctors whether this be Blasphemy, *Al dispetto, che non vo dir di dio,* or, *putana, che no vo dir della V. M. In spite, not meaning God; or Whore, not meaning the Virgin Mary;* which some deny, and others affirm. But these are accounted heretical Blasphemies: *Dio partefano, & putana della Virgine, i. e. The Whore of the Virgin,* altho’ the Word *Mary* is not pronounced; as is also this; *Dio becco diavolo,* if pronounced by any one who is accustomed to utter heinous Blasphemies against God. According to *Royas,* “ Heretical Blasphemy, though spoken conditional-
 “ ly, is to be punished by the Inquisitors of the Faith; as for Instance,
 “ *I do not believe in God unless I will strike you.* Because this conditional
 “ Blasphemy contains in it a pure affirmative Impliciteness, *viz.* that if he
 “ could not kill him without not believing in God, he was prepared wil-
 “ lingly to do so. They also proceed very severely against an execrable
 “ Custom that hath crept into the Kingdoms of *Arragon* and *Valencia, viz.*
 “ of swearing by the Members of God, which is greatly blasphemous; and
 “ by the Members of Christ, which is great Irreverence, and from both
 “ these there arises great Suspicion of Heresy.” To these may be added that execrable Species of Blasphemy, related by *Arnold Albertinus,* in his *Book de Agnos. Assert. hæret. Qu. 6. §. 21.*

§. 173.

§. 179.

These Blasphemies, according to the Quality of the Words and Persons, and the Circumstances of Times and Places, are esteemed more or less wicked and horrible. *Pegna* “ thinks those are to be reckoned amongst the greatest,
 “ which are uttered against the most holy *Mary, Virgin Mother of God.*
 “ And altho’ Blasphemers regularly think differently in their Mind from
 “ what they say, yet they belong to the Judgment of the Inquisitors, be-
 “ cause by blaspheming they are thought to put on the Person of one who
 “ thinks agreeable to what he himself had spoken; and since by the exter-
 “ nal Act they give some Token of Infidelity, therefore certain Blasphe-
 “ mies are subject to the Jurisdiction of the Judges of the Faith, that they
 “ may understand, whether Blasphemers do really think as they speak.”

Heretical Blasphemers are punished in this Manner by the Inquisitors. If the Blasphemy be very heinous, and the Blasphemer a mean Person, he is made to wear an infamous Mitre, hath his Tongue tied, and pinched with an Iron or Wooden Gag, is carried forth as a publick Spectacle without his Cloak, whipt with Scourges, and banished. But if he be a Person of better Condition, or Noble, he is brought forth without the Mitre, thrust for a
 Time

Time into a Monastery, and punished with a Fine. In smaller Blasphemies they are dealt with more gently at the Pleasure of the Inquisitors, viz. the Blasphemer is condemned to stand, during divine Service, upon some Holy-day or other, with his Head naked, without his Cloak, and Shoes, his Feet naked, a Cord tied round him, and holding a burning Wax-Taper in his Hands. Sometimes also they squeeze his Tongue with a Piece of Wood. After divine Service is over his Sentence is read, by which he is enjoined Fastings and a Fine.

This Punishment however doth not take place as to a Clergyman, as *Cæ-p. 2. r. 7. rena* observes. For if a Clergyman was to appear without his Shoes, and with an Halter about his Neck, and thus stand at the Gates of the Church before the People, the Clerical Order, and the Ministry of the Clergy would suffer Disgrace, and it would become the Wonder and evil Example to the Laity, if the blaspheming Clergy were thus exposed. He adds, that he never saw this Punishment inflicted by this Tribunal on noble Persons, who, altho' they are not to be more mildly punished for their Nobility, yet may be excused from such Punishments which do of themselves render Persons infamous, and receive other Punishments in the room of them.

And because such who accustom themselves to blaspheme, though they do it in Passion, are vehemently suspected of Heresy, they are forced to abjure as thus suspected. Thus *Diana* relates, that in the Inquisition in *Sicily*, two Blasphemers were made publickly to abjure, as vehemently suspected, *Dec. val. Par. 4. 16. 1633.* in the Presence of the Judge himself. But in smaller Blasphemies, because they are but lightly suspected, they only abjure as such.

But in these Cases the Inquisitors mostly act according to their own Pleasure, who have an ample Power of judging according to the Nature and Heinousness of the Crimes. *Gonsalvius* tells us of a certain Person who had a Quarrel with a Clergyman of *Ecyra*, a City in *Spain*, who accidentally said, in the Hearing of others, that he could not believe that God would come down into the Hands of so profligate an Adulterer. The Vicar of the Ordinary fined him for the Speech. But the Clergyman not contented with this Revenge, afterwards accused him of Blasphemy at the Tribunal of the Inquisitors at *Seville*. Nor did the Fine to which he was before condemned by the Ordinary, prevent his being taken up by Command of the Inquisitors, imprisoned for a whole Year, brought out in Triumph without Cloak or Hat, carrying a Wax-Candle in his Hand, his Tongue gagged with a wooden Gag, thus to punish his Blasphemy; and being forced to abjure as lightly suspected, he was fined a second time.

C H A P. XX.

Of DIVINERS, FORTUNE-TELLERS, and ASTROLOGERS.

Eytner.

p. 2. qu. 42.
Com. 67.

Fortune-Tellers and Diviners are distinguished. For there are some who act merely by the Art of Divination, such as tell Fortunes, by looking into the Palms of the Hand, and judiciary Astrologers. Others who exercise Divination by Lots, with the Addition of some heretical Word or Fact: As if any one in telling Fortunes about Sweethearts should deny God and the Sacraments of the Church; or should mingle any of the Sacraments of the Church with his Fortune-telling, or those Things which the Divines call Sacramental; as if he should baptize Images, rebaptize a Child, or only anoint him with holy Oil, or incense the Head of a Person dead, or do any of the like Things to divine future Things, or use a Candle and holy Water to discover stolen Goods. All these Things render the Doer suspected; for unless he had believed such Sacraments or Sacramentals had some Virtue to effect such evil Operations, he would not have used them for this Purpose. So that the Inquisitors take diligent Care to interrogate them concerning their Belief, and if they deny the Intention they are tortured; and if they do not confess, they may be made to abjure as vehemently suspected. They may also be punished with Excommunication, Suspension of Dignities, Whipping, Banishment, Imprisonment in Monasteries, and other Punishments, according to the Quality of the Persons. They may also be publicly brought forth wearing the infamous Mitre, or be disgracefully tied to a Ladder near the Gates of the Church, and be banished from the Diocese.

Carena.

p. 2. 2. 12.
9. 12.

As to Judiciary Astrologers, their Art is generally condemned as superstitious. But there is one Species of it, which the Doctors pronounce erroneous and heretical, *viz.* that which professes to foretel the Mysteries of our Faith by the Stars. In like manner they are condemned as rash Astrologers, who pretend they are able to foretel by the Stars certain Things concerning the State of the Church, Life or Death, or the Assumption of the chief Pontiff. Pope *Urban VIII.* by a Constitution, beginning, *Inscrutabilis*, published *Ap. 1. 1631.* hath appointed, that Judiciary Astrologers, who make Judgments concerning the State of the Christian Republick, or Apostolick See, or the Life of the *Roman Pontiff*, or his Kindred, or who, when made, keep them in their own Possession, or shew them to others, or speak of them by Words, besides the Punishment of Excommunication which they shall, *ipso jure*, incur, shall be punished with Death as guilty of High-Treason, Confiscation of Effects, and that if they are of the Clergy, they shall be punished with Deprivation of their Benefices and Offices.

We have also Instances of very grievous Punishments inflicted on these judiciary Astrologers, one of which may be seen in *Bzovius*, under the Year 1327. *Bzovius* his Words are, “*Francis Asculanus* was thrown into Jayl at *Florence*,
“ and

“ and burnt, being by Name convicted of Blasphemies, Heresy and judiciary Astrology, as also of other damned Arts, and was condemned by the “ Inquisitors of the Faith.” After this he subjoins a Catalogue of the Crimes objected to him, from which it appears that most of them were taken from Judicial Astrology.

C H A P. XXI.

Of WITCHES.

WITH these Fortune-Tellers are properly joined Witches or Hags, which in *Italy* they commonly call *Strigixæ*, from their Resemblance to the Scritch-Owl, a Night and troublesome Bird, because they are reported to deal in their Witchcraft principally at Night, and to suck the Blood of Infants. Others call them Sorceresses, Charmers, and the like. They are said to have been a Sect of People, principally Women, who arose in *Italy* in the Year 1400. They gather together in certain Places near Towns and Villages, at particular Times, and especially the Night preceding *Friday*, when the Devil appears to them in a visible human Shape. When they enter into this Gang, they first, and before all Things, do, by the Devil's Command, deny their holy Faith and Baptism, the Lord God, and the blessed Virgin *Mary*, and after this trample under their Feet on the Ground, a Cross made by one of the Witches. After this they promise Allegiance between the Hands of the Devil, taking him for their Lord, and promise Obedience to him in all Things. As a Token of all this, they put their left Hand behind their Back, and touch the Devil's Hand, and offer him somewhat as a Mark of their Subjection. From henceforth they are said to believe the Devil to be their true Lord and God; and as often as they go to their nightly Assemblies, which they call the Play of good Fellowship, they worship the Devil appearing in human Shape, and by bowing their Head profoundly down, adore him as their true God. 'Tis reported of them, that they go to this Assembly or Play, truly and corporally, when awake and in their perfect Senses: If the Place be near they go on Foot; if distant, they are carried by the Devil through the Air.

Many Authors have written largely of these Witches or Hags, *James Sprenger*, *Sylvester de Prierio*, *Bartholomew Spineus*, and others, who warmly contend that they are all corporally carried to these Night-Plays or Dances. *Francis Ponzinibius* is the only one amongst the Papists of former Ages, who opposes their common Opinion, and affirms that they are not corporally carried, but only deluded by Dreams and Phantasms.

They who contend for their being carried corporally, use these Arguments: Because all these Persons, whether Men or Women, confess as with one Mouth
and

and Tongue, that they every where observe uniformly the same Manner in every Thing, in the Denial of their Faith, Baptism, God, the blessed Virgin, trampling on the Cross, and Promise of Obedience, by turning the left Hand behind their Back, and that this appears by the Confessions of all of them made before the Inquisitors, every where throughout *Italy*, and by the written Proceffes formed against them. That this Conformity argues they are not deluded by Dreams, because these would vary as to Time and Place, according to the Variety of Causes, and the Quality of Persons.

They add, That these Persons have been seen and known by several Catholick People, as they have been going to, or returning from these Assemblies. Yea, that some who have been carried by the Devil to some distant Place, have, God so ordering it, been let down, and then found themselves at a great Distance from their own Country. And farther, when these Witches confess before the Inquisitors, and are converted to the Bosom of the Church, abjuring their Heresy and Apostacy, they never after return to their Play; which could not be, if these Things were presented to them only in Dreams or Imaginations, because Dreams are not in the Power of Men. To which they add as a Conclusion, That many of these Persons have for many Years past been delivered over by the Inquisitors of heretical Prav.ty to the secular Arm, and burnt; which would never have been done, nor suffered by the Popes, unless these Things did really happen, and they were found to be in this Heresy and Apostacy.

And although it may sometimes happen that these Things may appear to them only in Dreams and Fancy, and that they are not really carried to this Play, being found at Home at the same time they thought themselves present at it, they think it doth not at all follow from hence, that they are never corporally carried through the Air. And indeed although they never should have been so carried, yet because after they have been thus deluded by Dreams, they do not only firmly believe that they did these Things when they are awake, and in their Senses, but do confirm and approve them, and strongly believe that they have denied the Catholick Faith, adored the Devil as God, and do take him for their God, and that by doing so, they do not sin, but do well, and persevere in all these Things before the Inquisitors, they therefore think them truly Hereticks, Idolaters and Apostates; because those who believe these Things do depart from the Faith.

I have no Inclination to spend any great Time or Labour in examining and refuting these Things, and enquiring what Truth there is in such Accounts, and whether some Parts of them may not be admitted as true, whilst others ought to be rejected as fabulous; nor how far credulous, fearful and superstitious Persons may be deluded by vain Imaginations and Dreams, and what may be truly performed by Devils. Others have done this abundantly, and the doing it is foreign to my History. And therefore I refer my Reader to

Theol. 1. 3. *Simon Episcopus*, who hath very learnedly and solidly treated of this Matter.
S. 3. c. 1.
P. 143. &c. I shall only say in a few Words, that this Contract with the Devil, which is ascribed to the Witches, is so horrible, that one would think it could never

enter

enter into the Mind of any Person whatsoever. Most of the Things they are said to do, deserve no Belief, because they don't seem possible to be done. Their Confessions are often extorted by the Violence of their Torture, and conceived in such Words, that any considerate Person may see they are formed by the Inquisitors themselves, viz. to encrease the Honour of the blessed *Mary*, and of the Sacraments, as though the Devil had a particular Spight to the Worship of them. And this is so evident and manifest, that many of the Papists themselves are persuaded, that most of those are innocent, whom, on this Account, they have seen condemned to the Fire. Yea, a certain Popish Divine published an entire Book, entitled, *Cautionis criminalis*, in which he tells us that many innocent Persons were burnt; and this he affirms, not only from the Reports of others, but says that he accompanied several Women who were lead to Death, of whose Innocence no one now makes any doubt.

But to dismiss this Argument, I will now shew by what Method the Tribunal of the Inquisition proceeds against them.

They prove that it belongs to the Inquisitors of heretical Pravity to take Cognizance of the Sect of Witches, to proceed against them, and punish them as other Hereticks, because they are themselves Hereticks, Idolaters and Apostates. 'Tis also appointed by many Sanctions of the Roman Pontiffs, and particularly by that of *Innocent VIII.* writing to the Inquisitors of *Germany*. *Innocent, Bishop, Servant of the Servants of God, for the future Remembrance of the Thing.* As we desire, with our strongest Affection, according to the Duty and Care of our Pastoral Office, that the Catholick Faith may every where encrease and flourish, especially in our Times, and that all heretical Pravity may be driven away far from the Borders of the Faithful, we willingly declare, and grant a new those Things, by which this our pious Desire may obtain its wished for Effect; that all Errors being extirpated by the Ministry of our Operation, as by the weeding Hook of a careful Workman, a Zeal and Observance of the same Faith may be more strongly impressed on the Hearts of the Faithful. We have indeed lately heard, to our great Grief, that in some Parts of Upper Germany, as also in the Provinces, Cities, Places and Dioceses of Mayence, Cologne, Treves, Saltzburg, and Bremen, many Persons of both Sexes, unmindful of their own Salvation, and deviating from the Catholick Faith, abuse themselves with he and she Devils, and by their Incantations, Charms, and Conjurations, and by other horrid Superstitions, Sorceries, and Excesses, Crimes and Offences, do cause, and procure to perish, blast, and be destroyed, the Conceptions of Women, the young ones of Animals, the Fruits of the Earth, the Grapes of Vineyards, and Fruits of Trees; moreover, Men, Women, Beasts, Cattle, Sheep, and other Animals of divers Sorts, as also Vineyards, Orchards, Meadows, Pastures, Grain, Corn, and other Pulse of the Earth, and do affect and torture Men, Women, Beasts, Cattle, Sheep, with cruel Pains and Torments, inwardly and outwardly, and do hinder the said Men from begetting Children, and the Women from conceiving them; Husbands from rendering due Benevolence to their Wives; and Wives from performing conjugal Actions towards their Husbands; and farther, do with an impious Mouth deny the Faith it self, which

Pegna, ad lib. de Strig. Ber. Comensis.

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they took on them when they received holy Baptism, and at the Instigation of the Enemy of Mankind, are not afraid to commit and perpetrate many other Enormities, Excesses and Crimes, to the Hazard of their own Souls, the Offence of the divine Majesty, and to the evil Example and Scandal of many. And a little after, We therefore, as in Duty bound, being compelled hereto by our Zeal for the Faith, being willing, by seasonable Remedies, to provide against and remove all Impediments, by which the Execution of the Office of the Inquisitors may be in any manner retarded, and that the Infection of heretical Pravity, and other such like Excesses, may not spread their Poison to the Destruction of other Innocents, and that the Provinces, Cities, Dioceses, and Countries, and other the aforesaid Places, in the Parts of Upper Germany, may not want the necessary Office of the Inquisition, do by the Tenor of these present, by our Apostolick Authority appoint, &c. that it shall be lawful for the said Inquisitors to execute the Office of such Inquisition in these Cases, and that they ought to be admitted to correct, imprison and punish the aforesaid Persons concerning the aforesaid Excesses and Crimes, in all and every Thing, as though such Provinces, Cities, Dioceses, Countries, and Places, Persons, and Excesses, were by Name, and specifically expressed in these Letters.

These Letters were confirmed as to the greater Part of them, and sent to Master George de Casali, heretofore Inquisitor at Cremona, by Julius II. and were afterwards extended to all the Inquisitors of the Congregation of Lombardy, of the Order of Predicans, by these Letters of Alexander VI.

Alexander, Pope, to our beloved Son Angelus de Verona, of the Order of Predicans, Doctor of Divinity, Inquisitor of heretical Pravity in the Province of Lombardy, and to his Successors. Beloved Son, Health and Apostolical Benediction.

Having received Advice that divers Persons of both Sexes, in the Province of Lombardy, make use of divers Incantations and diabolical Superstitions, and by their Witchcrafts and numerous Observations perpetrate many horrid Crimes, destroy Men, Cattle and Fields, bring in divers Errors, and cause many Scandals to arise. We have decreed, according to the Ministry of the pastoral Office, committed to us from on high, to check such Wickednesses, and to prevent, as far as with the Help of God we can, the aforesaid Scandals and Errors, for this Reason give in Charge, and command you, as also your Successors, to be appointed throughout Lombardy, concerning whom in these and other Things, we have full Confidence in the Lord, that you of your selves, associating however such worthy Persons as you shall think fit to choose, shall diligently make Inquisition against the said Persons of both Sexes, and punish and check them according to Justice. And that you may the better execute this Commission, we grant you full and entire Power against them, all Apostolick Constitutions and Ordinations, as also Grants and ordinary Concessions made possibly for a time, and all other Things whatsoever to the contrary notwithstanding.

Although it be more safe and decent in Processes against Witches for the Inquisitors to proceed, as in Causes of Hereticks, and to form their Processes with the Assistance of the Diocesans, according to the Disposition of the Law, *Cap. per hoc. de hæret. lib. 6. Extrav. ex eo. de hæret. Clement. I. de hæret.* yet nevertheless 'tis manifest from these Constitutions, that they may,
if

if they will, proceed by themselves, and that what they do or decree when they proceed alone, either in condemning or absolving, is valid.

Here 'tis enquired, whether Witches, if they have confessed the Murthers of Children or Men, or any other Crimes to which the Punishment of Death is annexed by the Civil Laws, may be delivered over to the secular Court by the Inquisitors and other Judges, although they repent? Some think, that notwithstanding their Repentance, they ought not to be perpetually imprisoned as other Hereticks, but put to Death. But the greater Number are of Opinion, that such of them who are willing with a pure Heart to return to the Bosom of the Church, are to be received. Because the Cause of Heresy hath nothing to do with murdering Children, or other Crimes committed by Witches, the Cognisance of which doth not at all belong to the Inquisitors. And therefore they believe the Judges of the Faith would do unjustly, if they should deny to these Wretches, when willing to repent, the Benefit of Mercy and Absolution.

But if these Witches are first taken up by the secular Judges for the Murder of Infants, or any other secular Crime, and when they are interrogated confess Heresy, or any Thing that favours of Heresy, of which the secular Judges have no Cognisance, and, upon account of this Confession, are delivered over to the Inquisitors, in this Case when the Judgment concerning Heresy is finished, they teach that the Witch must be turned back to the secular Judge, that he may finish the Process begun for other Crimes by the Civil Laws. For in such a Case the Person is not so properly said to be left to the secular Court, as to be restored to his former Judge, who upon account of the secular Crime, hath legal Jurisdiction over such Witch. And this Observation is, as they say, according to the Constitution of Pius V. whose Words are these. *Moreover, let them, without any Delay, transmit all Persons whatsoever imprisoned for any Offences, or by any Means whatsoever accused or denounced of any heinous Crimes, before the said Office of the Inquisition, suspending the Cognisance of all other inferior Crimes, to the said Cardinals and Prisons of the Inquisition, and there let them be kept till the full Cognisance and Dispatch of the Crime of Heresy, and afterwards let them be sent back to the said Officials to expedite the Affair of their other Crimes.*

Yea farther, the Ecclesiastical Judges, if they have any legal Evidence, that one of these Witches, imprisoned by the secular Judge, is an Heretick, or suspected of Heresy, may compel the secular Magistrate to deliver her over to them to be judged for the Cause of Heresy, and also to exhibit the Processes and any other Writings, in order to their Understanding, whether there be any Thing contained in them relating to the Faith, and which may help the Judgment of the Inquisitors. If the Magistrate refuses it, they may compel him to all this by the Ecclesiastical Censure, *viz.* Excommunication, Suspension and Interdict. Whereas the secular Magistrate cannot compel the Judge of the Faith to deliver up to him Criminals of either Sex, who have committed secular Offences, in order to punish them according to the Civil Laws, because he hath no Jurisdiction over the Ecclesiastical Judge. But when the Ecclesiastical Judge hath punished Offenders in his Tribunal,

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then the secular Judge may punish the same Persons for Crimes cognisable in his Court.

They say there are two Ways of discovering these Witches. The first is the Confession, and Accusation of their Companions. For as these Women know one another when they are met at their Assemblies, they are able to detect each other. But that such Accusations may gain Credit, 'tis necessary that several of them separately, each making a Confession without the other's Knowledge, do agree in the several Circumstances of the Accusation, *viz.* as to the same Person, Time and Place, and that they do severally affirm the same Thing before the Person accused, one after the other separately, without the other's knowing of it. And yet at the same time they confess themselves, that this sort of Proof is very uncertain, because it may happen that the Devil may sometimes assume another Person's Shape, and appear in these Assemblies under that Form, in order to render her infamous, though at the same time she may be entirely innocent, and far from being concerned in such a Crime. For which reason they make use of another Way, *viz.* Conjectures and Presumptions to detect and discover them. And of these they have several, *viz.* their bewitching Children, causing Distempers and other Harms to Men and Women, to Cattle, and the Fruits of the Earth, the Grapes of Vineyards, and the Fruits of Trees. When therefore skilful Physicians by any Conjectures or Circumstances judge, that a Damage of this sort doth not happen from any natural Defect, nor from any natural intrinsic Cause, but from something external, and yet not from any venomous Infection; or when they see any Disease to be incurable, so that the sick Person cannot be relieved by any Medicines or Remedies, but rather grows every Day worse and worse, this they think is a sufficient Proof that 'tis the Effect of Witchcraft. In like manner, when any Men or Women, who are ignorant of the Art of Physick, prevent the Effects of such Witchcrafts, and heal Diseases, they say 'tis a Sign that these Things are done by the Co-operation of the Devil.

To this they add another Sign, which is greatly uncertain. When, say they, any Person, whether in a Quarrel or not, threatens another, and says, Because you have done to me so and so, I will do something to you that shall make you know whether you have done well by me or not; or I will make you repent it; or you shall see the ill Effects of it, or any Thing to the like Purpose. If the Thing comes to pass, 'tis a Sign that such an Effect is produced by the Assistance of the Devil, especially if it can't be known how such an Effect could otherwise follow. And therefore when such Threatnings are attended with their Effects, 'tis a very great Presumption and Reason to conclude, that the Person who utters such Threatnings is a Witch, and dedicated to the Devil by a Denial of the Faith. This is a sufficient Proof to proceed to Torture.

But certainly if such Signs be sufficient to put Persons to the Torture, what Innocence can be safe? 'Tis easy to extort a Confession from such who are most innocent, by the Cruelty of these Tortures, with which they punish without End or Measure, those whom they suspect, as the very Plagues of human

human Nature, even of Crimes they have never thought of, and of which they have never heard so much as the Description. And therefore 'tis not to be wondered at, that the Inquisitors, within the Space of 150 Years, should have burnt 30000 Witches, as *Ludovicus a Paramo* says they have; adding: *De Orig. Inq. l. 2.*
 " The Inquisitors have most severely prosecuted these most outrageous Furies, who have thrown off all Humanity, especially in the Kingdom of *Sicily*,^{t. 3. c. 4.}
 " where, when I my self, a few Years past, executed the Office of Inquisitor, many of this kind of Apostate Witches were discovered and punished."

But as by this Method of Proceeding many notorious and manifest Acts of Injustice were committed, a certain Instruction was put into the Hands of the Inquisitors in *Italy*, which *Carena* hath published, in which 'tis affirmed:
 " That it hath for a long time been observed in the Congregation of the Universal Inquisition at *Rome*, that scarce any Process hath been ever found to be rightly and juridically formed; that it hath been generally found necessary to censure most of the Judges, and oftentimes to punish them for illegal Vexations, Inquisitions, Imprisonments, as also for several evil and impertinent Methods used in forming Processes, interrogating Criminals, inflicting excessive Tortures; insomuch that sometimes unjust and unrighteous Sentences have been pronounced, even of Death, or delivering Persons over to the secular Arm. And it hath been found in Fact, that many Judges have been too easy and ready to believe a Woman to be a Witch for a light Proof, or rather none at all, upon which Account they have omitted nothing, no not unlawful Methods, to extort such a Confession from these Women, notwithstanding there have been so many Improbabilities, Differences and Contrarieties, that one would think there could be little or no Debate about the Matter."

This *Carena* confirms by several Instances. In the City of *Logronno* in *Spain*, many Persons were condemned for Witchcraft, and yet afterwards 'twas discovered that there were many Deceits in the Affair of their Condemnation, upon which Account the Effects of the condemned Persons were not confiscated, nor their Sentences fixed upon the Churches, but they were reconciled, and moreover declared capable of any Office of the Inquisition: He gives another Instance of four Women, accused before the Ordinary by some others who had been condemned to Death, and hanged, who appealed to the Royal Council, to whom the Presumptions against them appeared so very slight, that upon finding Sureties they were dismissed, and never called into Question afterwards. He reports in the same Place the Words of *Ferrarius*, who calls those Judges, *Assassines*, *Judges that have no Fear of God, and less Love for Truth*. For this Reason certain Rules are prescribed to the Inquisitors, that they may proceed in this Affair with more Caution.

And first, before they begin the Process, there must be some Certainty as to the Reality of the Crime, whether the Offence be of that sort which leaves the proper Traces behind it. For it hath been observed, that some Judges have ordered certain Women to be punished with Death, for confessing

feſſing a Crime which had never been committed. Thus *Ferrerius* reports, that a Woman confeſſed, that in the Night ſhe took a certain Infant from the Breasts of its Mother, and carried it into the Aſſembly of the Witches, where it was killed by her and her Companions. But upon examining the Mother of the Infant, ſhe declared that no ſuch Accident had ever happened to it. Now the Reality of the Offence is proved by the Judgment of ſkilful Phyſicians, if they do clearly determine that the Diſeaſe is not natural, but poſſibly and probably a Witchcraft, and there be legal Proofs that the Witchcraft is committed by the Woman. After this the Inquiſitor may proceed to Imprifonment, firſt taking Advice of the Counſellors. After Imprifonment he ſearches her Houſe with a Notary, to ſee what Things they can find in the Coffers and Beds, both for the Aſſiſtance of the Perſon inquired, as whether there be Crowns*, Divine Services, Books of Devotion and the like; and for the Aſſiſtance alſo of the Fiſcal; as whether there be any Images of Wax run through with Needles, Powders, Ointments, Papers with Croſſes, Books containing Witchcrafts, Bones under Ground, Poyſons, Bones of dead Perſons, and all extraordinary Things found under the Threshold, and in the Beds. This Search muſt be made by the Miniſters of the holy Office, in the Preſence of the Notary before the Inquiſitor. None of the Family of the Perſon accused of Witchcraft muſt be preſent. And here they adviſe that all unuſual Things found in Beds are not to be looked on as a Token of Witchcraft; for ſome ſuch Things may naturally happen; and therefore ſuch Things can cauſe but a very light Suſpicion, unleſs what they find in the ſaid Places are in themſelves, and, according to the common Uſe of Witches, fit to perform magical Operations. As for Inſtance, if half of an human Skull is found in the Bed or on the Pillow of the Witch, and another half exactly anſwering to the former, is found in her Cheſt, a very conſiderable Suſpicion would from hence ariſe againſt ſuch Perſon, as the prudent Judge ſhall determine, and certainly greater than if no ſuch half Skull had been found at all. Theſe and other Things, too tedious to mention, the Inquiſitor is commanded to take prudent Notice of, leaſt he ſhould proceed againſt any Perſon as a Witch, raſhly, and without juſt Cauſe.

C H A P. XXII.

Of JEWS, and ſuch as return to Jewish Rites.

THE Nation of the *Jews*, after the Deſtruction of the City and Temple of *Jeruſalem*, were brought into miſerable Bondage and Captivity, and diſperſed throughout the whole World. But being impatient of their

* Conſecrated Bread made like a Crown, or in a round Form.

Miseries, they have often taken up Arms, and endeavoured to assert their Liberties. But having been subdued by most grievous Slaughters, they have at length laid down their Fierceness, and are forced to bear the Yoke. The Christians, partly through Fear of the Rage of the *Jews*, and partly through an intemperate Zeal for Christianity, have endeavoured either wholly to destroy by various Miseries this dispersed People, or to tire them out by the Grievousness and Length of their Miseries, and thus to compel them to profess the Christian Faith. Upon this account various Edicts have at different Times proceeded against the *Jews*. Some have proscribed them in the Countries where they have lived, others have deprived them of their Liberties, and reduced them to Slavery; others have stripped them of those Advantages and Privileges which their other Subjects have enjoyed, that by these Means they might at length be wholly extinguished, or wearied out by the Miseries they endured for their *Judaism*, renounce it, and embrace the Christian Religion. Very severe Edicts have been made against them, especially in *Spain*, where a very large Number of them dwelt, and were thought to endanger the Safety of the Kingdom.

In the Sixth Council of *Toledo* this Decree was published against the *Jews*. *Simanc. tit. 35. §. 9.*
We the holy Council, with the Consent of the most Christian Prince, and his Nobles, and most Illustrious Persons, publish this Sentence, pleasing to God, that whosoever shall enjoy the Kingdom for Time to come, shall not ascend the Royal Throne, before he hath promised upon the holy Sacraments, that he will suffer no Persons but Catholicks to dwell in his Kingdom. And if any one, after his Accession to the Kingdom, shall rashly violate this Promise, let him be Anathema Maranatha before the eternal God, and become Fuel for the everlasting Fire, and also all such who agree with him, Can. 3. Baronius, under the Year 638, says this was principally decreed out of Hatred to the *Jews*, and bestows great Praises on it, and from hence concludes, 'Tis not without Reason that the Kings of Spain have had the Title of Catholick bestowed on them, being worthy of so high a Title, because they not only swear that they will be Catholick themselves, but that they will not suffer any one that is not a Catholick to dwell in their large Dominions. But notwithstanding this Decree, a great many *Jews* remained in *Spain*, and soon increased to such a Number, that they began to appear formidable to the Kings, and they were accused, whether right or wrong, of a Design to raise a Rebellion. Upon which account another Edict was made against them in the Seventeenth Council of *Toledo*, Can. 8. *Since the Perfidioufness of the Jews hath not only defiled the Coat of sacred Christian Baptism which they have received, but also attempted to conspire against the King and Kingdom; let them be deprived of all their Effects and those perfidious Wretches themselves, their Wives and Children, and the rest of their Posterity, throughout all the Provinces of Spain, be subject to perpetual Slavery, and remain every where dispersed; and let such who have made Slaves of them, by no Means permit them to celebrate their Ceremonies.* Yet still the Posterity of the *Jews* greatly multiplied in *Spain*.

In the mean while the *Romanists* contend that the *Jews* ought not to be compelled by Force to embrace the Christian Religion against their Will, because
 Religion

Religion ought to be voluntary, yea sometimes they have been protected by the Papal Authority against the Injuries of some intemperately zealous Christians.

Bzovius,
A. 1200.
§. 13.

Thus Pope *Innocent III.* published a Constitution for not oppressing the *Jews*, in which there are these Things. *We ordain that no Christian shall by Violence compel them (the Jews) against their Inclination and Will to come to Baptism. But if any of them shall, of their own accord, come over to the Christians upon account of the Faith, after he shall have discovered his Intention, let him become a Christian without any Reproach. Such a one cannot be supposed to have the true Faith of Christianity, who is known to come to Christian Baptism not voluntarily but unwillingly. Farther, let no Christian without the Order of the secular Power, wickedly hurt their Persons, or presume by Violence to take away their Effects, or to change the good Customs which they have hitherto used in the Countries where they dwell. Moreover, let no one disturb them with Sticks or Stones in the Celebration of their Festivals; nor let any one strive to exact or extort from them undue Services, nor any but those which they have been accustomed to yield in Times past. And that we may prevent the Wickedness and Covetousness of evil Men, we decree that no one shall dare to mangle or lessen the Burial-place of the Jews, or with a View to get Money, to dig up their Bodies when buried. But if any one, which God forbid, knowing the Tenor of this Decree, shall attempt to contradict it, and shall not make Amends for his Presumption by condign Satisfaction, his Crime shall be avenged by the Punishment of Excommunication. It is our Pleasure however that such only shall enjoy the Defence of this our Protection, who shall not presume to attempt any Thing to the Subversion of the Christian Faith.*

§. 27.

The Papists also farther contend, that although they oblige the *Jews* in *Spain* and *Portugal* to depart thence, unless they embrace the Christian Religion, yet they do by no Means force them to become Christians; and therefore *Orosius* and *Mariana* blame King *Emanuel*, who kept the younger Children of the *Jews* against their Parents Will, and compelled the *Jews* by a severe Bondage to receive Baptism; and they say that this Action is neither agreeable to Law or Religion. The Words of *Bzovius*, by which he blames this Action, under the Year 1497. are not to be omitted here. *What is this? Wouldst thou force rebellious Minds, not bound by any Obligations of Religion, to believe those Things, which they do so vehemently despise and reject? What, do you assume this to your self, to restrain the Liberty of the Will, and throw Chains upon such unbridled Minds? This is an Impossibility, nor doth the most holy Deity of Christ approve it. What he desires is a voluntary Sacrifice, and not such a one as is forced from Men by an unlawful Violence; nor doth he command that the Mind should be compelled, but that the Will should be allured and invited to the Study of true Religion. Besides, how can any one arrogate that to himself, which the holy Spirit only can effect in their Minds, who do not go on to oppose his Goodness to the End of Life? For 'tis he only who illuminates their Minds, and allures and invites them, and brings those who do not reject so great a Gift with an obstinate and ungrateful Heart, to confess and have Communion with Christ. Finally, who doth not see how unworthy 'tis to commit to Men of different Persuasions in Religion so many Mysteries, so many*

many sacred Things, so great an Affair of divine Matters, and thus inconsiderately to afford an Occasion of Wickedness to those who despise the Discipline of Christ, and by this Means most unworthily to prostitute Religion it self under a Pretence of Religion? Can any one believe that these People speak seriously, who by so many Methods cruelly distress the Jews, that they may force them, thus broken by Miseries, of which they see no End, to embrace the Christian Religion? For 'tis owing to this that so many amongst the new Converts are found to be Jews in their Hearts. Hence 'tis that they themselves always suspect the new Christians, viz. such who are converted from the Jews and Saracens, and desire that their Posterity may be always separated from the Posterity of the old Christians.

Sometimes also they have openly persecuted the Jews, and compelled them to become Christians. *Setbus Calvisius* relates from *Cedrenus*, under the Year 722. that *Leo* the Emperor forced the Jews to embrace Christianity; but that they afterwards either renounced their Baptism, or shut themselves up in their Houses, and burnt themselves with all their Families.

But what shall we say to these Persons, who, though they teach that the Jews are not to be compelled to the Faith, yet plead for forcing, and actually force those who in their Judgment err concerning some Principles of Religion, whom they call by the infamous Name of Hereticks, to renounce their Errors, or rather the very Truth it self, by all manner of Methods, and every kind of Cruelties. *Conrad Brunus* resolves this Question, reciting a Decree of one of the Councils of *Toledo* concerning the Jews. As to the Jews, the *Schisholy* Synod commands, that no one of them shall be henceforwards compelled: For the Lord sheweth Mercy on whom he will have Mercy, and whom he will he hardens; for such are not to be saved against their Consent, but willingly, that the Form of Justice may be compleat. For as every one obeying the Serpent by his own free Will perishes, so every one who is called by the Grace of God, believing thro' the Conversion of his own Mind, is saved. So that Persons are to be persuaded, that by their own free Will and Power they may be converted, and are not rather to be compelled. "Since this is determined concerning the Jews, why is it, says *Brunus*, that we compel Hereticks to return to the Unity of the Catholick Church, and do not rather leave them to their Will? There is a Reason to force the one, and not the others, as the same Council of *Toledo* declares; because Hereticks have been once Partakers of the Divine Sacraments, and received the Grace of Baptism, and been anointed with Oil, and partaken of the Lord's Body; and therefore they are to be compelled to hold the Faith they once received, that the Name of the Lord may not be blasphemed, and the Faith which they have received become vile and contemptible."

Bellarmino explains this Matter more fully in Answer to the Objection, *de Laicis*, that Faith is free. He distinguishes Freedom, and says, 'tis capable of a double Sense. The first is a Freedom from Obligation, as when we say 'tis a Matter of Freedom to vow Chastity, to enter into Religion, but 'tis not Matter of Freedom to break one's Vow, or to go out of Religion. And in this Sense Faith is a Matter of Freedom.

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dom as to those who have never received it, as to any Obligation of human Law, though not as to the Divine, and therefore such Men ought not to be compelled. God will punish them. But as to such who have professed Faith in Baptism, Faith is not free from Obligation either of the divine or human Law, and therefore they compel Men to preserve it. Again, Liberty is so taken as to distinguish it from Necessity, and in this Sense 'tis free whether a Man will believe or no, &c. But that I may by the way refute this Foundation of Popish Persecution, I would observe that neither Bellarmine nor any of the Popish Crew will ever be able to shew, that by receiving Baptism, there is any Obligation whatsoever to human Laws contracted. The Vow is made to God, and the Person baptized obliges himself by Baptism to God only, and not to any Man, and therefore he receives Baptism in the Name of the Father, Son and Holy Ghost; and as our Saviour commands this Form of Baptism to be observed, he evidently shews that a Person hereby becomes devoted only to God; nor doth the baptized Person make any, either express or tacit Promise, by which he lays himself under Obligation to any Man. He professes himself a Disciple of Jesus Christ, binds himself to observe his Commands, and acquires a Right to those spiritual Blessings which God seals his Title to by Baptism. So that here is nothing to be found by which a Person binds himself to any Man, or renders himself obnoxious to human Punishment if he departs from the Faith, and from an holy Life. All Things in this Transaction are divine and spiritual. 'Tis from God he expects the Remission of Sins and eternal Life, if he observes those Things to which he binds himself in Baptism. If he breaks his baptismal Vow by Apostacy and Profaneness of Life, he will experience the divine Punishment. So that herein there is no Change made as to any human Obligation; nor is he by Baptism more bound to any Man whatsoever than he was before. It may be said perhaps, that by Baptism he is made a Member of the Church. He is so; but doth not on this Account come under any human Obligation, and cannot therefore be obnoxious to the Decrees of any Man, but to those only of God; which if he departs from, he immediately ceases to be a Member of the Church, and therefore the Church may declare that he is no longer a Member of her Body, and that therefore he hath no Hopes remaining of the Remission of Sins, and eternal Life. And the Church may pronounce just the same of those who have never been baptized, nor professed the Christian Faith. And therefore I conclude, that if any one falls from the Faith into an Heresy truly such, he doth not depart from any Obligation he is under to the Church, or to any Man, but from that which he is under to God, whose Word only he is bound to obey as the sole Rule of his Faith; and that therefore he is to be punished by God only with a spiritual and eternal Punishment, and not by any Man with a corporal Punishment. This by the way.

To return therefore to our Purpose. The Inquisition was not introduced to compel the *Jews* to the Christian Religion; because, say they, as they are not baptized, and have not professed the Faith of Christ, they cannot be said to be Hereticks or Apostates, and therefore are not subject to the Jurisdiction.

Jurisdiction of the Inquisitors. For the Church doth not judge of those that are without, and the Jurisdiction of the Inquisitors is only granted them against heretical Pravity and Apostacy. The Inquisition indeed in *Spain* is introduced against those, who being converted from the *Jews* or *Mahometans*, to the Christian Religion, return again to *Judaism* or *Mahometanism*, and give such Marks of that Apostacy as are capable to convict them. Such a one, as well as a Christian, that goes over to the *Jewish* Rites, may be punished by the Inquisitors as any other Heretick or Apostate. And in order to prove this Crime, they admit the Testimony of *Jews*; and when it is legally proved, they are by the royal Laws of *Spain* delivered over, as Relapsed and Impenitent, to the Fire.

Besides this there are other Cases in which the *Jews* are subject to the Inquisition, concerning which *Zanchinus de hæreticis*, and *Campegius* discourse, *Ad. lit. ad* and which I shall here mention. “ Because the Church doth not judge of *Zanchin.* “ those who are without, some, without making any Difference, believe, c. 36. “ that the Inquisitors can’t proceed against the *Jews*, nor punish them. O- “ thers indeed grant, that the *Jews* are not against their Wills to be com- “ pelled to receive the Christian Faith, or Baptism, but yet that in certain “ Cases they are subject to the Inquisitors. And to prove it they use this Di- “ stinction. A *Jew* either offends by Contempt of the Orthodox Faith, or “ hindring the Office of the Inquisition. Or else as to their own Faith, or “ otherwise not relating to the Premisses. In the two latter Cases this is “ nothing to the Inquisitor. But if he offends as to the Contempt of the “ Faith, by reproaching the Churches or Altars, or even the sacred Orna- “ ments of the Church, and the like, or hinders the Inquisitor in the Di- “ spatch of his Office, the Inquisitor may proceed against him, because the “ Nature of his Offence is such as subjects it to the Court of the Church. “ The Penalties by which such a *Jew* may be punished, are various. Chri- “ stians may be forbid to have any thing to do with him, and this is a “ most grievous Punishment to live amongst Men, and to be absolutely de- “ prived of their Assistance. He may also be fined, and receive other cor- “ poral Punishment, viz. Imprisonment or Whipping.”

There are yet other Cases, in which the *Jews* are subject to the Inquisitor, *Campeg.* if they relapse into *Judaism*, or if any one simply forsakes Christianity for *in Zanch.* *Judaism*, or if a *Jew* persuades a Christian to the *Jewish* Rites. All which c. 36. are mentioned in the Extravagant of *Gregory X.* to the Inquisitors of the Pre- dicant and Minor Orders, in the Year 1271. *With Grief of Heart we have heard and relate, that not only certain Persons converted from the Error of Jewish Dark- ness to the Light of the Christian Faith, are known to return to their former Wickedness; but that many Christians denying the Truth of the Catholick Faith, have damnably gone over to the Jewish Rites. This is so much the more reprobate, as hereby the most holy Name of Christ is by a kind of friendly Enmity more securely blasphemed. Since therefore it becomes us to obviate by fit and speedy Remedies this damnable Plague, by these Apostolick Writings, we command all of you, that within the Times appointed you by Authority of the Apostolick See, to make In-*

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quisition against Hereticks, you do diligently and carefully enquire out the Truth concerning the Premises, as well with respect to Christians as to Jews, and that you endeavour to proceed against those, whom you shall find hitherto to have committed these Things, or who shall commit them for the future, as against Hereticks, the Favourers also, Receivers, and Defenders of Hereticks. And as to those Jews, who have persuaded Christians of either Sex to embrace their execrable Rites, and whom you shall find hereafter endeavouring to persuade them, let them undergo the deserved Punishment. Compel all Contradictors by the Ecclesiastical Censure, without allowing them any Appeal; calling, if there be Need, to your Assistance in this Affair, the secular Arm.

There are also extant the like Records, in the Acts of the Inquisition at Ferrara, written in Parchment, which *Campegius* gives us, two of which I shall here only transcribe. The one is a Letter of *Latinus D'Ursinis*, Cardinal Legate of *Romagnona* and *Tuscany*, to the Inquisitor of Ferrara, A. D. 1280. and second of the Pontificate of *Nicholas III.* Our Beloved in Christ, *Boniface* of Ferrara, heretofore a Jew, but now, through the Grace of Christ, converted to the Catholick Faith, hath declared to us, that the Jews dwelling at Ferrara, being stirred up against him by a malignant Spirit, endeavour to oppress him with grievous Persecutions, and invent wicked Things to his Destruction; on which Account he cannot dwell in the aforesaid City without Fear of Danger. Wherefore he hath humbly besought us, that we would take Care to provide him with proper Assistance in this Difficulty. Since therefore 'tis very unworthy, that such who forsaking the Error of Jewish Blindness, have returned to the Light of the Christian Faith, should suffer Persecution and Injuries from those who remain in Darkness it self, we command your Discretion, by the Authority we are invested with, that you receive under your Protection the said *Boniface*, and all others, who are converted to the Catholick Faith, in the City and Diocese of Ferrara, or who shall be hereafter converted; and that you take Care to protect and defend them from the aforesaid Jews, by restraining the said Jews from their Insolencies and Blasphemies against the Orthodox Faith, as to you shall seem convenient. Calling in, if Need be, in this Affair, the Assistance of the secular Arm.

The other is the Answer of several Divines of *Padua*, *Bologna*, and *Ferrara*, to eight Articles proposed by the said Inquisitor of Ferrara, which, as 'tis abridged by *Campegius*, I shall here faithfully transcribe.

First, 'tis asked, *Whether a Jew baptized, and converted to the Christian Faith, becomes subject to the Office of the Inquisitor if he apostatizes from the Truth of the said Faith to Judaism, and denies the Christian Faith which he hath received, and may by him be compelled and condemned as other Hereticks, if he contemptuously refuses to hold the Faith he hath received.*

The Answer of the wise Men of *Padua*, A. D. 1281. to this Question is, *That such a one is subject to the Office of the Inquisition, and that he may be proceeded against as well as any other Heretick. Those of Ferrara said the same, viz. that the Inquisitor can, and ought to proceed against baptized Jews, who have afterwards returned to Judaism.*

Secondly,

Secondly, Whether the Inquisitor may proceed against those by whose Help, Will, Counsel, or Assent, such or such a Christian apostatises, and denies the Faith of Christ, which he hath once received; and also against his Favourers, Receivers, and Defenders, whether they are Jews, or of any other Condition and State.

Those of Padua replied, That the Inquisitor may and ought to proceed against such, as against Favourers, Receivers, and Defenders of Hereticks. Because, although Jews are tolerated by the Church in their Rites, yet by the Nature of their Crime, which they commit against the Church, they are to be restrained by Ecclesiastical Severity, and because he ought to forfeit his Privilege who abuses the Power intrusted with him. Those of Bologna say the same, viz. That such are to be severely punished. Yet they advise that such should not be proceeded against with the last Extremity, not to the shedding their Blood, nor to their being delivered over, or left to the secular Arm. But that they may and ought to be punished with a Fine, Banishment, Imprisonment, and also with an indirect Excommunication, and the like, as the Nature of their Offences require. Again, such ought to be proceeded against, as Favourers, Receivers and Defenders of Hereticks, who give Counsel, Assistance and Favour to such an Apostate, by keeping him in their House, feeding him, giving him Money, and accompanying him out of the City, so that what is done may not come to the Knowledge of Christians, or by admitting him to Judaize in a Synagogue, and the like. But these are to be punished less than the former, because these seem to be Favourers only; but the former, properly speaking, Makers of Hereticks. From these also the Truth may be forced by moderate Torture, if they will not themselves confess it, since there are Witnesses or violent Suspicions against them, that they have committed these or the like Things to the Prejudice of the Christian Faith. The Doctors of Ferrara subscribed to this Decision.

Thirdly, Whether an Inquisitor, having violent Presumption against such Persons, that they do not speak the Truth, whilst he is making Inquisition against them in the aforesaid and other like Crimes, may force it from them by Torture, so as not to shed their Blood, by the secular Executor or Judge, and proceed against them to Canonical Punishments, if they are convicted, or confess. They of Padua answered in the Affirmative, to which those of Bologna agreed. The Truth, say they, may be forced from them, if they will not confess it, by Punishments not extending to the shedding their Blood, by the secular Judge, at the Command of the Inquisitor, when there are legal Witnesses, or violent Presumptions that they have committed the aforesaid or like Things. Campegius adds here, Observe, I beseech you, the Scruple of the Antients, as to the Punishments of Torture, because they would not have them used by the Ecclesiastical Judge, but by the secular one at the Command of the Ecclesiastical. But now this Scruple is entirely removed by Cle. Multorum. de hæret. §. Duro tamen. Those of Ferrara gave the same Advice, viz. that the Inquisitors may and ought to proceed against such, by whose Help, Counsel, or Assent, any one hath apostatised.

Those of Padua moreover say, that the Truth may also be extorted by the same Punishments, if they deny that which is proved by several Witnesses, although the Witnesses who prove it say, that the aforesaid Crimes were committed by the Help, Counsel and Assistance of the Jews of such a City, and yet doth not severally express
their

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their Names. And moreover, by such sort of Proofs they may be proceeded against without the Confessions of any others of them.

Fourthly, Concerning the Synagogue 'tis enquired, What must be done with such a one, wherein, by the Help, Will and Counsel of the Jews who dwell in the Country, any Christians have been washed by the Jews, to the Prejudice of holy Baptism, and have denied the Faith by their Persuasions. Those of Padua answer, that it must needs be entirely destroyed, or deprived of the Privileges of Christians, which Sentence is approved by those of Bologna and Ferrara.

As to a Person who offends in the said Cases within the Bounds of the Inquisition, where he lives, and hath an House within the said Bounds, in which he has been used to dwell with his Family; those of Padua say, 'tis sufficient, that an Edict of Citation be sent to the said House, if the Person hath transported himself to foreign and unknown Parts; and if he doth not appear within the proper Terms assigned him, he must be proceeded against, and his Effects found therein be disposed of according to Law.

In another Instance the Paduans answer thus; That an Infant Child of a baptized Jew, left with its Mother, who continues in Jewish Blindness, must, whilst the Father is absent in remote and unknown Parts, be taken from her in Favour of the Faith, by the Church or Ordinary of the Place, or the Christian Prince, to whose Government 'tis subject, and brought up amongst faithful and unsuspected People, and baptized, unless the Child it self appears to be against it.

As to another Instance, of a certain Person, against whom it was proved by several legal Witnesses, that being in a Jewish Synagogue, and about to read the Law solemnly before other Jews, according to their Manner, it was objected to him by one present, that he was not worthy to read the Law, for that in such a Country he had been baptized; and he himself owned and confessed that he had been there baptized, but that he was returned to Judaism, and had performed the Penance which the Jews had appointed him for his Sin in being baptized, and that he would live and die from henceforwards as a Jew; those of Padua and Bologna say, that the Truth concerning these Things may be extorted from him by Punishments not reaching to the Effusion of Blood, by the secular Judge, at the Command of the Inquisitors.

As to two other Persons, viz. a Man and a Woman, who declare themselves, and act publickly as Jews, and yet it may be legally proved against them by Witnesses, that the Parents of each were Christians, and they themselves were baptized, viz. in this Manner. For the Father of this Man, who declares himself, and acts as a Jew, was himself first a Jew, but afterwards baptized, and so made a Christian, and married a Christian Woman for his Wife, by whom he had this Son, and caused him to be baptized, so that he lived many Years as a Christian. A long while after his Father returned to Judaism, and caused this Son, of whom we speak, to be circumcised, so that he afterwards always lived as a Jew, and what is more, caused his Mother, who was truly a Christian, to Judaize, who was at length buried in the Burial Place of the Jews. And as to the Woman who publickly declares her self, and acts as a Jewess, she also is proved to have been first a Christian after the aforesaid Manner. For her Mother was first known to be a Jewess, but was afterwards made a Christian, and married a Christian Man, upon whose Death she returned

turned to Judaism, and married a Jew for her Husband. Of both these they of Bologna say, that they must proceed against them as against Hereticks, and that the Truth must be extorted from them by Punishments, if they will not confess it. But if they will neither thus confess the Truth, nor return to the Faith which they first received in Baptism, they may, after Confiscation of their Effects, either be shut up in perpetual Imprisonment, or left to the secular Arm.

In Testimony of which Thing the Lords Advisers of Padua, Bologna and Ferrara, have signed their distinct Opinions with their own proper Seals.

Simancas also adds these Cases, of which some do not much differ from the Cases mentioned in the above Writing of Ferrara. tit. 55.

“ If a Jew, Mahometan, or any other Person receives, defends or favours Hereticks, or hinders the Inquisitors, or obstructs their Office, or should keep in his Possession the Books of Hereticks, he may be punished by the Inquisitors. Also by one of the Extravagant Constitutions of Nicholas IV. Power is granted to the Inquisitors of taking Cognizance of the Crimes of Jews, as often as they offend against the Old Testament, or induce any Christian to Judaism, or circumcise him, or compel him to deny the Catholick Faith.”

Pope John XXII. also, as Bzovius relates under the Year 1319. §. 9. by a Letter N^o. 190. renewed the Constitutions of Clement. IV. and other his Predecessors, and by severer Laws encreased the Power given to the Inquisitors against them; commanding that they should gather together and burn all the Books of the Talmud, and punish those who were convicted of execrable Blaſphemies. In the Month of December following, by the Command of Friar Bernard Guido, Inquisitor of heretical Pravity, the Books of the Jews called the Talmud, were as many of them as could be found in the Possession of the Jews, burnt at Tholouse, after it had been declared by sworn Examiners, skilful in the Hebrew Tongue, that they contained Errors and Blaſphemies against the Lord Jesus Christ, and his most holy Mother the Virgin Mary. Inquisit. fol. 136.

In the Kingdom of Valencia the Inquisitors may proceed against the Jews, Royas, or Saracens, or other unbaptized Infidels dogmatizing amongst Christians, especially against the Alſaquins, or those who hinder the Office of the Inquisition, or circumcise Boys, or are Receivers of Hereticks, or who compel any one to deny the Faith, or persuade them to use their Rites or publick Ceremonies. But yet others think that a Jew, who says to a Christian, *La fede vostra e fede di *Cazzi*, i. e. Your Faith is the Faith of a ——— or who throws Nastiness upon the Cross which is carried in the Litanies, ought not to be punished by the Inquisitors, but by the secular Judge. p. 1.

And finally, Gregory XIII. An. 1581. published a Constitution, beginning, *Antiqua Judæorum improbitas*, by which he granted Power to the Inquisitors of heretical Pravity, freely to proceed against the Jews in the following Cases. Comp. Bul. par. 2. p. 178.

“ If they deny Matters of Faith common to them and Christians. If they invoke Devils, or sacrifice to them. If they teach any Christian-

* *Cazzi* is an obscene Word.

“ these

“ these Things, or bring them to them. If they speak heretical Blasphemies. If they pervert a Christian from the Faith. If they hinder Infidels from coming over to the Faith of Christ. If they knowingly receive an Heretick, or give him Assistance. If they keep heretical Books, or Tamudical, or any other *Jewish* Books any ways condemned. If they deride the salutary Host, or the Cross, or the like Things, or Christians. If they keep Christian Nurses, or shall compel them from the Day in which they have received the Sacrament of the Eucharist, to throw their Milk into the Jakes.”

But especially in the Kingdom of *Spain* and *Portugal* the Inquisition is introduced to detect and punish those who, being *Jews*, have embraced the Christian Religion, and witnessed their Profession by the solemn receiving of Baptism, and have afterwards turn'd again to *Judaism*.

Pegna,
Com. 25.
in 3. part.
Eymericick.

There are several Signs by which it may be collected, that a Person is revolted to *Judaism*. Anciently the converted *Jews* themselves allowed, that it might be known by certain Marks which of them were not sincerely converted to Christ, but cherished *Judaism* in their Heart in a certain Ordinance made in the Name of the King of *Spain*, about the Year 653. *Leg. del Fuero Jurgo. lib. 12.* as follows.

To our most clement and serene Lord, King Rocesuind. All we Hebrews of the City of Toledo and Spain, your Glory, who have under-written our Names, or put our Marks. We well and justly remember that we were compelled to think it our Duty to write our Opinion in the Name of King Chintillan, of holy Memory, for preserving the Catholick Faith, even as we have done. But because the Perfidiousness of our Obstinacy, and the Antiquity of our Error that we have derived from our Fathers, hath so possessed us, that we have neither truly believed in Jesus Christ the Lord, nor sincerely kept the Catholick Faith: We now therefore willingly and readily promise your Glory by this our Ordinance, as well for our selves, as for our Wives and Children, that we will never hereafter mix in any Jewish Observations or incestuous Customs. And as we are baptized, we will never more in any sort be joined with the Jews in an execrable Society; nor will we, according to our Custom, ever be joined with them by Nearness of Blood, even to the sixth Degree, by an incestuous Pollution in Matrimony or Fornication. We will not enter into Marriages with our Race in any sort, neither our selves or our Children, or any of our Posterity, but as to both Sexes we will henceforwards marry only with Christians. We will not work the Circumcision of the Flesh. We will not celebrate the Passover and Sabbaths, and other Holy-days, according to the Rite of Jewish Observation. We will not observe the Difference or Custom of Meats, nor do any of all those Things, which the Use and abominable Custom and Conversation of the Jews doth. But we believe with a sincere Faith, grateful Mind, and entire Devotion in Christ, the Son of the living God, according to the Evangelick and Apostolical Tradition, and him we confess and adore. We do also truly hold and sincerely embrace all the Customs of the holy Christian Religion, as well as to Holy-days as to Marriages and Foods, and all other Observations, without reserving to our selves any Object of Opposition, or fallacious Argument, by which we will do again those Things which we have

have denied to do, or not sincerely fulfil those Things which we have promised to observe. And as to Swines Flesh we promise to observe, that if we cannot possibly eat it through Custom, yet that we will, without Contempt or Horror, take and eat Things that are dressed with it. And if in all these Things which are above mentioned, we shall be found Transgressors in any the least Point, or shall presume to act contrary to the Christian Faith, or shall delay to fulfil in Word and Deed what we have promised agreeable to the Catholick Religion: We swear by the same Father, Son and Holy Spirit, who is one in Trinity, and the true God, that whosoever of us shall be found a Transgressor of all or any one of these Things, he shall perish with new Flames or Stones. Or if Goodness shall reserve him for Life to your Glory, he shall lose his Liberty, and forfeit all his Substance, and shall be for ever a Slave to any Person you shall appoint. And whatsoever you shall command to be done as to him or his Effects, you shall not only have free Power to do it by the Power of your Kingdom, but by the Engagement of this our Ordinance. This Ordinance was made March 21. in the happy Sixth Year of the Reign of your Glory, in the Name of God, at Toledo.

But *Pegna* is of Opinion, that a more certain Suspicion of secret *Judaism* arises from other observed Rites of the *Jews*, viz. from too intimate conversing with them, by frequenting the Places in which they dwell, and especially the Synagogues, by the Observations of the Sabbaths, and many other Things, than from their Abstinence from Swines Flesh, which may be either unpleasant to the Taste, or nauseous to the Stomach. This Consideration particularly affects the new Converts, who, through Custom, cannot be supposed easily to relish Swines Flesh, or other Meats forbidden them before their Conversion. But this doth not hold as to their Children and Grandchildren, and other Descendants, who can't be supposed to abstain from these Things for any other Reason, but their Reverence and Approbation of this accursed Sect, because the Reason of Custom cannot be pleaded in their Behalf, though it may as to those who are themselves converted.

Amongst other Signs of secret *Judaism*, the Name that a Person takes is accounted one. For they say 'tis customary amongst the *Hebrews* frequently to give the same Name to those who come over or return to their Sect, which they had before they were baptized. If therefore any Person, after Baptism, in which he put off his old *Jewish* Name, and took the Name of some Saint, according to the Custom of Christians, shall take it again, or some other Name familiar and usual amongst the *Jews*; it will be a Presumption that he approves *Judaism*.

In how many, and in what Cases the *Jews* and other Infidels are subject to the Power of the Inquisitors, *Gregory XIII.* hath largely declared, *An.* 1581. by a Rescript, beginning, *Antiqua Judæorum*, which shall be hereafter mentioned.

As to the Punishments of such offending *Jews*, their Crimes are distinguished into three Sorts. Some of them are common to them and Christians, Others are against the Christian or rather Popish Faith. And lastly, others against their own Faith, which are not to be treated of here.

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As to Crimes of the first sort, respecting them as well as Christians, such are declared Hereticks who deny God to be Almighty. If they confess that they said and believed this, they are compelled to abjure as for formal Heresy. If they confess they said it, but deny that they believed it, they must be tortured as to their Intention, and be made to abjure as well as Christians, according to the Degree of the Suspicion, whether light or vehement.

As to Crimes of the second sort, they are tortured only to get out the Truth, and discover their Accomplices. For in these Things they are not truly Hereticks; but because they grievously offend against the Christian or Popish Faith, they are usually punished in a very severe Manner; and in this Case they are not compelled to abjure, because the Church doth not compel them to the Faith.

The Punishments which the Inquisitors inflict upon the *Jews* who offend in the aforesaid Cases, are various, and lighter or heavier, according to the Nature or Degree of the Crimes, *viz.* Privation of all Conversation with Christians, Fines, perpetual Imprisonment, Whipping, and also to be delivered over into the Power of the secular Arm.

Finis Libri Tertii.



THE
HISTORY
 OF THE
INQUISITION.

VOL. II.

BOOK IV.

Of the Manner of Proceeding before the Tribunal of the
 INQUISITION.

CHAP. I.

How the INQUISITOR begins his Office.

IT now remains that we give an Account of what relates to the Execution of the Inquisitorial Office. This will be a more difficult Task, because, altho' the Inquisitors are bound to certain Laws, yet many Things are left to their Pleasure. Besides, the very Application of the Laws to particular Cases, which come before the Inquisitors; and also the Method of proceeding and drawing a Confession from the Prisoners, depends very much on their Will. Hence it comes to pass, that altho' all the Inquisitors are directed by certain general Laws, so that one and the same general Method of Proceeding is observed by all, yet, as to many Circumstances, the Method is very various and different, which besides cannot be so fully explained, because the Inquisitors learn many Things rather by Use and Practice, than by Instruction and Precepts; especially considering that they oblige all Persons by Oath, whom they dismiss from the Prison of the Inquisition, to Silence; that the Secrets of the Inquisition, as tho' they

were the sacred Myſteries of *Ceres*, may not by any Means be revealed. I have determined therefore faithfully to give my Reader whatſoever the Popiſh Doctors and the Inquiſitors themſelves have with great Labour gathered together from the Laws, Papal Bulls, and their Inſtructions, concerning the Method of Proceeding, and to illuſtrate the Whole by ſuch Examples as offer themſelves to me. And that I may omit nothing, I will trace this Matter from the very Beginning, *viz.* from the very firſt Moment in which the Inquiſitor begins his Office, down to the Acts of Faith, in which the Sentences are pronounced upon all the Priſoners, and actually put in Execution.

Direct.

Inq. part

3. n. 1.

2. When the Inquiſitor is firſt conſtituted by the Pope, he muſt preſent himſelf to the King, or temporal Lord of thoſe Territories, in which the Inquiſitor is deputed by the Apoſtolick See, and exhibit his Apoſtolick Commiſſion. Then he muſt demand his Protection for himſelf, his Colleague, Notary, Servants and their Effects, and his Orders to his Officials to obey the Inquiſitor in apprehending Hereticks, their Believers, Receivers, Defenders, Favourers, and ſuch as are defamed for Herefy, and that they do all and ſingular Matters that belong to their Office in making Execution, againſt the aforeſaid, to extirpate heretical Pravity, and to extol the Catholick Faith, whenſoever, and as often as they are required by the Inquiſitor, or in his Name.
4. When he hath obtained theſe Letters, he muſt likewiſe exhibit his Apoſtolick Commiſſion to the Arch-Biſhop and Metropolitan of the Province to which he is deputed; as alſo to all the Biſhops and their Vicars, to whoſe Dioceſſes he is ſent. After this he muſt ſhew the Letters which he hath obtained from the King or temporal Lord of the Place, to his Officials, and require of them, according to the Law of the Emperor *Frederick*, that at the Deſire of the Inquiſitor, or other Catholick Men, they will apprehend Hereticks, and when taken, ſtrictly keep them, till being condemned by the Eccleſiaſtical Censure, they periſh with an accuſed Death. Finally, he takes an Oath from theſe Officials for their defending the Church againſt heretical Pravity, and that they will obey the Inquiſitor with all their Might, for which End he ſummons them before him by Letters. If they appear, he propoſes the Form of the Oath to them. If they conſent to take it, they muſt do it publickly in the Church, or in ſome other Place appointed for that Purpoſe, upon their bended Knees, and their Hands upon the Book of the Goſpels. If the Officials deſire Time to conſider, and reſuſe after the Expiration of it to take the Oath, the Inquiſitor, a few Days after, muſt cite them before him, and demand of them to take the Oath, under the Penalty of Excommunication. If they appear within the fixed Term, and conſent to ſwear, the ſame Form of the Oath is ſhewn them. If they do not appear, after the ſaid Time is elapſed, they are declared excommunicate, and the Excommunication is ordered to be publiſhed in the Cathedral Church. After the denouncing the Excommunication, they are abſolved from the Sentence of it if they will take the Oath, and enjoined ſome hard arbitrary

arbitrary wholesome Penance, as shall be most conducive to the Honour of the Faith. When their Absolution is given, they are denounced free from Excommunication. However, they cannot be absolved, unless they first take this Oath, at the Command of the Inquisitor. *I swear that I will obey the Commands of the Church.* Or thus: *I swear that I will stand to and obey thy Commands.*

But if they abide under this Sentence of Excommunication two or three Months, the Processes are aggravated, and they are commanded to be denounced publickly excommunicated in the aforesaid Churches, with lighted Candles thrown on the Ground, or put out in Water, and the Bells rung once or oftener in a Week or Day. If without being terrified by this Excommunication, they refuse to take the Oath, they are not only excommunicated, but all who have any manner of Converse with them, who eat, drink or talk with them. If nevertheless they persevere in their Contumacy, their Lands are put under an Ecclesiastical Interdict. If after this they will not take the Oath, they are deprived of the Honour and Office of Government, as infamous, Favourers of Hereticks, and suspected of the Faith, and are condemned to be never hereafter admitted to any publick Office or Dignity; and whatsoever they do after this is null, according to the Chap. *Ad abolendam*. §. *Statuimus*. Extra. de hæret. and Chap. *Ut officium*. §. *Statuimus*. lib. 6. And this Sentence is commanded to be published by those who have the Cure of Souls in the Cathedral and other Churches. If the City or Place acquiesces in the Sentence, and deprives such Persons of their Offices; others are chose in their Room, who, before they are admitted to the Discharge of their Office, are bound to take the Oath which the others have refused. But if the City doth not submit to the Sentence, but supports their Officials, tho' deprived of their Offices by the Inquisitor, he may cut it off from all Communication with other Cities, and deprive it of the Episcopal Dignity. But they think it better to acquaint the Pope with the Contumacy of such a City, that he may order in what Manner to proceed against it.

27.

33.

At this Day the Inquisitors in *Spain*, when they enter upon their Province ^{Simanc.} or City, where they never were before, must in the first place shew their ^{44. § 1.} Letters of Delegation, by which they are created Inquisitors, to the Chapter of the greater Church, and Consistory of the City, that it may appear that they are Judges of the Causes of Heresy. *1 Instruēt. Hispal. cap. 1.* And such who have offended therein must be proscribed by the Inquisitors, ^{Pæna,} and apprehended and punished by the Royal Hand. ^{in direct.}

But if the Officials, terrified by the more grievous Denunciation of the In- ^{p. 432.} quisitor, take the Oath, they are freed from their Excommunication, but receive an heavy Penance, which is always encreased according as their Contumacy is longer or more aggravated. In their first Penance they are enjoind to stand in the Gate of the Church, or on the Steps before the Altar, on several *Sundays*, or Holy-days, whilst the greater Mass is saying, and there is a large Concourse of People, without Hat or Shoes, and to hold in their Hands a Wax Taper of a certain Weight, and to offer it to the Priest.

Priest when the Mass is ended. Or they must do this always, or at some certain Time, when it happens that the Inquisitor makes a general Sermon for the Faith. Other milder Punishments may be also thought of; for Instance, some larger Almsgiving, the building some holy Place, and the like. But if they persist longer in their Contumacy, there is somewhat added by way of Penance, which directly turns to the Honour of the Christian Faith.

During these Transactions, whether the Oath be taken or not, the Inquisitor may and must appoint in every Bishoprick one Commissary of forty Years old, a religious or secular Clergyman, a wise and prudent Person, famous for Knowledge and good Manners, and zealous for the holy Faith, with a Power of receiving Denunciations and Informations or Accusations from or against any Persons whatsoever, and of proceeding, and doing other Things, which the Inquisitor himself, if present, could do.

C H A P. II.

Of the Promulgation of the EDICT of FAITH.

47. THE Commissaries thus appointed or not, the Inquisitor appoints a general Sermon, according to the Prescript of the Council of *Biterre*. Cap. 1. *And then calling together the Clergy and People, and propounding to them the Word of God, declare the Command that is given you, and the Cause of your coming, reading the Letters, by Authority of which you are to proceed, even as you know you ought to do.* And that there may be no Hindrance to the Offices of the Church, he must not appoint this Sermon on a solemn Festival, but on the common *Sunday*, excepting *Lent*, or the *Advent*; and must take Care that the Rectors of the Churches have these Letters of Indiction on *Sunday*, that the *Sunday* after they may appoint the general Sermon to be the *Sunday* following. And that the Solemnity of that Day may be the greater, all other Sermons on it must be suspended; and it must be notified to all the Heads of Religious Houses, and Indulgencies of forty Days promised to all who come to the Sermon. When the *Sunday* before that, on which the general Sermon is to be made, comes, the Inquisitor must admonish the Heads of Religious Houses, that two or four of each Religion be present at the said Sermon.

51. On the *Sunday* appointed, the Inquisitor makes the general Sermon to the People, in which he speaks concerning the Faith, commends it, and exhorts the People to the Defence of it, and the Extirpation of heretical Pravity. When the Sermon is ended, he admonishes the People, that 'tis their Duty to discover it to the Inquisitor, if they have known any Person that hath spoken or done any thing against the Faith, or who holds any Error. Af-

ter this Admonition he commands monitory Letters to be read from the Pulpit by his Notary, or some other Clergyman, by which all Persons, of whatsoever Condition or State, Clergy or Laity, are commanded, under Pain of Excommunication, to discover to the Inquisitor within six or twelve Days next following, any Heretick or Person suspected of Heresy that they know. These monitory Letters are an Edict of the Faith, and usually read out of the Pulpit. I will here add, as what will give a Light to whatsoever I shall say of the Inquisition, a Copy of it, not only of that which is published in *Spain*, but also of that which at this Day is published in *Italy*, translated from the *Italian*.

A General EDICT of the Inquisition at Cremona.

WE Peter Camporeus, by divine Mercy, Cardinal Presbyter of St. Thomas in Parione, Bishop of Cremona, Earl, &c. and we Vincentius Peter Serravallenfis, Predicant, D. D. and Inquisitor General of Cremona, and of the Dioceſe thereof, eſpecially delegated by the holy Apoſtolick See againſt heretical Erra-
vity.

Deſiring, according as the holy Office conferred on us requires us, that the moſt holy Catholick Faith, without which no one can pleaſe God, may be preſerved pure and free from all heretical Contagion, we by the Apoſtolick Authority granted us, do command all and ſingular Perſons under our Jurisdiction, of whatſoever Condition, State, Degree, or Dignity, as well Eccleſiaſtical as ſecular, whatſoever it be, by Virtue of their holy Obedience, and under Penalty of Excommunication, lata ſententiæ, and other Penalties which the ſacred Canons, Decrees, Conſtitutions, and Bulls of the chief Pontiffs ordain, that within twelve Days enſuing, the four firſt of which we aſſign for the firſt Term, the four next immediately following for the ſecond, and the other remaining four for the third, laſt and peremptory Term, they do juridically diſcover and notify to the holy Office, or the Ordinary, all and ſingular Perſons whom they know, or of whom they have had Notice, or ſhall have Notice for the future.

If any Perſons are Hereticks, or ſuſpected, or defamed for Heresy, or Believers, Favourers, Receivers or Defenders of them; or who have, or do adhere to the Rites of the Jews, Mahometans, Saracens or Gentiles, or who have apoſtatiſed from the holy Chriſtian Faith; or who have or do in any manner, expreſsly or tacitly invoke the Devil, or have done, or do him honour, or who have had any Part, or have, or do concern themſelves in any magical Trick, Necromancy, Incantations, or other like ſuperſtitious Acts, eſpecially with the Abufe of any ſacred Thing.

If any Perſons not being Prieſts, have with an impious Boldneſs, or do uſurp to themſelves the Celebration of Maſs, or have, or do preſume to adminiſter the Sacrament of Penance to the Faithful of Chriſt.

If any have, or do abuſe the Sacrament of Penance, contrary to the Apoſtolical Decrees and Conſtitutions.

If any have, or do hold ſecret Conventicles in the Matter of Religion.

If any utter heretical Blaſphemies againſt God, or his Saints, and eſpecially againſt the moſt bleſſed Virgin Mary.

If

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If any do, or have hindred the Office of the holy Inquisition, or do, or have injured any Witness, Accuser, or Minister of it.

If any have, or do keep Books or Writings containing Heresies, or the Books of Hereticks, which treat of Religion, without Authority of the holy Apostolick See, or who have or do read, print, or cause them to be printed, or defend them, under any Pretence or Colour, or Books of Necromancy, Magick, or containing forcerous Incantations and the like Superstitions, especially if with the Abuse of sacred Things.

Declaring, that tho' we do expressly specify as above the Cases which ought to be discovered, we do not exclude other Cases relating to the holy Office, which are always contained in the sacred Canons, Decrees, Constitutions, and Bulls of the chief Pontiffs.

And that no one can be absolved from the aforesaid Excommunication and Penalties, which the Disobedient incur, but by us or the supream Tribunal of the Inquisition at Rome, nor shall be absolved, unless he shall first give Satisfaction, by juridically revealing the said Hereticks, or as above, those suspected of Heresy.

And because much of the Service of God, and the private and publick Good, in these Particulars, greatly depends upon the Endeavours of the Confessors, we command all the reverend Confessors, that in the Administration of the Sacrament of Penance, they use all that Diligence in interrogating those who confess to them, concerning all the aforesaid Heads, which they shall think respectively necessary, both as to those who are principal Offenders, and those who are Partakers of, and any ways conscious to those Offences. And we command the said Confessors, under the said Penalty of Excommunication, *latæ sententiæ*, and as above, that they do not presume to absolve those whom they shall find to have offended, or to be Partakers, or conscious, as above, in the aforesaid Particulars, because they have incurred those Censures which are reserved by the holy See, to its Delegates.

Admonishing, that such Persons do not satisfy, nor are understood to satisfy these our Commands, who pretend to discover Delinquents by Papers or Letters without the Name or Sirname of the Authors, or by any other uncertain Method, because they may be absolutely secure, that they shall not be discovered, according to the Custom of this holy Office, and do not lay themselves under a Necessity of proving what they declare.

And that this our present general Edit may be known to all, and no one pretend Ignorance, we command all the reverend Arch-Presbyters, Curates and Rectors of Churches, subject to our Jurisdiction, or their Vicars, in Virtue of their holy Obedience, under Pain of Excommunication, that the first Holyday after they receive it, they shall be absolutely obliged to publish, read, or cause it to be read, at length, before the People, when they shall be met together in largest Numbers in their said Churches, and when published, cause it to be fixed up upon the principal Gate of the said Churches, or some other publick Place, where it may be seen and read of all; and this also we enjoin all the Priors of Monasteries.

Farther, 'tis our Pleasure, that under the same Penalties they shall be obliged to read it again before the said People, twice at least in a Year, viz. upon one Sunday in Lent, and one in Advent.

And

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And that they may obey this our Commandment as they ought, they must have a Copy from the sacred Congregation it self, always fixed upon the Sacrificies of their Churches.

According to the Desire which we have, that this our Jurisdiction may be preserved in that Purity of the Faith in which it now is, adhering to the above-mentioned Edict, and other Commands of the sacred Congregation, we command, under Pain of Excommunication, and other arbitrary Penalties.

That no Currier, Sailor, Muletier, or others, presume to carry Books either in- to or out of any City, or other Places subject to us, no not as he passes by, if he hath not a Catalogue of the Books subscribed by the Inquisitor, or other Person to whom it belongs, living in those Places from whence they come, or thro' which they pass, under Penalty of losing the Books, and other Punishments, according to our Pleasure.

Under the same Penalties and Loss of the Books, we command, that no Person, who- soever he be, do receive such Books when imported, or any ways brought in to this our Jurisdiction, nor open Boxes, Bales or Bundles, in which such Books are, nor carry them away from the Custom-House, without our Leave, or that of our Vicars, and till they have first given a Catalogue to the holy Office, or shewed them to it, if they have imported them without Licence.

That no Merchant presume to receive or send Books, under Pretence of Goods packed up in Bundles, Bales or Boxes, without due Licence, under Pain of Excom- munication, Forfeiture of the Books and Goods in which they are packed up. And what is here said concerning the importing or receiving Books, is also to be understood of all Sorts of News Papers, Pictures and Almanacks, and such like Papers.

All the aforesaid Things we likewise command the Jews, under the Penalty of fifty Pieces of Gold, the Forfeiture of Books and Goods as above, and others, to be re- spectively inflicted according to our Pleasure.

We command all Booksellers in this our Jurisdiction, under the same Penalty of Ex- communication, and other arbitrary Punishments, that they don't presume to sell Books bought of the Jews, whether within or without the City.

Printers also shall not, under the same Penalties and other arbitrary ones, print anything without our Licence, except the Edicts and other like Matters of the E- piscopal and secular Court, which are not to the Prejudice of the holy Office.

The Inpost-Gatherers, Custom-House Officers, and Officers of Ports, shall not per- mit any Books to be imported or exported without a written Catalogue as above. And when any are brought to the Place of their Office without such written Catalogue, let them detain the Books, and be obliged to shew them to us or our Vicars. And this we command, under Pain of Excommunication, and other arbitrary Punishments.

And to give Credit to these Things, we have written this Edict, and signed it with our own proper Hand.

Dated at the Holy Office at Cre-
mona, October 26, 1639.

P. Cardinal Camporeus Bishop of Cremona.

F. Vincent Peter, Inquisitor of Cremona.

Jerom Calcinous, Chancellor.

The Form of an EDICT of FAITH used in Spain.

Param:
l. 3. q. 5.
§. 43.

WE the Inquisitors of heretical Pravity and Apostacy, by that Apostolick Authority we possess, especially delegated on this Account to us in the Dioceses of N. or N. &c. to all and singular, as well Clergy as Laity, Regulars as Seculars, of every State, Condition, Quality, Degree, Order, Religion, Dignity or Pre-eminence, exempt, or not exempt, to all and every one of you, to whom this our general Edict shall be known, Salvation in our Lord Jesus Christ, who is the true Salvation, and to our Commands, which are more truly Apostolick Words, firm Obedience, Submission and Observance. We make known to you, that the Licentiate or Doctor N. Promoter and Advocate Fiscal of this holy Office, hath appeared before us, and declared that it hath been long since known to us, and is very certain, that in many Places of this District and Territory, there hath not been held a general Visitation and Inquisition; and that for this Reason many Offences committed and perpetrated against our most holy Catholick Faith, which it is fit and right should be punished and chastised, have not come to our Knowledge and Notice, the Consequence of which hath been grievous Offence to God, and great Damage and Prejudice to the Christian Religion. For which Reasons we have commanded and appointed the aforesaid Inquisition, and general Visitation to be made and executed, and have caused the publick Edicts to be published and read, designing that all who shall be found guilty of these Wickednesses and Crimes shall be chastised, that so our Catholick Faith may every Day more flourish, and be exalted high, and greatly increase. Assenting therefore to his most just Petition, and earnest Request, even as we ought, and desiring to use the best Remedy in those Things which relate to the Honour of God, and our blessed Lord, we have commanded and ordained this present Command, and publick and general Edict to be made and published amongst all and singular, and every one of you, for the same mentioned Cause and Reason, that if you know, understand, or have seen, or previously found out, that any living Man or Woman, present or absent, or already dead, hath made, published, said or spoken any or more Opinions or Words heretical, suspected, erroneous, rash, ill-sounding, favouring of Scandal, or any heretical Blasphemy against God, and his holy Catholick Faith, and against that which our holy Mother the Church of Rome embraces, teaches, preaches, and holds, you declare, speak and manifest it to us.

And first, if you know, or have heard that any Men or Women have kept or observed any Sabbath, according to the Rites, Ceremonies, and Observance of the Law of Moses, and on the said Days have put on a clean and fresh Shirt or Shift, and other Garments, or better, handsomer and Holyday Cloaths; or have laid clean Napkins on the Table, and clean Sheets on the Bed, in Honour of the said Sabbath; or have not blown up, nor kindled their Fire; or have abstained from all other Work on the said Sabbath, and begun to keep them from Friday Evening; or have washed their Meat; or drawn out and taken away the Sewet from that Flesh they were about to eat, soaking it in Water to suck and draw out the Blood; or have cut the Nerve or Gland out of the Leg or Thigh of a Sheep or Goat, or any other Animal; or have killed Animals by sticking them, and as it were muttering out certain and deter-

minate

minate Words, trying first of all their Knife upon their Nail, to see whether it be sharp, or notched, or blunt, afterward covering the Ground with the Blood; or who have eat Flesh in Lent, and other Days forbidden by the holy Mother Church, without any Necessity to urge or require it, certainly thinking and believing that they may lawfully eat them, and without Sin; or who have kept the greater and solemn Fast, which they call the Fast of Remission and Indulgence, going that Day without Shoes, and with their Feet naked; or have prayed after the Manner of the Jews, and at Night have asked Pardon one of another; or Fathers have laid their Hands on their Childrens Heads, without pronouncing any Words, or giving them any Blessing; or saying, Be ye blessed by God and us, according as the Law of Moses directs, and the Tradition thereof.

Or who have kept the Fast of Queen Esther, or the Fast commonly called Ramadan, upon account of the Loss and Destruction of the Holy Land and House, or other Fasts of the Jews, within the Week, viz. by abstaining from Meat Monday or Thursday, till the Evening, when the Stars begin to shine, and from Flesh during those Nights, cutting their Nails and Ends of their Hair; keeping all those Things, or burning them; reciting Jewish Prayers; lifting up, or bowing down their Heads; turning their Face to the Wall; and before these Things washing their Hands in Water or Earth; putting on Garments of Sackcloth, with twisted Fringes, hanging down at the End of the Girdle, made with little Threads or Thongs of Leather, and formed into Tossels.

Or who have celebrated the Passover of unleavened Bread, beginning this sort of Food with Lettice, Parsley, or other green Herbs; or have observed the Passover of Tabernacles, by fixing up green Boughs, or rich Tapestry; Feasting, and accepting each others Invitations to eat and drink together; or the Passover of Candles; lighting up Candles gradually, and one after another, till they come to the Tenth, after which they extinguish them, and recite Jewish Prayers on such Days. Or if they say Grace after the Manner of the Jews, drinking Wine made at home, and celebrate what they call the Baraka, i. e. receiving with one Hand a Cup or Vessel of Wine, and pronouncing over it certain Words; after which they give a Draught of Wine to all that sit down. Or if they eat Flesh killed or slain by the Hands of the Jews; or sit at their Table; or taste their Meats; or recite the Psalms of David without the Gloria Patri; or if they expect the Messiah promised in the Law; or have said that the Messiah promised in the Law is not yet come, but is to come; and that they yet expect him to deliver them from that Bondage, which they say they are under, and to lead them into the Land of Promise. Or if any Woman, after Child-bearing, delays going to the Temple forty Days, according to the Rite of the Law of Moses, and is purified, according to the Ceremony thereof. Or if they circumcise new-born Infants, and give them Jewish Names, calling them thereby. Or if they have shaved, or caused to be shaved the Chrism, or the Parts of those newly baptized, which have been anointed with Oil and Chrism; or if they have taken a Basin full of Water the seventh Night after the Birth of a Child, throwing into it Gold, Silver, Jewels, Wheat, Barley, and the like; to wash the new-born Infant with the said Water, pronouncing certain Words; or have recommended their Children either to Witches or Magicians.

the Jewish Manner, or have celebrated the Ruaiā when they go a Journey; or if they have born Jewish Names; or if at any time they have baked leavened Bread, and taken out the Leaven from it, and thrown it into the Fire after the Manner and Rule of a Sacrifice; or if any one about to die, turns to the Wall to breathe out his Spirit; or if they wash any dead Corpse with warm Water, shaving the Hairs under his Armpit, and the other hairy Parts of his Body, covering the dead Body with new Linnen Breeches, and a Shrowd, with a Veil thrown over it, putting a Pillow under the Head, and some new or Virgin Earth; or putting into the Mouth a Piece of Money, or a Jewel, or any Thing else. Or have wash'd with Water the House of a dead Person out of the Pitchers and Tabs of the House, and other Houses of the Neighbours, after the Jewish Ceremony; eating on the Ground behind the Doors, Fish and Olives, not Flesh; in token of Mourning for the Deceased; not going out of their House for a whole Year, according to the Observation of the said Law; or if they bury them in new and Virgin Earth, or in the Burial-Place of the Jews; or if any return and become converted to Judaism; or if any one shall say that the Law of Moses is equally holy with that which is given by our Lord and Saviour Jesus Christ.

Or if ye know or have heard that any Men or Women have said and affirmed that the Sect of Mahomet is good, and that there is no other by which any one can enter into Heaven, and ascend into Paradise; and that Jesus Christ is not God, but a Prophet; nor born of our Lady the Virgin Mary, a Virgin before, in and after his Birth; or hath done any of the Rites and Ceremonies of the Mahometan Sect, with an Intention to observe and keep them. For Instance, if they eat Flesh on Fridays as tho' they were Holydays, or on other Days forbidden by our holy Mother Church, affirming it to be no Sin, putting on the said Fridays new and clean Shirts and Shifts, and other Holiday Garments or Cloaths; or if they have killed Birds, or cut off the Heads of Cattle, or any Thing else, by sticking it with a Knife, leaving the Epiglottis to the Head, and turning the Face to the Alkibla, i. e. towards the East, saying, Vizmila, binding the Feet of Cattle; or if they abstain from eating of Birds, whose Heads are not cut off by the Hands of Women, and the Women will not cut off their Heads, because 'tis prohibited them in the Mahometan Sect. Or if they circumcise their Sons giving them Names of the said Sect, or calling them by the Names of the Moors and Saracens; they who name them so, or they who have caused themselves to be called by Names belonging to the Agarenes, or where they are so called, giving a Sign of Joy; or who have said that there are no other in Heaven but God and Mahomet his Messenger and Legate; or who have sworn by Alquibla, or Alayminfula, i. e. according to them by all that is sacred; or who have kept the Fast of Ramadam, by observing the Passover thereof, and giving Alms the same Day to the Poor, and abstaining from all Meat and Drink from Morning to Evening, till the rising of the Star, and then indulge to Flesh and other Meats; or who have celebrated Zohor, rising before Day-break, and stuffing themselves with Meat before 'tis light, after this washing their Mouths, and returning to Bed; or have celebrated Guadoc, washing their Arms from the Wrist to the Elbow, their Cheeks, Mouths, Noses, Ears, Legs, and Privy Parts; or after having done these Things have celebrated Zala, turning their Face towards Alquibla, being on a Spartan Carpet,

Carpet, or Tapestry, raising up and bowing down the Neck, pronouncing certain and determinate Arabick Words, and reciting the Prayer which they call Allanda luley and colhua and guohat, and the like Arabick Prayers; eating no Swines Flesh, nor drinking Wine according to the Rule and Observation of the Saracen Sect; or who have celebrated the Passover of the Lamb or Ram, and killed him, making and celebrating first of all Guadoc; or if any have married after the Mahometan Manner, and sung the Arabian Songs of Moors, or have celebrated Zambras; or Lelleylas, with prohibited and forbidden musical Instruments, observing the five Precepts and Commands of Mahomet.

Or if any one hath tied up for himself or his Children, or other Persons, Lian-eas, i. e. one Hand in Memory of the five Precepts; or hath washed the Dead, buried the Corpse wrapped up in new Linnen, putting it into new, pure, or Virgin Earth; or who have ordered these Things in their hollow Sepulchres, putting a Stone at the Head of it, and putting into the Sepulchres green Boughs, Milk, Honey, and other Meats; or who have cried out, and called upon Mahomet in all their Events and Actions, saying, that he is a Prophet, the Messenger of God, and that the first Temple of God was in Mecca, where they believe Mahomet was buried; or who have said that they did not receive Baptism with the Intention and Faith of the holy Mother the Catholick Church; or who have said that their Fathers who died in the Mahometan or Jewish Sect, and that a Saracen or Jew, each tenacious of his own Sect, may be saved; or if any Person hath fled over to the Turks, or Infidels, and denied the Catholick Faith, and departed from it; or gone to other Parts and Places without these Kingdoms, to profess the Jewish or Mahometan Sect; or have done, held, or said any other Rites or Ceremonies of the Saracens.

Or if you know, or have heard that any Men or Women have said, held, or believed the false and condemned Sect of Martin Luther and his Followers to be true, holy, and approved; or have believed or approved his other Opinions, by asserting that Confession to a Priest is not necessary; that 'tis sufficient to confess to God only; that the Pope and Priests have not Power to absolve Sins; that in the Host there is not truly contained the Body of our Lord Jesus Christ; that Saints are not to be invocated; that Images are to be taken out of Churches; that there is no Purgatory; that the Dead are not to be prayed for; that good Works are not necessary; that Faith only with Baptism is sufficient to Salvation; that any one may bear another's Confession, and give the Communion under both Kinds of Bread and Wine; that the Pope hath no Power to confer Indulgences, Graces, Indults, and Bulls; that the Clergy, Religious, Monks, and Nuns, may contract Matrimony; or who have said that the Religious, Monks, Monasteries, and Ceremonies of Religion ought to be taken away; or have said that God hath not instituted the Religions, and that a Marriage State is more perfect than the Religious State of the Clergy and Monks; and that there are no Holidays besides the Lord's Days; that 'tis no Sin to eat Flesh on Fridays, Vigils and Lent; because eating Flesh is not forbidden and limited to certain Days; or who have believed any one or more of the Opinions of M. Luther or his Followers; or fled over to other Provinces to profess Lutheranism.

Or if you know, or have heard that any Men or Woman, living or dead, have said or affirmed that the Sect of the Illuminated, or Reliëts is approved; particularly
that

that mental Prayer is of divine Appointment ; and that all other Duties are fulfilled in it ; and that Prayer is a Sacrament under Accidents ; and that mental Prayer is of great Weight and Efficacy, and vocal Prayer of but small Moment ; that the Servants of God are not to be distracted by bodily Exercises ; that the Prelate, Father, or Superior are not to be obeyed, if they command Things that call Persons off from Contemplation and mental Prayer ; or if by Words they have derogated from the Sacrament of Matrimony ; and said that no one can get the Secret of Virtue, unless he become the Disciple of those Masters who teach the aforesaid perverse Doctrine ; and that no one can be saved, who is not taught by such Masters, and generally confessed to them ; and that certain secret and inward Ardors, Tremors, Extasies, Shiverings and Faintings, which they undergo, are Signs of a vehement Love towards God ; and that from hence it may be certainly discerned that they are in a State of Grace, and have the holy Spirit within them ; and that being thus perfect, they want no other Helps, and ought not to be obliged to laborious Acts ; and that when they attain to a certain prefixed Term of Perfection, the divine Essence, and the Mysteries of the Trinity may be beheld in this Life, and are actually beheld ; and that the Holy Spirit doth immediately govern those who thus live ; and that the internal Motion and Inspiration of the Holy Ghost is only to be followed in what they do, or refuse to do ; or who say that when the most Holy Host, in the Sacrifice of the Mass, is held out to View, the necessary Rite and Ceremony, during the Elevation, is to shut the Eyes ; or that any Persons have said and affirmed, that when they are come to a certain determinate Point of Perfection, 'tis a Sin to look on the Images of the Saints, to be present at Sermons, pious Conferences, and other Exercises of the said Sect, and absurd Doctrine.

Or if ye know or have heard of any other Heresies, and especially these. That there is no Paradise, nor heavenly Glory for the Good, nor Hell for the Wicked, but that the Soul perishes together with the Body, with other heretical Blasphemies, such as, I do not believe, but disbelieve, defy and deny our Lord God, the Virgin Purity of our Lady, the Virgin Mary, or the He and She Saints of Heaven. Or who have, or have had familiar Spirits, calling upon them, making Circles, and asking them concerning certain Matters, or waiting for their Answers. Or whether they have been Fortune-Tellers or Gypsies ; or have made a tacit or express Covenant with the Devil, mixing sacred Things with profane, in Confirmation of it ; attributing to the Creature that which belongs to the Creator only ; or that any Person, being a Clergyman, or in holy Orders, or a professed Religious, hath contracted Matrimony ; or that any one, not being invested with the sacerdotal Character, hath said or celebrated Mass, or administered any Sacrament of our holy Mother the Church. Or that any Confessor, or Priests being Confessors, or Religious or Seculars, of whatsoever State or Dignity, hath enticed the Daughters of Penance in the Act of Confession, or immediately after it, by provoking or inducing them, by Deeds or Words, to filthy, carnal and immodest Acts. Or if any Person whatsoever hath married twice, or oftener, the former Wife or Husband being living. Or that any one hath said or asserted that simple Fornication, Usury or excessive Interest or Perjury, are not mortal Sins ; or that it is better to live in a State of Concubinage than in lawful Wedlock ; or hath disgracefully used and done Despite to the Images of Saints and Crosses ; or that any
Man

Man or Woman hath not believed the Articles of the Catholick Faith; or called any of them into Question; or hath staid and continued for a Year or longer under Excommunication; or hath despised the Censures of our holy Mother the Church, by saying or doing any Thing against them.

Or if ye know, or have heard of any Persons, Men or Women, that under Pretence of Astrological Science, or Looks or Aspects of the Stars, or by the Lines and Tokens of the Hands, or any such Things, do by this Knowledge, Faculty, or any other Way, answer or foretel future Things depending on the Liberty and Free-will of Man, or accidental Things that may come to pass, or Things already past that are secret and free, saying and affirming that there is a certain Art, Science, and certain Rules whereby to know these Things, in order to persuade People to seek after and consult the aforesaid Diviners concerning the said Matters, when, on the contrary, the said Science is false, vain and superstitious, and turns to the great Damage and Prejudice of Religion and the Christian Faith.

Likewise if ye know, or have heard that any Men or Women have had, or have Books of the Sect and Opinion of Martin Luther, or other Hereticks, or the Alcoran of Mahomet, and other Books of the said Sect, or Bibles in the Spanish Tongue, or any other Books or Writings condemned and prohibited by the Censures, Catalogues and Edicts of the holy Office of the Inquisition; or any Men or Women who have not fulfilled that to which they were obliged; or who have omitted to detect, discover and say what they know in these Affairs; or who have said to, or persuaded other Persons not to declare these Things, and give Information to the Inquisitors; or who have suborned or corrupted Witnesses to give Evidence against those who have deposed in the Court of the holy Office; or that any Men or Women have deposed and given false Witness against others to their Damage and Infamy; or who have cherished, received, concealed and hid Hereticks, by giving them Favour and Assistance, in order to conceal and preserve their Persons and Effects; or who have been any Hindrance by themselves, or by the Interposition of other Persons, to the free and right Administration of the holy Office of the Inquisition, their Ministers and Officials, and Family; or who have taken down, or caused to be taken down the Habits or Sanbenito's from those Places, in which they were put up by the holy Office, or have put up others in their Room; or that those who have been reconciled and enjoind Penance by the Office of the holy Inquisition, have not fulfilled the fixed Times of their Imprisonment, or the Penance enjoind them; or if they refused publickly to wear the Habit of Reconciliation; or that any Persons reconciled publickly or privately, being enjoined the Yoke of Penance by the holy Office, have said or affirmed, that what they confessed before the holy Office, either of themselves or others, was false, that they did, and said it thro' the Influence of Fear, or for any other Reason; or have revealed the Secret committed and commended to them by the holy Office; or that any Persons have said that those who were delivered over by the holy Office of the Inquisition, were condemned without any previous Fault, or suffered as Martyrs; or that any Men or Women reconciled, or the Children or Grandchildren of Persons condemned for the Crime of Heresy, have administered, or do administer publick and honourable Offices, which are prohibited them by divine Law, and by the Laws and Pragmaticks of these Kingdoms, and the Institutions of the holy Office; or have been promoted to sacred Orders; or have any Ecclesiastical

or Secular Gift or Dignity; or the Ensigns of such Dignity; or have worn prohibited Things, such as Arms, Silk, Gold, Silver, Blood-stone, Jewels, Corrals, fine Cloth; or have got on Horseback, or rid as Horsemen; or that there are any Processes, Acts, Denunciations, Informations or Proofs concerning the Crimes contained in this Ediēt, in the Hands of any Notary, Attorney, or any other Person whatsoever.

By Virtue of these Presents therefore we admonish, exhort and require, and command you, and every one of you, in Virtue of your holy Obedience, and under the Penalty of Excommunication, latæ sententiæ, after three Canonical Admonitions, that if you have known, done, seen or heard any Man or Woman, or Persons, to have committed, said, held, or affirmed any of the Things aforesaid and declared, or other Things, whatsoever they be, against our holy Catholick Faith, and against what our holy Mother the Catholick Church of Rome holds, teaches and preaches, as well concerning Persons living, present or absent, as dead, you do, without mentioning it to any other Person, for thus 'tis convenient and becoming, come and appear personally before us, to declare and manifest it within six Days immediately following the Day of the Publication of this our Ediēt, altho' you may by any Means have had a Part in, or Knowledge of this Matter; giving you previous Admonition, which we now do, that after the said Term is lapsed, and Obedience not paid to the aforesaid, besides that you incur the said Censures and Penalties, we shall proceed against them who shall have been found contumacious, disobedient, and rebellious, as against Persons who fraudulently cover and conceal these Things, and who have wrong Sentiments concerning Matters of the holy Catholick Faith, and the Ecclesiastical Censures. And because the Absolution of the Crime and Offence of Heresy is specially reserved to us, we forbid and prohibit, under the aforesaid Penalty, all Confessors whatsoever, Clergy or Religious, that they do not absolve any Man or Woman intangled in, or guilty of this Crime, or who have not said or discovered to the holy Office whatsoever they have known of these Things, or heard others say. Yea, who have not sent it to us, that the Truth being known and found out, evil Men may be punished, and good and faithful Christians may be known and honoured, and our holy Catholick Faith may be happily spread. And that all the aforesaid Matters may come to the Knowledge of all, and no one may excuse himself by pretending Ignorance, we command them to be published this Day.

Pegna 3.
part. com
12.
Simanc.
tit. 44.
§. 2.

In many Places, but especially in Spain, 'tis the Custom, that when the Sermon of the Catholick Faith is ended, all promise upon Oath, before the Crucifix and Gospels, that they will give Favour, Help and Counsel to the holy Inquisition, and the Ministers of it; and that they will by no Means directly or indirectly hinder them. This Oath the Magistrates of Cities must particularly take, which must be registred amongst the Acts by the Notaries of the Inquisition, 1 *Instruct. Hispal. cap. 1, 2.* This Oath the Inquisitor may force them to take, and will do it when he thinks fit. In all other Cases he must follow the received Custom of the City, where he is, to prevent Innovations, and that there may be no Hindrance in this Cause.

The Form of the Oath they are obliged to take is this. *We the Viceroy, or Pretor, &c. of such a Province, or City, or Place; and such Consuls or Jurats of such a City, &c. at the Request and Admonition of the Reverend Lord Inquisitor, Doctor or Licentiate N. as true, faithful and obedient to the holy Church*

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Church of God, do promise and swear by these holy four Gospels placed before us, and by us corporally touched, that we will hold, and cause to be held, observe, and order to be observed, the Faith of our Lord Jesus Christ, and of the holy Roman Church, and defend it to our utmost against all Persons; also that we will prosecute and apprehend, or cause to be apprehended, whensoever we can, Hereticks, their Believers, Favourers and Receivers, and their Defenders, and those who are defamed or suspected of Heresy, and we will accuse and denounce them to the Church or Inquisitors, when we know them to be any where, or any one of them, especially when we shall be required hereto. Likewise that we will not grant Ballives, Saionics*, or any publick Offices, of any Name whatsoever, to any one of the aforesaid pernicious Persons, or to such as are suspected or defamed of Heresy, nor to any other Person who shall have been judged unworthy of it upon account of Heresy, or otherwise prohibited by the Inquisitors or the Law, from enjoying publick Offices; nor will we permit them to enjoy the aforesaid, or to hold publick Offices. Likewise that we will receive none of the aforesaid Persons, nor entertain them knowingly in our Family, Conversation, Service or Counsel. And if the contrary should happen, thro' Ignorance, we will immediately expel them, after it shall come to our Knowledge by the Church, or Inquisitors of heretical Pravity, or their Commissaries: And that in these Things and all others which belong to the Office of the Inquisition of heretical Pravity, we will be obedient to God, and the Church of Rome, and the Inquisitors of the said heretical Pravity, according to our Duty and Ability. So help us God, and these holy Gospels of God, upon which we swear, and which we touch with our own Hands.

This Form of Swearing was drawn from the Constitution of the Emperor Frederick II. published at Padua, Feb. 22. 1239. *Indict.* 12. and is annexed to it, with four other Constitutions of the same Day, of which mention is made in the first Book, which were afterwards inserted in the Rescripts of several Popes.

After the Sentence of Excommunication is read, the Inquisitor explains it *Direct.* more distinctly, and reduces it to several Heads. Then he publishes an In- *p. 3. n. 54,* dulgence of forty Days to all who come to his Sermon, and promises, in the *55.* Name of the Pope, Indulgences for three Years, to all who give him Counsel or Favour in his Office of reducing Hereticks. He also adds three other Years of Indulgences to those who discover to him any Heretick, or Person defamed for Heresy, or suspected, or who in any other Case bear true Witness before him in a Cause of Faith, according to the Privilege of Urban IV.

Finally, he assigns a Time of Grace to all Hereticks, and their Favourers, and Persons suspected of Heresy, *viz.* the entire Month following, and promises, that if within that Space they come to him freely, or not admonish'd, by Name, and don't wait till they are denounced, accused or apprehended, and voluntarily discover their Guilt, and ask Pardon, they shall obtain large Pardon and Mercy, *viz.* Freedom from Death, Imprisonment, Banishment, and Confiscation of Effects, according to the Determination of the Council of Biterre, cap. 2. *Farther,* do you command that all, who know themselves or others to have offended in the Crime of heretical Pravity, do appear before

* *Ballive* and *Saionia* are a sort of Messengers attending on Princes and Magistrates.

Pegna,
Com. 12.

you to speak the Truth, assigning them a competent Term, which you usually call the Time of Grace, who otherwise would not have had such Grace shewn them. And such who appear within this Term, and are penitent, and speak the whole Truth of themselves and others, let them be free from the Punishment of Death, Imprisonment, Banishment, and Confiscation of Effects. However, this Power of granting Pardon is allowed the Inquisitors only when they are sent to a City or Diocefe, in which the Inquisition is first erected. *Instruct. Hispal. A. 1484. cap. 1, 2, 3.* but not when upon the Death or Removal of an Inquisitor, another is put into his Place. In *Spain* also the Letters Patent of such Grace must be inserted in the Edict.

C H A P. III.

Of the Obligation to denounce every HERETICK to the INQUISITORS.

THE Publication of the Edict of Faith is repeated every Year, and all are obliged, under Penalty of Excommunication, to be present at the publishing of it, and at the general Sermon concerning the Faith, unless they are prevented by Sicknefs, Age, or any other Hindrance, and can make a legal Excuse.

The Oath which all Persons, not only private, but Magistrates, are compelled by the Inquisitors to take, obliges them not to obstruct the Office of the Inquisition, either directly or indirectly. Such are believed to obstruct it indirectly, who do not reveal the Truth they know, *i. e.* do not accuse to the Inquisitor every one they know to be an Heretick, or suspected of Heresy. So that in *Spain* they are doubly obliged to accuse to the Inquisitor every Heretick, first under Penalty of Excommunication, which they incur if they are wanting in their Duty; and secondly, by their own Oath.

In Zan-
shin.
s. 13. d.

In order therefore to excite all Persons to turn Accusers, the Popish Doctors lay the greatest Stress they can upon this Obligation to accuse. *Camillus Campegius*, after laying together the Testimonies of several Doctors, teaches, that every one is obliged to accuse and testify, and that according to *Cajetan*, he is bound to it as necessary to Salvation; if there be no other way of preventing the general Danger but by this Method, and then concludes in these Words: *These Things ought so to excite every faithful and Catholick Person, as to engage them willingly to accuse or denounce and bear Witness, for the common Good of the Christian Religion, without the Admonition, Citation or Punishment of the Judge. Tho' this ought to be observed in all Cases, yet it ought to be done with greater Ardency in the Affair of the Christian Faith, since hereby we not only avoid the most severe Punishments, but secure incomparable Rewards, thro' the Bounty of the supream God, and the Favour of his holy Church.*

Nor

Nor is there any Regard to Kindred in this Affair. For the Brother is bound under the same Penalty to accuse his Brother, yea, the Wife her Husband, and the Husband his Wife, if guilty, or suspected of Heresy. *Pegna* Direct. however thinks, that the Wife is to be excused, if she doth not accuse her part. 2. Husband for eating Flesh on prohibited Days; if the Husband be a terrible com. 78. Fellow, and she is afraid of ill Usage from him. In all other Cases he thinks the Wife is obliged to accuse her Husband.

[*Ludovicus a Paramo* tells us, that *Lewis de Carvajal*, altho' Governor and l. 2. f. 2. Captain General of the Province of *Tampico* and *Pamico*, was forced to walk c. 21. out in publick Penance, because he did not denounce four Women, who were secretly *Jews*, and to whom he was Uncle; and that tho' a little before he had the honourable Title of President, he was forced to hear his ignominious Sentence publicly, was for ever deprived of all Offices under the King, reduced to the lowest Misery, and thro' Grief and Weariness of his Life, soon went the Way of all Flesh.]

'Tis disputed amongst the Popish Doctors, whether a Son be obliged to Simanc. accuse his Father, who is a secret Heretick, or at least to discover him to de Cathol. the Judges. The general Opinion is, that he is obliged to it. But others Inst. tit. think differently, because there is no Law, natural, divine, or human, that 29. §. 352 lays such a Burthen on the Shoulders of Children. And yet even such who are of this Opinion, confess the Son may do it, especially if the Father be incorrigible. Yea, think such a Son ought to be commended who conquers his natural Love, and overcomes this most strong Affection, from an ardent Love to divine Religion. He must however try every Method before he accuses his Father to the Judge. But yet they teach, that there are two Cases in which the Son is obliged to betray his heretical Father to the Judges. The first, when the Son is legally interrogated by the Apostolick Inquisitors; the second, when the Father's Heresy is dangerous to the Common-wealth.

Pegna however affirms, that the Son ought to accuse and denounce before In Eymer; the Inquisitors, his Father, whom he knows to be an Heretick. The Re- part. 2. ward of such Accusation is, that the Son who thus acts, is freed from the com. 15. Penalties ordained against the Children of Hereticks, according to the Law of the Emperor *Frederick*. *Nor do we think proper to exclude from the Bounds of Mercy such, who not following the Heresy of their Fathers, shall discover their secret Wickedness; so that in what manner soever the Father's Guilt be punished, let not the Innocence of their Children be subject to the aforesaid Punishment.* *Carena* adds, that not only an heretical Father, but even one only suspected of Heresy, must be accused by the Son to the Inquisitors, because the same Reasons hold good as to Hereticks, and those suspected of Heresy.

An Heretick also reformed, according to *Royas*, ought necessarily to be part. 2. accused before the Inquisitors of the Faith; because they often feign them- Affert. 3. selves to be corrected and amended, and in the mean while infect with their Doctrine unwary Catholics. And altho' such Hereticks should be really reformed, 'tis nevertheless useful and necessary to accuse them, that the Inquisitors of the Faith may interrogate them from what Masters they learnt

their Errors; what Disciples they taught before their Conversion; or if any of their Friends and Acquaintance have been corrupted by their perverse Doctrine. He saith this may be gathered from the *Madrid Instruction*, A. 1561. c. 53. *in fin.*

Lib. 3.
9th. 5.
n. 4^o.

And from this Obligation to accuse, no one is freed, of whatsoever Order and Dignity they may be. For the Edict of Faith obliges all. So that they will have neither Princes nor Kings themselves exempted. *Ludovicus a Paramo* proves this by a famous Instance. *Joan* the Daughter of the Emperor *Charles V.* was cited by the Inquisitors to be interrogated before them, against a certain Person concerning some Things relating to the Faith. She consulted her Father, who advised her to make her Deposition without any Delay, least she should incur Excommunication, not only against others, but even against himself, if she knew him to be blameable in the least Matter. *Joan* obeyed this Command of her Father, and immediately deposed before *Ferdinand Valdez*, Arch-Bishop of *Seville*, at that Time Bishop and Inquisitor General.

C H A P. IV.

Of such who voluntarily appear, and the Grace shewn them.

Simanc.
iii. 44.
§. 4.

“ **T**IS the present Custom in *Spain* for one of the Inquisitors in these Acts, to visit the Province, and to propose general Edicts wherever he goes, by which he commands, under Penalty of Excommunication, that whosoever knows of any Thing done or said against the Catholic Faith and Evangelick Law, he must immediately discover it to the Inquisitor. Whatever is reported, must be secretly written down by the Notary of the Inquisitors. The other of the Inquisitors remains in the City in which their Residence is fixed, and must preside, in ordering the Acts of Causes. But if there be no Occasion for his Residence there, that he may not sit idle, he must visit in the same Manner the other Part of the Province, 5 *Instruct. Hispal.* cap. 2.

§. 5.

“ This Visitation and general Inquisition the Inquisitors must make, each in his Turn, thro’ all the Cities and Corporations of their Province; and if they are negligent in this Affair, they must be deprived of their Office.

§. 6.

“ In this Visitation the Inquisitors may compel all those whom they judge proper, to swear and bear Witness, and must take particular Care not to be entertained by those who are related and akin to Hereticks, *Jews*, and *Mabometans*, which must also be observed by their Ministers. Nor must they receive any Gratuity from the Persons where they lodge, because they are to be content with their Salaries, and because sometimes an intimate Friendship is contracted by this Means, 8 *Instruct. Tolet.* c. 19.”

Whilst

Whilst one of them is visiting the Province, the other Inquisitor stays at home, that all who come voluntarily may have Access to him. If they come within the appointed Term, and accuse themselves, he treats them more gently. He must not however admit them after the Manner of Sacramental Confession, but after the Manner of Confession in a judicial Court; so that they must declare their Crime before the Inquisitor, and the Notary take down their Confession.

After such Confession, every one of them is interrogated by the Inquisitor, whether he hath adhered to such Errors, or only been in doubt concerning them? For how long Space of Time he hath continued in them? From whom, and how he learnt them? Whether he hath had and read any heretical or suspected Books? What they were, from whom he had them, and what he hath done with them? Other Questions are added concerning his Accomplices in Heresies, that he may tell the Names of all those Hereticks, or Persons suspected of Heresy, whom he knows. He is farther asked, Whether he hath ever been inquisited, proccessed, or accused or denounced in any Tribunal, or before any Judge, on account of the aforesaid Errors, or other Things relating to Heresy? He is also admonished simply to tell the whole Truth which he knows, as well of himself as of others; because, if he is afterwards found deceitfully to have concealed any Thing, he is judged as one whose Confession is imperfect, and as impenitent, and feignedly converted. Finally, he is interrogated, Whether he repents of these Errors and Heresies into which he hath fallen? And whether he is ready to abjure, curse and detest them, and all other Heresies whatsoever, that exalt themselves against the holy Apostolick and Roman Church, and to live for the future catholickly, according to the Faith of the Church of Rome, and devoutly to fulfil the salutary Penance enjoined him?

If the Inquisitor finds that he was before admonished, yet he is to be dealt with more gently, because he appeared voluntarily. For such are said voluntarily to return to Favour, who come within the Time of Grace, altho' they have been admonished. For they don't appear to be forced, since they are apprehended by no one. Yea, 'tis the same if they come after the Time of Grace, whilst their Cause is entire, because they were not personally required, nor the Proofs against them received.

However, at their first Appearance, the Inquisitors must not write down that they appeared voluntarily; because such Appearance, after Accusation, altho' the Person may not have been verbally cited, is not presumed to be voluntary, nor made with a candid and pure Will, but is rather thro' Terror, and unwilling, thro' Fear and Dread of the Proofs, to avoid the ordinary Punishments. However, it may be minuted down, that such a one appeared not cited or called.

If the Crime be entirely concealed, the Inquisitor may absolve him secretly, enjoining him wholesome Penance. But if it be not secret, and the Person confesses that he hath not only believed wrong, but hath revealed his erroneous Belief to others, and infected them, the Inquisitor must proceed against him,

him, according to the Canonical Sanctions, but yet in a milder Manner, because he came of himself, without being called on, and within the Time of Grace.

Carena,
annot. in
Pegnam.
Ibid.

If those who thus voluntarily confess, say, that they have done any external Action against the Faith, without any Error of the Understanding, altho' some sort of Proof may have preceded, they must not be proved to be Hereticks; for those who are ready to be corrected, must by no Means be reckoned amongst Hereticks. From these Things they infer, that if any one confesses that he hath done certain *Jewish* Ceremonies, or those of any other Sect, upon the account of some Profit to himself, he is not to be accounted an Heretick. This sometimes is the Case of Captives, who, without any other Intention, but that of their being better freed from their Captivity, externally deny the Faith. *San Vincente* the Inquisitor tells us, That he saw a certain Person who wanted to satisfy his lustful Desires upon a Woman, who was one of the newly converted *Saracens*. She promised to lie carnally with him, if he would first perform a Ceremony of their Sect, called *Gaodoc*. He, tho' an old Christian, in order to gratify his lewd Inclinations, did it, but immediately went and voluntarily confessed it, adding that he had no other evil Intention. After consulting the supream Senate, he was absolved, *An. 1618*. A Case may however happen, when a Person who makes a voluntary Confession, may be obliged to abjure vehemently. A certain new Christian of the *Saracens* being driven from *Spain*, was afterwards taken by the Christians. He immediately accused himself, that whilst he was amongst the *Moors*, he did some Ceremonies and Acts of the *Mabometan* Sect, denying an evil Intention therein. But as some of these Things seemed to the Inquisitor entirely voluntary, *viz.* his marrying an Infidel *Moorish* Woman for his Wife, without any Violence, or any other Advantage, he examined his Fellow-Captives; and when it was proved that he made his Confession thro' Fear of Proof, it was determined that he should abjure as vehement, which Determination pleased the supream Council. But when this very Criminal had been kept in Custody a few Days, in order to his confessing the whole Truth, he made the Confession desired, and was reconciled in Form.

However, such as come voluntarily, are far from escaping all Punishment, but are either treated kindly at the Pleasure of the Inquisitor, according to the Quality of their Persons and Crimes, or else condemned to pay a Fine, or give Alms, or some such Works of Charity. But if they wait till they are accused, denounced, cited or apprehended, or suffer the Time of Grace to slip over, they are pronounced unworthy of it.

And in this Case many foolishly deceive themselves with a false Opinion, believing, that because Favour is promised to such who appear voluntarily, they shall be free from all Punishment; because they are only saved from the more terrible ones, it being left to the Pleasure of the Inquisitors to inflict some penitential Punishment on them, according to the Nature of their

Confess.
p. 193.

Crime, as will appear from the following Instance. " There was at the City of *Cadiz*, a certain Foreigner, who yet had lived in *Spain* for twenty
" Years,

“ Years, who, according to a common Superstition, dwelt in a Desert in a certain Chapel, upon the Account of Religion. Hearing in his Chapel of the great Number of those who were taken up every Day at *Seville* by the Inquisitors, for what they call the *Lutheran* Heresies; having heard also of the Decree of the Inquisitors, by which he was commanded, under the Terrors of Excommunication, immediately to discover to the Inquisition whatsoever he knew of those Things, either as to others or himself; the poor stupid Hermit comes to *Seville*, goes to the Inquisitors and accuses himself, because he thought the said Inquisitors would use singular Clemency towards those who thus betrayed themselves. His Crime was, That whereas, being about twenty Years before this at *Genoa*, and hearing a certain Brother of his disputing about a Man’s Justification by Faith in Christ; of Purgatory, and other Things of the like Nature, he did not wholly condemn them, tho’ he never thought of them afterwards. He therefore acknowledged his Crime, and came to ask Mercy. When the Lords Inquisitors had received his Confession, they commanded the poor Hermit to Jail, where, after a long Confinement, he was brought out in publick Procession, and was sentenced to wear the Sanbenito, to three Years Imprisonment, and the Forfeiture of his Effects.”

Sometimes also they use a certain Stratagem to draw Persons to a voluntary Appearance before the Inquisitors. ^{ib. 202.} “ When they have apprehended any remarkable Person, who hath been the Teacher of others, or who they know hath been resorted to by many others, upon account of his Doctrine and Learning, as being a Teacher and Preacher of great Repute; ’tis usual with them to cause a Report to be spread amongst the People, by their Familiars, that being grievously tortured, he had discovered several of those that had adhered to him, suborning some Persons out of the neighbouring Prisons, to assert that they heard his Cries amidst his Tortures, in order to give the greater Credit to the Report. These Reports are spread for this Reason, that such who have attended on his Instructions, or have been any ways familiar with him, may in time go to the holy Tribunal, confess their Fault, and implore Mercy, before they are sent for, or apprehended. By this Means they impose on many, who, if they had waited for their Summons, had never been summoned at all. Or if it should have happened that they had been summoned, would not have been dealt with more severely than they generally are who trust to the Inquisitors Promises.

C H A P. V.

Of the three Methods of beginning the Proceſs before the Tribunal of the INQUISITION.

Direct.
l. 3. n. 63.

IF any appear within the Term assigned to discover Hereticks, &c. to reveal to the Inquisitor certain Matters relating to the Faith, such * Denunciations must be received judicially. If so great a Number appear, that the Denunciation of all cannot be taken judicially, the Inquisitor must provide himself with a distinct Book in every Diocese, to write down in it all the Denunciations brought to him, the Names of the Denouncers and Witnesses, and the Town and Place where they dwell; which Book he keeps privately to himself, that the Names of the Denouncers may not be discovered, and they thereby come into any Danger.

65.

When the Time of Grace is elapsed, the Inquisitor must carefully examine the Informations, *viz.* which have the greater Appearance of Truth, and which Crimes are more heinous and prejudicial to the Faith. Where this appears he begins to make Inquisition, by citing the Informer, giving him his Oath, and taking the best Information from him that he can. If he finds no Appearance of Truth, he over-rules it, but however must not cancel the Information out of his Book, because what may not be discovered at one time, may at another. If he finds an Appearance of Truth, he makes farther Inquisition.

Simanc.
l. 19. §. 16.

Now there are three Ways of Proceeding and beginning the Proceſs. First, by Accusation, which must be preceded by † Inscription. Secondly, by Denunciation, which must be preceded by a charitable Admonition. But 'tis now the Custom in *Spain*, that Hereticks, altho' concealed, must be immediately discovered to the Judges, without any brotherly Correction. So that those who, under pretence of brotherly Correction, do not discover secret Hereticks to the Inquisitors, and those who advise them not to do it, are punished as Concealers of Hereticks, and as Hinderers of the Office of the holy Inquisition. Thirdly, by Inquisition, which must be preceded by notorious Suspicion. This Inquisition is either General or Special. The General is whensoever the Inquisitors visit their Province, or when being newly created, they go to the Provinces decreed to them, and begin to exercise their Inquisitory Office. For then they publish general Edicts, to enquire out secret and uncertain Hereticks, for the Exercise of which there is no Need of preceding Infamy. But the Inquisitors are obliged, *ex officio*, thus to act at certain stated Times.

Pegna in
Direct.
p. 3.
Com. 16.

* There is this Difference between a Denunciation and an Accusation. A Denunciation doth not disable the Person that makes it to be a Witness, as an Accusation doth.

† Inscription is a certain Instrument, by which the Accuser, if he fails in his Proof, binds himself to undergo the same Punishment, which the accused Person must, if the Crime he is accused of be fully proved.

In several Inquisitions 'tis customary to publish such Edicts for the Discovery of Hereticks every Year, the second *Sunday* in *Lent*, in the Cathedral Church during the Celebration of Mass, and therefore on that Day there is no Sermon, that all may more attentively regard the Things contained in that Edict of the Faith. This Method of Inquisition is prescribed by the Council of *Tboloufe*, cap. 2. *We ordain that the Arch-Bishops shall oblige by Oath one Priest, and two or three, or more, if Need be, of the Laity, of good Reputation, in every Parish, as well in Cities as out of them, who may diligently, faithfully and frequently inquire out Hereticks in the said Parishes, by searching every House, and under-ground Rooms that are remarkably suspicious, and all Buildings leaning upon and joining to such Buildings, and any other hiding Places, all which we command to be destroyed; and that if they find any Hereticks, their Believers, Favourers and Receivers, or Defenders, they shall take special Care that they do not escape; and they shall discover them to the Arch-Bishop or Bishop, or Lords of such Places, or to their Ballives, with all Speed, that they may suffer the deserved Punishment. Let also such Abbots as are exempt do the same in such Places which are not subject by Diocesan Right to the Ordinaries. Let also all Lords of Places be careful to inquire out Hereticks in their Villages, Houses and Woods, and to destroy such adjoining Buildings and under-ground hiding Places.*

Pegna,
Prax. Inq.
l. 1. c. 1.
§. 2. n. 5.

A special Inquisition is a certain Right of proceeding by Office to Condemnation and Punishment against certain Persons inquired by Name, defamed for particular Crimes, to which the Judge cannot proceed without preceding Infamy, which supplies the Place of an Accuser. However, in the Crime of Heresy, the Inquisitor may act upon Signs and probable Suspitions, where there is no preceding Infamy, and even where he is not sure of the Body of the Offence, because Heresy is a Crime that leaves no Traces after it. But in this Case he must proceed cautiously, and very privately, that no Person's Reputation and Honour may be injured.

But of these three Methods of Proceeding, the first, by way of Accusation, is not used; the second, by Formation, altho' common and usual, yet seems rather to be the Beginning than the Completion of the whole Process; because upon Information given against those who are guilty of High Treason against the Divine Majesty, to the Judges of the Faith, they begin to inquire and to proceed, and in this whole Affair the Inquisition claims to it self what is otherwise done chiefly by Witnesses. And therefore the Judges are called Inquisitors, and the Tribunal and Ministers are said to be of the Office of the most holy Inquisition, from this third Method of Proceeding by Inquisition.

§. 3. n. 6.

C H A P. VI.

How the Proceſs begins by way of INQUISITION.

WHEN the Proceſs is made by Inquiſition, he who goes to the Inquiſitor ſays, that he doth not appear as an Accuſer or Denouncer, but only relates to him that there is ſuch a Report, and that it hath frequently come to the Ears of the Inquiſitor from grave and reputable Perſons, that ſuch a one hath done or ſaid ſome Things againſt the Faith, and the publick Report plainly diſcovers the common Inſinuation. And by this Means the Proceſs is carried on.

Direct.

p. 3. n. 79.

Then the Inquiſitor cauſes certain Witneſſes to be cited, eſpecially grave and reputable Perſons, and in the Preſence of a Notary, and two Religious, or otherwiſe reputable Perſons, inquires of them only concerning the Report. Whether 'tis the common Report of ſuch a one, that he did or ſaid ſuch Things againſt the Faith? How they know there was ſuch a Report? How long ſuch Report hath been? Whether they know ſuch Perſon to be defamed? Whether they know whence the Report aroſe? Whether from ill diſpoſed Perſons or others? And the like.

This is the Command of *Innocent*, Cap. *Qualiter & quando, de Accuſat.* Hence we may gather how Infamy is proved. For the Witneſs muſt ſay, that the Perſon under Conſideration is defamed of ſuch a Crime. And when 'tis inquired of him, in whoſe Account he is infamous, he muſt answer with ſuch and ſuch; and unleſs he aſſigns them, he doth not appear to give a good Reason of what he ſays. Beſides, it can't be known whether they are ſerious or ill diſpoſed People.

Brunus de

hæret.

l. 4. c. 7.

§. 10.

When the Report is thus proved, the Inquiſitor proceeds to inquire out the Truth of the Affair. For this Purpose he cauſes the Witneſſes to be cited, and eſpecially ſuch as have been intimate with the Perſon accuſed, and other reputable Men, and zealous for the Faith; and after giving them their Oath, he inquires of them, not concerning the Report, but the Thing it ſelf, in Preſence of the Notaries, and two religious or reputable Perſons. After this he proceeds to draw out a Confeſſion from the Criminal himſelf. And firſt he goes to the Place of the Inquiſition, where, when the Criminal appears before him, he tells him that he is excited and moved by the Fame and frequent Reports, that he the Criminal appearing and ſtanding before him, hath taught, written, or publickly declared certain Things againſt the Truth of the Catholick Faith, or that he hath believed and favoured ſuch who teach theſe Things, or received or defended them. That therefore he, according to his Office, cannot diſſemble that there is ſuch a Report; however, that he will not condemn him, till theſe Crimes are legally and plainly proved before him.

If the Criminal be not defamed of the Crimes laid in the Articles of the Inquisition, and he makes this Exception, the Promoter Fiscal and the Denouncer must necessarily prove the Defamation.

If this cannot be done, the Criminal is absolved from all farther Concern in Judgment. He may also prove himself to be a Person of good Report. For Instance, if he is accused of being defamed for defending the Doctrine of an Heretick, by some Writing that he published, he may prove that he confuted such Doctrine by writing against it; or if he be accused of harbouring an Heretick, in some House belonging to him, he may prove that he hath no Home in that Place, nor ever had since such Person hath been taken for an Heretick. He may likewise object, that such evil Report was raised of him by loose and infamous Persons, Enemies, Conspirators, and the like.

But if the Inquisitor proceeds and inquisits not at the Promotion, Denunciation or Instance of another, but *ex mero officio*, the Criminal is not to be heard when he excepts, that he is not defamed of the Crime objected to him; nor is the Judge obliged to regard such Infamy; for there is no Person who can oblige him to do it, unless the Criminal appeals. In this Case the Judge must inform his Superior of the Infamy of the Appellant. If also any one departs from the common Conversation of the Faithful in divine Worship, he is not to be heard, if he alledges that he is not defamed. For Inquisition may be made against him without Infamy.

This is the Method of private Inquisition, according to *Eymerick* and *Brunus*. *Peter*, Bishop of *Elvas*, gives it in a somewhat different Manner, in his first Consultation. “ Let this Manner be observed as to a private Inquisition. First, let the Parson of the Place or Country be sent for, and carried to a secret Place, and be required upon Oath to declare the Truth. “ When this is done, he must be asked if there is a Report that any Person is an Heretick, or suspected of the Faith in his District, or a Favourer or Receiver of them; and if he says there is, he must be asked, “ Whether the Report be general? If he can form any probable Conjectures from him, the Inquisitor commands him to name some good and reputable Persons, Men and Women, and makes also Inquiry of them upon Oath. If they agree, and it appears that they proceed not thro’ Hatred, Envy or Revenge, he enjoins them Secrecy, and tells them he will keep the Matter secret himself, and that they need not fear. After this the defamed Heretick must be called to a private Place, in the Presence of some few Friars, and a Notary of a good Character, and be told; You are accused and named to me as an Heretick, or a Favourer or Receiver. But “ I am willing to proceed with you in a way of Peace and Secrecy, and “ therefore desire you will abjure every wicked Herefy, and give sufficient “ Security that you will not return to them. The Inquisitor must be careful not to discover the Accusers to the Persons accused. He must also say, “ If you will swear, and do what I desire you, I am ready to grant you my “ Letters Testimonial, that you are of the Number of the Faithful. But if “ you will not do it, I will declare before the People that you are an Heretick,

“tick, or a Believer of them, nor can I ever receive you without publick
 “Penance; the Consequence of which is, that you must return and do Pe-
 “nance, or your Effects will be confiscated, you will be accounted infa-
 “mous, be avoided by all, and deprived of all common Privileges. But in
 “this Affair great Caution is to be used. In like Manner let the Inquisitor
 “be careful not to grant his Letters too generally, and especially not to those
 “who have been otherwise apprehended, because he ought not to do thus, un-
 “less they do publick Penance.

C H A P. VII.

How the PROCESS begins by Accusation.

WHEN the Accuser reports to the Inquisitor any Crime committed by another, and the Accusation hath the Appearance of Truth, they proceed in this Manner, according to the Instruction of *Eymerick*, which hath been long observed. First the Inquisitor inquires, whether the Accuser will accuse, and proceed in the Affair by way of Accusation, or not? If he says he will proceed by way of Accusation, he is to be admonished by the Inquisitor, that he renders himself liable to the Punishment of Retaliation, unless his Proof be good. But this Method of Proceeding the Inquisitor must not easily allow, because 'tis not customary in a Cause of the Faith, and because 'tis very dangerous, and greatly difficult to the Accuser. But if the Accuser persists, he must give his Accusation in Writing, which must be written by the Notary, in order to begin the Process. But others contend, that in the Crime of Heresy 'tis not necessary that a Person should oblige himself to the Law of Retaliation. And as they now seldom admit the Person of an Accuser, they have constituted a publick Minister; whom they call the Fiscal, who sustains the Person of the Accuser, and accuses the Criminals, who doth not oblige himself to the Punishment of Retaliation, nor any others which false Accusers usually suffer.

Formerly, when the Process was carried on at the Instance of the Accuser, after the Accusation was made before the Inquisitor, the Inquisitor commanded the Accuser to produce the Names of his Witnesses, who being cited by the Inquisitor, are strictly examined upon Oath. If what they depose doth nothing concern the Fact, the Inquisitor must advise the Accuser, to withdraw the Word Accusation, and put in the Room of it Denunciation, that so the Inquisitor may proceed *Ex officio*, and not at the Instance of the Party, because so very dangerous to the Accuser. But if the Proof of the Witnesses be full, the Inquisitor produces them, and giving them their Oaths upon the four Gospels to declare the Truth, which he can oblige them to take if they refuse it, strictly examines them in a judicial Manner before the Notary and two religious Persons, or otherwise reputable. Then he interrogates them

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part. 3.

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21.

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72.

concerning fundry Things, as, Whether they know such a one? As to the Occasion and Time of their knowing him? Concerning his Character? Whether they have seen, or heard him say, or do any Thing against the Faith, and what that was? Where they saw him, how often, and who present? In what manner he said those Things, whether in Jest, or by way of Recital, or whether with a deliberate Mind, and by way of Assertion? And finally, whether they depose these Things thro' Hatred or Rancour? Or whether they omit any Thing thro' Love or Favour? The Answers of the Witnesses to all these Questions are taken down by the Notary. These Interrogatories of the Witnesses may be oftentimes repeated at the Pleasure of the Inquisitors, that what was omitted in the former Interrogatories may be supplied.

C H A P. VIII.

How the PROCESS begins by Denunciation.

BUT if the Accuser says, as is commonly the Case, that he will not accuse, but denounce; and that he doth this thro' Fear of incurring the Penalty of Excommunication, ordered by the Inquisitor for discovering Things pertaining to the Faith within the prescribed Term, then the Inquisitor prepares himself to make Inquisition. And because this is the ordinary and most generally used Method of the Inquisition, I will describe it more largely and distinctly, that hereby the whole Method of making Inquisition may be more fully understood.

When the Denouncer, who is also called the appearing Witness, comes to the Bishops or Inquisitors, before the Notary takes his Denunciation in a ridiculous Manner, he is usually asked, what he hath to propose? that they may know, whether what he is determined to denounce belongs to the holy Office. Because sometimes Country ignorant People, or those who are troubled with Scruples, bring such Matters before them, the Cognisance of which doth not belong to the Inquisitors. When they find that the Crime brought before them is cognisable by the holy Office, they make the Denouncer swear that he will relate the Truth. After this the Notary receives the whole Denunciation before the Bishop or Inquisitor, or their Vicar, taking down the Denunciation, or the Report of the Denouncer in the first Person. And that there may no Doubt arise as to the Validity of the Oath, to spoil the Credit of the Denunciation, as the Inquisitor doth not only take an Oath from the Denouncer, or Witness voluntarily appearing, but also from the Witness who is cited, upon the holy Scriptures touched with their Hands, so 'tis farther requisite, that the Notary should write at length, that such a one took his Oath touching the Scriptures, and not only write down, touching with an &c. that there may be no Difficulty in defending such Acts upon account of this Defect.

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The HISTORY of the INQUISITION.

The Oath being taken, the Denouncer is interrogated concerning various Things by the Inquisitor. “ First, if he be not a well known Person, he is “ interrogated concerning his own Name, Surname, Country, Employment, “ and Place of Abode. Then, how long he hath known *N.* against whom “ he denounces? Likewise how he came to know him? Again, whether he “ observed that the aforesaid *N.* was suspected of Matters relating to the “ Faith from his Words, or his Actions? Likewise, how often he had seen the “ said *N.* do or say those Things for which he thought him an Heretick, or “ suspected of Herefy? Likewise, at what Time, and in the Presence of “ whom the aforesaid *N.* did or said those Things of which he is denounced? “ Likewise, whether the aforesaid *N.* hath had any Accomplices in the aforesaid Crimes, or any Writings belonging to the Offences denounced? Likewise, to what End and Purpose the aforesaid Things were done or said by the aforesaid *N.* whether seriously, or in Jest? If it appears that there was a long Interval of Time between the Commission of the Crimes denounced, and the making the Denunciation, the Inquisitor interrogates the Denouncer, why he deferred so long to come to the holy Office, and did not depose before, especially if he knew, that he incurred the Penalty of Excommunication by such Omission.” They account this Interrogatory necessary for two Reasons. First, because the Delay of Denouncing may give a just Presumption of Calumny in the Denouncer. Secondly, that it, may be known, whether he hath been compelled by his Confessor to denounce, upon his Refusal to absolve him without denouncing, in which Case greater Credit is given to the Denouncer. “ He is moreover asked, whether he knows any “ Thing farther of *N.* which concerns the holy Office, or of any other Person? Likewise, whether he hath at any time had any Cause of Hatred or “ Enmity with the aforesaid *N.* and whence it proceeded? With what Zeal, “ and with what Intention he comes to the holy Office, and to make Denunciation? Whether he hath denounced thro’ any Passion of Mind, ill Will, “ Hatred, or Subornation? And he is admonished ingenuously to tell the “ Truth.” He is especially interrogated how he came by his Knowledge, because on that principally the Truth and Weight of the Testimony depends. From the Denunciation, and the Answers to these Interrogatories they form other Questions, that there may be nothing wanting in the Inquisition. And whatsoever the Denouncer answers to these Interrogatories, the Notary writes down.

The Denunciation thus received, three Things are usually observed before the Denouncer goes from Audience. First, the whole Denunciation, as written down, must be read over to the Denouncer, that he may add, take away, or alter as he pleases. Secondly, the Denouncer must subscribe to his Deposition; or if he can’t write, he must at least put under it the Sign of the Cross. Thirdly, the Denouncer must take an Oath of Secrecy. All these Things are exactly written down by the Notary.

If thro’ Straitness of Time, or a late unseasonable Hour, or the Length of the Denouncer’s Account, the whole Denunciation cannot be taken at once, the

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the Deposition must be broke off, and it must be minuted down, that the Examination was dismissed thro' the Lateness of the Hour, and that the Denouncer was ordered to return soon to the holy Office. And this he must subscribe. When he comes again to continue his Denunciation, he must again take his Oath before the Inquisitor and Notary, touching the holy Scriptures, that he will speak the Truth, and be admonished to report what he omitted in his former Appearance, such a Day of the Month in this holy Office. But if it can be done, tho' with some Inconvenience to the Judge, they say Care must be taken not to interrupt the Depositions of the Denouncers, or Witnesses who are cited.

Sometimes the Denouncers bring with them their Denunciation written down by themselves, which they give to the Inquisitor. When this is done, the Inquisitor receives it in the Place of Audience, and gives it to the Notary to insert in the Process. The Notary also further inserts in the Acts, that N. delivered his Denunciation in Writing to the said Inquisitor, containing so many Leaves, beginning thus, &c. and ending thus, &c. and the Inquisitor commands the Denouncer to subscribe his Name.

When the Denouncers are not present themselves, and denounce any ones Cap. 3. Heresy, not in Person, but by private Letters, such a Denunciation may be also received by the Inquisitor, if the Writer of the Letters be a Person of Credit, dwelling in remote Places, or sick, or prevented by any legal Impediment, so that he cannot easily come himself to the Inquisitor; or if he be detained upon account of any peculiar Quality, such as Nuns, or other honourable Women, who must not easily be drawn by others into any publick Cause. But the Inquisitors may supply the Defect in this manner of denouncing by this Method, either by going himself with the Notary to the Denouncer, and examining him in the Manner already described; or by sending his Colleague or Vicar to him with the Denunciation Letters, concerning which he examines the Denouncer in the usual Manner, to know whether they are his, and with what Design and Reason written. Or if the Inquisitor hath already in such Places a Vicar or Commissary appointed, he may write to him, and send him the private Letters of Denunciation, to examine the Denouncer upon Oath after the usual Manner. As to the Denunciation made Annos. Caren. by a Nun, she is obliged to denounce before her Confessor, who demands n. 4. Leave and Faculty from the Inquisitor to receive the Denunciation, which as specially deputed he takes, first giving her her Oath, making her subscribe, and enjoining her Secresy. And he must thoroughly interrogate and search her. But in this Case, the Confessor must receive from the Nun a Command of making Denunciation to the Inquisitor out of Confession. The Form which they observe in taking this Denunciation is as follows. *Such a one was dismissed from her Confessor, who would not absolve her, unless she denounced to the holy Office. Upon which she appeared before me N. especially deputed by the most Reverend Father Inquisitor, the Day . . . Month Year and being given her Oath, which she took touching the most holy Gospels, she denounced, for the exonerating her Conscience, as she declared, after the following Manner, viz. &c.*

C H A P. IX.

Of the Witnesses, and who are admitted as Witnesses before the Tribunal of the INQUISITION.

AFTER the Denouncer hath discharged his Duty by legally denouncing, he hath no farther Concern, but the whole Affair is left to the Inquisitor to make Inquisition concerning the Offence of the Offender, from the Witnesses named by the Denouncer. Before therefore we proceed to the Examination of the Witnesses, we must premise some Things concerning the Witnesses themselves, *viz.* as to their Person and Number.

All Persons may be Witnesses as well in Civil as Criminal Causes that are not expressly prohibited. In the Affair of the Inquisition, in Favour of the Faith, all Persons, even such as are not allowed in other Tribunals, are admitted as Witnesses, Enemies only excepted. But here they distinguish between the Accuser or Denouncer, and the Witness. For although an Enemy can never be a Witness, he may be an Accuser or Denouncer, and his Denunciation must not be neglected by the Inquisitor, according to *Campegius*.

*Campeg.
in Zanch.
c. 13. d.*

“ In the Crime of Heresy any one may be an Accuser, even an Enemy.
 “ For as the Judge doth not condemn according to the Petition of the Accuser, but the Proofs of the Witnesses, there can be little Danger if an Enemy be admitted to accuse. He adds, that he hath often found in the Exercise of this sacred Office, that Enemies have made, not a false but true Denunciation, which he hath known to happen by heavenly Counsel and the just Judgment of God. For this blind World can't as yet understand the Wickedness and Pravity of this Crime; and therefore we see that Mortals are more ready to accuse and punish Thieves and Murderers, than to correct and condemn Hereticks. Yea, when Inquisition is made against any one for Heresy, or he is taken up, all run together, and pray, and beseech, excuse, and endeavour to defend him, and say that they are wicked and very vile Persons, who would mark the poor Man for an Heretick. Besides, they call the Officers very cruel, if they strive to reduce an Heretick to the Light of Truth, by Imprisonment, Bonds, and Fetters, or finally by Tortures, and think they do God great Service, if they strive, tho' unjustly, to free him from Imprisonment and Bonds, and to deliver him out of the Hands of the Inquisitors. They would rather he was dismissed, as they say, only with holy Water. If we answer and put them in mind of the Crime of High Treason against earthly Majesty, they reply, this is quite another Thing, that the Cases very much differ, and the like. As tho' 'twas a less Thing to offend the great God than an earthly Prince. These Things are rather to be lamented than rehearsed. Let us therefore pray the Lord to open the Eyes of those blind Persons, and to preserve his holy Faith, and to defend and protect the Ministers of this Office. For it
 “ happens,

“ happens, as we said before, thro’ the Disposal of God, bringing this Good
 “ out of another’s Wickedness, that one Man shall not discover another whom
 “ he knew to be an Heretick, during their Friendship. But upon the aris-
 “ ing of some Enmity between them afterwards, he immediately goes to the
 “ Inquisitor, and now denounces against the Person whom he hath long known
 “ to be an Heretick, and says that he doth it thro’ a Zeal for the Faith, and
 “ with a Regard to Charity, altho’ possibly he is induced to it by the Influ-
 “ ence of Hatred. Therefore the Inquisitor ought diligently to attend to the
 “ Quality of the Deponents or Denouncers, and very exactly and cautiously
 “ make Inquisition concerning the Truth of the Things attested and said, and
 “ well to remark the Words of the Chapter, *In Fidei favorem, de hæret.*
 “ lib. 6. *viz.* Whether or no those who thus testify may be presumed not to
 “ speak Falseness, from likely Conjectures, and the Number of the Witnes-
 “ ses, or the Quality of the Persons, as well those who depose, as those who
 “ are deposed against, and from other Circumstances.”

But ’tis quite otherwise as to Witnesses themselves, for an Enemy is not ad-
 mitted as a Witness. Not that every sort of Enmity prevents a Person from
 being a Witness, but mortal Enmity only. Thus the Council of *Biterre* deter-
 mines, *Cap. 13.* and that of *Narbonne*, *Cap. 25.* *Such Exceptions only*
shall wholly destroy the Credit of the Witnesses, which seem to proceed not
from a Zeal for Justice, but from the Instigation of Malice, viz. Conspira-
cies and mortal Enmities. For although other Crimes weaken, they do not set
aside the Evidence, especially if the Witnesses have amended their Fault.
 So that, according to this Decree, several Crimes do indeed lessen the Simane:
 Credit of the Evidence, but do not wholly render the Persons incapable of be- t. 64.
 ing Witnesses. In like manner every sort of Enmity doth indeed somewhat 9. 79, 80.
 weaken the Weight of the Evidence, but don’t entirely overthrow it,
 unless it be mortal Enmity.

The Causes by which we are to judge of mortal Enmity are various, and de- Pegn. in
 termined by the *Spanish Law*. If any one hath killed, or endeavoured, or p. 3. cont.
 even threatned to kill the Kinsman of that Person against whom he would 116.
 bear Witness, if he hath laid Snares for his Life, or accused him of a Crime,
 which, if proved, would be punished with Death, Loss of a Member, Ban-
 nishment, or the Forfeiture of all, or the greatest Part of his Estate. To
 these *Pegna* adds some other Things, which, however, are not determined by Ibid.
 that Law, *viz.* if any one deposes against him in a criminal Cause; or if the
 Party accused hath at any time put his Accuser in Chains; or even if he hath
 spoken very reproachfully of him, *viz.* if he hath called him Cuckold, or his
 Wife a Whore; or called a sober Man a Drunkard, &c. In these Cases,
 however, he says the Circumstances of the Persons, reproaching each other,
 should be considered; as whether they are vile and infamous Persons, who
 have little Regard to their Honour, and are given to reproachful Language,
 and so easily forget what they say; or whether they are noble, and well
 born: Besides this, the Custom of the Provinces and Cities are also to be re-
 garded. Farther, he says that mortal Enmity may arise from one Man’s
 VOL. II. T keeping

keeping another's Wife, contrary to his Consent and Demand, or his Sister, or any other Women related to him, the very Attempt upon whose Chastity is an Injury to him. Or if any one goes to Law with another concerning his Condition, to prove him only a Freedman, not Free-born, or about his Estate, or greatest Part of it, or for a large Sum of Money, or for robbing him of, or destroying a Thing of great Value, or when any one injures another in his Person or Effects. Farther, he cannot be a Witness, if having been an Enemy a long while he is newly reconciled, or who descends from a mortal Enemy; nor one who lives with another's Enemies, or contracts Friendship with them. Finally, nor they who are of a Family or Faction contrary to another Family or Faction. However, if the Witnesses are Persons of tried Virtue and Probity, they would not be liable to such a bad Suspicion. This Suspicion also ceases, when the Enmity is procured by Fraud and Deceit, and with this View, to prevent any one's being a Witness; or when there hath been a long and well-grounded Reconciliation between the Persons who were Enemies, as to which, 'tis left to the Pleasure of the Judge to determine. And because the Names of the Witnesses are not discovered to the Person accused, as shall be fully shewn hereafter, because of the Danger that might accrue to them, the Inquisitors are ordered to enquire concerning the Enmity of the Witnesses, and to search out if there are any Causes, from which it may be probably gathered that there is mortal Enmity between the Criminal and them, the whole of which is left to the Prudence and Pleasure of the Inquisitor. But if an Enemy be reconciled, he may be a Witness, provided the Reconciliation be not new, but of long standing. Whether it be one or the other, the Inquisitor is to determine.

Lucern.

Inq. in voc.

Testes.

§. 5.

Here they enquire, whether Credit is to be given to a Witness, who says he is the Enemy of that Person against whom he is interrogated? And they usually answer with this Distinction. Either the Witness says he is his Enemy before he swore, or was produced as a Witness; and thus he is presumed to have said it fraudulently, and must therefore be received; but if it doth not appear that he said it fraudulently, he must not be received, especially if it be mortal Enmity. But if it be not, or there be any Doubt about it, the Judge must not desist for the bear Affirmation of such Witness, but must enquire into the Nature of the Enmity, because, as was said before, every sort of Enmity doth not disable a Person to be a Witness. But if he declares himself a mortal Enemy, he must not be received. But if the Enmity is not mortal, he must be allowed, and the Judge must determine what Credit is to be given to him. Or he declares himself an Enemy after he is sworn, but before he deposes, and then he is not to be credited; or after he hath sworn and made Deposition; and if he declares himself an Enemy immediately after he hath finished his Deposition, he is credited as to the general Interrogatories; but if he declares himself an Enemy some Distance of Time after, he is not regarded, but his former Deposition must be abided by.

Pegna in

p. 3. com.

113.

But except these mortal Enmities, almost all kind of Persons may be admitted as Witnesses by the Inquisitor. First, Persons excommunicated, and guilty

guilty of the same Crime, Cap. *In Fidei favorem*, de hæret. lib. 6. *We grant in Favour of the Faith, that in the Affair of the Inquisition of heretical Pravity, Persons excommunicated, and Partakers, and Persons guilty of the same Crime, shall be admitted to bear Witness, especially when there is a Deficiency of other Proofs against Hereticks, their Believers, Favourers, Receivers, and Defenders, if it may be presumed from probable Conjectures, and the Number of Witnesses, or Quality of the Persons, as well those who depose, as those who are deposed against, that such Witnesses do not speak falsely.* In this the Council of Biterre agrees, Cap. 12. *Altho' in this Crime all Criminals and infamous Persons, and those who are Partakers of their Guilt, may be admitted as Accusers and Witnesses.* The Decree of Alexander IV. is to the same Purpose, *An. 1261. Feb. 1. beginning, Consuluit nos.*

Next to Persons excommunicated are joined Hereticks, *Jews*, and Infidels, *Pegna, 15.* who, in the Crime of Heresy, are admitted as Witnesses against Hereticks, *com. 117.* But because 'tis provided by the Laws, that Hereticks shall not be admitted as Witnesses, an Heretick is not allowed as a Witness for one of the Faithful. But if an Heretick, whether in Prison or elsewhere, charges one of the Faithful, or one who is esteemed as such, with the Crime of Heresy, or as a Partaker of his Crime, tho' this doth not amount to half Proof, so as to occasion his being apprehended, yet it is Discovery enough to proceed to a secret Inquisition against him. But, as was said, the Testimony of an Heretick against an Heretick, is admitted, but not for an Heretick. They affirm the same of a *Jew* and an Infidel, who, when they are admitted as Witnesses, must not swear upon the Gospels as Christians do, but according to their own Laws.

Inlike manner the Testimony of a Wife, Sons and Daughters, or Dometicks, against Persons accused of Heresy, is allowed, but by no Means in their Favour and Behalf. *C. Filii*, de hæret. lib. 6. The Reason *Simancas Tit. 64:* gives, why Kindred are admitted as Witnesses against Kindred, is, because *§. 47.* they can't possibly be suspected. Yea, some add, that when other Proofs *Carena,* are wanting, the Judge may compel not only a Brother, but even a Wife, or *p. 3. t. 5.* Son, to witness against a Father. Servants also may be tortured against their *n. 21.* Masters.

Even perjured Persons, who having taken an Oath before the Inquirers to speak the Truth, have forsworn themselves by concealing it, and would afterwards correct themselves, and swear back again against themselves and others, are to be admitted, if it plainly appears that they act not from Levity of Mind, nor the Instigation of Enmity, nor from being corrupted by Money, but from their Zeal for the Orthodox Faith, and that on this Account they would discover in Favour of the Faith what they had concealed before, according as *Alexander IV.* hath decreed, and as may be found in the VI. of the Decretals. And altho' perjured Persons are not allowed as Witnesses even after Repentance, yet 'tis quite different in a Cause of the Faith; and the Doctors observe, that such a one's second Deposition must be stood to, when hereby he discovers the Crime of Heresy. But if when he takes his second Oath, he denies what he deposed concerning Heresy when he took his first, the first Deposition must be stood to, and not

the second; for which they give this Reason, because he may have spoken with the Criminal, and so is presumed to be corrupted and suborned, and therefore his first Deposition stands firm.

Carena,
p. 3. l. 5.
§. 12.

Farther, infamous Persons may be admitted as Witnesses in this Tribunal, such as Whores and Bawds, when they testify of Things done in the Bawdy-House. Such also as are under the Ban, whom the Inquisitors may cite before their Tribunal, and grant a safe Conduct, that they may be examined as Witnesses in the Tribunal of the Inquisition, altho' the secular Prince hath put them under the Ban, because the Inquisitor is greater than any supream, secular Judge, and may proceed in Causes of the Faith freely, and without any Impediment whatsoever of Law or Fact. Usurers also, Bastards, common Blasphemers, common Gamesters, Persons quite drunk, and not only exhilarated by Wine, Stage-Players, and Prize Fighters, Apostates from Religion, Persons bastinadoed, Bankrupts, Traitors, Backbiters and Spendthrifts. But they add, that these are not Witnesses above all Exception, and that they amount only to half Proof; that they may be admitted to prove Heresy, and the substantial Circumstances that prove it, such as Familiarity with Hereticks, secret Conventicles, and the like, but not the external Circumstances necessary to it, Baptism for Instance, which is pre-requisite in the Case of Heresy. Besides the Number of Witnesses may make good their Incapacity, though every one singly should be incapable of being a Witness, yea if the Number be large, 'tis sufficient to inflict the ordinary Punishment. This Number they fix, and say that four are sufficient to condemn the Criminal to the ordinary Punishment. Others leave it to the Inquisitor to determine the Number.

Lucern.
Ing. in voce
Testes.
§. 12.

Here 'tis to be observed, that a Witness, whatsoever he is, saying one Thing out of the Trial, is not allowed to say the contrary in the Trial, so that they stand to what he first says, unless 'tis to be presumed that he spoke fraudulently. As if a Witness of mean Fortune should say in the Presence of some great Person somewhat in his Favour, and afterwards should say upon Oath the contrary, what he first says must not stand good, because 'tis presumed he said it to please the Party, but what he afterwards says at the Trial must be allowed, because 'tis supposed he speaks Truth through Fear of his Oath. 'Tis otherwise where there is no such Presumption.

C H A P. X.

Of the Number of the WITNESSES.

AS to the Number of the Witnesses, 'tis generally believed that two Witnesses are sufficient fully to prove Heresy, and to condemn any one for Heresy. But 'tis necessary they should be worthy of Credit, and, as they say, above all Exception. Hence it is, that tho' excommunicated Persons, and those guilty of the same Crimes, are not absolutely rejected being Witnesses against Hereticks, their Defenders, Receivers, and all other suspected Persons, yet full Credit is not to be given to them, unless it appears that they speak Truth, from probable Conjectures, the Number and Quality of the Persons, and other Circumstances. C. *In Fidei favorem*, de hæret. lib. 6.

The Informer or Denouncer is now also reckoned amongst the Witnesses. For altho' no Man can be Accuser and Witness in the same Cause, yet he who discovers an Heretick to the Judges is a legal Witness. For, as they say, such a Witness is not influenced by any private Advantage, but by a Zeal for the most holy Religion, and for the publick Benefit of the Catholick Church, and with a View to the Amendment of the Heretick. Nor can he have any private Interest to discover an Heretick, but only as being of the Number of the Christian People, in which Case they affirm the Testimony of the Informer to be compleat.

Several single and entirely different Witnesses have no more Weight than one Witness.

There are some who say that a Man may be proved to be an Heretick by single Witnesses, as if one should witness against him for one Heresy, another for another, and others likewise for other Heresies. In such a Case they assert it will be proved in general, that the Man is an Heretick. But as particular Heresy can't be proved by single and separate Witnesses, so neither can it be proved that any one is an Heretick in general by the same Witnesses; for by the same way it might be proved that a Man was a Catamite in general, upon which Occasion *Simancas* gives us a pleasant Story. A certain Person, a Year ago, cried out, and said, it was proved in general by single Witnesses, that such a one was a Catamite. I remember, says he, I answered, if this wicked Crime is proved in general, let the Punishment likewise be inflicted in general. Let the Individual be safe, and, if you please, let the Catamite in general be burnt.

Yet there are two Cases, in which Heresy may be proved by single Witnesses. The first is, when the Witnesses testify of the same Species of Heresy, but are different as to the Place and Time. For they agree in the Proof of the same Heresy, whereas the Place and Time are quite foreign Things, and are not necessary Circumstances to the Proof of Heresy. The second is, when

when single Witnesses aim at the same End, are many in Number, and worthy of Credit.

Dives.

part. 3.

q. 71. com.

120.

But *Pegna* says, if there are many single Witnesses, and one deposes as to the Fact, another as to the common Fame, one as to what he saw, another as to what he heard, the Criminal cannot be condemned, no not altho' the common Fame, legally proved, strengthens the Testimony of the single Witness. However, the Inquisitor may at Pleasure enjoin such Criminals Purgation, or any other Penance. If several Witnesses testify separately of different Heresies, and a different Time and Place, this will not prove a Man an Heretick; no, nor is it full Proof if they testify of the same Heresy, but differ as to Time and Place. But if any one is convicted by more than two proper Witnesses, and will not confess, some say they must wait for some time, and see if they can find out Witnesses agreeing in all Things; but first the Criminal is to be tortured, that if it can be they may draw the Truth from his Mouth. If he confesses nothing he may be most justly compelled to abjure as one vehemently suspected, or to undergo canonical Purgation, because, in this Case, he cannot be thought to have purged away the Evidence by Torture, since the Proofs against him are many and strong.

Part. 3.

com. 121.

However, in such a Case, 'tis left to the Inquisitors Pleasure to proceed as they think fit, as 'tis expressly commanded in the Constitutions of the Bishop of *Albano*, Legate of the Apostolick See, who, 'tis probable, was appointed Legate, and published by the Pope's Commission many Constitutions, relating to the Punishment of Hereticks, and the Order of proceeding against them, about the Time when the poor Men of *Lions*, or the *Albigenses* and other Hereticks infested the Countries of *France* and *Lombardy*. These Constitutions are very useful to private Inquisitors, to enable them to determine rightly and profitably Causes and Controversies of the Faith, and are extant in an old Parchment Manuscript in the *Vatican* Library, and in a very old one at *Florence*. Amongst other Things in it 'tis thus determined. *But when the Witnesses or Informers differ in what they depose, but yet agree in the Substance and Nature of the Thing, we leave it to the Pleasure of the Inquisitors so to proceed, as, in the Sight of God, they shall think fit, especially if common Fame, and the Fitness and Credit of the Deposers agree and make against him, who is to undergo the Inquisition.*

CH A P. XI.

Of the Examination of the WITNESSES.

Pegna,

Prax. Inq.

AFTER having thus spoken of the Witnesses themselves, I now come to their Examination. When therefore the Witnesses named by the In-
former are found out, the Inquisitor orders them to be cited by his spiritual
Messenger,

Messenger, to the Office of the Inquisition, where, when they come, they are legally examined. First, they take an Oath upon the Scriptures to speak the Truth. After this he is asked by the Inquisitor, whether he knows, or can guess the Cause of his Citation and present Examination? If he says yes, he is interrogated how he knew it? If he says no, he is interrogated, whether he hath known, or doth now know any one or more Hereticks, or Persons suspected of Heresy, or at least is able to name any such? Whether he knows *N*? What was the Occasion of his Acquaintance with him? How long he hath known him? Whether he hath been used to converse with him? Whether he hath heard at any time any Thing from the said *N*. concerning the Catholick Religion? Whether ever he was in such a Place with the said *N*. and whether the said *N*. did or said there such and such heretical Things, or favouring of Heresy? Who were present when *N*. did or said the aforesaid Things? How often he saw them said or done, and on what Occasion, and how? Whether the said *N*. spoke the aforesaid Things in Jest, or without thinking, or thro' a Slip of his Tongue, or as relating the Heresies of some other Person or Persons? Whether he said any Thing which ought not to have been said thro' Hatred or Love, or omitted and concealed somewhat that ought to have been explained? He is farther admonished to tell the single Truth, because, if he is detected of speaking falsely, he will be made to suffer the Penalties, not only of Perjury, but of favouring Heresy, and that therefore he ought to tell the Truth, and beware of Lies. Because, if it appears to the holy Office, by Witnesses worthy of Credit, that the Witness himself is conscious to the Things concerning which he is interrogated, and conceals and hides them, he may be confined, and compelled to give Security, and to oblige himself not to depart from that City and Place where he is examined, and under a Penalty, fixed by the Inquisitor, to make his Appearance as often as and wheresoever the Inquisitor shall command him.

When the Truth cannot be found out from the Mouth of the Witness and these general Interrogatories, the *Italian* Inquisitors come to particular Interrogatories concerning the Place and Person denounced, that so the Truth may be discovered, after which the Witness is dismissed, being first enjoined Secrecy upon Oath, and signing what he hath said. All these Things are taken down by a Notary, and inserted into the Acts of the Process. *Simancas* gives a short Account of this Matter, *Tit. 44. §. 11.* *Carena, Annot. ibid.*

“When the Witnesses come to the Inquisitors, to testify against Hereticks or suspected Persons, they are to be exhorted and admonished, that they don't dare to give false Witness thro' Hatred, Enmity, or other evil Affection. And besides, it must be declared to them, how heinous a Wickedness all false Witnesses commit, but especially those who defame innocent Persons with the Crime of Heresy. But if they affirm that they are moved only by a Zeal for the Catholick Faith, their Testimonies are to be written down.”

'Tis the Custom in some Inquisitions, that before the Criminal is apprehended, the Witnesses named by the Denouncer should, after two or three Days,

Days, be cited again, and interrogated upon Oath, laying their Hand on the Scriptures, whether they have any farther Truth to communicate besides what they deposed in their former Examination. And whatsoever is the Answer, the Notary takes it from his Mouth.

If there be Reason to apprehend from the Circumstances of the Witnesses, that he will discover the Cause, he is enjoined Silence, under the Penalty of Excommunication, *latæ sententiæ*, after a single Admonition, and other Penalties, at the Pleasure of the holy Office. Sometimes also, for just Reasons, they take Care and command the Witness or Witnesses not to depart from the Palace or House of the Inquisitor, without the exprefs Leave of the Inquisitor, written under his Hand.

After the same Manner all other Witnesses named by the Informer in his Information, are examined.

But if the Informer be also a Partaker and Partner in the Crime, and when informing against his heretical Companions, deposes nothing against himself, and any Thing appears against him from the Examination of the Witnesses or Accomplices, he is cited by the Inquisitor, and proceeded against as a Criminal, but punished in a milder Manner, because of his having informed against others.

In the Examination of Witnesses, in many Places, there must be five Persons present. The first is the Judge, *i. e.* the Inquisitor or his Commissary, whose Business is to examine the Witnesses and Persons accused, by forming Articles and Interrogatories upon them. The second is the Witness. Every one of these must first swear to speak the Truth, otherwise their Deposition will be invalid, according to the Precept of the Council of Biterre, Cap. 4. *Give to all those, who being cited before you, appear within the Time assigned them, their Oath, to tell the entire and whole Truth concerning the Fact of heretical Pravity, which they know of themselves, or of others, living or dead. The Form of the Oath is commonly this: I swear by God and the Cross, and the four most holy Gospels, now touched with my Hands, that I will speak the Truth. If I do, so help me God; if I do not, so God condemn me.* The third Person is the Writer, who writes down the Interrogatories of the Inquisitor, and the Answers of the Person accused, and the Witness. He must be a publick Person, *viz.* a Notary that hath Authority, either a Layman or Clergyman, or a Religious. But when the Inquisitor cannot have such a publick Person, or Notary, he may chuse two proper Persons, Secular, or Ecclesiastical, who jointly have the Power and Authority of one publick Person, and these two act by the Apostolick Authority in Writing. The fourth and fifth Persons are two who assist the Inquisitor, and are Witnesses to the whole Examination, and they must be two discreet Men, religious, or otherwise reputable. But when the Inquisitor cannot conveniently have these two Persons present at the whole Examination of the Witness or Person informed against, he must, at least, have them at the End of the Deposition, when the Deposition is read over by the Notary to the Witness that deposes, or the Informer, in the Presence of the Inquisitor, and the two aforesaid discreet Persons, and then the Witness is asked if he stands

to and perseveres in that Deposition. If he doth, 'tis written in the Acts, how that in the Presence of such Persons the Deposition was read to him, and he stood to it, and persevered in it. And this *Eymerick* thinks is sufficient. But as *Pegna* tells us, *Comment.* 112. the Processes are now carried on in the holy Tribunal generally without the Presence or Intervention of these Persons, and the supream Senate of the *Roman* and general Inquisition allows the Processes thus formed. And indeed these two Persons are of no Use. The Presence for their being present is, that there may be no Suspicion of foul Play, when the Things transacted are seen by so many Eyes, and open to so many Senses; and that they may know the Witnesses in the Stead of the absent Criminal, as *Simancas* declares, *tit.* 64. §. 8. & 21. But how doth it make any thing to the Defence of the Criminal, that his Accusers are known to Persons that he himself knows nothing of, and who are forbidden to discover any Thing to him?

The Witnesses must be examined by the Inquisitors themselves, nor must their Examination be committed by any Means to any one else, unless the Witnesses are justly hindered, and the Judges cannot easily go to them, or ought not. In this Case the Inquisitors may commit the Examination of the Witnesses to the Bishop's Vicar, or other Ecclesiastical Judge, or to some skilful and prudent Man, who, with a Notary or Secretary to write down the Depositions in the Cause, must diligently examine the Witnesses, and send the Manner and Constancy, and other Circumstances of the Witnesses and their Depositions to the Inquisitors. 1 *Instruct. Hispal. cap.* 17. and 4 *Instruct. Tolet. c.* 14.

C H A P. XII.

How the CRIMINALS, when informed against, are sent to Jail.

WHEN the skilful Men or Counsellors are called together to give proper Advice, either as to the Quality of the Propositions, or the Weight of the Proofs and Discoveries, or as to the Process or giving Sentence, or any doubtful Article of the Cause, that nothing may appear in the whole Affair but a burning and serious Zeal for the divine Glory, they make solemn Prayers to the Holy Ghost, which are usually said over in all the Congregations. The Inquisitor and Counsellors say them on their bended Knees. The Form is this:

We are here present, O God, the Holy Ghost, we are here detained with the Greatness of Sin, but gathered together specially in thy Name. Come to us, be present with us, vouchsafe to enter into our Hearts, teach us what we should do, where we should walk, and shew us what we ought to perform, that we may be able to please thee, assisting us in all Things. Be thou the Health, the Suggestor and Maker of our

Judgments, who alone with God the Father and his Son, possessest a glorious Name, Suffer us not to be Perverters of Justice, O thou who lovest the strictest Equity. Let not Ignorance draw us to the left, let not Favour bend us, nor Regard to Office or Person corrupt us, but join us to thy self effectually by the Gift of thy only Grace, that we may be one in thee, and in nothing deviate from the Truth; and as we are gathered together in thy Name, so let us in all Things preserve Justice moderated by Piety, that our Sentence here may in nothing differ from thee, and that hereafter we may obtain everlasting Rewards for our good Deeds. When the Prayer is ended, all answer Amen.

This Prayer, in the Time of *Carena*, was recited in the Inquisition at *Cremena*, by Cardinal *Camporeus*, Bishop of that City, the Inquisitor on his right Hand at a Corner of the Table, and the Vicar General at his left at another Corner, and the other Counsellors in their Order, all on their Knees. But if a single Bishop only is present, then the Bishop and Inquisitor sit at the Head of the Table, their Seats being equal, in all the Inquisitions in *Italy*. But the Bishop sits by Virtue of his Episcopal Dignity in the Seat placed on the right Hand, and the Inquisitor in the other.

Pegna,
Ibid. c. 7.

A not. ad.
s. 7.

These Prayers being over, the Inquisitor consults whether the Cognifance of the Crimes which are denounced and proved by the Witnessess, belongs to the holy Office. If there be any Doubt of this, he must call in the Qualificator Divines, who must give their Opinion written and subscribed with their own Hand, that it may be inserted in the Procces, as the Foundation of the Jurisdiction of the Inquisitor. If the Crimes are small, or the Propositions only founding ill, scandalous or blasphemous, or which do not include formal Heresy, no one upon account of these is immediately ordered to secret Imprisonment, but must rather be confined in some Monastery, or in his own House, or City. If these Things were omitted, the Inquisitors might possibly usurp to themselves Causes belonging to other Tribunals. Thus *Carena* relates, that on the first of *August*, *Anno* 1630. two *Portuguese* Women at *Placentia* received the Eucharist twice; and being interrogated why they did it, they answered, because they apprehended, that as often as they communicated, they obtained the Jubilee of a Part, as they call it. On this they were kept in the Prisons of the Inquisition, and their Effects sequestred. But when the Lords Inquisitors found that the Cause did not belong to the Tribunal of the Faith, they dismissed them from Jail, and caused their Effects to be restored to them. This Consultation with the Counsellors is recommended by the *Madrid* Instruction, *An.* 1561. cap. 3. *When the Inquisitors have seen the Information together, if they are present, let them consult as to the taking them up, which would appear more just if done with the Advice of the Counsellors of the Inquisition, if it conveniently can be, and it appears to the Inquisitors convenient and necessary; and whatsoever is determined, let it be inserted in the Acts.*

Carena,
lib. 3. tit.
2. §. 6.

No one can be taken up without half full Proof at least, or such Evidence as is sufficient to put to the Torture, because the Imprisonment made by the Inquisitors always renders the Prisoners infamous. But if the Person be otherwise suspected, for Instance, if he be of the *Moorish* Race, and hath been denounced.

denounced before the Inquisitors, upon account of some Ceremonies of that Nation, he may possibly be imprisoned upon the Affirmation of one Witness, even tho' liable to some Exception, according to *Carena*, because the Presumption arising from his Birth, joined to the Deposition of such a Witness, would amount to an half Proof. And he gives an Instance, that in the supream Council of the *Spanish* Inquisition, two Men were taken up for Herefy, at the Information of one Woman, under eighteen Years old, because they were both of *Moorish* Extract, and because the Ceremonies witnessed to by the Woman were *Mabometan*. And thus the Presumption was against them, because they were of that Race. *Zan-Zanch. chinus* enumerates more particularly several Causes for which Persons may be imprisoned.

“ If Inquisition be made against any one, he is imprisoned, if, tho' the Crime be so small as that Bail may be taken for it, he doth not give the necessary Bail. Or if Inquisition be made against him for some detestable and grievous Crime, and there are Proofs against him, or if he himself hath confessed such a Crime as renders him liable to the Punishment of an Heretick.”

The Consultations which are held on these Affairs, are usually called *De-Simane*. liberations concerning the Citation of the Criminal, and this Citation is verbal ^{tit. 44.} or real. Verbal Citation is that which is made by Letters or a Messenger, ^{§. 12.} which is used when the Question is about a lesser Crime, or if the Criminal be but slightly suspected. For if it be an heinous Crime, and fully proved, there is need of a real Citation, that the Criminal may not escape. This verbal Citation must not contain in it the Cause for which the Criminal is cited, and therefore 'tis not necessary to insert in it the Place, Time, or Offence, but he is commanded in general to come before the Inquisitors, because they want to know of him certain Matters. *Clement. §. de heret.* But this Method of Citation is not to be frequently used, according to the *Toledo* Instruction 4. *An. 1561.* because if such a one be examined, 'tis often found, that being free, and in Possession of his Liberty, he will not easily confess himself to be a Criminal. And such Citations and Examinations do rather tend to warn the denounced Criminals to take Care of themselves, and conceal their Crime, than to produce any other good Effect. They therefore think it safer to wait, till new Proofs and sufficient Discoveries arise. In the mean while they employ a careful Spy, one friendly and faithful to the holy Office, to consider and search into such a one's Life, Manners, and Conversation.

A real Citation, or the actual apprehending any one, is usually decreed after this twofold Manner. In some Inquisitions, that the Prosecution may appear to be according to Jurisdiction, as comprehending in it the Accuser, Criminal and Judge, the Procurator Fiscal, who is acquainted with every Thing in the Process that lies against the denounced Criminal, exhibits an Instrument, demanding that the denounced Criminal may be taken up, and duly punished, and in that Instrument he inserts and exhibits the Depositions against him, and the Qualification of the Propositions, that it may appear that he may legally be apprehended. This Demand of the Fiscal is usually inserted in the Process of the Person to be taken up. But in other Inquisitions 'tis usual for the In-

Pegna,
Com. 107.
in 3 Part.
Direct.
Inq.

quisitors, after considering the Acts, to consult about apprehending the Person, without any Instance of the Fiscal, and to command what they resolve on to be put in Execution. And this Decree for the Apprehension is also usually inserted in the Process, with the Day, Month and Year. But if the Party accused be some illustrious Person, or in any Post of great Authority, the Senate of the *Spanish* Inquisition must be consulted before he is to be apprehended, to whom that their Deliberations may be right, they must send a Summary of the Proofs, and the Information of the Crimes. This is gathered from the *Madrid* Instruction, An. 1561. cap. 5. *If the Inquisitors agree as to the Apprehension, let them command what they have decreed to be executed. But if it be a Matter of great Moment, by reason of the Quality of the Persons, or for other Causes, let them first consult the Senate before they put their Decree in Execution. But if they don't agree in their Judgments, let the Matter be referred to the Senate, that they may consider what is proper to be done.* But this very great and exquisite Caution must not be observed, when there is any Fear of the Escape of the Person accused, or if he is a manifest Heretick. For in such Case they think it would be imprudent and dangerous to wait for the Answer of a Superior.

After 'tis determined that the Criminal shall be sent to Jayl, the Inquisitor subscribes an Order for his Apprehension, and gives it to the Executor, who is to take up the Criminal. The Form of the Order is this: *By Command of the Reverend Father N. an Inquisitor of heretical Pravity, let N. be apprehended and committed to the Prisons of the holy Office, and not be released but by the express Order of the said Lord Inquisitor.* If several Criminals are to be taken up at the same time, a separate Order for each Person must be given to the Executor, that if it should be necessary to acquaint any Person, who is not one of the Ministers or Officials of the holy Office, with the apprehending of one or another Criminal, he may know nothing of the taking up of the rest. This Order must be inserted in the Criminals Process by the Notary, in the very Words in which 'tis given to the Executor. If the Inquisitors have an armed Attendance of their own, they give this Order to their own Executor. If they have not such an armed Attendance, but find it necessary to call in the Help of the secular Judge, the Inquisitor must take Care, that such Orders be given to a trusty Executor, and who knows how faithfully to keep the Secret he is intrusted with, because, if the Person to be apprehended should receive any private Information, he would easily escape.

In a City, where any noble Persons, Doctors, or Religious, or others of illustrious Birth or Dignity are to be sent to Jayl, the Commissary of the Inquisition, or some other Officer, usually goes to the Houses of such Persons, and takes them in a Coach and carries them to Jayl. But if there is no Fear of their Escape, they are commanded to come to the holy Office by a special Messenger.

When the Criminal is apprehended, he must be well guarded, and if there be Need, put in Irons, and thus carried by the Executor to the Jayls of the Inquisition, and delivered into the Hands of the Jayl-Keeper. The Keeper must

must take him into his Custody, and use him according to the Laws made about Prisoners. If any one is to be brought from very distant Places, they don't think it safe for him to lodge in Inns, or private Houses, because by this Means he might easily make his Escape; and therefore the Executor is usually charged, to go to the Bishops of the Place, if there be any, or to the secular Judges, that the Criminal may be placed and kept in their Jayls. And this the Inquisitor signifies by his Letters given to the Executor to the Magistrates, through whose Territories the Criminal is to be carried, and exhorts them to give the necessary and convenient Assistance to the Executor. And that no one may dare to oppose him, and that the Criminal may be kept in sure and safe Custody, they desire he may be attended with a proper Guard. But this Caution is not necessary in the Cities of *Spain*. For as soon as ever the Executor shews, that he is to apprehend any one by Command of the holy Office, no one dares oppose him. And if any one should, the Mob would immediately run together to lend an helping Hand to the holy Office, and so over-power him, that unless he would undergo the severest Treatment, he would, of his own Accord, offer himself to be taken up by the Executor. All these Things are largely settled by the *Toledo* Instruction, *An. 1561. Cap. 10, 12, & 13.*

C H A P. XIII.

Of the Examination of the PRISONERS.

WHEN the Criminal is put in Jayl, he is brought before the Inquisitor. The Place where he appears before the Inquisitor, is called by the *Portugueze* the Table of the holy Office. At the farther End of it there is placed a Crucifix, raised up almost as high as the Cieling. In the Middle of the Room there is a Table. At that End which is nearest the Crucifix sits the Secretary or Notary of the Inquisition. The Criminal is brought in by the Beadle, with his Head, Arms and Feet naked, and is followed by one of the Keepers. When they come to the Chamber of Audience, the Beadle enters first, makes a profound Reverence before the Inquisitor, and then withdraws. After this the Criminal enters alone, who is ordered to sit down on a Bench at the other End of the Table over against the Secretary. The Inquisitor sits on his right Hand. On the Table near the Criminal lies a Missal, or Book of the Gospels, and he is ordered to lay his Hand on one of them, and to swear that he will declare the Truth, and keep Secrecy.

After taking this Oath of declaring the Truth both of himself and others, the Inquisitor interrogates him of divers Matters. As, whether he knows why he was taken up, or hath been informed of it by any one or more Persons? Where, when, and how he was apprehended? If he says that he knows nothing of it, he is asked, whether he can't guess at the Reason? Whether he knows

knows in what Prisons he is detained? and upon what Account Men are imprisoned there? If he says he can't guess at the Cause of his Imprisonment, but knows that he is in the Prisons of the holy Office, where Hereticks and Persons suspected of Heresy are confined, he is told, that since he knows Persons are confined there for their Profanation of Religion, he ought to conclude that he also is confined for the same Reason, and must therefore declare what he believes to be the Cause of his own Apprehension and Confinement in the Prisons of the holy Office. If he says he cannot imagine what it should be, before he is asked any other Questions, he receives a gentle Admonition, and is put in mind of the Lenity of the holy Office towards those who confess without forcing, and of the Rigour of Justice used towards those who are obstinate. They also compare other Tribunals with the holy Office, and remind him, that in others the Confession of the Crime draws after it immediate Execution and Punishment; but that in the Court of the Inquisition, those who confess, and are penitent, are treated with greater Gentleness. After this he is admonished in Writing, and told, that the Ministers of the holy Office never take up any one, or are used to apprehend any one without a just Cause, and that therefore they earnestly beseech him, and command and enjoin him exactly to recollect and diligently to consider his Actions, to examine his Conscience, and purge it from all those Offences and Errors it labours under, and for which he is informed against.

After this he is asked, what Race he comes of? Who were his Parents and Ancestors? that hereby he may declare all his Family. Whether any one of them was at any time taken up by the holy Office, and enjoined Penance? This they are especially asked who descend from *Jews*, *Mahometans*, and *Sectaries*. Where he was brought up? In what Places he hath dwelt? Whether he ever changed his Country? Why he did so, and went into another Place? With whom he conversed in the aforesaid Places, who were his Friends, and with whom he was intimate? Whether he ever conversed with any of his Acquaintance about Matters of Religion, or heard them speak about Religion? In what Place, and when, and how often, and of what Things or Matters they conversed? They particularly ask these Questions of Persons whom they imagine to be crafty and cunning, and not easily brought to declare the Truth, that from their Kindred, Country, Education, Employment, Time past, Acquaintance, Friendship, Behaviour and Words, the Inquisitor may draw strong Arguments of Suspicion. These Questions are especially asked, when such Criminals are examined, who have dwelt in the Countries of Schismatics, Hereticks, and other infidel and erroneous Persons, because, when they have dwelt a long while amongst such Persons, they are believed the more easily to have followed their Practices.

He is moreover asked, of what Profession he is, and what Employment of Life he follows? Whether he be rich or poor? What Returns he hath, and what the Expences of his Living? Then he is commanded to give an Account of his Life, and to declare what he hath done from his Childhood, even to this Time. And that he may declare all this, he is asked, in what
Places

Places or Cities he studied, and what Studies he followed? Who were his Masters? whose Names he must tell. What Arts he learnt? What Books he hath had and read? and whether he hath now any Books treating of Religion, and what? Whether ever he hath been examined and cited, or sued, or proceſſed before any other Tribunal, or the Tribunal of the holy Inquisition, and for what Causes; and whether he was absolved or condemned, by what Judge, and in what Year? Whether ever he was excommunicated, and for what Cause? Whether he was afterwards absolved or condemned, and for what Reason? Whether he hath every Year sacramentally confessed his Sins, how often, and in what Church? Then he is commanded to give the Names of his Confessors, and of those from whom he hath received the Eucharist, and especially for the ten Years last past, and more. What Orations or holy Prayers he recites? Whether he hath any Enemies? whose Names he must tell, and the Reasons of their Enmity.

If the Criminal is persuaded by these, or by more or less such Interrogatories, openly to confess the Truth, his Cause is finished, because 'tis immediately known what will be the Issue of it.

But if after all these Interrogatories the Prisoner persists in the Negative, and says he doth not know why he is cited or sent to Prison, the Inquisitor replies, that since it appears from his own Words, that he will not discover the Truth, and that there is no Proof of his having such Enmities with any Persons, or that there are no such Causes of Hatred as he alledges, by which others could, or ought to be induced slanderously, and falsely to inform against him, that therefore there arises the stronger Suspicion, that the Depositions against him in the holy Office are true. And therefore he is beseeched and adjured by the Bowels of Mercy of Christ Jesus, to consider better and better, and ingenuously to confess the Truth, and to declare whether he hath erred in Words or Deeds in the aforesaid Matter relating to the Faith, and the holy Office, or rendered himself suspected to others. All these Things are provided for by the *Toledo* Instructions, *An. 1561. cap. 13, 14, 15, 16.*

All these Interrogatories proposed to the Criminals, and their Answers and Sayings, as proposed and spoken, are faithfully and at large to be written down by the Notary; and if the Criminal can write, he subscribes it; if he can't, he puts the Sign of the Cross.

If by such general Interrogatories the Inquisitor can't draw from the Prisoner a Confession of the Crime of which he is accused, he comes to particular Interrogatories, which relate to the Matter it self, or the Crimes or Heresies for which the Criminal was denounced. For Instance, if he was accused for denying Purgatory, then one, two, or three Days after his first Examination, he is again interrogated by the Inquisitor, whether he hath any Thing, and what, to say besides what he said in his other Examination? Whether he hath thought better of the Matter, and can recollect the Cause of his Imprisonment, and former Examination, or hath at least any Suspicion who could accuse him to the holy Office, and of what Matters? Whether he hath heard any one discoursing of Paradise, Purgatory, and Hell? What he heard

concerning that Matter? Who they were that he heard speaking or disputing of those Things? Whether he ever discoursed of them? What he hath believed, and doth now believe about Purgatory? If he answers, that his Faith concerning it hath been right, and denies any ill Belief, but that he believes as holy Mother Church believes and teaches, he is order'd to say what the holy *Roman* Mother Church doth think and believe concerning this Article.

When he hath given in his Answer he is admonish'd to consider well and tell the Truth, and to beware of lying, because the contrary is proved by Witnesses against him, *viz.* that speaking of Purgatory, he said such and such Things; and then they recite the Words which the Denouncer and Witness have deposed were spoken by him. And thus he is successively in the same or another Examination interrogated in the same manner concerning the several Articles for which he is denounced: As, whether he said, that simple Fornication is no Sin, that 'tis lawful to invoke Devils, and offer Sacrifices to them, and the like. All these Things the Notary receives, as in the first Examination, and the Prisoner subscribes them.

If the Prisoner's Answers don't agree with his former Answers, he is examined again and again, and, as shall hereafter be shewn, they proceed to farther Remedies. And whatever the Popish Doctors may write, [they who have been in the Prison of the Inquisition with one Mouth, complain] that they are left in Uncertainty for a long while, what are the Crimes of which they are accused; and that the Inquisitors would willingly draw from their own Mouths a Confession of Crimes to which they are not conscious. And this is cunningly invented for this Reason, that if any Person should have happened to have spoken any thing not agreeable to the *Roman* Faith, and of which possibly he is not accused, he may discover those Things also, because he is uncertain of what Crime he is accused, on Account of that horrid Silence which is there observed; or that he may accuse himself falsely of certain Things to free himself from that dreadful Jail. So that they all affirm their Accusations are not discovered to them till after a long Confinement, that so being broken and tired out with a continued and horrible Imprisonment, they may confess of themselves Things that never came into their Minds.

If the Prisoner knows the Reason of his being apprehended, and openly confesses every Thing of which he hath been accused to the Inquisitor, he is commended, and encouraged to hope for a speedy Deliverance. If he confesses some Things, but can't guess at others, he is commended for taking up the Purpose of accusing himself, and exhorted by the Bowels of Mercy of Jesus Christ, to proceed, and ingenuously to confess every Thing else of which he is accused, that so he may experience that Kindness and Mercy, which this Tribunal uses towards those, who manifest a real Repentance of their Crimes by a sincere and voluntary Confession. If the Case doth not relate to formal Heresy, but to some certain kind of Fortune-telling, or heretical Word, and the Prisoner confesses the Act or Word, but denies the heretical Intention, the Inquisitors use all their Endeavours to draw from him also a Confession. And first they enquire, whether that Fact or Word was committed once, or oftener?

oftener? If oftener, they don't easily believe the Criminal, affirming his good Intention and Belief; because the oftener an heretical Proposition was uttered, there arises a greater Suspicion, that both his Intention and Faith were bad.

Carena also advises the Inquisitors to use great Caution in the Examination of Priests guilty of Solicitation, that they may not make the Confessors by their Interrogatories reveal those Things which fall under the Seal of Secrecy. He tells us of a Case that happened in a certain Inquisition, that when the Process was sent to the sacred Congregation, and their Eminencies the Fathers had considered it, they commanded every Thing to be erased out of it, which in the least favoured of the Breach of the Seal.

During the first ten Days of the Imprisonment, these Admonitions are usually repeated three times by the Inquisitor. But 'tis in the Inquisitor's Pleasure to admonish and examine them oftener, especially when they think the Prisoners refuse to discover the Truth out of Wickedness, or don't remember those Things of which they are denounced. In the supreme Inquisition at *Rome* Criminals are brought into Court to Audience, examined, and admonished, not only thrice, but five times, and sometimes seven, and sometimes thrice within ten Days. Others, especially young Persons accused of heinous Crimes, are examined and admonished thrice only. From whence they draw these Rules. 1. When the Person accused is taken up, the Inquisitor must examine and interrogate him frequently concerning those Things which he denies, but which are proved, or of which there are vehement Suspicions that he is guilty, till he will say nothing more, either by confessing or denying, and his Cause is therefore concluded. 2. It is then proper to admonish and interrogate the Criminal several times, when he either denies the Crimes objected to him, or partly denies, and partly confesses them, or if there arise new Evidence and Proofs. 3. 'Tis left to the Pleasure of the Inquisitors, how often the Criminal shall be brought up, admonished, and examined, and in a doubtful Case 'tis safest often to admonish and examine him. 4. Altho' 'tis not determined by any particular Law, and three Admonitions ought to be made within the first ten Days after Imprisonment, yet 'tis safe, that soon after the Criminals are sent to Jail, they should be brought to Audience, admonished and interrogated, and that other Examinations should be made a few Days after, whilst their Memories are fresh. But their Practice is directly contrary to this Advice, for the Prisoners are detained in the Jails of the Inquisition several Years, and 'tis very often an whole Year, before they are again examined, after the three first Admonitions.

C H A P. XIV.

What Arts the INQUISITORS use to draw a Confession from the Prisoners.

Pegna,
prax. l. 2.
c. 19.

THESE Examinations and Admonitions are repeated by the Inquisitors, as often as they think fit, for they are not bound to any certain Number. But in these Examinations the Inquisitors use the greatest Artifice, to draw from the Prisoners Confessions of those Crimes of which they are accused. And altho' they say that the Inquisition makes use rather of Prudence than Art, yet they suggest several Orders and Artifices which must be used, and which they generally use in making Inquisition.

Cap. 20.

First, they observe this exactly, that as often as the Criminals are judicially interrogated, they must so often touch the holy Scriptures, swearing that they will declare the Truth, so that an Oath always precedes the Deposition. The same also is observed as to the Witnesses. Yea, if the Examination should be broke off, and what follows should be only a Continuation of the former, they must first take an Oath before they are suffered to proceed. Besides, the Inquisitors always admonish and exhort the Criminals, to confess simply, fully and truly, whatsoever they have done against the Catholick Faith, and especially to take Care that they don't bear false Witness either against themselves, or any others. They must not give them Occasion to behave indecently or rudely, or to utter Reproaches; neither must they promise them Impunity or entire Deliverance, whilst they are endeavouring to draw a Confession from their Mouths, lest they should prove Liars, by promising what possibly they may not be able to perform, or lest the Criminals under this Hope should confess Things which perhaps they never committed.

They must not be negligent and slothful in omitting such Interrogatories as belong to the Cause it self, and the Articles brought into Judgment; nor must they be too troublesome and imprudent, by putting impertinent Interrogatories, which don't relate to the Cause. But if the Criminal gives Occasion to ask other Questions by his Answer to such Interrogatories as are founded upon legal Proofs, if they are not altogether trifling and foreign to the Cause, he may be interrogated upon them, because he himself gave Occasion for them in his Answer. And thus sometimes, as they say, it happens in this Tribunal, that from the Answers of the Criminals they begin to make great Discoveries.

But particular Care must be taken, that the Witnesses who depose against the Criminal, may not be discovered by the Interrogatories, in Favour of the Faith, lest the Criminals should conspire against them, whereby few would be found to denounce Hereticks, or suspected Persons, or to give Testimony against them. If the Criminal begins to confess, and freely to declare the Truth, the Inquisitor must not hinder, disturb, or interrupt him, nor break off his Confession, tho' other Affairs call for him, or the Time be elapsed; be-
cause,

cause, they say, 'tis often found, that those whose Confessions have been once interrupted, will not afterwards confess any more, or will retract what they have begun to confess.

If there arises any Thing doubtful, worthy of Consideration, from the Criminals Answers, which 'tis proper to know how the Denouncer and Witnesses understood it, they are to be called again and re-examined. For Instance, whether the Prisoner spoke what he said in jest, or earnest? Or as repeating the Words of other Persons, or asserting it as his own Mind and Opinion? But here the Inquisitor must be cautious, that he doth not by re-examining the Deposition or Witnesses discover any Thing, from whence the Deposer or Witnesses may gather what the Criminal hath confessed; but must so interrogate him, as tho' 'twas only for his own Information.

These are the principal Cautions which they are commanded to observe in the Examination of Criminals, all which the Inquisitors do very carefully and exactly keep to, as far as they find any of them of any Service to draw Confessions from the Prisoners own Mouths, but which they easily omit, when they think proper, and it will serve their Turn, especially when they would be of any Use and Assistance to the Criminals. That they may draw from them a Confession, they are at first kind, and pretend the sincerest Affection, and 'tis recommended to the Inquisitors to treat the Criminals tenderly, whilst they are heard, interrogated and examined, and to remember that they themselves are Men, who might have fallen into the same or like Crimes, unless they had been guarded by the Grace of God, and not to suffer the Criminals, altho' common and mean Persons, to stand whilst they are hearing, but to command them to sit down. If in their Confession, or in the Beginning or Progress of their Examination they are so moved with Grief, or affected with Repentance, as to shed Tears, or to implore the Mercy of the Judges, and ask Pardon for their Offence upon their bended Knees, or holding up their Hands, or beating their Breasts, all these Circumstances must be inserted by the Notary in the Acts of the Process.

But if the Prisoners don't confess those Things of which they are accused, as it may often happen, either because the Accusations are false, or because they don't remember Things, especially if at the Distance of several Years, and what was said was not in the least premeditated, but inadvertently and in common Discourse, they make use of a quite different Method of Inquisition, and try every Art to catch and insnare these miserable Criminals, already tired out by their vile Imprisonment, Arts not always wholly agreeable to the Admonitions just now mentioned. This is well described by *Eymerick, Direc.* and therefore I shall give it here, that the Manner of proceeding against the Prisoners in the Jayl of the Inquisition, may be more distinctly and fully understood. - *Inq. part. 3.*

According therefore to the Directory of *Eymerick*, the Inquisitors don't in-*n. 86.* terrogate all Persons of the same Things, nor in the same Order, but begin and carry on their Inquisition, either from what the Accusers and Denouncers say, or from the Answers of the Witnesses, or from what

they learn by Experience, or from what their own Judgment dictates to them; so that they often vary the Manner of their Examination, least if the Criminals should foresee the ordinary Manner and general Rule, they should take the proper Precaution and Care to evade it.

n. 87. If any openly confess their Errors, and persist in them, and desire to defend them, they are convicted by learned Men of the Crime of Heresy; for 'tis shewn that their Opinions are condemned by the Church of *Rome*, and are therefore heretical, and because they obstinately defend their Opinions before the Inquisitors, they are judged to be Hereticks.

Com. 22. But if they will not declare their Errors, but rather cover them by ambiguous Answers, the Inquisitor uses various Arts to discover them. For as far as it can be done he openly interrogates them, and proposes a single Thing in each Interrogatory, and not several together, and compels the Criminal to answer directly to each of them. If he gives obscure and doubtful Answers, he is commanded to explain them, before he proceeds farther. If he will dispute, the Inquisitor enters into no Dispute with him, but only interrogates and examines him. Sometimes he speaks kindly to him, pretends that he pities his Misfortune, advises him to speak the Truth, which he gives him to understand he is acquainted with, and intimates to him some Hope of Favour and Freedom if he confesses, because the holy Office of the Inquisition uses to shew Mercy to such who voluntarily confess their Crimes, how grievous and heinous soever they may be, and in a friendly Manner speaks to him thus.

100. Com. 23. " Don't be afraid openly to confess, if you did happen to believe these sort of
 " Persons, who taught such and such Things, to be good Men. You be-
 " lieved them, and willingly heard them, and gave them somewhat of your
 " Substance, or received them sometimes into your House, or made Con-
 " fession to them, because you were a simple Man, and loved them, thinking
 " them to be good Men, and knowing no Evil of them. The same Thing
 " might have happened to Persons much wiser than you, and so they might
 " have been deceived. I have Pity on you, and see your own Simplicity hath
 " deceived you, and tho' you are in some measure faulty, yet they are more
 " so who have instructed you. Tell me therefore the Truth, for you see I
 " know the whole Matter, that I may immediately free you, and shew you
 " Favour." After this he interrogates him, not so much concerning the
 Fact, as the Circumstances of it, that the Person may believe he knows the
 Fact already.

101. If the Inquisitor knows that he who denies the Fact is convicted by Wit-
 102. nesses, he reads over to him what they have deposed, suppressing their Names,
 so as that he may know he is convicted by them, but may not understand who
 they are. If he knows he is not convicted by Witnesses, and the Depositions
 against him have from the Proofs an Appearance of Truth, the Inquisitor
 takes up the Process, looks it over, and says, 'tis evident you don't speak the
 Truth, but that 'tis as I say. Tell me therefore the plain Truth. This the
 Inquisitor doth, that the Criminal may believe that he is already convicted,
 and that it appears so in the Process. Or he hath a Paper in his Hand, and pre-
 tends

tends to read out of it Things that are not contained in it, and then with an Air of Admiration cries out, How can you deny it? Is it not fully evident to me? But here they take Care not to come to such Particulars, from which the Criminal might easily gather, that the Cause is not so well known to the Inquisitor as he pretends. He only mentions what he is certain of, and as to other Things speaks only in the general. Sometimes the Inquisitor pretends he must go to some other Place, and shall not return for a long while, and says that he pities the Prisoner, would expedite his Affair, and so persuades him to confess; otherwise he must remain in the Jayl in Irons till his Return; and he doth not know when that will be, that by this Means the Prisoner may, thro' Dread of that direful and wearisom Imprisonment, be persuaded to confess. And indeed in the Book of the Sentences of the *Tholouse* Inquisition, there are Instances of several, who have been continued in Jayl several Years, before Sentence pronounced against them. And even to this Day the Prisoners are kept many Years in the Prison of the Inquisition, which in *Spain*, and especially in *Portugal* is very dismal, as hath been related, Book 2. Chap. 18. that they may at length confess. Sometimes the Inquisitor multiplies his Interrogatories, and teases his Prisoner, that he may confess this or the other Thing, or may be caught contradicting himself. When this happens, the Prisoner is shewn the Contradictions in his Answers, and admonished to declare the Truth, or that otherwise he will be put to the Question and Tortures. And if he will not confess, he is, as will be afterwards shewn, by the Advice of the Learned, actually made to undergo them, that by Torments they may draw forth the Truth.

103.

104.

If neither by this Means he can draw out a Confession from the Prisoner, he treats him more kindly in his Food and Drink, and procures certain Persons, no ways suspected concerning the Faith, to go to him, and frequently to converse with him of several Things, not at all relating to his Cause; and at length to persuade him to have Confidence in them, and to advise him to confess the Truth, promising that the Inquisitor shall be favourable to him, and that they will be Mediators in his Behalf. At length the Inquisitor comes along with them, and promises to shew him Favour if he will confess the Truth, for all is gracious that is done for the Conversion of Hereticks, and even their Penances are Graces, and Remedies. If the Person accused by this Means prays for Favour, and confesses his Error, the Inquisitor answers, you shall have much greater Favour than you asked, but promises it only in general Terms, for he thinks he fulfils his Promise, in shewing the least Kindness to him afterwards. And when they promise to shew Favour; 'tis understood only of those Punishments, which are left to their own Power; viz. several penitential Punishments, because they can't remit those which are appointed by the Law. They farther teach, that notwithstanding the Promise of such Grace, they may inflict penitential and arbitrary Punishments; because, if after a long time, continual Admonitions, and sometimes after the Torture, Criminals confess their Offence upon the Promise of such Grace, the Inquisitors may legally and justly inflict more grievous penitential Punishments.

106.

Pegna, 25

ments, if they omit the lesser; for if one or another be remitted, they think they abundantly satisfy their Promise.

And by these flattering Assurances they sometimes overcome the Minds of more unwary Persons, and when they have obtained the designed End, immediately forget them all. Of this *Gonsalvius* gives us a remarkable Instance.

“ In the first Fire that was blown up at *Seville*, An. 1558, or 1559, amongst many others who were taken up, there was a certain pious Matron, with her two Virgin Daughters, and her Niece by her Sister who was married. As they endured those Tortures of all Kinds, with a truly manlike Constancy, by which they endeavoured to make them perfidiously betray their Brethren in Christ, and especially to accuse one another, the Inquisitor at length commanded one of the Daughters to be sent for to Audience. There he discoursed with her alone for a considerable time, in order to comfort her, as indeed she needed it. When the Discourse was ended, the Girl was remanded to her Prison. Some Days after he acted the same Part again, causing her to be brought before him several Days towards the Evening, detaining her for a considerable while, sometimes telling her how much he was grieved for her Afflictions, and then intermixing familiarly enough other pleasant and agreeable Things. All this, as the Event shewed, had only this Tendency, that after he had persuaded the poor simple Girl, that he was really, and with a fatherly Affection concerned for her Calamity, and would consult as a Father what might be for her Benefit and Salvation, and that of her Mother and Sisters, she might wholly throw her self into his Protection. After some Days spent in such familiar Discourses, during which he pretended to mourn with her over her Calamity, and to shew himself affected with her Miseries, and to give her all the Proofs of his good Will, in order, as far as he could, to remove them, when he knew he had deceived the Girl, he begins to persuade her to discover what she knew of her self, her Mother, Sisters, and Aunts, who were not yet apprehended, promising upon Oath, that if she would faithfully discover to him all that she knew of that Affair, he would find out a Method to relieve her from all her Misfortunes, and to send them all back again to their Houses. The Girl, who had no very great Penetration, being thus allured by the Promises and Persuasions of the Father of the Faith, begins to tell him some Things relating to the holy Doctrine she had been taught, and about which they used to confer with one another. When the Inquisitor had now got hold of the Thread, he dextrously endeavoured to find his Way throughout the whole Labyrinth, oftentimes calling the Girl to Audience, that what she had deposed might be taken down in a legal Manner, always persuading her, this would be the only just Means to put an End to all her Evils. In the last Audience he renews to her all his Promises, by which he had before assured her of her Liberty, and the like. But when the poor Girl expected the Performance of them, the said Inquisitor, with his Followers, finding the Success of his Craftiness, by which he had in part drawn out of the Girl, what before they could not extort

“ from

“ from her by Torments, determined to put her to the Torture again, to force
 “ out of her what they thought she had yet concealed. Accordingly she
 “ was made to suffer the most cruel Part of it, even the Rack, and the See Cap.
 29.
 “ Torture by Water, till at last they had squeezed out of her as with a Press, Book 4.
 “ both the Heresies and Accusations of Persons they had been hunting af-
 “ ter. For, thro’ the Extremity of her Torture, she accused her Mother
 “ and Sisters, and several others, who were afterwards taken up and tortured,
 “ and burnt alive in the same Fire with the Girl.”

But if they don’t succeed neither with this Way, the Inquisitor permits some 107.
 Person or other, who is not unacceptable to the Prisoner, to go to him, and con-
 verse with him, and if it be needful to feign himself still one of his own Sect,
 but that he abjured thro’ Fear, and discovered the Truth to the Inquisitor.
 When he finds that the Prisoner confides in him, he comes to him again late
 in the Evening, keeps on a Discourse with him, at length pretending ’tis too
 late to go away, and that therefore he will stay with him all Night in the
 Prison, that they may converse together, and the Prisoner may be persuaded
 by the other’s Discourse, to confess to one another what they have committed.
 In the mean while there are Persons standing at a proper Place without the
 Jayl, to hear and to take Notice of their Words, who, when there is need,
 are attended by a Notary.

This *Eymerick* taught was to be done in his Time. But now the Person, Gonsalv.
 p. 95.
 who thus treacherously draws out any Thing according to his Desire from his
 Fellow Prisoners, prays the Jayl-keeper, when, according to Custom, he is
 visiting his Prisoners, to desire that he may have an Audience. For this is
 the Method the Prisoners take. And when he goes out of his Jayl to give an
 Account of his Office, he discovers not only what he heard from any of the
 Prisoners, but also how they received the Doctrine proposed to them, whe-
 ther with a chearful or angry Countenance, and the like, if they refused to
 give them an Answer, and what they themselves think of them. And the
 Accusations of such a Wretch they look on as the best and most unexception-
 able Evidence, altho’ the Person be otherwise one of no manner of Worth,
 Credit or Regard.

These sort of Persons they call *Flies*, and, as *Gonsalvius* tells us, they may
 be known and found out by this one Thing, that for the most part they
 thrust themselves into such sort of Conversations, without any one’s asking
 them, and begin very impertinently such Discourses concerning Doctrine.
 And therefore he advises, that if the Prisoners act prudently, they will let
 them talk themselves weary, without giving them any Answer.

They who have been lately in the Prison of the Inquisition in *Spain* and
Portugal, tell us of another Method they make use of to draw a Confession from
 the Prisoners, *viz.* The Inquisitor suborns a certain Person, to go and speak to
 the Prisoner, and to tell him he comes of himself, and of his own Accord,
 and to exhort him to tell the Inquisitor the Truth, because he is a merciful
 Man, and such fine Tales. This is now particularly the Custom in *Spain* and
Portugal, as to those they call the new Christians. If the Prisoner affirms
 himself

himself to be a Catholick, and denies that he is a *Jew*, and is not convicted by a sufficient Number of Witnesses, they suborn one to persuade him to confess. If he protests himself innocent, the other replies, that he also hath been in Jayl, and that his protesting his Innocence signified nothing. What, had you rather dwell for ever in Jayl, and render your Life miserable, by being ever parted from your Wife and Children, than redeem your Freedom, by confessing the Crime? By this and other like Things the Prisoners are oftentimes persuaded to confess not only real but fictitious Crimes. And when their Constancy is thus almost overcome, the Inquisitor commands them to be brought before him, that they may make him a Confession of their Faults.

pag. 95.

Here *Gonsalvius* justly wonders, how Men can be of so devilish a Temper, as voluntarily to hire themselves out to such Offices, and at so great an Expence to themselves, who, in order to obtain their Desire, don't refuse to be Prisoners with others, even for two or three Months together, in a vile narrow Jayl, but bear willingly what the Prisoners themselves bear with the greatest Uneasiness, all the Inconveniencies of it, Hunger, Nastiness and Stench; and what is more wonderful, go out of one Jayl into another, and then into a third, twice, thrice, four times, always experiencing the same Inconveniencies, and passing their whole Lives in such a Circle of Delights.

After these Examinations, if the Prisoner confesses nothing, he is carried back to Jayl, and there kept sometimes for a whole Year, before he is again brought up to the Inquisitor. In the mean while, if he desires an Audience, to confess certain Matters, he may gently rap at the Door of his Jayl. The Keeper being acquainted herewith by his Officers, immediately comes to him, and is desired by him to ask the Favour of the Inquisitor of being brought before him.

If the Criminal will not answer to the Interrogatories judicially put to him, or answers uncertainly and doubtfully, as, I don't know, I don't remember, I have forgot; or when he answers as to the main Fact, but refuses to answer concerning the principal Circumstances of the Crime, if the Circumstances are such, which 'tis probable he may remember, he may be put to the Torture to make him precisely answer affirmatively or negatively: Because Criminals are not apprehended for the Crime of Heresy without legal Proofs, *i. e.* more than half full Proof. 'Tis the same Case if they pretend Madness. Sometimes also they are humbled by Imprisonment and Fasting.

Pegna,
prax. l. 2.
c. 21.
n. 5.

And to shew that they deal more mildly in their Tribunal than in others, they add, that in other Tribunals, when the Criminal is accused of any certain Fact, he hath not Time allowed him to deliberate whether he will confess, or be tried, but is immediately compelled to answer. But that in this Tribunal, where Criminals are dealt with more mildly and gently, they not only give them Time to answer when they ask it, but oftentimes admonish, and even invite them, to think better of the Matter, and carefully to recall to their Remembrance their Actions and Words, that they may answer truly,
and

and that for this Reason they are often examined and interrogated. But in Truth this Pretence of Mercy is used only for this End, that the Criminal, who if convicted by two agreeing Witnesses, and still persisting in the Negative, is sure to be condemned as a Negative without Mercy, and delivered over to the secular Court, may, through Fear of this horrible Punishment, confess the Crime he is accused of, and so be reconciled as a Penitent, by certain Penances laid on him by way of Punishment, or delivered over as impenitent to the secular Court, and burnt alive. But if he revokes his Confession when made, and be not legally and fully convicted by Witnesses, he is most cruelly tortured, because by his own Confession he hath given Proof against himself sufficient for the Torture. If he is overcome by the Torture, and renews his Confession, he is punished as an Heretick; if he overcomes the Torture, he is enjoined salutary Penances at the Pleasure of the Inquisitor, as one suspected of Heresy.

As often as the Criminals or Witnesses are examined, either in their first ^{Pegna,} or after Audiences, when the Examination is ended, before they go from ^{c. 22.} Audience, the Inquisitors order the Notary clearly and distinctly, to read over to them their Depositions, that so the Criminals or Witnesses may add, diminish, correct or change what they please, that, if there be any Mistake, it may be rectified, which otherwise scarce could be. For if after the Criminal or Witness goes from Audience, or if at any Distance of Time after, they would amend or alter what they have said, it would not be allowed them. And therefore the Notary, at the End of the Examination, writes down, that the Deposition was read over to the Criminals or Witnesses, and adds whatever either of them added, diminished, altered or amended.

If, besides the Deposition of the Informer, and the Witnesses named by ^{Cap. 23.} him, they have any other Matters, the Inquisitors inquire farther, that the Evidence may be more fully confirmed. This they particularly observe, when the Witnesses or Criminal name any other Persons in their Examination on one Side or the other. If such Persons are present, the Inquisitor orders them to be called and interrogated. If they are absent, and it be not safe or easy to come at them, he writes to the Inquisitor or Bishop, in whose Diocese they are, that he should cite and interrogate them privately, and find out the Truth, and to transmit the Matter to him faithfully and secretly as he discovers it. Thus 'tis determined by the Council of Narbonne, Cap. 22. *Yet so, that the other Inquisitors may nevertheless inquire out what they are able to discover, and write to those Inquisitors in what Things such Person is culpable.*

C H A P. XV.

How the Prisoners are allowed an ADVOCATE, PROCURATOR and GUARDIAN.

WHEN the Process hath gone thus far, and all the Informations and Proofs relating to the Cause, are taken in a summary Manner, and the Criminal fully examined, if he confesses his Crime, there is no room for a Defence, nor do they proceed to the re-examining of the Witnesses. But if he persists in the Negative, and demands the Depositions to be given him, whether he is presumed to be innocent or obstinate, he is admitted to his Defence, and all Matters are prepared to form the Process. And therefore because the Criminal must be convicted by Witnesses, the Witnesses must be re-examined. And that the Criminal may not seem to be denied his Defence, he hath an Advocate and Procurator allowed him. He is not however at Liberty to chuse the one or other as he pleases, nor is it lawful for any Advocate to defend an Heretick under Pain of Infamy. *Cap. Si adversus nos. de hæret.* The Inquisitors appoint him his Advocate, and he is bound to them by Oath. The Criminal may also sometimes, if he demands it, have a second Advocate. The Qualifications necessary in such an Advocate are these: That he be a good Man, not suspected as to his Honesty, skilful in the Canon and Civil Law, zealous for the Faith, and not in the least tinctured with Heresy, and he is allowed to the Criminal, according to the present Custom in *Spain*, after he hath received three Admonitions, freely to confess the Truth. The Manner to be observed in these Things, and how the Advocate must act in defending the Criminal, is provided by one of the *Madrid* Instructions, *A. 1561. c. 23.* *The Inquisitor or Inquisitors shall admonish the Criminal how much it concerns him to confess the Truth, after which they shall nominate him an Advocate or Advocates, appointed by the holy Office for this Purpose, in order to his Defence; and in the Presence of every one of the Inquisitors, the Criminal shall confer with his Advocate, and, as he counsels, shall answer to his Accusation by Word or Writing. But before the Advocate undertakes his Defence, he shall swear that he will truly and faithfully defend him, and observe Secrecy in every Thing he shall hear or see, even alibo' he took his Oath when he was first appointed by the holy Office to this Employment. The Business of the Advocate is to admonish the Criminal to confess the Truth, and to ask Pardon for his Fault, if he be guilty of any. The Answer shall be notified or intimated to the Fiscal.*

Direct.

p. 3. com.
28.

De Cathol.

Instit.

lib. 5. §. 1.

3.

The fourth Instruction of *Toledo*, *cap. 4.* as *Simancas* relates it, gives a somewhat fuller Account of this Matter. The Advocate must not defend any Criminals, unless he be allowed it by the Inquisitor. He must swear, that he will faithfully defend the Cause, and use only just Exceptions, and that as soon as ever he knows the Cause to be unjust, he will inform first the Criminal of it, and then the Inquisitors, and immediately throw it up. After this he must

must swear to observe Secrefy, and not to make any Discoveries to any one. The Form of the Oath administred to the Advocate, is this. *I N. Doctor of both Laws, being here before you, Reverend Fathers, Inquisitors of the holy Inquisition against heretical Pravity, touching these most holy Gospels of God now before me, do swear, and promise, that I will sincerely and faithfully, without any Cavilling or Fraud, defend N. whose Defence was committed to me, now imprisoned as a Criminal, and under Inquisition, in the Fayls of this holy Office, for such Causes as appear in the Acts of the said holy Office, and that I will maintain his Cause, and that I will not instruct this my said Principal to conceal the Truth in his Trial, and that as far as I shall know this my said Principal to be guilty, convicted of the Crime, or criminal, in the Matter or Matters for which he is inquisited, I will throw up his Defence: And moreover, as soon as I shall have Knowledge in the Management of this Cause of any Accomplice, or Person culpable in this Cause, I promise and engage to discover it immediately to the said Office, under Penalty of Perjury and Excommunication, from which I cannot be absolved, but by this holy Office. So help me God, and these holy Gospels of God.* This Oath is written down by the Notary, and inserted in the Acts of the Process. The Advocates receive ^{¶ 6, 7, 8.} their Stipend from the Treasury, when they defend the Causes of the Poor, which is usually very small, but honourable. But if the Criminals are not poor, the Advocates receive their Pay out of their Effects. *Instruct. I. c. 16.* Whatever the Advocates alledge, in the Presence of the Criminal, is taken, as if it had been alledged by the Criminal himself, unless the Advocate hath been mistaken, and the Prisoner contradicts it within three Days. But in the Cause of Heresy, if after three Days it shall appear that the Advocates have been mistaken, or imprudent, it shall not prejudice the Criminal, because it seems, in this Judgment, they act with Simplicity and the highest Equity, and reject the Rigour of the Law. If the Criminal says the Crimes objected to him are forged, his Advocate advises him either to challenge the false Witnesses, or to find out some just Exception and Defence, and say he is prepared to defend his Cause as far as just.

The Criminal also had formerly allowed him a Procurator. But these Pro-^{Pegna;}curators are now seldom allowed, because the Advocates are sufficient, and ^{com. 28.} exercise the Office of Procurators. Yea, they say that the Inquisitors appear more truly to be the Procurators of the Criminals, since by Office they are to take Care of the Criminals Defences. Concerning these we thus read in the *Madrid Instruction, An. 1561. c. 35.* *Altho' the Instruction provides that Procurators shall be allowed the Criminals, yet they ought not to be granted them, because Experience teaches that many Inconveniencies arise from thence; and because of the little Advantage which the Criminals obtain by it, they shall not be any longer allowed them: Altho' sometimes when the Case is urgent, 'tis allowed the Advocate to defend the Criminals.*

If the Criminals are under twenty-five Years of Age, they are allowed Curators (a sort of Guardians) by whose Authority they are defended, least, thro' Unskilfulness or Youth, they should conceal, or say any Thing, which if spoken or concealed, might be of Advantage to them. The same In-

The HISTORY of the INQUISITION.

struction thus provides, cap. 25. *If the Criminal be not of the Age of 25 before he answers to his Accusation, let him be allowed a Curator, by whose Authority the Confessions made shall be ratified, and the whole Process formed. But let not such Curator be of the Officials of the holy Office, but he may be either his Advocate, or any other grave, faithful and conscientious Person. He must also take an Oath before the Inquisitor, laying his Hand upon the Gospels, not to defend the Prisoner falsely, not to instruct him to conceal the Truth in Judgment; but to protect him according to the Form of the sacred Canons, and the Manner of the holy Office; and that as soon as ever he shall know him to be an Heretick, and obstinate, he will desist from the Prosecution of his Cause and his Defence. But in case he will reconcile himself to holy Mother Church, that he will assist him; and that if it shall happen that he knows any Person or Persons in the Prosecution of such Cause, to be an Accomplice, or culpable, he will discover him or them, and that he will not discourse of his Process, nor of any Thing contained in it, much less of the Merits of such Cause, directly or indirectly, with any Person except his Principal, or his Procurator or Advocate, under Pain of Perjury and Excommunication, latæ sententiæ, from which he cannot be absolved but by this holy Office, nor even by this, unless he expresses the Cause that induced him thus to falsify his Oath.*

C H A P. XVI.

How the Prisoners are interrogated by the INQUISITOR, whether they allow the Witnesses to be rightly examined, and re-heard.

Pegna,
147, 4.

THE Advocate being thus granted, and sometimes, if the Criminal demands it, the Procurator also, the Inquisitor usually asks the Criminal whether he allows the Witnesses examined against him, to be well and truly examined, and legally re-heard. If he answers, that he would have the Witnesses heard over again, and examined with his Interrogatories, and thus convict them of Falshood, the Inquisitor orders him a Copy of the Articles formed by the Procurator of the Exchequer, to the End that he may form his Interrogatories, and allows him three Days to give them in. If he answers, that he will consider, and consult his Advocate or Procurator, the Copy of the Articles formed by the Promotor of the Exchequer is given him, to assist him the better how to resolve. If he refers himself to the Disposition of the Law, 'tis the same Thing as if he had answered, he would have the Witnesses re-examined. Because, according to Law, the Proof of Witnesses received in a summary Manner is not regular, unless they be fully re-produced when the Party is cited, and re-examined upon the Interrogatories of the Criminals, that they may thus confirm their Evidence and Depositions. If he answers, that he refers himself to the Pleasure of the Inquisitor, the Inquisitor must not accept it, least it should be afterwards objected to him that he hindered the Criminal from making

making a legal Defence, and therefore he refers him to his Advocate or Procurator. If he answers, that he allows the Witnesses, who have deposed against him, to be well and truly examined, and legally re-heard, but saves to himself the Liberty of making Exceptions against Persons and their Depositions in drawing out his Defences, this is wrote down by the Notary in the Acts. But altho' the Criminal should thus allow the Witnesses as legally examined, the Inquisitors must however take Care, that they be formally re-examined, especially when there is any Fear of their Death, or long Absence. In such a Case the Witnesses must be admitted, before the Trial commences. *Simancas* more fully describes this Matter: "In the Cause of He- §. 15, 22.
 " refy, in which Inquisition is made by Virtue of the Judges Office, the Wit-
 " nesses are to be admitted before the Commencement of the Trial. The Pro-
 " motor of the Exchequer ought however to be careful, and to insift, that the
 " Witnesses repeat what they have said, and give in again their Evidence, be-
 " fore some Religious Persons, least possibly they should die before the Trial
 " commences. And the Judges ought not to deny this, least the Proofs
 " should fail, but when-ever there is a just and probable Cause, the Witnes-
 " ses must be produced again, and their Evidence confirmed. Now 'tis a §. 23.
 " just Cause for re-hearing the Witnesses before the Trial, if they labour
 " under any dangerous Distemper; or if they are to be long absent, or if the Tit. 44.
 " Criminal himself be absent, or if present not yet apprehended, nor put in §. 23.
 " Jail; or if the Witnesses are to be delivered over to the secular Court."

C H A P. XVII.

How the PROMOTOR FISCAL exhibits the Bill of Accusation.

AFTER the Inquisitor hath received, as hath been said, Information *Pegna*,
 against the Criminal denounced to him, the Procurator Fiscal, in §. 29.
 some Inquisitions, presents in Court, in Presence of the Criminal, a Bill of
 Indictment, containing the Heads of the Offences, of which the Criminal is
 accused, and presents it to the Inquisitor. The Form of this Bill is not every
 where the same. *Eymerick* gives this in his Directory of the Inquisitors.

*I N. Fiscal of the Office of the most holy Inquisition, do before you the Reve-
 rend Inquisitor, delegated Judge in Causes of the Faith against heretical Pravity,
 criminally accuse N. who being baptized a Christian, and accounted as such amongst
 all Persons, hath departed from the Catholick Faith, and hath impiously gone over
 to the deadly Heresy of the Manichees, and other Hereticks, particularly such a
 one, and such a one; preaching, writing, composing, and firmly asserting many he-
 retical, erroneous, scandalous, and greatly suspected Opinions, in Approbation and
 Praise of the aforesaid Heresy, and Hereticks, whom he follows as his Masters.
 Simancas gives us another in these Words.*

I accuse

Tit. de
Accusati-
onibus.

I accuse N. who being baptized a Christian, believes and teaches many Heresies, and especially this and that, after mentioning which, the Promotor Fiscal concludes, with demanding that N. may be punished as an obstinate Heretick, and suffer the most grievous Punishments of Heresy.

Lewis a Paramo gives us a larger Form of this Bill of Indictment, in his History of the Inquisition, Lib. 3. Qu. 9. n. 21.

Very Illustrious and most Reverend Lords;

I Doctor or Licentiate N. and Advocate Fiscal of this holy Inquisition, that I may act better, according to Law, as I ought to do, appear before your most reverend Lordships, and having performed all the Solemnities required, and necessary by Law, do criminally accuse N. of the Town or City of N. the Diocese of N. and Kingdom of N. and by specifying the Fact say, that when the aforesaid N. was a Christian, and washed with the Waters of Baptism, and marked with the Character of Christ, and by common Estimation reputed as such, and called so in the Opinion of all, or being found such, and in Possession, or as tho' he had been a Christian, enjoying also the Exemptions and Immunities of Christians, and using their Privileges as he ought to do, yet neglecting the Fear of Christ, our Saviour, and despising the Rigour of Justice of this Office of the holy Inquisition, hath said and done, some Thing heretical, and many other Things as an Heretick, by which 'tis presumed, and ought to be presumed, that the aforesaid N. hath lost that Faith, and that Belief or Virtue of Believing, which was given him in the most holy Sacraments of Baptism and Confirmation; and that he hath given undoubted Faith to those Errors, which those false and impious Persons Martin Luther, Calvin, Mahomet, and other Arch Hereticks have advanced, and I do especially accuse him, because he was persuaded, that any Person in those Errors might obtain eternal Glory.

And, in the first Place, about two Years ago, as, I suppose, the aforesaid N. when he was in a certain Place of the City or Town of N. did, in the Presence of the venerable and discreet Persons, N. say and pronounce certain heretical Words, or suspected of Heresy, or did such a Thing as favoured of Heresy, plainly manifesting that he thought so, viz. that Faith alone, without Works, was sufficient to Salvation, and to obtain eternal Glory; or that Mahomet was the Messenger of the true God, and that the Laws given by him are sufficient for any one to be saved by, and he may be saved by them. On this account one of the By-standers, perfectly hearing what he said, sharply reprov'd him; but he, on the contrary, produced, and suddenly alledged several Places of the holy Scripture, to defend his impious and heretical Opinion, and changing and despising the true Sense and right Understanding, interpreted the alledged Places according to his own Will, and contrary to the vulgate Edition of the Church of Rome, and the canonically received Opinion, tenaciously adhered to his Error. And not content with these Things, he produced many other Arguments, by which he might maintain and confirm his Heresy, which he doth firmly hold, believe and defend, from whence 'tis clearly inferred, that he is, without doubt, an Heretick.

Besides, the aforesaid N. endeavouring every Day to spread his Error, not content with his own Fall, hath, with the greatest Diligence and earnest Care, in this or that Place, the third Day of the fourth Month N. taught others according to his own
Mind

Mind his poisonous Opinions, acting herein as a Master, and thus dogmatizing, hath deceived his Hearers, and caused them to deviate from the Catholick Truth, so that in very many Discourses he hath endeavoured to persuade all into the Belief of his Errors.

To these Things I add, that by this suspected Doctrine, contrary to the Faith, and by his Deed or Word which was not right, he hath given manifest Occasion of Ruin to other Standers by, remarkable for their Probity of Manners, Religion, and good Life, who, by this Offence, have deviated from the Catholick Faith, and believed his Opinions.

Farther, the aforesaid N. comes to be accused, because, little regarding his spiritual Profit, and his Conscience, he doth not know how to sign himself with the Sign of the Cross, and what is worse, doth not know the Apostles Creed, the Lord's Prayer, the Salutation of the Angel, and other Things of the like Nature.

Add to this something not less grievous, and affording great Suspicion, viz. that there was found in his House a Book, or certain Volume, or Paper, containing the Opinions and wicked Errors of Luther, Bucer, or other Hereticks, or the Law published by Mahomet, all which Things secretly kept by him, and prohibited by publick Edicts, and the Ecclesiastical Censures, afford no light Suspicion of his depraved Heart.

Farther, that having been otherwise received to Mercy, because he had confessed his Errors, and being withal reconciled, and united to the Bosom of holy Mother Church, who, according to her motherly Tendernefs, doth not reject those who fly to her, or having vehemently abjured, promising he would not assent to such Errors, under the Penalty of being a Relapse, he hath fallen into them again. All which Things he did, and willingly performed, pretendedly, feignedly, and with an evil Intention, only craftily to escape Punishment, which appears to be plainly proved, since, like the Dog to the Vomit, he hath returned to the same, and the like Errors, as is certain, by sufficient Evidence. Hereby he is become liable to the Punishment of the Relapsed, which therefore by Law I demand may be inflicted on him, and therefore I exhort your Lordship or Lordships, that he may be cut off as a Member, now almost dead; and incapable of the Influences of the Head of the Church, viz. Christ, and may be thrown out, separated and excluded from the Conversation of the Faithful, that there may be no Occasion to others to waver in the Faith, and the whole Mass may not be corrupted: And because the Church, of whose Mercy he is unworthy, hath nothing farther to do with him, let him be thrust out from her as an unfruitful and barren Tree, and finally delivered over to the secular Judge.

Farthermore, I accuse him, that being born of the Saracen Race, and it being therefore prohibited and forbidden him by your Lordships, to have any Correspondence with them, or to eat in their Houses, yet in Contempt of that Command, he hath spoken to them openly, and in suspected Places hath secretly insinuated himself into their Discourses.

Farthermore, I accuse him of having used scandalous Words and new Opinions in his publick Sermons, not edifying enough the People, yea, he hath rashly given them an handle of erring against the received Doctrine of the holy Fathers, and the Determinations of the School-men. What, hath he not taught all these Things, being mo-

ved by Vanity, proud, haughty, and full of Arrogance? Carefully endeavouring to depart from the Catholick and uniuersally received Truth, that he might appear to be singular by the Singularity of his Opinions and Tenets, and might be known among all as one by himself, and the Author of such Things. Wherefore I stedfastly demand that he may be made to recant what he preached, and publickly to change his Mind, at least in those Things that are scandalous, and sound ill, and immediately declare in what Sense he understands other doubtful Matters which are capable of different Interpretations, that from henceforward no one may be scandalized, and that he may be deprived of the Office of Preaching without any Delay.

Finally, since it may be presumed, or is presumed from many Things said by him, and inconsiderately uttered, that the aforesaid Criminal hath possibly asserted or said other Things contrary to the Catholick Faith, and hath believed many other Errors, as an Heretick and Apostate, tho' I do not now accuse him of them, yet I intend, in the Progress of the Cause, to accuse him. Possibly also he knows other Accomplices infected with Heresies, and defiled with this or the other, in the Dominions of our Lord the King, and will not inform against them, least they should be punished. These also, lastly, as far as by Law I can, I denounce and accuse that they may be punished in the same Manner.

Wherefore, I beseech your Lordships, that crediting all the aforesaid Matters, or so much of them as is sufficient, the aforesaid N. may, by your Sentence, be declared and condemned as a relapsed, impenitent, negative, feigned, pretended, confessing, obstinate, perjured, incorrigible Heretick, and that the Punishments appointed by the common Law, and the pragmatick Laws, and the Instructions of this holy Office, and any others any ways incurred by him, may be inflicted on him; and that finally, according to Custom, he may be delivered over to the secular Arm. To this must be added, that the said Criminal is under Excommunication, and obnoxious to the same, by which all his Goods, moveable and immoveable, any ways appertaining to him, as also all Deeds and Rights are to be applied and confiscated to our Lord the King, and finally, that all his Contracts are to be absolutely and entirely annulled, and finally, that all his Children and Grandchildren, descending from him in the Male Line, even to the second Generation, be declared unfit, unworthy, and incapable of any Offices or Dignities whatsoever.

But if all those Things proposed by me, and considerately said before this most solemn Tribunal, shall not be so proved by Witnesses as to cause him to be immediately punished as an Heretick, they are however enough to put him to the Torture, by which he may be made openly to discover the aforesaid Matters, and to acknowledge the Errors of which he is accused.

Finally, I call God to Witness, and this holy Cross, that I have not formed this Accusation out of Hatred, or any other evil Affection of Mind, but with this View only, that Crimes may be punished, and the Good of the Common-wealth consulted, and that herein I may be successful, I implore this your holy Office.

Licentiate or Doctor N.

In the supream Court of the general Inquisition at *Rome*, the Procurator of the Exchequer gives in the Points and Articles containing the Offences instead of this Bill of Indictment.

But the Promoter of the Exchequer must give in Writing the Accusation to the Judge, in Presence of the Person he accuses, and read himself the Bill of Accusation, and immediately swear that he hath not put in the Accusation maliciously, but to discharge his Office, and because he intends to prove the Crimes objected. “ But ’tis sufficient, as *Brunus* says, that any Bill l. 4. c. 7. be put in, which, tho’ the exact Form of Law is not observed, contains the “ naked Intention of the Petitioner. Yea, a Bill is valid in this Process, al- § 11, 12. tho’ it contains no Demand, or a trifling one, so that the Intention of the “ Petitioner is known by the Declaration.”

Here *Gonsalvius* observes, that when the Accusation is put in, in Writing, p. 25. it ordinarily contains very many pretended Crimes, which the Criminal never thought of, and for which no one inform’d against him before the Inquisitors; and that for these Reasons. First, That the miserable Wretch may be confounded with the Multitude and Heinousness of the Crimes charged on him, and being almost out of his Wits, may not know where he is, where to turn himself, or what to answer. Secondly, That they may try whether he admits any Thing of the Crimes objected to him, or at least by discoursing with him upon any one of them, may draw him into a Snare. And that this is Truth, and not feigned out of Hatred to the Inquisition, plainly appears from the History of the Inquisition at *Goa*, the Author of which was a Papist, and c. 22. says, that when the Heads of his Accusation were read to him by the Procurator of the Exchequer, this was one Article, amongst others, that he was accused, and sufficiently convicted, that he had spoken very irreverently of the Pope, and against his Authority. To which Accusation he answered, that he did not remember that he had spoken of the Pope in the Manner set forth in the Accusation; but that if they would relate to him the whole Discourse, he would sincerely and faithfully confess whatsoever he had said. When, after c. 23; this, he was brought before the Inquisitor again, and the Promoter of the Exchequer repeated the same Accusation, they would not open to him the whole Series and Connection of the Discourse, nor was this Accusation afterwards repeated, nor any Mention made of it in his Process, when his Sentence was publickly read at the Act of Faith. From hence he infers, that this Accusation was false, and only brought against him to see if they could fish any Thing out of him.

A Copy of the Accusation is usually given to the Criminal, to which he Simanc. must answer Article by Article, and his Reply must be immediately written tit. 44. down by the Secretary before the Inquisitors. But if he continues to deny §. 22. every Thing, he hath an Advocate allowed him, who generally doth nothing more, than deny the Matters contained in the Accusation, and affirms that the Criminal is and always was a Catholick, and that this is plain from his many pious and good Works, and that his Character hath been always very good and unblemished amongst all Persons. Then they come to a Conclusion, and

a certain Term is fixed by the Judges to prove the Matters alledged on each Side, within which the Promotor of the Exchequer produces his Witneses again, and the Criminal proves his Defences.

C H A P. XVIII.

How the Interrogatories given in by the CRIMINALS are formed and exhibited.

IN Order to prepare his Defence, the Criminal also puts in his Interrogatories, and desires of the Inquisitor that the Witneses may be interrogated upon them. But if they are impertinent, or deceitful, or tending to discover the Informers, or to intangle and puzzle the Witness, or to conceal the Truth, or to discover such Circumstances by which he might come to the Knowledge of the Informer or Witneses, the Inquisitor hath Power to set them aside.

Cathol. Inquit. *z. 64. n. 10.*
 p. 3. t. 7. §. 11.
 But as *Simancas* tells us, this is not the Method in the *Spanish* Inquisitions, where the Criminals are not allowed to put Interrogatories to the Witneses of the Promotor of the Exchequer, but the Judge is obliged by Office diligently to examine into the Credit, Life and Manners of the Witneses. But the contrary is observed in all the Inquisitions in *Italy*, as *Carena* informs us, and that it ought to be thus, he proves by this Reason. *That by not giving the Names of the Witneses, the Defence of the Criminals at this Tribunal is imperfect and maimed enough, without introducing any other Novelty; but that the Defences of the Criminal would be necessarily much more imperfect and maimed, if the Witneses against him should not be suffered to be interrogated by him.*

Pegna, l. 2. c. 31.
 In *Italy* 'tis usual for the Criminals Advocate, to demand that the Witneses may be examined and interrogated, concerning their Country, Age, Condition, State, Employment. As, whether he is rich or poor, Clergyman or Layman, a Religious, Regular or Secular, married or unmarried, a Father or a Son? Whether he be a Citizen or Inhabitant of that City where the Cause is carried on? When he came to the Place? Whether he always lived in it? Whether he lives at his own or other Person's Charge? Whether in no Trial or Case he never deposed upon Oath Things which were not true, either for or against any Person? Whether he was ever excommunicated, and on what Account, and in what Place? Whether he, or his Parents, were not declared infamous, interdicted, excommunicated, and incapable to bear Witness? Whether he confessed his Sins this Year at *Easter*, to what Confessor, and in what Church? Likewise whether he hath taken the Sacrament of the Eucharist, from what Priest, and whom present? Whether he was ever under Inquisition, accused or proccessed, for any Crime or Crimes, what they were? Whether he was absolved or condemned, and by what Judge? Whether any Thing was said, promised, forgiven, or granted

to him on this Account, that he should bear Witness against any one, or that he should say in his Examination any Thing general or particular, and whether he doth or hath expected any Advantage, and what, by his Deposition? Whether he hath or doth know *N.* what was the first Time, Place, and Occasion of his knowing him? Whether he hath often conversed with him, and concerning what Matters, and whether when he first knew him, the said *N.* was accounted a good and Catholick Christian, a Man of a good Conscience, and fearing God? Then they proceed to the Articles, and interrogate the Witnesses concerning the Year, Month, Day, Place and Hour, where and when the aforesaid *N.* discovered Herefy? Whether he spoke it as the Sentiment of his Mind, deliberately and seriously, or only as repeating another's Words? What the precise Words were which he spoke? And the like with regard to the other Articles.

C H A P. XIX.

Of the re-examining the WITNESSES, and the Punishment of false WITNESSES.

THE Witnesses cited by the Judges must be carefully examined and interrogated. And first they are asked, Whether they know why they are summoned? If they say they do know or guess that they are summoned in the same Cause in which they have already given Witness before the same Judge, they are asked, if they remember what they deposed in the said Cause? And whether it be true? And whether they will add, take away, change or correct any Thing? Whatsoever they answer must be faithfully written down by the Notary. Then they are examined again without seeing their former Depositions, that the Truth or Falshood may more evidently appear from their Consistency or Inconsistency. Finally, this Confirmation of their Testimony must be made before the Judges and Secretary, and two religious and discreet Persons. For as the Party concerned is not allowed to be present, two Persons of Reputation must be present in his Stead.

If the latter Depositions do not agree with the former, the former must be read over to the Witnesses, and they interrogated what is the Meaning of this Difference in what they say, and gently admonished to persist in the Truth. Lastly, whatsoever they say must be written down, and if they contradict themselves, or fault, they must be sent into Custody, and if the Case requires it, be tortured and punished.

When a Witness swears that he will conceal his Evidence, and is afterwards convicted of discovering it before the Publication of it, he may be condemned by the Judges at their Pleasure, either to do publick Penance, or to pay a

Fine, or to Banishment, or the Pillory, or to be whipped, and, if the Nature of the Crime requires it, to the Gallies.

If the Witnesses are evidently caught in a Falshood, they may be punished by the Inquisitor, according to their Merits. He is accounted a false Witness who tells a Lie, by deposing a Falshood, and who suppresses or conceals the Truth. And if the Inquisitor finds any Witness to be manifestly false, he, together with the Bishop, may punish him. Thus 'tis provided by a certain Rescript of *Leo X.* An. 1520. in which there are many Rules for the Observation of the Inquisitors of the Kingdom of *Arragon*, and, amongst others, this which I have mentioned. *And that if any Witness shall depose a Falshood in the said Office of the Inquisition, he shall be punished by the Ecclesiastical Judges, the Ordinaries of the Diocese in which such Falshood shall be committed, and by the Inquisitors of the said Pravity, deputed together, for the Time being, in the same Diocese, so that the one shall not be able to proceed without the other.*

Diret.
p. 3. *com.*
122.

Diret.

p. 3. §. 73.
com. 122.

Eymerick mentions a Case, which happened at *Tbolouse*, An. 1312. that a Father accused his Son of the Crime of heretical Pravity, and afterwards retracted it. His Sentence may be seen in the Book of the Sentences of the *Tbolouse* Inquisition, fol. 42. The Doctors however think, that as there is no Law extant concerning this Matter, such a one ought not to be delivered to the secular Court, but that his Life ought in Mercy to be granted to him. But *Leo X.* by a Bull directed to Cardinal *Adrian*, Inquisitor General of *Spain*, An. 1518. granted full Power of condemning to whatever Punishments the Inquisitor should think proper, and of delivering or turning over to the secular Court, without any Fear of any Ecclesiastical Punishment or Censure, or Mark of Irregularity, *all and singular Persons of every State, Degree, Order, Dignity and Condition, who, in the Crime of Heresy, shall be legally proved to have knowingly given false Witness, or to have induced any other to do so, or to conceal the Truth, or to have killed any one for giving true Evidence, or false Evidence not proved so, or to have maimed him in any Member, or to have deprived him, or caused him to be deprived of all, or the greatest Part of his Effects;* which they believe ought to be done in this Case only, when the Witnesses have charged any one with formal Heresy, and the Criminal is delivered over to the secular Court, and punished with Death, as a Negative and Impenitent, upon account of their Evidence. But when any false Witness voluntarily accuses himself, and asks for Mercy before the Person he gave Evidence against is delivered over to the secular Court, and put to Death, they think he ought to be spared, and his Life given him, but that he ought to suffer some very grievous Penance. Thus they acted in that Instance of *Tbolouse*, with *Pontius Arnaldi*, a false Witness against his Son, in the Crime of Heresy, acknowledging his Fault, and craving the Mercy of the Inquisitor, who was condemned to perpetual Imprisonment, in which, during Life, he was to do wholesome Penance, with the Bread of Grief, and the Water of Affliction; and besides this, to stand publickly, so as to be openly seen and known by all By-standers, upon an high Ladder, before the Door of the Cathedral Church of *St. Stephen*, the same Day, and the following, from the Beginning of the Morning till the ninth

ninth Hour, in an open Place, without any Covering on his Head, in his Shirt, or Girdle, wearing two red Tongues, a Span and a half long, and three Fingers broad, before on his Breast, and two hanging down between his Shoulders, and his Hands tied together; and to be placed also in the same Manner, and to stand before the Gates of the Church of St. *Saturninus* the Lord's Day following, and the Lord's Day after before the Gate of the gilded Church; and to wear always upon every outward Garment the said Tongues, and never to go in or out of his Prison without the said Tongues hanging down or appearing, and to mend them when ever they were torn, and to make new ones whenever the old ones should be worn out; and the Moment he came down from the Ladder, to be carried and shut up, without Delay, in the Jayl near the Castle of *Narbonne*, there to remain for ever. The same Sentence was pronounced against *John de Salvete*, a false Witness, fol. 83, 84.

Sentence is pronounced openly against false Witnesses, because they are brought into publick View, and their heinous Wickedness is declared before the People, and their Design and Villany is discovered in exprefs Words, and the Reason given and made known to all why they are thus punished. But if such false Witnesses have done but little Mischiefe, they receive a lesser Punishment; for they are brought forth, wearing an infamous Mitre, with returning Hereticks, and other Penitents at the publick Act of the Faith, or publick Procession, when their Crimes are read openly, and they themselves bastinadoed or whipped, banished, or sent to the Gallies, or punished with some other extraordinary Punishment.

However, such false Witnesses are seldom punished in a manner proportioned to the Heinousness of their Crime, for this Reason undoubtedly, that they may not deter Persons too much from giving Evidence. The Author of *c. 32.* the History of the Inquisition at *Goa*, gives us a memorable Instance of *Joseph Pereira de Meneles*, accused to the Inquisition as a Sodomite, by a certain Enemy of his, who pretended himself to be reconciled. This Person had bribed five of *Pereira's* Servants, who all, with one Mouth, testified, that they saw their Master committing this Crime with such a Servant. *Pereira* denied the Crime, but the Servant, who was young, thro' Fear of being put to Death, confessed it, tho' never committed. *Pereira*, as a convicted Person, was condemned to be burnt. When he was brought forth in Procession at the Act of Faith, he continued to protest his Innocence. Upon which the Judges remanded him to Prison, and ordered him to be kept to the next Act of Faith, in order, if possible, to find out more exactly the Truth. In the mean while the Witnesses were often interrogated, and being each of them separately asked, whether or no the Moon shone that Night in which they saw *Pereira* committing that detestable Crime, their Answers were found contradictory, and the Falshood of the Accusation discovered; and being put to the Question, they confessed their Crime, and declared their Master innocent. But what was the Punishment inflicted upon the Author of so villanous a Crime? Trifling, in Comparison of the Heinousness of the Offence. *Pereira's* Enemy,

Enemy, who had bribed his Servants, was condemned to a nine Years Banishment in *Africa*, and the suborned Witnesses to the Gallies for five. *Carena* also relates from *Diana*, that in the Inquisition in *Sicily*, a certain Regular, who was a false Witness, and who had suborned others to give false Evidence in the holy Office, was condemned to the Gallies for ten Years, and the Women, his Accomplices, to be whipped, and to six Years Banishment.

From these slight Punishments, which, if compared with the Heinousness of the Offence, bear no Proportion with it, 'tis evident that the Inquisitors are not willing to deter any one from giving Evidence. And indeed here is a great Inequality between the Offence and Punishment. If any one grievously wounds a Witness, who hath born Witness against him, altho' he hath not killed him, he is punished with Death; and if the Wound be slight, he is condemned for ever, or at least for ten Years, to the Gallies. Whereas he who gives false Witness, and suborns and bribes others to fix by false Evidence a Crime upon another, which being proved by the Agreement of the Witnesses, the Criminal must suffer the cruel Punishment of being burnt, is only banished, and the false Witnesses condemned to nothing more than the Gallies for ten or five Years, or to be bastinadoed, and banished for six. Now who doth not see, that the Inquisitors are careful only to provide for the Security of the Witnesses, and had rather condemn Persons loaded with false Accusations, than deter any one by the Severity of Punishment from giving a false Evidence, which, in this Case, ought especially to be regarded, because the Witnesses are not discovered to the Criminal.

Hoofdii, A much more exemplary Punishment was inflicted upon a Woman, con-
 Hist. Belg. victed of giving false Evidence, at the *Hague*, by the Command of the Court
 l. 2. of *Holland*, An. 1561. *William Bardeusius*, Prætor of *Amsterdam*, and *M. Henry Theodorus*, Consul of the same City, were at mortal Enmity with each other, upon Account of some political Differences. The Consul burnt with a Desire of Revenge, and that he might have a specious Pretence for destroying his Enemy, determined to accuse him of the Anabaptistical Heresy, at that Time universally hated for the late Disturbances which had been raised on that Account at *Munster* and *Amsterdam*. He joined with him in this Design, *Florentius Egberti*, Parish-Priest of the Old Church, and Commissary of *Ruardus Tapperus* the Inquisitor, that the Fraud being thus covered over with an Ecclesiastical Varnish, might be carried on with greater Success. They could not find out a more proper Instrument to execute this vile Design, than a certain old Woman named *Sophy*, nick-named *Yellow Sophy*, upon account of the execrable Colour of her Body, a Widow, burthened with a great many Children, who made it her Business to betray the Reformed, who held their private Meetings, not being allowed the Use of the publick Churches, and maintained her wretched Family with the accursed Wages she earned, by informing against them. This Woman, with two others of the same Stamp, and two Men, one of which was a Notary, they prevailed with, by a little Money, and large Promises, to bear false Witness against the Prætor. Their several Evidences, which were suggested to them by the Consul and the Parson, they confirmed

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by Oath, in which they declared that the Prætor, who with his Wife, were both re-baptized, had a Meeting of the Anabaptists in his House, and that his Wife was present at the Meeting. This Evidence the Parson sent in Writing to *Ruardus Tapperus*, Inquisitor of *Lovain*. But altho' this Matter was carried on very privately, the Prætor was too quick not to smell it out; and therefore to prevent his being destroyed suddenly, and without being able to make his Defence, he goes immediately to *Brussels*, and applies himself to *Mary Queen Dowager of Hungary*, then Governess, and in whom he had a very considerable Interest, and managed his Cause with so much Dexterity and Success, that the Senator *Cornelius Monk*, and with him the Secretary of the supream Council of *Mecblin*, were sent to *Amsterdam* to enquire into the Affair. And they found it no difficult Matter, upon examining the Witnesses, to detect the Falshood and Perjury. But as it was necessary to proceed slowly to make a full Discovery, the Cause was committed to the Court of *Holland*, who deputed some of their Members to make Inquisition concerning it. The two Women were imprisoned at the *Hague*, and being interrogated about the Prætor's Anabaptism, and the Circumstances of it, they said that he was re-baptized in a Chapel that lay near his Garden, and that they saw it thro' the Window standing upon a Bench. Upon this two of the Senators were sent to inspect the Place, and found the Window so very high, that tho' they stood upon the Bench, they could not reach it with their Hand, so that 'twas impossible the Women could look thro' it, to see what was transacted within. And thus the Falshood was discovered. The Authority of the City, and the Favour of the Ecclesiasticks, for some time protected the Consul and the Parson. But the Crime was too enormous to escape unpunished, and therefore both of them were apprehended by Order of the Court of *Holland*, *May 3, 1557*. the Parson, as he was standing before the Altar, and in so hasty a manner, that they would not suffer him to go home, and change his Garments. After this they were both carried to the *Hague*. The Notary and the other Evidence had the same Fate. And though it was difficult to cover over a Falshood, proved by so many Persons, who agreed in their Confessions, yet it was a long while, yea, several Years before the whole was openly discovered. But at last the false Witnesses seeing no Possibility of escaping, asked Pardon for their Offence of the Royal Clemency, and publickly confessed their Falshood and Perjury. One of the Witnesses was publickly whipped. The Notary deprived of his Office, and banished. The Parson openly confessed that the Accusations he had written against the Prætor and his Wife, to *Ruardus Tapperus*, were rash, impertinent, and without due Information, and said he repented of it, and was therefore commanded to depart from *Amsterdam*, and deprived of the Office of Commissary of the Inquisition. One of the Women died in Jayl, and as to *Sopby*, she had, *May 3, 1561*. her Tongue first cut out, was then hanged, had her Body burnt, and publickly exposed. But before she was carried to Execution, she ingenuously confessed, in the Presence of three Senators, that every Thing she had deposed and given in Evidence upon Oath, and in her Examinations in Court, against the Prætor of *Amsterdam*,

sterdam, was false and forged, and that she was persuaded to this Villany by the Solicitations, Promises and Gifts of M. *Henry Theodore*, Consul of *Amsterdam*, and of M. *Florentius*, Parson of the Old Church in that City, and being brought to the Place of Punishment, she publicly declared the same before all the Spectators. Consul *Henry* however denied every Thing, and because he could not be convicted by any Thing under his own Hand, he destroyed the Evidence of the Witnesses against him, by pleading that they were perjured, and by this Means escaped with his Life. He was however kept Prisoner for a long while, but at last dismissed, upon giving Security and Bail. This was the Punishment inflicted by the secular Judge. If the Inquisitors would proceed with the same Rigour against false Witnesses, so many miserable and innocent Creatures would not be destroyed by false Informations and Evidence. But they had rather entice Persons with hope of Impunity, and when the Falshood of the Evidences appears so plain, as not to be palliated, they chuse to inflict on them a slight Punishment, rather than deter them from becoming Evidences, by a Punishment just and proportioned to their Crime.

C H A P. XX.

How the PRISONER hath a Copy of the Evidence, without the Names of the WITNESSES.

Pegna,
p. 47

THE Witnesses having been re-examined, a Copy of the Proofs brought against the Criminals is usually given to them, that they may the sooner determine, whether they will give up the Cause, or stand Trial, and in this Case the following Things are observed in this Court. First, that the Depositions be literally given to the Criminal as made by the Witnesses, that he may fully understand what every Witness hath deposed against him, so that 'tis not sufficient to give them him in short. Secondly, The Depositions are not to be confounded or mixed, but each of them to be distinctly and separately from others given him in Writing, that the Criminal may the better understand them, and severally answer them, and thus be able the better to defend himself. Thirdly, The Names of the Witnesses are not to be given him, nor their Surnames, nor any Circumstances by which he may discover who they are, because such Discovery might occasion great Danger either to the Witnesses or the Inquisition, upon account of the Power of the Persons accused, by reason of their Family, Riches, or Malice. The supream Senate determined the same, with respect to the Answers of the Witnesses to the Interrogatories of the Criminals, ordering they should not be given them, if the Witnesses were in Danger of being discovered hereby. For the same Reason they add the Year and Month, but not the particular Day when the Witnesses affirm the Crime to be committed. Thus also the Place is added

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in general, but not the particular House or Room where. All these Things they carefully avoid, that the Criminal may not by any Means discover who are the Witnesses or Informers against him. This they will in no wise suffer. For as they generally say, Secrecy is the very Sinew of the Inquisition. Hence 'tis easy to infer, that many of those Interrogatories which are formed by the Advocates of the Criminals, are not allowed, because they must relate to such Circumstances, which, if known to them, would easily discover to them the Witnesses. However the Advocates, bound to the Inquisition by Oath, must form them, that they may seem to do something for the Criminals, when in Reality they do nothing, and deceive the miserable Prisoners, with the vain Hopes, what they will do in their Defence, when nothing at all is done for them; for whilst the Witnesses or Informers are concealed from them, they are deprived of the best and most necessary Means of their Defence. However, this is strictly prohibited by several Edicts of the Popes, and Instructions of the Inquisitors.

Thus Innocent IV. expressly decreed in a Bull published An. 1253. *'Tis our Pleasure that the Names both of the Accusers and Witnesses of heretical Pravity, shall by no Means be discovered, because of the Scandal or Danger that may follow upon such Discovery, and yet nevertheless let the Depositions of such Witnesses be entirely credited.* The Council of Biterre hath decreed the same, Cap. 10. *But beware of this, according to the wise Pleasure of the Apostolick See, that the Names of the Witnesses be not discovered by any Sign or Word.* Formerly Boniface VIII. c. Statuta. §. *Fubemus, de hæret.* l. 6. granted that the Names of the Witnesses and Accusers might be discovered, when there was no Danger. *When there is no Danger in the aforesaid Case, let the Names of the Witnesses and Accusers be made known, according as is usual in other Trials. But in all these Things we command both the Bishop and Inquisitors to act with a pure and cautious Intention, and not to suppress the Names of the Accusers or Witnesses, by pretending Danger where there is none; nor on the other hand, to say there is no Danger, when in Reality there is. And let them charge this upon their Consciences.* And this was sometimes observed, as Fol. 131. appears from the Sentences of the Tholouse Inquisition, in the Sentence of William Cavalerius of Cordua, who having revoked the Confession that had been drawn from him by Torture, is said to have been convicted by Witnesses. *And the Depositions against him being discovered to him, and read to him plainly, and in his own Language, and the Names of the Witnesses deposing against him expressed, &c.* But now they think there is always Danger in this Discovery, and therefore they never publish the Names or Persons of the Witnesses, because they believe, after such Discovery, they shall never find any Persons willing to become Informers against Hereticks. There is also extant an Apostolick Brief of Pius IV. concerning this Affair, beginning, *Cum sicut.*

In Spain also 'tis commanded not to discover the Witnesses Names, by the Seville Instruction, An. 1484. c. 16. *In like manner, because it appears, and is certain, upon legal Information, that if the Names and Persons of the Witnesses, who depose in the said Crime of Heresy, be discovered, they may incur great Damage and Hazard, as to their Persons and Effects; for Experience hath demonstrated,*

and doth demonstrate that some Witnesses have been killed, or wounded, and evil treated by Hereticks on the aforesaid Account, and considering especially that there is a great Number of Hereticks in the Kingdoms of Castile and Aragon, their Lordships have decreed, that the Inquisitors may refuse to discover the Names or Persons of the Witnesses who have deposed against Hereticks, because of the grievous Damage and Hazard aforesaid, that the Witnesses are exposed to when their Names are declar'd.

The same Provision is made by the *Madrid Instruction*, An. 1561. c. 72. *Alto* in other Tribunals the Judges always bring the Witnesses and Criminals Face to Face, in order to discover whether the Offences are real; this ought not to be allowed, neither is it usually practis'd in Trials before the Inquisition; because, besides, that hereby Secrecy is broken, which is ever enjoined with respect to the Witnesses, 'tis known by Experience, that when ever this is practis'd, it is attended with no good Effect, but rather with Inconveniencies. And in the *Instruction of Seville*, An. 1484. c. 16. When the Proof is made, and the Witnesses re-examined, the Inquisitors must shew their Evidence and Depositions, but suppress and keep secret their Names, and those Circumstances by which the Criminal accused may come to the Knowledge of the Witnesses. But in the *Madrid Instruction*. An. 1561. cap. 32. 'tis commanded, that when the Depositions are published, the Month and Year, which the Witnesses swear to, must be added, but not the Day; and in like Manner the Place and Time when the Offence was committed.

- De Cathol. And this is the Custom at this Time in *Spain*, as appears from *Simancas*.
 D. S. S. " After this the Evidence of the Witnesses must be shewn, and a Copy of it
 c. 61. " granted to the Criminal, those Circumstances only omitted, by which he
 §. 26, &c. " might easily understand who they are, that have given Evidence against
 " him. Hence it is that they don't let him know neither the Hour or Day
 " in which the Witnesses say the Crimes were committed, unless possibly the
 " Criminal should demand it to make his Defence. Likewise another Copy
 " of the Depositions must be written out by the Secretaries, and examined
 " and corrected by the Inquisitors, and another Copy be insert'd in the Acts
 " of the Process. Besides, the Copy of the Evidence must be given to the
 " Criminal in such a Manner, as that he may plainly understand, whether the
 " Witnesses depose of what they have heard from others, or of those Things
 " they have seen themselves." 1 *Instruct. Hispal.* c. 16.
 §. 27. " In this Publication of the Evidence, the Names of the Witnesses must
 " not be discovered to the Criminal.
 §. 28. " Hence it is, that in the Crime of Heresy, the Criminal must not be cit-
 " ed, when the Evidence is ratified, lest he should know the Witnesses,
 " even altho' in all other Crimes the Criminals are to be cited to see the Wit-
 §. 29. " nesses. Thus also in all other Crimes the Names of the Witnesses are given
 " to the Criminals, that they may refute them, and shew their own Innocence;
 " and this ought always to be done, even altho' the Process be carried on by
 " Inquisition, lest by concealing the Names, Occasion should be given to
 " wicked Persons of defaming others, and by denying them the Means of
 " their Defence, of giving false Evidence against them. For no Man ought
 " to

“ to be denied the Means of defending himself. This ought more especially §. 30.
 “ to take place in Inquisitions and Visitations carried on against Judges and
 “ their Ministers. For they are placed as a Mark to be shot at, and are not
 “ capable of pleasing all, because they are bound by Office daily to reprimand
 “ many engaged in Law-Suits to imprison them, banish them, fine,
 “ condemn, and sometimes punish them with Death.”

But if any one now should presume, without a manifest Necessity, and unless there is no manner of Danger, rashly to discover the Names of the Witnesses, Accusers, or Informers, he would act, according to *Pegna's* Mind, very imprudently, and, for what he knows, fall into mortal Sin; because he would act against so many Decrees of Popes, and against the received Custom of the holy Office, which, though not supported by any Law, yet being a commendable, approved, and legally prescribed Custom, hath the Force of a Law. Com. 124.
in part. 3.
Direct.

And tho' the Criminal insists, and demands, that he be allowed to make his Defence, according to the Course of the Law, and by Consequence that the Names of the Witnesses be shewn him as well as their Depositions, he is not to be heard. Those who are called new Christians in *Spain*, never could obtain it, tho' they used their utmost Endeavours for it. *Ludovicus a Paradino* tells us, that in the Reign of *Charles*, who succeeded his Grandfather *Ferdinand*, the new Converts offered 800000 Pieces of Gold to the King, if he would order the Witnesses to be made known in the Tribunal of the Inquisition. And when the young King, who was but 18 Years old, was greatly tempted by so vast a Sum of Money, Cardinal *Ximenes*, Inquisitor General, by setting before him the great Danger of such Witnesses, and the Damage that would hereby accrue to the Church, wrought upon him to despise that Offer. l. 2. c. 3.
c. 5. n. 41

But when the Person accused cannot particularly defend himself upon account of the suppressing the Names of the Witnesses, but can only conjecture in general, not being able to make any tolerable Guess, 'tis recommended to the Prudence of the Inquisitor, to take such proper Measures, as that he may know, whether the said Deponents and Witnesses are the mortal Enemies of the Persons accused or not.

Eymerick, in the third Part of his Directory of the Inquisitors, describes to us six Ways of giving a Copy of the Process to Persons accused of Heresy, suppressing the Names of the Accusers, by which 'tis evident, that this one Thing is determined by the Inquisitors, viz. to condemn the Prisoners as guilty, right or wrong, by using various Arts and Impostures, and especially by denying them the principal Means of their Defence.

The first Method is, to exhibit the Names of the Informers, not in the Copy of the Process, but in a separate Paper, nor in the Order in which they depose; but in such a Manner as that he who is the first Informer in the Copy, shall be the sixth or seventh in the separate Paper; that by thus changing the Order of the Names, the Person accused may not know what every one deposes. 119 & seq

The second is, to give a Copy of the Process to the Person accused, and in another Paper the Names of the Deponents, mixing with them the Names of some other Persons, who have never deposed against him in that Affair, that so he may object against this and the other, and yet never know who hath deposed against him. But these ways are greatly disapproved of, and but seldom practised, because they can't be of much Service to him that is accused, because he can't hereby know who deposed this and the other Thing against him; and may be greatly hurtful to the Accusers; because the Paper it self makes it certain that the Criminal is accused by some one of them, and being uncertain by whom, he may form a Resolution against those who have never deposed against him, or whose Depositions against him are true, or who have deposed in his Favour. And thus he may lay Snares for them, and bring them into very great Danger, which they carefully provide against.

The third Way is, that the Person accused is interrogated when he is examined, at the End of his Confession, and before the Copy of the Process is granted him, whether he remembers that he hath any mortal Enemies, who, laying aside the Fear of God, may charge him falsely with heretical Pravity; so that without farther thinking, and before he sees the Depositions of the Witnesses, he may answer either that he doth not remember that he hath any such Enemies, or that if he doth call any such to mind, he may name them as they occur to him.

If he says he hath no such Enemies, the Inquisitor may charge him to think well upon the Matter, and allow him a convenient Space of Time to consider of it, and to write down their Names if he remembers any, and thus described, to exhibit them to the Judge with the Notary and Witnesses. The Judge must cause all these Things to be inserted in the Acts, *viz.* that such a one, &c. appeared such a Day, &c. before the Inquisitor, &c. and gave in a certain written Paper, containing as underwritten, which must be inserted at length. After which the Judge gives him his Oath, and asks him whether that be his Writing, and written with his own Hand? Likewise, whether he affirms that all and singular the Matters contained in it are true? Likewise, whether all and singular the Persons, there described by Name, are his mortal Enemies? Likewise, concerning the Time, Rise, Cause or Occasion of the Enmity? Likewise, whether besides the before-named, he hath any other Enemies, and whom, and what the Cause and Time of the Enmity? Again, whether after such Enmity contracted or arisen, he hath ever made use of them as Evidences for him in any Civil or Criminal Cause? To these other Interrogatories may be added at Pleasure, as the prudent Judge shall think proper, from the Answers given to the Premises, and other reasonable Circumstances; which being well considered, and diligently examined, it will be easy to discover whether the Enmity pretended be real or not. But even here they are particularly cautious, that whilst they are thinking of Methods to find out the Enmity of the Witnesses, the Criminals may not come to the Knowledge of them. These Things almost agree with the Words of the Bishop of *Albano*, in which he prescribes what the Inquisitors must do in such a

Case.

Case. Moreover, let the Inquisitors inquire from the Person against whom they are to proceed, whether he hath any mortal Enemies, or certainly suspected to be so, who, thro' Hatred, might swear against him, and let him put down their Names in Writing, whom he says he hath Reason legally to suspect; and let them proceed and receive other Witnesses against him, and yet nevertheless they may receive such suspected Witnesses if they judge it proper. And a little after he adds, And altho' the Witnesses, who are said to be suspected, or found to be Enemies, are not to be believed, unless there be any Thing that may legally support their Evidence.

The fourth is, that the Person accused, in the End of his Confession, before he is allowed to make his Defence, should be interrogated concerning those Witnesses who have deposed the most heinous Things against him, as tho' they were accused themselves, after this Manner. Do you know such a one, naming one of the most considerable Witnesses? If he saith he doth not, he can't reject him in his Defence as a mortal Enemy, having declared upon Oath he did not know him. If he answers, that he doth know him, he is interrogated, whether he knows, or hath heard that he hath said or done any Thing against the Faith? Then he is asked, whether he is his Friend or Enemy, and presuming that he will answer, His Friend, that his Evidence for him may be admitted, he can't after he hath said so, reject him as a mortal Enemy. *Eymerick* is for using these two Methods but seldom, because, tho' not at all dangerous to the Deponents, they are prejudicial to the Accused. But yet he approves that the latter should be used against cavilling and cunning Persons, and says that he himself hath sometimes, tho' seldom, taken this Method against such Persons, whereby, as the Apostle says, *being cunning, he caught them by Guile.*

Camillus Campegius adds, if he answers, that he doth not know that he hath ^{In Zanchi.} said any Thing against the Faith, the Inquisitor must not omit to ask him, ^{c. 13.} whether he be his Friend or Enemy? If he answers, his Friend, but that he would not be silent even on this Account, but would come in Evidence against him, if he knew that he had offended against the Faith, he can't object against him any more in this Cause as a mortal Enemy. For this is to be remarked; that he who once allows a Witness, can never after reject him.

The same *Campegius* adds another Way, *viz.* the Inquisitor asks the accused Person in his first Examination, what he thinks to be the Reason of his being apprehended or imprisoned? Likewise, who he suspects to be his Accusers? And if he particularly names any, he is asked, why he suspects them rather than others? To which Question perhaps he will answer, by assigning, as the Reason or Cause, Hatred, a Law-Suit, or Quarrel, or some like Matter. After this the Inquisitor asks him again, whether he hath any other Enemies, and who they are, and of the Time, and Occasion of their Enmity, as above. He asks him again, who were present, when the Persons he rejects as Enemies, assaulted or wounded him, and the like, and by whom he can be informed of the Reality of such mortal Enmity. After this the Inquisitor diligently considers his Answers and Assertions, and receives Informations from religious Persons concerning the Credit of the Witnesses, in order to find

out the Truth, and if he finds that the Witnesses are justly charged with mortal Enmity, he must consult the Laws, Doctors and Counsellors, and then act as he sees fit.

The fifth is, to give the Person accused a Copy of the Process, suppressing the Names of the Deponents, so that when he sees the Depositions, he may conjecture who it was that deposed so and so against him. On this sometimes he names several as his mortal Enemies, assigning the Reasons of it, and producing his Witnesses. If he guesses at any, the Inquisitor enquires the Causes of the Enmity; if they are not sufficient, he rejects them; if they are, he examines the Witnesses privately, who, upon not giving legal Proof are rejected. This is performed with the Advice of the Learned. And this Method is generally observed.

The sixth is, that when the Person accused says, upon giving him a Copy of the Process, that he hath many mortal Enemies, names them, and assigns the Reasons of such Enmity, the Diocesan and Inquisitor hold a Council of Divines and Lawyers, cause the whole Process to be read over by the Notary, discover to them the Names of the Witnesses and Deponents, and oblige them by Oath, or under Penalty of Excommunication, not only to give sound Advice, but also to observe perfect Secresy. After this 'tis debated amongst them, whether they fully know the Person accused, and the Witnesses, and whether there is mortal Enmity between them? If they fully know them, their Counsel and Advice is stood to, and whosoever are adjudged by them to be mortal Enemies, are rejected from giving Evidence; and those who are adjudged not to be so, are admitted. If the Counsellors do not fully know the Person accused and the Witnesses, two, three or four Persons of Reputation, well acquainted with the Criminal, are chosen by their Advice, out of the City, where the accused Person dwelt. One of these at least, or two, must be Parish-Priests, and another, if it can conveniently be, a Religious, and the others Layicks, reputable Men, zealous for the Truth. These are secretly called together by the Bishop and Inquisitor, and being obliged to speak the Truth by Oath, or under Penalty of Excommunication, are interrogated, concerning the mortal Enmity or Friendship of the Person accused, and the Witnesses. The Bishop and Inquisitor entirely acquiesce in their Judgment, so that after they have well and carefully considered the Matter amongst themselves, they reject from being Evidences such as these Persons say and prove to be the Accuseds mortal Enemies, and admit these which they say are not. This is the usual Method, and seems to agree with the Determination of the Council of Biterre, Cap. 10. *But let Care be taken of this, as the Apostolick See hath carefully determined, that the Names of the Witnesses be not discovered by any Act or Word. But if the Person, under Inquisition, insists on it, and says that possibly he may have Enemies, or that some Persons have conspired against him, let the Names of such Enemies or Conspirators, and the Occasion and Truth of such Enmities and Conspiracies be so drawn out of him, as that the Safety of the Witnesses, and the Persons also to be convicted, may be provided for.*

And

And in order the more effectually to prevent all Danger to the Witnesses, which may arise from their being known, *Camillus Campegius* advises, not only to suppress their Names, but even all Circumstances that may tend to point out or discover them. For he says he hath oftentimes seen that the granting such a Copy hath given Rise to Enmities, Hatreds, Wounds and Death; and sometimes, that those under Inquisition, falsely imagining a Person to have deposed against them, who hath not, nor said or did any Thing against them, have notwithstanding, thro' such a false Persuasion, contrived not only greatly to injure him, but even his Destruction. Thus it happened at *Ferrara*, and at other Places, as he says he was credibly informed. And therefore he advises the Inquisitors, to proceed very cautiously in this Affair, and so to defend the Catholick Faith, as to secure the Lives of the Witnesses. For he says there are few to be found, who are willing to inform or depose in this Cause of Hereticks, and that if the Safety of the Witnesses should be endangered by the World, he imagines there would not be so much as a single Informer.

When any just Exceptions are objected against the Witnesses, the Criminal is admitted to prove them. But his Witnesses are so cautiously examined, as if possible to prevent their knowing who the Witnesses against the Criminal are. And, in order to this, they are interrogated not only concerning the Enmity or Conspiracy of the real Witnesses against the Criminal, but of others also who are not Evidences against him.

But here I cannot omit, what *J. Royas* says, "That by suppressing the P. 117. 2.
 " Names of the Witnesses, Criminals are deprived of the full Means of making Affert. 4.
 " their Defence, and by Consequence it must be very imperfect and maimed.
 " For which way can the accused Person, kept secretly in Jail, and deprived of the Comfort and Assistance of his Friends and Relations, and Procurators, either object the Defects of the Evidence, or the just Exceptions
 " against the Witnesses, if he is ignorant of their Names, if they should happen to be his Enemies, or Criminals themselves, or infamous, or excommunicated, or otherwise incapable? For, in so heinous a Crime, punished with all Kinds of Punishments, *viz.* Excommunication, Forfeiture of Estate, the Delivery of the Person to the secular Arm, his own and his Family's perpetual Infamy, stronger Proofs are necessary than in other Crimes. Nor can it be rash to assert, that the Witnesses, whose Names are not discovered, cannot be, as to the Criminal, above Exception; because he cannot object any Thing against them, when he doth not know them. They only are said to be beyond all Exception, who cannot be rejected as Witnesses by any just Exception made against them; and therefore, as in this Case, one solemn Usage of the Law is over-ruled by suppressing their Names, there is no Room to urge against them Crimes, Defects, and Objections. But afterwards, as I considered the Words of the Extravagant of *Innocent VI.* *That full Credit shall be nevertheless given to what such Witnesses say*, I am, upon this Account, ready to recant. However, in my poor Opinion, I should not dare to condemn any one if there were

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“ two legal Witnesses only, in so grievous a Crime, upon so maimed and imperfect a Defence by the Criminal, but should follow the Opinion of *Hæstius*.
 “ *censis*, as the more equitable, who determines, that two Witnesses only are not sufficient to prove the Crime of Heresy, but that three or more are requisite, unless the Person accused be one of an ill Character or Reputation, and there be other Circumstances concurring against him, in which Case the common Opinions of the Doctors may be followed.

“ However, 'tis the Judgment of most, that the Custom observed in reproducing the Witnesses, and examining them in full Judgment before the Inquisitor and two religious Persons, according to *Cap. ut officium*, §. *verum. de hæret. l. 6. & Instruēt. Tolet. c. 14.* abundantly supplies the other Defect of not exhibiting the Names of the Witnesses, when their Evidence is given in. But in my Judgment they are greatly mistaken; because this Omission is in an essential Point of Law, and the Custom of examining before these religious Persons is, as Experience teaches, of little or no Effect. For 'tis too common with the Generality to persist in what they affirm or deny, whether true or false, and they think it Advantage enough to have their own Wills”.

P. 3. t. 7.
 §. 6.

Since therefore they are so exceeding cautious not to discover by any Means the Informers or Witnesses to the Criminals, 'tis evident they are not brought before, or confronted with one another, that they may be heard against, and what they say and answer be opposed to each other. *Carena* teaches us, that Persons are seldom confronted in the holy Office, and that 'tis never done in the supream Tribunal of the City, unless the Cause be fully known, and the Cardinals supream Inquisitors interpose by their Decree, who usually determine, whether or no any Danger may accrue to the Witnesses and Criminal by being confronted. But because sometimes it happens in the holy Office, that the Criminal must necessarily be seen and pointed out by the Witnesses, this is done not by openly confronting them, but by making the Witnesses look through the Crevices of the Door of some fastened Room, where the Criminal is put, in Company of some other Persons alike in their Dress, Stature, and Face. This *Carena* says was practised formerly in the Inquisition at *Cremona*, according to the Command of the sacred Congregation, where a certain Regular, who had contracted Matrimony, was thus viewed and pointed out, notwithstanding his Confession, that the Sentence of the Nullity of his Marriage might be more safely pronounced.

C H A P. XXI.

How the Articles and Witnesses for the CRIMINAL are produced and examined.

WHEN the Criminal hath received a Copy of the Evidence and Proofs ^{Pegna,} against him, if he insists on his Defence, a certain Term is granted ^{l. 2. c. 45.} him to exhibit the Articles by which he would prove his Innocence. This Term is not fixed to any precise Day, but left to the Pleasure of the Judge, who can grant him more or fewer Days, as he thinks fit. And because the Defence of the Criminal consists of three Parts, *viz.* in denying the Fact, or disabling the Witnesses, or proving his good Life and Behaviour, his being a good Christian or Catholick, the Articles to be proved are disposed into Method, according to the aforesaid Division. But yet the prudent and Catholick Procurator or Advocate must consider his Oath, and both insert in the Articles the Things which he believes to be true, just as they have been suggested to him by the Criminal, he is to defend, and continually admonish him simply to confess the Truth.

At the End of the Articles produced by the Criminal, the Names of the ^{c. 49.} Witnesses by which he would prove his Innocence, are put down, and the particular Article upon which he would have each Witness examined, specified. For as it can't easily happen that any single Witness should know all the Matters contained in all the Articles, therefore to prevent the Inquisitor, or he to whom the Inquisitor commits the Examination, the Trouble of being forced to guess who knows the Contents of such and such an Article, or of examining all the Witnesses upon every Article, 'tis particularly shewn, that such a Witness must be examined upon such and such an Article, and so of the rest. By some he endeavours to prove, that the Person who he imagines hath deposed against him, is his mortal Enemy; by others, that he hath lived a good Life, and so on.

If after the Articles have been produced and admitted, the Criminal will add one or more additional Articles to them, the Inquisitor may admit them as well as the first, because 'tis not expressly prohibited by Law. In forming these Articles, a skilful Advocate or Procurator must consider those Things, which may either remove or extenuate the Crime, *i. e.* prove the Falshood of the Accufation, or extenuate the Guilt by proper Circumstances; as, whether the Person was mad or drunk when he said it, of which more hereafter.

After the Criminal hath once produced and named his Witnesses, the Inquisitor may, if he sees fit, and knows there is no Fraud or Deceit, allow the Criminal to name others afterwards, and admit them.

Ep. 50.

When the Witnesses thus produced by the Criminal have deposed before the Inquisitor, a Copy of their Depositions is given to the Procurator of the Exchequer, who, in his Turn, exhibits his Interrogatories upon them, that the Witnesses brought by the Prisoner in his Defence, may be examined upon them. And here, just as the Criminals Advocate doth, he asks abundance of Questions about the Witnesses Person, Condition of Life, and whether they know the Criminal, or are any ways a-kin to him? and the like. Besides this he is asked, How he came to put himself upon this present Examination? Whether any Body desired him to do it? And who? With what Words? And what he the said Witness answered? Whether the Articles upon which he was to be examined, were shewn him? Or whether he hath been otherwise instructed what to depose? Whether any Thing hath been given, promised, or forgiven him, and what? Whether he expects any Advantage by his present Deposition, or by the Delivery of the Prisoner out of the Jayl of the holy Office, and what? To these he adds others suitable to the Affair, and thus running over every Article produced by the Criminal, he demands that his Witnesses be interrogated upon each of them.

Ep. 52.

The Procurator of the Exchequer of the supream Senate of the general Roman Inquisition, usually demands at the End of his Interrogatories, that the Inquisitor, who is to examine the Witnesses, will form other proper Interrogatories, as the Matter shall require, and the Answers of the Witnesses shall make necessary. For it often happens, that as the Witnesses are examining, such Things are said by them, as give Occasion to new Interrogatories, so necessary and suitable to the Case as tends very much to discover the Truth.

'Tis sometimes the Custom, as *Pegna* tells us, for the Procurator of the Exchequer of the holy Inquisition, at the End of his Interrogatories, to put such an Interrogatory as this against a Criminal to his Witness. Whether he knows, or hath heard it said, that the said *N.* in the said City of *N.* was accounted as one suspected of Heresy, and a Man of an ill Character, Opinion and Fame, in Matters relating to the holy Catholick Faith? If he answers Yes, he is asked how he came to know this, and must name the Errors and Heresies, who were Witnesses with him, at what Time, what the particular Place, all which he must particularly relate. If he answers No, he is interrogated, How 'tis possible that the said *N.* should be accounted as one suspected of Heresy, and otherwise of evil Life, Condition and Fame, in Matters appertaining to the holy Catholick Faith, and yet he the said Witness should be ignorant of it? *Pegna* adds, that the second Part of this Interrogatory seems to him very dangerous, and proper only to invalidate the Evidence of the Witnesses for the Criminal. For if such Witness should answer, 'tis possible that *N.* may have been suspected of Heresy, and yet that he might be ignorant of it, his Evidence would be weakned. And altho' some Doctors greatly admire such an Interrogatory, and say that 'tis a most excellent and admirable one, and what will invalidate the Depositions of almost all Witnesses for the Criminal, yet he is rather of Opinion, that if such an Interrogatory should be

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put by the Procurator of the Exchequer, it ought not to be allowed by the Inquisitor; least if an ignorant Witness, which almost all the common and vulgar People are, should answer, it was possible, and really is so, the same Procurator of the Exchequer, after the Process is ended, and the Proofs examined, should by such a Caution shake the Credit of all the Proofs urged in Behalf of the Criminals.

If there is any Reason to doubt of the Faithfulness, Constancy or Silence of any one of the Witnesses, *viz.* that, if dismissed after his Examination was ended, he would confer with any other Witnesses to be examined, he is usually kept in the holy Office till after their Examination. But if he be an honest Man, of good Condition and Reputation, and in no Danger of discovering any Thing he hath acknowledged, he is immediately dismissed after his Examination.

No Copy of the Depositions is or ought to be given before the Examination is finished. But if after the Examination of some, the Criminal declares that he renounces any farther Examination, a Copy may be given him.

Altho', after the Publication of the Evidence, Witnesses are not to be admitted upon the same Articles, or others contrary to them, yet in the Cause of Heresy they are always to be allowed, whether it be for or against the Criminal; because, as this Publication is done in private, there can be no Suspicion of the Witnesses being corrupted in these Causes.

It often happens that the Witnesses to be re-produced, or otherwise examined, are absent from the Place in which the Action is carried on against the Criminal, and therefore there must be a Commission to examine them, or their Examination must be committed to some proper Person. And altho' in Criminal Causes such Commission for examining distant Persons is not allowed, the Judge himself being to interrogate the Witnesses, and to consider with what Steadiness, Trembling, or Countenance they speak, yet such Commission is granted in the Crime of Heresy, and especially when the Witnesses are in remote Places, and in other Dioceses, and can't come to the Inquisitors without great Expence.

With these Letters of Commission there must also be sent to the Judge or Inquisitor, to whom the Examination of Witnesses in Behalf of the Criminal is committed, Articles and Interrogatories, upon which the said Witnesses must be examined, in the same Manner as if they were examined by the Inquisitor before whom the Cause is tried. But the Inquisitor or Bishop, who delegates the Examination to another, must not allow the Party to give Articles for the Witnesses, before the Judge to whom they direct the Examination, but they are to be given to the Judge of the Cause. When the Examination is ended, the Judge, who receives these remissory Letters, must take Care to transmit to the Inquisitor who delegates him, an authentick Copy of the original Process, faithfully extracted, compared with the Original, and subscrib'd by the Judge and Notary. But if it can be done without Danger of losing it, the original Copy it self must be sent to him, and the delegated Judge keep the authentick Copy by him.

If whilst the Cause is depending there arise new Proofs against the Criminal, or he commits a new Offence, or if there appears any Thing favourable in his Behalf; if, for Instance, the Informer or Witness, upon recollecting himself, comes to depose any Circumstance that may extenuate the Crime; or if any other comes to discover any Thing that may make the Criminal's Innocence appear, they are to be received. This is especially to be observed, in case any Discovery can be made of a Conspiracy against the Criminal, or of the Subornation of the Witness or Witnesses to give Evidence against him.

C H A P. XXII.

Of the Defence of the CRIMINALS.

Cap. 57.

AFTER the Parties have prepared their Proofs, *Pegna* says, a Copy of the defensive Procces must be delivered to the Criminal. But *Carena* observes, that for the Space of twenty Years, during which he acted in the Inquisition at *Cremona*, he never saw a Copy of the defensive Procces given to the Criminals in that Court, and he advises all the Inquisitors, to act in the same Manner; because sometimes the Criminal produces in his Defence Witnesses of a tender Conscience, who rather make against him, and for this Reason Inconveniencies may arise from the Grant of this Procces. And this he says is the Practice of the *Spanish* Inquisition. But whatever the Copy is which is granted him, he hath a Term fixed him for making his Defence, within which, if he thinks fit, he gives in his Informations as to Fact and Law, to prove his Innocence.

Simanc.

Cath. Inst.

c. 17.

Obstinate Hereticks are denied a Defence, but Criminals, not yet convicted, are allowed to make the best they can. The first and principal Defence of those who are innocent, is to deny the Crimes which are falsely objected to them. Such a one must constantly persist in his Denial of them, that he may not unjustly condemn, and give false Evidence against himself. Such a one however can't prove directly by Witnesses that he did not say or do such a Thing; but when the Place and Time of the Crime, said to be committed, is assigned, he may prove that he was not then and there present, and that therefore he did not say or do any Thing of which he is accused. And when he hath proved this by several reputable Witnesses, he is to be absolved.

Another kind of Defence is, if he can refute the Witnesses, *i. e.* if he can prove they are his Enemies, or suborned with Money by his Enemies, or have conspired against him.

But 'tis not an easy Matter to set aside the Witnesses in a Cause of the Faith, because, as we have said, in favour of this, infamous Persons, such as are privy to and Accomplices in the Crime, excommunicated Persons, and those

those guilty of any other Crimes whatsoever, are here admitted as Witnesses, especially when other Proofs are wanting. Nothing legally sets aside any one from being a Witness but Enmity only, and that neither unless it be mortal. Lesser Enmities will somewhat weaken the Evidence of the Witnesses, but not absolutely set them aside. This is determined by the Councils of *Biterre*, cap. 12, 13. and *Narbonne*, cap. 24, 25. *Altho' in this Crime all Criminals, infamous Persons, and Accomplices in the Crime, are to be admitted as Accusers and Witnesses, such Exceptions only shall wholly destroy the Credit of the Witnesses, which can be made appear to proceed not from a Zeal for Justice, but the Instigation of Malice, such as Conspiracies and mortal Enmities. Altho' other Crimes weaken, they don't destroy the Evidence, especially if the Witnesses have repented of their Crime.*

Eymer. Dives. p. 3. n. 113.

Besides this Exception against the Witnesses, there is another kind of Defence, which the Advocates make use of to wipe off and break the Force of the Accusation, viz. to prove that the Criminal is, and always was a Catholick, and that this evidently appears from a great Number of pious and good Works that he hath done, and that he always had an entire good Reputation amongst all Persons. But *Royas* shews that all this is trifling, and of no Weight. *Altho' several Witnesses depose in general that such a one is of good Reputation, their Evidence signifies nothing to prove him to be a Catholick, if he be convicted by two Witnesses to have said or done any Thing in particular against the Catholick Faith.*

Simanc. Cath. Inf. t. 44. §. 22.

de heret. p. 1. n. 346.

If the Criminal confesses his Offence, the Cause is finished. If he confesses it, but with the Addition of some Circumstance, that either takes away, or lessens the Crime, the Procurator of the Exchequer receives the Confession of the Offence, and puts it upon him to prove the Circumstance added. Now there are various Circumstances to be urged in Abatement, which the Advocates use in defending Criminals. As if Heresy was spoken by a Madman, an Infant, or a decrepit old Man, except such aged Person hath his Judgment entire. Likewise if it be pronounced in a Dream, or by one so drunk as to be quite out of his Senses; or if by one, who, without any ill Design, relates the Heresies of others; or who, by a Slip of his Tongue, drops any Thing heretical, and immediately retracts it. Or if any one errs against any Article of the Catholick Faith without Obstinacy, which he is not obliged explicitly to know, and especially if drawn into this Error by one whom he was obliged to believe. Very great Simplicity also may excuse; also a Joak or Jest, if thoughtlessly pronounced, and in haste, upon a particular Occasion, and without Deliberation, may sometimes excuse from Heresy, tho' such Persons may be punished as rash and evil Speakers. Add to this, any one's saying or doing any Thing heretical, thro' Fear of Death or Tortures. Such a one indeed grievously offends, but yet is not an Heretick. For, as *Brunus* says, as a forced Confession of the true Faith doth not make a Catholick, so neither is the asserting a forced Error to be imputed for Heresy. Finally, such Things as are uttered thro' any vehement Commotion of Mind, such as Love, Jealousy, Anger, suddain Grief, and the like. There is also a kind of Defence taken from the Command of a Superior. As when a Servant by his Master's Command breaks Images, or commits any such Thing, he is to be

Simanc. Cath. Inf. t. 17.

l. 1. c. 4. §. 10.

more

more gently punished. *Brunus* adds, that an Heretick may object, that the Cause hath been already judged, and the Affair determined, which is allowed, whether Cognizance hath been taken of the Crime either by Accufation or Inquisition.

There is also another kind of Defence, *viz.* when any Person confesses some heretical Word, or Fact, but denies the evil Intention, and thus shews himself to be clear of Heresy, because Heresy consists properly in the Mind. When this Defence is urged, the Criminals are tortured to discover their Intention, and to make them fully and entirely confess. But this they limit in certain Cases, and don't proceed to the Torture to find out the Intention, if there be no considerable Proof of the Crime besides the Criminal's Confession, and when there is just Ground to conclude by the Circumstances of the Fact and other Presumptions, that the Criminal offended with a quite different View, and not thro' an heretical Mind. *Carena* relates a memorable Instance of this decided before the Tribunal of the holy Office at *Granada*, by *Francis Marin de Rodezno*, Inquisitor at *Granada*.

In the Year 1640. *Apr. 5.* on *Thursday* in the Week before *Easter*, there was a Writing fixed upon the Gates of the Senate-house at *Granada*. In this Paper the Law of *Moses* was greatly extolled, and the Sect of *Calvin* commended, and the most holy Faith of Christ accursed with the most terrible Imprecations. The Virginity and Chastity of the Mother of God was denied in so very obscene a Manner, as would scarce become a common Whore prostituting her self in a Bawdy-house. He also, with a Shew of Compassion, advised all Persons, that they would not thoughtlessly suffer themselves to be drawn away by a false Religion. And finally he threatned, that he would cause to be destroyed all those Regards of Worship and Piety, which the City of *Granada* payed to a marble Image of the Virgin, erected as a Token of Victory, and placed in an open Field over-against the Gate of *Elvira*, at the Entrance into the City, and commonly called, *Our Lady of Triumph*. This Writing was seen by two Men after the Dead of Night was over, by Twilight, and as the Paper and Character was very extraordinary, it easily excited their Curiosity, and altho' they were ignorant of the Contents, they took it down from the Gates. But after they had read it, and perceived the Wickedness and Blasphemy of it, they carried it the next Day to the sacred Tribunal of the Inquisition. The Report of this Wickedness immediately took Air, and the Enormity and Greatness of the Crime alarmed the whole City of *Granada*.

One Friar *Francis Alexander* was appointed by the Senate of *Granada*, to take Care of the Worship of the said *Lady of Triumph*, who, upon this Account, was, after the *Spanish* Custom, called, *The Hermit*, and whose Habit was very agreeable to his Office. He pretended to his Neighbours that he was injured above all others by this Offence done against the Mother of God, and in his private Conversation in the City ostentimes inveighed against the Heinousness of the Crime, and at last deposed in a legal Manner what he had Reason to suspect, and what he himself had observed in that sacred Night. But as nothing came of the most diligent Inquisitions that had been made into

into the Affair, there arose at last great Suspensions and Presumptions against the Hermit himself, after his own Depositions had been privately, and at Leisure considered. His Depositions were found inconsistent and contradictory, tho' he made them voluntarily and freely, without any one's asking or calling upon him, and in some of them he was openly convicted of Falshood. Several times he repeated several of the very Expressions of the said Paper, so expressly and particularly, as could not possibly be done by any one who was not the Author of it, or at least privy to it; whereas he himself confessed, after he had been informed against before the Tribunal, that he had neither seen nor read it. And when a certain Person said before him, that it was commonly reported thro' the City that he was the Author of the Paper, when the Suspicion was insinuated, he immediately turned pale, and dextrously shifted the Discourse to something else, without mentioning a Word of the Affair, tho' his Countenance was observed to fall. The Circumstances of the Person added to the Suspicion, as he was a Man of an ill Life and Behaviour, remarkable for Hypocrisy, and guilty of many Crimes. And finally the common People were universally persuaded, and all affirmed, as with one Voice, that no one else could be guilty of so heinous a Crime.

Upon this the Hermit was ordered to Jail, and after three Admonitions made on three several Days, and upon comparing other Writings of his with the Letters of this Paper, finding that they were exactly similar and perfectly alike, and that therefore the Hand and Author must be the same, he was cited by the Fiscal of the Inquisition, and arraigned for the Crime, and immediately ingenuously confessed it, and began to give an Account of the past Course and Manner of his Life, saying that he was a Religious of a certain very venerable Religion and Fraternity, a Lay Brother, and Professed; but that on the Account of certain Differences and Quarrels therein he fled, and had forsaken his Religion several Years. But inasmuch as he had not lost his Regard to Piety and Religion, tho' he had changed his Habit, he travelled to *Jerusalem*, and there visited the holy Places, where, thro' a peculiar strong Affection to the Mother of God, he had received certain Marks on his Arms as a constant Monument of his Devotion. From *Jerusalem* he came to the lower *Pannonia*, and in the City of *Vienna* built and dedicated a Temple to *our Lady of Conception*. After this he returned back to the City of *Granada*, where he had consecrated his Life to *our Lady of Triumph*, and the Care of her Worship. And that when he had found that there was nothing done towards finishing her Temple, and that the Devotion of the Faithful grew cool, he was excited by these Motives to endeavour to encrease the Worship and Veneration of that sacred Place, and that with this View he fixed up the Paper filled with Reproaches and outrageous Affronts against the Mother of God, and particularly directed against *our Lady of Triumph*. And that he might prevent himself from being suspected of the Crime, and throw it upon one of the *Jewish* Race, who are more liable to Suspicion, he wrote in the Paper an high Encomium of the Law of *Moses*, and an Abjuration of Christianity. And finally, that no *Portuguese* might be thought guilty of this Wickedness, and that

that that Nation might not come hereby into Discredit, he added a very great Commendation of the *Calvinistick* Sect, to which, as he now thinks, he was moved by the Instigation of the Devil. For he thought that by this Means he should more easily bring the People into a more fervent Devotion, in order to expiate the Wickedness of that Paper, and persuade them to celebrate the most venerable, pompous, and magnificent Ceremonies in Honour of the Virgin, to finish her Church, and to encrease the Veneration and Worship paid her, and finally to render that sacred Place famous for its being resorted to by great Multitudes from that City and the neighbouring Towns. And therefore that he was so far from fixing up the aforesaid Paper out of an heretical Mind, and from believing the Errors contained in it, that he did it with a quite contrary Design, and always intended hereby to encrease the Honour and Worship of the Virgin, as became a Man faithful to the Mother of God, a Christian, and also a Catholick, and one born of pious and Catholick Parents.

When they had heard his Confession, and examined and finished his Cause, they did not think proper to put him to the Torture, for discovering his Companions or Accomplices, and whether or no he acted with an heretical Intention; because many Circumstances and Presumptions concurred, which not only gave Reason to think, but notoriously proved that the Criminal had no heretical Intention, but that his only Design was to cause greater Veneration to be paid to *our Lady of Triumph*, that he himself might be held in greater Esteem, and so obtain more liberal Alms. Nor did they think proper to deliver him over to the secular Arm, because he had fixed up the Paper to bring the greater Honour to the Virgin, and because as soon as ever his Accusation was read over, he ingenuously confess'd his Crime; and finally, because he had implored Mercy with many Tears and Signs of Repentance, and, during the Time of his Imprisonment, had undergone many voluntary Penances, macerating his Body by Whipping, Fastings, and other Chastisements, and was a Monk of a most venerable Religion, which had produced many Saints, whose Merits were sufficient to supply and excuse the Errors of others, at least so far as to save them from Punishment. It was therefore decreed, that the Criminal should come forth at a publick Act of the Faith, if there was any one near at hand; or if not, that he should appear in some publick Church with the Marks of a Blasphemer, with his Tongue in a Gag, that he should, as one vehemently suspected, be condemned to the Gallies for ten Years, and without any Stipend suffer perpetual Banishment from the City, the whole Kingdom of *Granada*, the Royal Court, and five Leagues around it; and that he should be exposed in the Habit in which he was apprehended, and whilst his Sentence was reading with the Merits of the Cause, should lift up his right Hand, fastened into an Iron Collar, and escape Whipping, because he was a Religious.

Thus we see that this Hermit came off with a lesser Punishment, because by a pious Fraud he intended to promote the Glory of *our Lady of Triumph*. But if they believe that any Thing is done to the Prejudice of the *Roman* Religion,

Religion, altho' the Criminal should deny his Intention, he will find his Judges to be cruel, and void of Mercy, and that they will put him to the Torture at Pleasure, that by the Severity of his Torments they may force from him a Confession of his Intention.

C H A P. XXIII.

How the INQUISITOR may be rejected.

THERE are other Exceptions against the Judge himself, and those are *Direct.* principally two, the first is the Refusal of the Inquisitor. This Refusal *p. 3. n. 120.* is sometimes reasonable and just, sometimes frivolous and void. But in this Tribunal many Causes, which are sufficient to set aside other Judges, are not admitted, but only these, Enmities, Conspiracy against the Criminals, or something like it, as a grievous Contention, whence Enmity may easily arise. Lesser Causes are never allowed. Or if the Inquisitor hath dealt hardly by the Criminal, contrary to the common Course of the Law. If the Inquisitor apprehends that the accused Person will refuse him upon this latter Account, he may give a full Deputation to some other Person before he is acquainted with his being rejected, after which such Rejection is void, and the Deputation made stands good. If such Rejection be presented to the Inquisitor, he may amend his Mistake, and reduce the Process to the Condition it was in, before the Injury complained of; and thus the Grievance being removed, the Reason of Suspicion ceases, and the Refusal of the Inquisitor becomes void.

If he rejects him as an Enemy, or as a Friend of his Enemy or Accuser, *Com. 30.* *Eymerick* is of Opinion, that the Matter must be left to Arbitrators to determine it. But now the Reason of such Refusal must be remitted to the supreme Senate of the Inquisition, that the Affair being summarily taken Cognisance of, the Inquisitor refused may be rejected, or prohibited to judge in that Cause, or on the contrary may be commanded to proceed. This is determined by the *Madrid Instruction, An. 1561. c. 52.* *If any one of the Inquisitors shall be refused by any Criminal, if such Inquisitor hath a Colleague on the Spot, he must then abstain from the Cognisance of such Cause, and certify the Senate of the Matter, and in the mean while let his Colleague proceed. If he hath no Colleague, let him in like manner certify the Senate, and not proceed in the Cause, 'till the Senate shall decree what ought to be done, after having seen and examined the Reasons of the Suspicion. The same must be done when all the Inquisitors are rejected.*

Of the APPEAL from the INQUISITOR.

n. 121, &c.
com. 31.

ANother Exception against the Judge is, to appeal from the Inquisitor. For altho' the Emperor *Frederick*, in l. *Commissi nobis*, §. 7. decrees, That all Benefit of Proclamation and Appeal shall be wholly denied to Hereticks, their Receivers and Favourers, yet sometimes such Appeal is allowed to the Person accused. However, Hereticks are allowed no Appeal from a definitive Sentence, because no one is definitively condemned for Heresy, unless one that hath confessed it, or who hath been legally convicted, according to the Laws of the Inquisition; and from such definitive Sentences there can be no Appeal, in Favour of the Faith, and out of Hatred to Hereticks, least Judgment should be protracted. Cap. *Ut Inquisitionis*, de hæret. l. 6. But an interlocutory Sentence is a quite different Thing, and from this Criminals are allowed to appeal, when they think they have been unjustly dealt with.

De Cathel.

Inst. tit. 6.

§. 3.

Simancas confirms the same. " Hereticks can't appeal from a definitive Sentence, tho' they may from all interlocutory Sentences, if it doth not yet appear that the Criminals are Hereticks. So that if a Criminal be condemned to the Torture, or to Purgation, or to be bastinadoed, or to a Fine, he may appeal, because it doth not appear that he is an Heretick, but only suspected; nor doth he appeal from the Law, but from the Judges, who have pronounced Sentence according to their Pleasure."

This Appeal must consist of two Parts. The Grievance which the Criminal affirms he lies under, and the Plea by which such Grievance is proved.

Notab. 18,

19.

But here *Bernard Comensis*, in his *Light of the Inquisitors*, observes, Voc. *Appellatio*. " That he who offers a probable Reason, must be prepared to prove it, to name the Witnessees by which he intends to prove it, and have them ready; because otherwise those who make these Exceptions, would have it in their Power to act fraudulently, which would be the Case of all who would not have their Exceptions rejected, to give needless Trouble to the Accuser. He adds, that when such an Appeal from an interlocutory Sentence is put in, with the Reason specified, and a Protestation for the Assigning of other Reasons, such an Appeal cannot be afterwards supported by such Reasons in Reserve, because the very Protestation it self of assigning them, would be of no Strength or Obligation. Nor can it be suppos'd that any one would have the Judge pay any Regard to such Appeal, unless it appears to the Judge that the Appeal is valid. So that if he doth not believe it to be good, he need not pay any Regard to it".

Notab. 20.

Notab. 15.

Some Grievances are capable of being remedied. As if the Inquisitor should not admit the accused Person to make his Defence, or hath singly, and by himself, without the Bishop or Vicar commanded him to be put to the Question. Other Grievances are irreparable, as if he hath actually made him undergo the Torture. And therefore when the accused Person alleges the Grievances,

Grievances,

Grievances, and again and again demands * Letters of Appeal; the Inquisitor, after such an Appeal is exhibited to him, must, within thirty Days, examine the Reasons of such an Appeal, and if after having taken the Advice of proper Persons, he finds that he hath unjustly aggrieved the accused Person, he must, at the Term assigned, amend what hath been amiss, remedy the Grievances complained of, and bring the Process to its former State, and then proceed as before. For when the Grievance is removed, the Appeal is void.

As to irreparable Grievances, there must be a very cautious Procedure, nor must any one be put to the Torture without legal Proofs. This is taken Care of by the *Madrid Instruction*, An. 1561. c. 50. *The Inquisitors ought especially to consider, whether the Sentence of putting the Criminal to the Torture be justly pronounced, and upon legal Proofs proceeding. And when they doubt of this, let them grant to the Criminal his Appeal when he demands it, because putting him to the Torture is doing him an irreparable Injury, and because an Appeal from the interlocutory Sentence of the Judge is allowed in the Cause of Heresy. But if they have no such Doubt, but rather think the Proofs resulting from the Process are legal, then let them proceed to the Torture without Delay; because an Appeal, in such Case, would be deemed frivolous. But in a doubtful Case the Appeal must always be allowed, and the Inquisitors must farther consider the Matter, nor pronounce Sentence of Torture, nor proceed to the Execution of it, till the Cause is finished, and the Defences of the Criminal received.* For if there have been such Grievances as these, the Process can't be reduced to its former State.

If the Inquisitor believes that he hath not proceeded unjustly, he assigns, within thirty Days, to the accused Person a certain Term, specifying particularly the Place, Day, and Hour, for his having given him, and receiving from the Inquisitor such Letters of Appeal, as the Inquisitor shall determine to give him. If he finds the Causes of the Appeal to be false or frivolous, or void, and that the Appellant only endeavours to escape Judgment, the Inquisitor gives him what they call negative Letters, or Letters of Refutation, in which he refutes all the Reasons alledged in Support of such Grievances, and says, that he doth not admit, nor intend to admit the Appeal put in, and that he pays no Regard to it, nor ever intends it. This is the Answer he gives to him who appeals unjustly, which he commands to be inserted directly and immediately after the Appeal presented to him, and then delivers it to the Notary who presented it. But if he finds the Grievances to be real, and unjustly laid on him, and to be irreparable; or if he is in doubt concerning these Things, he gives the Appellant what they call affirmative Letters, or Letters of *Reverence*, in which he says he hath proceeded justly; and after running thro' the several Causes of the Appeal, and answering them, at length concludes, that he hath given no Cause of Appeal. But that nevertheless for the *Reverence* he bears to the Apostolick See, which is appealed to, he allows the Appeal,

* *Apostoli*. Those *Apostoli* were dimissory Letters, granted by Ecclesiastical Officials and Judges, to those who appealed to the Pope at *Rome*.

and remits the whole Affair to the Pope, and assigns to the Appellant a certain Term, within which he must appear at the Court of *Rome* before the Pope, with the Processes inclosed and sealed up, to be delivered to him by the Inquisitor, upon giving good Security, or under a safe and strict Guard. This is the Answer he gives to him, who appeals for affirmative Letters, which he commands to be immediately inserted after the Appeal put in, and thus delivers it to the Notary who presented it.

If the Inquisitor gives the Appellant negative Letters, he continues his Process against him, to let him know, that he doth not cease to be his Judge, till he is prohibited to proceed by that Judge to whom the Appeal is made. But yet from the Hour of the Appeal, he can do nothing new against the Appellant, till he hath delivered to him the negative Letters. But if he grants him affirmative or reverential Letters, he immediately ceases to be his Judge, and can take no farther Cognizance of the Cause, unless it be remitted to him by the Pope. He may however proceed against the Appellant in any other Cause, *viz.* if after having given him such Letters of Reverence, he is informed against before the Inquisitor for other Heresies and Crimes.

But now the inferior Inquisitors are not allowed to use this Power. In *Spain* the *Madrid* Instruction, *An. 1561. c. 51.* gives this Caution in the Affair. *If the Inquisitors think that an Appeal is to be allowed in any Case, in the criminal Causes of such Criminals as are imprisoned, they must send the Processes to the Senate of the Inquisition, without certifying the Criminals themselves of it, and with such Caution and Secrefy, that no one without the Prison may know it; because, if the Senate should think otherwise in any particular Cause, it may give Order, and take the necessary Care about it.* But in other Provinces, and especially in *Italy*, where the Appeal is admitted, the Inquisitors consult the Senate of the general *Roman* Inquisition for the whole Christian Common-wealth, the Cause being briefly and summarily reported to them; and if the Senate thinks fit that the Criminals should be sent to *Rome*, it must be done, and the Inquisitors must send them there under good Security and safe Custody.

C H A P. XXV.

How they proceed against such who make their Escape.

Direct.
p. 3. m. 130.
Com. 33.

THUS have we given an Account of the Method of proceeding against a Criminal actually in Jail. But if he absent, or hath made his Escape, the Process is formed against him after this manner. When any one is informed against before the Inquisitor for being infected with Heresy, and such Person is not present in the Place where the Inquisitor lives, but dwells in some other Place, within the Bounds of the Inquisitor's Jurisdiction, he is said to be absent, but not a Fugitive. When there is any Apprehension of his

his Escape, tho' they determine that they may omit the making any verbal Citation, and proceed immediately to apprehend him, yet sometimes such absent Person is summoned to appear on a certain Day and Place, to answer to such Matters whereof he is accused. But because by such a Citation the Criminal may be induced to meditate his Escape, others advise, that no particular Cause should be mention'd in this Citation, but that he should be only commanded in general to appear before the Inquisitors, to inform them of certain Matters. Likewise the Inquisitor writes to the Rector of the Church, to which the Criminal is subject, commanding him to summon the Criminal before him to answer concerning the Faith, and to declare the Truth of himself and others as to the Crime of Heresy.

Com. 131.

This seems to be taken from the Council of *Biterre*, c. 3. *Let the Clergy and Laity of that Place, which the Citation belongs to, be called together by some Ecclesiastical Person, to whom you shall commit this Affair by your Letters Patents, who, in Token of his having received the Command, must add his Seal to the said Letters, and write back by his own Letters Patents, signed with his Seal, how, before whom, and when he discharged the Order given him.*

132.

If the absent Person be wholly out of the Jurisdiction of the Inquisitor, the Inquisitor examines the Witnesses privately, that it may not come to the Knowledge of the absent accused Person that Inquisition is made against him. Then the Inquisitor farther inquires, whether he will return into his Jurisdiction; if 'tis probable he will, he waits a Year or more for his Return. If 'tis probable he will not, but that he hath changed his Place of abode, 'tis at the Pleasure of the Inquisitor either to require the Inquisitor or Diocesan, whose Jurisdiction the Criminal is under, to send him to him, or else to transmit him the whole Process, that he may do what he thinks proper. In *Portugal* Persons accused are never turned over to another Place, but punished in the District where they are taken, whether the Crimes and Informations against the Criminals are sent by the Inquisitors of other Districts.

But when any one knows that Inquisition is made against him, or is actually imprisoned, and yet makes his Escape, to avoid the Hands of the Inquisitors, he is said to be a Fugitive. In this Case the Inquisitor first inquires diligently, and without Noise, to what Place he is fled, and where he hath concealed himself; and if he finds out the Place, orders him to be taken up, and sent back to him. If it be within his own Jurisdiction, he may require the temporal Lord to apprehend him, and conduct him within his District. Yea, he may require the same from any other Lord, whilst he hath him in Possession. If he be without his Jurisdiction, he may nevertheless proceed against him, and require the Inquisitor, in whose Jurisdiction he is, to cause him to be taken up, and sent back to him, or send him his Process, that he may do what Justice shall require. Thus the Council of *Tholouse* heretofore ordered, *cap. 8. We ordain also, that any one may make Inquisition, and apprehend Hereticks in another's Province, and let the Ballives of such Places be obliged to grant them Assistance and Favour; so that the Ballive of the King may do thus in the Dominions of the Earl of Tholouse and others, and the Earl of Tholouse and others in the Dominions*

133.

Dominions of the King. The first Instruction of Seville, An. 1484. c. 21. hath ordained Punishments against such temporal Lords, as do not obey the Inquisitors. *Because the most serene Kings have commanded, and Reason requires it, that Inquisition should be equally made for the Crime of Heresy, as well in the Lands of Nobles, as in their own; therefore the Inquisitors who now are, or hereafter shall be, must ordain in their Dioceses, that they may freely proceed to make Inquisition in the said Countries. But if the Nobles shall not obey the Commands of the Inquisitors, they must proceed against them for Rebellion and Contumacy, and inflict on them all the Censures and Punishments appointed by the Law.* But when Criminals are sent from one Place to another, it must be at their own Expence if they have Effects, according to the Decree of the Madrid Instruction, An. 1561. c. 9. The same is also observed in Portugal.

355. If the Inquisitor cannot find out the Place to which the Criminal is fled, he cites him personally in the Cathedral Church of that Diocese to whom he belongs, and in the Parish Church of that City, where he dwelt before his Escape, and finally in his own proper House in which he commonly lived, personally to appear within a certain Term before the Inquisitor, to answer concerning the Faith and Articles of Faith, under this Penalty, that if he doth not appear within the Term assigned him, he shall be excommunicated with the greater Excommunication.

Thus the Council of Biterre prescribes, cap. 14. *As to those who are absent thro' Contumacy, cause them to be solemnly cited in their Parish or Cathedral Church, and in the Places where they dwell, or have been used to dwell. And having thus put forth legal Edicts against them, and after having waited a proper Time, and having carefully considered and discussed the Acts, and having receiv'd the Advice of such Prelates, in such Matters, as you have thought fit to consult them about, under their Seal, proceed to their Condemnation, according to the Exigency of the Crimes, the Presence of God and his Gospels supplying their Absence. And if any of them are afterwards willing to return and obey, receive from them, and in general from all such who have been guilty of Contumacy and Disobedience, or of whose Escape you have Reason to be apprehensive, good Security and Bail, or cause them to be confined, if you think it more expedient.*

But in the first Council of the Prelates, probably at Tholouse, 'tis thus decreed of such absent Persons. *But if there are any Persons criminal, or suspected, belonging to your Inquisition, who are not present, or have not been so, and who do not take Care to appear or excuse themselves, within a competent Term peremptorily by you assigned them, and published in the Churches, proceed, without Doubt, against them, as against Impenitents. And 'tis our Sense, that all such Persons belong to your Inquisition, who either have offended within the Bounds of the said Inquisition, or have a Dwelling there, or had when the Inquisition was first made; or who have resided there upon account of any Office publick or private; or who having no fixed Abode, shall be found there when cited by you, whether they have any Security or not, if you have begun to make Inquisition against them, or have enjoined them their Purgation. For against such Impenitents, or Absenters, you may and ought to proceed; excepting only, if other Inquisitors have begun to proceed against them, upon account*

count of some greater or lesser Crime committed elsewhere, or by Reason of their dwelling under their Jurisdiction, or for any of the aforesaid Causes. For as the Inquisition is carried on, under God, in different Places, and by different Inquisitors, 'tis more wholesome and safe, that every Criminal in the Place where he hath offended, should stand accountable to that Inquisitor wholly and only, by whom he was first begun with, for any of the aforesaid Causes, without Deceit, and Danger of the Affair and of Souls. But so however, that the other Inquisitors shall inquire out whatever they can know concerning him, and write an Account hereof to those Inquisitors to whom the said Criminal stands accountable. For thus you shall all fight as one Man, and overcome.

But that such Escape may not go unpunished, in the Person who being in Custody for Heresy, breaks out of Jayl, 'tis a Matter of Custom rather than Law, especially in Spain, that if he who makes his Escape, be of any considerable Reputation, and apprehended again, for Instance, a Nobleman, Doctor, religious Person, or otherwise a Citizen of Account, he shall be kept in stricter Custody, and punished more severely. But if he is a mean Person, he is publickly whipped, and his Cause is to remain, and be carried on in the State it was before, but he is not to be treated for his Escape as one convicted of Heresy; because the breaking out of Jayl, or an Escape, hath nothing common with Heresy, and 'tis rather to be presumed that he fled because tired out with his Imprisonment, or thro' Fear of false Witnesses, or the Severity of his Torments, rather than from any Error of his Understanding. However, *Zanchinus* says, that a Prisoner who escapes, or attempts to break Prison, ought to be esteemed as a Convict, and condemned as an Heretick. *Simancas* on the other hand says, this cannot be proved by common Law, and tho' it be more plainly ordained by the royal Laws, yet in his Judgment 'tis extremely severe. 'Tis usual also with the Inquisitors, as soon as ever they understand the Criminals have escaped, to write to the neighbouring Inquisitors or Bishops, or other Persons whom they judge proper, to find out whether the Person escaped hath fled to their City, that they may take Care to apprehend him, adding in their Letter his Name, Surname, Country, Stature, Colour, and other Circumstances, by which the fugitive Criminal may be easily known.

But if such Fugitive shall be found guilty of Heresy, not only by Witnesses, but by his own Confession, and hath declared himself ready to abjure it, and yet escapes before his Abjuration, especially if he be a religious Person, who hath himself preached Heresies, he is cited personally to appear before the Inquisitor at a certain Place, and within a certain Day, to abjure his Heresy, and threatned with Excommunication unless he obeys. And if with an obstinate Mind he lies under the Sentence of Excommunication for a Year, and doth not make his Abjuration, he is to be judged as an obstinate Heretick, and delivered over to the secular Court. If being thus cited they nevertheless refuse to appear, but suffer themselves to continue under Excommunication, they are declared publickly to be excommunicated in all those Churches and Places in which they have been cited, and all are commanded under

Pegna in Direct. p. 3. com. 35.

c. 10. § 3.

tit. 16. §. 23.

n. 136.

under the Penalty of Excommunication, to avoid them as excommunicated Persons, and to discover them to the Inquisition, if they know where they have concealed themselves. Thus the Council of *Tholouse* hath decreed, *cap. 2. And if they find any Hereticks, their Believers, Favourers, and Receivers, or Abettors, let them take due Care that they don't escape, and be sure to discover them to the Archbishop, or Bishop, or Lords of the Places, or their Ballives, with all Speed, that they may receive their due Punishment.* *Conrad Brunus* gives a fuller Account of this Matter. “ He is guilty of Contumacy, who being cited before a Judge by three Edicts, or by one peremptory one, once for all, will not appear before the Judge by whom he is cited, and that in full Process. He may be proceeded against either of these ways. He may be either pronounced guilty of Contumacy, or else legal Proofs may be taken to make out his Crime. In the former Case the Person cited, and guilty of Obstinacy, is excommunicated, and if he lies under it with an obstinate Mind a whole Year, he is condemned as an Heretick, &c. In the other Case, the Crime of Heresy is to be proved against him, by Witnesses, Writings, comparing of Letters and Likeness of Hand, and other Evidences, which being proved, he shall be condemned, together with the Books and Writings containing such Errors and Heresies. Moreover, an absent Heretick shall be declared and pronounced an Heretick, and be excluded from Ecclesiastical Communion, and deprived of all Ecclesiastical Dignities and Orders.

C H A P. XXVI.

How the PROCESS is ended in the INQUISITION.

After the Process is thus begun and carried on, it remains that we now explain how it is finished.

When all the Defences are exhibited, the Criminal presses to have his Cause dispatched. This may and must be done either by the imprisoned Criminal himself, or by his Procurator or Advocate, and that either by speaking, or by presenting a short Petition.

Simanc. 2.44.9.26. “ After this the Judges with their Assessors and Counsellors, having examined the Proofs, shall consider, and shall proceed according to the Merits of the Causes to pass Sentences, or to * Interlocutories, and absolve the Innocent, and leave the Obstinate to the secular Judge, and condemn such as are suspected, according to the Nature of their Crimes, Persons and Proofs, either to the Question, or Abjuration, or Purgation, or Imprisonment, or Banishment, or to a Fine; or shall injoin them to purge and redeem their Fault by Fastings, Prayers and Alms.

* *Interlocutio* is not a definitive Sentence, but the Determination of some smaller Matter in a Cause, till the principal Cause is fully discussed.

“ The

“ The Judges must also be very careful, generally to interrogate the Criminals concerning their Accomplices, and of all others from whom they have learnt Heresies, and who they know to be, or to have been Hereticks. And if they discover any Thing of these Matters, it must be written down in the Books of the Inquisition.

“ ’Tis farther provided in a certain Chapter of the third Instruction, that all the Inquisitors of *Spain* shall observe the same Order in proceeding against Hereticks and suspected Persons, and as this had not been usual, we drew up, says *Simancas*, eighty Heads, by which the Form of Proceeding might be always uniform and consistent with it self, which Heads are to be observed by all Inquisitors, according as ’tis ordered by the general Edict of the Inquisitor, printed in the Year 1561.

“ Finally, There are several Heads of Instruction which provide, that these Causes shall be carried on with as much Brevity as possible, and not be deferred or suspended thro’ any Expectation of future Proofs, because probably there may never happen any such, and in the mean while the Criminal will be oppressed, and his Effects be dissipated and wasted. *3 Instruct. Valdit. cap. 2, 3. 4 Instruct. Tolet. c. 6. 5 Instruct. Hispal. c. 6.*

“ For which Reasons this one Thing is to be consider’d and avoided, that many Inquisitors have often practis’d it, viz. the deferring and suspending the Causes of many Persons which have been a long while concluded, that they may punish several Criminals together. The Consequence of this is, that such Criminals, who have fully confessed their Errors, are made unrighteously to suffer the Punishment of remaining in Jayl, and of pining away thro’ Nastiness, Infection and long Confinement, and which is much more grievous and dangerous, occasions them to retract the Confessions they have rightly made, and never more to think of them, and sometimes to despair and die. ’Tis therefore much more agreeable to Piety and Mercy, immediately to reconcile such to the Church, who have made a full Confession, which may be done with Solemnity enough upon some Holy-day within the Church, unless there be some just Reason to the contrary.”

When the Opinions of the Counsellors are heard, and the Sentence given, the Criminal is summoned to come and hear his Sentence. ’Tis not determined by any particular Law by what Officer he is to be cited, and therefore the Custom of each Inquisition is to be observed. Without such Citation there can be no Sentence. This *Pegna* gives us a large Account of in his Notes upon *the Light of the Inquisitors*.

“ The judiciary Method is to be fully observed in almost all Causes, otherwise the Process is rendred void. But this is particular in the Causes of heretical Pravity, that in order to their being more quickly dispatched, and that such heinous Offences may be more speedily punished, the full judiciary Method need not be observed. So that they proceed herein simply, and plainly, and without the Noise and Appearance of Judgment. Neither is there any Room here for the Contestation of the Suit, which

In voce
Ordo juris.

“ consists in debating on the principal Matter on one Side, and the other before the Judge, and the putting in Answers either by denying or confessing.

“ But if any Thing be omitted, which is essential to such Trials, such as the Citation, the Term, and the receiving the Witnesses after Citation, and if the Sentences be not given in Writing, in proper Place and Time, with the usual Solemnities, all is void. And this is true also in the Crime of Heresy; for by omitting any Acts which are essential, the Process even in Causes of the Faith would be destroyed.

Simancas hath given us a brief Account of the Manner of pronouncing Sentences, which I shall here insert, because it fully represents to us the Method which is usually observed in these Cases.

Simanc.

2. 60. §. 1.

“ All the Judges are obliged to read the Sentences out of a little Book or Brief, and must do it themselves, and not by others, unless they are illustrious Persons, or in some Post of great Dignity. And therefore when the Inquisitors have a Cause before them of more than ordinary Consequence, they may pronounce Sentence by others, which must be done before the Clergy and People, for Instruction, Warning and Terror. And this was formerly the Custom in *Spain*.

§. 2.

“ The Form of a Sentence of Condemnation is this. First the Nature of the Doctrine or Opinions asserted by the Criminal himself is declared; after this the diligent Inquiry that hath been made into his Crimes, the Citations, Admonitions, Confessions, legal Proofs, the Times given for Repentance, his Mind hardened in his Errors, his obstinate persisting in them, and all other Things, which may tend to shew that the Process which hath been carried on and observed against him hath been just, are enumerated. All which Particulars being laid down in their Order, then follows the Sentence it self, formed as the Nature of the Crime requires, according to the Ecclesiastical Rules, containing the Condemnation of the Opinions, Authors, Books and other Matters.

§. 3.

“ Besides, in the Sentence of Condemnation, the Time must be declared from which the Criminal fell into Heresy, that by a bare Inspection the Judge of the forfeited Effects may know from what Day his Effects are to be confiscated, which is provided by a certain Letter of the Inquisitor General, for this Reason, that there may be no Need of looking over the whole Process on this Account, in which there are several Things which ought to be kept secret. It is also provided by another Letter of the Senate, that when the Judges and the Learned are deliberating about the Sentence to be pronounced, they shall fix the Time of the Heresy. This Letter is printed amongst the Instructions, and dated from *Granada, An.* 1499.

§. 5.

“ The Sentence, by which Persons lapsed into Heresy, are re-incorporated into the Church, is in this Form. They are declared to have been Hereticks or Apostates, and to have incurred the Penalties established by Law. But inasmuch as they say they will return to the Church with a
“ pure

“ pure Heart, and Faith unfeigned, the Judges absolve them from Excommunication, and reconcile them to the Church, if it be true what they say, that they are unfeignedly and truly converted. 1 *Instruct. Hispal.* c. 10.

“ But in a Sentence of Condemnation the Criminal must be declared an obstinate Heretick, and his Effects be confiscated, and his Opinions and Writings must be condemned and anathematized, and he must be moreover deprived of all Ecclesiastical Heresies, publick Offices, and Honours whatsoever, and finally be deliver'd over to the secular Court, to receive his due Punishment.

“ But if any one, after Sentence of Reconciliation, shall be convicted of having concealed any Heresies or Hereticks, or to have boasted that he was innocent, and unjustly condemned, he must be examined again as an Impenitent; nor will the Sentence by which he was reconciled to the Church, be of any Service to him, because it appears by this very Thing, that it was pronounced upon a feigned Confession and pretended Conversion. Besides, if any new Proof arises against the Convert, his Cause must be tried over again, notwithstanding the Sentence of Re-incorporation or Absolution, or Purgation, or Question pronounced before in the same Cause. 1 *Instruct. Hispal.* c. 13. 3 *Instruct. Valolit.* c. 3.

“ When the Inquisitors differ, and the Cause is determined by the Senate of the holy Inquisition, all must subscribe to the Sentence, even they who were of the contrary or different Opinion. If there should happen to be in any Province three Inquisitors, and one agrees with the Bishop or his Vicar, and the two others differ from them, the Cause must be remitted to the Senate. But if two agree with the ordinary Judge, the Sentence must be immediately pronounced, without any Mention made of the Difference about pronouncing such Sentence. All these Things are more fully contained in several Letters of the Senate.

“ It is also the Custom, that when the Sentences against Hereticks are publicly pronounced, to read those last of all, by which the Obstinate and Impenitent are condemned; and after they have read over a summary Account of the Acts of the Process, to make a Pause, and admonish the Hereticks before all the People, that they would at length be converted, because as yet the Time of Mercy is not out. If they say they will be converted, they are to be carried back to Jail, and admitted to Penance if converted. But if they persist in their Obstinacy and Impenitence, their Sentence must be read, after which they must be immediately seized on by the secular Judge, and being condemned to the Flames, be directly burnt. Lutherans are dealt with in a different Manner, because they are the worst, and the most pernicious of all Hereticks, and very seldom truly converted; on which Accounts they are treated with greater Severity.

“ In this Order the Sentences were pronounced in Spain against Hereticks descending from Jews and Moors, because they could hurt only themselves, or those of the same Race with themselves; for during the Space of 800 Years, none of the noble or antient Christians were infected by them. But

“ after that the pernicious Hereticks of our Time are found to have infected
 “ not only antient, but even some noble Christians with their Impiety, they
 “ are not admitted to be reconciled at the last Moment when Sentence is to
 “ be pronounced, because then they ask Pardon rather thro’ Fear of immedi-
 “ ate Death, than willingly and from the Heart, and being thus but feigned
 “ Converts, may do a great deal of Mischief.

C H A P. XXVII.

How the PROCESS is ended by Absolution.

HAVING said these Things in general, it now remains, that we distinctly explain how every Process is finished.

The first Manner of ending a Process in Causes of the Faith, is by Absolution, when the Criminal is not found guilty. And this may happen two ways, either because he was really found innocent, the Informers and Witnesses being found guilty of Falshood, or because the Accusation against him was not fully proved.

If he is found innocent after the first Manner, especially if the Witnesses have retracted their Depositions, then he may be pronounced innocent. And in this Case, as *Paramus* tells us, the accused Person, whose Innocence appears, rides upon an Horse, amidst the Applause of the People, crowned with Laurel and Palm-Branches, after the Manner of a Triumph.

Direct. If he is not found guilty, after the second Manner, because he is not convicted neither by his own Confession, nor the Evidence of Fact, nor by the legal producing of Witnesses, and is not otherwise found to be suspected, nor publickly defamed for the aforesaid Crime, he is absolved by the Bishop and Inquisitor together, or by either of them separately.

Com. 121. For that the Prisoner cannot be condemned in such a Case, is expressly determined by the Council of *Biterre*, c. 11. and by that of *Narbonne*, c. 23. *But proceed to the Condemnation of no Person, without his own Confession, or clear and open Proofs; for 'tis better to suffer a Crime to go unpunished, than to condemn the Innocent.*

In such a Sentence of Absolution there is no mention made of the Heresies or Crimes, for which such Person is accused or informed against, because they are not proved. This hath been provided for by the *Madrid Instruction*, An. 1561. c. 62. whether it be pronounced upon a Person dead or alive. *When he who defends the Memory and Reputation of a Person deceased, hath legally maintained his Cause, and the deceased Person is to be absolved from any farther Trial, his Sentence shall be pronounced in the publick Act, because the Edicts were published against him. However, in this Case, the Statue of such deceased Person who is absolved in the publick Act, shall not be brought forth, nor shall the particular Errors*

of

of which he was accused, be recited, because they are not proved. The same must be observed with respect to those, who are personally apprehended and accused, and absolved from farther Trial, if they shall demand it.

Not that they are wont to pronounce such Criminal free from Heresy, but only to declare that nothing is legally done against him, on Account of which he may, or ought to be pronounced an Heretick, or any ways be suspected of heretical Pravity; and that therefore he is wholly released from his present Trial, Inquisition and Judgment. But they carefully avoid putting into his Sentence that he was innocent, or not guilty, that if so be he should afterwards be informed against, and the Crime legally proved, he may be condemned notwithstanding the aforesaid Sentence of Absolution. But if it should happen that any one is pronounced wholly innocent, and is afterwards accused of the same Crime, their Doctrine is, that notwithstanding his Sentence of Absolution, he may be again judged and condemned; because, in this Crime no Sentences whatsoever can ever be accounted as an adjudged Case, in Favour of the Faith. This Pius V. hath determined by a certain Rescript, which I shall here give intire.

Of our own proper Motion, &c.

Pope Pius V.

Amongst the manifold Cares which continually imploy our Mind, this, as it ought to be, is the Principal, that the Church of God committed to us from on high, may safely carry on its Warfare, and as a Ship in a calm Sea, when the tempestuous Waves and Storms are all assuaged, may securely sail, and come to the desired Port of Safety, by purging out of it, yea as far as we can, by wholly exterminating all Heresies, and the evil Principles of erroneous Opinions. Since therefore, even when in a lower Station we managed the Affairs of the most holy Office of the Roman and Universal Inquisition against heretical Pravity, we have at length by long Use, and that Experience which leads into the true Understanding of Things, known, that many Persons accused, and proccessed in the aforesaid most holy Office, or elsewhere, before the Ordinaries of Places, and the Inquisitors of heretical Pravity, and against whom Inquisition hath been made on the Account of heretical Pravity, have, by causing false Witnesses to be examined in their Defence, and by the Assistance of the Endeavours and Evidence of Compurgators, not at all informed of their Life and Doctrine, and by deluding and deceiving with divers other unlawful Methods, and the Invention of deceitful Excuses and Wickednesses, the aforesaid holy Office of the most holy Inquisition, and the other Judges, and even the Roman Pontiffs themselves, obtained and extorted many definitive Sentences of Absolution from the aforesaid Proccesses and Inquisitors, as tho' they were innocent, and also upon a preceding canonical Purgation of their attested, good, and Catholick Faith, Life and Doctrine, declaratory Sentences or Decrees from the said most holy Office, and other Ordinaries of Places, or Delegates, and even from the Roman Pontiffs our Predecessors; which Sentences and Decrees the aforesaid Roman Pontiffs have confirmed, partly by injoining perpetual Silence, and prohibiting the said most holy Office, or other Inquisitors, from proceeding to any farther Matters, and partly by removing Causes only before the Roman Pontiff, to whose Protection the said Office was subject, and by other De-

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The HISTORY of the INQUISITION.

rogatories of Derogatories, and by most effectual Clauses, even such as made the Processes void, and by other Decrees even in Form of Grace, by several of their own proper Motions, and by several Letters expedited under the Scal or Fisher's Ring, issuing in consistory, or consistorially; from whence it came to pass that the aforesaid inquisited Criminals, under the Veil and Protection of the aforesaid declaratory Sentences, and Letters Apostolick, and especially confiding in the Strength of the inhibitory Clause made against the Inquisitors, have by secretly and sometimes openly persevering in their old Errors against the Catholick Faith, never truly returned to the Bosom of the Church, but by conversing securely with others, and as tho' they were Catholicks, have corrupted and infected the Minds of others, and have been enabled easily to seduce them into their heretical Opinions, to the no small Scandal and Prejudice of the whole Christian Common-wealth, and to the Destruction and Loss of the Souls of the aforesaid accused Persons: We therefore, being willing to obviate so pernicious and infectious a Scandal, and to consult and provide for the Salvation of the said Souls, and to remove all Doubt and Altercation from Lawyers, and all Impediments and Hindrances, by which the holy Inquisition of heretical Pravity, may by any Manner or Means be obstructed or hindered, from a like Motion, and of our certain Knowledge, and by the Fulness of our Apostolick Power, reducing, in the first Place, all and singular such Letters Apostolick whatsoever, under any Form of Words whatsoever, even in the aforesaid, or any other Causes of Heresy, even such as were issued out of proper Motion, &c. and also consistorially, &c. or any other way howsoever, as likewise the above-mentioned Schedules of proper Motions, and any others, to Law and Justice, and the Bounds of Law, and wholly and perpetually revoking the Inhibitions by the Fiscal of the abovesaid holy Office of the Inquisition, and other ordinary and delegated Judges, against the aforesaid Letters, and also the Derogatories of Derogatories, and all other Clauses whatsoever that open their Mouth, and as far as they are contrary to the Disposition of Jurisdiction, or the Style of the said Office, do, by this our perpetual and universal Constitution, to be in Force for ever, declare, decree, appoint and ordain, by our Apostolick Authority, that all and singular Sentences of Absolution whatsoever, even upon the Head of asserted Innocence, or declaratory Sentences, under any Form of Words, even tho' canonical Purgation may have preceded, and tho' such Sentences be definitive, and all Decrees pronounced in Favour of the said Criminals and accused Persons, by the aforesaid most holy Office, and other ordinary and delegated Judges, and even by the Roman Pontiffs, or hereafter to be pronounced even by us, and our Successors the Roman Pontiffs, for the Time being, never have, and for the future never shall be esteemed as an adjudged Case; but that all the aforesaid Sentences and Decrees whatsoever, even tho' by Letters Apostolick, or in Form of Grace, or several times repeated, or tho' issuing from, confirmed, or to be confirmed by several Roman Pontiffs, together with the aforesaid, or any others whatsoever, even Derogatories of Derogatories, and even such as make void, and all other Clauses and Decrees, as also Inhibitions, and even canonical Sanctions, (the Tenors of all and singular of which, and of the other Premises, and such as follow them, we order to be looked upon as expressed, and wholly inserted, as tho' they were inserted Word for Word in these Presents) to the contrary notwithstanding, we do, by the same Apostolick Authority, will and command, that it shall and may be lawful for our aforesaid holy Office of the holy Inquisition, and our beloved Sons,

who

who now are, or shall be, for the Time being, Cardinals of the holy Roman Church, Inquisitors of heretical Pravity, and deputed for the said Office, now, or for the Time being, against the said accused Criminals under Inquisition, even tho' they have been, or are Bishops, Arch Bishops, Patriarchs, Primates, Cardinals of the said holy Roman Church, Legates a latere, Counts, Barons, Marquisses, Dukes, Kings and Emperors, to make again Inquisition and Process, as well concerning the old as new Witnesses, in the same Articles received, or to be received, and other Arguments, Proofs and Evidences, according to the Privileges in any manner granted and given, or hereafter respectively to be given and granted to the same Cardinals Inquisitors by us, or any of our Predecessors, and Successors, the Roman Pontiffs for the Time being, and the Apostolick See, even in and thro' all Matters, as tho' the aforesaid Sentences, Decrees, and Letters Apostolick, and even canonical Purgations had never been made in Favour of the aforesaid accused Criminals under Inquisition, whether Bishops, Arch-Bishops, Patriarchs, Primates, Cardinals, Legates, Counts, Barons, Marquisses, Dukes, Kings, and Emperors, especially when there arise new Proofs of the same, or another Species of Heresy, even respecting the Time past, or where it appears by certain Proofs, that the Criminal under Inquisition had been formerly absolved by unlawful Methods: Granting also to the said Cardinals Inquisitors, and deputed Persons, now or hereafter, for the said most holy Office of the Inquisition, full, free, ample, and absolute Faculty, Power and Authority, of revising such Causes, tho' decided by Authority of the Oecumenical Universal Council of Trent, and of re-assuming them in the State and Terms in which they shall any ways be found to have been previous to the aforesaid Sentences, and Decrees, and even canonical Purgations, and of bringing them to their proper Conclusions, even as it is, and may be, and usually hath been done by the said Cardinals Inquisitors, according to their Privileges in all other depending and undecided Causes, &c. An. 1567. and first Year of our Pontificate.

In the same Manner also they are absolved who are accused of receiving, defending, or otherwise favouring Hereticks or heretical Pravity, when nothing is legally granted against them.

C H A P. XXVIII.

How the PROCESS against a Person defamed for Heresy is ended by Canonical Purgation.

W H E N the Person accused is only found to be defamed for Heresy, ^{n. 144.} in any Village, City, or Province, and is not convicted either by ^{can. 52.} his own Confession, or the Evidence of the Fact, or by the legal producing of Witnesses, or any other legal Proofs, and Infamy only is precisely against him, he is not absolved, but he is enjoined canonical Purgation by the Bishop and Inquisitor together, and not separately.

‘6. There

Simanc. t. 56. f. 1. " There is frequent Mention made of canonical Purgation, in the Papal Law, and tho' in all other Crimes 'tis grown into Disuse, yet in the Crime of Heresy 'tis now practis'd, and is very common in the sacred Court of the Inquisitors. For which Reason *Godofred* praises *Spain* in these Words. " Persons suspected of Heresy are punished in the most religious Kingdoms of *Spain*, triumphing especially in these Times, and worthy of singular Praise, because it suffers not only no real Heresy, but even no Suspicion of Heresy to remain even a Moment without a suitable Censure."

Lucern. Inquis. in voce Purgatio Canonica.

In the Cause of Canonical Purgation they proceed according to this Manner and Custom. The Inquisitors, Bishop, or his Vicar and Assessors, or the learned Council meet together, and after discussing the Proofs, condemn the Criminal to purge himself by certain Witnesses. The Number of these Witnesses is arbitrary, and not precisely determined. Sometimes two Abbots were deputed. Cap. in *Juventute* de purgat. Canon. Sometimes there have been fourteen Compurgators. Eod. tit. Cap. *Inter sollicitudines*. In the same Place there are twelve named, and in the Chapter *Ex tuarum*, seven or five are prescribed. The Judge is to consider the Nature of the Person, Crime and Infamy, and then to order the Number of the Compurgators to be greater or less. For as to Persons of greater Power, or of more Note, or who labour under greater Infamy, more are required, than from other mean and unknown Persons, who can't so easily procure a large Number of Compurgators, to purge themselves, because all Compurgators must come in voluntarily, and can't be compelled as other Witnesses. But yet ordinarily the Number is determined, that every Criminal shall purge himself with about seven Witnesses, with this Addition, that if he fails in one, two, three or more, he shall be looked on as fully convicted of the Crime.

Simanc. t. 56. f. 15.

" Formerly, he who was defective in only one Expurgator, was condemned as a Convict, because he was not purged by all. But when that was found to be very dangerous, and, as it might be said, that he was purged by all who was purged by the greater Part, it was agreed on, that at the same time when the Number of Purgators were agreed on, it should be determined, that if any one failed either of one, two or three, or more of them, he should be esteem'd as an Heretick Convict. For both these Things are entirely at the Pleasure of the Judge."

t. 56. f. 11.

These Witnesses must be of the same Order as the accused or defamed Person himself, *i. e.* if he be a Religious they must be religious; if of the secular Clergy, they must be of the secular Clergy; if a Soldier, they must be Soldiers. But here they take the Word Order in general, but don't extend it to any particular Divisions under it. So that if a Bishop is to be purged, Abbots and religious Presbyters may be admitted with Bishops in the Purgation. And so in the others. But if such Compurgators are not to be found, there must be chosen some other good Men, Citizens or others. The Compurgators must be Catholick Men, of an approved Life and good Reputation, who have not only been acquainted with his present, but with his former Conversation and Life, and who probably will not conceal the Truth, or

say

say a Falshood, thro' Affection, Hatred, Fear, Money, or Entreaty. This Sentence is to be declared to the Criminal, who may appeal from it, and after his Appeal the Cause must be referred to the Council, except the Appeal appears to be frivolous. In such a Case the Inquisitors must not allow it, as it is in general appointed by *Clement IV.* and in particular by a certain Letter of the Council of the holy Inquisition.

If there be no Appeal from the Sentence, or if the Sentence be confirm'd after the Appeal, or if it be rejected as frivolous by the Inquisitors, the Criminal, in order to purge himself, must name so many good Men, for expurgatory Witnessses, as are mentioned in the Sentence of the Inquisitors. These Witnessses must be separately cited before the Inquisitors, and asked these three Things. 1. Whether they know the Criminal, and how long? 2. Whether the Criminal, or his Relations, or Kindred, have given and promised any Thing to them the said Witnessses, that they should favour the Criminal? 3. Whether they have offered themselves to purge the Criminal? After this they are all called to the Place where the Inquisitors give Audience, and the Criminal is brought to the Tribunal, and interrogated by the Inquisitors, whether he knows those Men, and whether they are the Persons which he hath named for his expurgatory Witnessses? He usually answers that he knows them, and that they are the same which he nominated. These Things are done before the Inquisitors only, and a Secretary or Notary, who commits every Thing to Writing; nor must any one be permitted to be present at this Purgation, no, not the Vicar of the ordinary Bishop, as is contained in a certain Letter of the Council of the Inquisition. However, the Ordinary or his Vicar must not be excluded when the Sentence of Purgation is given. Then the Inquisitor turns himself to the Expurgators, and speaks to them in this manner. *Know ye, Brethren, that the Criminal N. is accused and suspected of this and that Crime, on which account he is obliged to purge himself from this Suspicion, and you are named as Witnessses of his Innocence. And you N. answer by God and the holy Gospels, whether thou hast committed those Crimes?* Having thus been sworn upon the Cross and the holy Gospels of God, to declare the Truth, the Inquisitors say to him, *Thou N. hast been accused of such and such a Crime, specifying those Crimes only which favour of Heresy, of which thou art vehemently suspected upon Consideration of the Merits of the Process, and therefore we demand of you, upon the Oath you have taken, whether you have committed, or done or believed these Crimes, or any one of them?* And when he hath given his Answer in the Presence of his Compurgators, he is carried back to Prison. Then the Inquisitor interrogates the Purgators, whether they have rightly understood all these Things? Who answer that they have. After this the Witnessses withdraw, and being each separately called in, the Inquisitor demands of them, upon a solemn Oath, whether they believe *N.* hath sworn true or false? And whatever they answer, must be faithfully written down by the Notary. All these Matters are almost to a Word contained in one of the *Seville Instructions, An. 1500. Cap. 4.* Formerly also, if a Person was publicly defamed for Heresy, he was enjoined canonical Purgation publickly,

that he might publickly satisfy those by Purgation, whom he had publickly offended by the ungrateful Smell of Infamy, and he was therefore purged in that Place where he was known to be defamed. And if he had been defamed in several Places, he was obliged publickly to profess in all of them the Catholick Faith, and to detest the Heresy for which he was there defamed. The Form of the Oath, by which defamed Persons were formerly obliged to purge themselves, was prescribed by the Council of *Tarracone*. *I N. swear by Almighty God, and by these holy Gospels of God, which are now in my Hands, before you the Lord N. Arch-Bishop, or Bishop, and before you who are here present, that I neither am, nor was one of the Inzabbatati, Valdenses, poor Men of Lyons, nor an Heretick of any Sect of Heresy condemned by the Church, and that I do not believe, nor ever have believed their Errors, nor ever will, the whole Time of my Life. Yea, I profess and protest that I do believe, and always will for the future, believe the Catholick Faith, which the holy Roman and Apostolick Church publickly holds, teaches and preaches, and which you my Lord Arch-Bishop or Bishop, and the other Prelates of the universal Church do hold, and publickly preach and teach.* The Form of the Oath, prescribed to the Compurgators, is this: *I N. swear by God, and by these four holy Gospels of God, which I hold in my Hands, that I firmly believe, that such a one hath not been one of the Inzabbatati, Valdenses, or poor Men of Lyons, nor an Heretick, nor a Believer of their Errors, and I firmly believe that in this Matter he hath sworn the Truth.* Having performed the Purgation enjoined him, the Criminal must be absolved, and declared to be a Person of good Reputation, nor can he be afterwards proceeded against upon the preceding Proofs. And thus the Infamy is removed, or the Effect of the Infamy of the Fact.

If he fails in his Purgation, *i. e.* if he can't procure such and so many Purgers as he is enjoined, he is esteem'd as a Convict, and condemned as an Heretick.

Lucern.
Inquis.
Purg. Can. But others use this Distinction. If he can't procure so many Witnesses, because they don't believe he hath sworn the Truth, in such a Case he is accounted as a Convict, and deficient in his canonical Purgation. But if he can't procure them because he is poor, or a Foreigner, and so doth not know so many Persons in the whole Town, in this Case the Judge may relieve him at his Pleasure, upon considering the Quality of the Person, Crime, and Infamy. So that, if he can't procure so many of the Clergy to be his Compurgators, they may admit Laicks, or Women for want of Men. And if for the same Reason they can't procure so many of the Laity, they may believe his Oath alone. And inasmuch as one who is defective in his Purgation, is accounted as a Convict, they infer from hence, that if at any other Time he had fallen into Heresy, he ought now to be accounted as a Relapse for the Defect of his Purgation, and, as such, to be delivered over to the secular Court.

But if he refuses to purge himself he is excommunicated, and if with an hardened Mind he lies under this Excommunication for a Year, he is condemned as an Heretick. If after his Purgation he falls into the Heresy from which

which he is purged, he is accounted a Relapse, and as such is to be deliver'd over to the secular Court. Cap. *Excommunicamus* 1. §. *Adjicimus*. Versic. *Vel. si post purgationem, &c.* And Cap. *Ad abolendam*, §. *Illos quoque*, de hæret. This is particularly the Decree of the Council of Narbonne, Cap. 11. And as to those who, after Abjuration or Purgation of their Error, shall be found to have returned to the Error they have abjured, leave them to the secular Judgment without any farther Hearing, to receive their due Punishment. For 'tis enough that they have once deceived the Church by a false Conversion, especially where there is a very great Number of them, &c. Altho' if they are penitent, Penance is by no Means to be denied them. But this properly takes place when any one is vehemently defamed for Heresy. An Infamy is said to be vehement, when any one hath been oftentimes, or in many Places marked with Infamy, amongst good Men, or hath on this account been excluded their Company, and when there arise any Signs or Suspicions increasing the Infamy of the Heresy, or if after any grievous Offence committed, viz. the destroying the Images of the Saints, the burning of Churches, the Profanation of the Sacraments, and the like, any one is immediately looked upon as infamous. But if he falls into any other Heresy, from which he had not purged himself before, he is not accounted as a Relapse.

If he humbles himself in his Purgation, and will submit to Penance, ^{Simanc.} he is to be admitted, and not deliver'd over to the secular Court, unless he happens to be a Relapse; for if a convicted Heretick is received when penitent, much more is this Benefit of the Church to be granted to him who is convicted only by a kind of Presumption and feigned Proof. ^{p. 56. §. 16.}

'Tis a Custom amongst many Inquisitors, that a Criminal vehemently suspected shall be first tortured, and afterwards forced to purge himself if he confesses nothing. After this, when he is purged, he is obliged also to abjure, and after his Abjuration punished with other arbitrary Punishments. But others think it very unjust, that any one should be condemned to several Punishments for a single Crime, and inasmuch as every one of these Punishments is sufficient to purge away any Suspicions, 'tis, without doubt, needless and unjust, that a suspected Criminal should be made to undergo many. ^{§. 17. §. 18. §. 20.}

But as this Purgation depends wholly on the Pleasure of other Persons, it is a very deceitful and uncertain Thing, and therefore should not easily be joined Criminals by the Inquisitors. Thus the *Madrid Instruction*, An. 1561, cap. 47. *Canonical Purgation is, thro' the Wickedness of Men, a very dangerous Remedy, especially in these Times, and therefore 'tis not much used, and must therefore be seldom practised, and with great Caution.* Hence *Simancas* judges, that those who are born of Jewish or Moorish Parents, must not be compelled to this Purgation, because it would be the same Thing as to throw them directly into the Fire. For who doth not think ill of them, or at least doubt of their Innocence? And therefore he thinks it would be better to compel them by Abjuration, Torments, or arbitrary Punishments. But if they are at any time condemned to this Purgation, and they can't procure such Compurgators as are required, others are to be admitted, tho' not altogether so

fit, that he may not be wholly deprived of the Means of his Defence. And finally, he again and again admonishes the Inquisitors not rashly or easily to condemn any one to canonical Purgation, for this Reason, amongst others, that 'tis enough to sink the Criminal, if the Witnesses answer, that they don't know, or doubt, whether he swore true or false. And indeed who would not be doubtful in this Case, who knows that no one is condemned to Purgation who is not vehemently suspected. And therefore, in his Opinion they only are to be enjoined Purgation, whose Reputation is of high Concern to the Christian People, viz. Bishops, Priests, Preachers, and others of the same Kind.

C H A P. XXIX.

How the PROCESS is ended by Torture.

WHEN the Person accused is not found guilty either by his own Confession, or the Evidence of the Fact, or legally producing the Witnesses, and when there is no such Evidence to support the Suspicion, as is necessary to his being condemned to abjure Heresy, he is condemned by an interlocutory Sentence to the Question and Torture, that if he confesses nothing when interrogated by Torture, he may be esteemed as free and innocent, and that if he confesses his Errors he may be converted and live. *For the same End*, says *Simancas*, Paul delivered the Corinthian to Satan for the Destruction of his Flesh, that his Spirit might be saved.

Cathal. Instit.

z. 65.

§. 11.

p. 2. *Affert.* 31.

§. 295,

296.

Royas however says, that *Ulpian* spoke well, when he affirmed, that Credit should not always be given to the Question, for 'tis a very frail and dangerous Thing, and oftentimes keeps the Truth from appearing. Some are fearful, who had rather lie and speak Falshood instead of Truth, than endure Torments. And yet in the Crime of Heresy, *Royas* would have the Judges peculiarly disposed, and ready to put Men to the Torture, because 'tis a Crime concealed in its Nature, and there is oftentimes great want of Proof. *Simancas* adds, that in secret Crimes a Judge ought to be more ready to inflict Torture than in others, and especially in Heresy, which lies hid in the Heart, and is more concealed than other Crimes. Add to this, that an Heretick's confessing, will be greatly profitable to himself and the whole Commonwealth.

tit. 65.

§. 51.

The Cases, in which they proceed to the Torture in the Process of the Inquisition, are various. This however is a received Thing, that they are never to proceed to Torture, unless there be a Defect of other Proofs, and they think that the Truth can't otherwise be found out. Hence they do not proceed to the Torture, till after the Criminal hath a Copy of his Process, and he hath answered to all the Articles, and exhibited his Defences, and yet cant

can't make his Innocence appear plainly to the Judge, when at the same time he can't be fully convicted by Witneffes, or the Evidence of the Thing.

'Tis however disputed amongst the Doctors, whether the Proofs are to be given to the Criminal when the Procefs is carried on *Ex mero officio*. Some affirm it, some deny it. These different Opinions *Camillus Campegius* thus reconciles. Some Things precede all Inquisition, and are the Original of the Inquisition it self, *viz.* such Things as excite the Judge himself to make Inquisition, or which any ways give Information of the Crime committed. These Things are called Informations, which are received in Court, by which the Judge is certified of the Defamation. And he thinks the Doctors are to be understood of these Things when they affirm, that a Judge proceeding *merely by Office*, and not at the Instance of any one else, is not obliged to give a Copy of the Proofs. But if the Criminal denies that he is defamed of such a Crime, the Judge ought to inquire concerning the Fame and Infamy, and upon Knowledge of this must begin to proceed to Inquisition concerning the Offence. Not that he is obliged to ascertain the Criminal of the Infamy it self, because 'tis sufficient that the Judge knows him to be defamed. So that if in this Case the Criminal demands a Copy, the Judge is not obliged to give it him. But if the Judge proceeds at the Instance of another, he is obliged to give him a Copy of the Infamy it self if he demands it. The Reason of the Difference is this, that when any one proceeds *ex mero officio*, 'tis sufficient that the Infamy appears to the Judge, so that there is no need of a formal Trial, because there is no Adversary to try the Cause with; but the Trial is, as it were, between the Infamy it self, which is in the Place of an Accuser, and the Answer of the Person under Inquisition. Add to this, that an Inquisition may be carried on, *ex mero officio*, without any preceding Infamy.

He adds farther, that a Copy of the Proofs is not to be given, when the Criminal is found contradicting himself, faltering or trembling. For such Contradiction, Faltring, or Trembling, when other external Proofs are wanting, may determine the Judge to proceed to Torture upon any one of them. But others say that every Variation is not enough to order to the Torture. *Bernard Comensis* writes to the same Purpose.

“ In the Crime of Heresy the Judge or Inquisitor proceeds merely by Vir-
 tue of his Office, because he doth not proceed upon the Accusation of an
 Accuser, but upon Depositions taken by Virtue of his Office, and there-
 fore 'tis not necessary that he should deliver the Criminal a Copy of the
 Proofs and Articles. But *Pegna* teaches the contrary in his Annotations
 upon the Word, *Tradere Copiam*.

If the Person to be put to the Question is caught contradicting himself, and there are at the same time other Proofs sufficient for the Torture, both these Things must be added in his Sentence. But if both of them don't concur, but only one of them, *i. e.* if he is caught in Contradiction without other Proofs, or if there are other Proofs, but no such Inconsistency, let it be put in his Sentence just as it appears.

'Tis.

Lucern. Inq. in voce Tortura §. 51.

The HISTORY of the INQUISITION.

'Tis farther to be observed, that the Judge must take Care that it be diligently and distinctly inserted at large by the Notary in the Acts, whether the Person interrogated answered with Resolution, or in a trembling Manner, what Signs he discovered in his Face, whether Paleness, or Tears, or Laughter, or Sweat, or Trembling; because, in Case of an Appeal, the superior Judge, who can't look on the Criminals and Witnesses personally, but only as they are described in Writing, can't come to the Knowledge of these Particulars, unless they are described at large by the first Judge; nor can the Judge appealed to presume that there hath been any Inconsistency, because he knew, that if there had, it ought to have been expressed in the Acts transmitted to him. And this is the more necessary, lest the Judge himself, upon Examination, should be proved to have ordered the Criminal to be tortured without Proof. This Inconsistency must be declared in Presence of the inconsistent Witnesses, when the Judge intends to punish him on this Account.

And this is what *Campegius* particularly recommends to the Vicars or Commissaries of the Inquisitor, or the other Deputies of the holy Offices, that they let the Inquisitor know how far Persons, under Examination, are to be credited, which principally depends on their Looks. He thinks the same ought to be diligently observed, whether the Inquisitor himself, or his Vicar, makes the Examination, with respect to those skilful Persons, whose Advice they take, who also ought to know these Things.

But it depends wholly on the Pleasure of the Judge, whether or no the Person accused shall be tortured or not, upon Account of such Inconsistency, Faltering, Contradiction, Trembling, Sweat, &c.

If there are Proofs sufficient for Inquisition and Arrest, but not for the Torture, a prudent Judge may collect sufficient Proofs for the Torture from such Inconsistency, and the like.

But yet there is a Case given, in which a Person may be tortured, without any Proofs and Copy given, *viz.* when the Person under Inquisition is present, and will not answer. For then he is to be tortured not to extort a Confession, but an affirmative or negative Answer. Likewise if a Person under Inquisition doth not appear within the due Term, and is thereupon declared guilty of Contumacy, and afterwards comes to purge himself from such Contumacy, he may, without any other Proofs, be tortured upon Account of it.

The same Persons give us the Opinion of *Gand*, who alledging several Reasons, concludes, that a common Report amounts by the Canon Law to an half full Proof, and is equal to the Evidence of one Witness, and that for this Reason such common Report is sufficient to order to the Torture; and this he attests hath been usually practised by all the Assessors, altho' the Judges generally act one way or the other, according to their different Opinions.

When the Fame is either vehement, or great, or slight, the Quality of the Persons and Fact is to be considered. For if the Fact be great, and the Person

Person of great Worth, 'tis necessary that this Fame should be either of the whole City, or at least the greater Part of it. But if the Fact is inconsiderable, and restrained to a certain Number of Persons, who most probably are acquainted with it, the Evidence of the major Part of them is enough to prove the Fame. As if a Bishop, living with his Canons, should be defamed for Fornication, such Infamy will be sufficiently proved by the major Part of those Canons. But if the Fact be very small, and the Person mean, the major Part of his Neighbourhood is enough.

Of all these Things *Pegna* gives us a distinct Account. In this Cause, *Direg.* the Crime is said to appear so far as to inflict the Torture, when there is an half full Proof, or Proof sufficient for the Torture. Of these Proofs there *p. 3. com.* are several. First, Inconsistency, not indeed of any kind, but such only as *110.* regards the main Substance of the Crime, and in a Matter which it can't *Lucern.* be presumed should be forgotten in so little a while, which is left to the Judge *Inquis. in* to determine; and when the Criminal himself doth not appear to be very *voce Tortura.* stupid and forgetful. Secondly, when any one is found defamed for Heresy, and 'tis farther proved that there is a Witness against him who can testify from his own Knowledge, or that there is one or more vehement or violent Proofs. Thirdly, If there is one Witness against him who can testify from his own Knowledge, and at the same Time there is one or more vehement or violent Proofs against him. Or if it be found that there are against him several vehement or violent Proofs of Heresy, without any Infamy, or Witness from his own Knowledge. But when these Proofs are vehement, or sufficient for the Torture, is left to the Judge to determine.

However, the Inquisitors do sometimes shamefully abuse this Liberty, and rashly proceed to the Torture of innocent Persons, as will evidently appear by one Instance, not to mention more, given us by *Gonsalvius*. " At *p. 181.* the same time almost they apprehended in the Inquisition at *Seville*, a noble " Lady, *Joan Boborquia*, the Wife of *Francis Varquius*, a very eminent Man, " and Lord of *Higuera*, and Daughter of *Peter Garfia Xeresius*, a wealthy " Citizen of *Seville*. The Occasion of her Imprisonment was, that her Sister, " *Mary Boborquia*, a young Lady of eminent Piety, who was afterwards " burnt for her pious Confession, had declared in her Torture, that she had " several times conversed with her Sister concerning her own Doctrine. When " she was first imprisoned, she was about six Months gone with Child, " upon which Account she was not so straitly confined, nor used with that " Cruelty which the other Prisoners were treated with, out of Regard to " the Infant she carried in her. Eight Days after her Delivery they took the " Child from her, and on the fifteenth shut her close up, and made her under- " go the Fate of the other Prisoners, and began to manage her Cause with " their usual Arts and Rigour. In so dreadful a Calamity she had only this " Comfort, that a certain pious young Woman, who was afterwards burnt " for her Religion by the Inquisitors, was allowed her for her Companion. " This young Creature was, on a certain Day, carried out to her Torture, " and being returned from it into her Jail, she was so shaken, and had all " her

“ her Limbs so miserably disjointed, that when she laid upon her Bed of
 “ Rushes, it rather encreased her Misery than gave her Rest, so that she
 “ could not turn her self without the most excessive Pain. In this Condition,
 “ as *Boborquia* had it not in her Power to shew her any, or but very little
 “ outward Kindness, she endeavoured to comfort her Mind with great Ten-
 “ derness. The Girl had scarce began to recover from her Torture, when
 “ *Boborquia* was carried out to the same Exercise, and was tortured with such
 “ diabolical Cruelty upon the Rack, that the Rope pierced and cut into the
 “ very Bones of her Arms, Thighs, and Legs, and in this Manner she was
 “ brought back to Prison, just ready to expire, the Blood immediately
 “ running out of her Mouth in great Plenty. Undoubtedly they had burst
 “ her Bowels, insomuch that the eighth Day after her Torture she died.
 “ And when after all they could not procure sufficient Evidence to condemn
 “ her, tho’ sought after and procured by all their Inquisitorial Arts, yet as
 “ the accused Person was born in that Place, where they were obliged to
 “ give some Account of the Affair to the People, and indeed could not by
 “ any Means dissemble it, in the first Act of Triumph appointed after her
 “ Death, they commanded her Sentence to be pronounced in these Words.
 “ Because this Lady died in Prison, without Doubt suppressing the Causes of
 “ it, and was found to be innocent upon inspecting and diligently examining
 “ her Cause, therefore the holy Tribunal pronounces her free from all Char-
 “ ges brought against her by the Fiscal, and absolving her from any farther
 “ Process, doth restore her both as to her Innocence and Reputation, and
 “ commands all her Effects which had been confiscated, to be restored to
 “ those to whom they of Right belonged, &c. And thus after they had
 “ murdered her by Torture with savage Cruelty, they pronounced her in-
 “ nocent.”

Simane.
 t. 65.
 §. 53.

When the Sentence is pronounced by which the Criminal is condemned to
 the Torture, according to the Manner of the Inquisitorial Law and Proces-
 ses, 'tis immediately to be notified to the Promotor of the Exchequer, that
 he may either appeal from it, or demand the Execution of it, as it is con-
 tained in the Letters of the Inquisition.

Pegna, in
 p. 3. com.
 110.

Formerly the Torture was inflicted by Lay Judges upon Hereticks or
 suspected Persons, according to the Constitution of *Innocent IV.* But because
 by this Means secret Matters were oftentimes divulged, and great Incon-
 veniencies to the Faith arose from hence, they afterwards thought it more
 convenient and wholesome, that the whole Cognisance and full Discussion of
 these Crimes, which are merely Ecclesiastical, should be confined to the In-
 quisitors. And as this could not oftentimes be done without the Question,
 'twas therefore provided, that the Inquisitors and Bishops might torture Cri-
 minals for these Offences. And upon this Account they had this Privilege
 granted them, that if at any time they should happen to contract any Irre-
 gularity, they should mutually dispense with each other. As appears
 from the Rescript of *Urban IV.* beginning, *Ut negotium.* And this is the Law
 now in Practice.

The Bishop and Inquisitor therefore meet together, and by an interlocutory Sentence, pronounce that the accused Person is to be put to the Torture such a Day and such an Hour. Thus the *Madrid Instruction*, An. 1561. c. 48. commands. *Let the Inquisitors and Ordinary meet together to pronounce Sentence of Torture, and in the same Manner be present at the Execution of it, by reason of the various Cases that may happen under the Torture.* For neither the Bishop without the Inquisitor, nor the Inquisitor without the Bishop, or his Vicar, can put any one to the Torture. But if the Bishop or his Vicar, upon Summons sent them, either refuses or neglects to be present within eight Days, the Inquisitor may proceed alone to the Torture; or if one be not within Reach of the other, if he be absent a great way off, then the other may proceed by himself. But what Place may be said to be a great way off, is left at the Pleasure of the Judge to determine. However, the Bishop and Inquisitor may depute each other, or signify their Consent by Letters, which must be done within eight Days after they are summoned. In the Inqui-^{Carena,} sition at *Cremona*, the Advocate of the Exchequer is present at the Torture,^{p. 1. t. 9.} and the Inquisitor there sits in the Middle between the Vicar General on his^{num. 41.} right Hand, and the Advocate on his left.

As to the Persons who may be tortured, altho' in all other Causes and^{Pegna,} Crimes some Persons are excepted, such as Doctors, Soldiers, Officers, No-^{bid.} blemen, and their Sons, yet in this most grievous and horrible Crime of He-^{p. 64.} resy, there is no Privilege to defend any one, but all may be put to the^{643.} Torture, even Clergymen, Monks, and other Religious. But to prevent Excommunication, by grievously torturing or hurting them, and on Account of the Dignity with which they are invested, they torture them more gently and mildly, unless the Heinousness of the Crime, and the Strength of the Evidence requires otherwise. As to such who are freed from being tortured for other Crimes upon Account of their Youth, or old Age, or being with Child, they are not to be tortured for Heresy. Persons under twenty-five may be tortured for Suspicion of Heresy, but not if they are under fourteen, but they may be terrified and beat. Neither is there any Exception of Place, altho' by antient Custom or municipal Laws the Torture is not otherwise to be inflicted there. Thus in the Kingdom of *Aragon* no Judge can order any Criminal to the Torture, but yet in Favour of the Faith any Persons, even tho' privileged, may be tortured for Suspicions of Heresy.

After the Sentence of Torture is pronounced, the Officers prepare themselves to inflict it. “ The Place of Torture in the *Spanish* Inquisition is gene-^{Gonsalv.} rally an under-ground and very dark Room, to which one enters thro' se-^{p. 65, 66.} veral Doors. There is a Tribunal erected in it, in which the Inquisitor, Inspector, and Secretary sit. When the Candles are lighted, and the Person to be tortured brought in, the Executioner, who was waiting for the other, makes an astonishing and dreadful Appearance. He is covered all over with a black Linen Garment down to his Feet, and tied close to his Body. His Head and Face are all hid with a long black Cowl, only two little Holes being left in it for him to see thro'. All this is intended to

“ strike the miserable Wretch with greater Terror in Mind and Body, when
 “ he sees himself going to be tortured by the Hands of one who thus looks
 “ like the very Devil.

Whilst the Officers are getting Things ready for the Torture, the Bishop and Inquisitor by themselves, and other good Men zealous for the Faith, endeavour to persuade the Person to be tortured, freely to confess the Truth, and if he will not, they order the Officers to strip him, who do it in an Instant. Clergymen however must not be tortured by a Lay Officer or Torturer, unless they can't find any Clergymen who know how to do it, or are willing, because it would be in vain for the Judges to order any Clergyman or Monk to the Torture, if there was no Body to inflict it; and therefore in such a Case 'tis usual to torture them by Lay Officers.

Simanc.
 p. 65.
 §. 50.

Whilst the Person to be tortured is stripping, he is persuaded to confess the Truth. If he refuses it, he is taken aside by certain good Men, and persuaded to confess, and told by them, that if he confesses, he will not be put to Death, but only be made to swear that he will not return to the Heresy he hath abjured. The Inquisitor and Bishop promise the same, unless the Person be a Relapse.

If he is neither persuaded by Threatnings or Promises to confess his Crime, he is tortured either more lightly or grievously, according as his Crime requires, and frequently interrogated during the Torture, upon those Articles for which he is put to it, beginning with the lesser ones, because they think he will sooner confess the lesser Matters than the greater.

Royas, p. 2.
 Assert. 20.
 §. 226. “ The Criminals are with great Care and Diligence to be admonished by
 “ the Inquisitors, and especially when they are under Torture, that they
 “ should not by any Means bear false Witnesses against themselves or others,
 “ thro' Fear of Punishments or Torments, but speak the Truth only. Nor
 “ may the Inquisitors promise Pardon or Forgiveness of the Offence, to com-
 “ pel the Criminals to confess Crimes which they have not committed, out of
 “ their great Zeal to inquire out the Truth. And such a false Confession the
 “ accused Person may safely revoke.”

Simanc.
 p. 65.
 §. 54, 55. The Inquisitors themselves must interrogate the Criminals during their
 Torture, nor can they commit this Business to others, unless they are engaged in other important Affairs, in which Case they may depute certain good and skilful Men for the Purpose. 1 *Instruct. Hispal.* c. 18. Altho' in other Nations Criminals are publickly tortured, yet in *Spain* 'tis forbidden by the Royal Law, for any to be present whilst they are torturing, besides the Judges, Secretaries and Torturers. The Inquisitors must also chuse proper Torturers, born of antient Christians, who must be bound by Oath, by no Means to discover their Secrets, nor to blab out any Thing that is said.
 §. 56. The Judges also usually protest, that if the Criminal should happen to die under his Torture, or by reason of it, or should suffer the Loss of any of his Limbs, 'tis not to be imputed to them, but to the Criminal himself, who will not plainly confess the Truth before he is tortured. An Heretick may not only be interrogated concerning himself, but in general also concerning
 §. 39. his

his Companions and Accomplices in his Crime, his Teachers and his Disciples, for he ought to discover them, tho' he be not interrogated; but when he is interrogated concerning them, he is much more obliged to discover them than his Accomplices in any other the most grievous Crimes. A Person also § 69. suspected of Heresy, and fully convicted, may be tortured upon another Account, *i. e.* to discover his Companions and Accomplices in the Crime. This must be done when he boggles, or 'tis half fully proved at least that he was actually present with them, or hath such Companions and Accomplices in his Crime; for in this Case he is not tortured as a Criminal, but as a Witness. But he who makes full Confession of himself, is not tortured upon a different Account; whereas if he be a Negative, he may be tortured upon another Account, to discover his Accomplices and other Hereticks, tho' he be fully convicted himself, and it be half fully proved that he hath such Accomplisces. *Instruēt. Madrid. An. 1561. c. 45.* The Reason of the Difference in these *Royas,* Cases is this, because he who confesses against himself, would certainly much *p. 2.* rather confess against other Hereticks if he knew them. But 'tis otherwise *Assert. 34.* when the Criminal is a Negative.

Whilst these Things are doing, the Notary writes every Thing down in the Process, as what Tortures were inflicted, concerning what Matters the Criminal was interrogated, and what he answered. If by these Tortures they can't draw from him a Confession, they shew him other kind of Tortures, and tell him he must undergo all of them, unless he confesses the Truth. If neither by this Means they can extort the Truth, they may to terrify him and engage him to confess, assign the second or third Day to continue, not to repeat the Torture, till he hath undergone all those Kinds of them to which he is condemned.

The Degrees of Torture formerly used were five, which were inflicted in their Turn, and are described by *Julius Clarus.* Know therefore, says he, that *Pract.* there are five Degrees of Torture, viz. First, the being threatened to be tortured. *crim. §. fin.* Secondly, being carried to the Place of Torture. Thirdly, by stripping and binding. *qu. 64. Verfic.* Fourthly, the being hoisted up on the Rack. Fifthly, Squassation.

This Stripping is performed without any Regard to Humanity or Honour, *Nunc de gradibus.* not only to Men, but to Women and Virgins, tho' the most virtuous and *Gonsalv.* chaste, of whom they have sometimes many in their Prisons. For they cause *p. 67.* them to be stripped, even to their very Shifts, which they afterwards take off, forgive the Expression, even to their *Pudenda*, and then put on them strait Linen Drawers, and then make their Arms naked quite up to their Shoulders. As to Squassation, 'tis thus performed: The Prisoner hath his Hands *p. 70.* bound behind his Back, and Weights tied to his Feet, and then he is drawn up on high, till his Head reaches the very Pully. He is kept hanging in this Manner for some time, that by the Greatness of the Weight hanging at his Feet, all his Joints and Limbs may be dreadfully stretched, and on a sudden he is let down with a Jirk, by the slacking the Rope, but kept from coming quite to the Ground, by which terrible Shake, his Arms and Legs are all disjointed, whereby he is put to the most exquisite Pain; the Shock which

he receives by the sudden Stop of his Fall, and the Weight at his Feet stretching his whole Body more intensely and cruelly.

In the next Paragraph, *Et Audivi*, he gives a more distinct Explication of this Matter, and reckons up three Degrees of Torture. *The first is to terrify, which comprehends not only Threatnings to Torture, but the being carried to the Place of Torments, the being stripped and bound; unless such Binding should happen to be too severe and hard, and perform'd with a Twist, as is the Custom of most Judges. Thus it was practis'd upon a certain Physician of Olezo, who suffered more by being bound, than others in the very Torture. And therefore such Binding may be equalled to the Torture it self. The second Degree is, to put to the Torture, or to interrogate by Torture. This is done by hoisting a Person up, and keeping him hanging for a considerable Time. The third is to torture by Squassation, which is performed amongst us by one Firk of the Rope. But if the Senate commands that the Person be well or severely thus tortured, they give two Firks of the Rope. Antonius Drogus, in his Annotations to this Place, says, That you may have the perfect modern Practice, observe, that when the Senate orders, let him be interrogated by Torture, the Person is lifted or hoisted up, but not put to the Squassation. If the Senate orders, let him be tortured, he must then undergo the Squassation once, being first interrogated as he is hanging upon the Rope and Engine. If it orders, let him be well tortured, 'tis understood that he must suffer two Squassations. If it orders, let him be severely tortured, 'tis understood of three Squassations, at three different Times within an Hour. If it says very severely, 'tis understood that it must be done with Twisting,— and Weights at the Feet. In this Case the Senate generally expresses the Twisting, or any other particular Manner which they intend, and the Judge may proceed to every Severity not reaching to Death. But when it says, very severely even unto Death, then the Criminal's Life is in immediate Danger.*

The like Method of Torture was formerly practis'd in the Inquisition at *Tholouse*, as appears from several Places in the Book of Sentences. Thus *fol. 67.* at the End of the Sentence of *William Sicred, jun.* we read, *Nor would he judicially confess concerning the aforesaid, till he was put in Jail, and hoisted up a little upon the Rope.* And in *fol. 131.* we read that *William Cavallerii*, after a considerable Time, revoked what he had before confessed, saying, *that he confessed nothing concerning Heresy, but what was forced from him by the Violence of Torment.* And finally, *fol. 132.* in the Sentence of *Friar Bernard Deliciosi*, of the Order of Minors, amongst other Things, this was imputed to him as a Crime, *that he justified those who were apprehended for Heresy, and condemned for it, and ordered to perpetual Imprisonment and other Punishments, and that tho' they were true Catholicks, they had confessed Heresy of themselves and others, only thro' the Violence of their Torments, and were unjustly condemned.*

Cap. 23.

The Author of the History of the Inquisition at *Goa* tells us, that the Torture now practis'd in the *Portuguese* Inquisition is exceeding cruel. *In the Months of November and December, I heard every Day in the Morning the Cries and Groans of those who were put to the Question, which is so very cruel, that I have seen several of both Sexes who have been ever after lame. In this Tribunal they regard neither Age nor Sex, nor Condition of Persons, but all without Distinction are tortured, when 'tis for the Interest of this Tribunal.* The

The Method of Torturing, and the Degree of Tortures now used in the *Spanish* Inquisition, will be well understood from the History of *Isaac Orobio*, a *Jew*, and Doctor of Physick, who was accused to the Inquisition as a *Jew*, by a certain *Moor* his Servant, who had by his Order before this been whipped for thieving; and four Years after this he was again accused by a certain Enemy of his for another Fact, which would have proved him a *Jew*. But *Orobio* obstinately denied that he was one. I will here give the Account of his Torture, as I had it from his own Mouth. After three whole Years which he had been in Jayl, and several Examinations, and the Discovery of the Crimes to him of which he was accused, in order to his Confession, and his constant Denial of them, he was at length carried out of his Jayl, and thro' several Turnings brought to the Place of Torture. This was towards the Evening. It was a large under-ground Room, arched, and the Walls covered with black Hangings. The Candlesticks were fastned to the Wall, and the whole Room enlightned with Candles placed in them. At one End of it there was an inclosed Place like a Closet, where the Inquisitor and Notary sat at a Table, so that the Place seemed to him as the very Mansion of Death, every Thing appearing so terrible and awful. Here the Inquisitor again admonished him to confess the Truth, before his Torments began. When he answered he had told the Truth, the Inquisitor gravely protested, that since he was so obstinate as to suffer the Torture, the holy Office would be innocent, if he should shed his Blood, or even expire in his Torments. When he had said this, they put a Linen Garment over his Body, and drew it so very close on each Side, as almost squeezed him to Death. When he was almost dying, they slackned at once the Sides of the Garment, and after he began to breathe again, the sudden Alteration put him to the most grievous Anguish and Pain. When he had overcome this Torture, the same Admonition was repeated, that he would confess the Truth in order to prevent farther Torment. And as he persisted in his Denial, they tied his Thumbs so very tite with small Cords, as made the Extremities of them greatly swell, and caused the Blood to spurt out from under his Nails. After this he was placed with his Back against a Wall, and fixed upon a little Bench. Into the Wall were fastned little Iron Pulleys, thro' which there were Ropes drawn, and tied round his Body in several Places, and especially his Arms and Legs. The Executioner drawing these Ropes with great Violence, fastned his Body with them to the Wall, so that his Hands and Feet, and especially his Fingers and Toes being bound so straitly with them, put him to the most exquisite Pain, and seemed to him just as tho' he had been dissolving in Flames. In the Midst of these Torments the Torturer, of a sudden, drew the Bench from under him, so that the miserable Wretch hung by the Cords without any Thing to support him, and by the Weight of his Body drew the Knots yet much closer. After this a new kind of Torture succeeded. There was an Instrument like a small Ladder, made of two upright Pieces of Wood, and five cross ones sharpned before. This the Torturer placed over against him, and by a certain proper Motion struck it with great Violence against both his Shins, so that he received upon each of them.

them at once five violent Strokes, which put him to such intolerable Anguish that he fainted away. After he came to himself, they inflicted on him the last Torture. The Torturer tied Ropes about *Orobio's* Wrists, and then put those Ropes about his own Back, which was covered with Leather, to prevent his hurting himself. Then falling backwards, and putting his Feet up against the Wall, he drew them with all his Might, till they cut thro' *Orobio's* Flesh even to the very Bones; and this Torture was repeated thrice, the Ropes being tied about his Arms about the Distance of two Fingers Breadth from the former Wound, and drawn with the same Violence. But it happen'd, that as the Ropes were drawing the second time, they slid into the first Wound, which caused so great an Effusion of Blood, that he seem'd to be dying. Upon this the Physician and Surgeon, who are always ready, were sent for out of a neighbouring Apartment, to ask their Advice, whether the Torture could be continued without Danger of Death, lest the Ecclesiastical Judges should be guilty of an Irregularity if the Criminal should die in his Torments. They, who were far from being Enemies to *Orobio*, answered, that he had Strength enough to endure the rest of the Torture, and hereby preserved him from having the Tortures he had already endured repeated on him, because his Sentence was, that he should suffer them all at one time, one after another. So that if at any time they are forced to leave off thro' Fear of Death, all the Tortures, even those already suffered, must be successively inflicted, to satisfy the Sentence. Upon this the Torture was repeated the third time, and then it ended. After this he was bound up in his own Cloaths, and carried back to his Prison, and was scarce healed of his Wounds in seventy Days. And inasmuch as he made no Confession under his Torture, he was condemned, not as one convicted, but suspected of *Judaism*, to wear for two whole Years the infamous Habit called *Sambenito*, and after that Term to perpetual Banishment from the Kingdom of *Seville*.

p. 19.

Ernestus Eremundus Frisus, in his History of the Low Country Disturbances, gives us an Account from *Gonsalvius*, of another Kind of Torture. There is a Wooden Bench, which they call the Wooden Horse, made hollow like a Trough, so as to contain a Man lying on his Back at full Length, about the Middle of which there is a round Bar laid across, upon which the Back of the Person is placed, so that he lies upon the Bar instead of being let into the Bottom of the Trough, with his Feet much higher than his Head. As he is lying in this Posture, his Arms, Thighs and Shins are tied round with small Cords or Strings, which being drawn with Screws at proper Distances from each other, cut into the very Bones, so as to be no longer discerned*. Besides this, the Torturer throws over his Mouth and Nostrels a thin Cloath, so that he is scarce able to breathe thro' them, and in the mean

Gonsalv. while a small Stream of Water like a Thread, not Drop by Drop, falls from p. 76, 77. on high, upon the Mouth of the Person lying in this miserable Condition,

* These two Methods of Punishment seem to be taken from the two different Forms of the ancient *Equeus*.

and

and so easily sinks down the thin Cloth to the Bottom of his Throat, so that there is no Possibility of breathing, his Mouth being stopped with Water, and his Nostrels with the Cloth, so that the poor Wretch is in the same Agony, as Persons ready to die, and breathing out their last. When this Cloth is drawn out of his Throat, as it often is, that he may answer to the Questions, it is all wet with Water and Blood, and is like pulling his Bowels thro' his Mouth. There is also another Kind of Torture peculiar to this Tribunal, which they call the Fire. They order a large Iron Chafin-dish full of lighted Char-coal, to be brought in, and held close to the Soles of the tortured Person's Feet, greased over with Lard, so that the Heat of the Fire may more quickly pierce thro' them.

This is Inquisition by Torture, when there is only half full Proof of their Crime. However, at other Times Torments are sometimes inflicted upon Persons condemned to Death, as a Punishment preceding that of Death. Of this we have a remarkable Instance in *William Lithgow*, an *Englishman*, who, as he tells us in his Travels, was taken up as a Spy in *Mallagom*, a City of *Spain*, and was exposed to the most cruel Torments upon the Wooden Horse. But when nothing could be extorted from him, he was delivered to the Inquisition as an Heretick, because his Journal abounded with Blasphemies against the Pope and the Virgin *Mary*. When he confessed himself a Protestant before the Inquisitor, he was admonished to convert himself to the *Roman* Church, and was allowed eight Days to deliberate on it. In the mean while the Inquisitor and Jesuites came to him often, sometimes wheedling him; sometimes threatening and reproaching him, and sometimes arguing with him. At length they endeavour'd to overcome his Constancy by kind Assurances and Promises. But all in vain. And therefore as he was immovably fixed, he was condemned in the Beginning of *Lent*, to suffer the Night following eleven most cruel Torments, and after *Easter* to be carried privately to *Granada*, there to be burnt at Midnight, and his Ashes to be scattered into the Air: When Night came on his Fetters were taken off, then he was stripped naked, put upon his Knees, and his Hands lift up by Force; after which opening his Mouth with Iron Instruments, they filled his Belly with Water till it came out of his Jaws. Then they tied a Rope hard about his Neck, and in this Condition rolled him seven times the whole Length of the Room, till he was almost quite strangled. After this they tied a small Cord about both his great Toes, and hung him up thereby with his Head towards the Ground, and then cut the Rope about his Neck, letting him remain in this Condition, till all the Water discharged it self out of his Mouth; so that he was laid on the Ground as just dead, and had his Irons put on him again. But beyond all Expectation, and by a very singular Accident, he was deliver'd out of Jail, escaped Death, and fortunately sail'd home to *England*. But this Method of Torturing doth not belong to this Place, where we are treating only of the Inquisition of a Crime not yet fully proved.

If when the Person is decently tortured he confesses nothing, he is allowed to go away free, and if he demands of his Judges that he be cleared by Sentence,

Pegna, in
Direct.
p. 122.

tence, they can't deny it him; and they pronounce, that having diligently examined the Merits of the Process, they find nothing of the Crime of which he was accused legally proved against him. There is extant in this Case a Decree in the *Madrid* Instruction, An. 1561. cap. 54. *If the Criminal overcomes the Torture, the Inquisitor must then weigh and consider the Nature of the Proofs, and the Degree and Form, or Manner of the Torture, and the Disposition or Nature and Age of the tortured Criminal. All which Things considered, if it appears that he hath sufficiently purged himself of all Marks, let them absolve him from any farther Process. But if there be any Reason and Cause, upon considering the aforesaid Circumstances, to think that the Torture was not inflicted with due Rigour, then let them inflict on him either a light or vehement Abjuration, or some pecuniary Penalty. Altho' this ought not to be done without great Consideration, and unless the Proofs are not thought sufficiently purged off.*

p. 73.

But if, when under the Question, he confesses, 'tis written in the Process, after which he is carried to another Place, where he hath no View of the Tortures, and there his Confession made during his Torments is read over to him, and he is interrogated several times till the Confession be made. But here *Gonsalvius* observes, that when the Prisoner is carried to Audience, they make him pass by the Door of the Room where the Torture is inflicted, where the Executioner shews himself on purpose to be seen in that Shape of a Devil I have described before, that as he passes by, he may, by seeing him, be forced to feel, as it were, over again his past Torments. The Space of Time allowed between the Torture and the Ratification of the Confession, is determined by the *Madrid* Instruction, An. 1561. cap. 53. *Twenty-four Hours after the Torture the Criminal must ratify his Confession, and if he retracts it, the Remedies provided by Law must be made use of. And at the time when the Torture is inflicted the Notary must write down the Hour, as also the Time of the Ratification, lest if such Ratification should be made the next Day, a Doubt may arise, whether it was after or before the twenty-four Hours. If the Criminal ratifies his Confession made under Torture, and the Inquisitors are satisfied of his good Confession and Conversion, they may admit him to Reconciliation, altho' his Confession was made under Torture. They must however prudently take Care how they receive such Persons, and consider the Nature of the Heresies they have confessed, and whether they have learnt them from others, or have taught them themselves to others, upon Account of the Danger that may ensue hereby.*

I am not able to say what was the Space of Time between the Torture and the Ratification of the Confession made under it, formerly in the Inquisition at *Tbolouze*, nor whether the Criminal was dismissed if he retracted his Confession after the Torture was over. There is one Instance only of *William Cavallerii*, in the Book of the Sentences of the *Tbolouze* Inquisition, who being in Court, and not under the Question or Torture, but in a different Place, and before different Officers, and three whole Days after the Torture was over, again confessed the Things he had before confessed under Torture, and persevered in them several Times. But afterwards he retracted all, saying, that he confessed thro' the Violence of his Torments, who yet is said to be convicted

convicted by certain Witnesses, some of them single, of certain heretical Facts. This Person was pronounced an Heretick by a definitive Sentence, and as such deliver'd over to the secular Court. But upon this Condition, that if within fifteen Days, each five of which were assigned him as so many Terms, he would confess his Crimes, and with a pure Heart and Faith unfeigned return to the Ecclesiastical Unity, abjure all Heresy, and swear simply to obey the Commands of the Church and Inquisitors, he should be absolved from Excommunication, and condemned to perpetual Imprisonment.

If there be very strong Evidence against the Criminal, if new Proofs arise, Simanc. if the Crime objected to him be very heinous, and the Discoveries against l. 65. him undoubted, if he was not sufficiently tortured before, he may be tor- 9. 75. tured again, but then only *when his Mind and Body is able to endure it.*

We read in the first *Seville* Instruction, c. 15. *That he who afterwards retracts* 9. 80. *the Confession extorted from him by Torture, must solemnly abjure those Errors of which he was defamed, and suffer some pecuniary Penalty at the Pleasure of his Judges, upon account of the Infamy and Suspicion yet remaining against him.* But for all this the Inquisitors oftentimes order the Question in this Case to be repeated.

Skilful Judges usually enter a Protest in the Acts of the Process, that they intend to carry on the Torture some other Day, that they may be able to repeat it. But *Royas* says, some Criminals are so crafty, that he hath of- Par. 2. ten actually seen them immediately confess their Fault when put to the Tor- Affert. 31. ture, and after twenty four Hours retract their Confession when they should 9. 300. confirm it, and when tortured again confess again, and retract again, and repeat the same as often as they are tortured. In which Case, to prevent the Process from being never finished, he thinks they are to be punished with a very grievous arbitrary Penalty, because of so many Variations, which occasion Proofs and bad Presumptions. For by the same Reason any one may be tortured again, he may be punished in an extraordinary Manner.

If he doth not persist in his first Confession, and is not sufficiently tortured, he may be put to the Torture again, not by way of Repetition, but Continuation of it; but they do not agree how often it may be repeated, when the Confession extorted by it is retracted. Some affirm it may be repeated once only, others that it may be often. *Eymerick's* Opinion is, that a Person sufficiently tortured ought to be dismissed freely, if he retracts what he confessed by Torture. But *Simancas* says, that a Criminal must not be condemned 165. 667, for a Confession drawn out by Torture, unless he afterwards perseveres in it. 63, 69. 'Tis the same in Law, if it be extorted by Fear, or Dread of impending Torments. The Confession is then said to be extorted thro' Fear of Torments, when the Criminal is carried to the Place in which the Torture is inflicted, and there stript of his Cloaths, or bound, or so terrified by the Judge, as that he hath great Reason to believe the Torture will be inflicted. For 'tis not enough if the Judge frightens him but slightly in any other Place, unless it be such a Fear as may affect a Person of Resolution. Hence the Light of the Inquisitors says, *In voce* " Altho' the Judge says to the Criminal, when he is out of the Place of Torture.

“ Torture, either confess, or I will order you to the Torture, frightening
 “ him by this Means as much as he can, upon hearing of which he makes
 “ his Confession, in such a Case the Confession is not said to be made thro’
 “ Fear of Torments, because the Terror it self is but slight.

But if he persists in his Confession, owns his Fault, and asks Pardon of the Church, he is condemned as guilty of Heresy by his own Confession, but as penitent. But if he obstinately persists in Heresy, he is condemned, and delivered over to the secular Arm to be punished with Death. If the accused Person is found to have fallen into Heresy, or there is otherwise Evidence proved against him, upon account of which he is obliged to abjure, as lightly or vehemently suspected of Heresy, he must not be tortured on this Account; but if besides this he denies some Things not sufficiently proved, and there be Proofs sufficient to put him to the Question, and he accordingly is tortured, but confesses nothing, he is not to be absolved, but is to be proceeded against according to the Things proved, and must be commanded to abjure either as suspected, or found guilty, as the Merits of the Process require. Or if he confesses any Thing by Torture, he must be forced also to abjure it.

C H A P. XXX.

How the PROCESS is ended against a Person suspected of Heresy, as also against one both suspected and defamed.

Direct.
p. 3. n. 161,
162.
rem. 40.

WHEN a Person accused of Heresy is found to be only slightly suspected of it, he is considered either as suspected publicly or privately. If he is publicly suspected, this was formerly the Manner of his Abjuration. On the preceding Lord’s Day the Inquisitor proclaims, that on such a Day he will make a Sermon concerning the Faith, commanding all to be present at it. When the Day comes, the Person to abjure is brought to the Church, in which the Council hath determined that he shall make his Abjuration. There he is placed upon a Scaffold, erected near the Altar, in the Midst of the People, and is not allowed to sit, but stands on it that all may see him, bare-headed, and with the Keepers standing round him. The Sermon being made on the Mass, to the People and Clergy there present, the Inquisitor says publicly, that the Person there placed on the Scaffold is suspected; from such and such Appearances and Actions, of the Heresy that hath been refuted in the publick Sermon, and that therefore ’tis fit that he should purge himself from it, by abjuring it as one slightly suspected. Having said this, a Book of the Gospels is placed before him, on which laying his Hands he abjures his Heresy. In this Oath he not only swears that he holds that Faith which the *Roman Church* believes, but also that he abjures every Heresy.

refy that extols it self againſt the holy Roman and Apoſtolick Church, and particularly the Herefy of which he was ſlightly ſuſpected, naming that Herefy: And that if he ſhall do any of the aforeſaid things for the future, he willingly ſubmits to the Penalties appointed by Law to one who thus abjures, and is ready to undergo every Penance, as well for the things he hath ſaid and done, as for thoſe concerning which he is deſervedly ſuſpected of Herefy, which they ſhall lay on him, and that with all his Power he will endeavour to fulfill it. After this Abjuration the Inquiſitor ſays to him, *Son, Thou haſt purged away by this Abjuration, the Suspicion, which, not without Cause, we entertained of you. Henceforth take heed to your ſelf, that you don't fall into this abjured Herefy; for altho' if you repent, you would not be delivered over to the ſecular Arm, becauſe you have abjured as one ſlightly ſuſpected only, and not vehemently, yet you would be much more ſeverely puniſhed than if you had not abjured, and inſtead of being ſlightly ſuſpected, would become vehemently ſo, and made to abjure as ſuch. And if you ſhould fall again, you would ſuffer the Punishment due to relapſed Perſons, and be delivered over without Mercy to the ſecular Court, to be puniſhed with Death.*

If he hath not been publickly ſuſpected, he abjures privately after the ſame Manner in the Episcopall Palace, or Inquiſitors Hall. 'Tis now the Cuſtom for ſlightly ſuſpected Perſons to make all their Abjurations in private, whether the Fact be publick or not. Afterwards he is injoin'd Penance for what he hath committed, and upon Account of which he was thus ſuſpected.

If he is vehemently ſuſpected, he is placed in like Manner upon a Scaffold, *n. 166. & ſeq. com.* and after he hath taken his Oath upon the Gospels, his Abjuration is delivered him in Writing to read before all the People if he can. If he can't read, the Notary, or ſome Religious, or Clergyman reads it by Sentences, pausing between each till the other hath repeated it after him, and ſo on till the whole Abjuration is gone thro'. In this Abjuration he ſubmits himſelf to the Punishments due to Relapſes, if he ever after falls into the Herefy he hath abjured. After the Abjuration is made, the Biſhop admoniſhes him, that if ever hereafter he doth, or ſays any Thing by which it can be proved, that he hath fallen into the Herefy he hath abjured, he will be delivered over to the ſecular Court without Mercy. Then he enjoins him Penance, and commands him to obſerve it, adding this Threatning, that otherwiſe he will become a Relapſe, and may, and ought to be judged as an Impenitent. However, ſuſpected Perſons, whether it be ſlightly or vehemently, are not condemned to wear Croſſes, nor to perpetual Imprisonment, becauſe theſe are the Punishments of penitent Hereticks; tho' ſometimes they are ordered to wear for a while the *Sambenito*, according to the Nature of their Offence. Ordinarily they are injoin'd to ſtand on certain holy Days in the Gates of ſuch and ſuch Churches, holding a burning Taper of ſuch a Weight in their Hands, and to go a certain Pilgrimage; ſometimes alſo they are imprifoned for a while, and afterwards diſpoſed of as is thought proper.

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Gonsalvius gives us some Instances of these Punishments. " There was at *Seville* a certain poor Man, who daily maintained himself and his Family by the Sweat of his Brows. A certain Parson detained his Wife from him by Violence, neither the Inquisition nor any other Tribunal punishing this heinous Injury. As the poor Man was one Day talking about Purgatory with some other Persons, of his own Circumstances, he happened to say, rather out of rustick Simplicity, than any certain Design, that he truly had enough of Purgatory already, by the rascally Parson's violently detaining from him his Wife. This Speech was reported to the good Parson, and gave him an Handle to double the poor Man's Injury, by accusing him to the Inquisitors, as having a false Opinion concerning Purgatory. And this the holy Tribunal thought more worthy of Punishment than the Parson's Wickedness. The poor Wretch was taken up for this trifling Speech, kept in the Inquisitors Jayl for two whole Years, and at length being brought in Procession, was condemned to wear the *Sambenito* for three Years in a private Jayl; and when they were expired, to be dismissed, or kept longer in Prison, as the Lords Inquisitors should think fit. Neither did they spare the poor Creature any thing of his little Substance, tho' they did his Wife to the Parson, but adjudged all the Remains of what he had after his long Imprisonment to the Exchequer of the Inquisition.

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" In the same Procession there was also brought forth a reputable Citizen of *Seville*, as being suspected of *Lutheranism*, without his Cloak and his Hat, and carrying a Wax Taper in his Hand, after having exhausted his Purse of 100 Ducats towards the Expences of the holy Tribunal, and a Year's Imprisonment in the Jayl of the Inquisition, and having abjured as one vehemently suspected, only because he was found to have said, that those immoderate Expences, and on these Accounts the *Spaniards* are prodigiously extravagant, which were laid out in erecting those large Paper or Linen Buildings, which the common People corruptly call Monuments, to the Honour of Christ now in Heaven upon *Holy Thursday*, and also those which were expended on the Festival of *Corpus Christi*, would be more acceptable to God, if they were laid out upon poor Persons, or in placing

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" out to good Persons poor Orphan Girls. Two young Students added to the Number in that Procession. One because he had written in his Pocket-Book some Verses made by a nameless Author, so artificially, as that the same Words might be interpreted so as to contain the highest Commendation of or Reflection upon *Luther*. Upon this Account only, after two Years Imprisonment, he was brought forth in Procession, without his Hat and Cloak, carrying a Wax Taper, after which he was banished for three Years from the whole Country of *Seville*, made to abjure as lightly suspected, and punished with a Fine. The other underwent the same Censure, only for transcribing the Verses for their artful Composition, excepting only that he commuted his Banishment for 100 Ducats towards the Expences of the holy Tribunal."

If he is violently suspected, altho' it may be that he is no Heretick, yet by the Construction of the Law he is accounted one, and judged as such. What this Judgment is, shall be hereafter explained.

If he is found suspected of Heresy, and also defamed, he is condemned first to purge himself by his Compurgators, and after he hath thus purged himself as a defamed Person, he must abjure as one suspected of Heresy, whether it be lightly, vehemently, or violently, according to the Manner in which such Persons are dealt with, and he is enjoined Penance, heavier or lighter, according as his Suspicion is greater or less. When the Sentence is pronounced, and committed to Execution, it may be dispensed with, mitigated, or commuted, as the Affair, or the Amendment and Humility of the Penitent deserves it.

[What the Manner is of proceeding at this Day in the Inquisition general at Rome, against Persons suspected of Heresy, we have a most clear Instance, in the Sentence pronounced against *Galileus Galilei*, a famous Astronomer, because he taught, that the Sun stood immovable in the Midst of the Universe, and that the Earth moved round it as about its proper Center. I have thought it worth while to transcribe it here intire, that it may appear, that Opinions purely Astronomical, and that have nothing to do with Religion, and which can neither be of any Advantage or Disservice to Piety, which soever side of the Question is defended, are a sufficient Argument to the Roman Inquisitors, to render any one vehemently suspected of Heresy, after the Prelates of that Church have once determined on one side, and to injoin him a solemn Abjuration, which it self is a very grievous Punishment in the Inquisition. The Sentence is thus :

“ We *Gaspar Borgia*, of the Title of *Sainte Croix de Hierusalem*.

“ *Friar Felix Centino d' Ascoli*, of the Title of *St. Anastasia*.

“ *Guido Bentivoglio*, of the Title of *St. Mary del Populo*.

“ *Friar Desiderius Seaglia di Cremona*, of the Title of *St. Charles*.

“ *Friar Antony Barberini*, called *Mesroy*.

“ *Lewis Zaccchia*, of the Title of *St. Peter, in Vinculis*, called *St. Sixto*.

“ *Berlingerus Gypsias*, of the Title of *St. Austin*.

“ *Fabritius Verospius*, called *Presbyter*, of the Title of *St. Lawrence, in pane & perna*.

“ *Franciscus Barberini*, of *St. Laurence, in Damaso*, and

“ *Martius Ginettus*, of the Title of *St. Maria Nuova*, Deacons, by the Mercy of God, Cardinals of the holy Roman Church, specially deputed by the holy Apostolick See, to be Inquisitors against heretical Pravity throughout the whole Christian Republick.

“ Whereas you *Galileus*, Son of the late *Vincent Galileus* of *Florence*, aged Seventy, were informed against in the Year 1615. in this holy Office, that you maintained as true a certain false Doctrine, held by many, viz. that the Sun was in the Center of the World, and immovable, and that the Earth moved even with a daily Motion. Likewise that you have had certain Scholars, whom you have taught the same Doctrine. Likewise

“ that

“ that you have kept up a Correspondence with certain *German* Mathematicians concerning the same. Likewise that you have published certain Letters concerning the solar Spots, in which you have explained the same Doctrine as true, and that you did answer the Objections, which in several Places were made against you, drawn from the holy Scripture, by glossing the said Scripture according to your own Sense, and finally, whereas there hath been shewn us a Copy of a Writing, under the Form of a Letter, which is reported to be written by you, to one who was formerly your Scholar, in which you followed the Hypotheses of *Copernicus*, containing certain Propositions contrary to the true Sense and Authority of the holy Scripture.

“ This holy Tribunal therefore being willing to provide against the Inconveniencies and Dangers which have proceeded and increased upon this Account to the Ruin of the holy Faith: By the Command of the said *N.* and of the most eminent Lords the Lords Cardinals of this supream and universal Inquisition, two Propositions concerning the Fixedness of the Sun, and the Motion of the Earth have been thus qualified by the Qualificator Divines, *viz.*

“ *That the Sun is in the Center of the World, and unmovable with a local Motion, is an absurd Proposition, false in Philosophy, and formally heretical, because 'tis expressly contrary to the holy Scripture.*

“ *That the Earth is not the Center of the World, nor immovable, but moves even with a daily Motion, is likewise an absurd Proposition, and false in Philosophy, and, theologically considered, at least erroneous in the Faith.*

“ But as it pleased us in the mean while to proceed kindly with you, it was decreed in the sacred Congregation, held before our Lord *N.* Feb. 25. An. 1616. that the most eminent Lord Cardinal *Bellarmino* should command you, that you should entirely depart from the aforesaid false Doctrine; and in case you should refuse to obey him, you should be commanded by the Commissary of the holy Office, to forsake the said Doctrine, and that you should not teach it to others, nor defend it, nor treat concerning it; and that if you would not submit to this Order you should be put in Jail; and in Execution of the said Decree, you were commanded by the said Commissary of the holy Office, for the Time being, on the Day following in the Palace, before the aforesaid most eminent Lord Cardinal *Bellarmino*, after you had been kindly admonished by the said Lord Cardinal, in the Presence of the Notary and Witnesses, that you should wholly desist from the said false Opinion; and that it should not be lawful for you for the future, to defend it, or by any Means to teach it, neither by Word nor Writings: And upon promising Obedience you were dismissed.

“ And that so pernicious a Doctrine might be wholly removed, and should not spread any farther, to the great Damage of the Catholick Truth, there came forth a Decree from the sacred Congregation, of an Index, in which the Books treating of the said Doctrine were prohibited, which Doctrine was declared

“ declared to be false, and altogether contrary to the holy and divine Scripture ;
“ and whereas at length there appeared this Book published at *Florence* the
“ Year next ensuing, the Title of which shewed that you were the Author of
“ it, because it ran thus, *Dialogo di Galileo Galilei delle duo massime sisteme del*
“ *mundo, Tolomeico & Copernicano*: And whereas the sacred Congregation at
“ the same Time knew, that by the Impression of the aforesaid Book, the
“ false Opinion concerning the Motion of the Earth, and the Fixedness
“ of the Sun, did daily gain Ground, the aforesaid Book was diligently con-
“ sidered, and there plainly appeared therein a Disobedience to the aforesaid
“ Command, of which you had Intimation, because, in the said Book, you de-
“ fended the aforesaid Opinion already condemned, and declared to be so in
“ your own Presence, inasmuch as you endeavour by various round about Me-
“ thods in the said Book, to persuade Persons, that you leave the said Opinion
“ as undecided, and yet greatly probable ; which is really likewise a very
“ grievous Error, because no Opinion can by any Means be probable, which
“ hath been declared and determined to be contrary to the divine Scripture.

“ Wherefore, by our Command, you are cited to this holy Office, in
“ which being examined upon Oath, you have owned the said Book as writ-
“ ten and printed by you : Likewise you have confessed, that about ten or
“ twelve Years ago you began to write the said Book, after you had received
“ the above Command : Likewise that you desired Licence to publish it,
“ without signifying to the Persons who gave you such Licence, that you
“ were commanded not to hold, defend, or by any Means to teach such Do-
“ ctrine.

“ You have likewise confessed, that the aforesaid Book is so composed in
“ several Places, as that the Reader may think that the Arguments brought
“ for the false Side of the Question are so laid down, as by their Strength
“ rather to convince the Understanding, than to be easily capable of being
“ answered ; excusing your self that you have ran into an Error, so foreign
“ as you have declared from your Intention, because you have wrote by way
“ of Dialogue, and upon Account of that natural Pleasure which every one
“ takes in his own Subtleties, and in shewing himself more shrewd than the
“ Generality of Men, in finding out ingenious Arguments that have the Ap-
“ pearance of Truth, even tho’ it be only in Favour of false Propo-
“ sitions.

“ And whereas there was assigned to you a convenient Term for your ma-
“ king your Defence, you produced a Certificate under the Hand of the
“ most eminent Lord Cardinal *Bellarmino*, procured, as you said, by you,
“ that you might defend your self from the Calumnies of your Enemies, who
“ reported that you had abjured, and was punished by the holy Office, in
“ which Testimonial ’tis declared that you had not abjured, neither been
“ punished, but only that you had been acquainted with the Declaration
“ made by our Lord, and published by the sacred Congregation of the
“ Index in which ’tis contained, that the Doctrine of the Earth’s Mo-
“ tion, and the Sun’s Fixedness is contrary to the holy Scripture, and there-
“ fore

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“ fore ought neither to be defended or maintained. And in as much as there-
 “ in there is no Mention of two Particulars contained in the Command gi-
 “ ven you, *viz. Docere, to teach*; and *quovis modo, by any Means*; ’tis to
 “ be believed, that in a Course of fourteen or sixteen Years, those Particu-
 “ lars might have been forgotten by you, and that on this Account you con-
 “ cealed the Injunction you had been served with, when you demanded Li-
 “ cence to print your Book, and that you said all this not to excuse your Error,
 “ but that it might be imputed to vain Ambition rather than to Malice. But
 “ this very Testimonial produced in your Defence, hath made your Cause
 “ rather worse, for as much as therein it is said, that the aforesaid Opinion is
 “ contrary to holy Scripture, and yet you have dared to treat of it, to de-
 “ fend it, and persuade others ’tis probable. Neither can you receive any
 “ Advantage by the Licence you artfully and fraudulently procured, because
 “ you did not signify the Injunction you had received.

“ And whereas it appears to us, that you have not declared to us the
 “ whole Truth concerning your Intention, we have judged that ’tis necessary
 “ to proceed to a rigorous Examination of you, in which, without any Pre-
 “ judice to those Things which you have confessed, and which have been
 “ produced against you, concerning your said Intention, you have answered
 “ in a Catholick Manner. And therefore upon seeing and maturely confi-
 “ dering the Merits of this your Cause, together with your aforesaid Con-
 “ fessions and Excuses, and all other Things by Law to be seen and con-
 “ sidered, we have proceeded against you to the underwritten definitive Sen-
 “ tence.

“ Calling therefore upon the most holy Name of our Lord Jesus Christ,
 “ and his most glorious Mother *Mary*, ever a Virgin, we do by this our de-
 “ finitive Sentence, which, sitting on our Tribunal, we pronounce in these
 “ Writings, with the Advice and Judgment of the Reverend Masters, Do-
 “ ctors of Divinity, and both Laws, our Consultors, concerning the Cause
 “ and Causes now depending before us, between the magnificent *Carolus Sin-*
 “ *cerus*, Doctor of both Laws, and Procurator of the Exchequer of this holy
 “ Office, on one Part, and you *Galileus Galilei*, the Criminal here under In-
 “ quisition, by this present written Process, examined, and confessed as above,
 “ on the other Part, say, judge and declare that you the aforesaid *Galileus*
 “ have, upon account of those Things which are produced in the written
 “ Process, and which you have confessed as above, render’d your self vehe-
 “ mently suspected of Heresy to this holy Office; *i. e.* that you have believed
 “ and held a Doctrine false, and contrary to the sacred and divine Scriptures,
 “ *viz.* that the Sun is the Center of the Orb of the Earth, and doth
 “ not move from the East to the West, and that the Earth moves, and is
 “ not the Center of the World, and that this may be held and defended as a
 “ probable Opinion, after it hath been declared and determined to be con-
 “ trary to the sacred Scripture; and consequently that you have incurred all
 “ the Censures and Penalties appointed and promulgated by the sacred Ca-
 “ nons, and other general and particular Constitutions, against such Offen-
 “ ders,

“ ders ; from which 'tis our Pleasure that you should be absolved, provided that you do first, with a sincere Heart, and Faith unfeigned, abjure, curse, and detest before us the aforesaid Errors and Heresies, and every other Error and Heresy, contrary to the Catholick and Apostolick Roman Church, in that Form which shall be exhibited to you by us.

“ But lest your grievous and pernicious Error and Transgression should go altogether unpunished, and that you your self may be render'd more cautious for the future, and that you may be an Example to others, that they may abstain from such Crimes, we decree that the Book of Dialogues of *Galileus Galilei*, shall be prohibited by a publick Edict, and we condemn you formally to be imprisoned in this holy Office for a Time determinable at our Pleasure ; and we enjoin you, under the Title of a salutary Penance, that for the three Years ensuing you repeat, once in a Week, the seven penitential Psalms ; reserving to our selves the Power of moderating, changing, or wholly, or in part removing the aforesaid Penalties and Penances.

“ And thus we say, pronounce, and by our Sentence declare, ordain, condemn and reserve in this, and every other better Manner and Form, which we can, and ought to do by Law.

Thus we the under-written Cardinals pronounce.

F. Cardinal *d'Ascoli*.
 G. Cardinal *Bentivoglio*.
 F. Cardinal *de Cremona*.
 Fr. Cardinal *a Mefroy*.
 B. Cardinal *Gypsius*.
 F. Cardinal *Verospius*.
 M. Cardinal *Ginettus*.

The Abjuration of *Galileus*.

I Galileus, Son of the late Vincentius Galileus, a Florentine, aged Seventy, being here personally upon my Trial, and on my Knees before you, the most Eminent and Reverend the Lords Cardinals, Inquisitors General of the universal Christian Common-wealth, against heretical Pravity, having before my Eyes the most holy Gospels, which I touch with my proper Hands, do swear that I always have believed, and do now believe, and by the Help of God, hereafter will believe all that, which the holy Catholick and Apostolick Roman Church doth hold, preach and teach. But because, after I had been juridically enjoined and commanded by this holy Office, that I should wholly forsake that false Opinion, which holds, that the Sun is the Center, and immovable, and that I should not hold, defend, nor by any Manner, neither by Word or Writing, teach the aforesaid false Doctrine, and after it was notified to me that the aforesaid Doctrine was contrary to the holy Scripture, I have written and printed a Book, in which I treat of the said Doctrins already condemned, and produce Reasons of great Force in Favour of it, without giving any

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Answer to them, I am therefore judged by the holy Office as vehemently suspected of Heresy, viz. that I have held and believed that the Sun is the Center of the World; and immovable, and that the Earth is not the Center, but moves.

Being therefore willing to remove from the Minds of your Eminences, and of every Catholick Christian, this vehement Suspicion legally conceived against me, I do with a sincere Heart and Faith unfeigned, abjure, curse and detest the above-said Errors and Heresies, and in general every other Error and Sect contrary to the aforesaid holy Church; and I swear, that for the future, I will never more say or assert, either by Word or Writing, any Thing to give Occasion for the like Suspicion; but that if I shall know any Heretick, or Person suspected of Heresy, I will inform against him to this holy Office, or to the Inquisitor or Ordinary of the Place in which I shall be. Moreover, I swear and promise, that I will fulfill and wholly observe all the Penances which are, or shall be enjoined me by this holy Office. But if, what God forbid, it shall happen that I should act contrary by any Words of mine, to my Promises, Protestations and Oaths, I do subject my self to all the Penalties and Punishments which have been ordained and publish'd against such Offenders, by the sacred Canons and other Constitutions general and particular. So help me God and his holy Gospels, which I touch with my own proper Hands.

I the aforesaid Galileus Galilei have abjured, sworn, promised and obliged my self as above, and in Testimony of these Things have subscribed with my own proper Hand this present Writing of my Abjuration, and have repeated it Word for Word at Rome, in the Convent of Minerva, this 22d Day of July, An. 1633.

I Galileus Galilei, have abjured as above, with my own proper Hand.

C H A P. XXXI.

How the PROCESS against an Heretick confessed, and penitent, ends, and first of ABJURATION.

*Direct. p. 3.
n. 188.
esm. 44.* **I**F any Heretick is informed against, and upon Oath confesses his Heresy judicially before the Bishop or Inquisitor, but professes, that upon Information of the Bishop or Inquisitor he will depart from it, return to the Bosom of the Church, and abjure that and every other Heresy, he is not deliver'd to the secular Arm, but differently punished according to the Heinousness of the Crime. For in the first Place all such Persons are compelled publicly to abjure their Heresy in the Church before all the People; but they are not permitted to excuse themselves, or in any manner to testify their Innocence, lest the People should be offended by thinking him unjustly condemned. Before the Person who is to abjure, there is placed the Book of the Gospels, and then he puts off his Hat, falls on his Knees, and putting his Hands on the Book, reads, if he knows how to read, his Abjuration; if he can't read, the Notary or some religious Person or Clergyman reads for him, and

and making a Pause, the Person abjuring repeats what is read ; then the Notary goes on, and the Abjurer always repeats his Words, with a loud Voice, so as to be heard by all, till the whole Abjuration is read over even to the End.

Formerly, before Persons violently suspected of Heresy abjured, the Bishop or Inquisitor used thus to address to him. *My Son, we violently suspect you of Heresy, upon account of those Things 'tis declared you have committed, upon account of which you are by Law to be condemned as an Heretick. Therefore consider and attend to what I say to you. If you will so depart from the said Heresy or Heresies, as to be willing now here publickly to abjure them, and patiently to undergo the Penance which we enjoin you, the Church and we, as the Vicars of Christ, will receive you to Mercy. But we will enjoin you a Penance, which you may well bear, and absolve you from the Sentence of Excommunication, which you were under, that you may be saved, and have Glory in the future World. But if you will not abjure, nor submit to Penance, we will immediately deliver you to the secular Arm, and so you will destroy together both Body and Soul. Which therefore will you chuse, to abjure and be saved, or to refuse to abjure and to be damned ?* If he says, I will not abjure, and persists in it, he is delivered over to the secular Court, as shall be afterwards shewn. But if he says that he will abjure, the Abjuration is made according to the Forms prescribed. But now the Bishop uses no such Discourse, but before the Criminal is brought upon the Scaffold, all Methods are diligently made use of for his Conversion, and if he be truly converted, he will abjure without any such foregoing Admonition.

This Abjuration is enjoined all who return from Heresy, and even all suspected upon any Account of Heresy ; nor is any one, tho' otherwise privileged, and of great Dignity, excepted. Even Boys of fourteen, and Girls of twelve Years old, are compelled to it, according to the Decree of the Council of *Tholouse*, An. 1229. cap. 11. *Let all Persons, as well Men as Women, the Males from fourteen Years old and upwards, and the Females from twelve, abjure every Heresy extolling it self against the holy and Catholick Church of Rome, and the Orthodox Faith, under whatsoever Name it be ranked. The Council of Biterre hath decreed the same. And this perhaps is the same which is cited in a Book concerning the Form of proceeding against Hereticks. And that by the Help of the Lord Heresy may be the better extirpated, and the Faith sooner planted in the Earth, cause the Statutes and Laws published on these Accounts by the Apostolick See, and the Legates and Princes thereof, to be most fully observed. Furthermore, cause all Persons, Males and Females, the Males from fourteen, the Females from twelve Years old and upwards, to abjure every Heresy, and to swear that they will keep the Faith, and defend the Catholick Church, and persecute Hereticks, as is above more fully and largely contained, in Reference to them, in the Oath which those who are to be reconciled must make, writing down the Names of all of them, as well in the Acts of the Inquisition, as their respective Parishes, and if any present shall not take such Oath within 15 Days after their Return, let them be accounted suspected of Heresy. Take Care also that this universal Abjuration be performed as soon as you can, either by your selves, or your Notaries or Writers, or by*

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other Ecclesiastical Persons, whom you shall think fit to entrust with the Affair, causing also the Counts, Barons, Rulers and Consuls of Cities and other Places, to swear, that when it shall be required of them, they will faithfully and effectually assist the Church against Hereticks and their Accomplices, according to their Office and Power, and bona fide, endeavour to exterminate with all their Might, out of the Places subject to their Jurisdiction, all such Persons as shall be marked for Hereticks by the Church. And whoever shall relapse after such Abjuration, and shall not observe and do the Penances enjoined them, let them suffer the Punishment due to relapsed Persons.

But the Instruction of Valadolid, made An. 1488. c. 12. says thus: Likewise they have appointed, that such who are not come to the Age of Discretion, as well Males as Females, shall not be obliged to abjure publicly, till after the said Years of Discretion, which is the twelfth Year of Women, and the fourteenth of Men. And in this Sense is to be understood the Statute of the Seville Instructions, which regulates this Matter. And when they shall have exceeded the aforesaid Years, let them abjure what they have offended in when they were of younger Years, if they have been capable of Deceit. From whence it may be collected that Boys and Girls might abjure before this Age, tho' not publicly. Finally, the Council of Narbonne hath thus decreed, cap. 6. Cause all Persons to confess and abjure their Faults publicly in an Assembly of the Clergy and People, and to swear according to what is more fully contained in the Apostolick Commands, and in the Statutes of our Lord the Pope of Rome, unless where the Slightness of the Fault, and the Enormity (possibly it should have been read the Smallness) of the Scandal, should be thought in Reason to deserve an Abatement of this Rigour. And as to every one of them, let there be drawn up publick Instruments containing the Crimes, Abjurations, Promises and Penances of the said Persons, lest the Truth, long concealed, but now so wonderfully and mercifully discovered, should farther perish or disappear.

If the Criminal knows how to write, he must subscribe his Abjuration; if he doth not know how to write, or can't, the Inquisitor and Notary must subscribe for him. This is prescribed by the Inquisitors of Spain, by the Madrid Instruction, An. 1561. c. 42. Let the Abjuration which the Criminals make, be put at the End of the Sentence, and the Pronunciation of it, which the Criminals shall subscribe, if they know how to write, putting their Names to it; but if they know not how to write, then one of the Inquisitors and the Notary shall subscribe for them.

When the Abjuration is made, because every Heretick is excommunicated, they are absolved from Excommunication upon this Condition, viz. if they return to the Unity of the Catholick Faith with a true Heart and Faith unfeigned, and observe the Commands enjoined them; which is expressly added, that if they should not observe them, it may appear that they were not absolved.

Those who commit heretical and apostate Facts, must be thus reconciled according to the Practice received in the Tribunal of the Inquisition. If they voluntarily appear and say, that they did not believe they ought to do so, but retained the Faith in their Heart, then they abjure as vehemently suspected, and have other salutary Penances enjoined them. If they say that they both did

did so, and believed that they ought to do so, then they abjure as formally Hereticks or Apostates, and are more grievously punished, especially if they have committed heretical or apostate Actions voluntarily, or without being compelled by Fear, or by a slight Occasion of Fear. If they do not appear voluntarily, and yet confess heretical and apostate Actions, but deny the evil Intention, then they are to be tortured upon such Intention, that it may be known whether they have really believed so or not; and if after the legal Torture they persist in the negative, saying, they had no ill Intention, then they likewise abjure as vehemently suspected. As to those who have committed such Things thro' grievous Fear, 'tis determined that 'tis likely they had no evil Intention. But if they confess the evil Intention or Error of the Mind, then they are compelled to abjure as formal Hereticks or Apostates, upon their being willing to return to the Unity of the Church, and are farther condemned as converted Hereticks to other Punishments and Penances, which we shall hereafter describe. But in order to their being more grievously or mildly punished, the Nature of that Fear they were under is considered, and the Circumstances of the Person offending; as whether he was a Youth, or a Man, learned or unskilful, one of the Laity or Clergy, or Religious, and the like Things which usually lessen or encrease the Offences. There are also others who pronounce heretical Words which have no Excuse, viz. in Jest, or Anger, or mere Simplicity, on which Offenders the Inquisitors may lay pecuniary Mulcts.

As to such Facts in which there appears nothing of an Infidel Right, and which therefore only render a Person suspected, but don't demonstrate him to be an Heretick, no one is proceeded against as an Heretick, or Believer of Hereticks, upon account of them, but only as a suspected Person; because such Facts are sometimes committed thro' carnal Affection, sometimes thro' the Entreaties of Friends, sometimes also thro' Corruption by Money.

The Form of Abjuration formerly used in the Inquisition of *Tboloufe*, oftentimes occurs in the Book of Sentences. Herein they abjure *every Heresy* fol. 100. *extolling it self against the Catholick Faith of our Lord Jesus Christ, and the holy Roman Church, and all Belief of Hereticks of every condemned Sect whatsoever, by whatsoever Names they are called, and all favouring, receiving and defending of them, and Communication with them, under the Punishment due by Law to those who relapse into the Heresy they have judicially abjured. They moreover promise and swear, that they will pursue, and reveal and discover Hereticks, and their Believers and Favourers, and Receivers and Defenders, and who fly for Heresy, whensoever and wheresoever they know them to be, or any one of them; and that they will obey and be obedient, that they will hold and keep, and defend the Catholick Faith of our Lord Jesus Christ, which the holy Church of Rome preaches and observes; and that they will obey and be obedient to the Commands of the Church, and the Inquisitors and their Successors, and that they will receive, and, according to their Power, fulfil and perfect the Penance enjoined them, and that they will never fly nor* fol. 149. *absent themselves thro' Contumacy and Wilfulness. This Form in another Place is a little alter'd.*

*Lucern.
Inquis. sec.
Pena pec-
cun.*

The HISTORY of the INQUISITION.

In Ecclesiastical History we find two remarkable Forms of Abjuration prescribed to certain famous Doctors by the Church of Rome. The one is that of *Berengarius*, the other that of *Jerom of Prague*.

Berengarius abjured in these Words. *I Berengarius, an unworthy Deacon of the Church of St. Maurice of Angiers, acknowledging the true and Apostolick Faith, do anathematise every Heresy, and particularly that for which I have hitherto been defamed; which endeavours to prove, that the Bread and Wine placed upon the Altar are, after Consecration, only a Sacrament, and not the true Body and Blood of our Lord Jesus Christ, and cannot be sensibly, but only sacramentally, handled or broken by the Hands of the Priests, nor chewed to Pieces by the Teeth of the Faithful. But I consent to the holy Church of Rome and Apostolick See, and with my Mouth and Heart confess that I hold that Faith concerning the Sacrament of the Lord's Table, which our Lord and venerable Pope Nicholas, and this holy Synod, by Evangelick and Apostolick Authority, hath delivered to be held and confirmed to me, viz. that the Bread and Wine placed on the Altar, are, after Consecration, not only a Sacrament, but also the true Body and Blood of our Lord Jesus Christ, and is broken sensibly, not only sacramentally, but in Truth, by the Hands of the Priests, and chewed by the Teeth of the Faithful, swearing by the holy and consubstantial Trinity, and by these most holy Gospels of Christ. And as to those, who shall go contrary to this Faith, I pronounce them, with their Opinions and Followers, worthy of eternal Damnation. And if I myself shall at any time presume to think or preach any Thing contrary to this, I subject myself to the Severity of the Canons. I have voluntarily subscribed to this, being read over and thro'.*

The Abjuration of *Jerom of Prague* is longer. *I Jerom of Prague, Master of the liberal Arts, acknowledging the true Catholick Church and Apostolick Faith, do anathematise every Heresy, and especially that for which I have hitherto been defamed, and which in former Times John Wycleff and John Hufs have dogmatized and held in their Works, Books, or Sermons to the Clergy and People, for which Reason the aforesaid Persons, with their Opinions and Errors, have been condemned as Hereticks by this Synod of Constance, and their aforesaid Doctrine sentimentally damned, especially in some Articles expressed in the Sentences pronounced against them by this holy Council. I consent also to the holy Church of Rome, and the Apostolick See, and this holy Council, and with my Mouth and Heart profess it, in and concerning all Things, and especially concerning the Keys, Sacraments, Orders, Offices and Ecclesiastical Censures, Indulgencies, and Relicts of Saints, and Ecclesiastical Liberty, as also concerning the Ceremonies, and all other Things pertaining to the Christian Religion, even as the Church of Rome and Apostolick See, and this holy Council profess; and particularly that most of the aforesaid Articles are notoriously heretical, and long since condemned by the holy Fathers; some of them blasphemous, others erroneous, others scandalous, some of them offensive to pious Ears, and others of them rash and seditious; and the aforesaid Articles have been lately condemned as such by this holy Council, and it hath been forbidden all and singular Catholicks, under Penalty of an Anathema, ever for the future to presume to preach, dogmatise, or to hold the said Articles, or any one of them.*

After

After these Things follows a long Abjuration of a certain triangular Figure used by him, and called the Shield of Faith, and then he goes on. *Besides, that it may appear to all what were the Reasons why I have been reputed to adhere to and favour the said late John Hufs, I notify by these Presents, that whereas I had often heard him in his Preachings and Schools, I believed him to be a good Man, and to go in nothing contrary to the Traditions of our holy Mother Church and the holy Doctōrs; yea, as there were certain Articles lately offered to me in this City, laid down by him, and condemned by this holy Council, I did not at first View believe them to be his, at least in that Form: And when I had heard it affirmed by several famous Doctōrs and Masters in Divinity, that they were his, I desired, for my full Information, that they would shew me the Books of his own Hand-writing, in which the said Articles are said to be contained, which being shewen to me written with his own proper Hand, which I know as well as my own, I found all and singular the said Articles were written by him in that Form in which they were condemned. From whence I have found, and do find, that he and his Doctrīne, with their Followers, have been deservedly condemned and rejected as heretical and mad, by the holy Council. And all these Things aforesaid I affirm purely, and without any Reserve, as one who is now fully and sufficiently informed of the aforesaid Sentences pronounced by this holy Council against the Doctrīnes of the said late John Wycleff and John Hufs, and against their Persons; to which Sentences I do, as a devoted Catholick, in and concerning all Things humbly consent and adhere.*

After this he abjured the Opinion, that Faith was to take place even in the future Life, and concludes thus. *Moreover I swear both by the holy Trinity, and by these most holy Gospels, that I will always, and without Doubt, remain in the Truth of the Catholick Church, and pronounce all those who shall oppose this Faith, together with their Opinions, worthy of eternal Damnation. And if I my self shall at any time, which God forbid, presume to think or preach any Thing to the contrary, I subject my self to the Severity of the Canons, and shall be found obnoxious to eternal Punishment. And this Confession and Writing of my own Profession I do voluntarily offer to this holy general Council, and have subscribed the same with my own proper Hand, and have written all these Things. This Abjuration was made September 15, 1415.*

Jerom of Prague seems to have been terrified by the Condemnation of *John Hufs*, and to have fallen thro' the Infirmity of human Nature. But afterwards he took Courage, and with great Resolution revoked his Abjuration in the Synod, and was, *May 30, 1416.* pronounced, declared, and condemned by the Council of *Constance* as an Heretick, and relapsed into Heresy, excommunicated, and anathematized, and as such deliver'd over to the secular Arm; and being brought to the Stake he suffer'd Death, and endured the severest Torments of the Fire, with a truly heroick Mind.

And in this Manner all Persons are forced to abjure, which the Church of *Rome* pronounces Hereticks, unless they are willing to be delivered over as impenitent Hereticks to the secular Arm or Court, but especially Doctōrs, whom they call Dogmatists, Dogmatifers, and Arch-hereticks. *Bzovius*, under the Year 1479. §. 9. gives us a famous Instance which hapned in *Spain*.

Peter de Osma, who read Theological Lectures at *Salamanca*, had publish'd a Book, in which were several Things contained contrary to the Doctrines of the Church of *Rome*. The Arch-Bishop of *Toledo*, then at *Alcala de Henarez*, where he generally resided, did, by Command of Pope *Sixtus*, after having consulted the most learned Men, and well considered the Matter for a long while, condemn his Opinions, and put the Author himself under the Infamy of an *Anathema*, unless he changed his Sentiments. The Sentence was pronounced *June 23*. Pope *Sixtus* confirmed the Sentence of the Arch-Bishop by a Bull, and commanded him, that he should not omit to proceed against the Followers of *Peter de Osma*, as Hereticks, if they should refuse or wickedly defer to abjure this Heresy they are fallen into, or to imitate the said *Peter* abjuring his Errors and repenting, as they had imitated him in his Error.

C H A P. XXXII.

Of the Punishment and wholesome Penances enjoined such as abjure.

SUCH who abjure, and after Abjuration are reconciled to the Church, are enjoined various Punishments, and, as they call them, wholesome Penances. They are imposed by the Inquisitors at Pleasure. Extra. de hæret. c. *Ad abolendam*. §. *Præsenti*. [And thus the Council of *Narbonne* hath decreed, *Cap. 5*. *This indeed we so injoin, not that you should impose every where, or upon all alike, all the fore-mentioned Penances, but that ye may, according to the Discretion given you of the Lord, so cautiously and providently dispense them, according to the Nature of the Crimes and Persons, Places and Times, and other Circumstances, that whether by punishing or pardoning, the Life of Offenders may be amended, or at least that it may appear who walks in Darkness, who in the Light; who is truly penitent, who feignedly converted; and that no Scandal may arise from hence to true Catholics, and that Heresy may not be defended or nourished thro' Pretence of Scandal, or any other whatsoever.* But, as *Carena* advises, in this Imposition of Punishment the Inquisitors must be careful always to use Clemency and Mercy, not Cruelty and Severity. But he adds, *This must be understood with a Grain of Salt, viz. that this Clemency must not be shewn to an impenitent Heretick; for after the Inquisitors have used all their Endeavours for his Conversion, they must by no Means mitigate the Punishments of Death, Infamy, and others threated against him by Law. For as to this, whilst he remains impenitent, N. B. the only Instance of true Piety is to be cruel.*] They have also Power of commuting and mitigating them; because this imposing of Penance is not a definitive Sentence, but rather an Injunction, and Command or Precept of Purgation. 'Tis otherwise, when the Inquisitor hath condemned any one as an Heretick, and imposes Penance on him as such, because that is a Punishment determined by the Law, and which therefore

therefore doth not depend on the Pleasure of the Inquisitor, and because by such Condemnation he hath pronounced a definitive Sentence, and so ceases to be a Judge. *Zanchin. de hæret. cap. 21.* And these Penances in general are laid upon any Persons.

Priests and others of the Clergy are not usually enjoined publick Penance, ^{Simanc. t. 47.} both because of the Dignity of their Order, and that the Flock of the Faithful may not be offended. But altho' this is to be observed in smaller Crimes, ^{p. 74, 75, 76.} yet in more heinous ones the Priests are to be compelled to undergo publick Penance, and the rather in the Crime of Heresy, because such Offences in Priests are more heinous than in the Laity. And not only Clergymen and Presbyters are obliged to this publick Penance, but also Bishops, Cardinals and others, howsoever dignified; because all Men are upon an equal Foot in Matters pertaining to the Orthodox Faith. Add to this, that heretical Clergymen, returning to the Church, are, after Injunction of Penance, to be degraded, at least by a verbal Degradation, by which they are suspended from the Exercise of their Orders: But of this hereafter.

[*Carena* observes particularly concerning Regulars, that when they fall into ^{p. 3. t. 19.} Crimes relating to this Tribunal, they are usually punished with some peculiar Punishments. ^{p. 11.} These are the Privation of active and passive Votes, of the Office of Preaching, and of hearing Confessions, especially those of Women; that the Sentence of the Inquisitors must be read twice a Year in a Chapter of the Religious and Presence of the Criminal, that they take the last Place in the Quire and Refectory, that they must be whipped by their Religious in a Chapter and Presence of the Notary of the holy Office; and others. But *Carena* adds, these Punishments are to be enjoined with great Moderation, Regard being always had to the Heinousness of the Offence, and the Quality of the Offender; but yet in such a Manner, as that the Inquisitors ought to know, that such Punishments are not imposed only on soliciting Confessors, but even upon the Religious who offend otherwise. Hence it happened some Years ago in our Congregation at *Cremona*, by Order of the sacred Congregation, that a certain Regular, who had rashly incurred the Constitutions of *Paul V.* and *Gregory XV.* published upon the Affair of the Conception; was condemned, publickly to revoke some Propositions that were rash, scandalous, and offensive to pious Ears, in the same Place where he had preached them; and was farther deprived of his active and passive Vote, and the Office of Preaching and Lecturing, together with other wholesome Penances. Thus also in a solemn Act of the Faith celebrated in the Kingdom of *Sicily*, Friar *Marcellus de Pratis*, a Religious of the Order of the Minors, was condemned by that most illustrious Tribunal, because he had rashly feigned himself a Saint, impeccable, confirmed in Grace, and had pronounced other scandalous and rash Propositions, to the Gallies for three Years, to be banished for two more into such a Convent of his own Religion as should be assigned him, with this Addition, that he should fast every *Friday* on Bread and Water, eat upon the Ground in the Refectory, walk without his Hat, and sit in the lowest Place

in the Quire and Refectory, and be perpetually deprived of his active and passive Vote, and of the Faculty of hearing any Persons Confessions whatsoever.

l. 2. t. 2. c. 15. n. 10. p. 233. *Lewis a Paramo* gives us another remarkable Instance of one *Mary* of the Annunciation, Priorefs of the Monastery of the Annunciation at *Lisbon*, a Maid of 32 Years old, who had pretended that the Wounds of Christ, by the special Grace and Privilege of God, were imprinted on her, and shewed 32 Wounds made on her Head, representing the Marks of those which were made by our Saviour's Crown of Thorns, and Blood sprinkled on her Hands like a Rose, the Middle of which was like a Triangle, and shewed the Holes of the Nails narrower on one Side than the other. The same were to be seen in her Feet. Her Side appeared as tho' it had been laid open by the Blow of a Lance. When all these Things were openly shewn, it was wonderful to see how they raised the Admiration and Devotion of serious and holy Men, and withal surprized and deceived them; for she did not suffer those pretended Wounds to be seen otherwise than by Command of her Confessor. And that absent Persons might have a great Veneration for her, she affirmed, that on *Thursdays* she put into the Wounds a small Cloth, which received the Impression of five Wounds in Form of a Cross, that in the Middle being the largest. Upon which these Cloths were sent, with the greatest Veneration, thro' the infinite Devotion of the Faithful, to the Pope, and to almost all the most venerable and religious Persons of the whole World. And as *Paramus* then had the Administration of the Causes of Faith in the Kingdom of *Sicily*, he saw several of those Cloths, and the Picture of that Woman drawn to the Life, and a Book written by a Person of great Authority concerning her Life, Sanctity and Miracles. Yea, Pope *Gregory XIII.* himself determined to write Letters to that wretched Creature, to exhort her thereby to persist with Constancy in her Course, and to perfect what she had begun. At last the Imposture was found out, that the Marks of the Wounds were not real, but made with red Lead, and that the Woman's Design was, when she had gained Authority and Credit enough, by her pretended Sanctity, to recover the Kingdom of *Portugal* to its former State, which had legally fallen under the Power of *Philip II.* Upon this the following Sentence was pronounced against her by the Inquisitors of *Lisbon*, *Decemb. 8. An. 1588.* First, she was commanded to pass the rest of her Life shut up in a Convent of another Order, that was assigned to her, without the City of *Lisbon*. Likewise, that from the Day of pronouncing the Sentence, she should not receive the Sacrament of the Eucharist for the Space of five Years, three *Easters*, and the Hour of Death excepted, or unless it were necessary to obtain any Jubilee, that should in the mean while be granted by the Pope. Likewise that on all *Wednesdays* and *Fridays* of the whole Year, when the religious Women of that Convent held a Chapter, she should be whipped, whilst the Psalm, *Have Mercy on me, O God*, was reciting. Likewise, that she should not sit down at Table at the Time of Refreshment, but should eat publickly on the Pavement, all being forbidden to

eat any Thing she left. She was also obliged to throw her self down at the Door of the Refectory, that the Nuns might tread on her as they came in and went out. Likewise, that she should perpetually observe the Ecclesiastical Fast, and never more be created an Abbess, nor be chosen to any other Office in the Convent where she had dwelt, and that she should be always subject to the lowest of them all. Likewise, that she should never be allowed to converse with any Nun without Leave of the Abbess. Likewise, that all the Rags marked with Drops of Blood, which she had given out her spurious Relicks, and her Effigies describing her, should be every where delivered to the holy Inquisition; or if in any Place there was no Tribunal of the Inquisition, to the Prelate, or any other Person appointed. Likewise, that she should never cover her Head with the sacred Veil, and that every *Wednesday* and *Friday* of the whole Year she should abstain from Meat, and live only on Bread and Water, and that as often as she came into the Refectory, she should pronounce her Crime with a loud Voice in the Presence of all the Nuns.

He tells us in the same Place, that *Michael Piedrola* took upon himself for many Years the Name of a Prophet, boasted of Dreams and Revelations, and affirmed they were revealed to him by a divine Voice. Being convicted of so great a Crime, he abjured *de levi*, was for ever forbid the reading of the Bible, and other holy Books, deprived of Paper and Ink, prohibited from writing or receiving Letters, unless such only as related to his private Affairs, denied the Liberty of disputing about the holy Scripture, as well in Writing as in Discourse, and finally, commanded to be thrown into Jail, and there pass the Remainder of his Life.]

The common Punishment of Hereticks is the Confiscation of all their Effects; for altho' this Confiscation is kindly remitted to those who come of their own Accord, and voluntarily confess before they are accused, yet this Favour is never granted in *Spain*, to those who at length confess after they are accused and thrown into Prison, or who persist in their Opinion. And this Confiscation is made with such Rigour, that the Inquisition orders the Exchequer to seize on not only the Effects of the Persons condemned, but also all others administered by them, altho' it evidently appears that they belong to others. The Inquisition at *Seville* gives a remarkable Instance of this Kind, which *Gonsalvius* gives us a long Account of, with all its Circumstances.

“ *Nicholas Burton*, an *Englishman*, a Person remarkable for his Piety, was p. 175,
 “ apprehended by the Inquisition of *Seville*, and afterwards burnt for his im- &c.
 “ movable Perseverance in the Confession of his Faith, and detestation of
 “ their Impiety. When he was first seized, all his Effects and Merchandises,
 “ upon Account of which he came to *Spain*, were, according to the Custom
 “ of the Inquisition, sequestred. Amongst these were many other Merchan-
 “ dises which were consigned to him as Factor, according to the Custom of
 “ Merchants, by another *English* Merchant dwelling in *London*. This Mer-
 “ chant, upon hearing that his Factor was imprisoned, and his Effects seized
 “ on, sent one *John Frontom*, as his Attorney, into *Spain*, with proper In-
 “ struments, to recover his Goods. His Attorney accordingly went to *Se-*

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“ *vile*, and having laid before the holy Tribunal the Instruments and all
 “ other necessary Writings, demanded that the Goods should be delivered to
 “ him. The Lords answered, that the Affair must be managed in Writing,
 “ and that he must chuse himself an Advocate, undoubtedly to prolong the
 “ Suit, and out of their great Goodness appointed him one, to draw up for
 “ him his Petitions and all other Instruments, which were to be offer’d to the
 “ holy Tribunal, for every one of which they exorbitantly took from him eight
 “ Reals, altho’ he received no more Advantage from them, than if they had
 “ never been drawn at all. *Fronton* waited for three or four whole Months,
 “ twice every Day, *viz.* in the Morning, and after Dinner, at the Gates of
 “ the Inquisitor’s Palace, praying and beseeching, on his bended Knees, the
 “ Lords Inquisitors, that his Affair might be expedited, and especially the
 “ Lord Bishop of *Tarraco*, who was then chief Inquisitor at *Seville*, that he
 “ in Virtue of his supream Authority would command his Effects to be re-
 “ stored to him. But the Prey was too large and rich to be easily recovered.
 “ After he had spent four whole Months in fruitless Prayers and Intreaties, he
 “ was answered, that there was need of some other Writings from *England*,
 “ more ample than those he had brought before, in order to the Recovery
 “ of the Effects. Upon this the *Englisbman* immediately returns to *London*,
 “ and procures the Instruments of fuller Credit which they demanded, comes
 “ back with them to *Seville*, and laid them before the holy Tribunal. The
 “ Lords put off his Answer, pretending they were hindred by more impor-
 “ tant Affairs. They repeated this Answer to him every Day, and so put
 “ him off for four whole Months longer. When his Money was almost spent,
 “ and he still continued earnestly to press the Dispatch of his Affair, they
 “ referred him to the Bishop. The Bishop, when consulted, said he was
 “ but one, and that the expediting the Matter belonged also to the other
 “ Inquisitors; and by thus shifting the Fault from one to the other, there
 “ was no Appearance of an End of the Suit. But at length being overcome
 “ by his Importunity, they fixed on a certain Day to dispatch him. And
 “ the Dispatch was this: The Licentiate *Gascus*, one of the Inquisitors, a
 “ Man well skilled in the Frauds of the Inquisition, commands him to come
 “ to him after Dinner. The *Englisbman* was pleased with this Message, and
 “ went to him about Evening, believing that they began to think in good
 “ Earnest of restoring him his Effects, and carrying him to Mr. *Burton* the
 “ Prisoner, in order to make up the Account, having heard the Inquisitors
 “ often say, tho’ he did not know their real Meaning, that it was necessary
 “ that he and the Prisoner should confer together. When he came, they
 “ commanded the Jail-Keeper to clap him up in such a particular Prison,
 “ which they named to him. The poor *Englisbman* believed at first, that he
 “ was to be brought to *Burton* to settle the Account, but soon found him-
 “ self a Prisoner in a dark Dungeon, contrary to his Expectation, and
 “ that he had quite mistaken the Matter. After three or four Days they
 “ brought him to an Audience, and when the *Englisbman* demanded that the
 “ Inquisitors should restore his Effects to him, they well knowing that it
 “ would

“ would agree perfectly with their usual Arts, without any other Preface,
 “ command him to recite his *Ave Mary*. He simply repeated it after this
 “ manner. *Hail, Mary, full of Grace, the Lord is with thee, blessed art thou*
 “ *amongst Women, and blessed is Jesus the Fruit of thy Womb.* Amen. All was
 “ taken down in Writing, and without mentioning a Word about the resto-
 “ ring his Effects, for there was no Need of it, they commanded him back
 “ to his Jayl, and commenced an Action against him for an Heretick, be-
 “ cause he had not repeated the *Ave Mary* according to the Manner of the
 “ Church of *Rome*, and had left off in a suspected Place, and ought to have
 “ added, *Holy Mary, Mother of God, pray for us Sinners*; by omitting which
 “ Conclusion, he plainly discover'd that he did not approve the Intercession of
 “ the Saints. And thus at last upon this righteous Pretence he was detained
 “ a Prisoner many Days. After this he was brought forth in Procession
 “ wearing an Habit, all his Principal's Goods for which he had been suing be-
 “ ing confiscated, and he himself condemned to a Year's Imprisonment.

But as to suspected Persons, and those who voluntarily appear, 'tis not usual to punish them with Confiscation of Effects, and therefore other Punishments, which they call wholesome Penances, are enjoined them. The Punishments and Penances to which such Penitents are condemned, are various. Those which *Dominick* used to enjoin them, in order to their Reconciliation to the Church, may be collected from his Forms, which are still extant. One of them is in this Manner. *To all the Faithful of Christ, to whom these present Letters Bzovius, shall come, Friar Dominick, Canon of Osma, the least of Preachers, Salvation An. 1215. in Christ. By Authority of the Lord Abbot of Cisteaux, Legate of the Apostolick S. 13. See, who hath committed this Office to us, we have reconciled the Bearer of these, Pontius Rogerius, converted thro' the Grace of God from the Sect of the Hereticks; commanding him by Virtue of the Oath he hath taken, to be led naked in his Breeches by the Priest on three Festival Sundays, and to be whipped from the Entrance into the Town, even to the Church. We also enjoin him always to abstain from Flesh, Eggs and Cheese, or from all Things derived from Flesh, excepting Easter-Day, Whitsontide and Christmas, at which Seasons we command him to eat of them for the Denial of his former Error. Let him keep three Lents in a Year, abstaining from Fish. Let him always abstain from Fish, Oil and Wine, and fast three Days in a Week, unless bodily Infirmity, or the Labours of the Summer shall require a Dispensation. Let him be cloathed with religious Vestments, both as to Form and Colour, upon the Breasts of every one of which let strait small Crosses be sewed. Let him bear Mass every Day if it be convenient, and go to Vespers at Church on Holy-days. Let him consecrate to God other Hours, as well by Night as by Day, viz. seven times wheresoever he is. Let him say over his Pater-noster ten times in the Day, and at Midnight twenty times. Let him observe Chastity, and in the Morning shew every Month to his Parson that Paper at the Town of Ceri. We also command the Parson diligently to observe his Life. Let him carefully observe all these Things, until the Lord Legate shall otherwise express his Pleasure to us in this Matter. But if he shall neglect to observe them, we command that he be accounted as perjured, an Heretick, and excommunicated, and separated from the Conversation of*

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the Faithful. There is extant also another shorter one of the same Dominick, in these Words. *To all the Faithful of Christ, to whom these present Letters shall come, Friar Dominick, Canon of Osma, an humble Preacher, Salvation and sincere Affection in the Lord. May all your Discretions know by Authority of these Presents, that we have granted Licence to Raymond Will. Pelaganirio, of Haulte ripe, to suffer to abide with him in his House at Tholouse, William Ugotio, cloathed, as he himself hath declared before us, in a certain heretical Habit, and conversing after the Manner of other Men, until the Lord Cardinal shall give a farther more express Command to us or him in this Affair. And let not this be any Occasion of Infamy or Damage to him the said Raymond William.*

In the Council of Tarraco, these Forms of Penances are fixed. *Let Hereticks persevering in their Error, be left to the Judgment of the secular Court, and let convicted Hereticks, if they will be converted, and Dogmatisers, after Absolution and Abjuration, be perpetually imprisoned.*

Let the Believers of Hereticks do solemn Penance, viz. after this manner, viz. that on the next ensuing Festival of All-Saints, and on the Lord's-Day of the Advent, on the Day of our Lord's Birth, Circumcision, Epiphany, St. Mary in February, St. Eulalia, St. Mary in March, and all Sundays in Lent, they walk in Procession to the See, or Cathedral Church, without Shoes, in their Breeches and Shirt. Besides this, on St. Mary's Day in February, and on Palm-Sunday, they shall be reconciled in the Parish-Church, and in the Procession receive publick Discipline by the Bishop or Priest of the Church. Likewise on Wednesday, at the Beginning of the Fast, they shall come together to the See, and after the same Manner, and according to Form of Law, appear without their Shoes in their Breeches and Shirt, and be excluded the Church, and be kept out of it during the whole Time of Lent, but so as to be suffered to come to the Gates of the Church to hear Service. And on the Festival of Cœna Domini, let them appear without Shoes, in their Breeches and Shirt, before the Gates of the Church, and be publicly reconciled to the Church, according to the Canonical Institutions. And let them do this Penance on Wednesday, and of standing without the Church the whole Time of Lent, and on the Day of Cœna Domini, every Year whilst they live. But on Lent Sundays, after Reconciliation, let them go out of the Church, and stand before the Gates of it till the Festival of Cœna Domini, and always wear two Crosses before their Breasts, of a different Colour from their Cloaths, and so wear them, that they may appear solemnly penitent, with this Exception only, that they shall not be hindred from entering into the Church in Lent more than ten Years.

The Penance of those who have relapsed into favouring of Heresy, shall be in like manner solemn, as that last mentioned of those believing in them, and upon all the aforesaid Days; this excepted, that they shall wear Crosses, and in like manner do Penance on Ash-Wednesday and Holy Thursday for ten Years.

The Penance of those who are not relapsed into favouring, but are Favourers, and most vehemently suspected, shall be in the same Manner solemn upon the Feast of All-Saints, the Nativity of Christ, Epiphany, St. Mary of February, and all Sundays in Lent. And let them do the other Penance for seven Years, ordered to be done

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done on Wednesday in Lent, standing without the Church during the Time of Lent, and being reconciled upon the Festival of Cœna, as above said.

The Penance of those who are Favourers, and vehemently suspected, shall be solemn, in the same Manner, upon the Festival of All-Saints, Christmas, St. Mary of February, Palm-Sunday, and they shall do for five Years the other Penance of the Wednesday in Lent, and of standing without the Church during the whole Time of Lent, and being reconciled on the Festival of Cœna, as above said.

The Penance of those who are Favourers, and suspected, shall be solemn, in the same Manner, upon the Feast of All-Saints, St. Mary of February, and Palm-Sunday, and they shall do for three Years the other Penance, on the Wednesday in Lent, and of standing without the Church during the whole Time of Lent, and of being reconciled on the Festival of Cœna Domini. This however is to be understood, that the Women shall come cloathed, and suffer Discipline.

This Penance all the aforesaid Persons, who are Citizens, shall do, upon the Festivals and Days before prescribed, in that City and Place where they are Citizens, and no where else, till the Festival of Easter. Those who are Foreigners shall do it in their Parishes, and no where else; excepting on the Wednesday, in the Beginning of Lent, and on the Day of the Festival of Cœna, in which all must come to the See or the Place of their Church. But in the following Seasons of Lent, let all Citizens and Foreigners do the ten, seven, five, and three Years Penance which they ought to do on Wednesday at the Beginning of Lent, and on the Festival of Cœna Domini, according to the different Nature of their Crimes, as is before determined, in the See of their City, and no where else, unless upon any just and reasonable Cause, and by the special Licence of the Bishop or his Vicar; and then in such Places where they shall go by the Bishop's Leave, they shall do the same Penance before the Bishop of that Place, or his Vicar, carrying the Letters of the Bishop or his Vicar, containing the Penance which they ought to do. And let him also, who doth the Penance, bring back the Letters of the Bishop of that Place, to N. of such a Diocese, containing a Testimonial of the Penance being performed. But if it should happen, that by Accident, and not by Fraud and Deceit, they can't come on those two Days to the Cathedral Church, then after their Return let them undergo publick Discipline, at the Pleasure of the Bishop, at the See of N. according to the Manner of those two Days, upon two other Solemnities to be assigned them.

From these Things it appears that the Punishments to which such Penitents are usually condemned, are many and different. For first, there are some which they strictly call wholesome Penances, such as Fastings, Prayers, Alms, the frequent Use of the Sacraments of Penance, and the Eucharist, and finally Pilgrimages to certain Places. Thus in the Book of the Sentences of the Tholouse Inquisition some are enjoined, *That they shall visit every Year, whilst they live, the Church of St. Stephen at Tholouse, in the Festival of its Invention, and the Church of St. Saturninus at Tholouse, on the Octave of Easter. Likewise we injoin all and singular of you the above mentioned Persons, Pilgrimages to St. Mary de la Roche d'Amateur, and of Le Puy d'une vallee Verte, and of Montpellier, and of Serignan, and to St. Guillaume in the Desert, and St. Geniez in Provence, St. Pierre of Montmaieur, St. Martha of Tarascon,*

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St. Mary Magdalene at St. Maximin, St. Anthony of Vienne, St. Martial and St. Leonard in the Limoufin, St. Dionysius, and St. Lewis, and to the Virgin Mary of Chartrin in France, St. Severin in Burdeaux, the Virgin Mary of Soulac, St. Faith of Concq, St. Paul at Narbonne, and St. Vincent of Castres.

This Pilgrimage the Penitent is enjoined to make, with a black Habit, which he must carry with the Inquisitors Letters, to that Place which he is to visit in his Pilgrimage; and he is farther required to bring back Letters testimonial of the Predicant Friars, or others who dwell there in Witness of the Truth.

Sometimes they were enjoined Pilgrimage, to go to War in the Holy Land against the *Saracens*. Thus the Council of *Biterre* hath determined, that such *who have thus offended the Faith or Church, shall also defend it for a Time, to be appointed at your Pleasure, either by themselves or others more fit, on the other or this Side the Sea, against the Saracens, or Hereticks and their Favourers, or such who otherwise rebel against the Faith and the Church.* And afterwards, *as to those who shall be enjoined Pilgrimages, they shall be obliged to shew the said Testimonial Letters in each of their Pilgrimages to him, who presides over the Church which they visit, and to bring back the said Letters to you, in Testimony of their having made such Pilgrimage. As to those who go beyond Sea, let them, as soon as they can, after their Transportation, present themselves, with your Letters, to the venerable Fathers the Patriarchs of Jerusalem, and Acre, or to any other Bishop whatsoever, or to their Vicegerent, and let them bring back to you at their Return the Letters of every such foreign Bishop, in Witness of their having laudibly performed their Pilgrimage there.* An Instance of such a kind of Sentence we have in the Book of Sentences of the *Tbolouse* Inquisition, pronounced against fol. 142. b. *Master William Garrici, Professour of Laws at Carcassone, who was condemned to go to the War in the Holy Land, or if he was legally prevented, to send, at his own Charge and Expence, another proper Soldier to the Relief of the said holy Land. And as for himself, he was within thirty Days to depart out of the Kingdom of France, and to stay in the Place assigned him, till there should be a Transportation into Asia; to which was added the Punishment of perpetual Imprisonment, if he refused to fulfil this Penance.*

Secondly, Some Penances are honorary, attended with Infamy to those who do them. Such are, walking in Procession without Shoes, in their Breeches and Shirt, and to receive therein publick Discipline by the Bishop or Priest, to be expelled the Church, and to stand before the Gates of the great Church upon solemn Days, in the Time of Mass, with naked Feet, and wearing upon their Cloak an Halter about their Neck. At this Time they only stand before the Gates of the Church, with a lighted Candle in their Hand, during the Time of solemn Mass on some holy Day, as the Bell is ringing to Church.

Besides these, they now use the Punishment of Banishment, and Criminals are banished not only into such Places as are subject to the Jurisdiction of the Inquisitor who banishes them, but to Places subject to other Inquisitors, because

cause all Places are subject to the same chief Pontiff, by whom all the Inquisitors are delegated. To this may be added the Punishment of being thrust into a Monastery, which, tho' now seldom inflicted, was much more in use formerly. *Bzovius* gives us an Instance of it in the Year 1479. " This Year was condemned at *Mayence*, *John Rucard*, of the Upper *Wesel*, D. D. and compelled by the Inquisitor to recant certain Articles which he was reported publickly to have preached at *Worms*. All his Writings were before his Face thrown into the Fire and burnt, and he himself sent to do Penance to the Convent of *Austin* Friars in that Place, where he died in a little while of Grief." *Bzovius* also relates the Articles against him, most of which were against the Papal Authority. The first of them deserves to be mentioned: *That the Prelates of the Church have no Authority to ordain or add any Thing to what Christ and his Apostles have ordained: Yea, that neither Apostles nor the Popes have received such Power from Christ.*

There is also another Punishment of Beating or Whipping, when Criminals are condemned to be whipped with Scourges or Rods. If they are religious Persons, they are whipped in their own Monastery by other Religious, in the Presence of the Notary of the holy Office. This Punishment, *Paramus* being Witness, *Laurentius Valla* suffered, who being condemned for Heresy at *Naples*, was preserved from the Fire by the King's Favour, but upon this Condition, that after he had publickly recanted and damned the Things he had uttered, he should atone for his Crimes by Whipping. And accordingly in the Convent of the Predicants, being led round the Cloysters with his Hands tied, he was whipped upon his Shoulders and Back, by the Religious of the House.

Sometimes they are condemned to Fines, according to the Rescript of *Alexander IV. Super extirpatione*; and this they are especially desirous of laying upon rich and covetous Persons. *Alexander IV.* makes this Disposition in the Affair. *As to the Money which may possibly arise from such Punishments, or from the third Part of the Fines or Condemnations, to be exacted from such Persons and Places, or from the Effects to be seized on by Occasion of Heresy or Hereticks, according to the Tenour of our Constitutions, let it be deposited in the Hands of three faithful and approved Men, to be chosen by you and the Diocesan, or his Vicar in his Absence, and be faithfully kept by them, and let such Expences as are necessary to the Prosecution of the Affair against Hereticks, be allowed you, and every one of you, without any Difficulty, by the Advice of the Bishop himself, and let a full and faithful Account be given to the said Diocesan of all such Expences.*

But here must be observed what *Zanchinus* teaches. " If the Inquisitor condemns any one as an Heretick, he can't condemn him in a certain Sum of Money, for two Reasons. First, because as he condemns him for an Heretick, all his Effects are to be taken from him; so that since his All is to be forfeited, 'tis idle to talk of taking from him a Part, or any Thing less than All. Secondly, because as he condemns him for Heresy, and as an Heretick, he cannot mitigate his Punishments by commuting for them

“ them with Money ; because the Punishments against Hereticks are deter-
 “ mined by Law, and therefore certain, for which Reason 'tis not in the Power
 “ of the Judge or Inquisitor to convert or commute them into Money. But
 “ if the Inquisitor doth not condemn him as an Heretick, but will punish him
 “ as disobedient or suspected, or correct and purge him upon his Return, then
 “ he may lay a Fine on him, as he may from his own Motion injoin him other
 “ Punishments. But let him take Care, that when he intends to fine him, he
 “ doth not take away all from him, because this is not lawful.”

Sometimes, however it happens, that the Inquisitors do, either thro' Im-
 pudence or Inadvertence, offend against this Admonition of *Zanchinus*, as may
 p. 180. be collected from an Instance related by *Gonsalvius*. “ In the Inquisition at
 “ *Seville*, they proceeded by an Inquisitory Censure against a certain Citizen,
 “ upon Account of Religion. Amongst other Parts of his Punishment, he
 “ forfeited all his Effects and Incomes, on which he had lived creditably
 “ enough before, and was ordered to be confined in a certain private Jayl,
 “ for ten Years, being thus stripped of all he had. After he had been some
 “ Days in the Prison, in which, being reduced to extream Poverty, tho'
 “ otherwise far from being in mean Circumstances, he was supported by the
 “ Contributions of some pious Persons, one of the Notaries of the Inquisition
 “ comes to him, and brings him a Command in Writing from the holy Tri-
 “ bunal, by which he was ordered to pay the Sum of 130 Ducats for his Ex-
 “ pences and Provision during his Imprisonment in the Inquisition. The An-
 “ swer he returned to the Order was, that it was true, that having been
 “ plundered and stripped entirely of all his Effects, by these self same Fa-
 “ thers of the Faith, he had nothing left to pay that Money. This Answer
 “ did not satisfy their Lordships, who sent the Notary to him a second time,
 “ commanding him to pay, within a few Days, the Money they had de-
 “ manded, or that otherwise they would take him out of his private Prison,
 “ and throw him into the publick Jayl of the City. Unthinking Creatures,
 “ who did not take Care to pay themselves their own Expences, before they
 “ brought the Man's Effects into the Exchequer.”

Dir. E.

p. 2. n. 19. However, Fines are not exacted for all sorts of Crimes, but for some par-
 com. 7. ticular kind of them only. For the Popish Doctors observe, that those who
 offend concerning the Faith, may two ways offend the Church. First, by
 only believing amiss, and also by publishing Heresies. Secondly, when be-
 sides their ill Belief, they have added other Crimes, viz. if they have burnt
 Churches, destroyed Images, killed Catholicks, or committed the like
 Things. If they offend in the first Manner, and are returned, the Inquisitor
 may, if he will, before they are absolved from Excommunication, exact from
 the Person returning, not only an Oath of obeying the Commands of the
 Church, but also Security and Bail, under Penalty of a Fine of obeying such
 Commands, and exact such Penalty if he doth not obey. *Alexander IV.* hath
 expressly provided this in a Rescript beginning, *Super extirpatione*. 'Tis
 however more honourable, not to take such Security, under Penalty of a
 Fine, that they may not appear to do any thing rather out of Covetousness,
 than

than the Love of Religion, as the Council of *Narbonne* hath advised, cap. 17. *You must abstain from and forbear such pecuniary Penances and Exactions, because of the Honour of your Order.* If they have offended in the second Manner, they are not according to the Rigour of the Law, to be received and absolved, before they have made good and repaired the Damage out of their own Estates. *C. Porro, and C. Parochianos, de sent. excom. You must admonish and persuade them, that they give due Satisfaction to those they have injured. And, cause them to be strictly avoided as excommunicated Persons, till they have made proper Satisfaction to the Persons injured.* If they can't immediately give Satisfaction for the Damage they have done, either thro' Poverty or other Causes, they are to be absolved, upon giving proper Security, viz. by laying something down as a Pledge, or giving Sureties to make Satisfaction when they are able, or when they shall come to a larger Estate. 'Tis also now a Custom observed by all the Inquisitors, tho' it be provided for by no Law, gently to strike with a Rod such as return when they absolve them.

Such Persons also are excluded from all publick Offices as infamous. These publick Offices are, Offices of all sorts, and of every Name, according to the various Rites and Customs of different Provinces. The Council of *Tholouse* reckons even the Office of a Physician amongst them. Cap. 14. *We ordain also, that whosoever shall be defamed for Heresy, or marked as suspected, shall no longer be allowed the Profession of a Physician.* 3. p. n. 34.
com. 8.

Farther also, Penitents, and those reconciled, returning from Heresy to the Church, and the Children and Grandchildren of condemned Persons are not only excluded from bearing publick Offices, or having Benefices and Dignities, but from using Silver, Gold, or precious Garments and Ornaments, according to the Council of *Biterre*, c. 28. *Let them not hold Ballives or Administrations, nor be in the Councils or Families of the Great, nor be allowed to practise as a Physician or Notary, nor be admitted to other publick Offices, or legal Actions, nor wear Gold-laced Cloaths, nor Silk, or the like Ornaments, or yellow Ribands, nor Shoe-strings tagged and striped with Gold or Silver, nor carved or painted Shoes; and when it appears proper, let them be turned out of the City where they dwell, and remain for some time in some other City or Province.* 'Tis also forbidden them to ride on Horses with Trappings, as Nobles do, which Prohibition extends also to Mules. But in these Cases they allow a Dispensation after some Time.

But the most usual Punishment of all is, their wearing Crosses upon their penitential Garments, which was not only formerly in Use, but is now frequently enjoined Penitents in *Spain* and *Portugal*. And this is far from being a small Punishment. Because such Persons are exposed to the Scoffs and Insults of all, which they are obliged to swallow, tho' the most cruel in themselves, and offered by the vilest of Mankind, for by these Crosses they are marked to all Persons for Heresy, or as it is now in *Spain* and *Portugal* for *Judaism*. And being thus marked, they are avoided by all, and are almost excluded from all human Society. We have an Instance of this in the Book of Sentences of the *Tholouse* Inquisition, in one *Arnald Narni* of *Villemaur*, who had thrown off his Crosses, and being afterwards again apprehended, gave this Reason for doing it before the fol. 177.

Inquisitor ; because by wearing his Crosses he could find no Persons and Place, where he could get his Living, and that therefore he stood for ten Years without them at the Moyssac, and got his Livelihood by going and coming with the Ships to Bourdeaux.

But there is some Difference in the Manner of wearing these Crosses, for they are not always fixed on the penitential Habits the same way. For, in the first place, the Council of *Tboloufe*, *An. 1229.* held against Heretics, hath thus determined concerning them. *Also in Detestation of their former Error, let them wear two Crosses for the future on the Top of their Garments, of a different Colour from their Cloaths, one on the right, and the other on the left ; and let not any one be excused on Account of these Crosses, unless he can produce the Letters Testimonial of his Bishop, as to his Reconciliation.* These Crosses were so placed, as that they exactly answered the two Breasts, as appears by the Letters of *Dominick.* Let them be clothed with religious Garments, both as to Shape and Colour, on which let two small Crosses be sown directly upon each Breast. But afterwards that these Penitents might be more openly and fully exposed to the View of all Persons, whether they stood before or behind them, 'twas decreed that they should wear one before upon their Breasts, and the other behind between their Shoulders. Thus we read in the Acts of the Council of *Biterre*, c. 26. *In Detestation of their former Error, let them wear upon their outward Garment, two Crosses of a yellow Colour, two Spans and a half long, and two wide, and having the Breadth of three Fingers in themselves, one before on their Breast, and the other behind between their Shoulders, not having that upper Garment, upon which they wear the Crosses, of a yellow Colour, neither shall they put any Thing over it; either within Doors or without. And if they are convicted Hereticks, or condemned, let them wear a third Cross of a competent Largeness, or of the same Colour, upon their Hat or Veil. And if they happen to be forsworn, or have caused others to forswear themselves, let them wear upon the upper Part of the two Crosses, which they carry upon their Breast, and between their Shoulders a Cross-Arm or Bar of a Span long, or thereabouts. Those who are to transport themselves must wear the aforesaid Crosses, till they are got beyond Sea, but shall not be obliged to wear them after that, till they shall come to the Shore to go aboard, in order to their Return, but they shall always wear them on the Sea-shore, when at Sea, and in the Isles.* This Garment was formerly of a black and bluish Colour, like a Monk's Cloak, made without a Coull, and the Crosses put on them were strait, having one Arm long, and the other a-cross, after this manner †. Sometimes according to the Heinousness of the Offence, there were two Arms a-cross, after this manner ‡. But now in *Spain* this Garment is of a yellow Colour, and the Crosses put on it are oblique, after the Manner of *St. Andrew's* Cross, in this Form X, and are of a red Colour. [This Habit was used to be made always, and every where, of Woollen Cloth, but now 'tis made shorter than formerly. For heretofore 'twas full as long as the Monks Cloaks, and remained so all the while it was marked with Crosses. For as the Crosses themselves were three Spans Length, it could not be otherwise but that the Sackcloth must be long too. But afterwards, upon Account of the Crosses being taken away, and that the Sackcloth might differ from the Monk's Cloak, it was reduced to a shorter Measure. In some Tribunals also of *Spain*, another

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p. 3.

som. 42.

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c. 5. p. 42.

Kind of penitential Garment was in Use. For upon such Criminals as were not convicted, but only vehemently suspected of Heresy, they used to put a half penitential Garment, covering the Breast only, which was marked only with one Line, of a red Colour, and not with two cross ones, as the whole Sackcloth used to be marked with, that it might be hereby shewn, that he was not truly and formally an Heretick, but vehemently suspected of Heresy. This Cloak the *Italians* call *Abitello*, the *Spaniards*, *Sant benito*, as tho' it was *Sacco benito*, i. e. the blessed Sackcloth, because it is fit for Penance, by which we are blessed and saved. But *Simancas* says, 'tis the Garment of St. *Benedict*. The wearing it is commanded, 4 *Instruct. c. 9*. They pretend that the Foundation of this Habit is to be found in the sacred Writings, because those who suffered formerly for their Impieties, were, besides other Penances, sometimes clothed with Sackcloth, in order to implore the divine Mercy, and to render God propitious whom they had offended, as they shew in the Example of *Achab*, 1 *Kings xxi. 27*.

But *Ludovicus a Paramo* carries its original higher, viz. that as God I. I. 2. 2. cloath'd our first Parents with Garments of Skins, in Token of Confusion^{c. 4. 5.} and perpetual Shame, so the Inquisitors, at this Day, in Imitation of God, cloath such as are convicted of Heresy, with these blessed Sackcloths, with oblique Crosses on them, to the proper Ignominy and Confusion of those who wear them. And he gives this Reason why these ignominious Garments are called *blessed Sackcloths*. Because formerly Sinners were cloathed with blessed Sackcloths, in Token of publick Penance, and was taken upon a voluntary Vow by the Penitents themselves. But this Custom, in Proceſs of Time, came into Disuse; and because antiently these Sackcloths were blessed in the Primitive Church, therefore they were called *blessed Sackcloths*. And therefore the Inquisition, in Detestation of the Crime of Heresy, hath renewed the Custom of publick Penance and blessed Sackcloth. He gives also a very ridiculous Reason, why the Crosses, which were formerly strait, are now made oblique, upon the penitential Garments. *Because the Cross is the external Sign, by which all the Worshippers of Christ profess the Catholick Faith. Since therefore they who offend against the Catholick Faith, deviate from the Rectitude of the Faith, the Inquisitors are used to cloath Penitents with these transverse Marks, in Token of such Deviation, that it may appear to all by the Figure of the oblique Cross, what is the inward State of him that wears it, what he hath been, and how he hath wandered from the Rectitude of the Faith and of the Christian Religion.*

These Crosses are put on those, who have believed Heresies, and sometimes on those who have been Dogmatifers, but who immediately, upon their being found out and informed against before the Bishops and Inquisitors, depart from their Errors, and consent to abjure them. Such are more gently dealt with, and 'tis easier to have a Dispensation as to their Penance. For either they are to wear their Crosses only for a Time, or if they are enjoined them for their whole Life, after they have worn them for some Years, in another Sermon or Act of Faith, they leave them off again, or if they are in an ill State of Health, or if the Penitent be remarkably humble, and truly converted.

verted. But such a Dispensation is the more difficultly obtained, because the publick wearing these Crosses may make great Satisfaction in Behalf of those who carry them, yea, it may be greatly meritorious in them, because of the great Degree of Shame which such Persons endure, and may be, and is a considerable Warning to others.

Simanc.

z. 47.
9. 11, 12.

He who throws off, or conceals this Garment, is to be punished as an Impenitent. Nor can the Inquisitors themselves, now in *Spain*, moderate the Time which they have fixed for the wearing it; both because their Office is discharged after they have pronounced from the Tribunal, and because this Matter is reserved to the Inquisitor General and Council. 4 *Instruct.* c. 9.

9. 13.

This Habit of the Penitents, and Sackcloth of condemned Hereticks, is to be hung up in the Church of that Parish where they dwelt, that these sort of Ensigns may be a Monument to keep up the everlasting Remembrance of their Impiety; for the Names of the Hereticks, and the Reasons of their Condemnation are to be inscribed and renewed on them. *Madrid Instruct.* An. 1561. c. 81. viz. after the Example of *Moses*, who made broad Plates for a Covering of the Altar, of the Censers of the two hundred and fifty Men who had offered Incense to the Lord, that they might be a Memorial and a Sign to the Children of Israel, *Numb.* xvi. 39, 40. If any one steals these Ensigns, 'tis the common Opinion, that he is to be punished at the Pleasure of the Judges, not as a Thief or sacrilegious Person, but as a Contemner of Religion and the Judges, and must therefore be whipped, or fined, or banished.

9. 14.

Finally, the most grievous Punishment is the being condemned to perpetual Imprisonment, there to do wholesome Penance with the Bread of Grief, and the Water of Affliction. This is usually enjoined on the Believers of Hereticks, and such as are difficultly brought to Repentance, or who have a long while denied the Truth during the Trial, or have perjured themselves. For because such Persons do not seem to be voluntarily and willingly converted, they will not allow them their Liberty, lest being feignedly converted, as may be easily presumed, they should corrupt others. There is a Decree of the Council of *Tholouse* on this Affair, c. 10. *But as to those Hereticks, who thro' Fear of Death, or any other Cause, but not voluntarily, return to the Catholick Unity, let them be shut up in Prison to do Penance, by the Bishop of the Place, with such Caution, as that it may not be in their Power to corrupt others.* And the Council of *Biterre*. *If any one of the Professed, or Consolati, will, thro' Fear of Punishment, return to the Faith, let him be committed to perpetual Imprisonment by the Bishop, lest under the Shew of pretended Good the Church should be deceived.* Thus also the Emperor *Frederick* in *L. Commissi*, §. 2. Nor are those only who are very difficultly converted from Heresy, condemned to perpetual Imprisonment, but also certain other Persons, whose Crimes committed in the Cause of Faith are very remarkable, which the Council of *Narbonne*, held a few Years after that of *Tholouse*, particularly enumerates, in these Words, cap. 9. *But as to Hereticks, or their Believers, who have notwithstanding the aforesaid Immunity, suppressed the Truth concerning themselves or others, or have not come in within the Time of Grace, or who are otherwise unworthy, but yet are*
ready

Direc.

p. 3.
p. 556.
Tr. Tr.
f. 417.

ready absolutely to obey the Commands of the Church, and to acknowledge that Truth which they have suppressed or denied, altho' such are without Doubt, according to the Statutes of our Lord the Pope, to be thrust into perpetual Imprisonment; yet inasmuch as we have understood that you have found in several Parts, so great a Multitude of them, as that there is not only not Money enough, but neither Stones nor Mortar sufficient to build Jayls for them, our Advice is, that you defer their Imprisonment as you think it convenient, till our Lord the Pope himself be more fully advised concerning their Number, except possibly any of them should be so very wicked, as that there is too much Reason to fear that they will be impenitent, or escape, or relapse, or corrupt and disturb others. Such Persons are to be sent without farther Delay to a secure and perpetual Jayl. In our Times this antient Confinement or perpetual Imprisonment, is seldom or never used; but the Bishops and Inquisitors often change it for a Confinement in some Monastery.

But altho' in our Ages the perpetual Jayl is not made after the same Manner in which it was formerly built, yet Pegna is of Opinion, that some certain House ought to be procured, and made use of as a perpetual Jayl, in which those who are to be shut up should dwell; because otherwise he can't understand how Penitents can perform the Penances enjoined them. The Order to be observed in these Things is provided for by the *Mádríd Instruction*, An. 1561. c. 79, 80. Those who are condemned to perpetual Jayl, shall be consigned to the Keeper of such perpetual Jayl, who must be enjoined to keep the Criminals, and to take Care that they fulfill the Penances injoin'd them, and to inform the Inquisitors if they are negligent. Likewise let him take Care to assist them in their Necessities, by procuring for them the proper Implements according to every one's particular Business or Trade, that they may hereby procure something for their own Support, and thus better bear their present Misery and Poverty. Also the Inquisitors are to visit their perpetual Jayl several times in a Year, to see how they live, how they are treated, and what their Condition is. And because in some Inquisitions there is no perpetual Jayl, tho' the Thing be very necessary, they must procure some Houses for this Purpose; because if there be no such Jayl, it can't be understood how those who were reconciled, can fulfil their Penances, or those who are condemned to it be kept in Custody. But this Case of observing whether they fulfil the Penances injoined them was formerly committed to some Priests, by the Council of Narbonne, c. 8. Let the Care of observing their Penances be committed by you to their proper Priests, so that the Priests themselves having the Penances of their several Parishioners committed to them, and carefully inspecting how they observe them, they may inform, without Delay, against all Contemners, if any such there be to you, or to those whom you shall appoint, that you may proceed against them according to the Form hereafter described.

The Manner of this Imprisonment is determined by the Council of Biterre, c. 23, 24, 25. Take Care that each of the Persons to be immured, have, according to the Appointment of the Apostolick See, separate and private Cells, as far as it can be done in the several Cities of the Dioceses that are corrupted, that they may not pervert each other, either themselves or others. But let not the exceeding Rigour of the Jayls destroy them, but you shall cause those who are in Possession of their Effects,

to provide for them in Necessaries, according to the Statutes of the Council of Thoulouse, which thus determines, c. 10. "Let the Persons who are immured be provided for in Necessaries, according to the Disposition of the Prelate, by those who are in Possession of their Effects. But if they have no Effects, let them be provided for by the Prelate." But this Punishment or Penance of perpetual Imprisonment, shall never, from the Beginning of it, be remitted to any of the aforesaid Criminals, or commuted for another, unless it would either restore Hereticks, or unless because of his Absence his Children or Parents would be in imminent Danger of Death, or for any other Cause, which appears very just and reasonable. Let also the Wife have free Access to her immured Husband, and the Husband to his Wife, that they may not be denied to cohabit with each other, whether both be immured, or only one. This Punishment of Immuration is very difficultly dispensed with, as the Council of Biterre hath decreed, c. 24. and the Council of Narbonne, more clearly, c. 19. As to Persons to be imprisoned, we have thought proper to add this; that no one shall be excused from the Jayl, neither the Husband for his Wife, though she be younger, nor the Wife for the Husband, nor any one for his Children or Parents, or other Kindred, or for Weakness or Age, or any other the like Cause, without the special Leave of the Apostolick See. However, the Inquisitors with the Ordinaries have now a Power of dispensing, excepting only that it is denied to the Inquisitors in Spain, by the private Sanctions of that Inquisition; so that the Inquisitor General only dispenses in this Case, even as he doth also with respect to the Habit marked with Crosses. After how long a Time this Dispensation may be allowed, is left to the Pleasure of the Inquisitors, who, upon considering the Humility and Repentance of the Penitents, may remit this Punishment within a lesser while, or commute it for another. But 'tis generally remitted at the Expiration of three Years. But if this Punishment of the Jayl is enjoined never to be remitted, 'tis generally dispensed with at the End of eight Years. But the whole of this depends on the Inquisitors Pleasure.

Com. 103.

However, this Remission must be granted with the Advice of the Diocesans, as is ordered, *lib. 6. decret. de hæret.* As to those who humbly obey your Commands, and are shut up in Prison, or in Jayl, upon the Account of Heresy, we give you full Power, as you shall see fit, of mitigating or changing their Punishment, in concert with the Bishops, to whose Jurisdiction they are subject.

Gonfalv.
p. 166.

These Remissions may also be obtained with Money, by which Persons may redeem themselves from Jayl, and the Habits of their Guilt; and this Method of Redemption used to be very common in Spain; because, as the King granted certain Redemptions of these *Sambenito's* to the Court young Ladies and Gentlemen, he who received the Grant, diligently enquires where, and who the Persons are that are subject to this Punishment, and who are most inclined and able to redeem it, with whom he afterwards agrees about the Price, as he best can, either for more or less, taking into the Account the Person that buys it off, and the *Sambenito* it self. Such as are irremissible, the Price is dearer; such as are ordered to perpetual Imprisonment, 'tis cheaper. Such which are but for a Time, and de-

" pending

“ pending on the Inquisitor’s Pleasure, cheaper yet; and such which depend
 “ on the Inquisitor’s Pleasure only, cheapest of all. The King also sometimes
 “ shew’d the same Liberality to some others, who prayed to be assisted with
 “ the Money arising from these Sambenito’s, to redeem their Brethren or
 “ Kindred from *Turkish* or *Moorish* Captivity. But if any one desires thus to be
 “ freed from his Sambenito, ’tis necessary before all Things, in order to ob-
 “ tain his Desire from the King, that he before-hand secure the good Will of
 “ the Inquisitors and Secretaries. For otherwise, tho’ the King himself should
 “ grant it, and the Money be paid down, they would use all their Endeavours
 “ to frustrate it, and would cunningly and maliciously throw in effectual Ob-
 “ stacles, even by this single Expression, *viz.* that the King ought to be bet-
 “ ter informed of the Affair, and even the Pope himself, if he should have
 “ happened to grant the Absolution. And if the Matter should come thus
 “ far, it would be easy for them, before not over-scrupulous, to invent this
 “ Answer, that the Person was not so thoroughly purged from his Guilt, as to
 “ render it safe for him to be set at Liberty.

Besides this Condemnation to perpetual Imprisonment, such Persons are also enjoined other Penances, *viz.* Sometimes to stand in the Habit marked with the Cross at the Door of such a Church, such a Time, and so long, *viz.* on the four principal Festivals of the glorious Virgin *Mary* of such a Church, or on such and such Festivals, at the Gates of such and such Churches. Concerning this there is a Decree extant of the Council of *Biterre*, c. 26. where, after commanding that Penitents should be present at divine Service on *Sundays* and Festivals, this is added, *That on the Mass of every Sunday and Festival, between the Epistle and the Gospel, they shall publickly present themselves with Rods in their Hands, stripped of their outward Garment, and with their Veil or Hat off, to the Priest celebrating Mass in the Presence of the People, and there, after having received Discipline, the Priest shall declare, that they suffer this Discipline for heretical Pravity.* Sometimes before they are shut up in Prison, they are publickly exposed, *viz.* being clothed with the Habit of the Crosses, they are placed upon an high Ladder in the Gate of some Church, that they may be plainly seen by all, where they must stand till Dinner-time, after which they must be carried, clothed in the same Habit, to the same Place, at the first Ringing to Vespers, and there stand till Sun set; and these Spectacles are usually repeated on several *Sundays* and Festivals in several Churches, which are particularly specified in their Sentence. However, there is no mention made in the Book of the Sentences of the *Tholouse* Inquisition, of such a Spectacle, on the Account of Heresy, but of two only who were condemned for false Witnesses. But if they break Prison, or do not otherwise fulfill the Penances enjoined them, they are condemned as Impenitents, and as under the Guilt of their former Crimes; and if they fall again into the Hands of the Inquisitors, they are delivered over as Impenitents to the secular Court, unless they humbly ask Pardon, and profess that they will obey the Commands of the Inquisitors. Thus ’tis determined by the Council of *Tholouse*, *Let all such Hereticks or Believers of them, who, after they have sworn*

to obey the Commands of the Church, and either have, or have not obtained the Benefit of Absolution, refusing to observe and do the Penance of Imprisonment enjoined them, either by not going into Jayl, or getting out of it after their Entrance, or any other Penance whatsoever, or thro' Contumacy, absenting themselves from receiving it, thus become Rebels, and thus openly manifest their Impenitency and feigned Conversion, be left by you, without any farther Audience at all, to the secular Judgment, to be punished according to their Desert, since 'tis sufficient that they have once deceived the Church by a false Conversion.

Regna,
p. 528.

They are now also condemned to the Punishment of the Gallies, because the antient Practice of Immuration is at this Time seldom used. This is confirmed by *Royas*, p. 2. *Affert.* 15. §. 202. " It was a Custom very frequent
" and usual in the Court of the Inquisition, that a Person condemned to a per-
" petual Jayl, should be dispensed with by the Inquisitor General, after three
" Years. But that if any one was condemned to perpetual and unredeemable
" Imprisonment, if he appeared humble and truly penitent, he should be dis-
" pensed with after eight Years. But now instead of perpetual Imprisonment,
" Hereticks are condemned to the Gallies, provided they are not weak or aged.
" Such Condemnation must not be for less than three Years, lest the Exche-
" quer should receive more Damage than Benefit by the Expences. Thus
" the supream and general Council of the Inquisition hath decreed. These
" are the Punishments of Penitents.

Others will not depart from their Errors, but obstinately persist in them for a great while, and at length perhaps more thro' Fear of Death than the Love of Truth, depart from them, or pretend to do it, and abjure; and therefore they don't give much Credit to their Abjurations. Such are ordinarily condemned to perpetual and strict Imprisonment, and to Iron Fetters and Chains, where they are daily allowed the Bread of Grief for Meat, and the Water of Affliction for their Drink. To this Purpose is the Decree of the Council of *Biterre*, c. 23. *Take Care however, that, according to the Appointment of the Apostolick See, separate and secret Cells be appointed to such as are to be immured, as it can be conveniently done in the several Cities of the corrupted Dioceses, that they may neither be able to pervert themselves or others.*

The Inquisitors may also increase these Penances, if the converted Persons want Devotion, or are malicious and quarrelsome, because these Things shew that their Mind and Soul is far from being obedient to the Law of God, or the Commands enjoined them. Hence it is that the Council of *Narbonne* gives this Caution to the Inquisitors, c. 7. *This Restriction always carefully observed, that it may be lawful for you, or the other Inquisitors, or those to whom the Church of Rome shall think proper to commit this Affair, or he to whom it belongs by Office, according to your or their Pleasure and Will, to add to, or take from the Penances enjoined at any time for a reasonable Cause.* The Council of *Biterre* gives this farther Caution, c. 22. *Always retaining to your selves this Power, that if you shall think it expedient for the Affair of the Faith, you may, without any new Cause, bring back again the aforesaid Persons to Jayl.* Hence also in the Book of the Sentences of the *Tholouse* Inquisition, the Inqui-

sitors ordinarily reserve this Power to themselves. And if the Inquisitor, either thro' Forgetfulness, or other Causes, hath not expressly reserved this Power to himself, he may nevertheless increase, change, remove, or lessen these Penances. According to C. *Ut Commissi*, de hæret. l. 6.

C H A P. XXXIII.

When and how far any one is to be admitted to PENANCE.

TIS a very important and difficult Question amongst the Popish Doctors, and very intricate, at what Time, and how penitent Hereticks are to be admitted. And that it may be more distinctly understood, I will here give the Opinions of three celebrated Doctors in this Matter. The first is *Simancas*, who uses many Distinctions in the Solution of this Question. " For either he is a concealed Heretick, discovered by no one, and accuses *tit. 47.*
 " himself to the Inquisitors, and plainly confesses his Errors. Such a one, §. 27.
 " without Doubt, is to be received, and ought not to be enjoined publick
 " Penance, but is to be secretly absolved. Or he hath been publickly an A- §. 28,
 " postate or Heretick in another Kingdom, and before any one gave Evi-
 " dence against him, he voluntarily returns to a sound Mind, and asks Par-
 " don and Absolution from the Inquisitors. Such a one also is to be admitted,
 " but he must publickly abjure his Errors, and do wholesome Penance. But
 " he must not suffer the Punishment of Imprisonment, nor wear the Habit
 " of Penitents. 1 *Instruēt.* c. 8.
 " Or he comes to the Inquisitors thro' Fear of impending Proofs, and §. 29.
 " discovers his Confederates in Wickedness, and fully confesses his Errors ;
 " and such a one also, tho' Witnesses come in against him, is to be reconciled
 " to the Church, but is more gently to be dealt with ; for he must not be con-
 " demned to perpetual Jayl, nor wear for any considerable Time the peni-
 " tential Habit. Or he is already apprehended, and thrown into Prison, and §. 30.
 " then confesses his Heresies, and then his Confession is said to be voluntary.
 " He also who upon Admonition confesses his Heresies, before the Evidence §. 31.
 " of the Witnesses is shewn him, is to be kindly received, and not condemned
 " to perpetual Jayl, because he confesses before he is convicted by Witnes-
 " ses, 1 *Instruēt.* c. 11. Or he confesses after the Accusation is published, and §. 32.
 " is then to be admitted, but punished more severely ; because he would not
 " confess before he was informed, and made fully to understand by the Accu-
 " sation of what Heresies he was accused. Or he confesses after being con- §. 33.
 " victed by the Witnesses, *i. e.* after the Publication of the Evidence. For
 " altho' such a one doth not seem to return voluntarily, who is scarce persuaded
 " at length to confess his Errors, and beg Pardon, after being tired out with
 " the Dismalness of his Jayl, after several Admonitions, after Accusation,
 L 1 2 " the

- §. 44. " the Publication of the Evidence, six hundred Perjuries, and several Months,
 " yet inasmuch as being in Prison he confesses of his own Mind and Will his
 " Errors, without being compelled by Violence, he is adjudged to confess
 " voluntarily. Farther, they think that he also confesses voluntarily,
 §. 45, 46. " whose Confession is violently, *i. e.* by Torture drawn from him. For al-
 " tho' the first Confession is drawn from him by Torment, yet is it not suffi-
 " cient to the Proof or Condemnation, unless he afterwards confirms it by
 " a voluntary Confession. And therefore when the Criminal ratifies of his
 " own Accord the extorted Confession, they say he is not to be looked upon
 " as acting herein unwillingly, nor his Confirmation as extorted by Force,
 " but that 'tis altogether voluntary, and that therefore if the Confession be
 " just that such a one is to be admitted: And 'tis then accounted just, when
 " the Penitent testifies it with Tears, Groans, and Humility.
- §. 46. " 'Tis also farther inquired, whether a Person is to be received to the Bosom
 " of the Church after the definitive Sentence, even till he is delivered to the se-
 " cular Court. Here the Laws determine that Penitents may be admitted
 " till the definitive Sentence, but that afterwards there is no Place for Pardon
 " and Mercy.
- p. 2. The Opinion of *Royas* is different, who thus proposes and resolves it.
 Assert. 15. " 'Tis no small Controversy amongst the Professors of the Law, until what
 " Term and Time converted Hereticks are to be received. Some say, if
 " they immediately and voluntarily return after the Discovery of their Er-
 §. 192. " ror. Others, that Hereticks may return to the Faith after Sentence, and
 " are then to be admitted, and may escape the Punishment of being turned
 " over to the secular Court. Others, that they may be received only till the
 " pronouncing of the Sentence. Concerning which Matter the *Seville* In-
 " struction treats, *c.* 12. and that of *Madrid*, *An.* 1561. *c.* 4. But if negative
 " Hereticks are converted in a publick Act of the Faith, their Conversion
 " is presumed to be feigned and counterfeit, and that they are converted ra-
 " ther thro' Fear of Death, than a Zeal for the Catholick Faith. For this
 " Reason such a kind of Conversion is very seldom or never to be admitted,
 " unless very urgent Causes arise, *viz.* if any one should confess his Errors
 " with many Tears and Signs, and not only those of which he is accused,
 " but others also, and farther discover his Accomplices, especially if they
 " are Persons related to him, and beloved by him. By these and other Cir-
 " cumstances, which depend wholly on the Pleasure of the Inquisitors, it may
 " be examined whether the Conversion be real or feigned. *Cap. Ut officium,*
 " §. *si vero*, verso, *Provisio solertier.*
- §. 197. " Altho' the Conversion of Hereticks and their Confession is to be waited
 " for during the whole Process of the Trial, yet he who at the Beginning of
 " the Trial confesses before Accusation, is to be condemned to Imprisonment
 " and the penitential Habit for a short Season; but if he confesses after Accu-
 " sation, his Punishment and Penance is to be encreased. But he who con-
 " fesses his Heresies after the Publication of the Evidence, is to be condemned
 " to perpetual Prison, because 'tis presumed that he confesses thro' the Fear

“ of Proofs, and therefore such a Conversion is not without its Suspicion. *In-*
 “ *struēt. Hispal. An. 1484. c. 14.* In all the abovesaid Cafes the Effects are
 “ confiscated, according to the Custom generally observed by all the Inquisi-
 “ tors. For ’tis in the Power of the Bishop and Inquisitors to mitigate or
 “ change the Punishment, even after the Sentence is passed. *Cap. Ut Commissi,*
 “ *§. nec non, de hæret. 6. 1 Instruēt. Hispal. c. 8, 11.* This Determination
 “ takes place to this Day, before the pronouncing of Sentence, but after ’tis
 “ pronounced, the Inquisitor General only can dispense with and change it.
 “ *5 Instruēt. Hispal. c. 7. and 4 Instruēt. Tolet. c. 7.* But as to the Confiscation
 “ of Effects, this is never left to the Pleasure of the Inquisitors, but the com-
 “ mon Law is ever to be observed, because, from the Time of the Commis-
 “ sion of the Crime, the Effects of Hereticks are *ipso jure*, confiscated. And
 “ therefore no one can deprive the Exchequer of this Right.

The third is that of *Camillus Campegius*, who seems rather to relate the O-^{in Zan-}
 pinions of others, than to propose his own. “ Some say that in the Admis-^{chin.}
 “ sion to Penance there is need of a Distinction. For either the Judge finds ^{c. 16.}
 “ the Person to be some simple young Man or Woman, or else otherwise a
 “ Person of good Condition and Fame, who is fallen into the Crime of
 “ Herefy. Such ought not to be denied to recant even till the very Sen-
 “ tence, and especially if there is Reason to hope that they will lead a better
 “ Life for the future. Or else the Person is one of an evil Condition and
 “ Fame, found in other Respects criminal, or he hath long persevered in this
 “ Crime, or hath been otherwise lightly suspected of it, or one of whom there
 “ is no Reason to hope there will be any future Amendment. The late Repen-
 “ tance of such a one ought not to be admitted. These Circumstances and
 “ Cafes considered, the Judge may sooner or later admit them to Abjuration
 “ and Penance.

“ There are not wanting some who determine that none are to be received
 “ who do not return voluntarily, and without Force; and that they only re-
 “ turn voluntarily who ask Mercy within the Time of Grace, without being
 “ previously informed against by an Accuser; or at least whilst the Cause re-
 “ mains untried, they themselves not being corporally taken up, nor con-
 “ victed by Proofs. For in these Cafes they don’t appear to return voluntarily,
 “ but thro’ Fear of being apprehended, and of the Proofs. But this Opi-
 “ nion is rejected by others as too severe; because it would follow from hence,
 “ that such a one, willing to return, could not be more gently treated than
 “ an obstinate Person, inasmuch as he must be condemned without Hope of
 “ Pardon equally with one obstinate. Besides, the Text, *Extra. de hæret. c.*
 “ *ad abolendam*, and *C. penult.*, expressly says, that Hereticks may be received
 “ after the Discovery of their Error.

By comparing these Opinions together, it appears, that they are all of this
 Mind, that in order to any one’s being admitted to Repentance, he must ma-
 nifest it before Sentence is pronounced. They especially require that he sig-
 nify it before Sentence given, or at least before Publication of it. But if he
 remains impenitent, he is persuaded not only before he is brought out in Pro-
 cession,

cession, but even on the very Scaffold, and oftentimes, and most earnestly admonished to forsake his Errors and abjure. The Method of doing it is this. The Sentences of the Penitents and Converts, if any such there be, are read first, and last of all those of the Impenitents, if there are any. But before the pronouncing of them, they are admonished before all the People to repent, and at length to be converted, because there is yet Room for Mercy. If they say they will be converted, they are carried back to Jail, and admitted to Penance. If they persevere obstinate and impenitent, the Sentence is read, and they are delivered to the secular Court, that being burnt in sight of the People, they may suffer the Punishments due to their Impenitency. But however, as to those who do not convert themselves till they are actually on the Scaffold, and the Sentence is going to be pronounced, the *Madrid Instruction*, An. 1561. c. 44. advises, that they are not to be admitted to Penance but upon the most extraordinary Considerations; because they appear to be converted rather thro' Fear of instant Death, than the Love of true Repentance.

¶ 204. 'Tis certainly the Opinion of *Eymerick*, that even such ought to be admitted to Repentance. But *Pegna*, tho' he thinks this Opinion of *Eymerick* to be the safer, yet determines that to be the more just, which leaves to Criminals Room for Mercy only, till they are brought forth from the Jails of the Inquisitors, and that after this they are by no Means to be heard. *Zanchinus* c. 16. §. 4. *Ugolinus* saith, that such a one is so far to be received, as that he may escape the Punishments of the Soul, *i. e.* the Punishments of Hell; and therefore may be admitted to the Ecclesiastical Sacraments, and absolved from the Excommunication he was under, if he shews Signs of true Repentance; but that he is by no means to be admitted to escape corporal or temporal Punishment, because he came in too late who staid for his Sentence. *Extra. de hæret.* c. *Super eo.* l. 6. Others say this is wholly arbitrary, and depends merely on the Pleasure of the Judge, whereas others do not think it at all safe, that the Life of Penitents should depend on the Will of the Judges.

However, after Sentence pronounced, there is no farther Place for Pardon. And yet there is one Instance of *Stephana de Proaudo*, extant, in the Book of the Sentences of the *Tbolouse* Inquisition, who, being judged an Heretick the Day before, and left as an Heretick to the secular Court (from whence it appears that it was not then usual for those who were left to the secular Court to be burnt the same Day, on which the Sentence is pronounced, as is now practised in *Spain* and *Portugal*) seeing on the following Day, *viz.* *Monday*, that the Fire in which she was to be burnt was made ready, said, on that very Day that she was willing to be converted to the Catholick Faith, and to return to the Ecclesiastical Unity. And when 'twas doubted whether she spoke this feignedly or sincerely, or thro' Fear of Death, and was answered, that the Time of Mercy was elapsed, and that she should think of the Salvation of her Soul, and fully discover whatsoever she knew of her self or others concerning the Fact of Heresy, which she promised to say and do, and that she would die in the Faith of the holy Church of *Rome*; upon this

this the Inquisitor and Vicars of the Bishop of *Tbolouse* called a Council on the following *Tuesday*, and at length it was concluded, that on the following *Sunday* she should confess the Faith of the Church of *Rome*, recant her Errors, and be carried back to Prison, where it would be proved whether her Conversion was real or pretended; and so strictly kept, that she might not be able to infect others with her Errors. *Eymerick* also gives us an Instance at *n. 204.* *Barcelona* in *Catalonia*, of three Hereticks impenitent, but not relapsed, who were delivered over to the secular Arm. And when one of them, who was a Priest, was put in the Fire, and one of his Sides somewhat burnt, he cried to be taken out of it, because he would abjure and repent. And he was taken out accordingly. But he was afterwards found always to have continued in his Heresy, and to have infected many, and would not be converted, and was therefore turn'd over again as impenitent and relapsed, to the secular Arm, and burnt.

The Author of the History of the Inquisition at *Goa*, gives us another Instance of a very rich new Christian, whose Name was *Lewis Pezoa*, who, with his whole Family, had been accused of secret *Judaism*, by some of his Enemies, and who, with his Wife, two Sons and one Daughter, and some other Relations that lived with him, were all thrown into the Jayl of the Inquisition. He denied the Crime of which he was accused, and well refuted it, and demanded that the Witnesses who had deposed against him, might be discovered to him, that he might convict them of Falshood. But he could obtain nothing, and was condemned as a Negative, to be delivered over to the Arm of the secular Court; which Sentence was made known to him fifteen Days before it was pronounced. The Duke of *Cadaval*, an intimate Friend of the Duke d' *Aveira*, Inquisitor General, had made strict Enquiry how his Affair was like to turn. And understanding by the Inquisitor General, that unless he confessed before his going out of Prison, he could not escape the Fire, because he had been legally convicted, he continued to intreat the Inquisitor General, till he had obtained a Promise from him, that if he could persuade *Pezoa* to confess, even after Sentence pronounced, and his Procession in the Act of Faith, he should not die, tho' it was contrary to the Laws and Custom of an Act of Faith. Upon that solemn Day therefore, on which the Act of Faith was to be held, he went with some of his own Friends, and some that were *Pezoa's*, to the Gate of the Inquisition, to prevail with him, if possible, to confess. He came out in the Procession, wearing the infamous *Samarre*, and on his Head the *Caroch*, or infamous Mitre. His Friends, with many Tears, besought him in the Name of the Duke *de Cadaval*, and by all that was dear to him, that he would preserve his Life, and intimated to him, that if he would confess and repent, the said Duke had obtained his Life from the Inquisitor General, and would give him more than he had lost. But all in vain, *Pezoa* continually protesting himself innocent, and that the Crime it self was falsely invented by his Enemies who sought his Destruction. When the Procession was ended, and the Act of Faith almost finished, the Sentences of those who were condemned to certain Penances having been read, and on the Approach.

proach of Evening, the Sentences of those who were to be delivered over to the secular Court being begun to be read, his Friends repeated their Intreaties, by which at last they overcame his Constancy, so that desiring an Audience, and rising up, that he might be heard, he said, *Come then let us go and confess the Crimes I am falsely accused of, and thereby gratify the Desires of my Friends.* And having confessed his Crime, he was remanded to Jayl. Two Years after he was sent to *Evora*, and in the Act of Faith walked in Procession wearing the Samarre, on which was painted the Fire inverted, according to the usual Custom of the *Portuguese* Inquisition; and after five Years more that he was detained in the Jayl of the Inquisition, he was condemned to the Gallies for five Years.

z. 47.
9. 73.

Finally, *Simancas* proposes and resolves a Question concerning another Case, viz. “ Whether an Heretick converted after a definitive Sentence, who says that he will repent, and discover other Hereticks to the Judges, and is upon that Account returned to the Inquisitors by the secular Judge, and makes a full Confession before them, is to be left again to the said secular Judge. This Question in the former Age was actually debated by the Inquisitors of *Cuenca*, and after the supream Judges and skilful Men had been consulted, they unanimously answered, that such a Penitent was not to be left again to the secular Court; both because he had made a true Confession before the Inquisitors, and therefore ought not to be delivered up by them, and because the secular Judge seems to renounce his own Right, by delivering to the Inquisitors the Heretick that had been turned over to him.” Add to this, that ’tis neither consistent with Goodness nor Equity, that he who is now neither impenitent nor relapsed, should, upon any Account, be delivered over to the secular Power.

C H A P. XXXIV.

How the PROCESS ends against a relapsed PENITENT.

Direct.

p. 3. n. 197.
com. 45.

IF the accused Person is found a Relapse by his own Confession, but penitent, professing that he believes in a Catholick Manner, and is willing to return to the Unity of the Church, the Bishop and Inquisitor send to him two or three good Men, and especially Religious, or Clergymen, zealous for the Faith, neither suspected by, nor ungrateful to him, who, upon some convenient Hour go to him, and after discoursing with him in the first Place concerning the Contempt of the World, the Miseries of this present Life, and the Joys and Glories of Paradise, do afterwards, in the Name of the Bishop and Inquisitor, discover to him, that inasmuch as he is relapsed, he can't escape temporal Death; and that therefore he ought to be careful of the Salvation of his Soul, and prepare himself for the Confession of his Sins, and the Reception

ception of the Sacrament of the Eucharist. And these Admonitions they repeat till he hath confessed his Sins, and humbly desires that the Sacrament of the Eucharist may be given him, because the Ecclesiastical Sacraments are not to be denied to a relapsed Penitent, if he humbly desires them. *Cap. Super eo de hæret. lib. 6.* After having received these Sacraments, and by this Means being, in their Opinion, rightly prepared for Salvation, the Bishop and Inquisitor order the Ballive of the Place, or the chief Magistrate of the secular Court, to be ready with his Attendants such a Day or Hour, in such a Street or Place, to receive from their Court such a Relapse, which they will deliver to him; and that on the same Day, or the Day before he shall make Proclamation by the Crier throughout the City, in all the usual Places and Streets, that on such a Day, Hour and Place, the Inquisitor will make a Sermon for the Faith, and that he and the Bishop will then condemn a certain Relapse, by delivering him over to the secular Court.

Here they differ, whether a condemned Person may be delivered over to the secular Court, on *Sunday*, or a Holy-day. In many Cities of *Europe* 'tis a Custom, that the Inquisitors do not deliver over to the secular Court Relapses, or Impenitents, on a Holy-day, but on some other; and therefore the Criminal, two or three Days before he is burnt, is removed from the Houses or Jayls of the Inquisitors, to the Jayls of the secular Judges. But in *Spain* and *Portugal*, all Things relating to the Act of Faith are done on some Festival, to strike the greater Terror into the People.

In like Manner they are not all agreed, whether when the Criminals are delivered over to the secular Court, the Act of Faith ought to be celebrated within the Church, or without it. In *Spain* and *Portugal* such publick Acts of Faith are held without the Church, and, generally speaking, in a large and open Street or Market, and upon very high Scaffolds, that all the People may more easily and clearly see, which could not be done so conveniently within the Church.

Matters being thus ordered, if the Person to be delivered over to the secular Court is in holy Orders, a Priest, or of any other Degree, he is, before he is turned over, stripped of the Prerogative of the whole Ecclesiastical Order, or, as they call it, degraded, that being deprived of every Dignity that might exempt him from the secular Power, he may be delivered over to it.

This Degradation is twofold, one verbal, the other actual. The verbal is, when the Bishop pronounces Sentence against a Clergyman, by which he deprives him of all Clerical Orders, or rather of the Ministry or Execution of those Orders, which is more properly Deposition. The actual is, when the Clergyman is not only deprived by Sentence, but also deprived actually and personally, stripped and despoiled of his Ecclesiastical Orders; and this takes Place in the Crime of Heresy, when the Person is to be deliver'd over to the secular Court. But if he is only to be perpetually imprisoned, they only make use of verbal Degradation.

In order to an actual Degradation, a certain Number of Judges was formerly required. In the Case of a Bishop, twelve Bishops were requisite ; of a Presbyter, six Bishops ; and of a Deacon, three. But because in the Affair of Herefy, it would be difficult for so many Bishops to assemble, to degrade a Religious, already judged by the Judges of the Faith, the Bishop, according to a Power granted by *Gregory IX.* calls together the Prelates, Abbots and Religious Men of his Diocese, to be present on the Day appointed for this Ceremony. The Bishop himself, cloathed in his *Pontificalibus*, assisted by the Prelates of his Diocese, places before him the Person to be degraded, cloathed with all his Vestments, just as if he was going to divine Service, and degrades him from his Order, beginning with the highest, and so gradually descending to the lowest. And as in conferring Orders, the Bishop uses a Form of Words appointed by the Church for this Purpose ; so also in degrading, when he deposes him from the Cloak and the Gown, and other Degrees, he uses Expressions quite the contrary, by which he declares he deprives him of this Order.

So that the conferring of Orders, and the Degradation from them are performed in a Manner, and with Ceremonies directly contrary to each other. For when Orders are conferred, they begin from the lowest till they gradually rise to the highest. First, they confer the Order of the Door-keeper. The Bishop takes the Keys from the Altar, and delivering them to him when he appoints a Door-keeper, says, *Do this as one who must give an Account to God for the Things locked up by these Keys.* The Bishop ordains the Reader with this Ceremony. The People being present at his Ordination, the Bishop delivers him a Book, in which are written the Things belonging to his Function, saying, *Receive it, and be thou a Rebearser of the Word of God, and if you faithfully and profitably fulfill your Office, have part with those, who from the Beginning have administred well the Word of God.* The Bishop ordains an Exorcist, by delivering to him a Book, in which the Exorcisms are contained, using this Form of Words, *Receive and commit to Memory, and have Power of laying Hands upon the Possessed, whether baptized, or Catechumens.* In the Ordination of an Acolythist, this Ceremony is observed. After the Bishop diligently admonishes the Persons to be ordained of their Office, he delivers to each of them Wax-lights, after this manner. *Receive the Candlestick with the Wax-light, and know that you are engaged to light the Tapers of the Church, in the Name of the Lord.* Then he delivers to him the empty Flaggons, in which they serve up Water and Wine at the Sacrifice, saying, *Receive the Flaggons to minister Wine and Water for the Eucharist of the Blood of Christ, in the Name of the Lord.* When the Bishop ordains Sub-Deacons, he admonishes them, that the Law of perpetual Continence is enjoined this Order, and declares that no one is taken into the Order of Sub-Deacons, who is not voluntarily determined to submit to this Law. After this, when the solemn Prayer of the Litanies is said, he enumerates and explains what are the Duties and Functions of the Sub-Deacons. When these Things are done, all those who are to be ordained, receive from the Bishop the Chalice and sacred Pattens ; and from the

the Hands of the Arch-Deacon, to let them know that the Sub-Deacon is to assist the Deacon's Office, the Flaggons full of Wine and Water, together with the Bafon, and Napkin with which they wipe their Hands; and the Bishop says, *You see what Ministry is hereby committed to you, therefore I admonish you, so to behave your selves, as that ye may please God.* Besides this, they use some other Prayers. At last after the Bishop hath put the sacred Vestments on the Sub-Deacon, at every one of which proper Words and Ceremonies are used, he delivers him the Book of the Epistles, and says, *Receive the Book of Epistles, and receive Power to read them in the holy Church of God, as well for the Living as for the Dead.* In the Ordination of a Deacon the Bishop uses a greater Number of more solemn Prayers, and adds other Ornaments of sacred Vestments. Besides this, he lays his Hand on him, and finally delivers him the Book of the Gospels, with these Words. *Receive Power to read the Book of the Gospel in the Church of God, as well for the Living as for the Dead, in the Name of the Lord.* The Bishop ordains a Priest with these Rites. In the first place, he, with all the Priests who are present, lay their Hands on him; then fitting the Vest to his Shoulders, he brings it over on his Breast in Form of a Cross; after this he anoints his Hands with holy Oil, and delivers him the Chalice with the Wine, and the Patten with the Host, saying, *Receive Power of offering Sacrifice to God, and of celebrating Masses, as well for the Living as for the Dead.* At last he lays his Hands again upon his Head, saying, *Receive the Holy Ghost, whose Sins you remit, they shall be remitted to them, and whosesoever you retain, they are retained.*

Degradation is performed by Words and Ceremonies directly contrary. We have an Instance of this in the Book of the Sentences of the *Tbolouse* Inquisition, in one *John Philibert*, a Presbyter, who had joined himself to the *Valdenses*, and whom by Order of the Pope, the Arch-Bishop of *Tbolouse*, in the Room of the Bishop of *Aux* his Diocesan, who was dead, degraded from all his Orders in the Presence of the Abbots, and Prelates, or their Vicars, and delivered over to the secular Court. For after he was set before them in his Sacerdotal Vestment, they stripped him of all his Ornaments, using certain Expressions. The Chalice and Patten: *We take from you the Chalice and Patten, and strip and deprive you of the Office and Power of offering Sacrifice to God, and of celebrating any Mass.* The Priest's Vest: *We take from you the Priest's Habit or Vest, since you have despised to wear the easy Yoke of the Lord represented by it, and to preserve the Vest of Innocence.* [To this Ceremony there is another immediately subjoined, which was observed in the Degradation of one *James*, a pretended Minorite. "After this the Bishop immediately takes out the A-

"nointing, by slightly scraping with a Piece of Glass, so as not to draw Blood, those Places of the Hands which had been anointed, drawing the Glass from the right Hand Thumb to the left Hand Fore-finger, and then again from the left Hand Thumb to the right Hand Fore-finger, as is the Manner when the Bishop anoints any Person for a Priest." And thus by taking away all the Marks of the Priesthood, he is deprived of the Ornaments of the other Orders.] The Surplice: *We take from you the*

Surplice, the Ornament of the Diaconal Office, since you have not worn it as the Covering of Gladness, and the Garment of Salvation. The Book of the Gospels: We take from you the Book of the Gospels, and strip and deprive you of the Office and Power of reading in the Church of God. The Diaconal Vest: We take from you the Diaconal Vest, and strip and deprive you of the Power of exercising the Diaconal Office. The Chalice, Patten, Flaggon, Water, Bason, and Napkin: We take from you the Chalice, Patten, Flaggon, Water, Bason, Napkin, the Instruments of the Sub-diaconal Office, and strip and deprive you of the Use of them. The Sub-Deacon's Tunick: We take from you the Tunick, the Ornament of the Sub-diaconal Office, since you have not used it to Righteousness and Salvation. The Maniple*: We take from you the Maniple, the Ornament of the Sub-diaconal Office, and we strip and deprive you of the Ministry designed thereby. The Book of the Epistles: We take from you the Book of the Epistles, and divest and deprive you of the Power of reading them in the holy Church of God. The Candlestick: We take from you the Candlestick, and divest and deprive you of the Office of lighting the Tapers in the Church. The Flaggon: We take from you the Flaggon, that from henceforth you may not use it in serving up Wine and Water for the Eucharist of the Blood of Christ. The Book of Exorcisms: We take from you the Book of Exorcisms, and deprive and divest you of the Power of laying your Hands upon the Possessed, whether baptized, or Catechumens. The Book he received when made Reader: We take from you the Book you received with the Order of Reading, and divest and deprive you of the Power of reading it any more in the holy Church of God. The Keys: We take from you the Keys of the Church, and divest and deprive you of the Office and Power of keeping the Things locked up with those Keys, and of opening or shutting the Gates of the Church. By the Authority of Almighty God, Father, Son, and Holy Spirit, and also by the Power committed to us, as aforesaid, in this Affair, we take from you the Clerical Habit, and depose and also degrade you, from all Priestly, and every other Order, and divest and deprive you of every Clerical Honour, Benefice and Privilege. And therefore we farther pronounce and declare to the noble Person, the Lord Guiardo Guido, Seneschal of Thoulouse, here present, that he shall receive you, thus degraded, into his Court. However, we earnestly require and beseech him, that he will so moderate the Sentence concerning you, as to prevent the Danger of Death, and maiming of Limbs. After these Things his Head is shaved, before the secular Court receives him. [This shaving the Head is performed in this manner. The Bishop begins to pull out some few of the Hairs of his Head with Nippers, after which the Barber finishes it with a Razor, so that there remains on it no Mark of his Tonfure or Clericate.]

*Lib. Cæ-
renat.
fol. 106.*

After the Degradation is performed, Sentence is pronounced against him as a Relapse, and he as such, altho' penitent, is cast out of the Ecclesiastical Court, and delivered to the secular Arm. But they generally add this Clause to such Sentences, by which a Relapse, or impenitent Heretick, or any other, is delivered to the secular Arm. Nevertheless we effectually beseech the said secular Arm, that he will moderate his Sentence concerning you, so as to prevent the

* *Manipulus.* An Ecclesiastical Vestment, called also the *Sudarium*, which the Priests wear on the left Arm.

Effusion of Blood, and Danger of Death; according to Cap. *Novimus*, de verb. sign. where, after 'tis commanded that a Clergyman degraded shall be delivered to the secular Court, 'tis added, *For whom nevertheless the Church ought effectually to intercede, that the Sentence may be moderated, so as to prevent Danger of Death*; viz. least the Inquisitors, when they deliver Criminals to the secular Judges, should seem to consent to the Effusion of Blood, and thereby become irregular.

When this Sentence against a Relapse is concluded, the Bishop and Inquisitor don't shew it to the Criminal, lest he should be enraged against them; but they send to him certain good Men, especially Religious or Clergymen, not unacceptable to him, who discover to him the Sentence to be pronounced against him; and the Death to be inflicted on him, to confirm him in the Faith, to exhort him to Patience, to accompany him after his Sentence, to comfort him, and pray with him, and not to depart from him, till he hath returned his Spirit to his Creator. But they must diligently take Care, that they do not say or do any Thing by which the Death of the relapsed Person may be hastned, viz. by exhorting him when condemned, to offer his Head to the Executioner, or to go up the Ladder, or to say to the Hangman so to direct his Sword; as to strike off his Head at one Blow, and not at several, or to say or do, or persuade to any Things of like kind, by which his Death would be sooner effected, altho' the same would have hapned, altho' these Words or Actions had never been; because they contract Irregularity by these Things. Who would not believe that these Men detested with all their Soul every Effusion of Blood, who so effectually intercede for the Condemned, and are so extreamly careful not to say or do any Thing by which their Death may be hastned? Here some think, that such Penitents relapsed ought to be allowed Ecclesiastical Burial, as well as all other Catholicks. But this is contrary to Law and Custom, because their Bodies are burnt with Fire. In this Respect however they are dealt more favourably with than the Obstinate and Impenitent, inasmuch as these latter are burnt alive, whereas the others are strangled before they are burnt, which, as *Simancas* says, is more human, and leads to Repentance. *Tit. 47. §. 17.*

C H A P. XXXV.

How the PROCESS ends against an impenitent HERETICK, and impenitent RELAPSE.

IF the accused Person be an impenitent Heretick, but not relapsed, he is *Direct.* kept in close Imprisonment, and put in Chains, that he may not escape p. 3. and infect others; nor is any one allowed to come to him, or to speak with *n. 201.* him, except the Keepers, who must be good Men, and not suspected *can. 46.* concerning the Faith, nor easy to be deceived. In the mean while all Methods must be used for his Conversion, according to the Decree of the Council of *Biterre*, c. 17. *Those who will not be converted, be slow, as you conveniently can, to condemn*

The HISTORY of the INQUISITION.

condemn them, admonishing them frequently by your selves and others to confess; and if they are finally obstinate in their Wickedness, cause their Errors to be publicly declared, in Detestation of them, and leave them thus condemned to the secular Powers present, or their Ballives, according to the Apostolick Command. Herewith the Madrid Instruction, An. 1561. c. 43. agrees. When the Criminal is negative, and hath been legally convicted of the Crime of Heresy of which he was accused, or continues obstinate, 'tis evident from the Law that he ought to be delivered to the secular Court. However, in such a Case, the Inquisitors ought greatly to endeavour his Conversion, that at least he may die in the Grace of God. And here they must do all they can consistent with Piety. So that the Bishop and Inquisitor frequently, sometimes both together, sometimes apart, must cause him to be brought before them, to refute his Opinions, and persuade him into the Faith of the Church of Rome. If he doth not submit to their Information, ten or twelve Persons are sent to him to instruct him, learned Men, Clergymen of different Religions, and secular Lawyers, who frequently converse with him, to shew him that his Opinion is contrary to the sacred Scripture, and the Decrees of the Church of Rome. If he is not converted, he is not immediately delivered to the secular Arm, tho' he desires it, but is kept in Chains a long while, half a Year, or a whole one, in a hard and close Jayl, that by the Misery and Distress of his Imprisonment, his Constancy may be overcome. In the mean while he is frequently admonished, that if he persists he must be burnt, and after this Life burn in Hell Fire for ever. But if he is not moved by this Calamity, he is removed into a somewhat more comfortable Jayl, and used in a little kinder Manner. They also make use of Promises, that if he will turn, he shall experience the Mercy of the Judges. If they can neither prevail with him by this Means, they suffer his Wife and Children, especially his little ones, if he hath any, and his other Relations, to come to him, to break his Resolution and Constancy. But if after all these Methods used he persists in his Opinion, the Bishop and Inquisitor prepare to deliver him over to the secular Court. When therefore the Sermon concerning the Faith is held, the Inquisitor causes his Faults and Heresies to be read over by the Notary, or some other Clergyman, and then asks him whether he will depart from his Heresies and abjure them? If he consents to abjure, he is admitted; and having made his Abjuration, he was condemned in the Times of Eymerrick to perpetual Imprisonment, because he was believed to abjure rather thro' Fear of Death than the Love of Truth. And if he was a Clerick, he was degraded from his Orders, by a verbal Degradation only, *i. e.* he was deposed from the Function of his Ministry.

But if in this Condition he will not repent and abjure his Opinions, as is commonly the Case with such Persons, he is condemned as an obstinate Heretic, and as such delivered over to the secular Court. Cap. *ad abolendam*, §. *Præsenti*, Extrav. de hæret. And whilst the secular Court is performing its Duty, some good Men, and zealous for the Faith, may attend him, and persuade him to the Catholick Faith, and exhort him as yet to turn from his Errors. And 'tis the Opinion of Eymerrick, that if even then he will be con-

verted,

verted, he may be admitted to Repentance. But *Pegna* judges it more safe, not to receive him by any Means, altho' he promises a thousand times his Conversion; both because 'tis provided for by no Law, and because Experience shews us that Persons thus received, seldom or ever become good.

If an Heretick impenitent or relapsed be present, the Bishop and Inquisitor, in Presence of the Magistrate of the secular Court, Cap. *Excommunicamus*, 1, 2. *Extrav. de hæret.* declare him impenitent, or relapsed, cast him out from the Ecclesiastical Court, and leave him to the secular Arm, or to the Jurisdiction of the secular Court. And the secular Court, which is in that Place, receives him as one left to their Court and Arm. If he be absent and fugitive, he is by Sentence declared impenitent or relapsed, and cast out from the Ecclesiastical Court, and left to the secular Arm; and whenever the secular Court can lay hold of him, he is punished as one obnoxious to that Court, according to the Nature of his Crime, Cap. *ad abolendam*, §. *Præ-senti*, *Extrav. de hæret.*

If the accused Person be an Heretick impenitent and relapsed, all Remedi-^{n. 205.}es are to be made use of for his Conversion, and he is closely and carefully confined, and no one admitted to him. But he can't escape Death. And therefore they exhort him, inasmuch as he can't avoid the Punishment of Death, to consult at least the Salvation of his Soul, to confess and receive the Sacrament of the Eucharist. Behold the amazing Charity of these reverend Fathers, who when they deliver a penitent Criminal to Death, are so solicitous about the Salvation of his Soul! But whether he repents or not, he is delivered to the secular Court, with a very earnest Intreaty, so to mitigate their Sentence concerning him, as to prevent the Effusion of Blood, and Danger of Death.

C H A P. XXXVI.

How the PROCESS ends against a Negative HERETICK convicted.

IF the Person accused be found in Heresy either by the Evidence of the *Direct.* Fact, or the legal Production of Witnesses, and yet he doth not confess^{p. 3.} it, but persists in the Negative, he is at this Day called a convicted Negative Heretick. Concerning these the Council of *Biterre* hath thus determined. ^{com. 43.} Cap. 6, 7, 8, 9. *As to those who are Criminals, and contemn to appear within the Time of Grace, or maliciously suppress the Truth, let each of them be cited by Name in their Turn; and if they will not confess the Truth found against them, read over to them the Heads of the Matters in which they are found criminal, and discover to them the Depositions of the Witnesses, and granting them competent Times, and allowing them the Liberty of defending themselves, receive candidly their legal Exceptions and Replications. And if they fail in their Defence, assign them a competent peremptory Time for their Sentence, and condemn them, unless they will of their own Accord confess the Crime proved against them. For they are not to be received to Mercy whilst they persist in their Denial, how much soever they submit themselves to the Will of the Church.* Thus also the Council of *Narbonne*, c. 26. But if any
on 2.

one is not afraid obstinately to deny his Fault, upon account of which he may be judged a Believer of Hereticks, or an Heretick, and which is fully proved by Witnesses, or other Proofs, as long as he persists in this Denial, tho' otherwise he may pretend Conversion, he is, without Doubt, to be accounted an Heretick. For he is evidently impenitent, who will not confess his Sin. In Spain the same Opinion and Sentence is openly declared for by the first Seville Instruction, An. 1484. cap. 14. where also 'tis provided, that as often as such a Case should occur, the Inquisitors should diligently inquire into the Life and Manners of the Witnesses.

Pegna,
in Direct.
part. 3.
p. 565.

An Heretick is also judged to be impenitent, altho' he protests himself to be a Believer, not only when he is convicted of the Heresy he hath said, but also of any heretical Fact, by which he may be judged to be an Heretick, or Believer of Hereticks. This is to be understood of one, who denies the heretical Fact of which he is legally convicted; and not of him who confesses such heretical Fact, but denies the evil Intention. And these are the Reasons alledged why such a one may be condemned as an impenitent Heretick. Because if the Heresy of such a Negative is fully and legally proved, it appears to the Church, that such a one is an Heretick, and therefore unless he confesses and detests his Errors, he is deservedly delivered to the secular Court, as an impenitent Heretick. Besides, he who doth not admit the Errors legally proved against him, doth not satisfy the Church, tho' he protests that he holds the right Faith, the Church first demanding Satisfaction for the Heresies proved, which he denies that he ever said. And therefore not being amended, he may be condemned as an Impenitent, because Pardon of Sin is granted to no one without Amendment. And finally, Confession is necessary to true Repentance, nor doth he deserve to obtain Pardon, who doth not acknowledge his Sin; and therefore as a Negative doth not confess his Crime, he is accounted as Impenitent, and therefore is deservedly to be left to the secular Court. Nor let any one affirm, says Pegna, that he is by this Means unjustly condemned, nor complain of the Ecclesiastical Judges, or of the Judgment of the Church which hath thus determined, and which doth not judge of any Thing that is secret. But if it should happen that any one is convicted by false Witnesses, let him bear it with Patience, and rejoyce that he suffers Death for the Truth. But before such a Sentence can take place, 'tis, according to their Doctrine, required: First, that the Person be convicted either of true and formal Heresy, viz. saying there is no Purgatory, and not of a scandalous, rash or ill-founding Assertion, and the like; or of Facts from which arise Heresy or Apostacy. And here there is Need of great Prudence. Secondly, 'tis required that the heretical Words, of which a Negative is convicted, be certain and clear, and not dubious or doubtful, capable of a double Sense, one heretical, the other catholick; because as doubtful Expressions are to be interpreted in the best Sense, the Catholick Sense is to be received, and the heretical Sense rejected. Thirdly, that one guilty of an Heresy which he denies, be convicted by legal and proper Witnesses, above all Exception, and not by Enemies, or single Witnesses, or others unfit. Fourthly, that the heretical Fact or Saying, of which the Criminal is convicted, be lately done, and not an old Matter,

Matter, which the Criminal may be supposed likely to have forgot; because in a Matter done a great while ago, such Forgetfulness may be presumed. Lastly, that a Negative be convicted by Witnesses to have asserted, that he doth so believe himself, and that others ought to believe so too.

Such a Negative is kept in hard Confinement, and laid in Irons, and is by the Bishop, Inquisitor, and others oftentimes admonished to confess the Truth, with the Hopes of Mercy if he doth, and the Threatning of being delivered to the secular Court if he persists in the Negative. If he still persists in the Denial, the Bishop and Inquisitor, either separate, or together, privately examine the Witnesses themselves, and by other good Men, and admonish them to tell them the Truth privately, that the accused Person may not die unjustly. If the Witnesses persist in the Affirmative, and the Party accused in the Negative, they are examined with greater Care; not that the Witnesses are confronted with the Person they accuse, that they may be examined together. 'Tis only recommended to the Inquisitors to use Prudence in searching out the Truth, lest it should happen that an innocent Person, who can't fully defend himself, should be unjustly condemned. Thus the *Madrid Instruction* orders, *An. 1561. c. 38. That the Inquisitors should carefully consider in the Defences of the Criminals, that being confined in secret Jayls, they can't so conveniently defend themselves, and that therefore they ought to supply this Defect by their Diligence and Prudence, in inquiring particularly into the Life, Manners, Enmity or Conspiracy of the Witnesses.* If any one of the Witnesses falters, or if there are other Signs against him, they are taken notice of, that the Truth may be found out. If they are found false Witnesses, or if they retract their Evidence, the accused Person is pronounced and dismissed as innocent, and they themselves condemned to perpetual Imprisonment, and oftentimes exposed as publick Spectacles upon Ladders before the Gates of certain Churches, and their Lives only mercifully spared them. But if the Witnesses persist, and the accused Person persists also in the Negative, having been kept in Jayl for a competent Time, *viz.* a Year, he is at last, by the Sentence of the Bishop and Inquisitor, cast out of the Ecclesiastical Court as obstinate and impenitent, and delivered over to the secular Arm. So that if it should happen that he is accused by false Witnesses, and is really innocent, the miserable Wretch, tho' falsely condemned, is delivered to the Power of the secular Court, to be burnt alive; nor is it lawful for him, without the Commission of mortal Sin, as the ^{Pegna,} *Roman Doctors* think, to save his Life, by falsely confessing a Crime he hath ^{p. 567.} not committed. And therefore in this Case, tho' it may seem very hard to such a Negative to die when he is innocent, and for this Reason he may possibly believe it lawful for him to confess the Crimes objected to him to save his Life, yet this is not to be suffered by any Means; and therefore 'tis the Duty of the Divines and Confessors, who comfort such a Negative, and attend on him to his Punishment, to persuade him to discover the Truth; but to caution him by all Means not to acknowledge a Crime he hath not committed, to avoid temporal Death; and to put him in Remembrance, that if he patiently endures this Injury and Punishment, he will be crowned as a Martyr.

'Tis however evident, if the Practice of the *Portugal* Inquisition be considered, that the Inquisitors are not so very solicitous about the eternal Salvation of those they condemn, as they are to consult their own Honour by the Criminals Confessions even of false Crimes. We have seen the Instance of *Lewis Pecoa*, given in Chapter xxxiii. who being led forth in solemn Procession at an Act of Faith, and being at last overcome by the continued Prayers and Tears of his Friends, said, *Come then, let us go and confess the Crimes I am falsely accused of, and thus satisfy the Desires of my Friends*; and having made his Confession, he was saved from the Sentence of Death. The same History of the Inquisition at *Goa*, in the preceding Chapter, gives us another not less remarkable Instance, of a noble *Portuguese*, descended from the Race of the new Christians, who was accused of *Judaism*. But as he did most firmly deny the Crime objected to him, nothing was omitted that might persuade him to a Confession of it; for he was not only promised his Life, but the Restitution of all his Effects, if he would confess, and threaten'd with a cruel Death, if he persisted in the Negative. But when all this was to no purpose, the Inquisitor General, who had some Respect for him, endeavoured to overcome his Constancy by Wheedling and other Arguments; but when he constantly refused to confess himself guilty of a Crime he had not committed, the Inquisitor General being at last provoked by his Firmness, said, *What then do you mean? Do you think that we will suffer our selves to be charged with a Lye?* And having said this he went off. These Words of this Judge, says the History, carry in them a very unbecoming Meaning, and raise Reflections dishonourable enough to the holy Office. For 'tis almost the same as if he had said, we will rather deliver you, tho' innocent, to the Fire, than suffer any one to believe that you were unjustly imprisoned by us. When the Act of Faith drew near, the Sentence of Death was pronounced against him, and a Confessor allowed him to prepare him for Death. But at last he sunk under the Fear of his approaching dreadful Punishment, and by confessing on the very Day of the Act of Faith the Crime falsely fastned on him, he escaped Death; but all his Estate was confiscated, and he himself condemned for five Years to the Gallies.

Pr. 2. t. 1. §. 10. *Carena* observes, that it sometimes happens, that a Negative Heretick, given over by the Inquisitors to the secular Arm, cites and challenges them to the Valley of *Jehosaphat*, or the Tribunal of God. But if it appears to the Judge that he hath proceeded justly in the Condemnation of a negative Heretick, he ought not to be afraid of his Citation. But if the Judge should not be certain of the Justice of his Sentence, but perceived any Disturbance in his Mind when he pronounced it, then 'tis his Duty more maturely to inquire into all Circumstances, that the former Sentence may be either revoked or confirmed. In the mean while they say, that if such Citation and Appellation be made not thro' Hatred and Revenge, but with a good Design, that his Innocence may appear, and his Family be preserved from Infamy, it is lawful.

Because

Because Negatives constantly deny the Crime of Heresy, and profess that they are, and always were Catholicks, and are willing to die in the Faith of the Catholick Church, they are first strangled before they are burnt. But *Souza* says, that Hereticks convict and negative, if after they are delivered to the secular Judge, they do not confess before him the Catholick Faith, are burnt alive; because, as it appears that they are Hereticks, so by being silent when they ought to answer, they are looked upon as obstinate. Thus it was actually judged by all the Judges of the Council of Supplication in the City of *Lisbon*, An. 1629. the second Sunday of September, and twelfth Day of that Month, when, in an Act of Faith then celebrated, three Men, *Hebrews* by Birth, and called new Christians, were delivered over by the Inquisitors to the secular Court for *Judaism*, of which they were convicted; who, persisting in the Negative, affirmed before the Inquisitors that they were Christians. And being brought before the secular Judges, and interrogated concerning the Faith, would make no Answer; upon which they were delivered over to the Officers to be burnt alive, and were accordingly burnt alive.

C H A P. XXXVII.

How the PROCESS ends against a Fugitive HERETICK.

IF the accused Person be a Fugitive, after he is waited for a competent *Direct.* Time, he is cited by the Bishop or Inquisitor in the Cathedral Church of *p. 3. n. 212.* that Diocese where he hath offended, and in other Churches of that Place where *cont. 49.* he lived, and particularly from whence he made his Escape, personally to appear on a certain Day in such a Cathedral Church of such a Diocese, there to hear, upon a certain Hour, his definitive Sentence before them, to which they add, whether he appears or not, that they will proceed against him to a definitive Sentence, as Law and Justice require. This Citation is fixed upon the Gates of the Cathedral Church. In this Citation some Delay is granted, *viz.* of thirty Days, and that is peremptory, so that this single one serves for three, in which the Criminal is cited to all and singular the Proceedings of his Trial.

If the Criminal doth not appear, his Contumacy is complained of in the several Terms of the Edict, and the Fiscal of the Inquisition puts in his Bill of Accusation, after which the Process is carried on according to Course of Law, observing the Custom and Laws of the holy Office. When all this is finished, if the Crime really appears, Sentence is pronounced against the Criminal whenever the Process is rightfully and legally determined. If he hath been informed against for Heresy, he is declared an obstinate Heretick, and as such left to the secular Arm. If informed against as one suspected of Heresy, and if excommunicated, because he would not appear, and if remaining under the Sentence of Excommunication for a Year, he is not pronoun-

ced an Heretick, but condemned as tho' he was one. But if upon the Expiration of the Year he appears, he is heard as far as relates to the excusing his Crime, and testifying his Innocence; but not in order to recover his Effects, unless he can make his Innocence, or some other just Impediment legally appear. If he is in sacred Orders, he is first degraded, by a verbal Degradation only, because he cannot be actually degraded, inasmuch as he is absent. But *Eymericus* thinks, that the Person, thus degraded, is not to be left to the secular Arm, but that if he will repent, he may freely, and without the Question be admitted to Mercy and Abjuration.

Pegna, in
Direct.
part. 3.
com. 91.

This whole Affair is prescribed the Inquisitors of Spain, by a certain first Instruction, Cap. 19. *They have likewise decreed, that the Inquisitors may proceed against Criminals in the said Crime of Heresy, altho' absent, by citing the aforesaid absent Persons by publick Edicts, which they shall cause to be published and fastned to the Doors of the principal Church of the Place or Places where they dwell. Now, the Inquisitors may form Proceses against Absentees by one of these three ways. First, according as 'tis prescribed, Cap. cum contumacia, de hæret. lib. 6. viz. by citing and admonishing the Absentees to appear to defend themselves, and answer, according to Law, upon certain Articles relating to the Faith, and upon a certain Crime of Heresy, &c. under Pain of Excommunication, with their Admonitions in Form. But if he doth not appear, they shall command the Promotor Fiscal to accuse him of Contumacy, and to demand Indictments or Bills more fully charged, by which he may be denounced. But if he continues in his Obstinacy for the Space of a Year, they may declare him an Heretick in Form of Law. And this Method of Process is the safest, and least severe. The second way is this, That if it shall appear to the Inquisitors, that the Offence ought to be fully proved against any Absentee, they may cite him by Edicts, as aforesaid, to come and answer and declare according to his Right, and to shew his Innocence within 30 Days, divided into three Terms, every Term consisting of ten Days; or they may allow them a longer Time, if they think proper, according to the Distance or Remoteness of the Places, in which 'tis or may be presumed that the aforesaid cited Persons dwell; whom they ought to cite to all the Acts of the Process, even to the definitive Sentence inclusively; in which Case, if the Criminal doth not appear, his Contumacy shall be complained of in all the Terms of the Edict, and the Inquisitors may receive his Denunciation and Accusation from the Fiscal, and draw up his Process in Form. And when all this is done, if the Crime appears to be sufficiently proved, they may condemn the Absentee, without waiting for him any longer. The third Method to be observed in drawing up the Process against the Absentee, is this; that if in the Management of the Process made in the Inquisition, there appears to be a Presumption of Heresy against the Absentee, altho' the Crime doth not seem to be fully proved, yet the Inquisitors may order an Edict against such Absentee noted and suspected of the Crime of Heresy, and command him to appear within a certain Time to free himself; and canonically to purge himself from the said Error or Crime; with this Addition, that if he doth not appear to receive and perform the aforesaid Canonical Purgation, or doth not free or purge himself, they will look on him as a Convict, and proceed to act according to Law. And this Form of Process is a little too severe; but still 'tis rightly founded upon Law, and prudent*
and

and learned Inquisitors may chuse a Method which they judge more safe, and may be better used in Practice, according to the different Causes that may arise.

And lest the Sentence against Fugitives may seem to be pronounced in vain, Pegna, 'tis usually published before all the People, and the Image, or, as they commonly call it, the Statue of the absent Person is publickly produced, on which there is a Supercription fixed, containing the Name and Surname of the absent obstinate Person who is condemned, which Statue is delivered to the secular Power, on which he executes the Sentence and Penalty of Burning, as he would do upon the absent Person himself, if he were present, unless he would turn, or upon a Person otherwise relapsed. Thus, as *Lewis l. 2. t. 2. a Paramo* tells us, the Statue of *Sigesmond Malatesta* was burnt at the Gates of *St. Peter*; and the Statue of *Luther*, after he had been cited, and did not appear, was also burnt, together with his Books, at the Command of *Leo X.* by the Bishop of *Ascoli*, and *Silvester Prieriastes*. p. 574. c. 1. n. 6.

When this Custom of burning the Statues of absent Criminals began, is uncertain. *Pegna* believes it not to be very antient, because neither *Eymerick*, who, with great Diligence, hath treated of every Thing relating to Practice in this Crime, nor any other of the Antients, who have written of the Order of proceeding against Hereticks, have mentioned this Custom; nor is there to be found any single Trace of it in the *Vatican Copy*, nor in that of the most illustrious Cardinal *Sirletto*, where there are many Things, and even the most minute Things concerning the Method of judging and punishing Hereticks. But yet he thinks it very commendable, and proper to strike Terror, and therefore altogether fit to be used.

C H A P. XXXVIII.

Of the Method of proceeding against the Dead.

PROCESS is also carried on against the Dead for the Crime of Heresy. Now it may happen several ways, that a Person may be judged an Heretick after Death. *First*, If before his Death the Inquisition against him was begun, and his Crime appeared either by his own Confession, or the Evidence of the Fact, or the legal Proof of Witnesses, and the Criminal dies before the Process is ended, either confessed and impenitent, or negative or relapsed. *Secondly*, If being in Jail for Heresy he kills himself, for by thus destroying himself, he seems to confess the Crime. *Thirdly*, If, tho' when alive, his Heresy did not appear, and he was not accused of it, yet, if after his Death, it at any time appears that he died an Heretick, either by the Depositions and Attestations of others, or by Facts, or Deeds, or Books composed by him, or by any other legal Reasons. This Process is carried on against the Dead before this Tribunal, chiefly for these three Ends; That their Memory may be

be condemned, that the Heirs of the Dead, or any other Possessors of their Effects, may be deprived of them by the Fiscal; and finally, that the dead Bodies may be taken up, cast out of holy Ground and burnt, as 'tis determined by the first Instruction of *Seville*, *An. 1484. c. 20.*

This Action against the Dead, when carried on in order to the Confiscation of their Effects, is said to last for 40 Years. Thus 'tis determined, *cap. 2. §. 1. de præscript. l. 6.* That the Effects of deceased Hereticks shall be the Catholick Children and Heirs by Prescription, at the End of forty Years, if so be they have possessed them *bona fide*. The same is determined by the Instruction of *Seville*, *An. 1484. cap. 20.* Now the Children and Heirs of the Deceased shall then be said to have possessed his Effects *bona fide*, when, at the Time of his Death, and for the whole Space of forty Years they have believed and understood that the Person deceased died a Catholick. But if within these forty Years they have at any time been informed that he died an Heretick, they shall never plead Prescription, because from that time they began to be in *mala fide*; and if therefore they have been thus in Possession of them, *mala fide*, the Fiscal of the Office of the Inquisition shall seize on such Effects even after forty Years. As to what regards the Condemnation of the Memory of the Dead, such an Action is never hindred or determined by any Intervals of Time. For even when 40 Years and more are elapsed, the Inquisitors may, when ever 'tis discovered and legally proved that any one died an Heretick, carry on an Action against him to condemn his Memory, and declare him to have died excommunicated, and to forbid any one from praying for him, and to dig up his Bones, if possible, that they may be burnt; for he with whom 'tis not lawful to have any Communication when alive, 'tis neither lawful to have it with him when he is dead. But altho' the Children escape this Confiscation of their Estates, if they have been in Possession of them *bona fide* for forty Years, they incur however the other Penalties which the Laws have decreed to the Children of the Condemned, *viz.* Infamy and Incapacity for all publick Offices and Benefices.

Formerly a Father was presumed to die in Heresy, when sick on his Bed, he desired Consolation from any one of the *Albigenses* by Imposition of Hands. And therefore 'twas customary for Children, to prevent their being excluded from their Patrimony, to object that their Parents were not in their Senses when they desired that Consolation. Hence arose a Question, whether such an Excuse ought to be admitted.

'Tis decided, *cap. Filii, de hæret. l. 6.* *The Children or Heirs of those, who, when on their Death-beds have desired Hereticks to comfort them, that they might receive the Consolation from them by Imposition of Hands, according to their most wicked Custom, and thus go the Way of all Flesh, ought not to be admitted to prove, that such deceased Persons received this Consolation, or more truly this Desolation, when they were not of a sound Mind, or after they lost their Speech, since, as 'tis said, 'tis their Custom never to console such a one who is not in his Senses, and hath not his ordinary Memory, if whilst they lived they were defamed for Heresy, or suspected, or if it legally appears that, being in their Senses, they desired such Hereticks. In other Cases the aforesaid Children or Heirs may be admitted to prove the Premises,*

wives, not by their Wives, Children, Acquaintance, or any that belong to them, but by other Witnesses worthy of Credit, and especially by Persons zealous for the Faith.

Here there is a double Method of excusing such Persons proposed. *First*, If it be proved that the deceased Person, when alive, was not suspected or defamed of Heresy, but lived in good Repute, and received the Sacraments of the Church after a Christian Manner, at proper Times, and performed other Things which are usually done by true and Catholick Christians. *Secondly*, If it can be shewn that he was not of a sound Mind, when he desired the Consolation of Hereticks, which must be done one of these two ways: Either by shewing, that he was at a certain Time mad, and that 'tis to be presumed that he committed the Crime whilst the Madness lasted, and during the Time of such Madness; and in this Case the Fiscal or Judge, if he proceeds *ex officio*, must prove, that the Offence was committed when the Person was himself: Or by shewing, that by the Violence of his Distemper he was disturbed in Mind, and deprived of his Reason; for sometimes Persons are delirious in a Distemper, especially in old Age, who in Health were in full Possession of their Senses and Reason. These Proofs must not be made by their Wives, Children, or other Relations, but by Witnesses above all Exception, and in the last Case skilful Physicians are principally to be regarded. If the Children fail in this Proof, their Excuse is not to be admitted.

Farther, since a Criminal at the Article of Death ought to be sacra-^{Direct.}mentally absolved, if he confesses, and is ready to obey the Commands of^{2.} the Church, according to the first Council of Orange, cap. 2. *As to Hereticks*^{com. 25.} *who lie at the Point of Death, if they desire to be Catholicks, let the Presbyters, if there be a Bishop to do it, sign them with the Chrism and Benediction;* hence it oftentimes happens, that Persons dying have confessed Heresy to a Priest, and received their Absolution from him. And as no Action can be carried on against the Dead, unless it be presumed that they died impenitent, there arose formerly a Question in the Council of Tarragona, whether the Priest, who asserts that he absolved any one from Heresy, ought to be credited? This Question was at that Time of great Importance, because if the Priest affirming this Matter was to be believed, the Inquisitors could not proceed against such a one after his Death. The Matter was thus decided in the Council of Tarragona. *It is also inquired: What if any one should confess to his Priest Heresy, or favouring of Heresy, before the Inquisition began against him, and should be afterwards called on by the Inquisitors? In such Case his Confessor must be believed; and if he be found to have rightly confessed by the Confession of the Priest, altho' the Priest hath done ill in not sending him to the Bishop, yet the Person confessing may avoid temporal Punishment by such Confession, unless it be discovered that his Repentance was false, or that he relapsed after his Repentance, or was publicly defamed.*

The Council of Narbonne hath made this Determination in the Case, c. 28. *Whether or no the Confessor alone is to be believed concerning the Absolution or Repentance of a dead or living Person, altho' it seems plain enough that he ought not, yet that nothing may be imputed to the Church, let the Answer of the Lord Pope be waited for.* But now this Question is at an end, because Confessors have no Power of

absolving Hereticks. Such a Case may however happen, *viz.* when any one is absolved by Virtue of any Jubilee, in which the Pope grants the Power of absolving from such a Crime: Or when an Heretick absolutely concealed, or mental, is absolved, whose Herefy is afterwards discovered, and himself proceeded against. A like Case may happen in an Heretick, who being about to die, repents, and because there is no room to reconcile him to the Church, according to the ordinary Course of Law, is absolved by some private Priest when at the Point of Death, and afterwards recovers; or if he doth not recover, is accused after his Death to the holy Office.

Zanchin.
c. 34.

In these and the like Cases they say, that if any one will make use of the Testimony of a Confessor, yet the Inquisitor ought not to neglect the Course of Law upon account of such a Witness. *Gregory XIII.* in a certain Bull of Jubilee, *An.* 1572. declared, That Persons absolved in the penitential Court, are to be looked on as absolved only in that Court or Judgment, and that therefore they ought to make Satisfaction in the external or judicial Court. And therefore now no Person receives any Advantage by excepting that he received Penance in the internal Court. The Reason is, because penitential Punishment enjoined in the internal Court hath this Tendency, that hereby the Penitent may make Satisfaction to God and his Soul. Whereas temporal Punishment regards the Punishment of the Body, and is an Instance of publick Justice, whereby the Commonwealth is satisfied, which hath been injured by the ill Example of the Offender. And as there is a double Punishment, so there is a twofold Judge. One which enjoins Penance whereby the Criminal may be freed from eternal and spiritual Punishment, and this is the proper Priest; the other he who enjoins temporal Punishment, and this is the Judge of the Place where the Offence is committed, or also the ordinary Judge of the Offender. Hence it follows, that as the Priest is not the proper Judge of this Crime, but the Inquisitor and Bishop, Absolution given by a Priest can't hinder the Process of the proper Judge.

However, no Action is to be carried on against a dead Person, or rather his Memory is not to be condemned, unless the Proof be full, according as 'tis determined by the Instruction of *Avila*, *An.* 1498. c. 4. *Nor let any dead Person be cited to a Trial, nor any Process be carried on against his Memory or Reputation, unless there be full Proof that he may be thereby condemned.* When therefore there are any such preceding Proofs, the Fiscal instantly demands, by putting in a Bill, that such a Criminal may be proceeded against. This Accusation is exhibited to the Children or Heirs, or others whom it may concern, that the Memory of the Deceased should not be condemned, and if there are any Descendants of the dead Person, they are personally cited to defend his Memory, according to the *Madrid* Instruction, *An.* 1561. c. 61. Thus also the Council of *Biterre* formerly ordained, c. 18. *Proceed in like manner to the Condemnation of Hereticks or their Believers, who have not been canonically reconciled before their Death, giving first a Citation to their Heirs, or others, who, according to Law, ought to be cited, and allow them a proper Liberty of defending them.* And that no one may pretend Excuse or Ignorance,

rance, the Children or Heirs of the Deceased, or any others whom it may concern, are also cited by publick Edicts to come and make a legal Defence for him, and a legal Term is assigned them for their Appearance. After such Term is elapsed, if no one of the afore-cited Persons appears, the Inquisitors appoint one to undertake the Defence, a pious and faithful Man, and fit for the Business, who is to propose the legal Excuses and Defences for the Deceased. To this Person they communicate the Accusation and Evidence against the Deceased, and injoin him Secresy, and to confer concerning the Affair only with the Advocates of the holy Office, that so the Process may be carried on according to the due Order and Course of Law. But if any one appears, he is admitted to defend the Deceased's Memory. Nor doth it signify, if the Person appearing as Defendant in this Cause, be noted for Heresy, or under Inquisition, or in Prison; because as it may happen, that both the Deceased, and the Defendant under Inquisition, may be both freed from the Prosecution carried on against them, 'tis allowed him, that no Prejudice may be done to any one, and because it may be for his own Advantage, to appear in Defence of the deceased Criminal, according as the *Madrid* Instruction hath determined in the afore-cited Place. And farther, the *Avila* Instruction, *An. 1498. cap. 4.* determines, *That the Process against a dead Person shall be speedily finished, and that the Inquisitors shall not put off the Cause for want of Proof, unless possibly 'tis likely, that within a little while, other kind of Proofs may arise.* But when the Criminal is not convicted upon full Proof, he is immediately to be absolved. And the afore-cited Instruction gives this Reason of the Decree; because unless it were thus, the Sons and Daughters of the Deceased under Prosecution, if his Cause should be put off, would not possibly find any Persons to marry with, and could not dispose of the Effects left by the Deceased. But if after the Deceased is absolved there appear new Witnesses against him, there may be a new Action commenced against him, because, in this Crime, in Favour of the Faith, Sentences pronounced are not to be taken as an adjudged Case. And the former Evidences also shall retain their intire Force, and be added to those which arise anew, in order to make full Proof.

When all these Things have been duly observed, if it appears that the Deceased is to be absolved, the Sentence of Absolution is publickly pronounced, because as publick Edicts were set forth against him, at the Beginning of his Process, he is therefore to be publickly declared absolved, that he may be restored to his Reputation. But if his Memory is to be condemned, he is pronounced to have died in Heresy, his Memory is condemned, his Effects confiscated, his Bones dug up, and if they can be distinguished from the other Bones of Catholicks, to be publickly burnt.

And thus we read that the Bones and dead Bodies of several Hereticks have BZOVIVS, been unburied and thrown away, or burnt. *Peter John*, of the Diocese of *A. 1199.* *Biron*, followed and taught the Errors of *Joachim*, Abbot of *St. Flour*, *9. 39.* and published concerning this Affair several Books upon the Revelation of *St. John*, and the Gospel of *Matthew*. These Books were afterwards diligently

examined by many Doctors in Divinity by Authority of the Pope, and at a solemn Meeting at the Court of *Rome*, were condemned and burnt. *Peter* also himself, by Command of the same Prelate, was taken up out of holy Ground, and by the general Vote and Sentence declared an Heretick, tied to a Stake and burnt. There lived also, some Years ago, in *Ially*, in the *Bresciano*, a certain Person, of so great Integrity and Severity of Life, that some affirmed that, when alive, he was the Successor of *John Baptist* himself, and on this Account greatly revered him after his Death. The Inquisitor of the Faith having been informed by the Evidence of the Faithful, that he was tainted with Heresy, and that he died out of the Communion of Believers, with the Advice of the Bishop, commanded his dead Body to be unburied, and thrown into the Fire. At *Faenza* in *Lombardy*, an Abbot buried a certain Heretick in the Church of *St. Hippolytus* the Martyr. *Innocent* commanded the Abbot and Monks to take up the Corps, and to observe the Interdict his Church was laid under on that Account. Master *Almericus* was also turned out of his Grave, and buried in a Field.

Idem.
An. 1233.
§. 11.

An. 1207.
§ 8.
An. 1209.
§. 11.

But that we may not look for more Examples than we need, we have a famous one of this sort of Condemnation, in the Synod of *Constance*, against *John Wickleff*, in the eighth Session. *Inasmuch as by the Authority of the Sentence, and Decree of the Roman Council, and by the Command of the Apostolick See, after the proper Delays, Process was carried on concerning the Condemnation of John Wickleff and his Memory, Edicts being set forth, and Denunciations to summon all, if any there be, who are willing to defend him or his Memory; having farthermore examined Witnesses concerning the final Impenitence and Obstinacy of the said Wickleff, by Commissaries deputed for this Purpose, and observed all Things to be observed, as the Order of Law requires in this Case, and his Impenitence and final Obstinacy being evidently proved by legal Witnesses, the Matter was legally believed and assented to. And therefore at the Instance of the Procurator of the Exchequer, and after putting forth an Edict for hearing of Sentence as on this Day, this holy Synod declares and determines, that the said John Wickleff was a notorious Heretick, and died obstinately in his Heresy, by anathematizing him, and likewise condemning his Memory, and decrees that his Body and Bones, if they can be separated from the other Bodies of the Faithful, shall be taken up, and thrown out from the Burial of the Church, according to the canonical and legal Sanctions. And the Judges being interrogated whether they were content, answered, Content. And they approved all the aforesaid Matters.*

Bzovius, There was a like Edict in *England* against the dead Bodies of *Bucer* and *Fagius*. For when Cardinal *Pool*, the Pope's Legate in *England*, went, after *An. 1556.* Queen *Mary's* Inauguration, to the University of *Cambridge*, to restore all Affairs there, they began the Process of taking up the dead Bodies of *Bucer* and *Fagius*. The dead Persons were cited by a first and second Edict, and several Witnesses produced against them once and again. When no one appeared who would undertake their Defence, they were at last condemned for Contumacy, and on the said Day Sentence was pronounced before all the Orders of the University, and their dead Bodies were ordered to be dug up, and delivered

§. 36.
E. Thuan.

Hist. Con.
Tvid. l. 5.
p. 451.

delivered to the Queen's Officers. After some few Days, whilst the Sentence was sent to *London*, an Order came from the Queen that the Punishment should be inflicted. Finally, on the sixth of *February* the Bodies were dug up, and a large Stake fixed into the Ground in a certain Part of the Market-place prepared for that Purpose, to which the Bodies were tied, and a large Pile of Wood placed round them to burn them. After this the Chests were set up on end with the dead Bodies in them *, and fastned on both Sides with Stakes, and bound to the Post with a long Iron Chain. After the Pile was set on Fire, they threw a great Number of the Books of the Protestants into it, which they had gathered together, which were soon consumed by the spreading Flames. Not long after this, *Brookes*, Bishop of *Glocester*, dealt in the same Manner at *Oxford*, with *Catharine*, the Wife of *Peter Martyr*, who dying about † four Years ago, was buried in *Christ-Church* near *St. Frideswide's* Relicts, who was held in great Veneration in that College. For being † convicted that she had embraced her Husband's Heresy, she was condemned, her dead Body taken up, carried upon Shoulders, and thrown upon a Dunghill.

Besides this, the Statue of such deceased Person is now brought forth in publick, on which the Name of the Person, whose Memory is to be condemned, is written in large Characters, and before which all the erroneous or heretical Articles, and all the heretical Deeds or Works, which have been legally proved against the Deceased, are recited in the same Manner in which they were done, as tho' the Deceased himself was living and present. This Statue is delivered to the secular Court, which the secular Judge afterwards burns, as he would have burnt the Deceased, if he had been living, and died obstinate.

We have a very famous Instance of such a Sentence pronounced against a dead Person, in this Age, by the Inquisition at *Rome*, in *Mark Anthony de Dominis*, as *Bzovius* relates it under the Year 1479. §. 12. and following. He left the Church of *Rome* and the Arch-Bishoprick of *Spalato*, and came into *England* in the Year 1616. and published Books containing the Reasons of his Departure, and also concerning the Ecclesiastical Republick. Those Books were condemned as heretical at *Rome*, and himself cited to appear and purge

* They were buried, as *Fox* tells us, in Chests.

† *Fox* says, two Years

‡ *Fox* assures us, that *Brookes*, Bishop of *Glocester*, *Nicholas Ormanet*, *R. Merwen*, President of *Christ-Church* College, *Cole* and *Wright*, coming to *Oxford* as the Cardinals Visitors, summoned before them all that had any Acquaintance with her or her Husband, and ministred an Oath to them, that they should not conceal any Thing that was demanded of them; and that being examined, their Answer was, that they knew not what Religion she was of, because they did not understand her Language. But that notwithstanding this, the Cardinal by his Letters ordered the Dean of *Frideswide* to dig her up, which the Dean accordingly did that Evening, and buried her in a Dunghill. After this, in Queen *Elizabeth's* Reign, she was, by Order of *Parker*, Arch Bishop of *Canterbury*, *Grindal*, Bishop of *London*, and others, the Queen's high Commissioners, taken up out of the Dunghill, and buried in her former Place, and her Bones mixed with those of *Frideswide*, that they might never afterwards know one from the other.

The HISTORY of the INQUISITION.

himself within six Months before the Congregation of the Universal Inquisition. As he did not appear, after having observed the usual Methods in that Office, he was pronounced an Heretick, excommunicated, deprived of all Dignities, Benefices and Offices whatsoever, and to have incurred all the other Penalties which are prescribed by the sacred Canons.

Some Years after he privately abjured his Heresies, and having published a Writing declaring his Intention to depart out of *England*, he was received into Favour by Pope *Gregory XV.* and had granted him an House, Provision, Money, and other Things necessary for himself and Family, yearly, according to his Archiepiscopal Character, and besides this, a noble Ecclesiastical Pension. This Bounty of the Pope many Persons beheld with envious Eyes. More than this, he was restored to his Honours, so that he was afterwards stated in the Habit and Ensigns of his Dignity, in the Sessions, and all other Things, as tho' he had never fallen from his Rank. These Honours, as *Bzovius* says, puffed him up with Pride, which he discovered in his Gate, Countenance, and Conversation, as tho' he had been called, not to receive Mercy, but to Triumph.

Not long after this he was informed against by certain Religious and others, before the Assembly of the Universal Inquisition, that he was not afraid privately to spread the Errors he had abjured, and that he commended a certain Agreement cried up by himself between the Catholicks and Hereticks, and threw out Words contrary to the Authority of the Councils, and especially that of *Trent*, and that tho' oftentimes admonished, he would not abstain from such Discourses. Upon this they examined Witnesses concerning the Matters denounced according to the Sanctions of the Law; and as he was particularly said to endeavour an Escape, and to gather up his Effects in order to return to his own Country, he was apprehended and put in Prison, not such as Hereticks are usually confined to, but in the Castle of *Adrian*, where the first Quality are usually imprisoned, some of his Domesticks being allowed to attend him.

Being thus taken into Custody, and his Writings, according to Custom, diligently examined, one was found amongst them concerning the Sacrament of Matrimony, in which there were several heretical Propositions. Upon this Friar *Desiderius Scalea*, a Predicant, Cardinal of *Cremona*, one of the general Inquisitors, whom the Pope had delegated to carry on the Inquisition, and to take Cognisance of the whole Cause, admitted other proper Witnesses, and such as were beyond all Exception; after which *Mark Anthony* himself being brought before him, confessed most of those Things which he had plainly abjured. He added, that he believed that the Church of *Rome* and the Protestants agreed in all fundamental Articles, and that as to other Things wherein they differed, they were not equally necessary; but that it might be allowed to the Protestants to abound in their own Sense, at least till these Things were more fully examined, because it might be doubted whether they were sufficiently discussed and determined by the Council of *Trent*; and that therefore such Articles might be subjected to a new Disputation between

tween Catholicks and Protestants, chosen on each Side for this Purpose. For he believed that the Council, and especially that of *Trent*, had declared many Things as Matters of Faith, which did not at all belong to it; particularly as to Justification and Grace, as an inherent Quality, and the Efficacy of the Sacraments, *ex opere operato*, and many others. That the Articles which he called Fundamental, were such only as were necessary to Salvation, and not such as were controverted between both Parties; and that therefore he who denied them was not a Member cut off from the Church, but a living one, and joined to it in Faith and Charity. From whence he concluded, that notwithstanding this Difference, there might be a Union and Agreement between the Church of *Rome* and the Protestants. All these Things he guarded by this Rule, that the holy Scripture, as far as clear and express; was an adequate Rule of Faith, and in Defect of this, such Tradition as was certain, and that therefore no Christian Man ought to believe, with a divine Faith, any Thing not expressed in holy Scripture without any Obscurity, and Difference of Catholick Explications; or not delivered by the Apostles or Apostolick Men to the Church, without any Ambiguity whatsoever; and that beyond this Rule every Man was free to follow his own Opinion.

When he had answered that he had said and believed these Things, the Congregation of the Cardinals General Inquisitors thought proper to consult the Censors of Theological Propositions, who, examining the Affair before the Cardinal of *Cremona*, unanimously pronounced the Propositions heretical: And as there was farther a vehement Suspicion that his Abjuration was feigned, he was interrogated, whether he would persist in the said Heresies? He said, No; but that he repented of them, and was ready to detest and abjure them, as far as they should be declared Heresies by the Apostolick See. Whilst his Cause was in this State, and during the Time allowed him to make his Defence, and for granting him his Process, as he was consulting his Advocate, he fell into a very grievous Distemper, which so increased on him; that the Physicians despaired of his Life, and the rather, on account of the Season of the Year, and the Greatness of his Age, being sixty-six Years old. He abjured however before the Cardinal of *Cremona*, and other Officials of the Inquisition, the Heresies he had confessed; and all others; and having given Signs of Repentance, and received the Sacraments; and sent a Messenger to the Pope, to give him Thanks, in these Words; *That by the Pressure of his Confinement, he had given him Opportunity seriously to think of the Salvation of his Soul, and to behold the Light, which he was too blind to discern before, and that therefore he was indebted to him, that by the Mercy of God he died with a good Hope*, after these Things he departed this Life. His Bowels, in order to prevent any Reflections, were taken out by the most excellent Physicians of several Nations, who having carefully inspected his Inwards; all agreed that he died with a natural Illness.

His Corpse was deposited till the Issue of the Trial, and four of his Relations, who then happened to be at *Rome*, were by Name cited by a publick Edict, and all other Persons whatsoever who thought themselves any ways con-

concerned, to defend the Memory of the aforesaid *Mark Anthony*. And when his four aforesaid Relations declared they would not defend it, and no other appeared to do it, the Tribunal of the Inquisition chose some proper Persons for this Purpose, who, upon carefully inspecting the Procefs, answered, that nothing appeared to them, whereby they could defend the said Memory according to Law, since from *Mark Anthony's* own Confession, they most clearly found that he died a relapsed Heretick. But that they might proceed to Sentence entirely, according to Law, they consulted with Divines and skilful Lawyers, and had the Matter proposed and carefully examined by them. At length they all agreed that the same Punishments should be executed upon the Memory, Body, and Effects of the Deceased, which would have been executed upon himself had he been alive.

Having taken this Resolution, the twenty-first Day of *December, An. 1624.* was appointed for the pronouncing Sentence. Early in the Morning of it, so vast a Multitude had got together to *St. Mary supra Minervam*, where they generally give these religious Shews, that they were forced not only to shut up, but to guard the Gates with armed Men, and the great *Area* before the Church was so prodigiously thronged, that there was scarce Room for the Cardinals themselves to pass. The middle Isle of the Church, from the first to the fourth Pillar was boarded in, with Boards above the Height of a tall Man. At the upper and lower End of it there were Gates, guarded by *Switzers*. On each Side there were Scaffolds, running the whole Length of the Inclosure, in which were Seats for the Cardinals and other Prelates, and other Conveniencies, to receive the Courtiers and other Noblemen standing or sitting. On the right Hand coming in the sacred Council presided, on the left Hand were placed the inferior Officers of the holy Inquisition, the Governor of the City and his Officials. Before the Pulpit was to be seen the Picture of *Mark Anthony*, drawn in Colours, covered with a black common Garment, holding a Clergyman's Cap in his Hand, with his Name, Surname, and Archiepiscopal Dignity, which formerly he had born, inscribed upon it, together with a wooden Chest bedaubed with Pitch, in which the dead Body was inclosed. The rest of the Church was filled with Citizens, and a great many Foreigners, the Number of whom was at that Time larger, because the Jubilee that was at hand had brought them from all Parts to the City, that they might be present at the opening the sacred Gates.

Things being thus disposed, a certain Parson mounted the Pulpit, and with a shrill Voice, which rung thro' all the Parts of the spacious Church, and in the vulgar Language, that the common People might understand him, read over a Summary of the Procefs, and the Sentence by which the Cardinals Inquisitors General, specially deputed for the Affair by the Pope, pronounced *Mark Anthony*, as a Relapse into Heresy, to have incurred all the Censures and Penalties appointed to relapsed Hereticks by the sacred Canons, and Papal Constitutions, and declared him to be deprived of all Honours, Prerogatives, and Ecclesiastical Dignities, condemned his Memory, and cast him out of the Ecclesiastical Court, delivered over his dead Body and Effigies into

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the Power of the Governor of the City, that he might inflict on it the Punishment due, according to the Rule and Practice of the Church. And finally, they commanded his impious and heretical Writings to be publickly burnt, and declared all his Effects to be forfeited to the Exchequer of the holy Inquisition. After this Sentence was read, the Governor of the City and his Officers threw the Corps, Effigies, and aforesaid Writings into a Cart, and carried them into the *Campo Fiore*, a great Multitude of People following after. When they came there, the dead Body, which as yet in all its Members was whole and entire, was raised out of the Chest as far as the Bottom of the Breast, and shewn from on high to the vast Concourse of People that stood round about, and was afterwards with the Effigies and Bundle of his Books, thrown into the Pile prepared for the Purpose, and there burnt.

I was willing to give this long Story in all its Circumstances, not only because the Person himself was famous, and the Thing fresh in Memory, but chiefly because all Things usually practised in the Procefs against the Dead, were here exactly observed, whereby the whole Scene of this Iniquity and Cruelty doth most fully appear.

C H A P. XXXIX.

Of the Manner of proceeding against Houses.

IN order to beget in the common People a greater Abhorrence of the Crime of Heresy, they are used to pull down, and level with the Ground the Houses or Dwellings, in which the Heretick or Arch-Heretick holds Conventicles and Congregations. Of this we have several Instances in the Book of the Sentences of the *Tholouse* Inquisition. This Demolition of Houses, in Detestation of the Crime of Heresy, was formerly appointed by the Council of *Tholouse*, An. 1229. c. 5. *We decree that that House, in which an Heretick shall be found, shall be destroyed, and the Place it self or Ground be confiscated.* And the Council of *Biterre*, c. 35. *Let the Houses also in which living or dead Hereticks, whether convicted or condemned, are or shall be found, if with the Knowledge and Consent of the Owners of such Houses being of legal Age, be pulled down, and the Effects of all who then inhabit there be confiscated, unless they are able manifestly to prove their Innocence or just Ignorance.* And not long after, *Innocent IV.* decreed this very Thing by a certain Writing, beginning, *Ad exstirpanda*, of which the Original is extant, in the Inquisition of *Bologna*, in these Words. *The House also, in which any Heretick, Man or Woman, shall be found, shall be destroyed to the Ground, without any Hope of being ever rebuilt, unless the Owner of the House shall have procured the Discovery of them there. And if the Owner of such House shall have any other House contiguous to it, let all those Houses be likewise demolished.* But *Alexander IV.* by a Constitution beginning, *Felicis recordationis*, declares, *That*

this

this must be understood of the Out-houses of such Dwelling, viz. that such House, with all other Buildings contiguous to it, i. e. the House it self, and Out-houses, whether an Heretick, Man or Woman, shall be found in the House it self, or the Out-houses, shall be destroyed; because the House, tho' divided into ever so many Dwellings, is nevertheless accounted to be one House.

Lib. Sant.
fol. 2.

If the Owner of the House is not condemned of Heresy, but Hereticks have committed such Things in an House that did not belong to them, without the Knowledge of the Owner, the House is to receive no Damage. But if he knew it, or ought to have known it, 'tis confiscated, and being confiscated, remains subject to the Pleasure of the Inquisitor. The Materials of such Houses go to the Exchequer, or are decreed to be applied to other pious Uses. The Ground on which such House stood must not be shut in, but must always be uninhabited, that as it was formerly a Receptacle of wicked Wretches, it may from henceforth become a Place of Nastiness, and made a Dunghill and Stench. Excommunication also is threatned against all those who shall presume to rebuild it, or to inhabit or inclose it, or shall knowingly give any Advice or Assistance to it. Sometimes also the Ground on which the House stood, is sprinkled over with Salt, to denote its Barrenness, at which Time certain Curses and Imprecations are uttered. And finally, that there may be a perpetual Monument of its Infamy and just Punishment, a solid Stone, or a marble Pillar four or five Foot high, is erected in this last Age, in the said Ground, with certain large Characters cut on it, containing the Name of the Owner of the House, shewing the Reason of its being destroyed, and signifying the Time, viz. under the Reign of what Pope, Emperor or King, the Matter was transacted. In the former Age there was a famous Monument erected on this Account in Spain, in the noble City of Valladolid, where Austin Cazzalla, altho' converted, and penitent, was, An. 1559. delivered as a Dogmatist to the secular Court, and his House pulled down, on the Ground of which there was a little Pillar erected, containing an Account of the Affair.

C H A P. XL.

How the Sentences are pronounced, and the condemned Persons delivered over to the secular Arm.

Direct.
p. 3. com.
48.

THE Inquisitors are commanded to pronounce the Sentences against Hereticks, and to leave the condemned Persons to the secular Powers present, to be punished according to their Desert. C. *Excommunicamus*, 1. in princip. de hæret. C. *Ad Abolendam*, §. *Illos*, de hæret. and C. *Novimus*, de verb. signific. Altho' this Command requires the secular Judge to be present at the pronouncing Sentence, yet the Sentence of Condemnation against Hereticks,

reticks, pronounced when the secular Judge is absent, is valid, provided there be all other Things essential to it. For the Laws do not so require the Presence of the secular Judge or his Officers, as tho' nothing profitable could be transacted without him, but only that they, as Servants, should put in Execution the Sentence pronounced; for every other Act is forbidden them in this Crime, which is merely Ecclesiastical. *Cap. ut Inquisitionis, §. Prohibemus, de hæret. l. 6.* And if the Presence of the secular Judge was necessary in pronouncing Sentence of Condemnation against impenitent or relapsed Hereticks, he might easily by this Means hinder the Office of the Inquisition, by denying his Presence, either for no Reason, or for a feigned and pretended one. So that when the Inquisitor and Bishop have pronounced Sentence upon the Criminal, it shall be valid, tho' the secular Magistrate cannot or will not be present; and it shall be sufficient to intimate to him by some legal Person in Writing when there is Need, and which is the safest Method, that such a Person is judged to be an obstinate Heretick, and impenitent or relapsed; and the secular Magistrate, tho' not present at the Sentence, shall be obliged to give Credit to such an Intimation, and to put to Death the Heretick delivered over to him, unless he will be most grievously punished as a Favourer of Hereticks, and Hinderer of the holy Office. Nor must he have any Copy of the Procefs.

Also in the same Chapter *Novimus*, 'tis commanded, that the Church shall effectually intercede for him, who is to be delivered over to be punished by the secular Court, that the Sentence concerning him may be so moderated, as to prevent Danger of Death*. And altho' the Emperor *Frederick* provided by his Law, *Let no one presume to intercede with us in Behalf of such, which if any doth, he shall deservedly incur our Indignation*; yet the Ecclesiastical Judges may intercede in another Court for such a one; and altho' such Intercession is forbidden, which tends to favour the Heretick, or to the Hindrance of Justice; yet such Intercession is not, which tends to the avoiding Irregularity, and which is particularly enjoined by the Law it self. However, every Difficulty

* " Is there, says Dr. *Geddes*, in his View of the Court of Inquisition in Portugal, p. 446. in all History, an Instance of so gross and confident a Mockery of God, and the World, as this of the Inquisitors beseeching the civil Magistrates, not to put the Hereticks they have condemned and delivered to them, to Death? For were they in Earnest when they made this solemn Petition to the secular Magistrates, why do they bring their Prisoners out of the Inquisition, and deliver them to those Magistrates, in Coats painted over with Flames? Why do they teach that Hereticks, above all other Malefactors, ought to be punished with Death? And why do they never resent the secular Magistrates having so little Regard to their earnest and joint Petition, as never to fail to burn all the Hereticks that are delivered to them by the Inquisition, within an Hour or two after they have them in their Hands? And why in Rome, where the Supream, Civil, and Ecclesiastical Authority are lodged in the same Person, is this Petition of the Inquisition, which is made there as well as in other Places, never granted? Thus far Dr. *Geddes*. And let me here add, that this Hypocrisy and Dissimulation is the more vile and execrable, in that the Inquisitors are commanded by the Bulls of several Popes, to compel the secular Magistrate, under Penalty of Excommunication and other Ecclesiastical Censures, within six Days readily to execute the Sentences pronounced by the Inquisitors against Hereticks, i. e. to burn them. *The tender Mercies of these Wretches are Cruelty.*

of this kind the cunning Industry of the Popes hath wholly taken away, who have provided, how both the Inquisitors and Counsellors may more securely avoid Irregularity. For *Paul IV.* considering, at *Rome, April 29, An. 1557.* in the Congregations held before him on the Cause of Heresy, that the greatest Part of those employed in this Affair, were Clergymen secular and regular, being in Orders, in the Priesthood, and the Episcopal, Archiepiscopal, or other higher Dignity, and even some Cardinals, and that it oftentimes happened, that, according to the Nature of the Cases and Crimes before them, they gave Sentence against the Criminals, whereby was occasioned the Loss of a Limb, or the Effusion of Blood, and sometimes even natural Death; and being therefore willing to consult their Safety, and the Ease of their Mind and Conscience, determined and decreed, that all the aforesaid who should assist him in judging not only in Causes of Heresy, but also in every other criminal Cause, which should or might be managed before him, might give Sentence against Criminals, by which they should be condemned to the Questions or Torture, or to any other condign Punishment, even to the Loss of a Member, and to natural Death inclusively, without incurring any Censure or Irregularity. *Pius V.* afterwards confirmed the same Decree, and extended it to all the Inquisitors, their Vicars, Commissaries, and Counsellors, as *Umbertus Locatus* witnesses in his Book *de opere Judiciali Inquisitorum*, towards the End, tit. *de decretis*. So that as these Decrees now stand in Force, this Protestation doth not seem necessary, that the Inquisitors hereby may avoid Irregularity, when Criminals for Heresy are actually delivered over, or left to the secular Court. However, they will not suffer it to be omitted, because 'tis supported by common Law, and the general Custom of the Ecclesiastical Court; nor are several Remedies, which may be had more securely to obtain the same End, to be rejected.

Qu. 36.
com. 83.

Nor can the secular Judges, after Criminals for Heresy, relapsed or impenitent, are delivered over, or left to them to be put to Death, re-examine the Process and Cause, and correct or alter it if needful, or pronounce the Sentence void.

Cathol.
Instit.
2. 36. §. 8.

However, *Simancas* relates from other Authors certain Instances of Persons, who were unjustly condemned by the Inquisitors for Heresy, and whose Sentences were not executed by the secular Judges. He cites *Alciatus*, as asserting, " That the Lay Judge is not bound immediately to condemn a Criminal left to him by the Inquisitors, if he was not really defiled with the Crime of Heresy, altho' the Ecclesiastical Judge might have pronounced it so; and thus he adds, it was said, that the Lay Judge was not bound to execute the Sentence of the Inquisitor, by which he pronounced a certain Woman an Heretick, who in Reality had only made some Love-Potions, and against whom there were besides Proofs of certain Witchcraft. *John Igneus* also relates, that the same twice happened at *Milan*, where two Women, condemned for Heresy by the Bishop of *Parma* and the Inquisitor, escaped unpunished, it being found that they ever thought right concerning the Faith. He also adds, that a certain Woman at *Rouen* being condemned to

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“ the Flames for Heresy, was absolved by the secular Judges, and those who had condemned her, condemned to pay Costs.” But *Simancas* believes these Things and others of the same kind, were either feigned out of Hatred to the holy Inquisition, or else rashly and unjustly done by wicked and unskilful Judges, and thinks that the secular Judge is bound in a Cause of Heresy immediately, and, as they say, with his Eyes shut, to execute the Sentence of the Ecclesiastical Judge, without any Cognisance or Assurance of the Justice of it. And this is now most exactly observed in *Spain* and *Portugal*. In the Accounts of the *Spanish* Court, lately published by a noble *French* Lady, who attended the Queen out of *France*, there is an Instance of a *Jewish* Girl, scarce entred into her seventeenth Year, extremely beautiful, who, in a publick Act of Faith at *Madrid*, An. 1680. June 30. together with twenty others of her Nation, of both Sexes, being condemned to the Stake, turned her self to the Queen, and prayed, that out of her Goodness and Clemency she might be delivered from the most dreadful Punishment of the Fire, in these Words: *Great Queen, is not your Presence able to bring me some Comfort under my Misery? Consider my Youth, and that I am condemned for a Religion which I have sucked in with my Mother's Milk.* The Queen turned away her Eyes, and declared she pitied the miserable Creature, but did not dare to intercede for her with a single Word.

Nor must the Inquisitor shew to the Lay Judge the Process made by him; but the secular Magistrate must immediately, and without Delay, put in Execution the Sentence of the Ecclesiastical Judge. If he omits to do it, or defers the Execution beyond the usual Time, without a legal Cause, the Inquisitor may compel him to execute it by Ecclesiastical Censure. *Alexander IV.* hath, in the fullest Manner, given this Power to the Inquisitors by a Rescript, beginning, *Ad audientiam.*

But in this Affair the Custom of Provinces is different. In *Spain*, as soon as ever the Sentence of the Relapsed or Impenitent, or any others who are to be delivered over to the secular Court, is read, the secular Judges receive them immediately into their Court, and having pronounced the Sentence of Death or Burning, carry them directly to the Place of Execution. In many Cities of *Italy* the secular Judges keep in their Jayls the Criminals left or delivered over to them by the Inquisitors three or four Days before they put them to Death; which seems to be done by Authority of *Innocent IV.* in a Bull beginning, *Ad extirpanda*, where we thus read. *As to those who are condemned for Heresy, by the Diocesan or his Vicar, or by the aforesaid Inquisitors, let the chief Magistrate or Ruler, or his special Messenger, receive them when they are left to him, and immediately, or within five Days at least, put in Execution the Constitutions made against such Persons.* And they may be compelled to this by the Punishment of Excommunication, and other Ecclesiastical Censures, by a Rescript of *Innocent VIII.* beginning, *Dilectus Filius*, in these Words. *Injoin and command the said secular Officials, under the Penalty of Excommunication, and other Ecclesiastical Censures, that within six Days, after they shall be legally required, they readily execute the Sentences pronounced by you against such Hereticks, without*

seeing the said Processes carried on by you, and without allowing any Appeal. If the Inquisitor finds the secular Judge to be so negligent, as not to take Care to put to Death the Hereticks delivered to him after these five or six Days are elapsed, tho' there be nothing legally to hinder him, then the Inquisitor may command him to execute the Punishment of Burning, or of Death, upon the Hereticks left to him, since this is the Punishment usually inflicted on such; nor will the Inquisitor hereby fall into Irregularity. But others think it a safer Method, that the Inquisitor should not in this Case mention by Name the Punishment of Burning, or Death, commanding the secular Judge to inflict it, because possibly he might become irregular; to avoid which, he makes the usual Protestation, when he consigns over Hereticks to the secular Judge; and therefore they think it safer, that he should in general command him, under Penalty of Excommunication, or other Censures, to put in Execution the Sentences pronounced by him. This manner of speaking is contained in a Rescript of *Alexander IV.* beginning, *Ad Audientiam*; and of *Leo X.* beginning, *Honestis petentium votis*: Or that he should observe the Constitutions and Laws published against Hereticks, which Manner is not obscurely enjoined by *Innocent IV.* in Extrav. *Ad extirpanda*, §. *Damnati vero*. And these Methods they say are sufficient to avoid Irregularity.

How they proceed in the Dutchy of *Milan* in the Execution of the Sentence against Hereticks, *Carena* teaches us in these Words. “ And that we may
 p. 2. t. 2. see how our Senate at *Milan* proceeds in executing the Sentences pronounced
 §. 6. n. 44. “ by the Inquisitors against Hereticks, and how great the Zeal of the said
 “ Tribunal is in Things concerning the Catholick Religion, I here subjoin
 “ the following Rescript of the said Senate in this Affair. *Our Beloved: We*
 “ *have seen what you have written to us concerning Don Baptista Gaudentius,*
 “ *alias Friar Seraphin of Ferrara, who, as you have written to us, is guilty of*
 “ *heretical Pravity. Wherefore when he is delivered to you, immediately put his*
 “ *Condemnation in Execution. Milan, Aug. 6. 1573. Directed to The Wise*
 “ *J. C. Judge of the Malefactors at Cremona.* And in Execution of this De-
 “ cree the said Criminal was, on the 12th Day of the said Month, burnt
 “ alive in the publick Place of Justice, as a relapsed and impenitent He-
 “ retick.

C H A P. XLI.

Of an ACT of FAITH.

THE last Act of the Inquisition now remains, in which may be seen the Accomplishment of all the several Matters we have been explaining, and relating. 'Tis commonly called an Act of Faith. And 'tis worth while more particularly to describe this Solemnity, because 'tis celebrated with the greatest Pomp.

When

When the Inquisitor is determined to pronounce the Sentences of certain Criminals, he fixes on some Lord's-day or Festival to perform this Solemnity. But they take Care that it be not *Advent Sunday*, or in *Lent*, or a very solemn Day, such as the *Nativity of our Lord*, *Easter*, and the like; because 'tis not decent that the Sermons on those Days should be suspended, but that every one should go to his own Parish Church. A certain *Sunday* or Festival therefore being appointed, the Parsons of all the Churches of that City or Place, in which this Solemnity is to be performed, do, by Command of the Bishop and Inquisitor, when they have done preaching, publickly intimate to the Clergy and People, that the Inquisitor will, in such a Church, hold a general Sermon concerning the Faith; and they promise, in the Name of the Pope, the usual Indulgence of 40 Days, to all who will come and see and hear the Things which are there to be transacted. They take Care to give the same Notice in the Houses of those Religious, who commonly preach the Word of God, and that their Superiors should be told, that because the Inquisitor will in such a Church make a general Sermon concerning the Faith, therefore he suspends all other Sermons, that every Superior may send four or two Friars, as he thinks fit, to be present at the Sermon, and the pronouncing the Sentences. This Solemnity was formerly called, *A general Sermon concerning the Faith*, but 'tis now called, *An Act of Faith*. And in this, great Numbers of Persons, sometimes one or two hundred are brought forth in publick Procession to various Kinds of Penances and Punishments, all wearing the most horrible Habits. They chuse Festivals for this Solemnity, because then there is a greater Confluence of People gathered together to see the Torments and Punishments of the Criminals, that from hence they may learn to fear, and be kept from the Commission of Evil. Concerning this Rite, the *Madrid Instruction*, *An. 1561. c. 77.* thus prescribes. *When the Processes of* Param. l. 30. *the Criminals are concluded, and the Sentences fixed, the Inquisitors shall assign some Holyday, on which there shall be a publick Act of the Faith:* qu. 4. *Which Day they shall signify to the Chapters of the Church and Consistory of the City; and where there is any Royal Council, it shall be notified also to the President and Members, who must be all invited to attend the Act of Faith, according to the Custom of every Place. And let the Inquisitors take Care that these Things be done in such convenient Time, as that the Execution of the Sentences of those who are to be delivered over to the secular Court may be done by Day, to prevent Inconveniences. And indeed, as this Act of Faith is now celebrated in *Spain* and *Portugal*, the Solemnity is truly an horrible and tremendous Spectacle, in which every Thing is designedly made use of that may strike Terror, for this Reason, as they say, that they may hereby give some Representation and Image of the future Judgment.*

If any one, whether an impenitent or relapsed Heretick, is to be delivered to the secular Court, the Bishop and Inquisitor give Notice to the Ballive of the Place, or principal Magistrate of the secular Court, that he must come such a Day and Hour with his Attendance to such a Street or Place, to receive

ceive a certain Heretick or relapsed Person out of their Court, whom they will deliver to him; and that he must give publick Notice the same Day, or the Day before in the Morning, by the Crier, throughout the City, in all the usual Places and Streets, that on such a Day and Hour, and in such a Place, the Inquisitor will make a Sermon for the Faith, and that the Bishop and Inquisitor will condemn a certain Heretick or Relapse, by delivering him to the secular Court.

In most of the Tribunals of the Inquisition, especially in *Spain*, 'tis a remarkable Custom they use, *viz.* on the Day before the Acts of Faith, solemnly to carry a Bush to the Place of the Fire, with the Flames of which they are consumed, who deserve the Punishment of being burnt. This is not without its Mysteries; for the Burning and not consuming Bush, signifies the indefectible Splendor of the Church, which burns, and is not consumed; and besides this, it signifies Mercy towards the Penitent, and Severity towards the Froward and Obstinate. And farther, it represents how the Inquisitors defend the Vineyard of the Church, wounding with the Thorns of the Bush, and burning up with Flames all who endeavour to bring Heresies into the Harvest of the Lord's Field. And finally, it points out the Obstinacy and Frowardness of Hereticks, which must rather be broken and bent, like a rugged and stubborn Bush, and that as the Thorns and Prickles of the Bush tear the Garments of those who pass by, so also do the Hereticks rend the seamless Coat of Christ.

Param. l. 2. c. 10. r. 70, &c. Besides, the Day before the Criminals are brought out of Jayl, to the publick Act of Faith, they part with their Hair and their Beard, by which the Inquisitors represent, that Hereticks return to that Condition in which they were born, *viz.* becoming the Children of Wrath.

ibid. c. 11. n. 63. All Things being thus prepared to celebrate this Act of Faith, all the Prisoners, on that very Day which is appointed for the Celebration of it, are cloathed with that Habit which they must wear in the publick Procession. But the Custom in this Matter is not altogether the same in all the Inquisitions. In that of *Goa*, the Jayl-Keepers, about Midnight, go into the Cells of the Prisoners, bring in a burning Lamp to each of them, and a black Garment striped with white Lines; and also a Pair of Breeches, which reach down to their Ankles, both which they order them to put on. The black Habit is given them in Token of Grief and Repentance. About two a Clock the Keepers return, and carry the Prisoners into a long Gallery, where they are all placed in a certain Order against the Wall, no one of them being permitted to speak a Word, or mutter, or move; so that they stand immovable, like Statues, nor is there the least Motion of any one of their Members to be seen, except of their Eyes. All these are such as have confessed their Fault, and have declared themselves willing to return by Penance to the Bosom of the Church of *Rome*. To every one of these is given a Habit to put over their black Garment. Penitent Hereticks, or such as are vehemently suspected, received the blessed Sackcloth, commonly called the *Sambenito*, which, as we have before related, is of a Saffron Colour, and on which there is put the

they were under, giving each of them a Blow by the Hands of those Priests who attend him.

Farther, when the Inquisitors absolve and reconcile Penitents at an Act of Faith, they make use of Rods, to admonish them, that by Heresy they have fallen from the Favour of God into his Anger and Fury. Hence *Paramus* advises such Penitents to consider, with how great Indulgence they are treated, because they are only whipped on their Shoulders, that they may go away, and being mindful of the divine Fury, may take heed not to relapse for the future. The Rod also points out the judiciary Power which the Inquisitors exercise over impious Hereticks, and those who are suspected of Heresy, because a Rod is the Measure by which any one's Deserts are measured, and therefore Penitents are whipped with Rods according to the Nature of their Offence, whereby their Faults are weighed and measured. Farther, the Inquisitors use Rods, because, as a Rod at the Beginning is in its Nature flexible, tender and soft, but at last hard, blunt and stiff, so the Inquisitors are soft and tender, whilst Penitents, offending thro' Frailty and Ignorance, reconcile themselves; but if Hereticks do afterwards suffer themselves to be overcome by Wickedness, and fall again into the Crimes they have committed, then they whip them, and strike them severely, even to the burning of the Fire. And finally they use Rods to establish and support the Weak in the Faith, because Rods are a very apt Instrument to support and confirm the Lame and Weak.

The Penitents carry in their Hands extinguished Wax Tapers, whilst the Inquisitors reconcile them, to intimate, that the Light of the Faith hath been altogether extinguished in their Minds by the Sin of Heresy and Infidelity. These Tapers are made of Wax, whereby Hereticks profess (*Risum te-neatis*) that their Hearts have been so melted, thro' the Heat of Concupiscence, as to receive various Sects; and that as Wax grows hard by Moisture, but melts by Dryness and Warmth, so they being hardened by the Moisture of carnal Delights, have remained in Infidelity, but are melted as Wax, and converted by the Dryness and Heat of Tribulation and Penance enjoined them. And finally, the Cotton of the Taper, and the Wax of which 'tis made, and the Fire with which 'tis lighted after Absolution, shadow forth, that the Hereticks have denied Faith, Hope and Charity. But when the Tapers are lighted after their Reconciliation, this signifies, that they profess they will demonstrate by the Light of good Works the Faith which they have recovered.

Farther, those who are reconciled are sprinkled with holy Water and Hyssop, in Token, that being brought out of the Power of Darkness, and having turned the Eyes of their Minds to the true Light of the Faith, they are to remain free from all the Snares and Calumnies of the Devil, that they may serve God with greater Freedom.

Farther, he who hath offended against the Catholick Faith which he had professed, hath a Rope tied round his Neck, to signify, that the inward Parts of such a Person being possessed by the Craftiness of the Devil, have

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been given to such Sins, of which his outward Parts being tied with Ropes, give a very evident Sign and Proof. And tho' they are reconciled after Abjuration of their Heresy, yet they walk with a Rope tied about their Necks, that they may come out as Witnesse against themselves, and may be Examples to others, that they may turn their Eyes to the inward Spots of the Mind.

During this Action, every one of the Prisoners eats the Bread and Figs in the Church, which were given them by the Officers of the Inquisition in Jayl.

When this Ceremony is performed, the Inquisitor goes back to his Place, after which the Sentences of those who are appointed to Death are read over, the Conclusion of which is, that the Inquisition can shew them no Favour upon Account of their being relapsed, or impenitent, and that therefore it delivers them over to the Arm of the secular Court, which they earnestly intreat so to moderate their Punishment, as to prevent the Effusion of Blood, and Danger of Death. When those last Words are read, one of the Officers of the holy Office gives each of them a Blow on the Breast, by which he signifies that they are left by the Inquisition; upon which one of the Officers of secular Justice comes to them and claims them. If any of them are in holy Orders, they are degraded, and deprived of all their Orders, before they are delivered to the secular Arm. After this they read the Sentences against the Dead. At last these miserable Wretches are brought to the secular Judge, to hear the Sentence of Death, and when they come before him, they are severally asked, in what Religion they desire to die. Their Crime is never inquired into; because 'tis not the Office of the secular Magistrate, to ask, whether those, who are condemned by the Inquisition, are criminal. He is to pre-suppose them guilty, and his Duty is to inflict the Punishment appointed by Law upon those who commit such Crimes of which they are pronounced guilty by the Inquisition. When they have answered this one single Question, they are soon after tied to a Stake, round about which there is placed a Pile of Wood. Those who answer that they will die Catholicks, are first strangled; but those who say they will die *Jews* or Hereticks, are burnt alive*. As these are leading out to Punishment, the rest are carried back

* I cannot avoid here giving my Reader a more particular Account of this Execution from Dr. Geddes, who himself was once present at it. His Words are these: "The Prisoners are no sooner in the Hands of the Civil Magistrate, than they are loaded with Chains, before the Eyes of the Inquisitors, and being carried first to the secular Jayl, are, within an Hour or two, brought from thence, before the Lord Chief Justice, who, without knowing any Thing of their particular Crimes, or of the Evidence that was against them, asks them one by one; *In what Religion they do intend to die?* If they answer, That they will die in the Communion of the Church of Rome, they are condemned by him, *To be carried forthwith to the Place of Execution, and there to be first strangled, and afterwards burnt to Ashes.* But if they say, *They will die in the Protestant, or in any other Faith that is contrary to the Roman,* they are then sentenced by him, *To be carried forthwith to the Place of Execution, and there to be burnt alive.*

Oath, by which the King obliges himself to protect the Catholick Faith, to the Extirpation of Heresies, and the Defence of the Inquisition. The King standing bare-headed, having on one Side of him the Constable of *Castile*, or one of the *Grandees* of *Spain*, who holds up the Sword of State, swears that he will keep the Oath, which is publickly read over to him, by one of the Members of the Royal Council; and remains in the same Posture, till the supreme Inquisitor goes back to his Place. After this one of the Secretaries of the Inquisition goes into a Desk, reads over the like Oath, and takes it from the Council, and the whole Assembly. Then all the several Sentences are read over, and the Solemnity sometimes lasts till nine a Clock in the Evening.

In *Rome* and throughout all *Italy*, as far as I could gather from any Authors, they do not observe such solemn Processions in Acts of Faith, or in the Sermons concerning the Faith. But in what Manner the Sentences are there pronounced, and how they are executed, may, in some measure, be gathered from the two following Accounts.

Bzovius tells us, that in the Year 1498. there were discovered 230 Moors, §. 32. who had abjured the Christian Faith after their Expulsion from *Spain*. After they had wandered about they came to *Rome*, where they were known, informed against, thrown into Jail, and at length being recovered to the same Faith, were thus admitted into the Church by Pope *Alexander*. On Sunday, July 29. as *J. Bruchard* writes, who saw it, an high and large Scaffold was built before the Portico of the great Church of *St. Peter's* at *Rome*, between that and another Portico, which is above the Steps of the Ascent to the said Church. Upon this Scaffold were placed the 230 Moors to be reconciled. All these Persons being sat down on the Floor of the Scaffold, in their usual Habit, and the most Reverend Fathers and Lords, the Lord *Peter* Arch-Bishop of *Regio*, Governor of the City, *John* of *Carthage*, Ambassador of the most serene the King and Queen of *Spain*, *Ostavianus*, Bishop of *Marrano*, Referendary of our holy Lord the Pope, *Dominicus Jacobalius*, and *James Dragatius*, Auditors of the Causes of the holy Apostolick Palace, Master *Paul* of *Moneglia*, in the Country of *Genoua*, a Predicant, Master of the sacred Palace, and Master *John* of *Malcone*, of the Order of Minors, Doctors of Divinity, Penitentiaries of our aforesaid Lord the Pope, in the said Church, for the *Spanish* Nation, being seated as above in their proper Places, and in their ordinary Habit; a certain Master in Divinity, a Predicant, made a Sermon concerning the Faith in the vulgar *Italian*, and against the said Moors, who were all of the *Spanish* Nation, and of whom one was a Professed of the Order of *St. Francis*, whose Habit he publickly wore, whom, and all the aforesaid Persons, he accused of all their Errors, which he knew concerning the Faith, and reprov'd and instructed. After the Sermon was ended, the Moors asked Pardon, and desired Absolution. Then the Master of the holy Palace admonished them in *Latin* faithfully to believe, and to live well, and put them in Mind of the Penance which they had deserved; which Admonition he expounded to them in *Spanish*. After this, as they were on their Knees, this Penance was injoyned them; that they should

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walk two and two to the Church of *St. Peter*, and there pray, in that Habit which should be enjoined them for this Purpose; and in the same Order should also go to the Church of the Convent of *St. Mary supra Minervam*, where they should put off their Habit, and every one freely return to his own Place. When they had received this Habit and Penance, the aforesaid Masters *Paul* and *John* absolved them all, who, after Absolution, went to the two Churches aforesaid, the Pope seeing the whole Ceremony in the new Rooms, and granting them his Blessing. The Habit which these *Moors* were enjoined to wear, was of this Form. Upon their ordinary Garments there was a red or purple Cloath, hanging over their Shoulders upon their Breasts and Backs, quite down to their Hips, having on it a yellow Cross four Fingers wide, and of the same Length with the Cloath it self. Every one of them went to the Altar of the aforesaid Church of *St. Mary ad Minervam*, and there laid down the aforesaid Cloath, which the Friars received, and hung up on high in the Church, to preserve the Memory of that Affair.

Bzovius,
A. 1498.
§ 32. fin.

Peter of *Aranda*, Bishop of *Calaborra*, Master of the House of his Holiness our Lord the Pope, was kept in Jayl, being defamed for *Mabometanism* and Heresy. *Alexander* the Pope committed the Hearing and legal Determination of his Cause, to *Peter*, Arch-Bishop of *Regio*, Governor of the City, *Peter* of *Venance*, Bishop of *Cesena*, Auditor General of the Court of the Causes of the Apostolick Chamber, and *Egardus Durca*, Bishop of *Sleswick*, one of the said Auditors of the Causes of the sacred Apostolick Chamber. When they had examined several Witnesses on Behalf of the Fiscal, and 101 on the Behalf of *Aranda*, who all of them deposed either in part or in whole, against the said *Aranda*, after the Process was duly carried on against him, at length the said Lords Commissaries did, on *Wednesday, Sept. 14.* report the Process and Depositions of the Witnesses to our holy Lord the Pope, in a private Consistory. *Alexander*, when he understood the Affair, by the Advice of the most Reverend Lords the Cardinals, deprived *Aranda* of the Episcopal Dignity, and of all his Benefices and Offices, and deposed and degraded him from all his Orders; and being thus deprived, deposed, and degraded, he was at last thrown into Jayl in the Castle of *St. Angelo*. *Brucardus* in *diariis hujus anni*.

How the Solemnity of a general Sermon or Act of Faith was formerly observed, plainly appears from the Book of the Sentences of the *Tbolouse* Inquisition. The People being called together into the Church, and after the preaching the Sermon concerning the Faith, the Act commenced by an Oath, which the Inquisitors gave to the Civil Magistrates, by which they promised their Assistance to discover and apprehend Hereticks, and to accuse and denounce them to the Inquisitors; and finally conclude, *And in these and all other Things which belong to the Office of the Inquisition, we will be obedient to God, and the Church of Rome, and the Inquisitors.* This Oath, as appears by comparing the several Sermons together, was afterwards somewhat enlarged, that the Magistrates might not have the least Pretence for conniving at Heresy.

After this Oath the Sentence of Excommunication was pronounced against such as should hinder the Office of the Inquisition, by which all were put under Excommunication, *Who have knowingly hindered the Office of the Inquisition, or for the future shall hinder it by any Means, directly or indirectly, openly or secretly, either by concealing the Truth themselves, or revoking what they have legally confessed, or by unlawfully persuading others to conceal or revoke it; and also who-soever shall directly or indirectly, openly or privately, knowingly grant Counsel, Assistance or Favour hereto.* Thus runs the first Form of Excommunication in the second Sermon in the Book of Sentences, which was in others differently enlarged, that no Person, ever so slightly suspected, might escape the Hands of the Inquisitors, and that the Magistrate might have no possible way of throwing any Hindrance to the Inquisitors in their holy Office.

After this follows the Act of the Inquisition, and that the Tribunal may appear somewhat merciful and kind, they usually began the Act with pardoning or mitigating the Punishment to some few Persons, condemning at the same time a great many to the same or heavier Punishments. From some they took their Crosses, and enjoined them some arbitrary Penance. Others were brought out of Jail, and had Crosses put on them, which was a lesser Punishment. When these Favours were bestowed, the Sentences were read over, by which Penances were enjoined the Criminals.

The first Sentences were those of the Cross-Bearers, who were enjoined to wear Crosses on their Breast and Back, and if their Crimes were very heinous, they were condemned to wear two. If it happened that their Faults were slight, they were enjoined arbitrary Penance without Crosses. An Instance of which we have, *fol. 81.* Then follow the Sentences of those who were to be immured, who were condemned to perpetual Imprisonment, there to do wholesome Penance with the Bread of Grief, and Water of Affliction. If the Offences of any such were very grievous, they were more closely and straitly confined, and put in Irons.

Then follow the Sentences of the Impenitent and Relapsed, who are delivered over to the secular Court; then the Sentences against the Dead, and against the Houses in which any Persons have committed Heresy, and finally against the Fugitives. When the Sentence is pronounced, the Gospels are placed before the Inquisitors, as tho' nothing was decided without taking Counsel from God. This their usual Form, which generally occurs in the Sentences, plainly shews. *Having God before our Eyes, and the Purity of the orthodox Faith, and having these holy Gospels placed before us, that our Sentence may come from the Face of God, and our Eyes may behold Equity.*

The whole Act being finished, the Inquisitor performed three Things. *Eymer.* *First,* He granted forty Days Indulgencies to all who were present at Church ^{P. 3.} at the afore said Acts of Faith. *Secondly,* He proclaimed publicly, that all ^{n. 195.} who had given Counsel, Assistance or Favour, towards any one's abjuring Heresy, and returning to the Unity of the Church, *viz.* all such as inform, bear Witness, advise, read the Crimes, Abjuration and Sentence, and the Officers who keep them in Custody, shall obtain three Years Indulgencies from the Pope. *Thirdly,* He notifies to all, that whosoever knows any He-

retick, or Person defamed or suspected of Heresy, and shall denounce him to the Inquisitors, shall also obtain from the Pope three Years Indulgencies. And this concludes the whole Act, and was formerly the Manner of holding a Sermon of the Faith.

Now let us see how all Things are put in Execution at this time in *Spain* and *Portugal*, after the Act of Faith.

Direct.

p. 3. n. 164.
cont. 40.

Criminals penitent and reconciled, and brought out in publick Procession, are carried back to their former Jayls in the holy Office, the same Day in which the Sentences are pronounced against them, and the Day following are brought to an Audience of the Inquisitors, and are admonished of those Things which are enjoined them by their Sentences, and how grievously they will be punished, unless they humbly do the Penances assign'd them. After this, they send every one to the Place to which his Sentence ordered him. Those who are condemned to the Gallies, are sent to the Jayls of the secular Judges. Some are whipped thro' the principal Streets of the City, and sometimes receive two hundred Lashes. Others wear the infamous *Sambenito*, some every Day, others must appear in them only *Sundays* and *Holydays*. But in these Things every one observes the Custom of his own Inquisition. In the Inquisition at *Goa* this is the Method. Before the Prisoners are dismissed, they are carried from Jayl to some other House, where they are every Day instructed in the Doctrines and Rites of the Church of *Rome*; and when they are dismissed, every one hath a Writing given him, containing the Penances enjoined them; to which is added a Command, that every one shall exactly keep secret every Thing he hath seen, said or heard, and all the Transactions relating to him, whether at the Table, or in other Places of the holy Office. And to this Secrecy every Prisoner binds himself by a solemn Oath.

The Day after this Solemnity also, the Effigies of those condemned to Death, painted to the Life, are carried to the *Dominicans* Church, and there hung up to be viewed by all. The Custom in this Matter is described by *Ludovicus a Paramo*. “ There is another Monument of Infamy, which, tho’ vulgarly called by the *Spaniards*, *Sambenito*, yet is not a Garment, but a Cloath affixed to the Walls of the Churches for perpetual Infamy in the Parishes where they lived. On this Cloath is written the Name and Surname of the Criminal, and the Business he carried on is also expressed. If he discovers any farther, they add another little Piece to the Cloath to prevent Doubt, describing his Country, and oftentimes also the Parents and Grandfathers of the condemned Person.

l. 1. t. 2.
c. 5. n. 9.
10, 11.

“ In some of these Cloaths may be read, who were the Parents of the Criminals, of what Race they were, whether they were married, or if married Women, whose Wives they were, whether lately recovered to the Christian Religion from the *Jewish* Law and *Mahometan* Sect. Finally, the Cause of their Penance is declared according to the Nature of their Crime, viz. that he was an Arch-Heretick, a Dogmatist, a declared Heretick, an heretical Apostate, a feigned Penitent, negative and obstinate, an impenitent and relapsed Heretick, a *Lutheran*, *Anabaptist*, *Calvinist*, *Martianist* Heretick, even tho’ they died before Condemnation. Besides this

“ Inſcription, there is alſo painted the Mark which is uſually put on living
 “ Penitents, as is above explained. In the antient Cloaths, which have not
 “ yet been repaired, one may ſee an upright Croſs. Beſides theſe already
 “ mentioned, other Things may be ſeen in them; for in ſome the Perſon and
 “ Crime is omitted, and this one Word only written without the Picture,
 “ *Combuſtus, Burnt*. On the Cloaths of ſuch as are reconciled, this Word on-
 “ ly without any Croſs or Mark, *Reconciliatus, Reconciled*. Sometimes the
 “ Date of the Year is wanting. Sometimes the Flames are painted without
 “ any Inſcription, ſo that the Criminal can’t poſſibly be known. Some
 “ Cloaths are to be ſeen, from the Ends of which the Threads hang out, in
 “ which probably there is nothing remarkable, and which ſeem to be made
 “ of the very End of the Piece. The Cauſe of ſo great a Variety in theſe
 “ Cloaths ſeems to be this, that formerly the Fathers of the holy Inquiſition
 “ did not publiſh Conſtitutions concerning all theſe Matters, as they have
 “ now done. For after that the Inſtructions of the Inquiſitors were printed
 “ at *Madrid*, there is extant a peculiar Conſtitution, in which the Manner of
 “ fixing up, and keeping in Repair theſe Cloaths of Infamy is preſcribed.
 “ ’Tis decreed in this manner, *Cap. 81. ’Tis known, that the Monuments of*
 “ *Infamy of condemned Perſons, both living, whether preſent or abſent, or*
 “ *dead, muſt be hung up on the Walls of the Churches of the Pariſhes where*
 “ *they lived; and that whether they are imprifoned, or deceased, or fled.*
 “ *’Tis the ſame as to reconciled Perſons, after having performed the Penan-*
 “ *ces enjoined them, and the taking off their Habits, even altho’ they were*
 “ *cloathed in them only for the Proceſſion at the Aſſ of Faith, and whiſt*
 “ *their Sentences were read over.* This is inviolably obſerved, and no one
 “ hath Power to make any Alteration herein; but ’tis always recommended
 “ to the Inquiſitors, that they ſhould take diligent Care to repair theſe Eſſi-
 “ gies, eſpecially in the Provinces which they viſit, that the Infamy of He-
 “ reticks and their Poſterity may never be forgotten. The Time alſo of
 “ Condemnation muſt be written on theſe Cloaths, and it muſt be particularly
 “ ſpecified, whether they offended as *Jews, Saracens, Lutherans*, and embra-
 “ ced the Hereſies of their Followers and other impious Perſons. However,
 “ theſe Monuments of Infamy and Diſgrace are not to be fixed up to render
 “ thoſe infamous, who are reconciled during the Time of Indulgence and
 “ Grace. For as it was agreed with them, that they ſhould not wear ſuch in-
 “ famous Habits, nor be cloathed with them during the Time of their Re-
 “ conciliation, it would be contrary to Reaſon and Juſtice to hang them up;
 “ becauſe it would be wholly to deſtroy the Favour granted them. This
 “ Conſtitution is obſerved in all the Kingdoms and Dominions of the King of
 “ *Spain*, except in *Sicily*; where, in the Year 1543. when the Licentiate *Cer-*
 “ *vera* was Inquiſitor there, there was a very great Commotion at *Palermo*,
 “ when the People roſe againſt the holy Inquiſition, and tore off the infa-
 “ mous Cloaths from the Walls of the Church dedicated to *St. Dominick*, with
 “ ſo great a Fury and Rage, that they could never, to this Day, fix them up
 “ again upon the Walls either of that, or any other Church.

C H A P. XLII.

An Enumeration of the several Instances of Injustice and Cruelty practised in the Tribunal of the INQUISITION.

THUS far we have described the Method of Proceeding observed in the Inquisition, as far as we could learn it from the Writings of the Papists, and even the Inquisitors themselves; and if we attentively consider it, and compare it with the usual Method of Proceeding in all other Courts, we shall find it to be a Series and Connection of Injustice and Cruelties, and subversive of all Laws both divine and humane.

The Papists usually recommend to their own People this Tribunal as an holy one, and call the Inquisition the holy Office. But if we consider it thoroughly, we shall find 'tis all Disguise, by which they endeavour to palliate and cover over the Villany and Injustice of this Court. I will not now undertake to shew that the Causes which are managed before this Tribunal, are not subject to humane Judgment, but belong to the Tribunal of God and his Son Christ. For God only, the supream Lord of all, who can save, and can destroy, can prescribe the Laws of Salvation and Damnation. He only, as Omniscient and Searcher of Hearts, can pronounce an infallible Judgment of every one's Faith, which lies concealed in his Mind, and which he may dissemble by Words or Actions, and hath admitted no Man as Partner with himself in this Power. From hence it evidently follows, that 'tis a sacrilegious Violation of the divine Majesty and Laws, in that the Pope of *Rome* arrogates to himself the Judgment of the Faith, prescribes Laws of Believing to the Faithful, erects the Tribunal of an Inquisition, sends every where Inquisitors as Judges delegated by him, who, in his Name, and by a Power granted by him, are to inquire into the Faith of all, and punish those who are not in all Things obedient to the Pope. Nor will I here examine that villanous Doctrine by which they teach, that Hereticks are to be deprived of all Power, so that Faith is not to be kept with them, Subjects are not bound by their Oath of Allegiance and Fidelity, that the Husband or Wife, for the Heresy of either, is freed from the Laws of Matrimony, and even Children from Obedience to their Parents. For 'tis fully evident that this Doctrine subverts all Laws divine and humane.

I will only in a few Words represent the principal Iniquities and Instances of Injustice of this Tribunal, in which, as to the Reason and Method of Proceeding in Favour of the Faith, it differs from the Laws and Customs of all other Courts; whereby Things evidently unjust in other Tribunals, are in this accounted just. I shall not indeed mention all, but the Chief only, and most remarkable Instances, as Specimens of the rest.

I. The first is, that the Inquisitors by publishing an Edict of the Faith, oblige all under the Penalty of Excommunication, to inform before them of every one, whom they suspect of Herefy for the slightest Cause; so that not only a Relation is bound to accuse his Relation, a Brother his Brother, and by his Information to bring him into Danger of being burnt, the most horrible of all Punishments; but even a Wife her Husband, yea, what destroys all the Laws of Nature, a Son, according to the Opinion of many Doctors, is bound to inform against his Father, if a secret Heretick. And tho' some think the Son exempted from this Obligation, yet they say he is to be commended when he accuses his Father, because he prefers the Cause of the Faith and Church to any carnal Relation. Yea, he is sometimes tempted by Rewards to give such an Information. For when the Effects of Hereticks are confiscated, so that the Son can't be his Father's Heir, yet he recovers his Father's Effects as the Reward of informing against him. What is this better than to sollicite by Rewards wicked, stubborn and rebellious Children, whom their Parents may have corrected for their dissolute Manners, to accuse their Parents of feigned Crimes, or at least to become Betrayers of them.

II. A second Instance of Injustice is, their condemning a Person, defamed only for Herefy, to make canonical Purgation, *i. e.* to purge himself with seven, more or less, Compurgators; so that if he fails in one, two or three, he is accounted guilty. For thus the Life and Torture of any one depends on the Will and Pleasure of another, and 'tis enough to declare him to be an Heretick, if one of the Compurgators dares not swear, that he believes to be true, what the defamed Person asserts upon his Oath. And altho' they confess that canonical Purgation is a very deceitful Method, their Injustice can't be excused, because notwithstanding this, they use it in their Court.

III. A third is, that in this Office, every one, tho' excluded by other Courts, is admitted for a Witness, a mortal Enemy only excepted.

IV. To this may be added a fourth, that the Names of the Witnesses are not shewn to the Prisoner, nor is any Circumstance discovered to him by which he can come to the Knowledge of the Witnesses. Who doth not see, that the Defence of the Prisoners is maimed and imperfect, who, tho' accused, as they think, of the most heinous Crime, hath no Adversary against whom he can defend himself, but like blind and groping Persons, must endeavour to find him out, whilst, in the mean while, they are ordinarily accused by, and make their Defence against a different Person? 'Tis well known, that such is the Wickedness of Mankind, that some will readily endeavour the Destruction of others by false Information and Witness, if they can conceal themselves, especially if infamous and perjured Persons, guilty of almost every

every Crime, be admitted as Witnesses, and solicited with Promises and Rewards. Besides, who can pretend to form a certain Judgment of mortal Enmity, which lies concealed in the Mind, and of which no Man can therefore be a certain Judge? The Causes of such Enmity are no absolute Discovery of it. One may see some Persons so meek, and so fully possessed with the Fear of God, as that tho' they are injured in the most grievous Manner, they will not harbour Enmity in their Breast; whilst others, tho' injured in a very trifling Manner, yea, giving a wrong Turn to an indifferent Action, shall conceive an irreconcilable Hatred, and cherish a mortal Enmity. Who can here judge of the Mind of either? When the Judge hath considered the Cause of the Enmity, if it doth not appear to him to be sufficient, he will pronounce the Man not to be at mortal Enmity, tho' at the same time his Mind may burn with Anger and Revenge. And thus he becomes a proper Witness, because he is of a worse Disposition than the Judge dares presume him to be; whereby the miserable Wretch, who happens to have such an Enemy, perishes by such an Evidence.

V. A fifth Instance of Injustice is, that if two unexceptionable Witnesses, who yet must ever be liable to Exception, because unknown to the Criminal, testify of different Facts, yea, sometimes if there be one only, yea, if but a mere Report, they think it enough to order to the Torture. Hereby there is an End at once of the most innocent Person in the World, and the Inquisitor hath it in his Power by this Means to make any one guilty by his own proper Confession. For how easily doth it happen, and there are Instances enough of this in the Court of the Inquisition, for a wicked Wretch, or an Enemy to charge an innocent Person with the Crime of Heresy, when he is certain that he is not obliged to prove his Information, and that his Name shall not be discovered. In the mean while the Person informed against is condemned to the Torture, and without End and Measure tormented with the most cruel Torments, till he makes a Confession of a Crime that he hath never committed; which is so evident, that Friar *Bernard Deliciosi* formerly said, as appears in his Sentence, *That even St. Peter and St. Paul could not defend themselves from Heresy, if they were now alive, if Inquisition was made against them according to the Manner used by the Inquisitors.*

VI. The sixth is, that two unexceptionable Witnesses who agree, are sufficient for the Conviction and Condemnation of any Person. 'Tis well known that many Things might be objected against the Credit of the Witnesses, if they were known, by which the Weight of their Evidence might be lessened; and that they might be oftentimes convicted of Falshood by several Circumstances, by the Testimony of others present, and by other Means. But who can defend himself against Persons he doth not know? All that he can do is to guess and conjecture who the Accusers and Witnesses are. If he mistakes in this, all his Defence is in vain. If the Prisoner should happen to guess right, yet the Witnesses are never discovered to him, and he must make his
Defence

Defence against them upon a bare Suspicion. In the mean while the Inquisitor is to judge, whether the Prisoner weakens or destroys the Credit of the Witness. If he cannot destroy the Evidence, altho' he be the most innocent Person, altho' he protests that he is a Catholick, and will die in the Faith of the Church of Rome, yet he can't escape being condemned as a convicted Heretick, and being delivered over to the secular Power to be burnt for Contumacy and Impenitency. Nor must he, unless he will commit a mortal Sin, redeem his Life by a false Confession of a Crime he hath not committed. So that in this Case the miserable Wretch, falsely accused, which they themselves allow doth sometimes happen, is condemned as an Heretick by the Laws of the Inquisition, delivered over to the secular Court to be burnt, and yet is at the same time a true Catholick, and, as they themselves say, shall obtain for this Wrong the Crown of Martyrdom. So that an innocent and just Person is condemned by the Laws of the Inquisition, and he whom the Inquisitors sentence to Death, is a Person acceptable to God, and to be honoured with a Crown of Martyrdom. 'Tis a Scandal that any Tribunal should be erected, against which so foul an Objection lies; or that the Church, after Satisfaction is made to God, and the internal Court of the Church by Repentance, should erect another external Court, where Satisfaction must be made by the Punishment of the Penitent.

VII. A seventh Instance is, that they would have Persons informed against become their own Accusers. For as soon as ever any one is thrown into Jail, he is bound by an Oath to declare the Truth. Then he is asked the Reason of his Imprisonment, that he may accuse himself, if he hath happened to do any thing that will render him guilty in the Court of the Inquisition. Whereas the Method of all Courts requires that the Accusation be shewn to the Criminal, and he himself be examined concerning the Fact he is accused of. But in the Inquisition every Prisoner is left to guess at the Crime he is accused of. There are oftentimes Things spoken innocently and inadvertently, sometimes Words are turned into a quite different Sense, sometimes the Crime itself is evidently forged; and, in the mean while, if he can't accuse himself, he miserably pines away sometimes for Years together in an execrable Jail, that his Constancy may be broken by the Tedioufness of his Imprisonment. If he can't guess at the Crime, and waits till 'tis objected against him by the Promotor Fiscal, he is looked on as guilty of Contumacy, stubborn, and perjured, and if then by Chance he remembers the Crime, and owns it, he is more grievously punished, because he would not voluntarily confess it. But if he doth not acknowledge it, he is tortured, tho' it be not fully proved; but if it be fully proved, he is condemned, according to the Laws of the Inquisition, as a negative Convict. So that however he behave, he can't possibly escape the cruel Hands of the Inquisitors.

VIII. An eighth Instance is, that the Inquisitors use various Arts to draw out a Confession from the Prisoners, by making them deceitful Promises,

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which, when they have got the Confession, they don't believe themselves obliged to fulfil ; and to get them by artful and evasive Interrogatories to declare, that the Informers and Witnesses are not their mortal Enemies ; that so the Prisoner being destitute of all human Assistance and Comfort, and seeing no End to his Miseries, may, thro' the Art and Fraud of the Inquisitor, have no possible way left to defend himself. And yet in the mean while these Wretches affect the Appearance of Justice, and grant the Criminals an Advocate and Procurator to manage their Cause. But in this the Prisoner is miserably deceived.

IX. And this is a ninth Specimen of their Injustice, because the Advocate granted to him is given him only to betray him. For he may not choose such an Advocate as he himself approves of, nor is it lawful for the Advocate to defend the Prisoner, unless he would be accounted as a Favourer of Heresy ; but the Inquisition it self assigns him his Advocate, bound to them by an Oath, whose principal Business is to persuade the Criminal to confess the Crime he is accused of, not to use any Methods of Defence not practised in the Court of the Inquisition, and immediately to quit his Defence, if he can't defend him according to the Laws of the Inquisition. Besides, the Defences they use are mere Trifles and Impositions, by which they miserably deceive the Prisoners, so that tho' they seem to be endeavouring to do a great deal, they in Reality do nothing at all ; but only observe a few Forms, that the Process in the mean while may be prepared and finished, according to the Custom observed in the Inquisition.

X. A tenth is, that when the Crimes cannot be proved against the Prisoner, he is not absolved from the Crime of which he is accused, but only from Prosecution ; and all the Declaration that is made is, that the Crime against him is not proved by proper Witnesses ; and this Sentence is never taken for an adjudged Case. So that he who is once informed against to the Inquisition, altho' he be innocent, and his Crime can't be proved according to the received Manner of the Inquisition, tho' indeed, according to that Manner, all Crimes, of which there is but the least Suspicion, may be easily proved ; yet he is never blotted out of the Inquisitors Book or Index, but his Name is there preserved in perpetual Remembrance of his being a suspected Person, that if he should happen to be informed against for Heresy at any other time, these latter Informations added to the former may amount to a real Proof, and that altho' he is dismissed from Jail by the Sentence of the Judge, he may never be able to live in Safety, but that being always suspected by the Inquisitor, he may be arrested for the same Crime which ought to have been forgotten, upon the fresh Information of some vile and wicked Fellow.

XI. An eleventh, and that not the least Instance of Injustice, is, their Readiness to put Persons to the Torture, and that to discover a secret Crime, lying concealed in the Mind ; yea, that they will use the Torture so much the sooner, because the Crime is more concealed than other Crimes. 'Tis well

well known to all, that Torture is a very deceitful Method of discovering the Truth, because those who confess the Truth, and who declare Falshoods, have the very same End to their Pain. And therefore Lawyers will never have the Torture made use of, unless when the Crime is sufficiently proved, and there wants nothing but the Criminal's own Confession. But as to secret Crimes, to be ready to inflict the Torture is the highest Injustice, and necessarily subjects many innocent Persons to the most grievous Punishment; whilst being unable to resist the Cruelty of their Torments, they had rather make themselves guilty, by a false Confession of a Crime they never so much as thought of, to put an immediate End to their most cruel Punishment, than to endure any longer those most dreadful Torments, of which they can see no manner of End.

XII. The twelfth is, their putting Persons to the Torture upon half full Proof of the Crime. This half full Proof is Faultering, Defamation, and one Witness of his own Knowledge, or when the Tokens are vehement and violent. All these Things are subject to the Pleasure of the Judge. So that if any one falls into the Hands of a cruel Inquisitor, and falters in his Answer, or is informed against by one Witness, who declares he was present at the Action or Words he gives Information of, he can't possibly escape the Torture, nor consequently the Punishment of the Crime he is accused of, considering the Violence of the Torments. Nor is this all, but as there may be some Facts occasioned not so much by Heresy concealed in the Mind, as by carnal Concupiscence or Rashness, they will have such to be tortured for their Intention, and force them by Torments to confess they had an heretical Intention in their Mind.

XIII. A thirteenth is, that when they prepare themselves for the Torture, they gravely and seriously admonish the Criminal, to speak nothing but the Truth, and to confess nothing that is not agreeable to Truth to avoid the Tortures. By this Means they put on the Appearance of Sincerity, as tho' they sought nothing but the naked Truth, that when the Torture is finished they may be very secure that the tortured Person hath confessed a real Crime; because they have seriously and gravely admonished him to say nothing contrary to Truth. In the mean while they suppose, that the Crime objected against him is real, and endeavour to force from him a Confession by Torture, and threaten to double his Torments unless he confesses; so that if he denies the Crime, his Torments are aggravated; if he confesses it his Torments are soon ended. Hence it appears, that their Design is not honestly to find out the Truth by Torture, but that they suppose the Crime is real, altho' according to the Laws of the Inquisition it be only half proved, and then extort a Confession of it.

XIV. A fourteenth is, that whereas in other Courts the Number is certainly fixed how often the Torture may be repeated, they have invented a Method

of torturing Persons very often, without offending against the Law, which provides that the Tortures shall not be repeated above twice or thrice. If, for Instance, they make use of the lesser Tortures, and the Prisoner confesses nothing, they afterwards make use of more grievous ones, then proceed to such as are more cruel, till at different Intervals of Time they have gone thro' all the several Kinds of Tortures. And this they don't call a Repetition, but only a Continuation of the Torture; so that if any one hath been several times tortured, but with a different kind of Torture each time, and hath thus at certain Distances gone thro' all the Kinds of Torture, according to the Opinion of these merciful Casuists, he ought to be accounted as tortured only once.

XV. A fifteenth is, that when they deliver condemned Persons to the secular Arm, they intercede for them, that their Punishment may be so moderated, as to prevent shedding of Blood, or Danger of Death. And in the mean while, if the Magistrate is not ready to burn the Hereticks, or delays the Punishment, they oblige him, under Penalty of Excommunication, to execute the Sentence. The superstitious Wretches are afraid they should become irregular, by delivering a Criminal to the secular Magistrate without Intercession, and yet are not afraid of becoming irregular, by compelling the Magistrate under Penalty of Excommunication, to murder those whom they have condemned. Can any thing be more evident, than that this is nothing more than acting a Part, and an Affectation to be thought by the People to have no Hand in the Murder of which they are really the Authors?

XVI. The last Instance I shall mention appears in their ridiculous Process against the Dead, whose Relations and Heirs they cite, to appear on such a Day, to defend, if they can and will, the Memory of the Dead. Whereas they themselves have made it a Law, that if any one appears in Defence of an Heretick, he shall be accounted as a Favourer of Hereticks himself, and condemned as such, and have no Advocate or Procurator to defend himself. So that they cite all Persons to defend the Memory of the Dead, and yet deter all Persons from such Defence by a most grievous Punishment, appointed against the Favourers of Hereticks. So that all this is, like their Intercession for Criminals, mere Imposture and Sham. Then they provide an Advocate to manage the Cause, bound to them under an Oath, and he publicly declares he can't defend the Memory of the Deceased. So that as no one undertakes his Defence, the Accusations against him are reckoned just, the Proofs legal, and the Deceased is condemned for Heresy. But what greater Instance of Injustice can there be, than to condemn a Person as convicted, whose Defence no one dares undertake, without running the Hazard of his Fortune and Life.

If any one considers these Things, which I have mentioned as Specimens only, he will find no Sanctity in the Court of the Inquisition; but must acknowledge, that in the whole Method of Proceeding there is nothing but Injustice, Fraud,

Fraud, Impostures, and the most accursed Hypocrisy, by which the Inquisitors, under the feigned Pretence of Sanctity, endeavour to disguise the Villany of their Proceedings, that so they may maintain their Dominion over the miserable common People, and keep them all in Subjection to themselves. And tho' they do every Thing that is wicked and vile, yet they would have all adore them for the venerable Character of Sanctity.

'Tis needless to mention here more Instances of their Cruelty. I shall say all in a few Words. The Miseries of the Jayl, in which the Prisoners are generally confined by themselves for several Years, shut up in Darknes, without being allowed any human Converse, are so great; the Cruelty of their Torments so severe, and their Punishments so exquisite, that they greatly exceed the Cruelty of all other Courts. For Persons are not only burnt alive, but their Mouths gagged, so that they have not the Liberty to groan or cry out in those most horrible Tortures; and by thus stopping up their Mouths, they are in such an Agony as that they are almost strangled. But their Cruelty towards the Penitent and converted is most detestable. For whereas the Church ought, with open Arms, to embrace Penitents, in Imitation of the Shepherd who carried the lost Sheep on his Shoulders, and brought it home to the Sheepfold, these Wretches injoin the most grievous Punishments on those whose Lives they spare, which with them are only wholesome Penances. For they condemn them either to wear the infamous *Sambenito*, or to Imprisonment, or the Gallies, whereby their very Life is oftentimes a Punishment to them; whilst others are denied the very Hopes of Life, especially the Relapsed, tho' they convert themselves, who are condemned to Death without Mercy. And yet the Sacraments are given to those who are reconciled to the Church when they desire it, and thus before they are put to Death they become Members of the Church, put in a State of Salvation, and by the Priests themselves most certainly assured of an heavenly Crown. Can there be any greater Cruelty, and more abhorrent from the Spirit of Christianity, than to punish with Death an erroneous Person who repents, detests his Error, and is now reconciled to the Church? But the Ecclesiastical Sanctions must be satisfied, and the Authority of the Church preserved intire, tho' the Laws of Jesus Christ and the Commands of the Gospel are trampled under Foot.

All these Iniquities are committed according to the very Laws of the Inquisition. Many Things are indeed in the Execution of this Office, left to the Pleasure of the Inquisitors, which Power they often villanously abuse, as appears from their daily Practice, and innumerable Instances; for it was the common Complaint of all Nations against the Inquisition, what *Thuanus* tells us was the Complaint of the *Neapolitans*. *That the perverse and preposterous Form of Trials increased the Horror, because it was contrary to natural Equity, and to every legal Method in carrying on that Jurisdiction. Add to this the Inhumanity of their Tortures, by which they violently extorted from the miserable and innocent Criminals, that they might deliver themselves from their Torments, whatsoever the delegated Judges would have them confess, tho' generally contrary to Truth: And for this Reason 'twas justly said, that it was invented not for the sake of defending Religion,*

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ligion, which the primitive Church had provided for by a quite different Method, but that by this Means they might strip all Men of their Fortunes, and bring innocent Persons into Danger of being destroyed. And that this was not said without Cause, the Netherlands alone, not to seek for Instances elsewhere, are the most evident Demonstration.

Tom. 9.
p 360,
861. Ad-
vers Nō-
nach. Hisp.

Erasmus gives us this Account of the Inquisition in his Time. *The Affair is carried on by Informers, deputed Persons, and Monks for Judges, without Honesty or legal Form of Law. The three former pass Sentence in Jail, two Monks are Witnesses, and then the Stake is prepared. And afterwards: But now sometimes the Monks spread a false Report, then they carry the poor Wretch, as a suspected Person, to Jail, there they dispute after their Manner, the Articles are taken down, and the Fagots immediately got ready. The same Writer intimates, p. 858. There is a great deal of Difference between an holy, and a false ensnaring Inquisition. A Father inquires into the Life of his Son, that he may take Care of it. A Physician inquires into the Distemper of his Friend to cure him. So he who loves the House of God inquires into the evil Errors that are in it, to heal them if he can; or if he cannot, to cut off the incurable Member when all Methods have been tried in vain, to prevent the Evil from spreading wider. Again, another inquires in a very different Manner only that he may betray. A Robber inquires that he may seize his Prey. A scurrilous Person inquires that he may have an Opportunity of throwing Scandal. An Enemy inquires, in order to destroy. A Tyrant inquires, that he may overthrow the publick Liberty. The Devil also inquires, going about as a roaring Lion, seeking whom he may devour. Such a kind of Inquisition every Christian Inquisitor ought to detest. All who understand Erasmus's Stile and Method of Writing, know, that 'tis his Design to insinuate by this Caution, that the Inquisition is truly such as he hath described it, and which therefore ought to be abhorred by every Christian Inquisitor.*

l. 2. t. 3.
c. 4, 5.

The Papists indeed glory, that the Inquisition is the most certain Remedy to extirpate Heresies. Especially *Ludovicus a Paramo* takes a great deal of Pains to shew, that Heresies have in several Places been extinguished by Help of the Inquisition, and at last concludes in these Words. *These are some of the fairest Fruits, which the most fertile Field of the holy Office hath produced to the Church in all Kingdoms where it hath not been obstructed. But amongst all Provinces and Countries the Kingdoms of Spain do every Day receive the noblest Fruits. For as in these Countries the holy Office of the Inquisition is maintained with greater Severity, and is in greater Honour and Esteem with the Nobles and Princes, so it flourishes in greater Authority and Power, whereby the Judges of the Faith carry on more diligent Inquisition against Heresies, and more effectually pull them up by the very Roots.* And because the Inquisition is so effectual a Method to extirpate Heresies, he gathers from thence that it was ordained for this Purpose, by the most wise Providence of God. But what is really unjust in it self, and carried on by unjust Methods, cannot have God for its Author, nor is Success any Argument that the Inquisition is from God. The first Inquiry is, whether it be suitable to the Nature of the Christian Doctrine. If it be not, 'tis then unjust and Anti-christian. Many Things are unrighteously undertaken by

by Men, and accomplished by Violence and Cruelty, by which Innocence is oppressed, which altho' God in his just and wise Counsel permits, he is far from approving. Even in *Japan*, a cruel Persecution hath extinguished the Christian Religion, as preached by the *Roman* Priests; so that the *Roman* Catholick Religion is equally extinguished there by the Violence of Persecutions, as those Doctrines are in *Spain*, which are contrary to the Church of *Rome*, and which they render odious by the infamous Name of Heresy. And yet they will not allow that any just Argument can be drawn from hence to prove, that that Persecution was given by divine Providence, as a most effectual Remedy for the Extirpation of their Religion. If other Parties of Christians would use the same Diligence and Cruelty of Inquisition against them, I may venture to affirm, that they themselves could not withstand it, but that within a few Years the Popish Religion would be extinguished in all Protestant Countries, and scarce a single Person left who would dare to profess it. But God forbid, that the Christian Religion should ever be propagated this way, which doth not consist in a feigned and hypocritical Profession, but in a sincere and undissembled Faith. And therefore as no one ought to assume to himself the Power of Judging concerning it, but God the Searcher of Hearts, to him only let us leave it to pass the true Judgment concerning every Man's Belief. Let us in the mean while detest the Tyranny of the Papists, and strive to reduce those who, in our Judgment, hold Errors, into the way of Truth, by the good Offices of Charity and Benevolence, without arrogating to our selves a Judgment over the Consciences of others. And out of a serious Regard to the last great Day of Judgment, let us approve our Consciences to God, and every one of us expecting from his Mercy an equitable and righteous Judgment, pray without ceasing, ARISE, O LORD, AND JUDGE THY CAUSE.

F I N I S.





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