

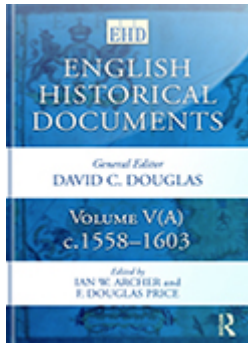
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The regime defends itself: Burghley's Execution of justice in England

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Kingdon 1965a: 3, 5–10, 13–14, 20–2, 35–6.

It hath been in all ages and in all countries a common usage of all offenders . . . to make defence of their lewd and unlawful facts by untruths and by colouring and covering their deeds (were they never so vile) with pretences of some other causes of contrary operations or effects, to the intent not only to avoid punishment or shame but to continue, uphold and prosecute their wicked attempts to the full satisfaction of their disordered and malicious appetites. And though such hath been the use of all offenders, yet of none with more danger than of rebels and traitors to their lawful princes, kings and countries. Of which sort of late years are specially to be noted certain persons, naturally born subjects in the realm of England and Ireland, who, having for some good time professed outwardly their obedience to their sovereign lady, Queen Elizabeth, have nevertheless afterward been stirred up and seduced by wicked spirits . . . to enter into open rebellion . . .

But notwithstanding the notorious evil and wicked lives of these and others their confederates, void of all Christian religion, it liked the bishop of Rome . . . to animate them to . . . take arms against their lawful Queen . . .; for maintenance whereof there had some years before at sundry times proceeded, in a thundering sort, bulls, excommunications and other public writings denouncing her Majesty, being the lawful Queen and God's anointed servant, not to be the Queen of the realm; charging and, upon pains of excommunication, commanding all her subjects to depart from their natural allegiances whereto by birth and by oath they were bound . . .; and upon this Antichristian warrant . . ., not only all the rabble of the foresaid traitors that were before fled, but also all other persons that had forsaken their native countries, being of divers conditions and qualities, some not able to live at home but in beggary, some discontented for lack of preferments which they gaped for unworthily in universities and other places, some bankrupt merchants, some in a sort learned to contentions, being not contented to learn to obey the laws of the land, have many years, running up and down from country to country, practised . . . to uphold the foresaid Antichristian and tyrannous warrant of the pope's bull. And yet also . . . to further these intentions . . . it was devised to erect by certain schools which they called seminaries to nourish and bring up persons disposed naturally to sedition, to continue their race and trade and to become seedmen in their tillage of sedition, and them to send secretly into these the Queen's Majesty's realms of England and Ireland under secret masks, some of priesthood, some of other inferior orders, with titles of seminaries for some of the meaner sort and of Jesuits for the stagers and ranker sort and suchlike . . .; whereby in process of small time, if this wicked and dangerous, traitorous and crafty course had not been by God's goodness espied and stayed, there had followed imminent danger of horrible uproars in the realms and a manifest bloody destruction of great multitudes of Christians . . .

But God's goodness . . . hath otherwise given to her Majesty, as to His handmaid and dear servant ruling under Him, the spirit of wisdom and power, whereby she hath caused some of these seditious seedmen and sowers of rebellion to be discovered, for all their secret lurkings, and to be taken and charged with these former points of high treason, not being dealt withal upon questions of religion, but justly condemned as traitors. At which times, notwithstanding all manner gentle ways of persuasions used to move them to desist from such manifest traitorous courses and opinions, yet was the canker of their rebellious humours so deeply entered and graven into the hearts of many of them as they would not be removed from their traitorous determinations. And therefore, as manifest traitors in maintaining and adhering to the capital enemy of her Majesty and her crown . . ., these, I say, have justly suffered death, not by force or form of any new laws established, either for religion or against the pope's supremacy, as the slanderous libellers would have it seen to be, but by the ancient temporal laws of the realm . . . But yet of this kind of offenders, as many of them as after their condemnations were contented to renounce their former traitorous assertions, so many were spared from execution and do live still at this day; such was the unwillingness in her Majesty to have any blood spilled without this very urgent, just and necessary cause, proceeding from themselves. And yet, nevertheless, such of the rest of the traitors as remain in foreign parts, continuing still their rebellious minds and craftily keeping themselves aloof off from dangers, cease not to provoke sundry other inferior seditious persons newly to steal secretly into the realm, to revive the former seditious practices, to the execution of the pope's foresaid bulls against her Majesty and the realm . . .

And forasmuch as there are the most evident perils that necessarily should follow if these kind of vermin were suffered to creep by stealth into the realm and to spread their poison within the same, howsoever, when they are taken, like hypocrites they colour and counterfeit the same with profession of devotion in religion, it is of all persons to be yielded in reason that her Majesty and all her governors and magistrates of justice, having care to maintain the peace of the realm . . . ought of duty to Almighty God, the author of peace, and according to the natural love and charge due to their country, and for avoiding of the floods of blood which in civil wars are seen to run and flow, by all lawful means possible, as well by the sword as by law, in their several seasons to impeach and repel these so manifest and dangerous colourable practices and works of sedition and rebellion. And though there are many subjects known in the realm that differ in some opinions of religion from the Church of

England and that do also not forbear to profess the same, yet in that they do also profess loyalty and obedience to her Majesty and offer readily in her Majesty's defence to impugn and resist any foreign force, though it should come or be procured from the pope himself, none of these sort are for their contrary opinions in religion prosecuted or charged with any crimes or pains of treason, nor yet willingly searched in their consciences for their contrary opinions that savour not of treason . . .

And if then it be inquired for what cause these others have of late suffered death, it is truly to be answered . . . that none at all were impeached for treason to the danger of their life but such as did obstinately maintain the contents of the pope's bull afore mentioned, which do import that her Majesty is not the lawful Queen of England, the first and highest point of treason; and that all her subjects are discharged of their oaths and obedience, a second high point of treason; and all warranted to disobey her and her laws, a third and a very large point of treason. And thereto is to be added a fourth point most manifest, in that they would not disallow the pope's hostile proceedings in open wars against her Majesty in her realm of Ireland, where one of their company, Dr Sanders, a lewd scholar and subject of England, a fugitive and a principal companion and conspirator with the traitors and rebels at Rome, was, by the pope's special commission, a commander as in form of a legate . . .

And thereby it may manifestly appear to all men how this bull was the ground of the rebellions both in England and Ireland, and how for maintenance thereof, and for sowing of sedition by warrant and allowance of the same, these persons were justly condemned of treason and lawfully executed by the ancient laws temporal of the realm . . .; and for no other causes or questions of religion were these persons condemned, although true it is that when they were charged and convinced [convicted] . . . they would still in their answers colourably pretend their actions to have been for religion; but in deed and truth they were manifest[ed to be] for the procurement and maintenance of the rebellions . . .

Wherefore . . . all persons both within the realm and abroad may plainly perceive that all the infamous libels lately published abroad in sundry languages, and the slanderous reports made in other princes' courts of a multitude of persons to have been of late put to torments and death only for profession of the Catholic religion, and not for matters of state against the Queen's Majesty, are false and shameless and published to the maintenance of traitors and rebels. And to make the matter seem more horrible or lamentable they recite the particular names of all the persons, which by their own catalogue exceed not for these twenty-five years' space above the number of threescore, forgetting, or rather with their stony and senseless hearts not regarding, in what cruel sort in the time of Queen Mary, which little exceeded the space of five years . . ., there were by imprisonment, torments, famine and fire . . . almost the number of four hundred . . .

And therefore, all these things well considered, there is no doubt but all good subjects within the realm do manifestly see, and all wavering persons (not being led clean out of the way by the seditious) will hereafter perceive, how they have been abused to go astray. And all strangers, but specially all Christian potentates, as emperors, kings, princes and suchlike, having their sovereign estates either in succession hereditary or by consent of their people, being acquainted with the very truth of these her Majesty's late just and necessary actions . . . will allow in their own like cases for a truth and rule . . . that it belongeth not to a bishop of Rome . . . to depose any sovereign princes . . ., to arm subjects against their natural lords to make wars, and to dispense with them for their oaths in so doing, or to excommunicate faithful subjects for obeying of their natural princes, and lastly himself to make open war with his own soldiers against princes moving no force against him.

For if these high tragical powers should be permitted to him to exercise, then should no empire, no kingdom, no country, no city or town, be possessed by any lawful title longer than one . . . an earthly man, sitting (as he saith) in St Peter's chair at Rome, should for his will and appetite (without warrant from God or man) think meet and determine, an authority never challenged by the Lord of Lords, the Son of God, Jesus Christ . . .

But though these reasons, grounded upon rules of natural reason, shall satisfy a great number of the adversaries . . . yet there are certain other persons, more nicely addicted to the pope, that will yet seem to be unsatisfied for that, as they will term the matter, a number of silly poor wretches were put to death as traitors, being but in profession scholars or priests, by the names of seminaries, Jesuits, or simple schoolmasters, that came not into the realm with any armour or weapon by force to aid the rebels . . .; of which sort of wretches the commiseration is made as though for their contrary opinions in religion, or for teaching of the people to disobey the laws of the realm, they might have been otherwise punished and corrected but yet not with capital pain . . . But for answer . . . it must be with reason demanded of them . . . whether they think that when a king, being established in his realm, hath a rebellion . . . openly raised in his realm . . ., shall no subject favouring these rebels . . . be committed or punished as a traitor but only such of them as shall be found openly to carry armour and weapon? Shall no subject that is a spial and an explorer for the rebel . . . be taken and punished as a traitor, because he is not found with armour or weapon, but yet is taken in his disguised apparel with scrolls and writings or other manifest tokens to prove him a spy for traitors . . .? The answer, I think, must needs be yielded . . . that all these and suchlike are to be punished as traitors . . . because . . . the actions of all these are necessary accessories and adherents proper to further and continue all rebellions and wars. But if they will deny that none are traitors that are not armed, they will make Judas no traitor that came to Christ without armour, colouring his treason with a kiss . . .