

## FUNERALL NOTES

Upon my Patron, Sir AUGUSTINE

NICOLLS Knight, Judge of

the Common Pleas.

*He died in 1616  
Amber.*

*Mourning for  
the dead to bee  
moderate.*

And here by your good leaves, I will bee bold to make benefit of the instant occasion, because it is very seasonably coincident with the Point; And presse from that the practice of this last mortifying motive. These artificiall formes of sadnesse, and complementall representations of sorrow in blacks and mourning weeds, are nothing for my purpose: neither do I desire to stirre up or renew in any man thoughts of heavinessse, or griefe of heart, which hee might conceive and nourish by reason of some particular interest in the bounty, love, person, and worthy parts of the departed: many times men are too forward and overflowing in those tender offices, and last demonstrations of naturall affection. And therefore my counsell in such cases is; that wee should shew our selves Christians: and by the sacred rules of Religion ever prevent that unseasonableness and excesse, which many times with a fruitlesse torture doth tyrannize over the hopelesse hearts of meere naturall men.

*Publike losse:  
to be laid to  
heart.*

The Point that I would principally presse, and perswade unto, is a Christian and compassionate taking to heart, the publike losse, that every one of us may upon that occasion bee truly humbled in  
himselfe,

himselfe, and bettered in his own soule. And I tell you true, especially in these times, this losse is great

He was a reverend and learned Judge, a Prince, and a great Man in Israel: nay a God upon earth, for so are Judges stiled by the Spirit of God, *Psalm*. 82. 6. Though he be departed this life like a man, and fallen as one of the Princes.

But these are nothing; they are but bare titles in respect of any true worth.

He was really remarkable, and renowned for very speciall judiciary endowments, and sufficiencies; and those aided and attended with many worthy additions of morality, and subordinate abilities. As first,

1. Such calmnesse in his affections, and moderation of his passions (as I never saw) even in his ordinary carriage. He might have been a mirrour (me thinks) in this point even amongst the exactest Moralists. And they say, that appeared most eminently in his publike passages and executions of justice. And how needfull a virtue this is to a Judicall Place, those may best conceive, who either feele, or but consider what a cruell and intolerable thing it is for an ingenuous man to stand before a Judge, who is prejudicately and passionately transported with anger, malice, or hatred against the party to be sentenced.

2. Patience to heare the basest, both parties, all they could say. And unwillingnesse to lend his care to the one, without the others presence.

3. A great and happy memory.

4. Singular sagacity in searching and diving in-

*Justice Nicolls place.*

*All I say, is either from my owne certaine knowledge; or concurrent testimony above exception. I would not speak a word, which I thinke not in my conscience to be true, to be teire of his possessions. It may bee affection may make mee deliver things something passionately, and more unto the life. Meditation in passion.*

*Patience in hearing causes.*

*Happy memory. Sagacity.*

to the secretest and utmost circumstances (so far as was possible) of the causes that came before him, that he might give the more righteous judgement.

*Pitifulnesse in  
the cause of  
bloud*

5. A marvellous tenderesse, and pitifull exactnesse in his inquisitions after bloud. Holding, on the one side, the life of a man very precious; and yet, on the other side, perswaded of the truth and terrour of that place, *Numb. 35 & 33. For bloud, that defileth the land, and the land cannot be cleansed of the bloud that is shed therein, but by the bloud of him that shed it.* But yet all these, whatsoever you apprehend, in my conceipt had not beene much worth, though good in their owne nature; neither (to tell you true) should I have so much as nam'd them, had they not beene aided (as it were) and managed with three other most noble and necessary vertues, especially in these times, which actuated them (as it were) and gave them their life and lustre.

*Love of integrity.*

1. A love to integrity, the right and truth in all his judiciall courses, which (for any thing I know, or could ever heare) no man living upon just ground can or will contradict.

*Detestation of  
bribery*

2. With a constant and resolute heart-rising against bribery and corruption; the cursed bane of all goodnesse, honesty, and good conscience, wheresoe'er it comes. And to this, that high place he worthily held about the Prince, can give royall attestation: where hee qualified fees to his owne losse; and protested his resolution, and all possible opposition to all offers for offices, with this reason: hee would have them come in cleare-  
han-



handed, that they might deale honestly in their places. And his owne followers, to whom hee gave a charge at his first entrance to a judicall place, that they should not meddle, nor make any motions to him, that he might be secur'd from all appearance of corruption. And, as I am credibly inform'd, his ordinary reading of great letters, and rejection of gratuities after judgement given.

3. With a noble and unshaken resolution, and mighty opposition of Popery: and that without respect or feare of any greatnesse, as wee have evident demonstration. Now of this wee need no further testimony (though there be very pregnant and plentiful besides) than the present triumph of the Papists; and barbarous insultations of that bloody and murderous generation. And especially in yonder Countrey of Lancashire, and those Northerne Parts; where hee shooke the pillars of Popery more valiantly and successfully, than any these many yeares. Officers in those Parts observ'd, that in his two or three yeares, hee convicted, confin'd, and conform'd more Papists than were in twenty yeares before. And that last charge he gave at *Lancaster* in his last Circuit but one, (for I meddle not with the last of all) for law-learning, earnestnesse and excellency against Popery, prophanenesse, non-residency, and other corruptions of the times, and for the extraordinary heartning and encouraging all good men and godly Ministers was such, that I am perswaded, it will be remembred with dearenesse and love, while any honest man that heard it or heard of it,

*Opposition against Popery and other corruptions.*

*Lancashire*

*Encouraging godly Ministers.*

is alive in those Parts. To go no further then: and this I now say, I speake of him as he was growne in his latter time; and out of hope he would have continued: and I speake it also in compassion of mine owne countrey; which I know by too good experience how pitifully it lies bleeding under the insolency of Papists, and multitude of Priests: and then I say, the redemption of the life of such a Judge, in such times as we live, for the good of such a country, if we go no further, if that had consisted with G o d s pleasure, had beene worth a Kings ranfome.

*Humiliation for  
his losse.*

I lay these things thus together upon purpose to aggravate the losse, that a compassionate consideration of the greatnesse thereof in those respects I have told you, may be as powerfull in begetting a godly and profitable sorrow and taking it to heart in all truly religious and loyall hearts: as I know rejoycing in his fall will create in the insolent spirits of the enemies to G o d and the King, (I meane the Papists) barbarous insultations and triumph. I am perswaded, if we get as much humiliation out of the sense of a true losse, as the Papists hardning and obduration by apprehension of their imaginary gaine, we shall make a good use of his death. I am a little more earnest, because I perceive the Papists begin already to caluminate and slander.

*Losse of excellent men a pre-  
face of some  
judgment.*

Here is yet another Point of profitable consideration from the present occasion. When any worthy man in a State, especially who takes a faithfull discharge of his place, and the publike good to heart,

heart, is cut off by the hand of G O D ; it is in a Christian jealousie, and out of spirituall wisdom to be holden as a presage of some more fearefull generall judgement to succeed. I have my ground, *Isa. 3. 1, 2, 3, &c.* And therefore my counsell is, and in the present case for one, when any good Patriot which in some high place like a strong Pillar opposes the corruptions and Popery of the times: or any faithfull Pastour, which by his prayers (like a *Moses*) stands in the gap against the indignation of G O D , is taken away ; that we take it to heart, as a *Memento*, to make our selves ready against an evill day. And to tell you my mind, I am much afraid some heavy thing is preparing for us, our sinnes are growne to such a height. I am no Prophet, nor the sonne of a Prophet ; yet out of a comparative contemplation of G O D s proceeding with his owne people in all former ages, I cannot but concur with the judgement of a great Doctor delivered in an high place: The sinnes of this Land are come to that elevation, that there is scarce left any roome for the mercy of G O D to helpe us. They are even full ripe for His revenging Hand. To his foure reasons I add two more: his are taken, 1. From the greatnesse and crying of the sinnes, which are very horrible; Atheisme, whoredome, Sodomy, bloud-shed, oppression, sayes he; I add pride, drunkennesse, usury, &c. 2. From the generality of them. All sorts are wrapt in them. 3. From their impudency; with brazen browes, and whorish foreheads they out-face the Sun. 4. From their impatency

*White, pag. 80.  
at Spittle.  
The sinnes of  
this land.*



*Worthies taken  
away.*

*The young Lord  
Harrington.*

*Judge Nicolls.*

patience of admonition and reformation: they grow so upon us, that all the Pulpits in ENGLAND cannot beat them downe. Add a 5<sup>th</sup>. from 2 *Chron.* 36.16. And a 6<sup>th</sup>. from *Isa.* 3. 1,2,3. & seq. I meane the dropping away of many worthy men; and few take it to heart, or consider that they are taken away from the evill to come. We have lost many a godly man within this few yeares. The Princes Court was not many yeares since disrob'd and bereft of one of the noblest men that ever trod upon English mould, besides other noble ornaments, his eminency of grace made him so. For, Christian Nobility is best and truest, where GOD Himselfe is top of the kin, and Religion the root; in regard whereof all the rest (I meane that of riches, birth, learning, or morality) are but shadowes and shapes of noblenesse. And the other yeare, a very worthy Doctor, and triumphant Champion against the Giants of *Rome*. Against whom they have since sent out an illiterate libell, cal'd, White dy'd Black; fit for the foule and black mouthes of such railing *Rabshakhs*. And now of late, to say no more, of a Chancellour of rare and remarkable integrity in his Place. I have not yet done, and yet the time is done: onely a word or two therefore, and so I'll make an end.

And yet let no man think, that I am come hither;

*Faults not to be  
smothered.*

1. Either to smooth and mollifie any faults or frailties; any fals or infirmities; any personall sinnes or imperfections that might be in this great Man. I dare not go about to cover them; that's

not my office ; I leave that to the precious bloud of the Son of G o d , and tender-hearted mercies of our gracious Father. I would rather in this point advise great men to walke warily. For, their greatness makes their sins greater, and their mightinesse will make them mightily tormented, except they stand constantly on G o d s side. Height of Place ever adds two wings unto sin : Example and Scandal ; whereby it soares higher, and flies much further. If the Sun be eclips'd and obscur'd ; a thousand eyes gaze upon it : a lesser Starre may be darkened, and no man take notice.

2. Or to fasten upon him any false praises in a flattering funerall Panegyrick. I dare not dawbe for a world of gold. Himselfe abhor'd that ; And not long before his last sickness complain'd much against flattery, as a grievous iniquity of the times.

3. Or to make a solemne and formall narration of all his noble commendable parts. When I undertooke this businesse first, I studied onely, and bethought my selfe, how I might speake most profitably, and make the best use of the present occasion to my living Auditors. And had I not found pregnant matter for that purpose, I had not beene here this day. And therefore for conclusion, and as the last and best service I can now doe unto him, to whom I owed as much as any man alive : I will labour from the occasion to worke some heavenly good (if G o d so please) upon the hearts, presented here this day as a selected and choice number of his worthiest and dearest friends. And to this end give me leave to single out, and propose

*False praises  
not to be fast-  
ned on any.*

*Funerall Ser-  
mons are for  
the living.*

for



for imitation, some worthy and noble parts of his, and only those which I conceive may be most seasonable and futable to the exigency of my Auditory. And I must also crave the aid of your loves unto him, & those softned thoughts of mortality which are wont to attend these times; that I may convey and commend them to your liking and practice with more successe and stronger impression.

And the first I shall commend unto you, is,

*Integrity in  
disposing Eccle-  
siasticall li-  
vings.*

1. His singular integrity and honourable purpose in disposing those Ecclesiasticall Livings he had in his power. And in this Point I my selfe can say more than any, who tasted deepliest of his worthy dealing this way. When I never sought after, as it is famously knowne, nor thought upon any such thing, he sent for me, and bestowed that which I presently enjoy most freely. Which, though every Patron ought proportionably to doe, yet the horrible corruptions abroad in the world in such cases, doe (as it were) by a kind of Antipeiustasis make a duty a transcendent vertue. And this was not all. Though incroachments upon the Church be like the breaches of the sea; a thousand to one never returne: yet did he restore to a farthing all that which had a long time beene detain'd from the Church; and parted with it most freely; though hee had as much wit and power as any other to have continued it so, if he had pleas'd. And I said Ecclesiasticall Livings, though I instance but in one; because I partly knew his purpose for the rest. For, he gave me himselfe this message to as worthy and reverend a  
man,

*Restitution to  
the Church.*

man, as I know unprefer'd in this Land; that if he would come unto him, he would give him the first that fell; and for no other reason in the world, but because he heard he was a reverend and worthy man. Now lay these things to the practice of the times, wherein there is such sinfull and Simonicall packing together, compacting, secret covenanting with the party or friends for present money, or after gratifications: some part of the tithes, or his owne must be reserv'd to the Patron, or he must be the Farmer at his owne price; or pin a wife upon the sleeve of the Parson, as they contemptuously speake, (a base also and unworthy respect) or the like such wretched combinations to helpe one another towards Hell: my disacquaintance must excuse my ignorance in the rearmes: and then tell me if this was not a noble part in him worthy the imitation of the best. I am perswaded in this Point, he might be a patterne not onely to all here present whom it might concerne, (though I look upon the faces of some who have dealt also very nobly this way) but to all the Patrons in ENGLAND. Be pleas'd then you that lov'd him to tread in his steps herein; and the rather because your unconscionablenesse in so high and important a point for the glory of GOD, and the good of the Church, may not only bring upon your owne heads, your houses and posterity, the curse of GOD in the meane time: but also a company of poore soules cast away by reason of your corruption, against you at that last and great day: who will then cry out upon you before the

*Simonicall practices.*

*The mischiefes of ill Patrons.*

face of G o d, Angels and men; that you were the men who for a little bloody gain put upon them an ignorant, idle dissolute, non-resident, or some way unfaithfull Minister; (For, it is too common, that those who enter corruptly, deale unconscionably in their places) whereby they must now perish everlastingly; whereas if you had been honest and uncorrupt, there had been hope they might have liv'd in the endlesse joyes of Heaven. And what a vexing cry in the eares of all sacrilegious Church-robbers will that be of a damned wretch in hell; when he shall complaine everlastingly, that his soule had been sav'd, if such a man had not been Symoniacall.

*Forbearing to  
travaile on the  
L O R D S day.*

2. His forbearing travell upon the Sabbath in his Circuit. Whereby he wan a great deale of honour to his name over all this Kingdome; prevailed in the same with others of his owne reverend ranke; and by his example (as hath beene observed) wan much encouragement, increase and regard to Religion in those Countries thorow which he past. I would I might so much prevaile with you, as that upon this occasion you would be content to take neerer to heart a more holy and heavenly spending of the L O R D S Day. Not onely in forbearing sin, the workes of your calling, idlenesse, vaine sports; this is but onely flying evill, and privative good; but also to ply with conscience and reverence all G o d s holy Ordinances; prayer, reading, singing of Psalmes publickly and privately; the Word preached specially, conference, meditation, and the like: and to feed  
and

*Conscience in  
sanctifying the  
L O R D S day.*



and satisfie your prepared and hungry soules with all that sweetnesse, comfort, and spirituall strength; which they are wont to conveigh into humble hearts upon G o d s holy Day; this also is doing of good and positive pietie. For, a thousand to one, a constant keeper of the Sabbath is sound-hearted towards G o d: and as great odds, a common Sabbath-breaker (howsoever he may deceive his owne heart) is in truth and triall a stranger to the power of grace, and life of godlinesse.

3. His patient yeelding, and submission to private admonition. A vertue, ordinarily as farre out with great men, as flattery is familiar. Yet in him so as I tell you. Something there was, to which his private affection was very much endear'd; and his reputation thereabout in the respect of the world was also entangled in some more publike engagement. And yet when I in zeale and love to his soule and salvation, prest upon him in private as a Minister of G o d, and in the humblest manner I could, tendering my reasons against his resolution; after he had well thought upon't, it never went further, all was dasht for ever. Yet let me tell you, he had formerly given me encouragement hereunto; intreating me once in private, to deale plainly with him. And now I am griev'd at heart, I did not more in this kind. Now I would to G o d, you would imitate him in this also; especially you that are great ones. Alas! You'll give the Physitian leave to tell yon the diseases of your body; the Lawyer to shew you any flaw

*Submission to  
private admonition.*

that is in your state: your Horſe-keeper to tell you the ſurſits of your horſe: nay, your Huntſman the ſurrances of your dogs: and ſhall onely the Miniſter of G O D not tell you your ſoules are bleeding to everlaſting death? Now G O D forbid.

*In uſtry in  
ones particular  
place.*

4. Hiſtaking his high place to heart. I meane his extraordinary induſtry and indefatigableneſſe in his judiciary imployments. His painefulneſſe this way was wonderfull even after his laſt ſicke- neſſe had ſeaz'd upon him. If I ſhould report unto you the particulars from eye witneſſes, you would marvell. And I rather name and commend this unto you, becauſe the contrary is cauſe of great miſery in a Common-wealth. Oh it is lamentable, when men mount into high roomes on- ly in a bravery, and vanity, and deſire to be ad- or'd above others; or follow the execution of their places, and adminiſtration of juſtice, only as a Trade, with an unquenchable and unconſcio- nable thirſt of gaine; which juſtifies the common reſemblance of the Courts of Juſtice to the Bath; whereunto, while the ſheep flies for defence in weather, he is ſure to loſe part of his fleece: when cunning heads hunt after greatneſſe and promoti- on, purpoſely to execute the luſts of their owne hearts, and attaine their owne ends. Oh! this is the curſe and cut-throat of worthy States; the bane and breake-neck of all honeſt government. Formalities of juſtice without a real care and con- ſcience to ſearch the truth, and deale uprightly, do but ſerve to ſmother innocency and right: and  
that

*The miſchiefe  
o uſing big  
places for gaine*

that which was necessarily ordain'd for the common good, is through shamefull abuse made the cause of common misery. I would all the Magistrates in the Countrey were my hearers in this Point; I would hence intreat them with all earnestnesse and contention of Spirit, as they love either God or their Countrey; that they would with all noblenesse of a free spirit, and clearenesse of a good conscience, take their Places of Justice to heart; be active, conscionable, resolute; not onely formall and cyphers; hunters after praise and plaufiblenesse; that they would abominate even all appearance of bribery and partiality to the pit of hell: that they would not be angry with us when we presse and perswade them to round courses against the Papists, and dejection of Alehouses; upon which point His royall Majesty, and the worthy Judges so much beat; and when all's said, are the sinkes and sources of all villany, &c. otherwise, howsoever they may please themselves with the common applause: it were better the Common-wealth had never knowne them.

5. His resolutenesse against rising by corruption and bribery. Whereupon (as I have heard) when he was first presented to that place of honour about the Prince, it pleased our gracious Sovereigne to stile him the Judge which would give no money. A blessed thing it were, were this heart in all. Then should we not have vines, olive trees, and figge trees wither away in obscurity, and brambles brave it abroad in the world. We

*Advancement  
without bribery*



should not have servants by insinuation and bribery clime on Horse-back, when Princes like servants walke upon the ground. And this worthy Part in Him, was a very convenient Companion, and necessary Consequent as that was of the former. For He never beleeeve, that a man which purposes from his Heart to be faithfull in a publicke Charge, will ever be very forward in an ambitious pursuit of it. The illumination of Nature taught the heathens so, and therefore they condemne it by a law *de ambitu*, Hunting after one hie roome even morally is most unworthy a Man of honour and worth, and Hee cannot better expresse His insufficiency, and weaknesse of Spirit, who is transported with an impatient and impatient Humour this way. But now if to this ambitious basenesse there bee an addition of bribery, it makes the matter a great deale more vile, and dishonourable. Of this hatefull Merchandizing, besides other infamies and iniquities, which mingle with it, it is commonly said, That He which liveth in grosse, selleth by retaile. And therefore if a Man would continue truly Noble and Worthy, comfortable in His conscience, and faithfull in His Place, if He be advanc't, let him either rise fairely, or else thanke God, and be content with His present station.

*Affablenesse  
mixt with gravity.*

6. Aneasinesse of accessse, affablenesse of carriage: A faire, loving, kind deportment towards all. I never saw a man of such worth and greatness looke more mildly upon a meane Man in my life. And yet with so grave a presence, that neither the authority of his Person, nor due attributions

to His Place receiv'd any disparagement or diminution. I omit not even this, because even in this also He might have beene a notable Precedent to take downe the haughty imperious carriage of many abroad in the world of farre more inferiour Worth and Ignoble birth. For amongst all the degenerations of our gentility; (I speake not of all, we have many truly so called and worthy Gentlemen) from that true Noblenesse and Ancient Worth, which dwelt formerly in the Gentle breasts of English Nobles, this is not the least: That they thinke to beare downe all before them with an artificiall affected impetuoussnesse, as it were of Countenance; a disdainfull neglect and contemptuousnes in their Carriage, with a kind of outbraving and brow-beating of their Bretheren, As though brave Apparell and a big looke were demonstrations of a Noble Spirit, whereas very often they only guild over a worthlesse, weake and graceles Inside. As amongst Professors of Religion, Hee's the best Christian, which is most humble: so in the Schoole of Morality hee hath beene holden the truest Gentleman, which is most courteous.

See Basil 406.  
ad finem.

7. His happinesse in having Religious Followers. Follow Him also in this. Hee tasted the fruit of it in his last extremities. For being cast by Gods Providence upon that Place in the Country where He had not such meanes, and opportunities for those last comfortable Spirituall Assistances, which a dying man would desire: They were both able, and did pray with Him to the Occasion, and present necessities, wherewith he seemed to be

Religious Attendants.

much affected, and spoke seasonably unto Him out of the Booke of G o d. Whereupon J must tell you; (Let as many prophane scornfull Spirits gybe or gnash the Teeth at it, as will) Those Followers of His whosoever they were, call them Puritanes, or what you will; Howsoever they might misse in some complementall circumstances, by reason of those amazements and grieffe which sate fresh upon their Hearts for the losse of their so Noble a Lord, yet they did Him in those last Agonies more true service and Honour then all the swagging Good-fellow Serving men will doe their Masters unto the worlds end: Let them follow you, as long as you will.

*Love of power-  
full preaching.*

8. A right conceit and commendation of profitable and conscionable Sermons. He hath beene often heard of late times reply thus or in this sence to contradictions: J cannot tell, saies He, what you call Puritanicall Sermons; they come necrest to my Conscience, and doe Mee the most good. This of all the rest, I had purpos'd to have prest most upon you. If you were but thus affected, to say the least; you would begin to looke towards Heaven. But J have already trespass too much upon your Patience. And therefore I conclude this Point with that of Paul, *Phil. 4. 8.* Finally; Brethren, &c.