

THE  
TRUTH OF THE TIMES VINDICATED,  
WHEREBY  
THE LAWFULNESS OF PARLIAMENTARY PROCEEDINGS IN TA-  
KING UP ARMS IS JUSTIFIED, DR. FEARNE'S REPLY  
ANSWERED, AND THE CASE IN QUESTION  
MORE FULLY RESOLVED.

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“ Except the Lord keep the city, the watchman waketh but in vain.”—Psalm  
cxxvii. 1.

Quæso lector, ut memor tribunalis Domini et de judicio tuo te intelligens judi-  
candum, nec mihi nec adversario meo faveas, neve personas loquentium,  
sed causam consideres.—Hierom.

## AN ADVERTISEMENT TO THE READER.

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THOU mayest perhaps wonder that this answer was no sooner returned to the Doctor's reply, which came forth so long ago, so that now it may seem to come forth too late. Know therefore, first, that the Doctor's book itself, some while went up and down in the dark, seen only of a few. Secondly, That the Author of the answer living far from London, it was much longer before he could have the sight of it. After he had it, he soon dispatched his answer, which he left in the hands of some friends here a month since to be published, but new licensers being appointed, much time was spent in carrying of it from one to another for leave to travel safely; as, also, printers being full either of business or negligence, it comes to pass that it hath been much longer in the birth than in the breeding. I hope it comes not too late to satisfy the conscience of the well-affected, or to encourage those that are engaged in this so necessary a defensive war; and it may be much more seasonable than if before, whiles people's minds are generally inclined to go up with one unanimous consent personally to maintain the true religion, life and liberty of the subject, which seems to be the likeliest way to put an end to our unnatural uncivil wars; and happy shall that man be called, that shall help forward that great work, and be a means to still the storm, the end of a just war being peace, as the lancing of the wound is for the cure of it. Farewell.

I. A.

## EPISTLE DEDICATORY.

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TO THE RIGHT WORSHIPFUL THE KNIGHTS, AND GENTLEMEN DEPUTY-LIEUTENANTS OF THE COUNTY OF NORFOLK.

HONOURED SIRs.—Give me leave to join you together in one epistle, whom God and your country have joined together in one service. It is not in my purpose to blazon your worth before the world, your own actions speak you in the gate, and wise men had rather do worthily than hear of it; only observing your unwearied labour of love for God and your country, I count it my duty to come forth and meet you with this pen-service, in testimony of my thankful respects to you. You read, Numb. xxv., when the wrath of God brake out against Israel, that Phineas stood up and executed judgment, and the wrath was not only diverted, but himself blessed; yea, the blessing was a blessing of peace, though wrought out by the sword. Your like action in this time of wrath, will carry the like blessing on yourselves and houses; yet your work is rather to bring men to justice than to execute it. Many blessed comforts wait on your service:

1. We read in Scripture but of one man so potent in heaven, that he could command the sun to stand still, and he was a soldier, Joshua; but of one man of whom it was said, that he had an heart after God's own heart, and he was a great soldier, David; but of one man of whom Christ gave that great testimony, "I have not found so great faith, no, not in Israel," and he was a soldier too, the centurion. Thus hath God honoured your calling.

2. Your work is good, for you are the ministers of reformation. I read of a king of Meath, sometime in Ireland, that being asked how certain noisome birds, that came flying into that country and bred there, might be destroyed? was answered thus, "*Nides eorum ubique destruendos:*" The way to be rid of them was to destroy their nests. Now for a long season many noisome birds have been flying over into this kingdom, and have bred here; the work of these times is to destroy those nests of jesuits and jesuited persons, and it is that work which now you are upon. Though it cost some pains, it is worth your labour: "*Fœlix necessitas quæ ad meliora ducit:*" Happy is that necessity which leads to better things.

3. Your cause is just also, agreeable to the law of nature; for, "*Conservatio sui ipsius est opus naturalissimum,*" to the law of God: for David, though not the representative body, yet lawfully took up arms for his own defence; to the law of the kingdom, for what more legal than that the houses of parliament should bring in delinquents to trial; and how can that be without arms, when the delinquents betake themselves to their arms? The schoolmen say, three things concur to a just war: 1. "*Jurisdictio indicentis,*" and for that you have the authority of parliament, which, as one writes, "*Vetustatem si spectes est antiquissima, si dignitatem est honoratissima, si jurisdictionem est copiosissima:*" If you respect antiquity, is of all courts the most ancient; if dignity, is of all courts the most honourable; if authority and jurisdiction, is of all courts the most copious. 2. "*Offensio patientis,*" and for that you have matter too much, and your enemies

too little; the great cause of their arms is but some piece of prerogative, if they pretend truly, a cause infinitely beneath so unkind and bloody a war as this is. 3. "Intentio boni convenientis," and for that I dare say you are "bellando pacifici," your war being to prevent war, and your present bleeding to prevent some great sickness which this state would sink under.

4. Your forces live and march under as many prayers as ever English armies did, you have "preces armatas:" and though Joshua fought valiantly, Exod. xvii., yet the prayers of Moses, who was not in the fight, got the field.

5. If you do overcome, you shall not make yourselves slaves by your own victories; we may truly say of some, "Dum vincunt victi sunt;" when they have overcome others, they are slaves themselves: your religion, laws and liberties, stand all ready to reward your prowess.

And, 6. If you be overcome and die, you die for God and your country. Who can bring his life into a better market? "Blessed are those that die for the Lord," so that word *εἰ* is rather to be read, Rev. xiv. 13. Wherefore as heretofore, so now much more labour to hold forth the virtues of Him that hath called you to this great employment. As soldiers are more honoured than others, so they should be more virtuous: he had need carry much grace in his heart, that doth daily carry his life in his hand; and your soldiers should as well overcome the countries with their good examples, as the enemies with their swords. When Joshua went out to battle against the Amalekites, his men were all chosen or choice men, Exod. xvii. 9; and saith the Lord, "When the host goeth forth against thine enemy, then keep thee from every wicked thing." Deut. xxiii. 9. It is ordinarily observed, that when the Jews marched out of Egypt into Canaan, they carried in their colours some significative sign: Judah carried a lion in his standard; Ephraim, an ox; Reuben, the picture of a man; Naphtali, an hind: a lion, noting their courage; a man, noting their skill and understanding; an hind, noting their swiftness and readiness for execution; and an ox, for patience, strength and obedience. Such colours should those wear in their lives, that are soldiers for God. The enemies of the churches had their colours also; the bear, the leopard, &c., Dan. vii., cruel in human practices, being more fit to be worn in their lives than our's. "Quo modo fidem præstabant authoritati qui Deo sunt perfidi," Cons. satiff. a. 56. How can men be faithful to you that are unfaithful to God? Dr. Fearn, your adversary and mine, writes thus of the parliament's forces: If a list of the army against his Majesty were examined, there would be found, if not a considerable number of papists, yet of such as they that employ them would have cause to be ashamed of, &c. It may be some of your soldiers would say as David's did, "Let me go over, I pray thee, and take off his head." But let your answer rather be, "Let him alone, and let him reproach; it may be that the Lord will look on mine affliction, and that the Lord will requite good for his reproaching this day." And as formerly, so now yet more and more let your endeavour be to wipe off such aspersions, by sending and employing such soldiers as may not stain your good cause with their ill practice. Let your motto be, "Militia sine malitia." And as for your success, either it will be good or bad; if bad, measure not the goodness of your cause thereby. "Eventus est stultorum argumentum:" it is God's course to give by denying: "Non habendo habemus." Wicked Benjamin, who took part with the delinquents of Gibeah, must first prevail against, not representative, but all Israel, who took up arms to do justice, that Israel might be the more provoked against them. Judges xx. And if your success be good, let your men carry it humbly: humility after mercy makes men fit for

more mercy. " Qui gloriatur in viribus corporis, gloriatur in viribus carceris." And he that boasts in his own body, boasts in his own prison. " Rejoice not (saith Solomon) when thine enemy falleth," Prov. xxiv. 17.

Your soldiers may rejoice in God's providence, but not in their enemies' blood. Zonarus writes, that this was the manner amongst the Romans when any triumphed, that an officer stood behind him, saying, *οπισω βλεπε*, look what is behind, and there he saw a bell and a whip; a whip, noting that for all his greatness he might come under the lash of misery, which bell-like would sound very loud.

Thus have I taken the boldness to present you with my rude thoughts and this small treatise, concerning which I say as Salvian, I have not sought smooth but profitable words: " Nos autem rerum magis quam verborum amatores sumus utilia potius quam plausibilia sectamur, et in his scriptis non lenotinia esse volumus, sed remedia," Salv. Epist. ad Solon. And in which, because it hath pleased God to lay the foundation of your proceedings in your good success at Crowland, by the hand and command of that worthy gentleman, Sir Miles Hober, I wish you that blessing which the Abbot of Crowland, when he began to build the Abbey, would have made the foundation thereof, " Perpetuam foelicitatem." To the end that the Abbot might have an happy beginning of this work, from some lucky manner of presage, he solemnly appointed the day of St. Perpetua, and of St. Felicity, in which he would lay the first foundation. Camden's Britannia: Lincolnshire.

Your humble Servant in the Gospel of Christ Jesus,

WILLIAM BRIDGE.



# THE TRUTH OF THE TIMES VINDICATED

&c. &c.

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## AN INTRODUCTION TO THE READER.

GOOD Reader, you see into what sad times we are now fallen: our English sun is almost set, our day of peace and plenty is almost done; workmen go from their labour, and beasts go forth to their prey. And if war be the worst of all miseries, and civil war the worst of all wars, as indeed it is; for there the parents do bury their children, whereas otherwise the children do bury their parents;\* then is our condition of all the most lamentable. The disputing time is almost now over: the Doctor hath stayed so long in bringing up his rear, that I fear the controversy depending, is now rather to be determined with the dint of the sword than with the strength of the pen: yet because the temple must be built in troublous times, and the tide of truth doth usually at the first creep up by the bankside against the stream, I am not unwilling, for truth's sake, once more to appear in this cause, that I may deliver it from those exceptions wherewith the Doctor hath burdened the same. It is not long since I met with the Doctor's reply, and at the first I thought it not necessary to give any answer unto it; partly because the subject is so well beaten, that he is almost answered before he hath objected; partly because I count that reply scarce worth a sober answer, which is clothed with so many scoffing jeers and vile reproaches, things unworthy of a D. D., especially such as pretend satisfaction of conscience: but it will find entertainment with conscience according to its own nature: for what Luther speaks of certain preachers, is true of writers also: *Multi sunt*, saith he, there are many hot and tumultuous preachers, who would have all things done as they say, not so much willing to be heard because they speak the

\* *Nemo ita amens est ut bellum quam pacem malit: nam in pace filii patres, in bello patres filios sepeliunt.*—Herod.

word of God, as because they are teachers of it, desiring rather that the organ than the sound may be commended; who having meditated and conceived some words, do promise to themselves presently to convert those that hear them: whereas through the wonderful wisdom of God, they do nothing less than what they thought: for the soul of man perceiving that the word preached is compounded with their art, and covered over with human dung; that is, polluted with human affection and passion, it doth therefore nauseate the thing delivered, and is rather provoked than converted.\* Yet because I have been earnestly desired by friends to open more fully the nature of government and civil government of England, I am not unwilling to set pen to paper again. For your better satisfaction therefore give me leave to lead you on by some steps or propositions which I shall lay down in the first and second chapters, and then shall come more nearly to answer the Doctor.

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## CHAPTER I.

Now because the basis of our question is, concerning the nature of government, rule and authority, or ruling and governing power, in which principle our Doctor is so much mistaken, I must, though at last, shew what that is. Power in itself therefore, or *ἐξουσία*, the word used, Rom. xiii, properly signifies a liberty or authority† to work or act towards others, translated *licentia* from *ἐξέσθι*, as *licentia a licet*:

\* Multi sunt prædicatores æstuantes et tumultuantes, artibus qui ut dixerint omnia facta velint, non tam volentes audiri quia verbum Dei dicunt, quam quia ipsi sunt verbi doctores, organum magis quam sonum commendari petentes horum portio, qui meditati et conceptis a se verbis permittunt sibi ipsis nunc hos nunc illos pungere et mordere, et statim convertere, ubi sit miro Dei consilio, ut nihil minus impleant quam quod cogitaverunt. Sentit enim naturaliter anima hominis verbum arte super se compositum esse, et stercore humano ut apud Ezek. est operum, id est, humano affectu pollutum; ideo nauseat super illo et potius irritatur quam convertitur.—Luther.

† Potestas in genere est facultas quædam propinqua ad exercendum aliquam operationem in aliquo supposito, ut domificator habet potestatem domificandi, id est facultatem qua in propinquo potest exire in talem operationem.—Alman. de potest Eccl. et Laic. q. 1. apud Gerson.

sometimes the word is used in the abstract, as Luke iv. 6; Luke xix. 17. Sometimes in the concrete, as Matt. viii. 9; Rom. xiii. 1, 2. Where, saith Gerard,\* not without great advice the apostle Paul doth use an abstractive manner of speech to shew that subjects ought not so much to respect the persons commanding, as the office itself in their commandments. Take the word in the abstract, so it is all one with jurisdiction, which is ordinarily described to be *Jus dicendi in invitum*. Now this governing power is either ecclesiastical or civil; civil, concerning which our question is, according to the apostle Paul, as Gerard, Buchanan, and others have it,† Is that ordinance of God, which is armed with the sword for the terror of those that are evil and encouragement of those that do well? Rom. xiii. 1, 2, 3. This dominion of jurisdiction is distinguished from dominion of propriety: for dominion of propriety, as Medina observes,‡ is a power of disposing anything that is a man's own to his own profit. The power of jurisdiction or government is not so; which, while some have mistaken, they have attributed so much power to the prince, in regard of towns, castles and forts, as if he had therein dominion of propriety, which breeds much confusion in men's apprehension, and doth bias their thoughts into state errors. According to Alman,|| Secular or civil power, is that power which regularly is given to one, or more, by the people, for the ordering and preservation of the commonwealth, according to the civil laws thereof. I shall go no further than the Scripture will lead us plainly in this

\* Ubi non sine gravi consilio apostolus abstractiva locutione uti voluit, ut ostenderet subditos non debere ad personas imperantium respicere, sed ad ipsorum officium quo divinitus sunt instructi.—Gerard de mag. polit. cap. 1.

† In epist. ad Rom. Regem etiam definit prope ad dialectica subtilitatem esse enim dit ministrum qui gladius traditus est ut malos puniat, ac honos foveat et sublevet.—Buchanan de Jure Regni apud Scotos.

‡ Magistratus in abstracto ex loco apostolico, Rom. xiii. sic dosinire potest, est potestas a Deo ordinata, gladio armata ut sit custos divinæ legis et aliarum honestarum constitutionum ad conservand. pacem in genere humano, et reipub. salutem obtinendam.—Gerard de pol. mag. conclus. gen.

§ Dominium jurisdictionis est potestas gubernandi subditos suos cujus actus sunt præcipere vetare, judicare, punire, premiare. Dominum proprietatis jus disponendi de re aliqua in suum commodum.—Medina de jure et justitia.

|| Potestas secularis vel laica, est potestas a populo vel successione hæreditaria, vel ex electione alicui, vel alicubus tradita regulariter ad ædificationem communitaris quantam ad res civiles, secundum leges civiles pro constitutione habitationis pacificæ.—Alman. ibid.

particular; as ecclesiastical power or jurisdiction is ministerial, and therefore called, *Jus clavium*, the power of the keys; so civil power is lordly, and therefore called, *Jus gladii*, the power of the sword, whereby some are authorised to exercise jurisdiction in commonwealths over others, for the reward of those that are good, and the punishment of those that are evil: that is governing or ruling power.

Again, If we take governing or ruling power as abstractively considered, so it is an ordinance appointed by God himself, "By me kings reign," saith God. And our Saviour, when Pilate said: "Knowest thou not that I have power to loose thee?" &c., said, "Thou hadst it not unless it were given thee from above." And again, "Give unto Cæsar the things that are Cæsar's," shewing that as God hath his dues in the world, so the magistrate hath his. Besides we are commanded to obey and submit unto the higher powers, Rom. xiii. And why should there be any obedience, if the power itself were not commanded of God? yea, the Israelites are faulted for contemning of God himself, in casting off the government of Samuel, which there should not have been, had not government been appointed by God. *Εκ δε διος βασιληες*, said the heathen. Luther calls magistracy, *Necessarium naturæ corruptæ remedium*, the necessary remedy of corrupt nature. And Tertullian saith well, *Inde imperator unde homo antequam imperator*. The voice of nature is the voice of God: now nature itself teacheth, that in a community, or body politic, there must be justice administered, otherwise the community can never be preserved: but justice cannot be administered, unless authority, power or jurisdiction, be first appointed; for what hath a private man to do to put another to death? "Thou shalt not kill," is made to all men.

But the apostle calls it, *ανθρωπινη κτισις*, an human constitution or creature, how therefore is it true that ruling power is an ordinance appointed of God himself?

The apostle doth nowhere say, that power itself, or magistracy in the abstract, is an ordinance of man, but the form or qualification of it, as monarchy, aristocracy, democracy, which are the channels in which this power runs is *ανδροπινη κτισις*. And therefore the apostle having said, "Be subject to every ordinance of man," he addeth, "whether to the king as

supreme, or to the governors," &c. Durandus here distinguishes between institution of power and acquisition of it.\* Secular power, saith he, considered according to its institution, is of God, but according to its acquisition, and way of use, so not: our Doctor doth ordinarily confound these in his reasonings; yea, though he distinguishes them when he sets down his own naked judgment, yet when he comes to reason against us, he will take no notice of his own distinction, neither can we persuade him to it: but the thing being as visible as the sun, I pass to the third and chief step of my discourse, which is this following:

Though power abstractively considered, be originally from God himself, yet he hath communicated that power to the people, so as the first subject, seat, and receptacle of ruling civil power under himself, is the whole people or body politic. To this purpose Mr. Rutherford's words are very plain,† A free common-wealth, saith he, contains *ordines regni*, the states that have nomothetick power, and they not only by the law of nature may use *justa tutela*, a necessary defence of their lives from a tyrant's fury, but also by the law of nations may authoritatively repress and limit, as is proved by Junius, Brutus, Bucherius, Althasius, Hænomus. Therefore Heming, Amiceus do well distinguish between *plebem* and *δημον*, *populum*: for indeed the multitude, excluding the states, or base of the people, can hardly have another law, against a tyrant than the law of nature. But the common-wealth, including the states of a free kingdom, hath an authoritative. So Isidore, Origen, Aristotle, Plato, Titus Livius, Plutarch, and that of the council of Basil, *Plus valet regnum quam rex*, the kingdom is more worth than the king, ap-

\* *Potestas secularis sive laica est a Deo quantum ad debitum, sed frequenter non est a Deo quantum ad acquisitionem vel usum nam secundum dictamen rectum debitum est talem esse potestatem naturaliter enim judicant homines quod oportet eos subdi alicui qui eis judicium et jus administret, ex ordinationem enim incitum est nobis tale judicium naturale ut conformiter ad ipsum veniamus, et hoc a Deo sed non est a Deo regulariter ad istum sensum quod alicui Deus communicaret istam jurisdictionem laicam, &c.*—Durand. lib. de origine juris.

† Job. Brut. q. 3. Bucher. lib. i. p. 6. Althasius polit. cap. xv. Hænomius polit. dis. ii. 11. Isid. lib. ix. Origen cont. Celsum. cap. ix. Aristot. polit. lib. i. c. 3, Plato de Rep. cap. viii. Livius lib. iv. Æneus Silvius de gestis concil. Basil.—Vide Rutherford in his Plea for Presbytery, chap. iv. p. 46.

proved by all. Thus far Samuel Rutherford, Professor of Divinity in Scotland. The reasons of my position are these:

When God gave the power of the sword to men, Gen. ix. 6, he gave it *indiscriminatim*, without difference, to all the world, Noah and his sons, being all the men that were then alive in the world; and he gave not the sword only to Noah, but to all his sons that then were upon the face of the earth; not that every one might ordinarily use it, but that they might, as they thought fit appoint one or more who might exercise that power that was given to all, as the first seat of it.

Because the power of ruling and governing is natural, and whatever is natural, doth first agree to the community, or *totum*, and afterward to the particular person or part, as the power of seeing and hearing, as *Facultas Parisiensis* observes to this purpose,\* is firstly in the man and from the man in the eye or ear or particular member.

Because the fluxus and refluxus of civil authority, is from and to the people: if the authority of ruling in a commonwealth be given by the people to him that ruleth, I speak what is *jure et regulariter*, and returneth to them again to see justice done in case that there is no particular supreme magistrate left to rule, then the first subject, seat, and receptacle of ruling power must needs be in the people. Now so it is, that both these are true, which I shall prove one after another: as the fluxus of civil authority is from the people, civil government or authority is derived from the people to the prince, or him that ruleth: they ordinarily and regularly do and are to communicate that governing power wherewith such or such a person is so invested: therefore saith the Lord, "When thou art come into the land which the Lord

\* *Vulgare est atque indubitatum fidei axioma Deum et naturam prius atque immediatus ad totam suppositum quam ad aliquam partem suppositi quamvis nobilissimam intendere; eum que ob causum facultatem videndi datum esse homini ut per oculum tanquam per organum et ministrum hominis exerceretur; nam oculus per et propter hominem existit.—Facultas Parisiensis de pol. Eccles. Et istud etiam deduci potest ex.—Thom. Aquin. ii. 2. æ. q. 64. Omnis enim pars ordinatur ad totum, cujus est pars vel imperfectum ad perfectum, et si saluti totius corporis expediat ab scissio alicujus membri puta quia est putridum aut cæterorum infectivum in toto corpore residet potestatem illud perscindendi. Quid ergo quælibet persona comparetur ad totam communitatem sicut pars ad totum, ideo si aliquis sit permissus in communitate laudabiliter a communitate interimitur.—Almain. de authorit. Eccles. apud Gers. cap. 1.*

thy God giveth thee, and shalt possess it, and shall dwell therein, and shalt say, I will set a king over me, like as all the nations that are about me, thou shalt in any wise set him king over thee whom the Lord thy God shall choose, thou shalt not set a stranger over thee which is not thy brother," Deut. xvii. 14, 15.

Where we shall see that the whole power of appointing and setting a king over them, was given unto that people, as other nations had it, by God himself. For God directing them herein doth not say thus: When thou dwellest in the land which I shall give thee, take heed that thou do not set a king over thee, which thing belongs not to thee; but as a matter belonging to the people, he saith, When thou shalt say, I will set a king over me, be sure that he be a good one, and such as is pleasing to me. In that he doth take away the power from them of making a stranger, he granteth them a power to make a brother, as Mendoza well observes.\* Now saith God to them, Thou mayest not set a stranger over thee, which is not thy brother. What can be more plain than the words themselves? In verse 15, the words are reduplicated; *Ponendo pones*, according to the Hebrew, in placing thou shalt place: and that there might be no mistake in the matter, God is pleased to explain the former word  $\text{פָּנֵה}$ , which we translate, set or place, by an after word in verse 15,  $\text{נָתַתּוּ}$ , which signifies to give, thus, Thou mayest not give a stranger over thee; so that setting and giving in these two verses, are all one, shewing that it is in the people to set or give a power unto others to rule over them. Again the apostle Peter calls this civil power *ανδρωπινηκτισις*. Now it is not therefore called so, only because it concerns men, or because it is conversant about men, or appointed for the good of men: for then the government† of the church also should be so called, but because the way of governing is raised, appointed, established by man himself, as is observed out of

\* *Auferendo potestatem ad faciendum externum supponit ad faciendum naturalem nam qui potestatem solam excipit ad regem ex peregrina natione constituendum plane illam supponit ad constituendam ex propria.*—Mendoza in 1. Sam. viii. 12.

† *Et sic tangitur prima differentia inter has duas potestates quia ecclesiastica est immediate a Christo instituyente, sed laica quamvis sit a Deo ex ordinatione quantum ad debitum nunquam tamen est a Deo regulariter et immediate instituendum.*—Almain de potest. Eccles. et Laic. cap. 1.

Oecumenius\*. Again, this derivation of authority from the people will appear also, if men do seriously consider the state of the Jewish government. There was no people under heaven whom God did so immediately reign over, as their king; yet if we observe those kings that were the most immediately appointed by God himself, we shall find the intervening choice of the people, insomuch as it is said of Saul expressly, that the people did choose him, “Behold your king whom you have chosen and desired,” 1 Sam. xii. 13, upon which words Mendoza observes,\* that by the word chosen cannot be meant desired, because that word was added too, as different from the former, yet it is said, “That all the people went to Gilgal, and there they made Saul king:” 1 Sam. xi. 15, Whereupon, says Mendoza,† What is more plain? Neither could they make him king otherwise, than by conferring kingly power upon him. I do not say that God did not make a designation of his person to the crown, there is much difference between the designation of person, and collation of power. When the Israelites were under the government of the judges, they desired and chose a new way of government, saying to Samuel: “Now make us a king to judge us, like all the nations,” 1 Sam. viii. 5. And when God had yielded to them, and had designed Saul over them, the people also came in with their election and suffrages. Neither are these two, God’s designation and man’s election repugnant, but may stand together: for as Zepperus observes on these words,‡ “Thou shalt set over thee a man whom God shall choose;” Deut. xvii., the election may be of God, the constitution, susception and comprobation of the people by their suffrages. And Car. Scribonius, who purposely writes of the form and manner of the Jews’ government and commonwealth speaks abundantly and plainly thus:∥ But for that which concerns the

\* Vocatur humana ordinatio non respectu primæ originis et principalis causæ efficientis, sed respectu causæ instrumentalis, quia per hominem sæpius constituitur magistratus ut Oecumenium in Comment. humanam κτισιν opponit per Θεσιν quod constitutus et positus sit magistratus ab hominibus Deo tamen sic innuente et sanctiente.—Gerard. Loc. Com. fol. 481.

† Quid apertius neque enim videtur aliter eum regem facere potuisse quam ei regiam potestatem conferendo.—Mendoza in 1 Sam. viii.

‡ Ubi electio regis Deo constitutio susceptio vel comprobatio populi suffragiis tribuitur.—Zepperus leg. Mosaic. Forens. explan. lib. iii. cap. 7.

∥ Quod autem ad creationem ipertinet creatus est primum suffragiis populi universi, &c.—Car. Scr. de rep. Heb. 1.

creation of the king of Israel, he was first, saith he, created by the suffrages of the whole people. And if God would have it so then, among the children of Israel whom he intended in a special manner to reign over himself, much more may we think that God would have the first constitution of kingdoms to be so ordered now, and amongst other people. Wherefore I conclude this, that the prince doth and ought at first to receive his government and authority from the people, and that the people themselves do give it to him. And if so, then the first seat and subject of civil government, is the people: for that nothing can give that to another, which it hath not itself first, either formally or virtually.

And now for the reflux of authority, so it is, that in case there have been a supreme magistrate in a state, and all particulars cease, and the royal line be spent, and justice to be executed, it returns to the whole body to see to it. As when Joshua and divers judges had ruled in Israel, yet we read that after them, Judg. xix. 1., there was no king in Israel, and then was the great sin committed by the men of Gibeah with the Levite's concubine: whereupon all Israel did take the sword of justice, and they said, Judg. xx. 13. to the men of Gibeah, Deliver us the men, the children of Belial, which are in Gibeah, that we may put them to death; which Gibeah refusing, they did all, as one man, go up in arms against them, God himself approving their act. And what had all Israel to do to execute justice, if the power of the sword did not return to the people, *vacante magistratu supremo*: neither can it be objected, that though Israel had no king and supreme magistrate amongst them, yet they had several heads of the tribes, by whose power they did come together for the execution of justice, as it might seem to be. Judges xx, 2. For sometimes the chief of the tribes doth in scripture phrase, signify those that are chief in age, wisdom and riches, not such as were chief in authority. Besides, this action is imputed to all the people, there being four hundred thousand men that came together upon this design, verse 2, unto whom the Levite made his complaint, verse 7. "Ye are all children of Israel, give here your advice and counsel. And all the people arose as one man," verse 8, saying, verse 9. "Now this shall be the thing we will do to Gibeah," and verse 11. "So all the men of Israel were gathered against Gibeah."

And least that any should think that this work was done by the power of some remains of regal authority amongst them, it is not only said before this work begun, that there was no king in Israel in those days, Judg. xix. 1. but after all was done, it is said further, chap. xxi. 25. "In those days there was no king in Israel, and every man did that which was right in his own eyes;" so that *Jus gladii*, the right of the sword, in case of defection, returneth to them again, so far as to see that justice be duly executed. And therefore if both the fluxus and refluxus of authority, be from and to the people, then must they needs be under God the first seat, subject and receptacle of civil power.

But the scripture tells us, that the powers that be, are ordained of God, Rom. xiii. 1. And if ordained of God, then not of man, nor by any fluxus, or appointment from or of man.

Not to speak of the word *το ταγμανα*, which signifies rather ordered than ordained: government is of God two ways, either by immediate donation, as that of Moses, or by mediate derivation, as that of the judges, and kings of Israel. The government of princes now is not by immediate donation, or designation, but by immediate derivation, and so it is both of God and man too, as Fortescue speaks, *Quicquid facit causa secunda, facit et causa prima*.

But the Doctor tells us, that kings at first were not by choice of the people, but that election was a defection from, and a disturbance to that natural way of descent of governing: kingly power by a paternal right; page 9. of his Reply. That monarchial government is not a mere invention of man, as democracy and aristocracy are, but that it is rather *ductu naturæ* though not *jure naturæ*, we being led thereunto through the veins of nature in a paternal or fatherly rule, page 8. as is plain by the book of God, that the first fathers of mankind, were the first kings and rulers. For we see, saith he, that the earth was divided amongst Noah and his three sons, and still as they increased, new colonies were sent out, who had the government both regal and sacerdotal by primogeniture: whence it appears, saith he, that monarchy was the first government, it being late ere any popular rule, aristocratical or democratical, appeared in the world. And that monarchy, how ever we cannot say that it was

*jure divino*, yet it was *exemplo divino*, the government which God set up over his people, being monarchical still in Moses, the judges and the kings of Israel, page 8.

Whereas the Doctor saith, that the first kings were not by the choice of the people at the first, page 8, and that popular election was a kind of defection from and a disturbance to that natural way, &c. I refer Dr Fearne unto Dr Fearne, who saith both in his first and second book, page 67. of his Reply, it is probable that kings at first were by election here as elsewhere. This I have spoke to already, and shall speak to yet afterwards; neither do we take it unkindly that the Doctor cannot agree with us, seeing he cannot agree with himself.

Whereas he saith, monarchial government is not a mere invention of man, as aristocracy and democracy are, I refer him to what he saith himself: for in his first book, page 13, 14, he saith: We must distinguish power itself, and the qualification of that power in several forms of government: if we consider the qualification of this governing power, and the manner of executing it, according to the several forms of government, we granted it before to be the invention of man. And when such a qualification or form is orderly agreed upon, we say it hath God's permissive approbation. Yet in his Reply he makes this form of monarchical government, rather an appointment of God, both *ductu naturo*, and *exemplo divino*, and not a mere invention of man, as other forms of government are. Here I must leave him to agree with himself.

Whereas he saith: That the first fathers of mankind, were the first kings and rulers: for we see the earth divided amongst Noah's three sons, &c.; I refer him for information to 1 Chron. i. 10. where it is said expressly of Nimrod, that he began to be mighty upon the earth; whereas if Noah and his sons were kings, their dominions being greater before the division of the earth into after colonies, they should have been more mighty than he. And what his might was, is declared to us, Gen. x. 10. And the beginning of his kingdom was Babel, &c. Here is the first time, as Mendoza well observes, that we read of a kingdom after the flood, and that is marked with a מרר, *Rebellavit*: For Nimrod comes of מרר, to rebel, as if in erecting his kingdom, he had rebelled against the way of government which before was used

if not appointed. And it should seem strange if God had appointed that way of government, by making the sons of Noah, kings; that Cham, from whom came Nimrod, who was that cursed and wicked posterity of Noah, should keep that government alive which was set up by God; and that Shem, who was the godly posterity of Noah, from whom came Abraham, should not: for we read not that Abraham was a king, or that his government was monarchical, but rather the contrary, as 1 Chron. i. 43. "Now these are the kings that reigned in the land of Edom, before any king reigned over the children of Israel." To this purpose Mendoza\* writeth who saith, Before the descent into Egypt, the Jews did not constitute a commonwealth, but a family: for, as Aristotle, a commonwealth did not arise but from a conjunction of many families; but then Abraham's family was one, to which Isaac's succeeded, and to that the house of Jacob. And although in Jacob's time, after several marriages, there sprang up divers families, the government of all which could not be œconomical or domestical, yet were there not so many families as could constitute any political commonwealth, but a middle kind of community, which is called Vitalis, or Collectanea. Yea in Section 6. he proves out of Austin, Anton, Isidore, &c. that kingly government fell in the fourth age of the world: and therefore Rupertus compares the fourth age of the world to the fourth day of the creation, because as that did shine with stars, so this with kings.†

And whereas the Doctor tells us, that this regal monarchial government is natural, though not *jure* yet *ductu nature*, we being led thereunto through the veins of nature, in a paternal or fatherly rule, as is plain by the books of God, that the first fathers of mankind were kings, and so regal government to descend upon the first born by primogeniture as their families increased and spread further, &c. page 8.

\* Ante discensum in Egyptum in quo Hebræi non rempublicam sed familiam constituebat: Nam (ut arist) non nisi ex multis familiis coalescit respub. tunc autem una erat Abrahæ domus, in quam successit Isaac, et in hanc domus Jacob, et quamvis in tempore Jacob: post connubia plures jam familiæ darentur, quarum omnium gubernatio non potuit esse œconomica, tamen non erant ita multæ ut politicum rempublicam conflarent, sed mediani quandam committatem quam vitalem seu collectaneam appellant.—Mendoza, Tom i. Annot. 3. Proem. § 10.

† Quia ut hoc sideribus, ita illa regibus fulgurant.—Proem. § 6.

I refer him to what Molina and Pineda say; Molina\* will tell him that power is of two sorts, some that hath its rise *ex solo jure naturali*, and therefore called natural, as the power of the father over his children, and those that descend from him: other power there is, which hath its origination from the will of men, they being willing to subject themselves to the supreme, and is therefore called a civil power. So that paternal and civil power are not the same, but have two originals.

And if monarchial government should be by paternal right, then is it not only *ductu, sed jure natura*; *ductus naturæ* is that whereby we are led to any thing by the principles of nature: and that which we are led to by the principles of nature, is *jure naturæ*: for *naturale est*, says the philosopher, *quod fluit ex principiis naturæ*. And so the *membra dividenda* should interfere, whereas they ought to be fully opposite. Besides, if paternal government do lead us to regal, and monarchial, then kings should and ought to rule as arbitrarily in their kingdoms, as fathers do in their families: and if subjects do deny this arbitrary power to them, they sin, because they are led thereunto by nature, and so all the kingdoms of the world should lie in this sin: for in what kingdom of the world doth a king rule as arbitrarily as a father in his family?

Again, this contrivance of government by the Doctor, supposes that the eldest man, or father after the flood, though he were never so silly and weak, should be king, and that this regal government must necessarily descend upon the first-born, by virtue of primogeniture.

For this I refer him to Pineda,\* where at large in his book, *de rebus Salomonis*, he may read Pineda proving that among the

\* Quædam namque potestas est quæ ortum habet ex solo jure naturali, quæ de causa potestas naturalis dicitur talis est potestas patris in filios et in alios descendentes alia vero est quæ ortum habet ex hominum voluntatibus se illi subijcere voluntum et id circo civilis potestas dicitur.—Molina de Jure et Just. Disp. xx. Trac. 2.

† Ex succedentium linea in qua paucissimos invenies primogenitos succedentes parentibus, quare Abulensis aperte fatetur se retractare communem sententiam quam ipse aliquando sequuntus fuisset, et jam tunc asserere successionem in regnum aut principatum nunquam fuisse alligatum aut debitum primogenitis, et confirmat ex eo quod, Paralip. i. 5, 1. Primogenita Reuben data fuere Josephi, filiis et tamen Juda regnabat.—Pineda de Rebus Salomonis, lib. ii. cap. 1. Ipso naturæ jure omnes æqualiter filios patri succedere docuit.—Arist. 7 Ethick. De-

Israelites the crown did not descend upon the first-born, but was always disposed of according to the will of the parent, appointing it to this or that child; where he brings in Abulensis retracting his opinion, and professing that though he did formerly think that the crown did descend upon the first-born by virtue of primogeniture, yet at the last he was of another sentence, because it is said, 1 Chron. v. 1. 2, Reuben the first-born of Israel, because he defiled his father's bed, his birthright was given to the sons of Joseph; yet, verse 2, Judah "prevailed above his brethren, and of him came the chief rulers."

Now as they argue, if the crown belonged to the first-born, as part of the birthright that should have been given unto the sons of Joseph; unto whom it is here said expressly the birthright was given: but the rule and crown was given unto another tribe, arguing that it was no part of the birthright, or any necessary *annexum* to the primogeniture in those days.

This doctrine Pineda proves by examining the series of all the kings, instancing especially in Solomon who was appointed king by David, notwithstanding he was not David's eldest son; and Abiah who was appointed by Rehoboam, though Rehoboam had many elder children, as he clears from 2 Chron. xi. 18—22.

Whereas the Doctor saith, This monarchical government was the first government that God set up; in Moses, the judges, and kings of Israel, and so though not *jure divino*, yet *ex-emplo divino*, I confess I cannot but wonder at the conceit, seeing the difference between the government of judges and kings is so abundantly made out by Car. Sigonius, Feverdenti-  
us, Ranervus, Abulensis, and many others. Sigonius saith expressly,\* the first government among the Hebrews was by the chief of the people, and after by kings; that by the Greeks, being called aristocracy, and this monarchy; aris-

creto item et voluntate divina indiscriminatim Salomonis posteritati pollicetur. Deus regnum sed ubi plures erunt filii ad solum parentis voluntatem spectasse videntur.

Abulensis addit posteriorum regum tempore in valescente consuetudinem hæreditarium regni jus ad primogenitos de volutum esse; ego vero perpetuum fuisse existimo ut regni successor ex parentis arbitrio et voluntate penderet ut ex serie regum patet.—Pineda de Rebus Salomonis, lib. ii. cap. 1, 2, 3.

\* Ceterum cum deforma reipub. quæritur nihil aliud quæritur nisi penes quem principatum summa rerum fuerit constituta; hæc vero apud Hæbreos prim um

ocracy, saith he, was under the judges, Joshua and others, monarchy under kings, which aristocratical government of theirs, is signified to us by these words, "These are the statutes and judgments which ye shall observe to do in the land which the Lord thy God giveth thee," Deut. xii. 1; then verse 8, "Ye shall not do after all the things that we do here this day, every man whatsoever is right in his own eyes." And indeed if the Israelites were under monarchical government in the times of the judges and monarchy was then on foot; why should they desire it as another kind of government which yet they had not, 1 Sam. viii., saying to Samuel, "Now make us a king to judge us, like all the nations," verse 5. By which it appears that the government which they had before, under the judges, was not monarchical as that which they had afterwards.

Let no man, therefore, swallow this principle so often inculcated by the Doctor, that the government of Israel under judges was monarchical. For though some of the judges were called kings, yet, as Drusius and others observe, the word king was taken either more strictly for monarchs, or more largely for such captains and governors as did rule over them. Surely God, at the first, by all we can read in the Scripture, was pleased to appoint magistracy itself, and left the children of men free to set up that way and form of government which in prudence might best correspond with their condition, still making people the first subject and receptacle of civil power. In proof whereof I have staid the longer, it being the foundation of all this controversy. And now pass on to another proposition, which is,

Seeing that the people are, under God, the first subject of civil power, therefore the prince or supreme magistrate hath no more power than what is communicated to him from the community, because the effect doth not exceed the virtue of its cause.\*

Again, As the prince hath no more power than what is communicated from the community, so the people or commu-

*penes optimates posita fuit deinde penes reges quorum principatum illum aristocraticum, hoc regnum Greci vocarunt, aristocratia fuit sub Mose, Josua, senioribus et iudicibus, regnum sub regibus de aristocratia significant Moses: Deut. xii., cum dixit non facietis, &c.—Car. Sigon. lib. i. c. 5.*

\* Effectus non excedit virtutem causæ suæ.

nity cannot give away from themselves the power of self-preservation; because the same commandment that saith, Thou shalt not kill; doth also say, Thou shalt preserve. Precepts that forbid evil, do command the contrary good. Now the moral, natural law of God forbids a man to kill himself, and therefore commands him to preserve himself; and as by a positive act men cannot make a law to kill themselves, no more can they not to preserve themselves, the one being as strongly commanded by the moral law, and as deeply seated in nature as the other. Because, also, if the community should give away the power of self-preservation, the state should not be in a better but in a worsen condition than before. The king and prince is taken into office for the good of the people, therefore called *pater patria*, and *pastor gregis*; not because he may arbitrarily rule in the commonwealth as a father doth in his family, but because of his tender care that he is to have over his people, and that the people might live more secure and peaceably in all godliness and honesty. But if the community should give such a trust to any one that they might not at all defend themselves beyond his actual appointment, they should be infinitely in a worsen condition than before, because before such trust they should be freemen, but after the trust they should be slaves, unless it pleases the king, through his own gracious condescension, to let them be free still: for what is a slave but such an one who is so absolutely at the power of another's command, that he may be spoiled, or sold, or put under the gallies, and there beaten daily, having no power to make any resistance or self-defence. It is, again, agreeable to the law of nations and reason, that no inferior court can undo what a superior court hath done. As where an estate is settled upon children by act of parliament, no inferior court of justice can cut off the entail. Now self-preservation is enacted in the court of nature, as he that hath read Magirus unbound, I mean common natural principles will grant, and therefore no act of a community can cut off this entail from their posterity, or make such a deed of conveyance, whereby themselves and their children should be spoiled of self-preservation.

But though by nature a man is bound to preserve himself, yet he may destroy or put himself upon that which will be his destruction, for the public good; doth not *natura particularis* go cross to its own disposition, *ne detur vacuum*?

I answer, True, I have read indeed that *natura particularis* gives way to *natura universalis*, but never heard before that *natura universalis* gives way to *natura particularis*, or that *natura universalis* doth seek its own destruction, or lose the power of self preservation for the good or betterness of some particular nature. Wherefore if the seat of power be in the community, and therefore no more power in the supreme than was and is derived from the community, and the people cannot give away the power of self-preservation: then in case the prince doth neglect his trust, so as not to preserve them, but to oppose them to violence, it is no usurpation for them to look to themselves, which yet may be no act of jurisdiction over their prince, or taking away of any power from him which they gave him, but is in truth a stirring up, acting and exercising of that power which always was left in themselves.

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## CHAPTER II.

HAVING now spoken of power in general, I shall say somewhat of the governing and ruling power of England; yet because that concerns the parliament to declare, which they have done, and lawyers for to clear, which they do; I shall but touch upon it, and no more than comes within the compass and verge, I do not say of a divine, but subject. I find therefore in learned Fortescue, lord chief justice, and after lord chancellor in the time of king Henry VI., that he doth distinguish of governed or ruling power into two sorts, the one merely royal, and the other politic: When kingdoms are ruled by royal government, saith he,\* then men in times past, excelling in power and greedy of dignity and glory, did many

\* Homines quendam potentia per pollentes, avidi dignitatis et gloriæ vicinas sæpe gentes sibi viribus subjugarunt ac ipsis servire obtemperare quoque; jussionibus suis compulerunt quas jussiones ex tunc leges hominibus illis esse ipsi sancterunt.—Fortescue de Laudibus Legum Angl. c. xii.

Ad tutelam namq. legis subditarum et eorum corpus et bonorum rex homini erectus est, et ad hanc potestatem a populo efluxam ipse hæc, quo einon licet potestate alia suo populo dominari.—Ibid, c. xiii.

Principatum namq. nedum regali sed et politica, ipse suo populo dominatur.—Ibid, c. 9.

times by plain force subdue unto themselves their neighbours the nations adjoining, and compelled them to do them service and to obey their commands, which commands they decreed afterwards to be unto the people very laws, cap. xii. The form of institution of a politic kingdom is, that were a king is made and ordained for the defence of the law of his subjects, and of their bodies and goods, whereunto he receiveth power of his people, for that he cannot govern his people by any other power, cap. xiii. Now, saith he, the king of England cannot alter or change the laws of his realm at his pleasure, for he governeth his people by power, not only royal but also politic. And accordingly William the Conqueror, to go no higher, in whose entrance to the crown Dr. Fearne makes the first contrivement of his English government for conscience to rest upon, seems to me to have possessed himself of this kingdom, who though he did conquer the same, yet the first claim or title that he laid to this crown was gift, which Edward the Confessor had made to him; Harold the former king having promised the crown also to him.\* In this right, he first set foot on the English shore, not in the right of a conquest, but in the right of a gift and promise, as Speed, Camden, and others affirm. And afterwards, when he had obtained the crown, he swore to use and practise the same good laws of Edward for the common laws of this realm; notwithstanding, saith Mr. Fox, amongst the said laws I find in ancient records this was part, That the king, because he is vicar of the highest King, is appointed to rule the kingdom, and the Lord's people, to defend the holy church; which unless he do, the name of a king agrees not to him, but he loseth the name of a king, &c.\*

Again, As the king and conqueror came into the kingdom by this claim, so we find, that in those times the consent and choice of the people was in use for the establishing of kings amongst them: for when William I. sent to Harold to make good his promise, Harold answered that he was rightful king, as being so by the consent and choice of the people, as is reported by Camden in his *Britannia*, thus: As concerning the promise of king Edward, William is to understand, that

\* Fox Act. Monum. of Will. Conqueror.

† Ex lib. regum antiquorum in Pretorio Londinensi. Mr. Fox's Act. Monum. *ibid.*

the realm of England could not be given by promise, neither ought I to be tied to the said promise, seeing the kingdom is fallen to me by election, and not inheritance. And as for his own stipulation, he said, it was extorted from him by force; neither he if he could, nor might if he would, make it good, seeing it was done without the consent of the people. Yea, histories tell us, that when William I. had beaten Harold in the field, the people still were in doubt whom they should choose and set up for their king: For, says Guliel. Malmsburiens,\* Edwin and Morcard came to London, and solicited the city that they would prefer one of them to the kingdom; and the rest of the nobles would have chosen Edgar, if the bishops would have stuck to them: but the English, who then might have healed the ruins of the kingdom, whilst they would none of their own, brought in a stranger. So that though William I. had gotten the field, yet was not he brought to the crown, but with the consent and choice, though much overpowered and over-awed, of the people. So says Speed expressly: Consent thus gotten, and all voices given for William, he was crowned king at Westminster.

Further, As the crown in those days was obtained by the consent and choice of the people, so, I say, that even William the Conqueror did not come to the crown without all conditions: for the Kentish men would not receive him but upon condition, which they proposed thus: Most noble duke, behold here the commons of Kent are come forth to meet and receive you as their sovereign, requiring your peace, their own free condition or estate, and their ancient laws formerly used. If these be denied, they are here presently to abide the verdict of battle, fully resolved rather to die than to depart with their laws, or to live servile in bondage, which name and nature is, and ever shall be strange unto us, and not to be endured. The conqueror driven to these straits, and loth to hazard all on so nice a point, more wisely than willingly granted their desires, and pledges on both parts given for performance. So saith Speed in his Chronicles,† so that it

\* Nam præcedentibus diebus Edwinus et Morcardus apud London audito interitus Haroldi nuntio urbanos sollicita verunt ut alterutrum in regnum sublevarent, cæteri proceres Edgarum eligerent si episcopos hererent, sed Angli qui in unam cœuntes sententiam potuissent patriæ reso mare ruinam dum nullum ex fuis volebant induxerunt alienum.—Gui. Malms. de Will. primo, lib. iii. p. 102.

† Speed's Chronicles of William the Conqueror.

is plain, that even William I. came not to the full crown of England without all conditions, and therefore our kings and princes, pleading their right from him, cannot be kings and princes without all conditions. I know Dr. Fearne tells us, that the king's oath imports no condition, but is taken for confirmation and strengthening of mutual duties; whether that be true, let any judge that reads but these things. And indeed, if the kings of England were such absolute monarchs, as that no resistance might be made to their commandments for the taking up of arms for the defence of the country, when enjoined by parliament, then the subjects and people of England must lose this power of self-defence, for they once had it; all men by nature having a power to defend themselves; either by conquest, as being by force spoiled thereof, or else they give it away by some indenture at the election of the prince, for inheritance is but succession of election, inheritance, or immediate donation from God, or else God hath forbidden this forcible resistance by Scripture. If it be said that this people are spoiled thereof by conquest, and are as a people merely conquered; then any other sword that is longer than the prince's, may fetch back that power again. If it be said that this people give away this power by indenture at the first election of their prince, then let men shew us that indenture. If it be said that God hath forbidden such a forcible resistance by Rom. xiii. 1—3, or the like scriptures; then it must be affirmed that the parliament are not the higher powers, which Dr. Fearne granteth: for if the parliament come within the compass of those words, "higher powers," then that scripture, Rom. xiii., doth not reach them, but rather requires others to be obedient to them: yea, if by "the higher powers," is understood only the king, then the two houses may not make any forcible resistance against any petty constable that comes in the king's authority to do violence to the two houses. Surely, therefore, this and the like scriptures are much abused, the meaning being only to command obedience to authority in all things that tend to the encouragement of good and punishment of evil; and therefore there is such a power in the subjects, both by the law of nature and constitution of the kingdom, to take up arms when the state, or two houses express it, notwithstanding the expression of any one man to the contrary.

## CHAPTER III.

HAVING shewed the nature of power in general, in Chapter I., and the way and manner of England's government in some measure in Chapter II., I now come to the vindication of the truth, as opposed by Dr. Fearne in his last book, called, *Conscience Satisfied*, wherein he spends the seven former chapters mostly in answer to a book called, *A Fuller Answer*. In Sect. VIII. he comes to examine such grounds as I promised for the lawfulness of parliamentary proceedings in taking up arms as now they do. That I may not weary the reader in turning from book to book, I shall sometimes briefly set down what I had written, then his reply, then give my answer unto it.

Mr. Bridge tells us, saith the Doctor, that there are three grounds of their proceeding by arms: to fetch in delinquents to their trial, to secure the state from foreign invasion, to preserve themselves from popish rebellion. Dr. Fearne replieth: Yet this must be done in an orderly and legal way; and if conscience would speak the truth, it could not say that any delinquents were denied or withheld, till the militia was seized, and a great delinquent, in the matter of Hull, was denied to be brought to trial at his majesty's instance.

I answer, How true this is that the Doctor writes, the world knows I need not say: the parliament to this day never denied to try any that were accused by the king, so that they might be tried legally by himself and the two houses, which is the known privilege of every parliament-man according to law.

But, says Dr. Fearne, Mr. Bridge tells us, All this is done as an act of self preservation, not as an act of jurisdiction over their prince; and the *Fuller Answer* would have us believe they are enabled to it by law, and constitution of this government, and that they do it by an act of judgment: let him and Mr. Bridge agree it.

There needs no great skill to untie this knot, nor mediator to make us friends; the parliament hath raised this army by an act of judgment and jurisdiction, not over their prince, but in regard of delinquents: so the same act may be a work of jurisdiction in regard of others, and yet an act of preser-

vation in regard of ourselves. The execution of any malefactor in an ordinary way of law is both preservation to the state, and a work of jurisdiction in regard of the offender, so here; yet I do not say it is a work of jurisdiction over our prince, but in regard of delinquents that are about him.

Dr. Fearne says, Mr. Bridge gives us proofs for this way of self-preservation from the law of nature, it being natural to a man, and so to a community to defend itself. And were this argument good, then might private men and the people without the parliament take up arms and resist, for self-preservation is natural to them.

It follows not, because, though I say every thing may defend itself by nature, yet I say also it must do it *modo suo et naturæ suæ convenienti*; we say that all creatures do defend themselves, and it is natural so to do; yet we do not therefore say that a beast defends himself in the same manner as a man doth, or a man as a beast, but in a way suitable to every nature. Now if a private person be in danger to be oppressed by a prince, flying is more fit defence for him, and therefore saith our Saviour, "If they persecute thee in one city, fly to another:" but if the state be wronged and oppressed, which is a public grievance, then the state, and those that represent them are more fit to take up arms for its preservation. For nature in general teacheth self-preservation; nature specified teacheth this or that preservation: now the nature of a community, and of a particular person are distinct, and therefore though I say a community is to defend itself because *sui tutela* is natural to every thing; yet I do not say, that a particular private person may ordinarily defend himself in that way which is most suitable to the community as the taking up of arms is, yet I suppose no moderate man will deny this, that the subjects, though, not invested with authority have a power to keep out an enemy from landing in case of foreign invasion, yea though the king's officers should be negligent therein; or so malicious and treacherous as to forbid them to defend themselves and their country.

Again, saith the Doctor, he proves it by scripture 1 Chron. xii. 19. where the word of God saith expressly, that "David went out against Saul to battle," but he was Saul's subject at that time. A desperate undertaking to make peo-

ple believe this is express scripture for subjects to go out to battle against their king. But he should have added what is expressed there, it was with the Philistines that he went out, and that he helped them not, for he did but make shew of tendering his service to Achish.

Here I need give no other answer than repeat those words fully that he replies to, which were these, which scripture I bring not to prove that a subject may take up arms against the king, but that the subjects may take up arms against those that are malignant about the king's person, notwithstanding the king's command to the contrary. For seeing that David's heart smote him formerly for cutting off the lap of Saul's garment, and yet it is said in express words in this text that he went out against Saul, it is likely that his intentions were against those that were evil and wicked about him.

Then the Doctor brings in another piece of my argument, not the whole reason or the sense of it, thus, "Be subject to the higher powers," Rom. xiii. but the parliament is the highest court of justice, page 3. To which he replies, *modo suo*, well assumed, and so it is, for is not the highest court of justice an higher power? We grant, saith the Doctor, there is a subjection due to them, and if he meant by the parliament the three estates concurring, all manner of subjection is due unto them. It is well he will acknowledge any subjection due to the parliament without the third estate. And if any subjection, then they have some authority, but none they can have, if not power to bring in the accused to be tried before them. And if they have power to bring in twenty by force, then one hundred, then one thousand, then ten thousand, which cannot be done without raising an army.

Then he undertakes, says the Doctor, to shew out of scripture, that kings receive their power from the people, and hath the ill hap to light on Saul, David and Solomon for examples.

The Doctor hath the ill hap always to miss the argument which lay thus: If it be the duty of the king to look to the safety of the kingdom, and that because he is trusted therewith by the commonwealth; then if the parliament be immediately trusted by the commonwealth with the safety thereof as well as the king, though not so much, then are they to

look to it, and to use all means for the preservation thereof, as well as the king. But so it is that the king is bound to look to the safety thereof, and that because he is intrusted therewith, as was Saul, David and Solomon, who came to their government by the consent and choice of the people. Whereupon the Doctor replies, He hath the ill hap to light on Saul, David and Solomon.

But it seems the Doctor had not the good hap to meet with these several authors which affirm that even these kings, Saul, David and Solomon, were chosen by the people, if he had read or minded them, he would not have imputed this as an ill hap unto me for to light on these examples. I will give him but the testimony of Mendoza\* who though not of our judgment in this matter, yet ingenuously confesses, that with great probability authors do reason for a popular choice of Saul, David and Solomon. Whereas saith Mendoza, it is objected, that Samuel by anointing Saul without any consent of the people, saying, The Lord hath anointed thee king over his heritage, did thereby clearly shew, that the regal power was conferred upon Saul, not from the people, but from God; that is easily answered, that that unction was not a sign of power already conferred, but to be conferred, as may be proved by the anointing of David, whom Samuel anointed, 1 Kings xvi. 13, during Saul's reign, yea while he had many years to reign. Whereby it appears that David did not receive regal power by that unction, but by that which he had afterward by all the tribes and elders; when coming to Hebron they anointed David king over Israel; therefore that

\* Quod si objiciis Samuelem ungendero, Saulem absque ullo populi consensu, ac dicendo ecce unxit te Dominus super hæreditatem suam in principam, 1 Reg. x. 1., manifeste indicasse regiam potestatem Sauli collatam non a populo, sed a Deo immediate profectam esse; facile responderi potest illam unctionem non fuisse signum potestatis collatæ sed conferendæ, ut probati potest ex unctione Davidis quem Samuel unxit, 1 Reg. xvi. 13, regnante adhuc Saule, imo multis post annis regnatura. Unde per eam unctionem non accepit David regiam potestatem, sed per eam quæ postea facta est ab universis tribubus, et senioribus, quando venientes in Hebron unxerunt David in regem super Israel. 2 Reg. v. 3. Quare illa prior unctio non fuit collatio regis potestatis, sed tantum significatio quædam hujus posterioris unctionis, per quam conferenda erat illa regia potestas; sic igitur et prima illa Saulis unctio ante populi consensum, non significavit regium potestatem collatam, sed conferendam, quando scilicet omnis populus a Samuele congregatus in Mispheh, suum præbuit consensum, et clamavit vivat rex. Ita possunt pro hac parte ejus auctores non parum probabiliter argumentari.—Mendoza in 1 Reg. viii. 5, p. 582.

first unction was not the conferring the regal power, but only a signification of this latter unction, by which this kingly power was to be derived or conveyed: so also that first anointing of Saul before the consent of the people, did not signify the kingly power already conferred, but to be conferred upon him, to wit, when all being gathered together by Samuel to Mispheh, gave their consent, and cried out, Let the king live.

Dr. Fearne says, He hath found an example and proof for the trust of parliament in David's time, 1 Chron. xiii. 1, 2, because David consults with the captains and leaders which were officers not of the king, but kingdom, but those were officers of the king and kingdom, merely designed by him, not the people, and called by him to that trust, page 43, 44.

True, I have found an example indeed in David's time for what I alleged: namely, that there were then certain officers of the kingdom, not of the king only, and though under him, yet were they with him trusted with the affairs of the kingdom. This also was the judgment of the protestant divines in France. whose testimony I shall relate afterwards; of Junius, Josephus, Brutus, Zepperus, Sigonius, and many others. Zepperus saith thus,\* that in Saul, David and Solomon's time, and so before the captivity, the kingdom of Israel was mixed with aristocracy, for it had a senate of seventy, or great synedrim, which sat at Jerusalem, whose judges were called princes, who, sitting by the king, did dispatch the great affairs of the kingdom, unto whom was referred the choice of the king and high priest, and matters of war and other things greatly concerning the people. Of this synedrim Josephus saith, *Nihil agit rex sine senatorum sententia*, yea, these senators were in such place with the king, that they were called his friends and brethren. 1 Chron. ii. 2. And though the Doctor says, those officers in David's time were designed by the king, not the people, yet if we look to the original in Deut. i. 13, we find that the people did first give

\* *Hujus autem temporis respub. monarchica fuit, aristocratia tamen permixta et accesset aliquid etiam democraticum, habuit enim senatum septuagint, cujus judices patricii et principes vocantur; regi assidentes summum regni, judicium conficiebant, ad quod difficiliores causæ, regis et pontificis electio, belligerendi consultatio, alia que totum populi corpus concernentia referrebantur. De hoc synedrio Josephus nihil agit ex sine senatorum sententia fuerunt que hi eo apud reges loco, ut fratres eos suas dicerent.—Zepperus Mosaic. foren. Expla. 1. 3, c. 6.*

them to Moses before he did make them rulers, for, verse 13, Moses, relating the first constitution of that government, saith, I said unto you, give me wise men, and understanding and known men among your tribes, and I will make them rulers over you: the English translation readeth, Take ye wise men, the Hebrew is, Give ye us, as Montanus hath it; and when they had given them to Moses, he saith, verse 15, So I received them; so is the Hebrew: he would not make any rulers over them, but such as he had first received from them, and they had given unto him, and so though at the first it pleased God to appoint those rulers or council of state called the sanedrym or synedrion, whereupon Mendoza saith, that they were equal to Moses being appointed by God as Moses was, Numb. xi. 14, 15, 16.\* Yet that was by and with the consent and choice of the people, not merely by appointment of the king, as our Doctor would. Car. Sigonius will tell him,† out of the Talmudists, and other divines, that he had searched into, that this synedrion, or college of elders, did represent the sceptre, that the sceptre itself did depend on it, that none did judge the tribe and the sceptre, but this house of judgment. To this purpose Gerard shews,‡ that this synedrion was chosen of the chief men of Israel, in whom was power of judging controversies, exercising of public justice, yea, of choosing and deposing kings: and therefore of the Talmudists, this council was called the house of judgment, or the house of the sceptre and public authority. And Zepperus, with Dr. Bilson, saith,|| this synedrion continued with that people of God unto the time of Herod, Josephus being witness. I press not so much as these authors speak of, but whether there were not in those times of David, *officarii regni*, which were not merely designed by the king: and what inference I do make from thence, let conscience judge.

\* Dedit illis Deus seniores, qui per omnia illi equales forent, ut patet.—Numb. xi. 14.

† Et in ipsis sceptrum ipsum pendebat, nemo autem dijudicat tribum sceptrum, &c. nisi domus judicii.—Car. Sig. lib. v. c. 7.

‡ Penes quos erat summa potestas judicandi controversas et exercendi judicia publici, quin et leges elegendi, et deponendi, unde a talmodistis vocatur domus judicii magna, vel collegium sceptri et publici potestatis.—Gerard de Eccles. pol.

|| Hoc seniorum synedrion perpetuum fuit in populo Dei, usque ad Herodem teste Josepho.—Zepperus, lib. iii. c. 5. So Dr. Bilson of Subjection and Rebellion, page 338.

Again, whereas I argue from the being and nature of parliament, that if it hath not power to send for by force, those that are accused to be tried before them, that should not be a court of justice; seeing that even inferior courts have a power to force those before them that are to be tried: and if the parliament may send one serjeant-at-arms, then twenty, then a hundred, then a thousand, &c. The Doctor replies: Therefore inferior courts have a power to raise arms. I answer, this follows not: for though I say every court hath power to force in the accused, yet it must be in a way suitable. Now this raising of arms is not suitable unto an inferior court, but to the parliament, being a more national and public court than any other is. The Doctor tells us indeed, that other courts have their *posse comitatus*. So the parliament have their orders, to fetch and force in the accused, which are established by law, as well as his *posse comitatus* is. But saith the Doctor: I did not know before that all the parliament soldiers were serjeants-at-arms. I answer, how doth he catch at the word, and let the sense go; the sense, scope and drift of the argument, was to shew, that as they might send forth one, who by force should fetch in the accused, by the same reason they may send forth ten; and by the same reason that they may send forth ten, they may send forth twenty, so a hundred, so a thousand, so ten thousand. The Doctor puts off the argument with a jeer, because he hath no list to meddle with the reason.

In page 45, he would enervate the testimonies of divines, which I brought to shew that all protestant divines were of one mind. Let us see, therefore, what he saith to them. And first he begins with the testimony of the German divines, and for that, saith he: The testimony of the Centurist speaks nothing to this purpose. A short answer, soon and easily given. But, why nothing to our purpose? Nay, stay there, the Doctor will keep his reason to himself. I set down therefore the testimony again, and let men judge whether it be to the purpose. Governors, say they, in such things as are repugnant to the law of God, have no power or immunity above other private men, and they themselves commanding that which is evil, have no power or immunity above others; yea, they themselves commanding that which is evil, are as much bound to fear the ordinance of God, bearing the sword for the punish-

ment of vice: for St Paul, Rom. xiii., saith that God did institute and ordain a power both of defending that which is good, and punishing that which is evil; and he commands that every soul, and so the governors themselves should be subject to this ordinance of God if they would be defended by it, and not by their wicked deeds, makes themselves liable to punishment.\*

Of the French and Low Country divines, he brings no testimony, saith the Doctor, but for proof tells us we know their practice; so I for answer may return him his own words; we know what hath been the practice of those protestants, and so they are parties interested, not so fit to give in witness.

Very well, if they be parties interested, and so not fit to give in witness, then they are of our judgment: observe, reader, here he granteth that the protestant churches, and the divines of France and the Low Countries, are parties interested, and so of our judgment; what protestant churches or divines then will he allege for his sentence? Will he have the divines of Switzerland? I brought a testimony of the divines of the council of Basil, and that he doth not contradict: are the divines of Geneva of his mind? I brought the testimony of Calvin; that he saith nothing to, but it passeth with him as granted by him. Are the divines of Scotland? I brought him the testimony of Mr. Buchanan, that testimony also he doth not deny; it may be that was but one, and so he would not take notice of it; read therefore what Mr. Knox saith: Because this occasion is laid against God's true ministers, we cannot but witness what trade and order of doctrine they have kept and keep in that point; they affirm that if wicked persons abusing the authority established by God, command things manifestly wicked, that such as may and do, bridle this inordinate appetite of princes, cannot be accused as resisteries of authority, which is God's

\* *Gubernationes ergo in iis rebus quæ cum decalogo et justis legibus pugnant, nihil juris aut immunitatis habent præ cæteris hominibus privatis, et perpetrantes id quod malum est, coguntur tam metuere ordinationem Dei, gladium præstantem ad vindictam nocentium, quam alii honores privum nam Paulus Rom. xiii. docet. Deum ordinasse et instituisse potestatem illam gladio defendendi bonum, et puniendi malum, et præcipit, ut omnis anima (et sic gubernatores) tali Dei ordinationi sit subjecta; hoc est obligat ad faciendum bonum, si velit defendi ista Dei ordinatione, et non ob sua facinora impia puniri.—Magdeburgensis Cent. l. 20.*

good ordinance, to bridle the fury and rage of princes in free kingdoms and realms. They affirm it appertaineth to nobility, sworn and born councils of the same, and also to the barons and people, whose wills and consents are to be required in all great matters of the commonwealth: which if they do not, they declare themselves criminal with their princes, and subject to the same vengeance of God. This was the doctrine and judgment of the divines in Scotland, in the beginning of the Reformation, as related by Mr. Knox.\* And what the judgment of the Scots divines is for the present, seeing he will not take practice for testimony of judgment, he may read in their answer to Lysimachus Nicanour † thus: As for the lawfulness of resistance, he may understand that that hath been the tenet of our church since the Reformation; it hath been the right and practice of our kingdoms, since the first foundation. A number of instances thereof are approved in our standing acts of parliament, unrepealed to this day. It hath been the practice of all reformed churches abroad, wherein by queen Elizabeth, king James, and king Charles, they have been all allowed, and the most of them allowed by powerful assistance both with men and money. To this purpose Mr. Rutherford also, as I have shewed already, Chap. I.

But it may be the Doctor will tell us that the Scottish divines are also parties, and interested in the cause. Very good. We shall shortly have a great party in the protestant churches for us and with us; what divines then are against us in the Doctor's opinion? Are the divines of England? He tells us also page 45, yet do some of them allow of resistance in some cases: good still; by and by it will arise to somewhat, here is yet more of our party, as the Doctor calls them, by his own confession. As for the testimonies that I brought of Dr. Bilson, and Dr. Willet, he saith, That is plain they speak of such government, such states, such cases as will not agree to this kingdom at this time. But why not, the Doctor will not tell us. If I tell him that Peter Martyr also professor of divinity in England, was of our judgment, as he may read plainly, ‡ he will tell me, it may be,

\* Mr. Knox's History of the Church of Scotland, p. 343.

† Answer to Lysimachus Nicanour, p. 8.

‡ Peter Martyr in Judg. c. i.

that Peter Martyr speaks not of this time, or of this case, or of this state: if I refer him to Polanus,\* who writes largely in this matter with us, it may be he will tell us also that Polanus speaks not to our case, to our time, or to our state: but I refer him to Barclay and Hugo Grotius who well knew the judgment of the Low Country divines; I suppose the Doctor will not say those are parties: Barcleus, saith Hugo Grotius,† the most strong defender of regal empire, yet descends thus far to yield unto the people, and the chief part of them a power to defend themselves against immane cruelty, when yet notwithstanding he confesses that the people are subject unto the king: and as for me, saith Hugo Grotius, I dare not *indiscriminatim* condemn those or that part of the people which do use this defence having respect unto the public good: for David had many armed men about him, that he might repel violence offered unto him; and at that time David was commended by a prudent woman, that he fought the Lord's battle, which words many do ill refer to David's former battles, whereas Abigail's speech is rather a correction of what Nabal said. Many subjects are now fallen from their king, which words that Abigail might correct, she saith the wars of David were godly, as being undertaken not out of defection from his prince, but for tuition and preservation of his own life. But because the Doctor seems to want some testimonies of the French Protestant divines, I will give him one for all, and surely he will not say the words are not spoken of such government, such states, such cases, or such times as ours are. This question being on foot in the time of Charles IX: what is to be done by the subject when he is violenced by the magistrate; or if

\* Polanus in Dan. xi.

† Barcleus regii imperii assertor fortissimus, huc tamen descendit, ut populo, et insigni ejus parti jus concedat se tuendi adversum immanem sævitiam. Cum tamen ipse fateatur totum populum regi subditum esse; ego indiscriminatim damnare aut singulos, aut partem populi minorem, quæ ultimo necessitatis præsidio, sic utatur ut interim et communis boni respectum non deserat. Vix ausim nam David armato, circum se aliquanto habuit; quo nisi ad vim arcendam, si inferetur. Et hoc ipso tempore Davidi prudente fæmina dicitur bella Dei, *i. e.* pia gerere; quod male multi ad sola bella priora trahunt, quum potius emendatio sit ejus quod Nabal dixerat, multos subditos a rege suo deficere, quod ut corrigat Abigal bella Davidis pia esse dicit, ut pote non defectionis, sed solo vitæ tuendæ consilio suscepta.—Hugo Grotius de Jure Belli et Pacis, l. i. c. 4.

the chief magistrate degenerate into a tyrant, may the subjects resist by force of arms ?\*

That was answered by one learned man, for, and in the defence of the protestants in those times, thus, † Subjects are of three sorts, either mere private men, bearing no public office, or else they are in some inferior and subordinate place of magistracy ; or else they are such as are so inferior to the chief magistrate that by the laws of the land are appointed to bridle the chief: as for private men, saith the author, it is evil for them to resist with force of arms, either they must fly or suffer : as for the second sort they not being the king's household servants, but rather to be called officers of the crown, depending not so much on the king as kingdom, the king abusing his power to the overthrow of laws ; these inferior magistrates ought to oppose, for the conservation of those who are committed unto their trust ; and if need be to take up arms till things be otherwise provided for by the estates of the kingdom. As for the third sort, saith he, though they in some respect are under the chief magistrate, yet in some respect they are keepers of the supreme dignity, that the chief magistrate may be kept in his office ; these may, if need require, repress and chastise him, for the people is not made for the magistrate, but the magistrate for the people ; his power taking its rise from them.

\* Quid agendum est subjecto cum a magistratu violatur ; vel si summi magistratus in tyrannos degenerarent, et quid subjectis faciendum ? necessarione illis ob temperandum an illis repugnandum, et quidam armorum vi adhibita.

† Respondeo, varia esse subjectorum discrimina, alii mere sunt privati homines nullum publicum munus gerentes ; alii inferiorem et quasi subalternum magistratum gerant ; alii ita sunt summo magistratu inferiores ; it tamen ex patriæ institutis et legibus summi magistratus, moderandi causa tanquam fræna quedam constituentur, quod ad primum atinet certum est, nefas esse privato cuilibet privata autoritate vim tyranni vi opponere, sed vel tyranni vis subeunda, et tolleranda est aut cedandum, et alio migrandum. Quod ad secundum subjectorum genus atinet eorum qui subalternos magistratus gerunt ; non regis quidem familiæ domestici, sed regni potius ministri ; quos officarios coronæ vulgo noncupant ; ita statuendum est, illos non tama regi quem a regno pendere, illi regi manifeste tyranno, et ad lege, evertendas sua potentia abutenti oponere se, dabent ex jure jurando prestitio ; obligati ad eorum salutem, et conservationem qui suæ fidei commissa sunt ; armis si opus est etiam adhibitis, donet a regnito dinibus aliter provisum sit. De tertio autem subjectorum genere, illud constituendum est quamvis illi revera ; et certa quadam ratione summum magistratus imperio submituntur ; alia tamen ratione dum urgit necessitas supremi illius pignitatis vindices, et custodes constituuntur, ut supremum magistratum in suo officio continent ; imo ut et illum cum necesse fuerit reprimant, atque castigent.

But though this were the first rise of magistracy, yet after the people have chosen their magistrate, they have resigned up their power to him.

But the people never created or received their kings, but upon certain conditions, which being manifestly broken and not kept, those have power to abdicate, who have power to create; and this has always been in use amongst all the most famous nations in the world, the Israelites, Lacedemonians, Romans, Danes, Swedes, Scotch, Polonians and English.\*

But if a magistrate do degenerate into a tyrant, as we are not to be obedient to him, so neither are we to resist him.

That is only understood of private men.

But David spared Saul though it were in his power to cut him off.

That is no way contrary to the doctrine delivered, for David had many armed men about him whose help, if need had required, he would without doubt have used against all, yet thus he did, having respect rather to his own defence, than his enemies' offence.† This testimony tells us what hath been the practice of all nations: the testimony of the Scots in their answer to Lysimachus Nicanour, saith expressly, That our doctrine is according to the judgment of all the reformed churches. And if these testimonies will not yet prevail with the Doctor, I must leave him to his resolves. He tells us that our homilies are against us, but let him pro-

\* Si quis excipiat ut prima illa fuerit magistratum, origo verum tamen esse populos omnem suam libertatem in sol dum iis resignasse quos summos magistratus sibi perficerent cædo vero resignationis illius ullam probationem, quæ statuo populus quantum valuit jus et equitas, nec creasse, nec recipisse reges nisi certis conditionibus, quibus a magistratu manifeste violatis consequitur eum jus illorum abdicandorum habere, qui habuerat creandorum. Id deest populum summos magistratus legitimo imperio abutentes; abdicare imperio posse. Et id quidem apud omnes rationes celebriores usurpatum fuisse perspicuum est, Romanos, Athenienses, Israelitos, Danos, Swedos, Scotos, et Anglos.

Secundo excipatur regibus si in tyrannos degenerarent; non esse scelerum quidem præbendum ministerium, illis tamen vim minime opponendam; de privatis concedo; de inferioribus vero magistratibus minime. Ad superiores vero regum quasi Ephoros de tyrannis coercendis curam maxime eorum pertinere contendo.

† Deinde affertur exemplum Davidis qui Sauli tyranno tam studiosa pepereit, quamvis illius interficiendi facultatem haberet illud exemplum superiori doctrinæ minime repugnare alio; David enim militarem hominum turmam coegerat, quorum opera si ita postulasset necessitas, haud dubie adversus Saulem usus fuisse. Ita tamen egit defensionis potius quam offensionis causa.—Commentariorum 4 Partis de Statu Relig. et Reipub. in Regno Gallie, sub Carol. nono Reg., lib. x. fol. 120—126, in 8vo.

duce any place out of the homilies where it is said that the two houses may not take up arms to bring armed delinquents to their trial. Indeed the homilies speak against subjects taking up of arms against their king, so do not the parliament, but to defend themselves, and to bring delinquents to trial. And therefore when the Doctor or others bring forth testimonies of divines, ancient or late, to prove that subjects may not take up arms against their prince, they had as good say nothing; that is not to our case; but let them prove by testimonies, that it is not lawful for the parliament to take up arms to secure the kingdom, to bring accused persons to trial, and to deliver the prince out of the hands of malignants, and then they say something to us, else it is but clamour, not reason.

At last the Doctor speaks somewhat of arbitrary government (page 46), which is no way any answer to the reasons that were given by me, proving that his opinion raised the king to an arbitrary government, only he sets down his further sentence about arbitrariness, *eadem facilitate rejicitur qua affirmatur*: the rest of that section is either spent in naked assertions, or jeering expressions, or seeming answers to his other answerers.

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#### CHAPTER IV.

THE Doctor having spent some time upon his other answerers, at page 49, he is pleased to return to me, where he would prove that the people of Israel did not by any forcible resistance rescue Jonathan out of the hands of Saul, which work, says he, was but set off with a soldier-like boldness. Let the Doctor call this work what he please, Saul the king had sworn that Jonathan should die, and the people swore he should not die; and they being in arms did rescue Jonathan, saith the text. This rescue the Doctor calls in his first book, a loving violence; and in his reply, a setting off the matter with a soldierly boldness. I hope the Doctor will give us leave to use the like terms. If a prince swear the death of some parliamentary-man, who deserves not to die but to be preferred, and the people rise up in arms and rescue

their Jonathans, saying, As we live they shall not die that have wrought this great deliverance for us; this is no resistance, it is but a loving violence, and a setting off the matter with a soldierly boldness. Why may we not call this so, as well as the Doctor that? But I appeal to all reason whether a rescue by men in arms, from those that have sworn a man's death, be not forcible resistance?

But, say we, this is more than prayers and tears, which is the only remedy allowed by the Doctor, to which he replieth, The Doctor hath nowhere said, though Mr. Bridge makes him often say so, that prayers and tears is the only remedy left for subjects; but besides their cries to God, he allows them intercessions, reproofs, denial of subsidies and aids.

I will not search into the Doctor's book for every word, but take what he granteth here: yet this soldierly boldness of rescuing is more than prayers, tears, reproofs, or denials of subsidies and aids, which is all the remedy that he affordeth, as he confesseth now. Yet the Doctor is so full of this sentence still, that in page 51 of this book, he saith, That the children of Israel being under the oppression of their kings, had no remedy but crying to the Lord. And again, in the same page, saith, All the remedy they had, was by crying to the Lord. So, also, in his first book, page 10, the people are let to understand, 1 Sam. viii. 18, how they should be oppressed under kings, and have no remedy left them but crying to the Lord. Thus do men forget themselves, and what they have said, whilst they contend against truth.

Then the Doctor comes down to the example of David. And whereas it is urged by us, that David did take up arms to defend himself from the violence of his prince, Saul; the Doctor replies now as before, that David's example was extraordinary. Well, but when it is said, that David having advantage of Saul, did not lay hands upon him to cut him off as he might have done; what if we should say, that act of David's was extraordinary, would not the Doctor tell us, that our answer was but ordinary? He tells us, page 31 of his Reply, that conquest is one of the means by which God translates kingdoms, and that David being provoked by the king of Ammon, brought the people under. 2 Sam. xii. And that the Edomites were so brought under the dominion of Judah. What, if we should give this answer, that these were

extraordinary cases; would not the Doctor take it for a poor shifting answer from us? When we say any practice is extraordinary, we must also prove by circumstance, that there was an extraordinariness in the fact, or else acquiesce in it for our example. But be it so, that David's example was extraordinary, is not our case now extraordinary? Is England's case ordinary? Hath it been thus ordinarily, that arms have been taken up against the parliament, and delinquents kept from legal trial by force of arms: has this been for many years? See how the Doctor helps himself by this extraordinary answer. He tells us in his first book, page 8, that this work of David was a mere defence, without all violence offered to Saul; and is not this ordinarily lawful for subjects to do so much? The Doctor grants it himself, page 9 of his first book: That personal defence is lawful against sudden and illegal assaults of the prince himself, thus far, to ward his blows, to hold his hands, &c., and the like. But the Doctor in his Reply has thought of a new reason to prove David's example extraordinary: because else may private and single men do so too.

I answer, Not so, David was not as every private man; he was anointed of the Lord, one that fought the Lord's battles, the great statesman in the kingdom; with whom were joined Jonathan, and many other chief of the tribes: therefore it follows not from David to every private man, but to the parliament rather, who though not anointed as king, and as Saul, yet with some anointment from the Lord into the place of magistracy, especially being, as the Doctor confesseth, coordinate with the king in supremacy, so far as concerns nomothetics.

I said before, if David's example were extraordinary, then he had an extraordinary command for what he did; if so, how doth the Doctor say, there is no command or warrant in Scripture for such a practice or kind of resistance?

To which the Doctor replieth: As if all extraordinary warrants and instincts, given to special persons, should be written in Scripture.

I answer, So then this work of David's, which before was called by the Doctor a mere defence, is now come to be a matter of special instinct; though acts done by special instinct, had not always warrant from written Scripture before they were done:

yet being done and recorded in Scripture, there is ground and written warrant for the lawfulness of our actions upon the like occasions. I did not say, why then doth the Doctor say, there was no warrant in Scripture for David; but why then doth the Doctor say, there is no warrant or ground out of Scripture now for us to do what we do? Though it might be instinct then, and without written Scripture, yet it may be written warrant now.

Then, whereas that scripture is urged, though not to take up arms against our king, as the Doctor suggests, 1 Chron. xii. 19, where it is said expressly, that David went out to battle against Saul, the Doctor replies: Desperate shifts that these men are put to, when pretences and simulations must be Scripture ground for conscience. It is said before, David made shew of madness before king Achish: Mr. Bridge might as well infer therefore he was mad.

I answer, Will any else besides this Doctor make such an inference? The Scripture saith, *totidem verbis*, that he went out to battle against Saul; that this was but a simulation is not said in Scripture, but the Scripture doth not say that David was mad, but that he feigned himself so: is there then the same reason of the one and the other?

The example of Uzziah is next to be cleared. We find that the priests are commended for valiant men, because they thrust out king Uzziah from before the Lord, 2 Chron. xxvi. To which instance the Doctor saith, that Uzziah the king was stricken with leprosy, and by the law the leper was to be put out of the congregation, and dwell apart, which is not consistent with government; therefore it is said of the king, he was a leper, and dwelt in a several house, and Jotham his son reigned in his stead. 2 Kings xv. 5.

I shall ever give the Doctor the full weight of his reason. It seems by this answer, that he would have conscience believe, that the king was discharged from his crown by his leprosy, and *ipso facto* thereby dethroned. Now see what Dr. Bilson saith,\* directly contrary unto this Doctor: Uzziah, saith he, dwelt apart in a house from others, because of his leprosy; but you do not find that he was deprived of his kingdom. Jotham his son governed his house, and judged the people of the land, because the king might not be con-

\* Dr. Bilson on the Difference between Subjection and Rebellion, page 326.

versant amongst men, by reason of his sickness; but the crown still continued in the father though a leper, and Jotham began not his reign until his father was dead: whom the Scripture calleth the king of Judah, in the twentieth year of his reign, and the last year of his life. 2 Kings xv. 5, 7. Thus Dr. Bilson; and though our Doctor can, with what conscience I know not, join these words together, 2 Chron. xxvi., thus: He was a leper, and dwelt in a several house, and Jotham his son reigned in his stead, 2 Kings xv. 5; as if all these words were one, and did touch one another in holy writ, yet in truth they are part of two several verses, and two other verses come in between them. As in ver. 5 it is said, "The king dwelt in a several house, and Jotham the king's son was over the king's house, judging the people of the land;" not reigning in his stead, as the Doctor reads it. Then at ver. 6, 7, the Scripture having spoken further of the king, his deeds and death, at the end of ver. 7 it is added, "And Jotham his son reigned in his stead;" these words being annexed to his death as a consequent thereof: and the Doctor takes them and annexes them to ver. 5, at the mentioning of his leprosy, as if upon his leprosy his son reigned, whereas it is plain he only governed and not reigned, until his father died. Here I cannot but wonder, that the Doctor should so boldly venture to lay violent hands upon Scripture, that he may lead men's consciences into his own sentence: but I hope the consciences of those that fear God, will take notice of such dealing as this, and abhor that sentence, that must be born up with such practices. He would persuade us also, that the priests here are said to be valiant men, because of their home reproof which they gave to the king, or because of their withdrawing from him the holy things, which he was not to meddle with. But let him shew us any one place of Scripture, where valour being joined with an expression of force, as here it is, it being said that they thrust him out, doth only note faithfulness in one's place, by giving reproof or the like.

At last the Doctor comes to his own arguments, and labours to recruit them: and first he tells us, that none might blow the trumpet for war amongst the people of Israel, but the supreme magistrates; and therefore the parliament may not take up arms or blow the trumpet for war, as now they

do. To this argument divers answers, unanswered, have been given, yet he is not satisfied, but still replieth. And I wonder that he should, considering there is no such matter, that I can find, as he allegeth, in Numb. x. It is true the Lord speaks there unto Moses, saying, ver. 5, "When ye sound an alarm;" and ver. 6, "When you blow an alarm the second time;" and ver. 7, "When the congregation is to be gathered together, ye shall blow:" and ver. 9, "If ye go to war in your land, ye shall blow an alarm with your trumpets." But these words in the Hebrew are all in the plural number, shewing that the blowing of the trumpet belonged as well to the state and princes of whom he spake, ver. 4. It is not said that Moses should use those trumpets, exclusively, he and not they, but rather he joined with them.

Again, he comes for his defence to that place of Samuel, 1 Sam. viii. 18, where, saith he, it appears that the people had no remedy against their unjust kings, but their crying to the Lord. Mr. Bridge answers, saith he, Samuel tells them not what should be their duty, but what their punishment, "The Lord will not hear you," &c. It was indeed, saith the Doctor, their punishment, because all the remedy they had, which was by crying to the Lord, should not help them; which had not been such a punishment, if they had had means to help themselves by power of arms.

Here the Doctor saith, that all the remedy this people had was by crying to the Lord, which scripture he brings against our resistance, to prove what is our duty, and how far it extends: yet on page 49 of his Reply, he will not own such a speech as this, saying: The Doctor has nowhere said, that prayers and tears are all the subjects' remedy.

Again, it appears plainly that this scripture, 1 Sam. viii., is not spoken of the king's right, what he might do, but of his fact, what he would do; for the king had no such right over his subjects, as to take their children's fields and vineyards from them, for which Ahab was so severely punished. Yet saith this text of Samuel, "He shall take your daughters, fields and vineyards," &c. Neither can it be objected, that the word used in the Hebrew is משפט, which signifies, *judicium*, judgment or right seeing; it also signifies, *consuetudo*, order or manner, as it is well translated in the English, ver. 9.

Again, though it be said, ver. 18, "Then shall ye cry out in that day, because of your king which ye shall have chosen, and the Lord will not hear you in that day;" yet it doth not follow that they had no other remedy but crying to the Lord. That is said in Scripture, that the people being oppressed with foreign enemies, should cry unto the Lord in their distress, and because of their sins the Lord threatens not to hear them, but bids them go to their idols, and let them help them if they can; doth it therefore follow, that they might not defend themselves against foreign enemies? no such matter. Whereas the Doctor saith in this Reply: It was no such judgment to cry and not be heard, if yet they had a power to defend themselves by taking up arms. This answer is very strange from one that calls himself a divine: for suppose that God should say to his people, that had a power to take up arms against their foreign enemies, that they should notwithstanding their power cry unto him, and he would not hear them, nor deliver them from their oppressors; was this no such judgment, because they might take up arms? Alas, what will all our taking up of arms do either way, if God will not hear our cries and prayers!

The Doctor for his own defence and the defence of his cause, said in his first book: That if such a defence as we now use were lawful, it is a marvellous thing that so many prophets, reprehending the kings of Israel and Judah for idolatry, cruelty and oppression, none should call upon the elders of the people for this resistance, page 10.

To this I answered, See the prophet Elisha expressly calling on the elders to imprison the king's messenger, 2 Kings vi. 32. The Doctor after he comes to himself out of a railing and jeering fit, replies: What did Elisha call upon those elders for? to imprison the messenger? that is more than the text will bear, unless to shut the door against a man be to imprison him.

I answer, But the prophet Elisha not only called upon them to shut the door, but to hold him fast. 2 Kings vi. 32. Shutting the door indeed doth not note imprisonment, but, shut the door and hold him fast doth: for what is imprisonment, but *arcta et violenta custodia*, and these are the words of that text, "Shut too the door, and hold him fast at the door." But it is the Doctor's manner to take part of the

text, and leave the other part which makes against him; so he dealeth by our answers, so he dealeth by scriptures. At length the Doctor having left me to visit my fellow answerers, as he calls us, for the space of three or four leaves, he is pleased to return again to me about Rom. xiii., and page 60. He takes it unkindly that I will not stand to the English translation of the word *κριμα*, damnation, but rather translate it so, "They that resist shall receive to themselves judgment."

To which I say, that I do not deny but grant, that the word may be translated damnation; but seeing the word firstly signifies judgment, as Piscator observes, I would not have the Doctor so peremptory scaring people with the word damnation, when as more naturally the word may be rendered otherwise. I told him before what Piscator's reason is for the translating of it, judgment. He may read what Musculus also said,\* and in him what many other divines, who speaks thus: It is doubtful what judgment the apostle speaks of here, whether the judgment wherewithal the disobedient are punished by God himself, or that which is to be expected from the magistrates; the latter way those things that follow do favour, the former way those things that are precedent: but it matters not which way we understand it, neither doth any thing hinder but that we may expound it to both, when as both judgments, both of God and magistrate, are to be feared by those that are unruly. But the Doctor gives, as he thinks, a good reason why it must needs be translated damnation, and so meant, because resistance there forbidden, is a breach of the fifth commandment, which deserveth damnation.

I answer, What then we read, Rev. ii., that the church of Thyatira had broken the second commandment in her idolatry and superstition, yet she is threatened with an outward punishment. Wisd. xxii. 23. "Behold (saith Christ) I will cast her into great tribulation, and kill her children with death."

\* *Ambiguum est autem quod de judicio insert, an de eo quo divinitus olim punientur inobedientes loquatur, vel de eo quod expectandum est a magistratibus; in posteriori sententiæ videntur sequentia favere, priori vero præcedentia. Verum nihil refert utrum intelligamus, nec quicquam prohibet quo minus de utroque exponamus, cum utrumque sit timendum immorigeris.—Musculus in Rom. xiii.*

Yea, the fifth commandment is strengthened with an outward promise, "Honour thy father and thy mother, that thy days may be long in the land;" and therefore well may the breach hereof be threatened with an outward judgment.

Again, saith the Doctor, Mr. Bridge answers, that only active obedience to lawful commands is there enjoined, but passive under unlawful commands. To which the Doctor answereth, Both say we. But not so Origen,\* not so Jerome, not so Chrysostom, and divers others; and Pareus' his reason is good, who observes,† that according to the apostle, the denying of obedience is all one with resistance, forbidden in this Rom. xiii.: for in one verse the apostle saith, submit or "be subject unto the higher powers;" in the next verse he gives the reason, "For he that resisteth," &c.: so that resisting, and not subjecting or obeying, is all one. It is no sin not to obey unlawful commandments; but the apostle makes it a sin here to resist, and therefore the resistance forbidden doth not relate to unlawful commandments, but if lawful. But then the Doctor tells us, that if these words should be understood only of active obedience to lawful commands, and not of passive to unlawful commands; the apostle had given the Romans but a lame instruction, page 60. And his reason for that speech follows at a distance, page 61: Because then the Romans should not have been sufficiently instructed how to answer the unlawful commandments of princes, as also, there would have been a gap open to rebellion, for, saith he, how easy would be the inference: therefore we may resist when they command unlawfully.

I answer, This is a strange work to charge the apostle with lame instructions, in case that a passive obedience should not be here commanded; God doth not command every thing in every scripture, yet those scriptures wherein he commandeth something and not all, are not lame instructions. The first commandment commands the substance of worship, the second the right means, the third the manner, and the fourth the due time of worship; yet the first is not lame because it

\* Itaque qui resistit non hic, &c. de illis potestatibus dicit quæ proscutores fuerint fidei, ibi enim dicendum est, Deo oportet obtemperare magis quam hominibus. Sed de istis communitatibus dicit quæ non sunt terrori boni operis, sed mali, quibus utique qui resistit, &c.—Origen in Rom. xiii.

† Negate vero obedientiam est resistere.—Pareus in Rom. xiii.

doth not command what the second, nor the second lame because it doth not command what the third, nor the third lame because it doth not command what the fourth; so here, though God should command only active, not passive obedience in this text, this instruction would not be lame. But why should it be a lame instruction? The Doctor tells us, Because the Romans should not be sufficiently directed how to answer the unlawful commandments of princes: yes, surely, if God did here command them obedience to lawfulls, he should at once forbid them disobedience to unlawfulls; but, saith the Doctor, Then there will be a gap for rebellion, for how easily would men infer, therefore we may resist in things unlawful. I answer, The Doctor takes this for granted, which is to be proved, that all forcible resistance is rebellion. Suppose that true which himself granteth, in page 1 of the first book, that it is lawful to resist unlawful commands, though not with forcible resistance. And if so, then why might not the Romans as well say, This instruction you give us is lame, for you forbid resistance, and yet in some kind resistance is lawful, a suffering resistance lawful, and a forcible resistance unlawful. And yet you have not in this xiii<sup>th</sup> chapter given us any such distinction, so are we left in the dark, and your instruction lame. But, good Doctor, let us take off our own haltings, whilst we go about to charge the apostle with lame instructions, in case he come not just up to our opinions. But to put an end to this matter concerning this text, I appeal to the Doctor, whether he doth not think that these words, "higher powers," verse 1, did not include the Roman senate: I say, when the apostle commands, "Let every soul be subject to the higher powers," did he not command the christian Romans to be subject to the Roman senate? We know that after this epistle was written to the Romans, as Eusebius reports, the Roman senate was not only in being, but so potent and powerful, that when that was propounded to the senate, whether Christ should be acknowledged as God, that was in the senate's power to grant or refuse, and they refused. So Estius also saith,\* that the governors of provinces were appointed by the senate, as well as by Cæsar, when Peter wrote his epistle. So that still, notwithstanding Cæsar, the Roman

\* Præsides provinciis præficiabantur non tam autoritate Cæsaris quam senatus.—Estius Ep. Pet. i. 2.

Senate was a high power, and the higher powers unto the people; and if they were the higher powers, who were to be obeyed by this commandment of the apostles, then why doth the Doctor bring this scripture to urge our higher powers and senate to obey, especially when the Doctor himself confesses (page 62) that the two houses, as distinct from the king, fall under the words, "higher powers?" At last, in page 62, the Doctor comes to that place of Peter, 1 Epist. ii. 13, "Submit yourselves to every ordinance of man for the Lord's sake, whether to the king as supreme, or unto governors, as those that are sent by him." Where, after the Doctor hath a little stroked himself on the head, and laboured to spit some filth on our faces, he comes to that testimony of Calvin, for that which he says concerning Dr. Bilson is not much material, who proves that the pronoun *him* relates to God, and not to the king, for the reason which I alleged in my first book; now the Doctor replies, True, all are sent by God, but it is as true that the governors of the provinces were sent by the king, or the Roman emperor.

The reader may observe how the Doctor doth deal by the scripture again, for he sets down the words thus: To the king as supreme, or the governors as those that are sent by him: and thus indeed the word *him* must needs relate to the king, but conceals that part of the verse wherein the word *God* is expressed thus: "Submit yourself to every ordinance of God:" for the Doctor knew that if he had set down that part of the verse, the reader would have perceived that the pronoun *him* should have related to God, and not to the king. Then, again, observe what he answers: he tells us, that the governors of provinces were sent by the king or emperor; that is not the question now, but whom the pronoun *him* doth relate, whether God or the king. And for this he gives no reason, nor answers Calvin's, and therefore I need add no more; yet Estius' reasons are very full, proving that the pronoun *him* must relate to God and not the king: for says he,\* The apostle Peter would move the people to obey the king

\* In eo quod additur, tanquam ab eo missis pronomen eo ad regem referunt nonnulli, quod non placet, nam apostolus vult hoc in præsidiis istis considerari quod Deus eos miserat, id quod ad obediendum movere debet, ac ut taceam quod præsides provinciis præficiant non tam autoritate Cæsaris quam senatus, illi alteri relat ioni non quodrat quod sequitur ad vindictam malefactorem, &c. quem

and governors, which argument is full, because they were sent by God; whereas if the pronoun *him* should relate to the king, here were no motive. Again, Because the apostle Peter saith that they are sent by him for the punishment of evil doers, and the praise of them that do well, for which cause the wicked heathenish governors did not send the governors, it being known that they sent them for the punishment of those that were good, and for the praise of those that were evil; and therefore the pronoun *him* is to be carried on God, and to have relation to God, not to the king, in this place; and therefore what the Doctor brings from this place to set the parliament at a greater *under* than God would have, is nothing worth. The rest of the chapter is spent with his other adversaries. I having thus delivered the scriptures from his objections, shall be the more brief in answer to the after part of his discourse, because the only ground of conscience is God's word.

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## CHAPTER V.

IN Section X. of the Doctor's reply, I find little to hold us long; I had told him in my former book, that the parliamentary proceedings were an act of self-preservation, and used the similitude of a steersman, shewing that in case he do not his duty, even the very passengers in time of a storm, for their own preservation may look to the matter, which doth not imply the unofficing of a steersman; so in state, where the chief magistrate neglecteth his duty, &c. The Doctor replies (page 64), that the prince is not as the steersman, but as he that stands above, and commands to the starboard or larboard.

This is to hang upon the word, and let go the sense, for the reason holds to him that stands above, and commands, as well as the steersman, neither will common reason say, that

scopum mali reges non usque quaque habebant propositum, rectius igitur ad Deum refertur, qui hunc finem omnibus magistratibus præscribit, unde et Paulus de potestate Rom. xiii. Dei enim minister est tibi in bonum, &c. ex quo apparet missos a Deo hic intelligi debere non solum duces sed regem ipsum.—Estius in 1 Epist. Pet. ii.

he is unofficed, because the passengers for the present desire or cause him to stand by, that they may look unto their own safety in the time of a storm.

Then he comes to prove that authority and magistracy, abstractively considered from the qualification or several forms of government, is of divine institution; wherein we do all agree, only I excepted against some of his *media*, that he used to prove it thus: By those words, the powers that are ordained of God, the Doctor understands, the power itself of magistracy, distinguished from the qualification thereof, and the designation of persons thereto; how then did he say, (Sect. II.) the "higher power" in Paul, is the same with the "king as supreme" in Peter? The Doctor replies, The power of magistracy, abstractively taken, may by these words be proved to be of God, though the "higher powers" here be understood concretively with connotation of the persons that bear the power, for they are here proposed as objects of our obedience which cannot be directed but upon power in some person. And here it is said, as *αι ουσαι*, existent, &c.

But how doth this prove either what the Doctor would, or answer me? It is true the words, higher powers, note both, as I have shewed already, both the authority and persons in the authority. But then the word, *τεταγμεναι*, I say, signifies, ordered, and so to be translated, not, ordained; for otherwise if the words, higher powers, note both the abstract and concrete, and this word be translated, ordained, then this scripture shall as well prove the qualification and designation to be of God, as authority itself: which thing the Doctor denies, and first brought this scripture to prove that magistracy is of God, in opposition to qualifications and designations. Some metaphysical notions about *esse* and *existere* the Doctor would find out in the word, *ουσαι*, but I pass them as never intended by the apostle.

At last the Doctor promiseth, or rather threatens to give me a visit, for so he saith, page 65, I must come home to Master Bridge, to make him understand the force of my inference. I had said thus: In like manner the Doctor proves that power itself is of God, because the magistrate is called the minister of God: slipping from the power itself to the person designed, for the power itself is not called the minister of God. Whereupon the Doctor saith, I must come home

to Master Bridge; the mayor of N. is the king's minister, therefore his power is from the king; will Master Bridge reply, No, for the power itself is not the mayor, or called the minister of the king?

Thus whilst he comes home to me, he comes from his own home and reason, forgetting what he had said before (pages 60, 61), A lawful prince, though commanding unlawfully, is still the minister of God. So then it seems one may be the minister of God in that which is evil: and it is true a penal minister one may be; a man may sin in afflicting another, and yet he may be the minister of God to him that is afflicted; how, therefore, doth this argue, that because the magistrate is called the minister of God, that his authority is lawful? And therefore, whereas the Doctor saith the mayor of N. is the king's minister, therefore his power is from the king; will Master Bridge say, No? I answer, He will say, there is not the same reason in regard of God and the king, for a man cannot be the king's minister in a bad action, but he must receive power from him, but he may be God's minister, I mean penally, in an unlawful action, which God never gave him right or power to do.

In the after lines of this page the Doctor says, that both the Fuller Answer, and Master Bridge's, every where takes it for granted by me, that monarchy, aristocracy and democracy are equally the inventions of men? I answer, I do indeed, and the truth of it may appear from your own words (pages 13, 14 of your first book) as I have shewed already.

Lastly, saith the Doctor, Master Bridge concludes that my proving of the governing power to be of God, but the qualification of it, and designation of the person to be of man, gaineth nothing against resistance, or deposing a prince that doth not discharge his trust; for still the people may say, We may alter the government, and depose the person, because he was of our designing. Doctor Fearné says, Nothing so, for if they resist, they usurp authority, and invade the power that God hath given him; if they depose him, they quite take away that power which God and not they placed in him, because he is still the minister of God.

This seems to prove that people cannot depose their prince, or alter the government that is set up amongst them; but what is this to the reason that he pretends an answer to?

to which was thus: If the Doctor grant that the qualification of the power is from man, and the designation of the person, then though the power itself be confessed of God by the Doctor, yet his adversaries that are for the deposing of princes, if any such be, may as well plead a power to depose the person or alter the government, as well I say, as if the power itself was appointed, or set up by men. Now the qualification and power of designation is granted by him to be of man: and therefore he helps himself nothing by proving that authority, or magistracy in the abstract is of God. To take away this, he proves, that the people cannot depose their prince, or alter the government; I will not say a wild, but surely a wide answer as ever came from a D.D. The other part of this section is against others, who are sufficiently able to plead their own cause against this Doctor.

In Sect. ii. page 64, the Doctor complains that we have left the king nothing we could take from him; and this kind of speech is ordinary amongst some, who are so bold as to affirm, that because we do not make ourselves slaves, we make our sovereign no king. Let him and them read what Almain saith.\* A polity, saith he, is not therefore said to be regal because there is one above all that is greater than all the community, but because there is one above the rest, who hath jurisdiction over every particular man in that community; neither were it fit that there should be one such who were so superior, unless he were indeviabie as Christ who is able to rule the community according to his own will, then the polity should be perfectly regal. And Fortescue saith, *Posse male agere potestatem potius minirit quam augmentat*: we do not say that God is less powerful because he cannot sin; nothing is more regal than to keep one's will within the bounds of good laws. It is some misery not to do all which you would, it is more misery to will what you may not; it is

\* Non ideo dicitur politia aliqua regalis, quia unicus ei præsit qui sit tota communitate in jurisdictione major, nec ei quovis modo subjectus, sed solum propter hanc causam, quia unicus præ est qui in quemlibet alterum de communitate jurisdictionem habet et est eo superior. Nec conveniens foret aliquem unum talem taliter communitati præfieri, qui esset ea tota in omni casu superior, nisi talis foret indeviabilis, quem admodum de Christo confretur, qui communitatem erige e potest sua voluntate, non secundum legem tunc ista politia esset perfecta regalis.

—Sen. Almain de pot. stat. laica ad Gerson. cap. 1.

most misery to have a power to do what you see will.\* But if you do not, saith the Doctor, re-assume power from the prince, what means the difference you make of things disposed of by trust, from things disposed of by donation, because they may be recalled, these may not, so you say, page 25.

I said not so, but that there is a difference between things disposed of by way of donation or sale, and things disposed of by way of trust: things disposed of by way of sale or donation are not in our power to recal, things disposed of by way of trust, are in our power to look to when the trust is neglected: I would this Doctor would but do us the favour as to allege our words rightly.

Pages 67, 68, of his book, are spent in proving assertions of the same things that he had said before, only page 67, he confesseth it is likely that kings were at first by election, which acknowledgment we receive: but how doth this agree with what he had said before, Sect. iii. page 8, 9, where he had said, that election was a defection from that government that God set up at the first; in page 69, he cometh to the matter of the king's covenant and oath, which, saith the Doctor, is no condition on which the kings of this land are admitted to the crown, but a confirmation and strengthening of their mutual duties by oaths and promises, as it was with the kings of Israel.

The nature of this oath we must leave unto the parliament and lawyers, who better know than we how it is taken, and on what terms, only thus much I read in Speed's Chronicle, That the Kentish men would not admit William the Conqueror to the crown, but upon condition as I have shewed before; and if the taking of the oath were only for confirmation, carrying no condition with it, why should it be taken at the first coming unto the crown, and not rather afterwards?

What else remains in that section is so easy, that the dimmest eye that hath conscience in it, may see through, for who knows not, that it is a greater evil, for a committee to be wronged by a particular person, than for a particular person to be wronged by a committee. *Bonum quo communius eo melius, malum quo communius eo perjus.* And why doth not nature

\* *Miserum est non facere omnia quæ velis miseries vero velle quod non licet miserrimum posse facere quod ita velis.*—Jun. Brut.

teach, that a prince who is married unto his people, is to be faithful to them, as well as that the husband is to be faithful unto his wife, and therefore that conditions are implied, though not expressed between the king and his subject, as well as between a man and his wife; and so I pass from that section to the Doctor's two last.

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## CHAPTER VI.

WHEREAS the Doctor had said, We sharpen many of our weapons at the Philistines' forge; and I had shewed the difference between us and papists in this cause: he replieth, Difference there must needs be between you and papists in this particular, for they challenge such a power from the pope, you from the people.

Very well, and is not here a vast difference? The papists say, the pope may depose princes; we say, in case that the prince doth not perform his trust, the people may look to their own safety.

Dr. Fearnie says: But we see your party making use of those examples, which the papists bring for deposing of kings, as of Saul, Uzziah, and Athaliah.

The papists bring these examples of Uzziah, Athaliah, &c. to shew that the high priests did, and so the pope now may, depose princes, proving that the pope is above princes. We say with Chrysostom and others, that every soul, even priests, as they and you call them, are to be subject to higher powers: that that lies in the power of no priest to depose princes.

Is this to whet our scythe at the Philistines' forge, to use the same scripture for one purpose, which the Philistines do for another? The papists use that scripture, *Tibi dabo claves*, "Thou art Peter, and on this rock I will build my church," to prove the pope's supremacy; the reformed churches use the same scripture, to prove that the power of the keys is *penes ecclesiam*, given to the whole church, and not unto a Peter only: do all the reformed churches, therefore, whet their weapons at the Philistines' forge, or are they therefore

popish, because they use the same scripture to other purposes? so here.

But you will give the prince leave, saith the Doctor, to change his religion, so will the papists, if all his subjects may have free liberty for their religion.

Not so, but he turning heretic, as the papists phrase it, is to be excommunicated, and so deposed. Dr. Fearné says: But in case he endeavour to force the contrary religion upon his subjects, for that must be supposed, how then will your allegiance hold?

Very well, and yet not whet our scythes at the Philistines' forge, for they say, that a prince apostatizing is to be excommunicated, and so deposed, as you shall presently see: we say that princes are not to be deposed for altering their religion; yea, though they should be excommunicated, for the crown is not entailed upon religion.

They deprive princes, we only defend ourselves.

They deprive by the pope's authority, we defend ourselves by the highest civil authority of the land.

Again, whereas I said the papists hold it lawful to kill a prince, and that a private man invested with the pope's authority may do it; we abhor it. The Doctor replieth: That is their new forge under ground, set up of late by jesuits: I did not mean you sharpened your weapons there, but at the old forge; and however you say you abhor this doctrine of killing kings, yet I fear and tremble, to think if your sovereign had fallen in battle by the edge of your sword, or shot of your artillery, you would have found him guilty of his own death, in that he would not, being desired, forbear to go down himself into battle.

It is well the Doctor will excuse us from jesuitism in this particular, and well he may in all things else, especially here, where he knows there is so much correspondency between his own opinion and the jesuits, who, for the most part of them, hold, that as all ecclesiastical power is given to Peter, and so to the pope and bishops, not to the church; so, that all civil power is given immediately to the king, and not to the commonwealth, but only as derived from him: and therefore well may the Doctor excuse us from whetting our swords at the new forge of the jesuits, that being a forge which he reserves to whet his own weapons at.

Neither do we whet our weapons at the old forge, for I suppose the Doctor will say, that Aquinas' forge is of the oldest frame, and he speaketh directly contrary to us, thus : \* As soon as ever any is denounced excommunicate for apostacy from the faith, his subjects are *ipso facto* absolved from his dominion, and the oath of allegiance, whereby they were bound to him.

We say, if a shot of our artillery had fallen on the king, whereas you say we would have found him guilty of his own death ; we say, we would have found you, and such as you are, guilty thereof, that put him on such designs. As if a man make a fire to preserve himself and his family, and another comes and thrusts a third man into it, we will not fault him that made the fire to preserve his family, but him that thrust the man into it. But in this matter, Doctor, you have answered yourself, for you told us in your former treatise, that it is lawful for subjects to ward their prince's blows, to hold his hands, and the like, page 9. Now if the prince raise an army against his subjects, how can his blows be warded, but by an army ? and if his army discharge their ordnance and muskets upon his subjects, how can his subjects ward them blows, but by discharging likewise ? And then answer yourself, What if a shot of artillery should fall upon your prince ? But, saith the Doctor, if you back again will gather strength for your assertions from the papists' reasons, be as like as you will to one another, &c.

I answer, Who are most like to the papists, you or we ? I refer you to all that knows us. See the Canterburian self-conviction. And if we may not gather strength of reason from popish authors to dispute against them, why do either you or we read them ? Reason is good, wherever we find it. Neither would Abraham refuse the use of the well, because Abimelech's men had used it ; no more will we refuse good reason, because the papists have used it : they using it rather from us, and not we from them. And yet in this matter, as I have shewed, we do differ much from them.

But you prove a power in the body politic, saith the Doc-

\* Et ideo quam rito aliquis per sententiam denunciatur excommunicatus propter apostaciam a fide, ipso facto ejus subditi absoluti sunt a domnio ejus et juramento fidelitatis qua ei tenebantur.—Thomas Aquinas, 2, 2, § 12, art. 2.

tor, to disburthen itself, as the church hath, of evil members, as papists do.

I answer, But not as the papists; for we only press a necessity of power in the body, to defend and save itself from the injury of princes: they plead for a power in the church, and who that church is you know, to depose princes. But then, saith the Doctor, hath this church a power of excommunication still; so it should be indeed, but since the act which took away the high commission; and, as the party you plead for would have it interpreted, all ecclesiastical censure too, where doth the exercise of that power rest, upon whom now is the argument turned? page 73.

I answer, Surely upon yourself, for there is no church of Christ, but whilst it remains a church, hath a power left in it, though the exercise may be long suspended, to see to itself and its own preservation. I say a power from Christ to excommunicate, though it should be denied from men. And it seems a strange thing to me, that the churches of England have no power left, because the high commission is down, as if that court were set up by Christ himself. The body natural hath power to disburthen itself, saith the Doctor, so hath the commonwealth too; but will you have the natural body disburthen itself of the head, or work without it?

Neither do we go about to cut off our head, but say in the general, if the head should be distempered, through ill vapours that arise from inferior parts, so that it cannot discharge its office, it is lawful for those that are in place, to give physic to the body, that even the very head itself may be the more healthful.

And whereas I had shewn, that there is not the same reason, that the people should re-assume their trust in case the parliament be negligent; as there is, that in case a prince neglect his trust, the parliament and people should see to it: the Doctor replies, But if by ordinances thence issuing, they be spoiled of their property and liberty, which is supposed in the case, they will quickly feel it so.

This is but an insinuation of a gross scandal, no reason. Only the Doctor argues, page 75, Will not the people as easily conclude, they may free themselves from the trust given to those parliament men, chosen by them, as renounce, according to your lessons, their trust given to their prince?

In all reason they will hold their representatives more accountable to them than their prince can be.

This is a scandalous charge, to say that we lesson men to renounce their trust given to their prince, whereas we only say, the people have a power to defend themselves, and when cause requires, to excite and actuate that power, which was always residing in them, and never given from them. Again, how can the people as easily renounce the trust given to the parliament, when the people themselves conclude and say, that what is done by the parliament is law; which they do not say as concerning the prince, but rather know that for law he is directed by them. But, saith the Doctor, this is to make them arbitrary, and to lead the people after them by an implicit faith.

The Doctor is much against the implicit faith of the people, both in this and his former book. It were well that men of his strain had been so much against implicit faith in the matters of the church, where it is more dangerous, where they were not, witness the &c., as now they are against the implicit faith in the commonwealth, where it is of less danger. Again, why will this make the parliament arbitrary, or cast the people into an implicit faith? It is granted by all, that the king and both houses may enact laws, whereby the people are to be ruled, believing that those laws are best for the commonwealth; doth this make the government of king and parliament arbitrary, or raise the people to an implicit faith? no more doth it here. An arbitrary government is where a king may rule *pro arbitrio*, as a father in his family; which power the Doctor doth give unto the king by his paternal right, Sect. III.; and so indeed there is room for an implicit faith, for that children have most of all an implicit faith in that which their fathers say. Finally Master B. endeavours to shew, saith Dr. Fearne, how they can answer the oath of supremacy, and the protestation, by taking of arms; but who knows not, saith the Doctor, if that party of Brownists and Anabaptists, which are now so prevalent in the arms taken up against the king, should get the upper hand, what would become of the king's supremacy and government?

Here is a loud cry against Brownists and Anabaptists, but who are Brownists? Not all those that are against prelates, and not for the English Common Prayer Book, for then all

the reformed churches are Brownists. And as for Anabaptists, I wish it may be considered, whether they do not take some footing for their opinion from the Common Prayer Book? They deny baptism to infants upon this ground, because actual faith and repentance is pre-required to baptism: and doth not the Common Prayer Book seem to acknowledge as much, when as before baptism, the witnesses in name of the infant must answer to these questions: Dost thou believe? dost thou renounce the devil and all his works? I must nakedly profess my judgment against that opinion, yet were it not good, that the very Common Prayer Book should come under consideration upon this and other reasons.

If men were so much for protestant religion, and against papists, as is here pretended, they would never be more afraid of Brownists and Anabaptists, than of papists, seeing they are of the protestant religion, and differ not from us in fundamentals, as the papists do.

Suppose that that army should prevail, wherein there are Brownists and Anabaptists, as you say; yet is there not so much danger that they should prevail to mislead the parliament, who are three or four hundred, as that papists should prevail to mislead one.

Though there should be Anabaptists and Brownists in the army, yet they do not fight against the king's supremacy and his government as the papists do against the protestant religion and being of parliaments, whose powder treason is famous, or rather infamous to all generations.

At last the Doctor tells us, concerning supremacy, that the king is supreme, not so much in opposition to particular persons, as in relation to the whole body politic of which he is head.

We say the king is supreme and head of the kingdom severally and jointly considered. Dr. Fearne, indeed, tells us, that the two houses of parliament are in a sort co-ordinate with his majesty, to some act or exercise of the supreme power, that is, to making laws, by yielding their consent. And if they be co-ordinate in that act of supremacy, Pareus and others will tell him that the nomethetick part of supremacy is the highest. We acknowledge the king our supreme

to defend us ; but not to defend ourselves where cause requires, gives a supra-supremacy unto him.\*

What else remains in this section, is either matter of words and bare denial to what hath been said or answered to his other answerers.

In the next section (page 49), the Doctor saith, Mr. Bridge enters upon a loose discourse against episcopal government, I refer him, for his better instruction, to a book entitled, *Episcopacy Asserted*.

I answer, No other loose discourse than what his loose treatise led me into ; and for the Doctor's better instruction, I refer him to Mr. Bayne's *Diocesan*, Mr. Parker's *Ecclesiastical Polity*, or, *Altare Damascenum*. And whereas I said, Now the Doctor shews himself, he had rather the kingdom should be imbrued in a bloody war, than episcopacy should down ; because he had said in his treatise (page 25), That the king has reason, by power of arms, to divert the abolishing of episcopal government.

The Doctor answers, Nay, Mr. Bridge, you and your party in arms shew yourselves what spirit you are of, who will have this land embroiled in a bloody war, rather than episcopacy shall not down.

Not so, Doctor, there is not the same reason why you should retort these words upon us, for I had nowhere said, the parliament hath reason by power of arms to divert the evil of that government ; yea I am so far from it, that I profess freely that if the king and parliament would establish that government still to be continued, that the people is not bound to rise up in arms to root it out, though I judge it evil. Yea, if any man is of that opinion, I think he is to be suffered to live enjoying himself and his estate here.

Then (page 56) the Doctor saith to that of Saul's spear restored : Mr. Bridge replies, Though restored before demanded, yet not before Saul had humbled himself to David,

\* Dr. Fearn's Reply, page 6.

Potestas politica seu civilis dupliciter consideratur ; vel ut architectonica, quæ occupat in legibus ferendis ad quodvis bonum reipub. pro novendum ; et vocatur νομοθετικη ut architectonica subordinata, quæ remp. secundum leges illas deliberando, judicando, et exequendo, administrat et vocatur simpliciter πολιτικη seu civilis, lib. vi. Ethic. c. 6. Per se vero patet quod architectonica νομοθετικη sit superior civili simpliciter dicta, et omnibus aliis potestatibus subordinatis quod que sit potestas suprema.—Pareus in Rom. xiii.

saying, I have sinned, &c. We know, says he, what you look for; his majesty hath not been ashamed to do it with great condescension.

I answer, It is possible a king may fail for not humbling himself before his subjects. 2 Chron. xxxvi. 12, "And Zedekiah did that which was evil in the sight of the Lord his God, and humbled not himself before Jeremiah the prophet."

And though his majesty had yielded and humbled himself yet lower, he would be no loser thereby: we know what the old counsellors said, 2 Chron. x. 7, "If thou be kind to this people, and please them, and speak good words to them, they will be thy servants for ever."

Finally, Whereas I had shewed that Ziba, and those that resorted to David in his distress, were not of another religion, and by law to be disarmed, as the papists now are, who have entertainment in his majesty's army; the Doctor answers, Though by law papists are not to have arms at their disposal, yet are they not quit of the duty and service of subjects.

They owe no more duty to the king, but according to law, and by law, they are to be all disarmed. Wherefore, good Doctor, maintain this illegal way no longer, give glory to God, and say you are convinced of this truth, which indeed you cannot but be, if you do not shut your own eyes; for you told us in your former treatise, that subjects may lawfully, for their own defence, hold the king's hands; and how so, if he raise an army, but by an army. Neither can you be so weak as to think that the great senate of the kingdom, that all the commons, gentlemen and nobles, should be so at the mercy of every mean person, invested with the king's authority, that if a petty constable, or other inferior officer do offer violence unto them, that it shall not be in their power to make a forcible resistance, because they are clothed with the king's authority. Good Sir, in the fear of God make your humble addresses to his majesty, and petition him to return to those that are faithful to him. The worst that he can lose, you know, if you pretend rightly, is but a piece of prerogative, or some exercise thereof for the present. Why should so good a land as this be imbrued in blood for such a cause, war being the worst of all evils, and therefore not to be undertaken but to prevent *gravissimum malum*. And is the loss

of some part of the prerogative, or exercise thereof for the present such? I believe you cannot say so. Wherefore labour, labour you to take off those exasperations that are amongst men with you, and do not still put your *unguem in ulcere ut recrudescat dolor*. Tell the people amongst whom you are, of that sinful way wherein they now are, so shall you *liberare animam tuam*. But if you will not, it may be those words which you read in Ezek. iii. 12, will lie hard on your conscience another day. Now the God of all peace give us peace, but truth with peace in Christ Jesus. Amen.