

THE

WOUNDED CONSCIENCE CURED,

THE WEAK ONE STRENGTHENED, AND THE DOUBTING
SATISFIED.

BY WAY OF ANSWER TO DR. FEARNE.

WHERE THE MAIN POINT IS RIGHTLY STATED, AND OBJEC-
TIONS THOROUGHLY ANSWERED, FOR THE GOOD OF THOSE
WHO ARE WILLING NOT TO BE DECEIVED.

“ Holding faith and a good conscience, which some having put away, and concerning faith, have made shipwreck.”—1 Tim. i. 19.

“ Give unto Cæsar the things that are Cæsar’s, and unto God the things that are God’s.”

THIS Treatise was once before travelling abroad into the world, till it came unto the Author, who could not look upon it without much indignation, to see how that, and in it, himself also was so much wronged and abused; being so perverted and misplaced (besides other errata) in the printing, that it was nothing like the book that was intended; so falsely, and so contrary to his meaning, that the Author may truly say as Martial to one:

Quem recitas meus est, O Fidentine libellus,
Sed male dum recitas incipit esse tuus.

O Fidentine, a book of mine
Thou printedst with my will;
And yet not mine, but it is thine,
Because it's printed ill.

Much wrong and damage accrued to many by it; but such be the times, that all suffer in one thing or other, and so this may be the more easily borne. It is now corrected and much amended by the care and industry of a friend, who desires to commend the book unto thy view, and serious thoughts upon it.

TO THE READER.

READER,—THOU hast conscience here once again brought unto the trial: the Doctor hath condemned the consciences of our parliament and soldiers, in their defensive war, which he calls resistance, as guilty of murder, and the prosecution of it damnable: such perilous times are ours, when the best and most faithfullest subjects are laid under those false and foul slanders of treason and murder, while traitors and murderers are countenanced and encouraged. I desire thou wouldst take notice, while this Doctor is busy abroad, thinking to rectify the consciences of others, neglects his own, threatening damnation to others, while by the same sin he ventures the damning of his. He pleads for honour and obedience to authority, while he dishonours, and would draw people to disobedience against the parliament, which he doth, while in the face of the world he makes them no better than hypocrites, telling us of their plausible but groundless principles, their fair but deceiving pretences to draw people into arms, as if, like watermen, they looked one way and rowed another, pretending one thing, intending another. What doth he less, in his epistle, than charge them boldly, as if what they told the people about their dangers were mere figments, and to believe them (saying the taking up arms for their defence is warrantable by the fundamentals of the kingdom) is to trust without warrant, and to exalt them above their due, and make popes of them; and if they look not to it, they will be blindly carried on against all rules of conscience. Much of this stuff is woven along in the book, I only give thee a touch of it, *ut ex ungue leonem*, and take notice, while he is busy in pulling the motes out of other men's eyes, he forgets the beam in his own; and take heed how thou followest his guidance, who under shew of steering thy conscience safe between two rocks, in seeking to bring thee off from one he split it on another; while pressing honour and obedience to authority, he speaks evil of the rulers of the people, against an express word, Exod. xxii. 28, "Thou shalt not rail upon the judges, neither speak evil of the ruler of thy people;" and seeks to withdraw people from obedience to authority. Thou mayest take notice that three times already hath this case of conscience been pleaded, and our worthies, both in their actions and consciences, vindicated, acquitted and justified both by the law of God and man, who have found the bill of indictment to be erroneous, a mere supposal of his own, calling that a resistance to the higher powers, which is only a contending for him, to deliver him out of the hands of those that seduce and mislead him; not much unlike that in the people for David, 2 Sam. xix. 41, "Why have these men stolen away the king from us?" This is the main work, to bring his majesty back to those who have the most and best interest in him, being the representative body of the whole kingdom. In this answer thou shalt find the question rightly put, and the main business rightly stated, objections fully answered, the Scriptures cleared, and so ground work truly laid to satisfy and settle people's consciences. The reasons why it comes so long after the rest, are: 1. The Author hearing that the book was already answered, did for a while lay aside his thoughts of it when he had begun, till he was strongly pressed to perfect it by the importunity of some friends near him. 2. The distance

of place, living many miles from hence. 3. The oft news of terms of pacification, which, had they taken effect, would have put an end to these controversies for the present. 4. Thou shalt gain by this story, there being recompence made in the fulness of the answer, which thou shalt find if thou be willing to read it through judiciously, and without prejudice, with a desire to be informed in the truth, and satisfied in thy doubts. Truly there is nothing we should be more desirous of, than to have our consciences rightly enlightened and throughly stablished in these dangerous and unsettled times, the comfort and benefit of a good conscience being incomparable and unspeakable in such times and such cases where all other comforts fail, and man stands in most need of comfort; which book, if we shall well study, and keep accordingly, we may be able to hold up our heads in the worst times. The Author hath to this end published a sermon also, preached to the volunteers [forming the second sermon in the fourth volume of this edition] to encourage them in the work, to draw the affections, to make them truly zealous in so good a cause; and truly it is the goodness of conscience that makes christians as bold as lions, and look all enemies in the face, and part with all to maintain it. Thou mayest have them both together, this being also a fit theme to press now, where be so many discouragements, that conscience being rightly enlightened, and interested in God, we may encourage ourselves in the Lord our God; which is the earnest wish and fervent prayer of him that is desirous of thy good, in Christ,

I. A.

THE WOUNDED CONSCIENCE CURED,

&c. &c.

AN INTRODUCTION

UNTO THE TREATISE NECESSARY FOR ALL GOOD SUBJECTS
TO UNDERSTAND, &c.

I HAVE perused Dr. Fearne's book, entitled, *The Resolving of Conscience*; wherein I find that he hath exceedingly mistaken the question: the question in truth is, Whether the parliament now hath justly taken up arms? we affirm it, he denies it, and withal slips into another question, Whether it be lawful for the subjects to take up arms against their king? but if he will so propound the question, then I must preface these two or three distinctions, and one caution.

First, That the subject is considered two ways, either unitive or divisive, conjunctively or divisively. The subject considered divisively hath always applied himself to prayers and tears, using no other remedy; and of this we speak not: but conjunctively considered state-wise, so he now doth, and it is lawful for him thus to take up arms. Secondly, The subject may be said to take up arms, either as an act of self-preservation, or as an act of jurisdiction exercised towards his prince. The first way we say it is lawful; the second way we contend not for. Thirdly, The subject is said to take up arms against the king, either as against the king's person, and of this we do not speak; or as against the king's commandment for their own preservation, so we affirm it, and then our position is:

That it is lawful for the subjects, conjunctively considered, to take up arms for self-preservation against the king's commandment, where two things are to be cleared: First, That this is the case with the parliament. Secondly, That this is lawful for them to do. First, This is their case, for, as any reasonable by-stander may observe, there are three grounds of this their proceeding: the one is, to fetch in delinquents, and such persons as are accused before them, to be legally tried in that highest court of the kingdom; the second is, to

defend the state from foreign invasion, who see more into the danger than we do; the third is, to preserve themselves and the country from the insurrection and rebellion of papists: and that this is lawful we prove by divers reasons, some drawn from nature, some from Scripture, some from the fundamental laws of the kingdom, some from the being of parliaments, and some from the common trust reposed on princes.

First, From nature. It is the most natural work in the world for every thing to preserve itself. Natural for a man to preserve himself, natural for a community; and therefore when a commonweale shall choose a prince, or a state-officer, though they trust him with their welfare, then that act of their trust is but by positive law, and therefore cannot destroy the natural law, which is self-preservation, *cum humana potestas supra jus natura non existit*,* seeing that no human power is above the law of nature.

Secondly, From Scripture. The word of God saith expressly, in 1 Chron. xii. 19, that David went out against Saul to battle; yet he was Saul's subject at that time, for the lord of the Philistines sent him away, saying, He will fall to his master Saul: which text I bring not to prove that a subject may take up arms against the king's person, 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, which because this of David is said to be against Saul, and that David's heart smote him for cutting off the lap of Saul's garment: the meaning, therefore, must needs be, that he went out in battle against those that attended upon Saul, strengthened by Saul's authority, notwithstanding Saul's command to the contrary. And in the New Testament, Rom. xiii. 1, we are commanded to be subject to the higher powers; now the parliament being the highest court of justice in this kingdom, as king James saith in his Basilicon Doron, must needs be the higher powers of England; though the king be supreme, yet they have the high power of declaring the law, as this Dr. Fearne confesseth, being most fit to judge what is law. They, therefore, declaring this to be the fundamental law of the kingdom, for the subjects to defend themselves by forcible resistance, notwithstanding the king's command to

* Jacob Almain de auth. ecclesie apud Gerson.

the contrary, it is the duty of all the subjects to be obedient to these higher powers.

Thirdly, From the fundamental laws of the kingdom. It is according to the fundamental laws of the kingdom, yea written and not unseen laws, that the parliament is trusted by the commonweale with the welfare and security thereof; whence I do reason 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 commonweale; then if the parliament be immediately trusted by the commonweale 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 prince is bound to look to the safety and welfare of the kingdom, as is agreed by all; and, therefore, he is bound to it, because he receiveth this power original, I speak not in opposition to God, but, I say, originally from the people themselves, as appears by the government of the judges and kings of Israel, which government, this Doctor saith, was monarchical, the best platform for England: for Judges viii. 22, "The men of Israel came unto Gibeon to make him their king;" and Judges ix. 6, "They gathered together and made Abimeleck their king;" and Judges xi. 8—11, "The people covenanted with Jephthah, and made him their king;" and as for Saul, though he was designed by God to the kingdom, yet the people themselves chose the kind of their government first, when they said, "Give us a king to rule over us, after the manner of the nations." After that God had anointed Saul, it is said, 1 Sam. xi. 15, "And all the people went to Gilgal, and there they made Saul king before the Lord in Gilgal." And as for David, though he was anointed king by Samuel, yet we find that he continued a subject unto Saul after that; and 2 Sam. ii. "He came unto Hebron, and there the men of Judah were, and there they anointed David king over the house of Judah," verse 4. After that he was thus anointed by Judah to be king over them, yet he did not rule over Israel till the other tribes, also, went out and made him king over them, 1 Chron. xii. 38. It is said that all these men of war came with a perfect heart to Hebron, to make David king over all Israel. And as for Solomon, though he was designed by God to the kingdom, yet it is said of him,

also, 1 Chron. xxix. 22, that "all the congregation did eat and drink before the Lord, and they made Solomon, the son of David, king the second time, and anointed him unto the Lord to be the chief governor." Solomon being dead, 2 Chron. x. 1, it is said of Rehoboam, that "he went to Shechem, where all Israel came to make him king." And in 2 Sam. xvi. 18, it is said thus: "And Hushai said unto Absalom, God save the king, God save the king. And Absalom said unto Hushai, Is this thy kindness unto thy friend, why wentest thou not with thy friend? And Hushai said unto Absalom again, Nay, but whom the Lord and this people and all the men of Israel choose, his will I be, and with him will I abide." So that we see that these monarchs, both of the judges and kings of Israel, were chosen and entrusted by the people, and had their power of governing from them. The parliament, also, is immediately trusted by the people and commonweale with the safety thereof as well as the king, though not to be king, for they are the officers of the kingdom, and therefore chosen immediately by the people, and not designed by the king: and this kind of officers was in David's time also; there were some officers then that were the king's officers, his cooks, his bakers, the steward of his house and the like. Others were the officers of the kingdom, called the elders, and heads of the tribes, which though they were under him, yet were they with him trusted in the affairs of the kingdom, whom therefore he did consult with in the great affairs of the state, 1 Chron. xiii. 1. Wherefore seeing the king is to look to the safety of the kingdom, and that because he is trusted therewith by the people, and the parliament are as well trusted by the people with the safety of the land, it is their duty in case of danger to look to it, which they are not able to do, and make good their trust, unless they have power to take up arms against an enemy when the prince is misled or defective.

Fourthly, From the being of a parliament. As it is a parliament it is the highest court of justice in the kingdom, therefore hath power to send for by force those that are accused before them, that they may come to their trial; which power, if I mistake not, inferior courts have, much more the highest. It is out of doubt agreed on by all, that the parliament hath a power to send a serjeant-at-arms to bring up such an one as is accused before them; and if they have a power

to send one serjeant-at-arms, then twenty, if twenty be accused; then a hundred, if there be a hundred accused; then a thousand, if there be a thousand accused; then ten thousand, if there be ten thousand accused; and so more or less as occasion serves: for there is the same reason for two as for one, and for four as for two, and for a hundred as for twenty, and for a thousand as for a hundred; and take away this power from the parliament and it is no longer a parliament: but the king and his forefathers have by law settled these liberties of parliament, and therefore, according to laws, they have a power to send for by force those that are accused to be tried before them, which they cannot do unless they raise an army, when the accused are kept from them by an army.

Fifthly, From the common trust reposed on princes, and the end thereof, which is to feed their people. Psalm lxxviii. 70, "He chose David his servant, and took him from the sheep-fold to feed his people, Jacob, and his inheritance in Israel." The end why the people have trusted the prince, is the safety and security of the kingdom, the safety and welfare of the state; not that the king might be great and the subjects slaves. Now if a people should have no power to take up arms for their own defence because they had trusted the prince therewithal, then by that trust they intended to make themselves slaves. For suppose the king will let in a common enemy upon them, or take his own subjects and make them slaves in gallies, if they may not take up arms for their own defence. because they had trusted their prince therewithal; what can this be but by their trust to make themselves slaves unto him?

The caution that is to be premised is this: notwithstanding all that I have said yet, I do not say that the subjects have power to depose their prince, neither doth our assertion or practice enforce such an inference.

But if the power of the prince be derived from the people, then they may take away that power again. I answer, it follows not, neither shall the people need to think of such an inference. Indeed if the power were derived from the people to the prince firstly, and that the people should be so strait-laced that they should have no power left to defend themselves in case of danger when the prince is misled, or unfaithful, then the people might be occasioned to think of

deposing their prince : but though the power of the prince be originally from them, yet if they have so much power left as in times of danger, to look to their own preservation, what need they think of any such matter.

Why but if the people give the power, then if abused, they may take it away also. I answer, no, that needs not, seeing they never gave away that power of self-preservation ; so that this position of ours is the only way to keep people from such assaults, whereby the power of the prince is more fully established : whereas if people were kept from power of self-preservation which is natural to them, it were the only way to break all in pieces ; for *Nullum violentum contra naturale est perpetuum*, no violent thing against nature is perpetual. Thus have I clearly opened our opinion, and proved our sentence, give me leave now to speak with the Doctor.

SECTION I.

THE Doctor saith, That in the proposition or principle, by the word resistance is meant, not a denying of obedience to the prince's command, but a rising in arms, a forcible resistance : this though clear in the question, yet I thought good to insinuate to take off that false imputation laid upon the divines of this kingdom, and upon all those that appear for the king in this cause.

Here the Doctor would insinuate in the very entrance of his book, that so he might the better *captare benevolentiam*, curry favour for the matter of his discourse following. That the divines of England are of his judgment. But if they be so, surely their judgment is lately changed : but indeed what divines are of his judgment ? not the divines of Germany, not the divines of the French Protestant Churches, not the divines of Geneva, not of Scotland, not of Holland, not of England.

Not the divines of Germany, who say thus :* Governors

* *Gubernato res ergo in iis rebus quæ cum decalogo et justis legibus pugnant nihil juris aut immunitatis habent præ cæteris hominibus privatis ; et perpretrantes id quod malum est coguntur tam metuere ordinationem Dei gladium prestante*

therefore in such things that 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 other private men, and they themselves commanding that which is evil, are as much bound to fear the ordinance of God, bearing the sword for the punishment of vice as other private men. For St. Paul saith, Rom. iii., 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, would be subject to this ordinance of God that is bound to do good, if they would be defended by this ordinance of God, and not by their wicked deeds, make themselves liable to punishment.

Not the divines of the French Protestant Churches; witness their taking up of arms for the defence of themselves at Rochelle.

Not the divines of Geneva: for Calvin in his Institutions, iv. 10, saith thus: For though the correcting of unbridled government be revengment of the Lord, let us not by and by think that it is committed to us, to whom then is given no other commandment but to obey and suffer; I speak alway of private men, for if there be at this time any magistrates in the behalf of the people, (such as in the time were the Ephori that were set against the kings of Lacedemonia, or the tribunes of the people against the Roman consuls, or the demarchy against the senate at Athens, and the same power, which peradventure as things now are, the three States have in every realm when they hold their principal assemblies) I do so not forbid them according to their office to withstand the outraging licentiousness of kings, that I affirm, if they wink at kings wilfully ranging over, and treading down the poor commonalty, their dissembling is not without wicked breach of faith, because they deceitfully betray the liberty of the people whereof they know themselves appointed to be protectors by the ordinance of God.

ad vindictam nocentium quam alii homines privati nam Paulus Rom. 13. docet Deum ordinasse et instituisse potestatem illam gladio defendendi bonum, et puniendi malum, et præcipit ut omnis anima (et sic ipsi gubernatores tali Dei ordinationi sit subjecta, hoc est obligat ad faciendum bonum si velit defendi ista Dei ordinatione et non obsua facinora impia puniri. Madgeburgensis Cent i. lib. 20.

Not the divines of Holland, for we know what their practice is towards the king of Spain.

Not the divines of Scotland, for Buchanan saith,* For I remember twelve or more kings among ourselves, who for their sin and wickedness were either cast into prison during their life, or else eschewed the punishment by banishment. But this is that which we contend for, that the people, from whom the kings have all that they have, are greater than the kings; and the whole multitude have the same power over them, as they have over particular men out of the multitude. Witness also their late taking up arms when they came into England, which by the king and parliament is not judged rebellion.

Not our English divines, whose judgment Dr. Willet was acquainted with as well as our present doctor, who saith thus:† Touching the point of resistance, certain differences are to be observed: for when there is an extraordinary calling, as in the time of the judges; or when the kingdom is usurped without any right, as by Athaliah; or when the land is invaded by foreign enemies, as in the time of the Maccabees; or when the government is altogether elective, as the empire of Germany; in all these cases then is least question of resistance to be made by the general council of the states; yet where none of these concur, God forbid that the church and commonwealth should be left without remedy, the former conditions, namely, those alleged by Pareus, observed, when havoc is made of the commonwealth, or the church and religion. Thus also Dr. Bilson,‡ whose book was allowed by public authority and printed at Oxford, speaks: If a prince should go about to subject his kingdom to a foreign realm, or change the form of the commonweale from empery to tyranny, or neglect the laws established by common consent of prince and people, to execute his own pleasure in these and other cases which might be named; if the nobles and

* Cap. iv. p. 457. Quod autem ad nos proprie pertinet possum enumerare duodecim aut etiam amplius reges qui ob scelera et flagitia aut in perpetuum carcerem sunt damnati, aut ex illo vel morte voluntaria justas sceletum poenas fugerant nos autem id contendimus populum a quo reges nostri habent quicquid juris sibi vindicant regibus esse potentiolem: jusqua; idem in eos habere multitudinem quod illi in singulos a multitudine habent.—Buchanan de Gub. Regni apud Scotos.

† Dr. Willet's Commentary on Romans xiii. q. 17.

‡ Bilson's True Difference between Christian Subjection and Unchristian Rebellion, p. 5, 251.

commons join together to defend their ancient and accustomed liberties, regiments and laws, they may not well be accounted rebels. And the title of that page is, The law sometimes permits resistance; and the margin is, In some cases the nobles and commons may stand for their public regiment and laws of their kingdom.

All which judgments of several divines, I do not bring forth as if I were of their minds for deposing or punishing of princes by the people, which we plead not for in hereditary princes, but to shew how the Doctor's judgment is different from the judgment of the divines of all protestant countries, notwithstanding he would insinuate that our divines of England are of his judgment. And that our judgment is no new upstart opinion, you see what was the judgment of the divines in the council of Basil, where one of them saith thus: That in every well-ordered kingdom it ought specially to be desired, that the whole realm ought to be of more authority than the king; which if it happened contrary, it is not to be called a kingdom, but tyranny. So likewise doth he think of the church, &c.

And presently another of the divines of the same council saith thus: For the pope is in the church, as the king is in his kingdom; and for a king to be of more authority than his kingdom, this were too absurd: ergo, neither ought the pope to be above the church; for like as oftentimes kings which do wickedly rule the commonweale, and exercise cruelty, are deprived of their kingdoms, even so it is not to be doubted, but that the bishops of Rome may be deposed by the church, that is to say, by the general council. Neither do I herein allow them which attribute so large and ample authority unto kings, that they will not have them bound under any laws, for such as do so say are but flatterers, who do talk otherwise than they think. For albeit that they do say that the moderation of the law is always in the prince's power, that do I thus understand, that when as reason shall persuade, he ought to digress from the rigour of the law: for he is called a king who careth and provideth for the commonweale, taketh pleasure in the profit and commodity of the subjects, and in all his doings hath respect to the commodity of those over whom he ruleth, which if he do not, he is not to be accounted a king, but a tyrant, whose property it

is only to seek his own profit. For in this point a king differeth from a tyrant, that the one seeketh the commodity and profit of them whom he ruleth, the other only his own: the which to make more manifest, the cause is also to be alleged wherefore kings were ordained. At the beginning, as Cicero in his Offices saith, it is certain that there was a certain time when the people lived without kings; but afterward, when land and possessions began to be divided, according to the custom of every nation, then were kings ordained, for no other cause but only to execute justice. For when as at the beginning the common people were oppressed by rich and mighty men, they ran by and by to some good and virtuous man, who should defend the poor from injury, and ordain laws, whereby the rich and poor should dwell together. But when as yet under the rule of kings the poor were oft oppressed, laws were ordained and instituted, the which should judge neither for hatred nor favour, and give like care unto the poor as unto the rich: whereby we do understand not only the people but the king to be subject unto the laws. Then the Doctor tells us, that he is against the arbitrary way of government. For, saith he, we may and ought to deny obedience to such commands of the prince, as are unlawful by the law of God, yea, by the established laws of the kingdom.

This reason doth no way destroy arbitrary government, but rather erect it. For government is not said to be arbitrary, because the subjects may deny in word, and so left to suffer; for then the Turkish government is not arbitrary. For when the great Turk commands his subjects to do any thing, if they will deny and suffer for their denial, they may and do sometimes deny their obedience. If there be laws whereby a king is to rule, which he shall command his subjects to break, and his subjects are neither bound to obey him nor suffer by him, then his government is not arbitrary; but if there be laws made, and he may enforce his subjects either to keep them or break them, and punish them at his pleasure that shall refuse; and the whole kingdom bound in conscience, to suffer whatsoever he shall inflict for not breaking those laws; then is his government arbitrary: for arbitrary government is that whereby a prince doth rule *ex arbitrio*; which he doth, when either there is no law to rule by but his

own will, or when he hath a power to break those laws at his will, and to punish the subject at his pleasure for not breaking them. And in truth this latter is rather an arbitrary government than the former, as it shews more liberty in the will, that it hath a power to act when reason persuades to the contrary, than if there were no reason dissuading, and else there should be no arbitrary government in the world. For no state but hath some laws whereby they rule and are ruled, even the very Indians; only here lies the arbitrariness of a government, that notwithstanding the law, the ruler may, *pro arbitrio*, force his subjects according to his own pleasure. Then the Doctor saith,

We must consider, that they which plead for resistance in such a case as is supposed, do grant that it must be concluded upon, *omnibus ordinibus regni consentientibus*, that is, with the general and unanimous consent of the two houses.

I answer, These words are ill translated; for *omnes ordines regni* may *consentire*, and yet there may not be an unanimous and general consent of the members of the two houses as of one man.

If so that the Doctor grant this to be our sentence, why then doth he object against us, that the christians in the primitive times did not take up arms for the defence of themselves against the emperors, seeing they had not the consent of all the orders of the empire, and therefore their case is nothing to our's, as he pretends afterward. But if they had the whole senate of Rome with them, the representative body of the empire, then their case had been more like unto our's, and then no question but they would have taken up arms for the defence of themselves.

Then the Doctor saith, We suppose that the prince must be so and so disposed, bent to overthrow religion, liberties, laws, &c.

Here he takes that for granted which was never given; but we say not that we suppose, but seeing and finding experimentally, that a prince is misled by those about him that would overthrow religion, liberties, laws; that then it is lawful to take up arms to deliver the king from them, and to bring them to condign punishment. Then he proceeds to propound three generals, which he endeavoureth to prove in his following discourse, which I shall speak to in order.

SECTION II.

The Doctor saith, that the principle is untrue upon which they go that resist, and the conscience cannot find clear ground to rest upon for making resistance; for it hears the apostle expressly say, "Whosoever resist shall receive to themselves damnation."

In this his resolving of conscience, he endeavours to scare those that are tender with the word of damnation, and forbids this resistance upon pain of damnation. But the word in the Greek is rather to be translated judgment and punishment; and as Piscator observes,* thereby is not meant eternal damnation, but the punishment of the magistrate in this life: as appears by the following words, which are given by the apostle as a reason of the former, thus: "They that resist shall receive to themselves judgment, for rulers are not a terror to good works but to evil."

Then he proceeds to some examples of Scripture, which are brought by us to strengthen our doctrine, wherein he takes what he pleaseth, and leaves out what he lists. The first example alleged is that of the people rescuing Jonathan out of the hands of Saul; to which he answers, The people drew not into arms of themselves, but being there by Saul's command, did by a loving violence and importunity hinder the execution of a particular, passionate, and unlawful command.

Here the Doctor grants that the people used a violence, which is that that we would prove; but he doth not make it out by that scripture that it was a loving violence, which is the thing he should prove. Neither is there any thing in that place which doth argue that he was delivered by love, for it is said that the people rescued him; and what is the rescue by men in arms but a violence? According to the Doctor's position, they should not have rescued him, but only have defended themselves by prayers and tears, and left Jonathan to suffer; and therefore though he grants but a rescue by loving violence, he gives away his cause in the threshold of his work.

* *Pœnam κριμα* sic malo quam condemnationem, puto enim hoc intelligendum de poena, quam infert magistratos, sicut verba frequentis declarant, et sic verbum κρινεσθαι accipitur pro punire. 1 Cor. vi. 11.—Piscator, Rom. xiii.; 1 Sam. xiv.

The second example alleged, saith the Doctor, is David's resisting of Saul; to which he answers, that David's guard which he had about him, was only to secure his person against the cruelty of Saul, who sent to take away his life.

Therefore according to his own grounds, a parliament may take up a guard to secure their persons against the cut-throats that are about a king, and this is more than prayers, or tears, or mere sufferings, which the Doctor only allows in the following part of his discourse.

Herein also he gives his cause, for if David's guard was to secure his person against the cut-throats of Saul, if sent to take away his life, as he says, they could not secure David, but by fighting against those messengers of the king; and if he grants that messengers sent by the king, may be resisted by arms, he grants all that his adversaries contend for.

The Doctor saith, this practice of David's, was a mere defence without all violence offered to Saul.

But what think you then of David's words which he used to Achish, in 1 Sam. xxix. 8: "And David said unto Achish, What have I done, and what hast thou found in thy servant, so long as I have been with thee to this day, that I may not go fight against the enemies of my lord the king?" Amongst which enemies were Saul and his cut-throats, as the Doctor calls them. But,

His adversaries desire no more from this instance of David, but an hostile defence; for where there is an hostile defence, though there be no blows given, yet the defender would strike if there were cause, else why is he in arms?

David also was but one subject; and if it were lawful for one subject to defend himself by way of hostility, much more for the representative body of the whole kingdom.

According to the Doctor's principles, David ought to have done no more than to have sought God with tears and prayers, and given up himself in a suffering way to the fury of Saul. And, therefore, though it were merely an hostile defence, yet it is more than his doctrine teacheth, and so in granting of this, he is contrary to what he says afterwards.

For the matter of Keilah, the Doctor answers our supposition, as he calls it, with his own saying: but whether David would have defended Keilah against Saul, I leave to the conscience of the reader, considering that this only is made the

reason of his removing from Keilah, because the men of Keilah would not be faithful unto him : for he did not inquire of the Lord whether it were lawful for him to abide in Keilah, but having inquired whether Saul would come down against him, and whether Keilah would deliver him up into Saul's hand ; he removed from Keilah, because the Lord answered him that they would deliver him up ; not because it was unlawful for him to keep the city, but because the city would be false to him.

And whereas the Doctor saith, that in all this the example of David was extraordinary, for he was anointed and designed by the Lord to succeed Saul ;

I answer, Though David was God's anointed, yet he was Saul's subject ; and though God did extraordinarily protect David, yet his extraordinary protection doth not argue that his practice was unlawful, but doth rather argue it to be more lawful and commendable : for God will not give extraordinary protections to unlawful actions, and if David's demeanour herein was extraordinary, then he had an extraordinary command for what he did. For it is not lawful for a man to step from God's ordinary way, but by some special commandment from God ; and if he had such a command, then how is that true, which the Doctor saith afterward, that there is no command in Scripture for such a practice or kind of resistance as this.

In the words immediately before, the Doctor saith, This practice of David was a mere defence without all violence offered to Saul ; and if so, how was his demeanour in standing out against Saul a work extraordinary ? If it were a work extraordinary, then it was not a mere defence without all violence, for that is an ordinary work of the subjects toward the king.

Then the Doctor comes to other examples of his adversaries, whereby they contend, as he says, for resistance, as that of the high priest resisting the king in the temple, and Elisha shutting the door against the king's messenger that came to take away his life ; to the first he says, that the high priest did no more than what every minister may and ought to do, if the king should attempt to administer the sacrament, that is, reprove him, and keep the elements from him.

But if that were all, the priests should not have been com-

mended for their valour, but their faithfulness: and, 2 Chron. xxvi. 17, it is said, that "Azariah the priest went after him, and with him fourscore priests of the Lord that were valiant men." In that they were commended here for valour, it shews that their work was not only reproof but resistance.

And whereas he says, That they thrust him out of the temple, because God's hand was first upon him, smiting him with leprosy, and by that discharging him of the kingdom also.

I answer, How does that appear out of Scripture, that the king's being smitten with the leprosy was an actual discharge from his crown?

Then the Doctor saith, Elisha's example speaks very little, but let us thence, saith he, take occasion to say, that personal defence is lawful against the sudden and illegal assaults of such messengers, yea of the prince himself, thus far, to ward his blows, to hold his hand, and the like, &c.

If you may ward his blows, and hold his hands, this is more than praying and crying and suffering.

Suppose the king hath an army with him, how can you hold an army's hands without an army? and therefore, according to his own words, it is lawful for the subjects considered state-wise, to raise an army to defend themselves.

But this instance of Elisha tells us, that messengers sent by the king to take away a man's life may be taken prisoners; is not that resistance? for Elisha said, "See you how this son of a murderer hath sent to take away my head? look, when the messenger cometh, shut the door, and hold him fast at the door," 2 Kings vi. 32.

Then the Doctor comes to answer a similitude of the body natural and politic, whereby it is argued, that as the body natural, so the body politic may defend itself: to which the Doctor answers, As the natural body defends itself against an outward force, but strives not by schism or contention within itself, so may the body politic against an outward power, but not as now, by one part of it set against the head, and another part of the same body.

Now, therefore, here the Doctor granteth that it is lawful for the natural body to defend itself against an outward force, and what is the militia for, especially, but against foreigners?

Then the Doctor distinguisheth betwixt a personal defence and a general resistance by arms. He saith, A person de-

fence may be without all offence, and doth not strike at the order and power that is over us, as general resistance by arms doth, which doth immediately strike at that order which is the life of the commonweale, which, saith he, makes a large difference betwixt Elisha's shutting of the door against the king's messenger, and their resisting the king by armed men.

But why was Elisha's defence personal? Because he was but one person that was defended. Then if one man defend himself against a thousand in arms, that is a personal defence; or was it personal because only the person of the prophet made defence, and had none to assist him? Not so, because he spake to the elders to shut the door and hold him fast. And if this act of Elisha was contrary to the king's command, why did it not as immediately strike at the order and power that was over him, as our resistance doth now? Indeed if the subjects as private men, strengthened with no authority, should gather together in a rude multitude to oppose laws and governors, then that work should strike immediately at the order and power and life of a state; but that the state should send out an army to bring in delinquents to be tried at the highest court of the kingdom, that justice and judgment may run down like water which hath been stanch'd up, is rather to confirm and strengthen the order and power of authority; and so it is in our case.

Then the Doctor proceeds to some scriptures, wherewithal he thinks to strengthen his opinion; let us follow him: First, saith he, we have the two hundred and fifty princes of the congregation gathering the people against Moses and Aaron, Num. xvi. 3, and perishing in their sin.

I answer, that Moses and Aaron had not neglected their trust; and our question is in the general, laying aside all respect to our sovereign, whether a prince neglecting his trust, and doing that through his bad council which may tend to the ruin of a state, may not by the whole state be resisted therein? Now see how extremely wide this instance is from this question.

First of all, the two hundred and fifty princes of the congregation were not the whole people, nor the representative body, nor any employed by the whole people.

Secondly, Moses and Aaron had not offended, but were innocent.

The Doctor answers, The other supposed they had him guilty, and that is enough, it seems.

It seems so indeed, by him, that supposals are enough to charge the parliament; but with us supposals are not enough to charge our prince.

The Doctor argues from 1 Sam. viii. 11, saying, There the people are let to understand how they would be oppressed under kings, yet all that violence and injustice that should be done unto them, is no just cause of resistance, for they have no remedy left, but crying to the Lord, verse 18.

In this scripture Samuel shewed them what their king would do, not what he should do; and when he saith at verse 18, "You shall cry out in that day because of your king which ye shall have chosen you, and the Lord will not hear you in that day." He telleth them not what should be their duty, but what should be their punishment; for he doth not say, Then shall you cry unto the Lord, and he shall hear you; as is the manner of Scripture when it enjoineth a duty to annex a promise of acceptance: but he saith, "You shall cry in that day because of your king, and the Lord will not hear you in that day;" setting forth the punishment of that their choice.

The Doctor saith, that according to Scripture the people might not be gathered together, either for civil assemblies or for war, but by his command who had the power of the trumpet, that is the supreme, as Moses was, Num. x.

I answer, The parliament hath sounded no trumpet for war but what the supreme power hath given commandment for. For the Doctor saith (Sect. I., p. 2), That in the established laws of the land, we have the prince's will and consent given upon good advice, and to obey him against the laws, were to obey him against himself, his sudden will against his deliberate will: so that if there be any established laws whereby the king hath given his former deliberate consent for the blowing of the trumpet that now sounds, then this objection is but a false alarm.

Now though I be no lawyer, and must refer you much to what the parliament hath said who are the judges of the law, yet thus much I can tell you, as consonant to right reason, that unless the parliament have a power to send for delinquents and accused persons to be tried in that highest court

of justice; I say, unless they have such a power, they are no parliament. The king hath often protested to maintain the liberties and privileges of parliament: now suppose a man be complained of to the parliament for some notorious crime, it is granted by all that the parliament hath a power to send a serjeant-at-arms for him, and if he refuse to come, that serjeant-at-arms hath power to call in more help; and if the delinquent shall raise twenty, or thirty, or a hundred men to rescue himself, then the parliament hath power to send down more messengers by force to bring up the delinquent; and if they may raise a hundred, why may they not, upon the like occasion, raise a thousand, and so ten thousand? And if the king shall protect these delinquents, that is by his sudden will, the Doctor saith, his deliberate will in the law is to be preferred before his sudden will; now this is the known law of the kingdom, and the constant practice of all parliaments, that they have a power to send for their delinquents; and indeed how else can they be a court of justice, if they cannot force the accused to appear before them? And therefore, according to the Doctor's own principles, the king's deliberate will being in his law, he himself hath sounded this trumpet, though by his sudden will, as he calls it, he is pleased to sound a retreat. For though the Doctor saith that the parliament takes up arms against the king, yet herein he doth but abuse them, mistake the question, deceive many.

The truth is, they do but in this army now on foot under the earl of Essex, send for those delinquents that have been obnoxious to the state; and to deny them such a power as this, is to deny them the very being of a parliament; for by the same reason that they may send one serjeant-at-arms for one, they may send one thousand for one thousand.

Then the Doctor tells us, that it is a marvellous thing, that among so many prophets reprehending the kings of Israel for idolatry, cruelty and oppression, none should call upon the elders of the people for this duty of resistance.

I cannot but wonder at the Doctor's marvelling: for what can be more plain than that text, 2 Kings vi. 32, "But Elisha sat in his house and the elders sat with him, and the king sent a man from before him, &c., but when the messenger came to him, he said to the elders, See how this son of a murderer hath sent to take away my head, look when the

messenger cometh, shut the door, and hold him fast at the door." The Doctor wonders if resistance were lawful, why no prophet should call upon the elders of the people for this duty of resistance, here is the prophet Elisha calling on the elders to imprison the king's messenger.

Then lastly the Doctor saith that scripture Rom. xiii, " Let every soul be subject to the higher power." and ver. 2, " Whosoever resists the power, resists the ordinance of God, and they that resist shall receive to themselves damnation," doth above all give us a clear manifestation upon the point.

Now therefore let us here join issue, and if this place which the Doctor makes the very hinge which all his discourse moves upon, be not clearly and fully against him, then let the consciences of men be satisfied in all that he says, but if it be against him, then let them reject all that he affirms.

He would prove from hence that it is not lawful for any man to resist with a forcible resistance the command of a king, though he command what is unlawful, because, says he, That this commandment was given unto the christians to be obedient unto Roman emperors whose commands were merely destructive to the christian religion, and those powers nothing but subverters of that which was good and just.

That there is no such thing commanded in this scripture I prove by these reasons.

Because the power that every soul is here commanded to be subject to, and not to resist, is that power which is not a terror to good works but to evil. The third verse being made a reason of the second, verse 2, saith, " Whosoever resists the power, resists the ordinance of God, and they that resist, shall receive to themselves judgment ;" then the reason is given : " for rulers are not a terror to good works, but to evil," verse 3., and therefore the subjection commanded, and resistance forbidden, is not in things that are unlawful, and contrary to the law of God. The power that we are commanded to be subject to, and not to resist, is the ordinance of God, and the minister thereof is the ordinance of God to us for good, verse 4., for so says the apostle, speaking of the ruler that we are to obey, " he is the minister of God to us for good : but when he commands a thing unlawful, and contrary to the law of God, he is not the minister of God to us for

good, therefore in this scripture there is no such thing commanded us to be subject to, and not to resist the ungodly command of princes.

And if it be said that though his commands are unlawful, yet he may be a penal ordinance of God for our good.

I answer, that in this scripture we are not commanded to submit unto a penal ordinance, because the submission enjoined here by the apostle reaches to all times and places; and all times and places have not their authority and government by way of a penal ordinance.

Therein the apostle commands us in this scripture to be subject, and not to resist, wherein the magistrates are God's ministers, but in unlawful commands they are not properly and actively God's ministers, though God may make use of them: though in regard of their place they may be God's minister, yet in regard of the thing commanded they are not; when they command things that are evil and contrary to law. Now so we are commanded to be obedient as they are in that action God's ministers.

“For this cause pay you tribute also, for they are God's ministers attending continually upon this very thing.” Ver. 6.

It appears by all the first verses of chap. xiii., that the subjection and obedience here commanded by the apostle is not passive obedience or subjection, but active; for the apostle having said, “Let every soul be subject to the higher power, and not resist,” verse 1, 2., he saith at verse 3, “Why wilt thou not then be afraid of the power, do that which is good,” and at verse 6, “For this cause pay you tribute also.” But if the king command any thing that is unlawful and sinful, the Doctor saith, we are to be subject only passively: therefore the subjection commanded, and resistance forbidden in the Scripture, not such as relates to the unlawful command of princes, as he affirms when the Roman emperor commanded things destructive to the christian religion, accordingly Hierom upon the place, *Ostendit apostolus in his quæ recta sunt iudicibus obediendum; non in illi quæ religioni contraria sunt.* And besides the Doctor himself confesseth, p. 11, That this prohibition was not temporary, but perpetual: therefore to reach unto those times, when the prince should command that which was good, therefore the subjection here commanded was active subjection, and not merely passive.

But the Doctor saith, he will free this place from all exceptions, and therefore he saith first, I may suppose the king supreme, as St. Peter calls him, or the higher power, as St. Paul here, though it be by some now put to the question.

And is it but now put to the question? What shall we say then of that speech of Dr. Bilson? By superior powers ordained of God, we understand not only princes, but all public states and regiments, somewhere the people, somewhere the nobles, having the same intrust to the sword that princes have in this kingdom: and from this place Rom. xiii., we are commanded to be obedient to those that are in authority. Suppose we be in some country where there is no king but states, doth not this Scripture command us subjection there also? How therefore by the higher powers here is meant only the king? The Doctor acknowledgeth that the parliament is the highest court of justice in the kingdom; and the highest court of justice must needs fall within the compass of these words, the higher powers: unto which, by virtue of this commandment of the apostle we are to be obedient. How then is this true which the Doctor saith, That by the higher power is meant the king only or supreme, in opposition to the parliament.

But I prove it, saith he. For St. Peter's distinction comprehends all that are in authority, the king as supreme, and all that are sent by him, 1 Pet. ii. 13, in which latter ranks are the two houses of parliament, being sent by him, or sent for by him, and by his writ sitting there.

Calvin* and other interpreters herein is contrary unto the Doctor, who saith thus; Those that refer the pronoun *him*, to the king are much deceived: for this is that common reason, whereby the authority of all magistrates is commanded; because they do rule by the commandment of God, and are sent by him: by him, being referred to by God by other interpreters, and to the king with the Doctor.

Then the Doctor saith secondly: In this text of the apostle it is said, all persons under the higher powers, are ex-

* Nam qui pronomen (cum) ad regem reserunt multum falluntur. Estigitur hoc communi ratio ad commendandam omnium magistratum autoritate quod mandato Dei præsumunt et ab eo mittuntur unde sequitur quem admodum et Paulus docet Deo resistere qui ab eo ordinata non se obedientur submitunt. Calvin in 2 Pet. i. 13.

pressly forbidden to resist; for, whosoever, in verse 2., must be as large as the, every soul, in the first.

That which the Doctor aims at in these words, is to make the whole parliament subject unto the king. And who denies them to be the king's subjects; and that as men, and Englishmen, they should not be subject unto the king? But if he means, that as a parliament, they should be subject to enact and do whatever he commandeth, then how is that true which he saith in pages 25, 26, That there is such an excellent temper of the three states in parliament, there being a power of denying in each of them: for what might follow if the king and lords without the commons, or these and the lords without the king, might determine, &c. Or if he means, that as a parliament jointly considered, they are to submit passively unto the unlawful commands of the king, and that passive obedience is commanded, only here in this Rom. xiii, then this is to straiten the text, as never any yet hath straitened it: neither indeed can any conscience think, that when the apostle commands us to be subject unto the higher powers, his meaning is only by way of suffering in his unlawful commands, and not by way of obedience in his lawful commands.

The Doctor saith, That the Roman state might challenge more by the fundamentals of that state, than our great council, he thinks, will or can.

But what then? Is it not therefore lawful for the subjects now to resist the higher power commanding things unlawful, because the apostle commanded there that we should not resist the higher powers in things that are lawful? Herein lies the Doctor's continued mistake: he thinks this command of the apostle was given to the christians to be obedient to Nero in his unlawful commands; whereas the apostle's command in this place reaches to all times, and is made to all that are christians: although they did live under Nero, yet it does not follow, that the apostle commanded them to be subject to him in unlawfuls. If indeed Nero's commandments were only unlawful, and this direction of the apostle was made only to the christians in those times, and that the subjection commanded were only suffering subjection, then this scripture might make much for his purpose. But though Nero was an enemy to the christians, yet some of his

commandments were lawful; and this direction of the apostle was not made only to the christians in those times, but as a general rule for all good men: and the obedience and subjection here commanded, was not only to be passive, but active, which I have proved already, wherein I also appeal to the Doctor's own conscience whether that this scripture doth not command active obedience and subjection to the prince, and therefore his interpretation thereof is exceeding wide, and his argument null.

Then the Doctor saith, If it be replied that that prohibition was temporary, and fit for those times, as it is said by some whom he answers;

I answer, that the Doctor here makes his own adversary, and fights with him. Many other answers he refutes also, it being not in my purpose to make good every pamphlet, but to satisfy men's consciences: only I cannot but here take notice, that the Doctor professes against arbitrary power, or such as conquerors use, as he did, (Sect. I.) profess, that he was much against arbitrary government. But I wish the Doctor would be pleased to consider his own principles, as he delivers them in these papers: for he says: That the Roman emperors were absolute monarchs, and did indeed rule absolutely and arbitrarily, and that they did make themselves such absolute monarchs by conquest. Then he says, This crown of England is descended by three conquests. And therefore, if one conquest is a reason for the arbitrary government of the emperor, he cannot but think, though he conceal his mind, that his government also ought to be much more arbitrary.

What else remains in this section, I have either spoken to it already, or shall more aptly in the following discourse.

SECTION III.

THE Doctor saith, That for the proving this power of resistance there is much speech used about the fundamentals of this power; which because they lie low and unseen by vulgar eyes, being not written laws, the people are made to

believe that they are such as they that have the power to put new laws upon them, say they are.

Herein he turns the metaphor of fundamentals too far, as if because the fundamentals of a house cannot be seen, therefore the fundamental laws cannot be seen; which are not therefore called fundamental, because they lay under ground, but because they are the most essential upon which all the rest are built, as fundamental points of religion are most seen, and yet fundamental.

He says, these fundamentals are not written laws. The parliament say they are, and produce several written laws for what they do. The Doctor and those that are of his sense say, they are not: who should the people be ruled by in this case, but by the parliament, seeing the Doctor himself saith, none are so fit to judge of the laws as they?

Then the Doctor saith, Those that plead for this power of resistance, lay the first ground-work of their fundamentals thus; The power is originally in and from the people; and if when by election they have intrusted a prince with a power, he will not discharge his trust, then it falls to the people: or, as in this kingdom to the two houses of parliament, the representative body of this kingdom, to see to it: they may re-assume the power. This is the bottom of their fundamentals, as they are now discovered to the people.

We distinguish, as he doth, the power abstractively considered from the qualifications of that power, and the designation of a person to that power. The power abstractively considered, is from God, not from the people: but the qualifications of that power, according to the divers ways of executing in several forms of government, and the designation of the person that is to work under this power, is of man: and therefore the power itself we never offer to take out of God's hand, but leave it where we found it. But if the person intrusted with that power shall not discharge his trust, then indeed it falls to the people, or the representative body of them to see to it; which they do as an act of self-preservation, not an act of jurisdiction over their prince. It is one thing for them to see to it, so as to preserve themselves for the present, and another thing for so to re-assume the power, as to put the prince from his office. As for example, suppose there be a ship full of passengers at the

sea in the time of a storm, which is in great danger to be cast away through the negligence and fault of the steersman ; the passengers may for their own present safety, that they may not all be cast away, desire the steersman to stand by, and cause another to stand at the stern for the present, though they do not put the steersman out of his office. And this is our case: we do not say that the prince not discharging his trust, the people and parliament are so to re-assume the power, as if the prince were to be put from his office ; which the Doctor not distinguishing thus, would obtrude upon us ; but only that the prince being abused by those that are about him, whereby the charge is neglected, the people, or representative body, may so look to it for the present, setting some at the stern, till the storm be over, lest the whole suffer shipwreck. And herein the Doctor does exceedingly wrong us, disputing against us, as if we went about to depose our king, which we contend not for, nor from these principles can be collected.

Then the Doctor saith, That however the fundamentals of this government are much talked of, this is according to them, the fundamental in all kingdoms and governments ; for they say, power was every where from the people at first, and so this would serve no more for the power of resistance in England than in France or Turkey.

If it be the fundamental in all kingdoms, and governments, then it seems it does not lie so low, and unseen, as the Doctor said before, because all the world sees it.

Whereas he saith, This will serve no more for power of resistance in England, than in France or Turkey : he seems to insinuate that France and Turkey have no such power of resistance : but who doth not know that the protestants in France are of this judgment with us and practice ? witness that business of Rochelle.

Then the Doctor saith, We will clear up these two particulars, whether the power be so originally, and chiefly from the people as they would have it ; then whether they may not upon just causes re-assume that power ; and saith, first of the original of power which they would have to be so from the people, as that it shall be from God only by a permissive approbation.

If the Doctor takes power for magistracy itself and suffi-

ciency of authority to command or coerce in the governing of a people abstractively considered, as distinguished from the qualification of that power, according to the divers ways of executing it in several forms of government, and the designation thereof unto some person, then I do not believe there is any man in the parliament, whom the Doctor especially disputes against, or of those who write for them, that hold that the power is from the people, and by permission and approbation only of God; neither can they: for in that they contend so much for the parliament, it argues they are of opinion that authority and power in the abstract is from God himself: and for the designation of a person, or qualification of the power according to several forms of government, the Doctor himself grants it in this Section to be the invention of man, and by God's permissive approbation.

Then the Doctor comes to prove this by three arguments, That power as distinguished from the qualification thereof, and designation is of divine institution.

Wherein he might have saved his labour in those three arguments, for none doth deny it: yet we will examine what he saith in the arguments: he saith, That the apostle speaks expressly, "that the powers are of God," Rom. xiii. 1, "and the ordinance of God," verse 2, by which power he understands the power itself of magistracy as distinguished from the qualifications thereof or designation of any person thereto.

And if so, how is that true which he saith before (Sect. II), where he saith, that the higher power in Paul, Rom. xiii., is all one with the king as supreme, 1 Peter ii. 12; whereas he confesseth, that the government of a king or prince is the qualification of the power? so doth the apostle himself, calling it, *ανθρωπινη κτισει*, a human constitution.

If by power here, Rom. xiii., be understood magistracy and authority itself in the abstract, then when we are commanded to submit thereunto, the meaning cannot be that the christians in those times must submit to the unlawful commands of the emperor, as the Doctor would have it before, seeing the way of governing by an emperor or prince, is but the qualification of the power; surely if by power we are now to understand magistracy and authority itself in the abstract, then all that is commanded in Rom. xiii. to submit thereunto, is to acknowledge a magistracy, and then all the Doctor's arguments, and

his strength whereby he would prove that we may not make forcible resistance to unlawful commands, from Rom. xiii., falls to the ground.

Then the Doctor tells us, in the same argument, This power is called an ordinance of man, subjective; wherein he lays this distinction, that power is considered two ways, either as it is subjective amongst men, and so it is *ανδρωπινη κτισις*, or else as it is considered causaliter, and so it is *απο Θεου*, of God.

But this is too strait, for it is called *ανδρωπινη κτισις*, not only because it is amongst men, but it is *ανδρωπινη κτισις*, a human constitution, in four respects: 1. Because it is so causaliter, the form of several governments, being an invention of man. 2. Subjective, because it is amongst men. 3. Objective, because it is busied about men. 4. Finaliter, because it is ordained for man and the commonweale, yet power itself is the constitution and ordinance of God.

Then the Doctor proves, that the power is of God, because the magistrate is called the minister of God, Rom. xiii. 4.

But here he slips from the power itself to the person designed to the power; for the power itself is not called the minister of God, which was the thing he undertook for to prove.

And so in this third argument, where he saith to the same purpose, speak those other places: By me kings reign; I have said ye are gods: yet he confesseth, that the forms of government by kings and emperors is an invention of man, in the first argument.

But now suppose the Doctor had proved that the power, abstractively considered, is of God's institution; and had granted that the qualifications of this governing power in several forms of government, and the designation of the person thereto be of man; what hath he gotten from or gained upon his imagined adversary? For suppose that his adversary should say, that they may depose their prince, if he neglect his trust, (which is not our case,) because that his power is originally from them; how doth that which the Doctor hath said, weaken this argument? For though he hath proved that the power of itself is from God, yet having granted that the forms of that government, and the designation of a person thereto, is from the people, they may as well urge and say, therefore we may alter the government, and may depose the

person, because he was of our designing, as well as they might have argued so, if the power itself had been from themselves.

Then the Doctor saith, The imputation is causeless which the pleaders on the other side do heedlessly and ignorantly lay upon us divines, as if we cried up monarchy, and that only government to be *jure Divino*.

To let pass reproaches, how can we think otherwise if we should believe all that the Doctor saith? For he proves that the power mentioned, Rom. xiii., is *jure Divino*, and yet he saith (Sect. II.), that the higher power there, is all one with the supreme, or king, in Peter. But this, with the nature of monarchial government, we shall come to consider more aptly in that which follows.

The remaining part of this section is but to prove that the power itself is of God, that the qualification and designation was firstly of man, which we all grant.

SECTION IV.

Now we come to the forfeiture, saith the Doctor, of this power: If the prince, say they, will not discharge his trust, then it falls to the people, or the two houses, the representative body of the people, to see to it, and to re-assume that power, and thereby to resist. This they conceive to follow upon the derivation of power from the people by virtue of election, and upon the stipulation or covenant of the prince with the people, as also to be necessary in regard of those means of safety which every state should have within itself. We will examine them in order.

Herein he doth charge us with this opinion, that we hold it lawful for the people to re-assume their power, in case the prince dischargeth not his trust; making the world believe that we contend for deposing of kings, or that the parliament goes about such a work as that is; for what else is it for the people or parliament to re-assume their power from the prince? whereas we desire all the world should know, that we now take up arms as an act of self-preservation, not endeavouring or intending to thrust the king from his office,

though for the present the state sets some under the king at the stern, till the waters be calmed, as we said before.

Then the Doctor saith, Concerning the derivation of power, we answer, if it be not from the people, as they will have it, and as before it was cleared, then can there be no re-assuming of this power by the people.

How doth this follow? for all that the Doctor had cleared before was this: that power, abstractively considered, was from God, not from the people. Now let us see whether the clearing of that will bring in such a consequence as this, that there can be no re-assuming of this power by the people. If it will enforce such a consequence, then the syllogism is this: If power and magistracy and authority itself be of God, and the forms of government and designation of persons be of man, then there can be no re-assuming of this power by the people. But the power itself and magistracy is of God, the forms of government and designation of persons is of man, saith the Doctor (Sect. III). Therefore there can be no re-assuming this power by the people, saith the Doctor (Sect. IV).

Will not his imagined adversaries easily deny the sequel? indeed if he had proved that neither the power, nor the qualification, nor the designation were of man but of God, and cleared that first, then he had taken that argument from his adversaries; but seeing he hath granted that the ways of government and designation of persons to be of man, though he hath proved the power itself of God, sure he hath no way stopped the course of their arguments or practice against whom he disputes.

Then he comes to shew the inconsequence, and saith, If the people should give the power so absolutely as they would have it, leaving nothing to God in it but approbation, yet could they not therefore have right to take that power away, for many things which are altogether in our disposing before we part with them, are not afterward in our power to recal them.

He supposeth we go to take the power away from the prince, which we do not, as hath been said.

There is a difference between disposing of things by way of donation or sale, and disposing of things by way of trust: true, those things which we dispose of by way of donation or

sale are not afterward in our power to recal, as they were before the donation or sale; as if a man give his child land, or sell land to his neighbour, it is not in the power of the father or neighbour to recal or dispose of the land as before the donation or sale. But if a thing be disposed of by way of trust, then if the fiduciary or trusted shall not discharge his trust, it is in the power, at least of the trusting, to look to the matter himself; as in case that a steward be trusted with a man's house. And thus when any government is set up in a land by a people, they trust the governor, they do not give away their liberties or rights, but trust them in the hand of the governor, who if abused that he do not perform his stewardly trust as he should, the people, or representative body, as an act of self-preservation, I do not say as an act of jurisdiction, are to look to it. Neither herein do they so re-assume their power, as to take away any thing which they gave to the king, but so as to actuate that power which they always had left in themselves, as the power of self-preservation.

Then the Doctor saith: Although it were as they would have it, that they give the power, and God approves, yet because the Lord's hand also and his oil is upon the person elected to the crown, and then he is the Lord's anointed, and the minister of God, those hands of the people which are used in lifting him up to the crown, may not again be lifted up against him, either to take the crown from his head, or the sword out of his hand.

If this be true, then princes that are merely elective, and not hereditary, and whose coming to the crown is merely pactional, cannot be deposed by the people, for they are the Lord's anointed, and the ministers of God; and this is contrary to the Doctor himself, who in this same section saith thus: Although such arguments (speaking of the forfeiture of the prince's power in the next line before) may seem to have some force in states merely elective and pactional, yet can it never be made to appear by any indifferent understanding, that the like must obtain in this kingdom. And to this purpose, saith the Doctor, P. Paræus excuseth what his father had written, on Rom. xiii., in the point of resistance; that it was to be understood of elective and pactional government, and

when the government is elective and pactional, are not the princes the ministers and the Lord's anointed?

Then the Doctor saith: How shall the conscience be satisfied that this their argument grounded upon election, and the derivation of power from the people, can have place in this kingdom, when as the crown not only descends by inheritance, but also hath so often been settled by conquest in the lines of Saxons, Danes and Normans?

I answer, How can the conscience be satisfied in that which the Doctor writes in this his book, where he acknowledgeth, in this section, that it is probable, indeed, that kings at the first were by choice here as elsewhere; and in Sect. V. saith, that the forms of several governments, whereof principedom is one, are from the invention of man, and so by derivation from man?

The Doctor's great design, I perceive, by his frequent touching this matter, is to make our king a king by conquest; for (in Sect. III.) he saith, God's vicegerents here on earth came into their office either by immediate designation, the election of the people, succession and inheritance, or by conquest; now he cannot say that our king came in by immediate designation, and he doth not say that our princes lay claim to the crown by virtue of their election, and if by inheritance, then by the right of an election or by conquest; for by mere inheritance a man hath no more than what those first had whom he doth succeed, inheritance being but the continuation of the first right upon the children; the right of election he doth disclaim, and of derivation of power from the people, therefore the right that he makes our prince to have to the crown is only the right of a conquest: then if any man's sword be longer or stronger than his, he may quickly have as much right to the crown as the king; which opinion of the Doctor's for my own part I must abhor from; what danger will it not expose our dread sovereign to? Did not Athaliah reign as a conqueress six years; and who knows not that she was lawfully thrust from the throne again by a stronger hand than her own; mere conquest being nothing else but an unjust usurpation? And if the conqueror rule the whole kingdom, and keep them under by conquest only, why may not the subject rise and take up arms to deliver them-

selves from that slavery? Thus doth the Doctor open the door to greater resistance than those that he disputes against.

Though a prince should hold his right by conquest as the next right, yet if he hold it also by derivation from the people as the remote right, and the last be the more natural and just way; then arguments grounded on that remote right may be more valid, than those that are grounded on the next right. But thus it is with our prince, who although he doth succeed the conqueror, yet doth also take in the voluntary and free consent of the commonweale unto his crown, which a mere conqueror doth not, but rules without the consent and against the good liking of the people.

Then the Doctor saith, We tell them the Roman emperors were not to be resisted; they reply that they were absolute monarchs: was it any other way than by force and arms, the way that the Saxons, Danes and Normans made themselves masters of this people? Now in these words we see the Doctor's mind plainly, that he contends for an arbitrary government; for he saith, page 11, that the emperors did rule absolutely and arbitrarily, and here he saith, How came they of subjects to be absolute monarchs? was it any other ways than by force and arms? the way that the Saxons, Danes and Normans made themselves masters of this people, in whose right and lines, he saith before, the crown descended upon our king. What can be more plain than this for an arbitrary government? It seems the Doctor was conscious to himself that herein he had discovered himself, and therefore he says this: I speak not as if the kings of this land might rule as conquerors: but that will not heal it.

Then the Doctor comes to the matter of capitulation, or covenant, or oath, which the prince taketh to confirm what he promised; which, saith he, are so alleged, as if the breach or non-performance of the prince's part, were a forfeiture of his power. But we answer, saith he, the words capitulation or covenant, are now much used, to make men believe the king's admittance to the crown is altogether conditional; whereas our king is king before he comes to the coronation.

Herein the Doctor mistakes us: for though we acknowledge a covenant, yet we cannot be so weak as to think that any breach of the covenant is a forfeiture of the king's power, for then the best man could not be king long; but we

first affirm a covenant, for though the kings of Israel were monarchs, and immediately designed by God himself to their office, and so one would think there should be no need of their coming to the crown by a covenant, yet to shew the necessity of this oath and covenant, when they came to their crowns, they also took an oath, and entered into covenant with the people to protect their rights and persons. 1 Chron. xi. 3. We say that this mutual covenant betwixt the king and the people, binds the king to the people, as well as the people to the king; and that therefore it is as well unlawful for a king by force to oppress his subjects, and to take up arms against them, as for the subjects to take up arms against him.

That hence it follows that the king's power is limited.

From this covenant and capitulation we say, thereby it appears that the people do commit a trust to the king: which,

If he doth neglect, as he doth not always forfeit his power, so neither are they to forfeit their right of looking to themselves for the present. And therefore all that the Doctor says, that we urge the covenant and capitulation so much, as if our king were a conditional king; and that which he brings to prove that he is a king before coronation, is needlessly urged against us: for we say and speak plainly, that though the right that our king hath to the crown, is firstly by derivation of power from the people, yet he hath his right by inheritance, and is not such an elective king as is chosen for a time, and his life, if he rule well; and so his right to end in himself, but to continue upon his posterity: for the people do derive their power two ways, either so as to choose a man into office for his life only in case he rule well, and so our king's predecessors were not brought to the crown; or so as to commit the trust of the state unto him, to descend upon his posterity, which when his posterity comes to, hath both a right of election and inheritance; it being the right of inheritance as it is left by their forefathers, and the right of election in regard of its principle from whence it flowed: and thus we do estate our king in his throne, hereby establishing him more sure therein, and than the opposite opinion of conquest doth.

Then the Doctor tells us, that though the king do break

his covenant, or not make performance thereof, yet a forfeiture of his power doth not follow from thence: for, saith he, could they in this covenant shew us such an agreement between the king and his people, that in case he will not discharge his trust, then it shall be lawful for the states of the kingdom by arms to resist, and provide for the safety thereof, it were something.

To which I answer, we do not press the forfeiture of the king's power upon non-performance of covenant, but we say this, that the end of his trust being to look to the kingdom, though there be no such words expressed in the covenant or agreement betwixt the king and his people, that in case he shall not discharge his trust, then it shall be lawful for the state of the kingdom by arms to resist, and to look to their own safety: their safety being the end of this trust, and *ratio legis* being *lex*, in reason that must be implied. There is a covenant stricken between a man and a woman at marriage: when they marry one another, it is not verbally expressed in their agreement, that if one commit adultery, that party shall be divorced; and yet we know that that covenant of marriage carries the force of such condition. What follows in this section is either a repetition of what was before, or what in substance we have answered already.

Only at the last the Doctor moveth this question, What then if the prince take to himself more power, or not perform what he is bound to? and answers, Then may the subjects use all fair means as are fit to use: cries to God, petitions to the prince, denial of obedience to his lawful commands, denial of subsidies, &c., but are left without all means to compel by force or resistance.

The subjects are considered two ways: socially; severally.

Severally, as private men; and so it hath been taken for granted, that in case of oppression the subjects have used no arms but tears and prayers. Before this parliament, how many oppressions were there upon the people, both in their estates and in God's worship, by those who had unduly gotten authority from the king; and yet we saw no forcible resistance made, but every man quietly subjecting himself under that suffering condition.

Socially and jointly; and so there is other remedy for the subjects than only prayers and tears, and that the subjects

are considered in this posture wherein now we are, professing that we take not up arms as we are private men barely, but as subjects united and joined in the representative body of the kingdom, which never yet was counted unlawful by any divines, as I have shewed before.

SECTION V.

THE Doctor comes unto that which he calls our last reason, the safety of the kingdom, where he saith, first, that we have many weapons sharpened for this resistance at the Philistines' forge, our arguments being borrowed from the Roman schools, as he saith.

But there is much difference between us and the papists in this particular. For, the papists contend for the lawfulness of deposing kings, which we do not. The papists plead for a power to depose a prince in case that he turn heretic, which we do not; for we hold, that though a prince may leave and change his religion, the subjects are not thereby excused from their allegiance. The papists do not only hold it lawful to depose and thus to depose their prince, but to kill him also; yea, that a private man invested with the pope's authority may do thus: all which we abhor from. Why, therefore, should the Doctor charge us thus, and make the world believe that we favour the popish doctrine in this particular? But as the parliament's army is scandalized by the adversaries, saying, There are many papists in their army to help on their designs; so is our doctrine scandalized by our adversaries, saying that we make use of popish arguments to strengthen our opinion. But the truth of this we leave to all the world to judge of.

But to prove this, the Doctor saith further, that by this reason the pope assumes a power of curbing or deposing kings, for that if there be not a power in the church, in case the civil magistrate will not discharge his trust, the church hath not means for the maintenance of the catholic faith, and its own safety.

But what likeness is there between that of the papists and this of our's? The papists saying, the church hath a power

of preserving its own safety, and therefore the pope may depose; we say the kingdom hath a power to preserve itself, and therefore if the king neglect the trust, the state for the present is to look unto it. And as for the matter of the church, we turn the Doctor's argument upon himself, thus :

If the church cannot be preserved where the officer is an heretic, unless the church have a power to reject him after once or twice admonition; then cannot a kingdom have a power to preserve itself, when the officer is unfaithful, unless the kingdom have a power either to depose him, or to look to their own matters until things be better settled. But the church hath excommunication granted to it by Christ himself, for its own preservation; neither can we conceive how a church can preserve itself from evils and errors, unless it have a power to cast out the wicked officers. As in the body natural it cannot preserve itself, unless nature had given it a power to deliver itself from its own burdens; therefore the commonweale also, by the like reason, cannot have a power to preserve itself, unless it have a power to deliver itself from its burden. But in case that an officer be unfaithful, we do not say that it is lawful for the kingdom to depose him, therefore it may be lawful for themselves, socially considered statewise, in time of danger to help themselves. Neither herein, as the Doctor would, do we appropinquate to the Romish doctrine, for the papists from this power of the church, do infer a power unto the pope, and not unto the church or community.

The Doctor asks us this question by way of his next answer: If every state hath such means to provide for its safety, what means of safety had the christian religion under the Roman emperors, in or after the apostles' times; or the people then enslaved, what means had they for their liberty: had they this of resistance? Tertullian in his apology, says thus: The christians had number and force sufficient to withstand, but they had no warrant.

The question is wrong stated, it should have been made thus, If any state hath such means to provide for its safety: what means of safety had the Roman state under the Roman emperors, when as he doth say, what means of safety had the christian religion under the Roman emperors? christian religion, and the state are two different things.

In the primitive times the christians indeed had none of this power of resistance, nor warrant for it, as Tertullian speaks, because the Roman state was not with them: but suppose that the Roman senate or parliament had stood up for them, and with them, the representative body of the whole empire (and this is our case, not as the Doctor lays it), then, would not the christians have made resistance for their own defence? No question but they would, and would have known that they had warrant therein; who may not see that hath but half an eye, the vast difference between the condition of the christians in the primitive times, and ours? they not having the state to join with them, they not being the representative body of the empire, as it is now with us; yet this objection maketh a great outcry, and there is some thread of it runs through the Doctor's book, but how easily it may be cut, let the world judge: there being no more likeness between our condition and the condition of the primitive christians, than between the condition of private men whom the whole state doth move against, and the condition of people whom the state is with.

The Doctor replies: That though the senate of Rome were against the christians of those times; yet if the people have the first right, and all power be from the people, that people must rise up and resist, because the senate did not discharge the trust, and so it will be in this state, if at any time a king that would rule arbitrarily, should by some means or other, work out of the two houses the better affected, and by consent of the major part of them that remain, compass his desires, the people may tell them they discharged not their trust, they chose them not to betray them, or inslave them; and so might lay hold on this power of resistance, for the representative body claims it by them.

Concerning the senate of Rome, and the people of the Roman empire, we say that though the emperor and the senate had been for the destruction of the christians, yet if the whole body of the empire had jointly risen for the christians, I make no question but that many of those that died, would so far have resisted that they would have saved their own lives; but the emperors and senate being against them, and the body of the empire jointly considered, not rising for them: it is true indeed, they had no warrant to make

resistance, but to suffer as they did. This is none of our case.

Whereas the Doctor saith, both here and afterward in this section, that if upon our grounds the king will not discharge his trust, that therefore it falls to the representative body of the people to see to it; then the people having this power, may also say, if the members of the two houses do not discharge their trust committed to them, they do not that which they were chosen and sent for, and then may the multitude by this rule and principle now taught them, take the power to themselves.

I answer, that there is not the same reason why the people should be so ready to think that the parliament do neglect their trust, being they are very many chosen out of the whole kingdom for their faithfulness, approved every way for their goodness and wisdom; whereas a prince may be born to the crown, and so by virtue of his inheritance may rule, though he be known to be vicious; as also because it is received by all the kingdom that we ought to be governed by laws, and the people all know that the parliament are better able to judge of the law than the prince is; as also because the people do actually elect and trust the parliament men with the present affairs of the kingdom. Now though the prince indeed be trusted by the commonwealth with their affairs in our forefathers, whereunto the people do now consent, yet there is not that actual election or designation of him unto the present affairs of the kingdom, as there is of the parliament men chosen for these particular businesses; as for example, suppose that a people do chuse their minister, trusting him with all the great affairs of their souls, and there doth rise a controversy between neighbours, wherein they choose an arbitrator to umpire the businesses, though these two parishioners that have fallen out, have formerly trusted their minister with all the affairs of conscience, yet they do not so readily stand to his verdict, by reason of the general trust, as to the verdict of those arbitrators whom they have now actually chosen for this business; neither can they in law or reason so easily revoke or renounce the sentence of arbitrator, whom they have chosen to this business, as the sentence of their minister whom they have trusted in the general; so in this case of ours, though the king be in-

trusted by our forefathers and us with the general affairs of the kingdom, yet the parliamentary men are actually elected and designed by the people for the present affairs of the kingdom; and therefore the people take themselves bound to stand to their arbitrement: neither can they think, that they are at the like liberty to renounce their arbitrement and sentence, as they are for the denial of their prince's commandment.

I say, There is not the same reason that the people should recal their power from the parliament, in case the parliament should prove unfaithful, as there is they should see to things in case the prince be misled: I say, there is not the same reason, though both the parliament and prince have both their power originally by derivation from the people, because that the derivation of power from the people unto the prince, is not made the sole reason by those that the Doctor disputes against for this their resistance, but the authority that they are clothed with; whereas if a people upon surmises that the parliament do not perform their trust, should call in their trust and their power, then they should have left themselves naked of all authority, and should be private men; but now that they look to themselves in this time of danger, and in that sense do re-assume their power which they have derived to their prince, they are still led on by authority.

The Doctor answers, that we cannot expect any absolute means of safety and security in a state.

I answer, Neither do we expect it, though this be granted which we desire, or that granted which he contends for.

Then he saith, that there is an excellent temper of the three estates in parliament, there being a power of denying in each of them, and no power of enacting in one or two of them without the third; for what might follow if the king and lords without the commons, or those and the lords without the king might determine, the evils of these days do shew; so is this power of denying for the security of each state against other.

This both the Doctor and I must leave to the judgment of those that know the laws and the liberties and the privileges of all three estates.

Further, he saith, that now not only the name of parliament, which implies the three estates, is restrained usually to the two houses, but also that temper is dissolved.

I answer, It was always so, that the parliament was made distinct from the king, in ordinary speech, saying, The king and his parliament. When the parliament is mentioned alone, it may include the king, but when the king and parliament are mentioned together, the speech can intend no more than the two houses. As when the body is mentioned alone, it includes the head and the members; but when the head and the body are mentioned together, then the body doth not include the head.

Again, that the Doctor saith, this trust of the three states is dissolved, I conceive it is a scandalous charge, and so I leave that to others.

Then the Doctor saith: If it be replied, as it is, for the reasonableness of this means of safety through that power of resistance, and that many see more than one, and more safety in the judgment of many than of one: I answer, saith the Doctor, true; but conscience might here demand for its satisfaction, why should one hundred in the house of commons see more than three hundred; or twenty in the lords' house more than sixty that are of different judgment, and withdrawn?

I answer, If there be three hundred of the house of commons withdrawn, and but an hundred left; and sixty of the lords' house withdrawn unto twenty: if indeed there be so many gone away, why did they not come all this while, and carry things by a vote, and the controversy had been now at an end? Then could it never have been said to the people, that the parliament are against the king; then might the three states have all joined together, and there had been no further question.

Again the Doctor answers, that the prince though one, sees with the eyes of many, for which his houses of parliament are his great council, to present to his eyes the differences of things, with the reasons of them.

This needs no other answer than that which follows in the Doctor's own words, where he saith, that the king sometime dissents from the major or prevailing part of the parliament, so that he may see with their eyes, and see other things than they do, and be of different judgment from them. And if he may see with other men's eyes that are of different judgment from him, because they do present to his eyes the

difference of things, with the reasons of them, then may the houses of parliament also see more than he does, because the difference of things, with the reasons of them, are presented to them also.

Then the Doctor descends to prove that monarchical government is the best, and that God made choice to set up that still, first in Moses, then in the judges, then in the kings.

But how come we to this discourse, to compare monarchy and aristocracy; and to say that monarchy is better government than aristocracy? Doth it follow from the word *True*, which the Doctor hath said to that proposition: Many see more than one, and more safety in the judgment of many than of one? But seeing he is pleased to say, The government which God made choice of to set up among his people was monarchical still, first in Moses, then in the judges, then in the kings; let us now diligently observe that monarchical which God made choice of. If Moses, the judges and kings were all monarchs, and monarchy the best government, then,

The best government is such, where the people have the free choice of their governor, for so they had in the time of the judges: chap. xi. 5, “ And it was so, when the children of Ammon made war against Israel, the elders of Israel went to fetch Jephthah out of the land of Tob; and they said unto Jephthah, Come and be our captain, that we may fight with the children of Ammon. And Jephthah said unto the elders of Gilead, If ye bring me home again to fight with the children of Ammon, and the Lord deliver them before me, shall I be your head? And the elders of Gilead said unto Jephthah, The Lord be witness betwixt us if we do not so according to thy word. Then Jephthah went with the elders of Gilead, and the people made him head and captain over them,” ver. 11. Thus we see that that government which the Doctor calls the best, and set up by God, is such, when the people have the choice of their king, and the derivation of his power is from them, as I have proved at large, in the preface, to have been in the judges and kings of Israel.

Then the best government is that where the king and people strike a covenant at his coronation; which covenant the king is bound to observe: neither doth his covenanting with the people make him no monarch, for David was a mo-

narch, yet David “made a covenant with the elders of Israel, and so they anointed him king over Israel,” 1 Chron. xi. 3.

Then the best government is such, also, where the prince doth advise with his people and elders, doing no great matter in state or religion without their consent, and with their consent doing. So David, 1 Chron. xiii. 1: “And David consulted with the captains of thousands and hundreds and every leader; and David said unto all the congregation of Israel, If it seem good unto you, let us bring again the ark of the Lord our God unto us: and all the congregation said that they would do so, for the thing was right in the eyes of all the congregation.” So that the people having an agency in the great affairs of the kingdom, is no way repugnant but consistent with monarchial government, or the government appointed by God himself.

Then, also, is the best government appointed by God, such as doth carry along with it a lawfulness for the subjects to take up arms, and make forcible resistance for their own security, and safety of the commonweale, against their monarchs, when cause requireth: for did not the people sometime in Israel take up arms against some of the judges? and did not David, though yet a subject to Saul, take up arms and make forcible resistance? It is said expressly, 1 Chron. xii. 18, 19, “Then David received them, and made them captains of the band, and there fell some of Manasses to David; when he came with the Philistines against Saul to battle.” The Doctor said before in his treatise, that David took up arms only in his own defence. But do these words note no more? Only I press them thus far, as may shew a lawfulness for the people to take up arms in a way of forcible resistance against the king’s commandment, when the danger is imminent; which we find agreeable to the best government, set up by God himself, as the Doctor acknowledgeth.

Again the Doctor answers, that such power of resistance will be no means of safety to a state, but rather a remedy worse than the disease; which he proveth from Rom. xiii., which I have answered already, and from some reasons, this power of resistance, if admitted and preserved, may proceed to a change of government.

To which I answer, that if several forms of government be of human constitution, as the Doctor speaks, why should we

think that they are utterly unalterable, as the laws of the Medes and Persians?

But this principle of ours cannot boil up to that height, for we only say, that when the prince shall neglect his trust, the people are to see to it, and contend not for deposing.

Again he saith, This power of resistance is accompanied with the evils of a civil war.

I answer, No, but therefore we are afflicted with civil war, because some people are misled from their own natures to take up arms against their own country. Civil war is from the cause thereof. Now the parliament calls for arms only to defend the country: these make the civil war that are against the country's defence.

He saith, again, There is danger in this power of resistance; for then, if the people be discontented, and have gotten power, they may say, The members of the two houses do not discharge their trust; and so by this rule take up the power to themselves, and so all rapine and confusion brought into the kingdom.

I answer, There can be no such inference made from this principle of ours, for the people do all acknowledge that we are to be governed by laws, and that, as the Doctor saith, the parliament is the judge of what is law: the people do acknowledge, according to truth, that the parliament hath the declarative power, or the supreme power of declaring the law; the king doth not profess this, but rather the contrary, that he is no lawyer, nor skilled in the laws. The parliament do profess it, and the people acknowledge them to be so; and therefore there is not the same reason that they should take their power to themselves, in case that the parliament should neglect their trust: for why should the people take that power unto themselves, should it be according to law? The parliament will then tell them, that they have done that which is according to law, wherein they confess, that the two houses have the power of declaring. But now if the prince shall neglect his trust, and the people take a power to look to themselves in times of danger, by way of forcible resistance; the prince cannot say, when the parliament is against him: The supreme power of declaring law doth agree my course to be lawful. So that you see there is not the same reason of both.

And whereas the Doctor saith, That upon the like reason,

if the parliament shall neglect their trust, the people may call in their power. How can the people think that the parliament doth any thing contrary to the law of the land, when the parliament are the judges thereof, and the people confess so; and therefore the Doctor may be out of fear for this matter.

The Doctor saith, That seeing some must be trusted in every estate, it is reason that the highest and final trust should be in the higher and supreme power, and that he should have the best security, who is worth ten thousand of his subjects.

I answer, Therefore the people do trust the king and his parliament, who are the highest power and court in the kingdom: and if the greatest and best security should be about the king, because he is worth ten thousand subjects, then surely the kingdom itself should have the best security, because the king is ordained for his kingdom.

In fine, the Doctor presses the oath of supremacy, allegiance, and the last protestation upon the conscience, and wishes men here to consider their power of resistance, and taking up of arms is contrary thereto; in which he saith, We swear and protest to defend the king's person.

And thus we do by taking up of arms: for what man is there that considers things rightly, may not easily perceive, that if the popish party should prevail, which are either about the king, or of his armies, I say, who may not easily think, if they should prevail, that either our king must be a rank papist, or a dead man? Who knows not, that if the papists get the upper hand, though now they cry out for supremacy, supremacy, that either they will force the king to another supremacy, or else quickly make a hand of him? Is it not their opinion? What better service therefore can a true subject perform to his majesty's person, then by force of arms to deliver him out of the hands of those spoilers that lie in wait for his precious soul? In the oath of supremacy we swear him our sovereign to be supreme in opposition to the pope, or any other particular person. How does our doctrine or practice infringe this? In the oath of allegiance we swear to be his liege subjects according to law, and that which we do is so. And in our protestation we protest to maintain the king's person, the parliament's privileges, the

subjects' rights, and our religion : if we do not take up arms in this time of popish insurrection, how can we with good conscience say, that either we defend the king's person from the violence of papists, which, according to their own doctrine, we know shall be made upon our king, or the privileges of parliament, whose power is to send for delinquents, and those that are accused before them, even by force to bring them unto their trial ; or the liberty of subjects, who have this given by nature to defend themselves, or the truth of our religion, which notwithstanding all flourishes, we have seen such invasions made upon, and now in our conscience under more hazard ; because those that are opposite unto it, do profess to defend it : whereupon I presume that every good man that maketh conscience of his ways, considering these things, will not be backward to advance this public design. And though the Doctor be frequent with his damnation both in this section and in others, charging men from this resistance upon pain of damnation ; yet a settled conscience will be no more scared with the Doctor's damnation, than with the cavalier's, God damn us.

SECTION VI.

Now the Doctor comes to the application of all in these two last sections, in which I intend not to trace him into all that he says ; the application of all being left unto what men see and know experimentally ; yet something I must say unto these Sections. In this sixth he tells us that we do not walk up unto our own principles, which are, as he saith, that our resistance must be *omnibus ordinibus regni consentientibus* : that is, as he translates it, agreed upon and undertaken by the general and unanimous consent of the whole states.

But is this a good and true translation of the words ? The Doctor may know that when the matter comes to a scrutiny in the regent-house the matter is to pass with the consent of the regents, non-regents and heads of the university : and though all do not unanimously as one man consent yet it may be *omnibus ordinibus consentientibus*.

But he saith, How shall conscience be persuaded that this

resistance was agreed upon by an unanimous and free consent of the states; for saith he, he that knows how the militia, in which this resistance chiefly began, was brought in, with what opposition especially in the lords' house and by what number that at length was voted: also how the like proceedings was voted since, how that a vote passed by a few upon the place, though it have the power and condition of a vote, for the formality of law was not passed in full assemblies, cannot be persuaded in conscience that this is such an unanimous, free and general consent as makes the judgment of the whole kingdom.

To the which I answer, that by the like reasoning, there is no act of parliament or law, shall be of any force; and he may as well question any law that is made; for when was there ever any law made, which all did unanimously as one man consent to? By the constant law of the kingdom, though there be not so many in either house which have been present at these late affairs of the kingdom, it is to be acknowledged for an act of parliament, and so the judgment of the whole kingdom.

Then he tells us, That we do not walk up to our second principle, namely, that our resistance must be merely defensive, for, saith he, those that are first in arms cannot be upon the defensive part, page 22, and then page 21, saith he, Who were first in arms? He that can number the succession of months and weeks in his almanack, may decide this, he shall find that armed men were thrust into Hull, the militia set up, &c.

To which I answer, If those that are first in arms cannot be on the defensive part, then surely David's act was not mere defence, as the Doctor saith before: for we find in Scripture, that David and his men were gotten into arms before that Saul followed him: surely the Doctor's almanack hath not all the months in it, for he begins his account only at the business at Hull, whereas before that, the king came in hostile manner unto the parliament, gathered forces about Windsor, but this must be left unto men's eyes, and experienced knowledge, it being matter of fact.

Then the Doctor, I know not how, comes to inquire into the cause of these arms, wherein after some flourishes, he saith, Would any man have defended the revolt of the ten

tribes, if Rehoboam had promised to conserve their liberties? Saying, further, What shall we then generally think of this revolt from allegiance, which hath possessed well near ten tribes of the twelve, and yet in page 21, he tells us of a vote passed by a few upon the place, that this work of resistance is not carried on with a general and unanimous consent, and yet here he saith, ten tribes of twelve are for it.

In examining the causes of this war, and resistance, the Doctor saith, To speak truth, religion and liberties can be no other than the pretences of this war, the king having fortified them with so many acts of his grace passed this parliament, that they cannot be in that danger that is pretended for the raising of this war: it must be something that his majesty indeed doth deny, for which the contention is raised; which we shall find to be his power of arms, his power of denying in parliament the government of the church, and the revenue of it, which he is bound by oath to maintain, as by law they are established.

This is a very bold assertion and scandalous to charge a parliament in the face of the world with hypocrisy: but how doth this agree to the Doctor's own principles, who doth declaim against men for their uncharitableness, in not believing the king's protestations? Is this then no uncharitableness in him, charging the houses with pretending one thing, and intending another? Is not conscience as well bound to be charitable, and to believe the protestations of the parliament, as those papers that come out in the name of the king; and hath the parliament and houses carried themselves so unworthily and basely, that under pretence of religion, we should think they gape after the revenues of the church? Oh, where is this man's charity? And if the king be bound by oath, as the Doctor saith, to maintain the government of the church as by law established, yet he is no more bound by virtue of that oath to maintain that government than any other law of the kingdom; and as for other laws, if the king and parliament, think fit to repeal them, they may, yet without breach of the king's oath: so in this also.

Then the Doctor comes, in page 25, to open himself somewhat more freely concerning the government of the church by bishops: where he saith, That it is such a government

which the church always had since the first receiving of the christian faith in this land, and of all other governments simply the best, the abolishing whereof the king hath reason by power of arms to divert.

To which I answer, that if the Doctor look into the story of queen Mary's time, he shall find, that suffering protestant churches, which by reason of persecution were fain to lie hid in London, were governed by elders and deacons: that is simply the best government of the church which is chalked and ruled out by the Scripture, as the Doctor will confess. And if this government be so, I wonder that those that are so much for it, should be of that judgment, that there is no particular form of church government laid down in the word; which judgment they must needs be of, unless they will hold, that the government of other churches is sinful, and contrary unto the word, which they are loth for to do. And truly if this government be simply the best, the best hath the worst success; for there is no government in all the churches of christendom, that hath had so many sects and schisms, or occasioned so much separation from the churches of Christ, as this hath done. There are many sects and divisions in the Low Countries, but none of them departing from the protestant church there, by reason of the church government or discipline, but by reason of doctrine.

Let any man but seriously consider the protestant churches in Switzerland, France, Holland, Germany, Scotland, and he shall easily observe, that there is no such separation or division made from the churches, by reason of the church government established in them, as hath been here in England, by reason of this diocesan government. And if any man shall say, this bad success here is rather to be imputed to the wickedness of the governors, than the corruption of government; why should he think that the governors in England are more wicked than in other protestant churches, if the government itself did not give scope to their wickedness? And if the government of diocesan bishops, be of all governments the best, we wonder that Christ and his apostles should not appoint it: surely they appointed some government in the church; and what they appointed was *jure divino*, and so best: whereas this was never counted *jure divino*, until of late. But if this government be simply the

best, it will abide trial in its due time and place : but that it should be so good, as that the abolishing thereof, the king hath reason by power of arms to divert, this is strange. Now the Doctor shews himself, that he had rather the kingdom should be embrued in a bloody war, than episcopacy should be put down ; and that will stir up the king to an unnatural civil war for the upholding of that order. Judge ye, oh, all Englishmen, whether it be better for you to have this order taken away, than for the whole kingdom to lie embrued in their own gore ?

In the conclusion of this Section the Doctor complains, that the king's spear and cruse, and necessary ammunition, and provisions, are taken away ; not restored, though often demanded ; contrary, saith he, to the example of David, who having taken the spear and the cruse from Saul his king, restored them again before they were demanded. 1 Sam. xxvi.

But though Saul's spear was restored before it was demanded, yet not before Saul had humbled himself to David, saying, " I have sinned ; return, my son David, for I will no more do thee harm ; because my soul was precious in thine eyes this day : behold, I have played the fool, and have erred exceedingly," ver. 21. Whereupon David arose, and said, ver. 22, " Behold the king's spear, let one of the young men come over and fetch it." Neither is mention here made of restoring the cruse. Some other things the Doctor hath in this Section, wherein he doth rather charge than prove ; but men's knowledge may sufficiently answer to those things.

SECTION VII.

IN this last Section the Doctor tells us, that though conscience could be persuaded that it is lawful to make a defensive resistance, yet it can never be persuaded that the king is such as the people must be made to believe he is : for indeed it concerns all such as will resist upon the principles now taught, to render their prince odious to his people, under the hateful notions of tyrant, subverter of religion and laws, a person not to be trusted, or at least as one

seduced to such evil designs, by wicked counsels, that he will bring in popery, that he will not stand to his promises.

I answer, These are sad charges, but how groundless God and the world knows. Who may not see how tender the parliament hath been of the king's honour? Therefore they have not been willing to believe that those declarations that came out in his name, are his own. Therefore they charge all that is done, on his counsellors, not on himself; herein being fully like unto David, who though Saul came out against him, yet did he not impute that unnatural war unto Saul himself, so much as unto those that were about him, saying unto Saul, "If the Lord hath stirred thee up against me, let him accept an offering; but if they be the children of men, cursed be they before the Lord: for they have driven me out this day from abiding in the inheritance of the Lord," 1 Sam. xxvi. 19. Therefore also, when the parliament hath written any thing that might in the least measure reflect upon his majesty, I have observed that they never did write so, but to vindicate and to clear themselves from some aspersions first cast upon them; and when they did write so, like Shem and Japhet, they took a garment and went backward; desiring rather to cover than to behold any nakedness in our dread sovereign. And woe be unto them from the Lord, but I will not curse them with the curse of Cham, who put his majesty upon such actions, whereby any nakedness should be discovered.

Then the Doctor comes to the examination of those fears and jealousies which have possessed the people, which he saith are raised on these grounds: report of foreign powers to be brought in, the queen's religion, the resort of papists to his majesty, his intercepting of means sent for the relief of Ireland. To which he answers, that the report of foreign invasions, given out to keep the people in a muse, the easier to draw them into a posture of defence, are discovered in time to have been vain. But, saith he, if there be now any foreign aid coming towards the king, (as all christian kings cannot but think themselves concerned in this cause,) it will be just for him to use them against subjects now in arms.

To which I answer, that it doth not appear that our fears were vain, because foreign invasion hath been prevented; for we may rather think that therefore we have not been invaded by

foreigners, because the parliament hath been vigilant both by sea and land to prevent them. But who doth not see that so far as lies in the Doctor, he doth invite foreign forces into the land, and so stir up other princes for to send them, and our king for to use them? Whether this be agreeable to an English divine, or an English subject, I leave to be judged.

Then he saith, the queen's religion is no new cause.

To this I say nothing, but leave it, being matter of fact, to the judgment of eyes that have seen actions, whether there be no more cause of jealousy now than at her first entrance.

And, for the resort of papists, and the king's entertaining them, the Doctor strengthens the intrust of it with that example of David: We may see, saith he, what manner of men were gathered to David in his distress, and how Ziba was rewarded.

To which I say this only, how can the Doctor make it appear, that those that were gathered to David, were men of another religion from David, and of such a religion that by the state was counted rebellion, who also by the state was to be disarmed? Which if the Doctor does not make good, this instance is nothing to our case.

And, for the matter of Ireland, I leave that wholly to the parliament's declarations, who without doubt know the proceedings of those better than this Doctor; and what conscience enlightened will not rather rest for satisfaction upon parliamentary declarations, than upon this Doctor's assertion in this matter.

The other things in this Section are mostly matter of fact, and therefore I must refer them to men's sense. Only I cannot but observe, how in all things the Doctor clears the king, and casts dirt upon the parliament, but still with this cunning, when he hath laid the greutest aspersion upon them, he retracts in these words: I speak not this to cast any blemish upon the wisdom of the great council. Like as before, when he had said what he could, or happily dared, for the king's ruling by conquest, he comes oft with this kind of speech: This I speak not as if the kings of the land might rule as conquerors. And this is an ordinary sleight, when men have preached against purity and holiness, with as much bitterness as they can, then they think to come off in this or the like manner: God forbid that I should speak against

purity and holiness. But let him in God's name clear the king in what he may, as we are all bound to do as far as we can; but can he not clear his majesty without such foul aspersions cast on the parliament? of whom he saith thus, page 30: Men are highly concerned to consider, whether they also that are the main directors of this resistance, do discharge this trust they are called to? Whether to divest the king of the power of arms, and to use them, be to defend his person, right and dignity? Whether the forcing of the subjects' property to the advancing of this resistance, and the imprisoning of their persons for denial, be the maintaining of the right and privilege of the subjects? Whether the suffering of so many sects to vent their doctrines, and to commit such insufferable outrages upon the worship of God, with such licentiousness, be a defending of religion, and the established worship of this church?

These are foul charges upon the parliament. How can the Doctor say: I enter not this discourse to cast the least blemish upon the parliament. Well, "Blessed is the man that condemneth not himself in that thing which he alloweth." The Doctor confesseth, that man to be subject to higher powers, and that we are to submit to them. He confesseth also, that the parliament is the highest court in the kingdom, and it ought to judge what is the law. They having therefore judged this resistance to be lawful, if the Doctor shall resist this their declarative power, saying, it is not law, and cast such dirt and reproaches upon them, doth he not condemn himself in the thing which he alloweth?

But in this last clause of his book, he summons conscience to answer upon pain of damnation; and I make no question, but when men shall have seriously considered his book, the verdict that conscience will bring in, will be this:

As in the sight of God, I have perused this treatise of his, and I find it injurious to the king, to the parliament, to the divines of this kingdom, to the other subjects, and to the treatiser himself.

To the king, for hereby he is put on and exasperated against his parliament and subjects, further engaged in this war, and encouraged to take the assistance of papists, who if he conquer by their means, what protestant good subject doth not bleed to think what will become of him?

To the parliament, being charged with the blood that is spilt in these wars, with the miseries of Ireland, with the schisms and sects of this kingdom, with open hypocrisy, pretending one thing and intending another.

To divines, all whom he makes to be of his judgment.

To the subjects, denying to them the liberty given them by God and nature, and the fundamental laws of the kingdom, and calling in foreigners upon them.

To the treatiser himself, who hath needlessly embarked himself in a bad cause.

And lastly, to the Scripture and God, and his great officer on earth, conscience: the Scripture being wrested, God dishonoured, and the conscience deceived.

Now the Lord grant that whilst we speak of conscience, we may in all things make conscience of our ways, for *multi conscientiam habuit ad iudicium, non ad remedium*. As concerning the king, "Give the king thy judgments, O God, and thy righteousness unto the king's son." And as concerning the two houses of parliament, "Let the mountains bring grace unto the people, and the little hills thy righteousness." Let the king and queen and people praise thee, O God, yea, let all our England praise thee.