THE

POWER

OF THE

CIVIL MAGISTRATE

In matters of RELIGION,

VINDICATED.

The Extent of his Power determined.

In a SERMON preached before the

First PARLIAMENT on a

Monthly Fast day.

By

The late faithfull and laborious servant of

Christ, Mr. STEPHEN MARSHALL, B. D.

and Minister of the Gospel for many yeers in Finchenfield,

but the two last yeers of his life in Ipswich.

Published by G. FIRMIN Minister in Shalford,

With Notes upon the Sermon.

Isa. 49:23. And Kings shall be thy nursing fathers, and their Queens
thy nursing mothers, &c.

Isa. 60:12. For the Nation and Kingdom that will not serve thee
shall perish, &c.

London, Printed for Nathaniel Webb, and William Grantham, at
the sign of the Black Bear in St. Pauls Church yard, near the little
North door. 1657.
To the Worshipful

JOHN MEADE Esquire,

dwelling in Finchingfield

in Essex.

Sir,

The exceeding love you bare to this Author [your dear friend and faithful Pastour] together with that respect which your love unto me hath Commanded from me, have caused the Dedication of what was his, and what is mine unto you. The Subject [though it may be not so profitable to you] is of great concernment in our dayes, wherein the old Serpent to the end he might have free passage for the Doctrines of Divels, hath by the mouths and peac of men Cryed downe the Civil Magistrates power in matters of Religion; which Stratagem of his may it prevail [and I wish it had not prevailed too much] then as Mr. Cotton Faith, Rejoyce ye Heretike, Idolaters, Seducers, go on Answ. to bloody and make bacock of the Sheep of Christ like ravenous Text c. 33. wolves, you may now doe it [impune] without fear or danger.

It had been well if this Author could have been prevailed with, to have published his many Spiritu-
THE EPISTLE

tuall and practicall Sermons upon Prov. 4:23, in which worke and Preaching of Christ he took most content: I know boath your selfe and others urged him to it, and could he have wrought with his hand (by writing) as he could with his head and lungs, we had enjoyed them: A labourer he might well be called, few such Labourers hath he left behind him: we say men cannot worke that doe not eate, but he could worke when for many weekes (yea monthes) he could not eate, his worke was meate to him, a Christian was his profession, and Christianity was his practice: Booke, he told me never taught him to preach Christ, but yet how well acquainted was he with Christ, his Sermons declared, and that excellent sentence of his when we were discoursing with him about his death at your house. I cannot say as he, I have not so lived that I should now be afraid to dye, but this I can say, I have so learned Christ that I am not afraid to dye. Faith he preached, by Faith he lived, by Faith he died; he answered the Apostles exhortation to Timothy, 1 epift. Cap. 4, 12. Be thou an example of the Believers in Faith, &c. amongst all his other graces, this Gemme did shine most gloriously: what you have lost by the removal of such a friend you know best: I know he was an Instrument by whom the Lord conveyed much Comfort unto you in your pilgrimage: yet this is some comfort, that while you had him, the Lord gave you a heart to improve him, and so improved him, that I doubt not what is said of Abel in ano-
other case He being dead yet speaketh; it may be Heb. xi. 4. laid of Mr. Malse, though he be dead, he yet speaketh to you. It will not be long, but the people of God shall be freed also from this evil [which our honoured friend was wont to say, was one of the greatest outward evils]: the loss of friends: you are hastening, and in a good way [I doubt not] to that place, where you shall meet with your dear and Christian friend again, and with many others gone before you; the Lord hath kept you hitherto steady, sound, unshaken, in these times, holding fast to the old truths, [which I esteem an honour in these days]: hold there still [good Sir], for they must stand in stead when we come to dye. I shall add no more, but crave your acceptance of what I have presented.

Subscribing myself

Your Servant,

GILES FIRMIN

To
To the Reader.

I have heard it reported since this reverend author died, that on his death-bed he charged his Executors that none of his Notes should be printed: If any thing should say to me, Why do you publish these? I answer. First, These Notes I had from himself, and I know as perfect as any be bash left behind him. Secondly, I told him while he was living, if he would not publish his Sermon, I would publish what Notes I had. The reason why he would not publish his Sermon, was this, because in some things [especially in his 4th Argument to prove the Magistrates power] he differed from some other Divines, which might Occasion some to write against him, and for him to Reply [writing being to him a most tedious work in his health, much more in his sickness] he would not do it; but that reason being now taken away, I have taken this liberty to publish his Notes. Though they are but short, yet they contain the Substance of the Doctrinal part of his Sermon, which was preached in the Parliament House on one of the last Monthly Fast days, and gave great Content to the soundest part, professing they never heard so much before. For the application of his Doctrine, I did not desire it, the Doctrinal part [upon such a Subject as this] being the maine.

For the other Notes which I have added, I hope the Reader will not judge them either impertinent or uselese, considering our times: I took Counsel of such, whom I know to be godly, judicious, and learned, before I would publish them, and they willing me to it, I have presented them to your View, and Committed them to the Lord for his blessing.
THE CIVIL MAGISTRATES POWER IN MATTERS OF RELIGION PROVED.

1 Tim. 2. 2.

That we may lead a quiet and peaceable life in all Godliness and Honesty.

The Observation is this.

When Civil Magistrates themselves are brought to the knowledge of the truth, they will make it their great care, that the people of God under them may live a peaceable life in all Godliness and Honesty.

It is the end why the Apostle exhorts the Saints to pray for them, and it is to be believed that God would not direct his people to beg for that in order to their office, which doth not belong unto their office.

Objection. True, if any will be Godly, the Magistrate must provide that they may live peaceably and quietly, as if men be married, learned, &c. the Magistrate must provide, that such may live quietly: this is the meaning and no more.

Answer. Will any lay the same of the Second, viz. Honesty, that if men will be honest, the Magistrate must provide they may live peaceably? Is it not true [who dare deny it] that the Magistrate is bound to provide that men live happily in estate?
The Civil Magistrates Power

matters of the second table? to make laws about it and see to the execution of them: why then must he not provide for Godliness, under the first table; the Holy Ghost had joined them both together in the Text.

Caution. I mean not when Magistrates are Godly, then they must be in, to do this as if it were not their duty, or they had not power before [Domum non fundatur in granis] but he is not qualified to Cause it is before.

The married man converted, is bound to endeavour the Conversion of his wife and children, he will now seek it; being converted he is qualified for it, but it was his duty to seek the spiritual good of his wife and children before. So here.

In the Doctrine, are three parts of the Magistrates duty.

First, Publicke peace, 2. That the people live in honesty.
3. Godly. The two first there are none have doubted of, but the third is the question of our times. To make way to it, I shall lay down this Conclusion as the Foundation of what shall follow.

That, Civil Magistracy is a Divine Institution: therefore,
First, God hath appointed some to rule; and some to obey.
Secondly, He hath given them rules about their Laws, that they be conformable to his mind.
Thirdly, In the Execution of them the Magistrate is God's Vice-gerent.

Fourthly, He is accountable to God for his Office.

This Foundation being layd, Two Questions will here arise.

1. Q. Whither the Lord hath Committed to these Magistrates the Care of Religion?
2. Q. If so, what be hath committed to them in that behalfe?

To the first I answer affirmatively, and thus I prove it.

First out of my Text: he must take care that is people live in all Godliness. To whom the End is committed, to him the Media are Committed; none can deny this; if godliness the End, then all the means to this end he must take care for.

Secondly,
Secondly, From all the examples in the Old Testament; Why Magistrates under the Old Testament should be types more of Christ in matters of Religion [belonging to the first Table] than in matters of justice [belonging to the second Table], I know not. [Non distinguendum est ubi Scriptura non distinguat] Whatever colour they turn for the Kings of Israel, David, &c. who in some things were types of Christ; yet this cannot be said of the Heathen Kings, Cyrus, Artaxerxes, for whose care in this matter the Church blessed God, Ezra 7. 27.

Though we infer not that Magistrates under the New Testament, are bound to do in every particular as they did; yet as they did set up the worship of God, and all means tending to godliness under the Old Testament, so must ours now set up the worship of God and the means tending to godliness under the New Testament.

Thirdly, I prove it from Gospel-promises under the Old Testament of Magistrates what they should be under the New Testament, Isa. 49. 23. And Kings shall be thy nursing fathers, &c. to Isa. 60. 10. And their Kings shall minister unto thee. Now if God promise that Magistrates shall be such nursing fathers, then they ought to endeavour to be such. To which may be added the exhortation to Kings, Psalm 2. and Psalm 24. As Kings, they must open the gates to Christ.

Also the threats against such as will not serve the Church, Isaiah 60. 18. For the Nation and Kingdom that will not serve thee, shall perish; yea those Nations shall be utterly wasted.

Fourthly, Because Jesus Christ as Mediator, hath the Kingdom and the power; He is head and ruler over all for the Churches good, Epb. 4. 22. Therefore all being under him, must be subervient to him and his ends, Prov. 8. 15. 16. By and Kings reign, &c. which is meant of Christ, v. 23. I was set up from everlasting. The Hebrew word is the same with Psalm 2. &. I have set [anointed] my King. Unlus, regnum inauguratus sum, Princeps constitutus sum.

Fifthly,
Fifthly, From the fourth Commandment: Thou, nor thy son, nor thy daughter, nor the stranger. Every one that hath others under him must see that they keep the Sabbath. And therefore the Magistrate (as did N. Hamzah) if the time for the worship belongs to the Magistrate to take care of, then likewise he must take care for the worship itself.

Sixthly, If the flourishing of Religion be the safety of the Commonwealth [as may be abundantly proved from Scripture & experience] then Magistrates must take care of matters of Religion. The Heathens care about their Religion will prove this; and the Scriptures shew how Idolatry hath broken all Empires. If all other professions, Physicians, Lawyers, &c. must come under the Magistrates power and care, because of the interest of the Commonwealth, then much more matters of Religion; because miscarriages in those, reach but to particular; but miscarriages in matters of Religion reach all, and are of a more dangerous consequence.

Seventhly, If Magistrates must not meddle in matters of Religion, then the Ordinances & Acts made by Parliament about the Sabbath, for propagation of the Gospel, with Acts and Committees for like businesses, your Laws, Thanksgivings, are all unjustifiable proceedings if not horrid interruptions; yea the professed desire of this present Parliament held forth to all the world in the late Declaration of July 12, 1653, is a vain and empty thing [to say no worse of it] the words are these, Page 6, "That in all we may be fixed and used as instruments in the hand of God, for more full and clear declaring of the Lord Jesus, and for the right promulgation of his blessed Gospel, and for the true interest of his Kingdom and advance thereof in the hearts of men, by real true goodness, righteousness, peace and joy in the holy Ghost. Now if you were right you would doe as those doe, you would Hoc agere.

The Second Question: What is God's Command to the Magistrate in the matters of Religion?

This is a harder question: two extreames we commonly...
in matters of Religion vindicated.

First, Some give too much, all must be ad rem Ma-
gistratus. Secondly, Some give too little; as if no Care at
all did belong to the Magistrate, but he must give Liberty to
all. Woful experience teacheth when Magistrates doe med-
dle with Religion, they either meddle with what they should
not, or neglect what is enjoyned them by God. But I will
bring my discourse to two heads; shewing, First, what the
Magistrate must not doe. Secondly, what he must do.

What the Magistrate must not doe.

First, Magistrates must not doe what is good in their own
eyes: Your wisdome, reason, and will must not be the rule
of your proceedings herein, but the revealed will of Christ,
by which you are to be guided. Deut. 17. 18. when the King
sitteth upon the throne of his Kingdom, he shall write him a Co-
pie of this Law in a book, &c. Nor may Magistrates prefer rea-
tions of State [as they are called] before reasons of Religion
held forth in Gods word.

Your wisdome and reason in matters of the Common-
wealth is regula regulans, but in matters of religion, regula
regulata: every pin of the Tabernacle was appointed.

Secondly, Nor are they to give themselves up to follow the
Dietates of other men whatsoever, till the Word show it to be
their duty: they are to inform themselves from the Word,
Deut. 17. 18. [This head was improved against the Popish
Clergy, who binde the Civil Power to execute what they de-
termine.]

Thirdly, Nor do I find a warrant for Magistrates to com-
pel any to the profession of truth, Psal. 2. 10. His people a will-
ing people. To Order what men shall believe, is to exercise
Dominion over mens Consciences: It is One thing to cause
the people to attend the means, and another to make them
believe the truth, the first they must doe, but not the second:
Faith is Gods gift. It is one thing to hinder Idolatry, and
blasphemy spreading, another thing to make people re-
ounce an opinion, and embrace the truth.

Sed nec religionis est cogere religionem, quae fraudis subieci de-
Fourthly, neither may Magistrates deprive the Lords people of any one of the privileges he hath bought with his blood: in civils, when reason require, they may; but not in religion. What he hath left indifferent, they must leave indifferent; as if the Lord should appoint his servants such cloths, colours, days, &c. and the steward hinder, the steward is now a Lord, not a fellow servant.

Fifthly, Nor must the Magistrate deny that indulgence, Toleration, to all the Lords people, in their weaknesses, whether of judgement or Conversation, which Christ would have his Saints exercise one towards another.

Now I come to the second question, Positively, what must they doe?

Answ. I will lay down two general rules: then I will come to some particular rules. The general rules are these,

First, As all men in their Callings must order their business so, as the way to heaven may be most promoted in themselves and those which relate unto them: so the Magistrates in ordering and regulating the peace, trade, and all interests of the Commonwealth, are to doe it so, that all be subservient to Christ's great interest, that his people may be promoted in their way to eternal life. This is like to Christ: Eph. 1. 22. who is head over All things to the Church.

Secondly, To take Care that all the Lords Institutions be observed; what he hath appointed to be done, they must see it done. The Heathen King hit it right, Ez. 7. 23. whatsoever is Commanded by the God of Heaven Let it be diligently done.

They are to look to the preservation and restauration of Religion: as the Physician either aimes at the preservation, or restauration of health. And in subserviency to these, to come to particular rules.

First, they are to doe as Jehosaphat, 2 Chron. 17. and Hezekiah 2 Chron. 29. That sent forth according to Gods Order, approved, faithful Ministers, by whom truth of religion.
in matters of Religion vindicated.

gion, puritie of worship, ways of holiness, may be published, inculcated, and whatsoever is contrary to sound and wholesome doctrine, and godlinesse, may be discovered, confuted, reproved: and with the same Hezekiah 2 Chron. 30, they are to speak comfortably to those who teach the good knowledge of the Lord.

Secondly. In order to this, they are to erect, mainaine, Schooles; and Universities, and to allow unto the Ministers, honourable maintenance it being Gods express Ordinance, 1 Cor. 9.14. that they which preach the Gospell should live of the Gospell. They are Nursing fathers, then they must provide bread.

Q: Whence or how shall this maintenance rise, and be provided? Shall they who may not compell men to the faith, compell them to maintain Ministers to preach the faith?

Answ. The publique provisions by Glebes, Tythes, and such publike stipendia already settled by law, whereof the magistrates are the publike Feoffees, and which are not the peoples [and for which going and languishing out of their lands and labours, consideration is had, and abatement made in all purchases and letting of lands, as for a rent charge, or rates for the poor, and therefore no more to be counted burdensome or oppressing, nor contention to be made about them; then any the forementioned charges.] These if good order were taken to see them paid, would go very far to help, and what is lacking the Magistrates cannot want means to maintain the Ministers of the Gospell, more than the Ministers of State, if there be a will to it: we see you can doe it to whom you please.

Thirdly, They may Command and Order the people to come and attend upon the Ministry of the Word, as the means instituted by Christ for their Instruction to salvation. It is one thing to order them what they shall believe, another thing to order them to wait upon the means. All grant the civil Magistrates may call publike Assemblies, to hear their Proclamation, and Statutes, &c. read: if they may call a whole Town to hear a Law, then much more may they...
they call them and order them to hear God's Laws.

Fourthly, When people have declared themselves to be willing people, and professe to embrace the Lord and his waies, then may the Magistrates engage them by Covenants, stirring them up in a Moral way: thus did the godly Kings of Judah, though they Compelled none to become proselytes, yet when they were become such, they engaged them as well as other Israelites, by Oaths, Covenants, Curse, to walke worthy of the Lord: And this you doe now (in effect) in Commanding Fasts to be kept, wherein the Covenant is renewed, &c.

Fifthly, It belongs to the Magistrates, to reject corrupre and unworthy Ministers; for it cannot stand with the faithfulness of Nursing-fathers to Commit their Nurse-children to such as will starve, or poison them, Ezek. 34. By corrupt Ministers, I doe not mean such as labour under any infirmities, for who is sufficient then? But I mean ignorant, erroneous, scandalous, unsavoury Salt; thus Samuel visited from Bethel to Gilead, &c.

Sixthly, They ought to prevent, and pull down Idolatry, Superstition, being spiritual adultery, and esteemed by God as the desiling of the marriage bed: this was so charged upon Magistrates, and so practised in the old Testament, that the uprightness of their hearts was judged by it: And in the New Testament it is foretold, that as the ten Kings come into the Lord Christ, they shall have the Whore, make her desolate, eat her flesh, burn her with fire, Rev. 17.

Seventhly, On the same account, they ought to doe the like by blasphemies and other damnable doctrines: the spreaders whereof are termed Dogs, evil workers, Wolves, and are not to be tolerated by faithful shepherds, i.e. Magistrates; the Office of a Nursing-father ties him as well to prevent his children poison, as to provide them bread. These

First, are works of the flesh, Gal. 5, and can challenge no other Toleration then such works amongst which they are ranked.

Secondly, These are called a Leprosie, a Gangrene.

Thirdly,
in matters of Religion, undiscerned.

Thirdly, These cause the way of truth to be blasphemed, make religion a vain thing. There is a heavy charge against the Church of Thyrista for tolerating of Jesekel, Rev. 2. and it will not be a slight one against the Magistrates, if they shall tolerate, &c.

Which way to punish these is not so easy a question: [as to simple Heresy] But if men will spread them, then the question is not so hard. As if a Physician should hold such drugs are fit for men’s bodies, which yet are poisonous, the Magistrate would not punish him for this; but if this Physician will administer and use those drugs in his practice, then the Magistrate may non-licentiate him. So here

If Magistrates would conscientiously and really discontinue such men, it would go far, both for preventing, and suppressing them: for commonly they take up such Opinions, to serve their own bellies, ambition, to serve men and factions; and if they were made infamous, they would as fast lay down.

Objection. But will not this expose Gods people to persecution, there are so few Magistrates good, and if their Consciences be misinformed, what then?

Answer. First, This objection was shall as strong in the old Testament, yet then it was their duty, none question.

Secondly, It holds as much against the Authority of Parents in educating of their children, o: Masters their servants, because many may be supposed, and are wicked, yet it is still a duty incumbent on them, and praise-worthy in them, the Godly.

Thirdly, The inconvenience under J. 1. 5. was foreseen by the Lord before he made his Law; yet it did not hinder him from giving them, nor the godly Kings of Judah from walking by them.

Fourthly, The Magistrates Conscience is not the safe for him to go by, but let the Magistrate have to have his conscience rightly informed. So the word of God, which is his rule: then his Law to execute must be slow. Orderly, cannot be called Persecution.
Thus far Mr. Marshal; for the application of his point, be
gave it not to me, nor did I desire it: these Heads of his Ser-
mon, being but short [yet clear enough to an Intelligent head] I
shall desire to add some Notes upon these Heads, tending to
clear them, and I trust not unprofitable to the Reader.

W hither the Civil Magistrates Power reacheth to mat-
ters of Religion, is not a question first started in these
troublesome times. Venerab. [and his followers] from
Deut. 17. 18. and other Scriptures which he thinks make
to his purpose together with the examples of Moses, Joshua,
&c. thinks the Civil Magistrate is so much concerned in mat-
ters of Religion, that he affirment the Care of Religion is
chiefly, and in the highest degree committed to him immediately
from God, but not to the Ministers immediately, but in the name
and under the Magistrate; so that the Magistrate acteth the
people by the Ministers of the Church, and the Ministers doe their
acts & sub Magistratu.

It was supposed that the putting in of those words into
the Title of our Kings, next and immediately under Christ su-
preme Head and Governour, did lean this way, and gave of-
fence to the Orthodox abroad. Calvin calls them inconsiderate men who did it: and faith they were blasphemous
when they Called him the suprem Head of the Church un-
der Christ; hoc semper me graviter vulneravit, faith he. But
Dr. Reynolds and Nowell took off that offence afterward.

The Papists on the other side that they may hold up the
Authority of their Pope, and keep the Magistracy from med-
dling with their Clergy; together with some Heretics, who
would have liberty to hold and vent their wicked Concep-
tions, these have shut the Magistrates quite out; they must
have nothing to doe in the matters of religion: onely the
Papists will give them so much honour as to be the Execu-
tioners of the decrees of their Church.

The Orthodox look on both these as unsound, proving
and that with strenght enough, that the Ministers of the
Church receive their power immediately from Christ, not
from the Magistrate; yet withall they strongly prove both against Papists and Hereticks, that he is not excluded from having power about matters of Religion.

Our Author hath given seven Reasons to prove the latter, and I doubt not but they will appear to be reasons to rational men: Some scruple there may be about the fourth, which was the cause why he would not Print his Sermon as I have hinted in my Epistle to the Reader. But yet to clear our Author, this I will say for him; he did not intend to side with Mr. Coleman and Mr. Hussy, in their judgment about the Civil Magistrate, v. e. that, Jesus Christ as Mediator hath substituted and given Commission to the Christian Magistrate to govern the Church in subordination to him: or that he is a Governor in the Church Vice Christi. These Mr. Gallespy oppose. I never heard him publicly, nor privately own any such thing, that text in Ephe. 1. 22. which he quotes, lead him [with other texts] to what he hath said. That text he handled largely in the Countrey upon the Lecture dates, and while I viewed over some Notes I took from him, I saw enough to Convince me he was far from their judgement. I will give the Reader a taste. For his Analysis—"There is a double Dominion Christ hath by sitting at the right hand of his Father, ver. 20. 1. A Dominion over all Creatures. 2. Over his Church: The first is laid down in three expressions. 1. He hath lifted him up above all, &c. 2. Put all under his feet. 3. Gave him to be Head over all. The second is laid down in two expressions.

"First, That he hath a headship over this as his body: a political Head he is to all, but they are not his body as his Church, to which he is, q. d., a natural Head. Secondly, It is his fulness.

"Again, These two Dominions are laid down under a double Consideration.

"First, What they are simply in themselves.

"Secondly, What they are in relation one to another. What is it to the Church that Christ is head of the world? and What to the World that he is head over the Church, C
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"what are they better or worse? He hath given him to be head over all things. To the Church. The same relation then that there is between Medium and Finis; the Church hath not only more of his heart and love, but all subservient to his Church; were it not for his Church, he would not foule his fingers with the world. Then drew up a generall Doctrine.

"Doctrine. Christ having finishted the work of our Redemption, hath now committed to him the Dominion and Lordship over all Creatures.

"One distinction I must premise. A double title Christ hath to this Lordship. First, Natural, as the second person of the Trinity, this is his essential right, and not meant here. Secondly, Delegated, as Mediator, given as a reward of his sufferings: this is a power immediately to execute, the sovereign Authority over the Creature. This power because some question, I will prove: Rom. 14. 9. Mat. 28. 18. Phil. 2. 5, 7, 8, 9, 10, 11. verses, Psal. 8. 4. compared with Heb. 2. 6, 7, 8. besides Prophetical predictions, &c.

"Then he opened, wherein this Dominion stood: his third head was this. There are Constituted by Christ, powers, gifts, Authorities; omnes species Magistratus: and all Governments, what power soever they have, is from him. His Church-Officers do not belong to this. Thus much he. Whence, if the Magistrate and the Church-Officer come under different Dominions of Christ as Mediator, then though he doth maintain the Magistrate to be under Christ as Mediator, receive his power from him, &c. yet it will not follow that he governs the Church Vice Christi, for the Church-Officer comes under another Dominion.

When Greg. Naz. would asswage the anger of the President and told him, that he did not rule with Christ, govern the Commonwealth with Christ, that he received his sword from Christ, &c. I know not but he meant Christ as Emanuel our Mediator, but yet Greg. did not think the President ruled the Church under Christ. Yet hence will follow what our Author doth infer. That since the Magistrate is thus under Christ,
Christ, that it is his duty to take care of Christ his Church, and doe what in him lyeth that his Master Christ be set up in his dominions, for the Church is that he minds more then Commonwealths, and these for the sake of that.

Give me leave to enlarge upon that which our Author in the sixth reason hath onely named: The Heathens care about religion. It is great shame to those who have the light of Scriptures, to deny that to be the Magistrates duty which those who had but the light of nature could see to be their duty: who knows anything of the Persian, Grecian, and Roman Magistrates, and knows not the care they took about their Religion: shall the Turke take more care for his Mahommet, then a Christian Magistrate for his Christ?

When Aristotle would reckon up the requisites for a Commonwealth without which it could not be, he numbers six: Food, Arts, Arms, money, and (that faith the Philosopher which I should have named first) Care of Divine things: which they call the Priesthood. Justice is and fo summes them up in the end of the chapter, Husband men, Artificers, Military men, Rich men, Priests, Judges. When God would unravel the Commonwealth of Israel, Isa. 3. 1, 2, 3. how many of these which Aristotle hath mentioned he doth threaten to remove.

These persons had neede goe to School to Plato, Aristotle, and Zuly, to know their duty.

Objection. Christians are not to learn their duty from the light of nature, but the light of Scripture.

Answer. In the matters of faith, things which we know onely by Divine Revelation, As about mans Redemption, The Trinity, &c. there indeed we cleave onely to the Scripture, natures light can shew us nothing here. But if we come to other moral duties, certainly they doe not understand what Natures light is that make so litle of it: [though Scripture light doth not crose natures light in this; for the Scriptures also are clear to prove the Magistrates Care, &c.] Rom. 2. 14. the Gentiles that had not the Law did by nature the things contained in the Law. There was a law of nature that did teach them many things of the Law of God written.
The law of nature is but that Divine law implanted by the Author of nature in the nature of all men. Take the moral law strictly, and lay by the fourth Commandment, what doth it differ from the law of nature?

A moral law say some of our Divines, is such a law which is therefore Commanded because it is good, and is not therefore good wisely because it is Commanded [as the Ceremonial law.]

The goodness in a moral law for which it is therefore Commanded is, that Comely suitableness and meetness in the thing Commanded unto humane nature as rational, or unto man as rational. By rational, understanding, right reason we their blindness now corrupted, et pertinacia iuxta et regula. So to a auctoritate ist.

Clem. Alex. I. c. 13. pd.

According to this rule examine our question, and see if the Magistrate be not bound, &c.

The Christian Magistrate knows God to be the true God, and Jesus Christ the Redeemer; he believes in this God and Christ, and knows he rules under this God, must give account to him of his actions as a Magistrate; doth it now but or not with right reason that this Magistrate takes care that this God and Christ whom he knows and believes in, be also made known and as much as in him lieth be believed in doth right reason judge that this Magistrate hath performed his duty to God and Christ, and may give a comfortable account to him though he neglects this?

This Magistrate having the highest power [under Christ] over the people whom he rules, a power of life and death [regularly] and so by his power may doe very much for the setting up of the honour of God and Christ amongst his people, [commonly following the example of their chief rulers] doth right reason say this Magistrate should not take care for the things of God and Christ?

Again, this Magistrate knows that in the knowing and believing in this God and Christ consists his own good, and the good of all men; doth then right reason say that this Magistrate, who is a Minister of God for the Good of his people, Rom. 13. 4 doth take care for the Good of his people, who takes
takes not care that all the people under him doe come to know and believe in this God and Christ, that they also may be happy with him? Let any man who hath right reason left in him then see, whether that Magistrate be not a great sinner against the moral law of God, who doth not the utmost that in him lieth to promote the Interest of God and Christ, amongst those over whom he ruleth, there being the same ground for this duty that is for any other.

Some Lawyers reckon Religion amongst those things which pertain to the Law of Nations, because by Natures guidance we learn there is a God, and that this God ought to be worshipped: Shall then Christians who have both the light of nature and of Scripture, and both agreeing in the Magistrates duty about Religion, deny it?

Shall I draw another reason to prove the Magistrates Duty, &c. The best way for the Magistrate to procure Honesty amongst his people, yea and a good way to establish his own power, is to endeavour, that his people may live in Godliness. For Honesty it is clear, for who show more Honesty in their conversations, then those who have most Godliness in their hearts. If men be right in the first table, they will be in the second: the Magistrates are not much troubled with these.

For the second thing, experience hath proved it, that the Magistrate hath had need of the Ministers pen to maintaine his power in the Consciences of people, as well as the Ministers have had need of his Sword to defend them against unconscionable people. How many pages have the Ministers pen filled in defence of the Magistracy against the Anabaptists? whence it was truly said by one of our ablest Lawyers in his charge at the Assizes, were it but for our own selves [i.e. the upholding of the Magistracy] we had need uphold the Ministry.

For that Deut. 17:18. a text commonly brought to prove that the Magistrate is keeper of both Tables, and Vtemtibardin (whom I named before) draws it to uphold his Opinion, others waive it, thinking it related only to the Kings own person.  

See Calvinus Epistle to K. Edward the 6. before his Commentary upon the Catholick Epistles toward the latter end.
But the Kings actions and the Verdict of the Scripture concerning those actions, best interpret it: we see they did meddle and that much in matters of religion, and they are commended for so doing; 2 K. 18:6. the text had spoken before of Hezekiah's Carriage toward God, v. 5. and the matters of Religion in v. 4. and this text saith, he kept the Commandments which the Lord Commanded Moses. Then it seems Hezekiah took himself to be Commanded to do what he did.

For those who would yield it to these because they were Types, &c. our Author hath answered before: I add onely, 2 Pet. 2:1. reason faith there is as much need of such acts of the Magistrate now as then; for mens hearts are as vile now as then, as apt to corrupt the worship of God now as then, and the text faith plainly, there will be damnable Heresies, and shall not a Christian Magistrate regard damnable Heresies? besides, Christ's Kingly power reacheth Honesty; hope as well as Godliness, if therefore they being Types or Christ his Kingly Office, ours must now cease meddling with Religion, by the same reason also with Honesty, and Commit all to the King Christ. This were excellent Divinity!

I have heard of some who have been numbered amongst our Grandees that would yield, that the Magistrate was bound to pull down Antichrist, but not to set up Christ. This is a new and I conceive a vain distinction. Pull down Antichrist? What then? Let Mahutanisme, Heathenisme, Judaism, spread and over run the Nation, Christ must shift for himself it seems! but doe they think the Magistrate is bound, then surely by a Command: If so, doth the Command bind onely to the Negative, and not the Affirmative part? this is strange: 2 Chron. 13, ver. 3. he answers the negative part, verse 4. the affirmative:

But I doubt this distinction was taken up to serve some other designes. Antichrist they must pull down, howe'er pull down all the Hierarchy, and all the Ministers Ordained by them; how shall we get such and such things into our fingers that are of great worth, but let Antichrist upon the head of these men and things, then down go all these black-caps, and the profits are ours.
But leaving these, our state hath declared that the Magistrate is concerned in matters of Religion; for we find laws made in reference to every Command of the first table. Indeed we could wish there were more, and that there were not some things granted, which do undermine those which are made. Yea, the supreme power have called the people of this nation together, to humble themselves in solemn days of Fasting and Prayer, and amongst other causes, because of heresies, men growing weary of preaching of the Gospel, and of the ordinances of Christ, this shows that the Magistrate is concerned: these things I conceive to be true.

First, Though every sin in its own nature deserve humiliation, yet to have a nation called together solemnly thus, it hath not been for sins of a small size, they are sins commonly in folio; as for those infirmities of judgement or practice which Christians are bound to bear with each other in, surely these are not the causes of such solemn days, must I bear with that, which I must keep a solemn day of fasting and Prayer to seek God against? I conceive not.

Secondly, If the Magistrate finds such evils as to call the nation thus, then surely he hath some power, and is bound to put forth that power to help to remedy those evils so far as he can: if they be evils from God upon us, Plague, Famine, War, &c. yet if it lie in his compass to doe anything for the good of the nation, he will and must doe it: then as well if they be evils of sin from a people against God, he is to doe what he can, or else such facts are not rightly kept nor can the Magistrates have peace. I never heard of a Magistrate that did otherwise, if right, True Ezra was a Priest, he Fasted, but I find not that he Commanded or Called the whole Nation in such a solemn manner; but as he fasted and Prayed because of a sin, so he put forth power to remedy that sin, chap. 10. 4 &c. Why then does it not as well belong to the civil Magistrates? &c.

Our Author having proved, that God hath committed to the Magistrate the care of Religion, now shews us what it is God hath committed, and for clearness sake shews first what
what he hath not Committed. For his first and fourth, had the supreme power of England heretofore observed those rules, English ground had not sucked in so much blood as now it hath. For his second, as he hath laid it down, there is no doubt of it; something I might move here, but I will bring it in afterwards.

For his third, all men speak not as our Author: I will not inquire what the Papists say to this, I heard enough of their Inquisition when I was in Spain, to know the Roman judgement: I find our own Divines affirming that the Magistrate may Compel men to embrace the true Faith, and Religion. Altingus, Perkins, Buchanan, &c. they are many that are of this judgement, and quote Luke 14. 23. Compel, &c. but this sure will never prove it. Jansenius a Popish Author, opening the text, comes at last to the Magistrate, with prisons, death, &c. to compel, but yet acknowledgeth that since the parable speaks of those who were without the Church, therefore Church Excommunications, and Magistrates compulsion is not here [chiefly, no nor at all] meant. Stella, another of those Authors, opens the text without mentioning any thing of the Magistrate; he shews two waies how God Compels men, and that is excellent compulsion indeed.

1. Offendendo voluntas nostra tantum bonum, ut non possit non appetere illud. 2. Removendo & abscondendo omne malum, & cum objectum voluntatis fit bonum, tantum bonum possit voluntatis representare, ut non possit non amore illud quod videt bonum, &c. who would not be thus compelled?

But for our Divines, I see when they come to answer the arguments that are brought against this position, they say no more in effect than our Author hath said. Means must be used. i.e. compel them to come to our Assemblies, to hear the Word, and to learne the grounds of our Religion. So Mr. Perkins, Dominari fidei, est prescribere quid sit credendum: cogere autem non est adigere mentem ad fidei ejusque assensum, sed cogere loco motivum, ut audiat veram doctrinam, caveat blasphemias, & scandalum. Sic Alting. To the same purpose speaks Buchanan, Non possit cogere mentem sed loco.
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This is no more then our Author assures.

Objection. The Magistrate may compel in matters of Honesty, why not as well in matters of Faith and Religion.

Answer. First, He may and ought to compel to the means whereby faith is bred.

Secondly, The Duties of the second table being the sinews of Commonwealths, are more manifest to natures light then those of the first; so much more then those things which we believe and know only by Divine revelation.

Thirdly, The Magistrate punishteth the breaches of the second Table, and forceth men that they shall not do so or so; men shall not steal, commit Adultery, &c. now those vices and vices being immediately contrary, he who is not, or doth not the vice, he appears to have the virtue. Thus far the Magistrate as our Author, and so our Divines grant, compels men they shall not blaspheme, they shall not vent nor spread their heresies; but to force them to believe a Truth is another thing.

His fifth head hath more difficulty in it, the Indulgence and Tolerance which the Magistrate must give. When he faith Christ will have his Saints exercise the same one towards another, I suppose he means Christ would have his Saints to love each other, and not have Unity broken, but Communion afforded, [as he hath expressed his mind in his Sermon for the Unity of the Saints, &c.] though there be weaknesses in judgement and conversation; and if Saints must doe so, then the Magistrate must indulge and tolerate such also.

First, It is certain there are and may be such weaknesses both in judgement and practice in people, to whom love and communion ought to be continued, unles we will have none to be Saints, but those who have the infallible spirit, and perfection of grace, according to the Quakers dreams. Those who are strong have that duty laid upon them to bear the infirmities of the weak: but gladly would I read that book where it were cleared how far I must go in affording Communion to men weak in judgement and conversation: to say these weaknesses I must tolerate, Christ will have me exercise indulgence thus far, and no further. Some errors in practice we must bear, why

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not then some errors in judgment? the Head is imperfect as well as the Heart. Yet we find it a harder matter to keep unity when men differ in judgment. Whither,

First, Because we are sensible of weaknesses in our own conversations, we are passionate, &c. Well then may I bear with others who are so; but for our judgments we conceive we are right.

Secondly, Men do not use to defend themselves in such weaknesses, but do more pray against them, and they are their burden if saints; but they will defend their errors.

Thirdly, For errors in practice. Saints do value the grace which is contrary to their corruption, and those men who have attained beyond them, they commend. But in errors of judgment, men set high prices on their errors, and condemn all those who are contrary to their judgments. More causes I could give, but we find it hard to bear.

Secondly, As the Saints must bear, so no doubt there are such weaknesses which the Magistrate ought to tolerate. But whether the Magistrate must or will tolerate, what ever a Church must, I question very much. I know our Author had large principles this way, and I doubt not but he took them up from the love he bare to Christ's Image, which might be where yet were too many errors. If the error were not in the fundamental points, alas that somebody would once tell us what those are, for I took those to be fundamental; which we times now deny.] I know he would bear much. But suppose then Churches be overspread with this error, that Christians must not swear though lawfully called, and matters of great moment depend upon an Oath? Suppose men deny War [upon never so just grounds] to be lawful: Suppose, deny All Magistracy, [as we know the old Anabaptists did all these, and how many amongst us now] with divers more such things, which will not I suppose come under the Fundamentals. I say these errors spread abundantly, what will or what must the Magistrate doe, indulge all these? What shall become of the Nation, and Courts of Judgement? Somethings we may gather from our Author which the Magistrate must not Tolerate.

First, Not Idolatry, Superstition, &c. Secondly
in matters of Religion vindicated.

Secondly, Not Heresie, this can claim no more Toleration then other works of the flesh, Gal. 5. But if the braines of Christians had been as much troubled when the Apostles wrote to them about heresies as ours are now, they had need have writ again to the Apostles to explain what they meant by heresies, for they could not tell.

Thirdly, Not the contemners of the Ordinances of Christ. For he hath laid it down as one of the things that God hath committed to the Magistrate, to take care that all the Lords Institutions be executed: also that he must command and order the people to come and attend upon the Ministry of the Word. But if the Magistrate Tolerate those who cast off the Institutions of Christ, to what purpose doth he take care to see them executed? How can it be his duty to doe this, and yet his duty to Tolerate those who throw them off? More I could gather: but let me speak a few words about Toleration. It is true what Learned Mr. Norton faith, to Tolerate all things, and tolerate nothing, are both intolerable. Acts of Toleration are but Mercurial Medicines to recover a sick estate, but if the preparations of such Medicines be not exquisite, Mercurius vire [as the Chymists call it] proves often Mercurius mortis. States had need look about them what they doe when they make Acts for Tolerates in matters of religion, unless they think they must give no account for such acts.

First, Tolerates, is, Malum of things that are evil, they are so reputed in the judgement of those who doe tolerate: we do not tolerate good, but evil things. True, Tolerates doth not infer approbation[though most will think so] yet being they are evil, he that is Minister of Good, must needs desire to tolerate as few of them as may be: there will be evils, errors, in the Churches doe he and the Churches what they can, but when there is an Act of Tolerates for them, who takes care to heale them?

Secondly, When States will make Acts for Tolerates in matters of Religion, they had need have another Act go first, i.e. to declare what they will NOT Tolerate: they had need make good fences about the Vitals of Religion, or else we shall have errors arise that will threaten them also: have we not experience of it now?
Thirdly, Rules for Toleration must not be taken from persons that appear to be godly; that is, because such persons are looked upon as godly, therefore what Opinions they hold shall be tolerated. Because David a godly man falls into adultery, therefore tolerate that sin? May not a man that is godly [at least seems to be so] fall into such an error of judgement, as neither Church nor State must tolerate? I know no such warrant to secure us, but when professors grow wanton God may leave them to such errors in judgement, as he hath left to errors in practice. Also may not godly men be true and blamable causes of great Schisme? but yet because godly, they must not be indulged.

Fourthly, If because Arguments can be brought to prove an Opinion, therefore such an Opinion must be tolerated, then what Heresie must not be tolerated? If a man will listen to his own Atheistical heart and carnal reason, there are those who could bring arguments very strong against the Scriptures, Christ's Divinity, his Satisfaction, such things as we call Fundamentals, (if there be any); I doubt not but there may be stronger arguments brought against these, then there are for some things wherein men cry for Indulgence, though they break the peace of the Churches, and have brought us into this Confusion. But if therefore those Heresies should be tolerated, then let Churches and Religion go whither they will.

Fifthly, Such Doctrines and practices as the Churches of Christ since the Apostles daies have constantly condemned; Churches, where soundness of doctrine, and holinesse in conversation have met together; having also libertie to search the mind of God, and to reform; what these have constantly condemned, I humbly conceive, that a State had need be cautious in making Acts to Tolerate such doctrines and practices; and I am sure there are too many such now Tolerated.

Sixthly, It had been much better for the Churches, to have yielded each to other so far as they might, and studied an Accommodation, rather than the Civil power to make an Act for Toleration, which wanton spirits look at but as an Invitation, to vent their own frothy and erroneous conceptions, being they have a law to back them. I am not to this day satisfied, what sufficient
sufficient reasons can be given, why the Congregational and Classical brethren might not have joined together, and strengthened each other, but that through their division the Nation should be as it is at this day. If the letting of a godly Minister enjoy his own people, without taking them from him, would have healed the breach, what an easy Medicine had this been for so great a wound?

The text which our Author hath pitched upon faith, *in All Godliness*. A good Magistrate will look that this people may live in *All Honesty*: One part will not serve the turn, and if he could cause them to live in *All godliness* also, it would be well for that people.

Seventhly, To displease Thousands of godly and sound Christians, for the sake of pleasing a few Christians in doctrines and practices corrupt, I conceive is no *safe policy*: whose spirits have shown themselves more Turbulent, then those for whom Toleration hath been pleaded?

We have now had experience what it is to live under *Episcopal Persecutions*, and an *Armies Toleration*, which of these two have proved the most destructive to the power of godliness I need not say. This only I would say, [and that not without some sense of grief on my spirit] it is sad that those who lay claim to *New-England principles*, should so Act their part that men should now say, and our posterity hereafter believe it, *That Independency ruined the Church of England*.

Then our Author, comes to his *Positive rules*; and his second general rule is, that the Magistrate *takes care that all the Lords Institutions* be observed.

The word in the *Original* which we translate *godliness*, signifies firstly, *the worship of God*. A godly man *Eusebius* a good worshipper, *qui probè colit et veneratur Deum*: Godly Kings did show their godliness in this point very much, putting down false worship, and setting up the true worship of God: while the Ordinances of God are maintained as they ought to be, God is known in the world: and much godliness is shown in a due worshipping of God.

If we look back to the beginnings of our troubles, and recall what it was the Professors of England would have had, let them
The Civil Magistrates' Power

Speak: when you were fain to get into houses privately to keep faith together, afraid that any should see you, lest the Bishops should know it, why did you fast, why did you utter such sad complaints to God, why did your tears drop so, what was your burden? Oh this Hierarchy, did so Tyrannize over Gods faithful Ministers, suspending, imprisoning, &c. they did so mix their humane Inventions with Gods Institutions, that we could not have the worship of God according to the pattern, but must wound our consciences if pertake of the Ordinances; what do you desire of God? why, that he would root up these perverting Bishops and all the rabble that belong to them, that we may have none but Christ's own Officers, &c. Ordinances pure without this mixture, no Raiser, Surplice, Cross, &c. this was the business why men thus prayed, and fasted; and for these things the old solid Puritan prayed many years since, though died before these times; well, what those deceased Christians prayed for, and these living, God hath given this generation. Surely, now those Ordinances and Officers shall be highly prized, &c. But, what are more despised? the Officers are but Anti-christian Blackcoats; any gifted brother is as good as these Priests; and for the Ordinances, Church-Discipline, singing of Psalms, Infant-Baptism, these are none of Christ's Institutions; and for elder persons water-baptism, is a needless thing if have the inward; so the Supper, if have the thing signified, &c. that thus all are thrown off: would any man have believed such horrid Apostasie should ever have been heard of; principally from those things, where their Prayers, Fasts, and tears, together with the old Christians went so strongly? What, in these points Apostatize? what do these things preface?

All Christ's Institutions faith our Author, the Magistrate must take care for. So indeed said the Persian Empeour, 2 Kings 7.23. whatsoever is Commanded by the God of Heaven, let it be diligently done, &c. But it seems the Lord hath No Institutions now, they are all disputed out. Church-Discipline hath gone unquestionably for an Institution of Christ grounded on good Scripture, till Erastus had a mind to quarrel with it; but it seems God did besool the man, that whilst he falls out with the Ordinance, his pen must write down seven sorts of persons, which
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ought not to be esteemed as members of the Church; and if there be any such, they ought to be cast out. And Mr. Prynne, after his great sin, yet acknowledges, that *Cor. 5. sita pro patria Excommunication,* yea and more texts besides that. Mr. Prynne, in his Vindication of four serious Questions, pag. 57. to which book, and his Suppression refuted, he often refers his Reader in his late book, called a Legal Resolution of the important Queries, &c., tending to the calling out of many hundreds of godly Presbyterians, as well as others; but he never refers his Reader to Mr. Gillespie's Answer, &c., nor ever underwrote an answer to him, that I can learn.] diffusades from that strong desire, many Ministers have expressed to have Church Discipline erected, and defended by the Magistrate, upon this ground, because the practical power of godliness is generally more evidently visible in our English Congregations, where there hath been powerful preaching, without the practice of excommunication or suspension from the Sacraments. Then in the Reformed Churches of France, Germany, Denmark, or Scotland. Therefore the best way to reform this, for Ministers not to draw out the sword of excommunication which will do little good; but the sword of the Spirit, the bow and the sword of God's Word, and the sword of the Civil Magistrate, which are only able to effect this work.

But first, The question is, whether Church Discipline be an Institution of Christ, or not; if it be, as Mr. Prynne himself cannot deny, then the Ministers may well seek for it; and whence had Learned Mr. Prynne that Divinity to say, an Institution of Christ will do little good.

Secondly, It is true, powerful preaching the Lord hath blessed in England, but yet I know those powerful and converting preachers did suspend scandals persons from the Lord's Supper. I believe, they had fewer unworthy persons at that Ordinance, then any of the Churches he mentions; neither did they depend upon Mr. Prynne's Chaire to know what made men scandalous, however he is pleased to call the Ministers, perfidious, ignorant, willful, &c.

Thirdly, If Church Discipline be joyned with powerful preaching, I hope one Ordinance will not hinder another.

Fourthly, I grant that Male-administration, and the ignorance of people holding carly themselves towards excommunicated persons, may hinder the efficacy of the Ordinance; but let these be avoided, and the Ordinance is fitted to do good. There have been such who have been excommunicated, who have pleased God, that ever they knew the Ordinance; and more experiences I could tell concerning this Ordinance, what effects it hath wrought in the hearts of people.

Fifthly, No more can be expected from this Ordinance then from others; God doth not blest other Ordinances to the good of all those who come under them.

Sixthly, Why doth Mr. Prynne add which are only able to effect this work? if these two swords be only able to do the work; then the Sacraments are not Converting Ordinances, nor will the giving the Lord's Supper to all advance our Reformation for which he so much contends.

If God speaks, Nature will teach, it is now the Creatures duty to hear: Nature also teaches it is my duty to pray to my Creator. But that water in one Ordinance, Bread and Wine in another Ordinance should signify, seal, be Instruments to convey such things as they do; Nature is silent here; whence I must say with the Assembly of Divines, The Believer is the subject of these last; and it will not hold true that an excommunicated person must be debarred from all Ordinances, as faith Mr. Prynne, Hearing of the Word preached, and Prayer, belong to Natural worship, but the Sacraments to Instituted worship.
That which was once a Church-ordinance, remained ever so, unless God himself removed it; but where men will prove the Translation of this Ordinance from the Church to the Civil Bench, in case the Magistrate prove Christian, I cannot tell. One of our Magistrates did attempt to prove such a thing once to me by way of argument; because there is nothing which falls under the Churches Cognizance as being an object for Church-Discipline, but falls under the Magistrates also.

But I thought Christian Magistrates would first have brought a word of Scripture from Christ's mouth, to have proved the removing of an Institution, but I heard none: Then surely there is no great fear of the loss of the Ordinance, if it must be lost by Scripture:

2. To the argument I answer, by denying the consequence, that though the same things do fall under the Magistrates cognizance that do under the Churches, yet it doth not prove that Church-discipline is removed, &c.

3. I doubt not but in the Primitive Churches there might fall out such sins that the Heathens Courts might take hold of, [for there was government then among the Heathen in matters of HONesty, wherein yet some Church-members might be tardy] but that did not take off the Churches discipline.

31. But the end is very different: The Church in her discipline makes Repentance her end; if the Delinquent be brought to that, the Church desires no more, nor can require no more. But doth the Magistrate require no more? is Repentance his end he directly and heartily aymes at? I think not, but he aimeth at the satisfaction of a Law made against such offenders to be a terror to others.

31y. If persons come to Repentance, the Church doth not proceed by Mules, Death, Prisons, Bridewels, &c. which the Magistrate doth, yet though the person repents. If Repentance would save from death, abundance should not dye by the Magistrate. The Church labours to bring to repentance [which the Magistrate quæ sic doth not, as not being his business] and if not, proceeds to Excommunication, the person cast out of the visible Kingdom of Christ, and now reckoned in Satans Kingdom: This the Magistrate doth not, nor can doe.
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Oblivious by a sin and offence, is that the Church looks at, as much and [most what] more then the sin it selfe; but so doth not the Magistrate; for it is the act, the Law broken, not obstinacy, [which is but an Adumbr of the Act] which the Law puniseth.

4ly. The Magistrate deals not with the offender, by applying the Law of God to him immediately, but such a Law made in such or such a Kings time, or such an Act of Parliament, &c. but the Church meddles with no such things, but applyes the word and law of God only to the offender.

5ly. The Church have a rule to proceed by degrees; if offences be private, to take one or two, goe and deale, &c. if can attain the end, Repentance, go not to the Church: But this doth not belong to Magistrates Courts.

6ly. The Church upon repentance receives a man into fellowship, 2 Cor. 2. the members confirm their love, &c. Doth the Magistrate thus?

3. Again I answer, by denying the Antecedent, namely, that nothing falls under the Churches Cognizance, but comes under the Magistrates also. There is nothing comes under the Magistrates Cognizance, but that the State hath made a law against: but I have not known of any laws made against lying, filthy speeches, Total neglect of religious worship in families, wicked carriages of children to parents, with many more which might be mentioned, as Covetousness, when evident notes of that sin reigning have appeared [which because Mr. Prynne scoffs at the Churches for, I could name to him a person that was cast out of a Church; and that was one of the chief causes, his covetousness, as the members told me.] Now the Magistrate meddles not with these, but I think no Church that is as it ought to be, but will call persons guilty of these, to account; and proceed, upon obstinacy.

This Ordinance then stands as an Institution of Christ, and surely the Magistrate is to look that this be observed; and if a christian Magistrate would doe service to Christ his Church at such a time as this is, next to the bridling of the rage of furious, irrational, erroneous, blasphemous men, this would be a worthy work, to establish this Ordinance and that great Ordin
nance of Catechising, for want of which we see the woeful Condition our Churches are fallen into.

Obj. The Magistrate gives you leave to do these, why do not the Churches do them? what need of him? The Churches have done these when the Magistrate was a Heathen.

Ans. In those times when Christian, Jew, and Heathen, divided the whole world, then the Churches could do more then now we can: the Churches then would admit none to baptism [if adult], but first they were well Catechized: we have such, as [set by the name Christian,] are as ignorant as Heathens, and take themselves to be Church members, but scorn to be Catechized.

3. There is difference to be put between times, when the Ordinances and Worship of Christ were had in high esteem, and feared, according to their worth: and these times when wanton corrupt men and Apostates, have learned to despise the Ordinances of Christ, and grown fearless; our Apostates will jeer at that which then the Churches feared: Cast them out of a Church, they can fin a knot of corrupt Sectaries to receive them, and hold Communion with them, and what care they for Excommunication? [we see they can despise all ordinances] But it was not thus in the Primitive Churches.

4. Surely a bare permission is not sufficient to discharge the Magistrate, that he suffers the Ordinances to be set up; our Author saith he must take care, &c. which is more than a permission. The Persian Emperor did more then permit.

Fourthly, It is true the Churches did observe these Ordinances, when the Magistrate was a Heathen, but then he did not his duty: shall the Church and Ordinances have no advantage by a Magistrate being Christian?

Obj. But what shall the Magistrate doe, when there are such disputes about Church Government? one faith it is Episcopal, another Presbyterial, another Congegational, and the Magistrate cannot be satisfied himself which it is; how then shall he take care that this or that be set up?

Ans. Is the Magistrate indeed unsatisfied that he knows not which it is? I doubt it.

For, the Episcopal government, I suppose there needs no
words about that, the Magistracy hath sufficiently declared against that.

The Bishops before allowed the Ministers power to suspend from the Lords Supper, which is Excommunication minor in the esteem of many. That the Bishop would Monopolize the power of Excommunication, as if Presbyters might not doe such an Act, is more than any Bishop dare undertake to prove. Heresom could tell us in his time, when Corruptions had overgrown the Church; Excepting Ordination what doth a Bishop that a Presbyter doth not? It seems then Presbyters did excommunicate. I thought to have added something more; but reading of Anselm the Archbishop of Canterbury upon the first Chap. of Titus, he giveth such strong grounds to convince me that such Bishops were never of Divine Institution, that I trouble my selfe no further.

For the other two, if any suppose the Congregational Government not to be Presbyterial, they mistake. It should be so I am sure, or else there must be no government at all: to find government, where there are not Governors and governed, will be very hard: but who are governed, if the people be Governors? Let learned Mr. Norton, one of the strongest Congregational Divines be heard; he speaks to the purpose: I appeal to any competently judicious and sober-minded man, if the denial of Rule in the Presbyterty, of a decisive voice in the Synod, and of the power of the Magistrate in matters of Religion, doth not in this point translate the Papal power unto the Brotherhood of every Congregation? thou that abhorrest Episcopacy, dost thou commit Popery? Alas, alas, is there no medium between Boniface and Morellius, between Papacy and Anarchy? if there be a mystery of iniquity in the one, is there not an universality of iniquity in the other? The Historians indignation that the East was overcome by a drunken Commander with a drunken Army, is now become a matter of astonishment, when so drunken a Tenet, in an Age of such learning, piety, action, suffering, and success, should threaten the hopes of so glorious a Reformation, come unto the very birth. By this you may see the judgement of this solid Divine and his fears; and what sober man doth not fear the like?

The businesse then is not whether the government be Presby-

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terial, we all agree in that; but whether Classical, &c. That
which troubleth us here, is, that the Churches mentioned in
the Scripture were in Cities and populous places, where there
were many Elders, and so there is no question about them:
but how they carried on their government in small Villages
[we read not of any in such places to my remembrance] such
as ours are, we have no example.

Yet let us see how much we differ as now we stand: the Cong-
grational Divines, though they deny a Pastor to have Author-
itative power over any Church but his own, yet in matters of
weight, and so in Excommunication they judge that a Council
of Elders ought to be called, which they look upon as an Or-
dinance of God: thus in N. E. one Church going about to
excommunicate a person, a neighbour-Minister sent word, he
conceived the Church ought not to do it; some of the Church
came to him to know his reasons; he had them call a Coun-
cil, and in the Council he would give his reasons, but not else;
the Church would not hearken to him, but call the person out.
This bred division. Thus most of the miscarriages have come
from this, when people have been head-strong, and would not
call Councils. But now there the most learned, wise, and so-
lid Divines doe call for Councils in all weighty acts. I see here,
amongst us, our Congregational Brethren doe the like. The
case is judged and determined by the Council, but it is execu-
ted by the Officer of the Congregation. Let us keep close to
this, and many miscarriages will be prevented.

Come to the Classical government, though these Divines sup-
pose they have Authoritative power over other Churches; yet
this I suppose, look where the fact is committed, there the case
is to be heard. This was the old practice: when the Classical
have determined what ought to be done [as suppose a person
is to be excommunicated] yet if the Classical allow that the offi-
cer or officers of the Church where the fact is committed shall
execute the sentence with the consent of the Church; then
though there be difference in our judgements, yet none appears
in our practices.

If we ask further concerning the power of Synods, what they
may doe to Heretical Congregations? The Congregational
men
men lay, A Synod is a solemn Ordinance of Christ, that the Synod doth admonish men or Churches in the name of Christ authoritatively, as there shall be cause; the Synod declares men or Churches to be subverters of the faith, or otherwise according to the nature of the offence to shame them before all the Churches, in the name of Christ refuse communion with them; also declare in the name of Christ that these erring people or Churches are not to be received into fellowship with any the Churches of Christ, nor to have communion one with another in the Ordinances of Christ: And thus they practice, keeping such from Communion: what is this but excommunication in effect? The Classical add one step more, a formal and juridical delivering such to Satan; but that produceth no more effects. Look into the Congregational Churches, you see the same and as many effects, as in the Classical, upon their formal delivering, &c. Here is but a poor difference, no man can see any difference; whence I wonder that there is such complaints against the Ministers for differing about Forms.

For other power of Synods, see Mr. Cotton,Keys, &c. p. 15, 53, 74. Our Divines in their Preface to his Book, say, they have a Ministerial power and Authority, to determine, declare, and enjoy such things, as may tend to reduce such Congregations to right order and peace.

The summe is this, the Congregational men goe so far, that men who have any conscience will fear to oppose and oppose them; and for those who have no conscience, they will little regard the Synods formal delivering to Satan; but then we hope the Magistrate will not tolerate such as have no conscience, nor suffer such heretical persons to vent their Heresies when the Synod hath proceeded to Excommunication, or Non-communion, [our Author saith he must not doe so] Then he helps both, the Classical and Congregational Churches.

Yet a few more words to see if I can make things plain.

1. Every Pastor of a Church hath the power of government, he is a Ruler in the Church, he depends on no man for this, he hath it from Christ immediately annexed to his office inseparably. As soon deny a Magistrate to have power of ruling in a Commonwealth, as a Pastor in the Church:

E 3. The
The title implies as much, with divers others in Scripture. They are Ministers; true, so is the Magistrate, Rom. 13. 4. Minister of God. And these are called Ministers of God, 2 Cor. 6. 4. and of Christ, chap. 11. 23. Their being Ministers, deny not their ruling power.

2. All persons who profess themselves to be Christians, and Church-members, are to be subject to these in the Lord. This is necessarily inferred from the former; even as truly as the members of a Commonwealth are subject to the civil Ruler. I do not say that the Pastors rule, as do the civil Magistrate, if you respect the modus, but rule they do.

3. Though every Pastor hath the power, yet some Pastors question whether they alone may put forth this power [especially in the highest acts] with the consent of the Church-members, but rather think it must be as they are united with more Pastors in a Classis. Others conceive they can with the consent of the members without any such conjunction; yet that they might act more safely from error, when they do apply the power, and that the Church might be kept from division, when the Church shall hear the counsel and judgement of many other Pastors, going along with their own Pastor, and to make the Ordinance more solemn, these call in a Council of Elders.

4. According to the judgement of these Pastors, so are the members of the Churches persuaded, over whom they watch and have the care in the Lord.

Now let us see what should hinder the Magistrate from assisting the Church in executing of this Ordinance of Christ.

1. Not his questioning of the subject of this power, for that is clear enough; if I be a Pastor, this power I receive from Christ, as before, we do not ask the Magistrate to put power into our hands, as if we had none, but only to assist in the putting forth of that which is ours before by a Divine Institution; as when the Ministry Preach and Print in defence of the power of the Civil Magistrate, the Ministry doth not give him a power which was not his before, but what God hath given him, the Ministry assist the Magistrates, by establishing that power in the consciences of people: so the Minis-
in matters of religion, indicated.

...ters desire the Magistrate would assist them, that they may apply, and in applying their power to the corrupt practices of their people.

If he object, Many of these Ministers are weak, not fit for it. We could say the same of many Magistrates, they are weak enough. But then suppose this, the Classical Minister hath his Gladis which helps him, the Congregational his Council which helps him.

If he faith the Ministers are taught, many, etc. Then let him do his part to remove such: To which end, if Church-government were settled, there would be a means serving better than now there is.

Secondly, Neither need he be troubled at the difference between these two; for the difference is so small we see, that there are no different effects appear: he who is cast out of one Church is cast out of all, at least till the case be heard there is no Constitution: so it was in the old times though a person were Excommunicated wrongfully. Besides, he afflicts the Ministers where the power lieth: without question, with the content of the people] he doth not consider them as Classical or Congregational, but as Partouts.

Thirdly, Neither need he fear the compelling of the people's consciences, for that the people ought to be subject to the Lord. There is no man's conscience [unless it be a wretched one] doth question it, if he owns a Partout: and as for the Classical or Congregational Subjection, the people are persuaded before, upon what grounds I leave] so that if compulsion be, it is but to make people walk according to what in their consciences they think to be right.

But what shall be do with the Episcopal man's Conscience for he is against both these, shall be compel him? no, no body shall compel him, let him keep his conscience: suppose I have two or three Episcopal men in my parish, these making every parish to be a Church, must needs acknowledge themselves to be members of that Church; if I be Minister to that Church I suppose they will acknowledge me to be their Minister; if they come to require the Sacraments of me, then be sure they do acknowledge me, according to their own principles.
If they own me, I will not ask them whether I have power or no over them; they know it, and I know it; let these walk regularly, there is no body troubles them they enjoy their judgment as to Episcopacy, but if they prove heretical, or scandalous, and will not be reclaimed, I will not trouble my self about their judgements, but be I Classical or Congregational, will cast them out of the Church; and let them keep their judgements as to Episcopacy when Excommunicated. The same I would doe with an Erastian.

I have enlarged upon this Institution, because there is such want of it, and is so much called for.

For singing of Psalms, I have spoken to that in another book, but I think that will ere long be owned again for an Ordinance of God, the Quakers proving such Songsters.

For Infant-Baptism, the Congregational differ not from the Classical in this, that the children of such parents as visibly appear to be penitent believers, ought to be baptized: they agree in the rule, but in the application of this rule to persons, there is some difference. Some apply it larger, some more strecthly. Because they agree not in this, what is required to a Visible believer: it is likely that if Church-governement were erected, that they may come nearer, when the Classical brethren shall have that power they desire, to have to reform their Churches. Yet since we agree in the subject of the Ordinance, and the rule, differing only in the latitude of the application of the rule, on: would think here might be a forbearance; I suppose the Classical brethren will lay down the same rules for admission to the Lords Supper, yet when they come to apply those rules to particular subjects, some will go larger, some narrower; but what then? will they not bear each with other to in Church-Discipline.

But there comes in another Company and tells us, that Infant-baptism [let the parents be never so godly] is no Institution of Christ.

My intention is not to meddle with the Controversie, divers of our Divines have done it most strongly: This I can say.

First, I am sure it was once a Divine Institution, that Abra-bams seed should be reckoned Members of the Church with Abraham himself.

Secondly,
Secondly, I am sure it was also a Divine Institution, that his seed should have that Ordinance which was a sign and seal of the righteousness of faith.

Thirdly, I am as sure that All the Anabaptists who have yet put pen to paper, have not brought one text that proves the repealing of the Institutions.

When God makes a law to debarr his people from eating swines flesh, &c. Levit. 11. 7. if that law must be repealed, what care God takes once and twice, Acts 10. the sheelet down, &c. Rom. 14. 10. Is God so careful in repealing a law about a Hog, and will he now have all the posterity of Abraham cast out of the Church, and reckoned amongst the unclean, without giving us a word as clear for repealing the Institution as he hath done for that law against a Hog? for my part I will never believe it.

I wonder that such an Opinion that hath been constantly condemned by all the Churches, where truth and holiness have flourished since the Apostles times; and an Opinion which hath been accompanied with other Heresies, Arianisme, Pelagianisme, Socinianisme, &c. should now be swallowed down so readily amongst some whom otherwise we would esteem to be godly. It being an Opinion that hath been searched into, studied, when Churches have had their liberty; I remember in N. England an officer of a Church was arguing with one of his members who was snared in this errour, and asked the man what comfort he could have of his babe, if God should take it away in the Infancy, more then George Sagamore [an Indian] could have of his? the man [being an honest plain man] answered, yes, he had more then the Indian; the Covenant of God with him and his seed. It seems Abrahams children are solicitous about their seed, and though some do in their practice rank them among the Indians, yet they would fain have something to lay hold upon, as this poor man, and so confute his practice, for if the seed be in Covenant, then give it the signe and seal.

Though I do not passe that censure upon all these Anabaptists which I hear Mr. Sidorach Simpson did, yet surely it is an errour of more consequence then men doe esteem of, and grounded upon such principles, that will necessarily infer more errours then this. Certainly such had need give strong testimony by
their whole conversation that they are very conscientious men [if they do plead conscience in this] & if they can find so much Toleration as to have Communion with Churches [being indeed conscientious men] to live peaceably in a Nation, upon this condition that they divulge not their errors, it is as much as can fairly be yielded by Churches or State, unless all the Scripture grounds which are brought to prove the Interest of Abraham's seed in the Church, with the constant practice of all Churches Orthodox and holy since the Apostles times, are of no more worth then to be thrown at men's heels.

So much for our Author's general rule:

For his particular rules. If the first be true [as I am sure it is] then who shall answer for all those ignorant, erroneous, Scripture-abusing [I will not say preachers but] praters that have gone forth into Wales, the Northern and other parts of England, sowing such seeds of errors, as will not be pulled up in haste, occasioning so many to turn Papists, making the pretended reformation to be so much despised, and the English Ministry to become a scorn. These are far from those qualifications which our Author hath set down, and from the example of Jehoshaphat, he did not take up Taylors, Shoemakers, and such kind of fellows, and send them to preach, but Priests and Levites, orderly called to the work, brought up to it: if you say, he sent princes also; This is well answered by Mr. Rutherford: but if it were so as some understand, such were in more likelihood fit for the work and more honour to the work, then Jeroboam's practice was. Do these answer the Apostles description in his Epistles to Titus and Timothy? now it is, who is not sufficient for these things?

Besides our Author's faith, it must be according to God's Order. But is this the Order of Christ, to send out Ministers without Ordination? these fellows had no election from the people, nor no Ordination: What is all Order thrown down? Ordination hath been looked at as an Institution of Christ, till the Socinians and some others objected: but the Orthodox have constantly maintained it, both Episcopal, Classical, and Congregational; and if Scripture authority be worth anything, no doubt but we can bring good warrant still to prove it. There is
is more ground to bring in Bishops to Ordain, then to leave out Ordination.

2. For his second rule: If Schools and Universities be needful, then our Author must needs condemn those against whom I spake before. Julian knew what he did, when he forbade the children of Christians the use of Schools: the Christians also knew what he did, with very sad hearts; and I know they doe but act what Julian intended, who ever looks at Schools and Universities as uselesse, and so are hinderances to them. I have heard it reported [though I can scarce believe it] that one of the Masters of our Colleges, should in his Sermon declare that he thought Universities were good to train up youth to Civilitie, but not to Divinitie. If this should be a true report, I wish he would read over Zanchy his Oration concerning the necessity of Schools in the Church: and tell us how a man can open the Scriptures, without the knowledge of the Original Tongues, the three general Arts, and History. Besides other special arts, and as for the other Oriental Tongues what helps they are to understanding of Scripture, those who are a little versed in them know alreadie. But the man might have another end in this, to satifie country Ministers why they have stood sweating so many years in the Commencement house, but could never hear him either Opponent or Respondent. Those who must be so able to convince others, had need be trained up in the way to it. What Cause have the Church to bless God for those brave lights which have shined in our Universities?

3. Our Authors reason is strong to prove the Magistrate may cause his people to attend upon the Ministry of the Word, onely provided the Ministers be such as in his first he described. If this course had been taken it would have prevented much of that evil that is now come by separation from the publick Ministry. As for the objection they make, they cannot believe these Ministers be true Ministers: neither doth the Magistrate compel them to believe so, he compels them to attend upon those which he looks as true, being found, qualified, orderly sent forth, but he troubles not the people with this, that they must believe the standing [as they call it] of the Ministers to be right, let them attend to the Doctrine.
Obj. But they are unsound.

Answ. 1. So will the Heretick say of the soundest Minister that is. 2. It lieth upon the Magistrate to look to that. 3. If you can prove their doctrine to be unsound, you have libertie to reject their doctrine: what the evil is for want of the Magistrates performing this part of his duty, England knows at this day.

Why by the same rule the Magistrate may not compel the people to be Catechized I know not; to be sure Catechizing was an Ordinance great in use in the primitive times, and woful experience hath taught us, how people may get under good preaching forty yeers, and yet for want of Catechizing, be more ignorant then many children are. The Churches of England cry aloud to the Magistrate, that if he will doe any thing for them, then strengthen the hands of the Ministers who would set up Catechizing, and Discipline.

4. If the Magistrate may engage the people by Oaths, and Covenants, as faith our Author; [to whom also Gerhard inclines.] Then here would arise a question, whether the Magistrate have not more power over these in case they Apostatize from what they have Covenanted then over others who have not so Covenanted?

I shall desire to add but two things more to what our Author hath set down, which I conceive also the Magistrate is concerned in.

First, The calling of Synods. In the primitive times they used to have Synods twice in a yeer. * That the Christian Magistrate did use to call them also [when the Church came to have such Magistrates] is well known; the story of Constantinus surnamed Poganatus * when the Monarches troubled the Church, is worth the reading: the Centuris in their preface to the seveth Century have set it down: how he called the Synod, and carried himself in the Synod; a pattern indeed for all Christian Magistrates. The reading of the story put me in mind of our Magistrates in N. England, when the first Synod there was Called, who carried themselves according to that Prince.

1. Synods are a solemn Ordinance of Christ for the helping the Church against errors, schisms, scandals; faith Mr. Burroughs Iren. p. 43. 44. Mr. Cotton * hath spoken sufficiently for them.

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* Can. Apol. 38.
Concil. Amio.
Can. 20.
*Why so called, see Forbes Hist. theol. p. 223.

* Keys, cap. 6.
The Synod of N. E. a. 1649. call'd Synods assembled and proceeding according to the pattern, Acts 15. an Ordinance of Christ. And in the third section of the same chap. say, the Magistrate hath power to call a Synod; the Classical Divines be sure differ not: now if it be an Ordinance so much concerning the well-being of the Church, then the Magistrate must look to such an Ordinance.

2. Synods are necessary in regard of the Magistrate himself: for as our Author faith, the Magistrates Conscience is not the rule, but he must look to have his Conscience rigidly informed from the word, then what more likely way for the Magistrate to have his conscience informed in things concerning the Church which he must look to, then to have a company of holy & learned men gathered together in the name of Christ, debating of matters which concern the Church; the Magistrate being present as to keep civil order, so also to propound what may trouble him, that so he may be informed.

Q. But what shall the Magistrate do? give himself up to the Synod? our Author faith he must not give himself up to the Dictates of men.

Answ. First, No more he doth, for while he heareth the debates, the reasons given on both sides, propounds his own scruples, he doth not give himself up to the dictates of men.

Secondly, Mr. Cotton faith; and that truly, that the Synod binds not only materially, but also formally, from the Authority of the Synod; which being an Ordinance of Christ bindeth the more for the Synods sake. If there be no respect due to Synods to what purpose are they called?

If a Synod may pronounce a Church to be Heretical, renounce Communion with a Church, and declare such a Church ought not to have Communion with any Church [which is in effect excommunication] as our Congregational men say: then certainly Synods have Authority from Christ, and a Magistrate that is godly will not lightly esteem their Determinations.

So ly, The Second thing which I conceive the Magistrate is to look to, is, to prevent Schism: what may be, and to heal where it is. Schism never riseth but from bad causes, and the effect as bad. \ Were it but in respect to civil Policie, the Magistrate had need take care of this, for where Schism is, there
Unite is broken, and that people will not live peaceably, which our Authors text mentions. Rents in the Church will cause rents in the State, if opportunity be given, experience hath proved it: But if we look to the Church, there the Magistrate if he takes himself to be a Minister for the good of it, shall find cause enough why he should step in here.

Our Author in his Sermon about Unite, &c. tending to heal our rents; faith truly, that the sin of Schism, according to the sense of the Scripture is a most hainous sin, though many make no account of it, whether they be charged unjustly or unjustly with it. He opens the evil of it both in the nature and effects of it. Now however our Author doth shew how he hath larger principles than many other men have, yet let the professors of England be tried by his rules, and then see who be the Schismatics. I never yet heard that any godly Classical Divine hath so much as debarred an Anabaptist [who was otherwise godly, and desired forbearance] from any Communion in the Lords Supper, or other Ordinances, but to be sure the Anabaptists, the Separatists, &c. have denied Communion with them and cast them off with highest scorn: where errors are not in the fundamentals and persons be otherwise unblameable there we ought to hold Communion. Be it so, let us yield it for the present: in Ordination by Bishops an error in the foundation, is the owning of Abrahams seed as members of the Church and baptizing them being yet Infants, an error in the foundation? so I may number more. Let all the Separatists and Anabaptists with other Sectaries whatever in England charge the Classical Churches with an error in the foundation. If they cannot, why do they cast off Communion with them?

It is commonly said to us, though we differ in judgement let us not differ in affection. Well, be it so, but this generation differ not only in judgement, but affection, which they manifest openly in throwing off Communion with all but their own sect, and yet they call to us we must not differ in affection, though they do; for Schism is properly against Christian love; but to be sure they are the Schismatics by our Authors rules. The meaning is this, though we differ in judgement from you, and break our Union with you manifesting it openly by casting off Communion with.
in matters of Religion vindicated.

with you, yet you must be united to us. Though we call you Priests, Black-coats, Antichristians, and so your Churches, yet you must not differ in affiction. Though Churches can tolerate some errors in persons when they carry themselves otherwise humbly and conscientiously, and not divulge them nor labour to draw away others, yet this schismatical spirit in such a high way also, is intolerable.

As for that question, What way simple error or heresie should be punished? This our Author [and that truly] calls a hard question: yet the difficulty lieth not so much in this, whether the Magistrate may inflict any punishment but capital punishment?

As for the Papists, we need not ask their judgements: their Books, their practices, Smithfield and many other places in England, where our glorious Martyrs have suffered, declare sufficiently what their judgement is. For the Calvinists, Gerbald a learned Lutheran gives them a nip as if they varied their judgements, according to the variety of conditions they were under. Calvinianos quod attinet, ille pro rerum ac fortunae diversitate, diversas proferunt sententias. If things go ill on their side, if they be under the papist power, then they use these rules; No man must be compelled to believe: It is Antichristian tyranny to rule over mens consciences, &c. But if things go well on their side, that they have the civil power with them, orumpunt in sanguinaria illam vocem, Hereticos esse occidendos. Yet Gerbald was not of that mind, that the Magistrate should let Heretics alone, he was far from this opinion:

He distinguisheth between Seducers and the Seduced, [so do we] between errors fundamental, and not fundamental; I wish he had let these down that we might know them.

But though he hath not done it here, I find amongst other Lutherans where he is quoted, that he takes some doctrines for fundamental errors, which others will not believe to be errors at all; thus Calvinus in his answer to that question Nunc Lutherani cum Reformatis & Socinianis in unam coire possit? he excludes not only the Anabaptists and other Sectaries, but even the Calvinists, giving his reasons, though he doth us wrong in some of those doctrines he names, especially as he laies them down.
"He distinguisheth between the times of the Old Testament and the N. T. Under the old T. the Magistrate might put Hereticks to death, not under the N. T. faith he: but I believe he will get nothing by this distinction.

He distinguisheth between simple Hereticks, and Hereticks that are Seditious and Vomit out plain blasphemies against God. These he denies not but the Magistrate must put to death. With whom agrees Dr. Ames, grounding his sentence upon Levit. 24. 15, 16. Also Mr. Cotton: If a heretic or Heretic grow obstinate, wax worse and worse, deceiving himself and others to the destroying, corrupting, and disturbing of others, now the Magistrate makes use not of stocks and whips [for those do not remove, but exasperate the malady] but of Death or Banishment, &c.

That speech of the Heathen King Artaxerxes Ezra 7. 26. seems to look this way, And whosoever will not doe the Law of thy God, and the Law of the King [which law, I conceive, was this law of his concerning the House and worship of God] Let judgement be executed speedily upon him, whither it be unto Death, or to Banishment, or to Confiscation of goods, or to imprisonment. Allo Nebuchadnezzars Decree Dan. 3. 29. Though the Athenians erred in the misapplication of that principle, when they Condemned Socrates, yet that Art shows, that Magistrates are taught even by the light of Nature, to take care of Religion, and of their God, so far as to punish severely, blasphemers of God and corrupters of Religion.

But to let that knotty question alone. Herein I am sure our Author with all other sober men [both Lutherans, and Calvinists, Classical and Congregational Divines] agree, Viz. First, That Magistrates ought not to Countenance, but Discountenance, and reproves Hereticks.

Gerhard who is so stiff against the punishing of simple Heresy with Death, yet makes this the Magistrates Duty, to enquire after these Seducing Hereticks: that they may catch these Foes, who first convey their poison more secretly before they come to appear openly.

Blessed Burroughs, a man moderate enough, yet faith, we were in a most miserable Condition, if we had no external Civil power to restrain from any kinds of blasphemies and seductions: the
Condition of the Jews, how happy was it in comparison of others when those who are minded with damnable Heresies run from place to place, seeking to draw off they can from the truth by force have no mean of help but arguments, it is ill with us.

Dr. Ames [In his answer to that question, whither Heretics should be punished by the Civil Magistrate?] lays down an undeniable Truth. That Heretics ought to be repressed by all Godly men according to their calling and power which they have received from God, is clear enough ex natura rei: because all Godly men are called to the Christian warfare, that every one in his station should oppose himself to the Kingdom of darkness. Now, to what Kingdom doth Errors and Heresies belong? I am sure not to the Kingdom of Light. The Ministers in their station oppose these by Scripture, arguments, reproofs, exhortations, admonitions, excommunications: private Christians oppose them in their station either privately by arguing, etc. or more publicly as they consent to their Officers in Church-Censures. Now how doth a Christian Magistrate in his station oppose these, [as a Magistrate] if he puts not forth his coercive power also, to repress them. How shall he answer this Text, that his people under him may live in all godliness? if he lets his people run into Heresies, and Gallic-like regards not these things; how is he a Minister for good, Rom. 13. 4. To tie up this good to the second table, is to frighten where the word doth not; I hope godliness is good, and he is to be a Minister for that, according to our Authors Text; and that belongs to the first Table. But Heresies and Error are no parts of godliness.

What our Author faith concerning corrupt Opinions and practices, that men take them up to serve factions and times, to please men, to serve their own bellies; this is true of many if not most of the Sectaries in our Times. As a man may discern what I have learned by good Intelligence out of Ireland; and it is as true what our Author faith, had these been conscientiously and really discountenanced by the Magistrate, many had not taken these up, and many had laid these down.

Secondly, This I find is agreed upon by our Divines, who question the putting to Death of Heretics; that Seducing Heretics,
The Civil Magistrate's Power

Recticks, oblique, that will not be reclaimed, they should be punished or some other way restrained by the Magistrate, to the end they may not infect others with their poison. Thus the Leyden Professors: aus deponentes, aus velogandos, aus alio modo constringendos, &c. So Gerhard: expellendum sunt, &c.

As for the plea of Conscience, it is true, Conscience is a tender thing, and those who carry themselves as conscientious men indeed, ought to be dealt very tenderly with: but for these we find them to be very rare amongst those who have drunk in the errors of our Times: And as Mr. Burroughs faith well, the Devil must not be let alone though he be got into mens Consciences, God hath appointed no City of refuge for him: If he flies mens Consciences as Joab to the barns of the Altar he must be fetched from thence, or fallen upon there.

As for the clamour of Persecution, when the Magistrate puts forth his power to repress Heresies, our Author hath given a full answer to it: He may as well be charged with Persecution for punishing and labouring to repress Drunkenness, uncleanness, &c. which are works of the flesh, and so is Heresy, Gal. 5. 20.

Postscript.
Postscript.

It pleased the Lord in whose hands are our times, while this Book was in the Press to call home to himself this godly Gentleman Mr. Meade, to whom this book is dedicated: the man was a sincere lover of Christ, a great lover and companion of all those who loved Christ, a diligent waiter upon all his Ordinances, a high esteemer of and great friend to all his faithful Ministers, a man who loved not to eat his morsels alone [nor did.] Such a succession of strangers [especially of Ministers] there was to his house that none need fear an unaired bed that lay there; considering his estate, we need not say, he was the second liberal Gentleman in Essex: he was deeply affected with the apprehensions of the dark and miserable daies comming upon England; but as he lived not to read over this book, so the Lord would not let him live to see those daies, he is gone to his fathers in peace.

FINIS.