A FULLER ANSWER
TO
A TREATISE
Written by Doctor FERNE,
ENTITLED
The Resolving of Conscience upon this Question,

Whether upon this Supposition, or Case (The King will not defend, but is bent to subvert Religion, Laws and Liberties) Subjects may with good Conscience make resistance.

Wherein the Originall frame, and Fundamentals of this Government of England, Together with those two Texts of Scripture are sufficiently cleared. viz.

ROM. 13. 1.
Let every Soule be subject unto the higher powers: for there is no power but of God, The powers that be, are ordained of God.

I PET. 2. 13.
Submit your selves unto every Ordinance of man for the Lords sake, Whether it be to the King as Supreme.

Done by another Author.
And by him revised and enlarged by occasion of some late Pamphlets Complaining in the Name of the City against the Parliament.

LONDON,
Printed for John Bartlet, and are to be sold at the Signe of the Gilt-Cup in Pauls Church-yard, neare to Austin Gate, 1642.
special collections

DOUGLAS LIBRARY

QUEEN’S UNIVERSITY AT KINGSTON

KINGSTON ONTARIO CANADA
A PREMONITION
To the Reader, concerning the Author, and Subject of the TREATISE here Answered.

Reader,

His Treatise here answered, in the Title, or Beake of it, seemes with the Dove to bring an olive branch of safety to the tossed Ark of Conscience; but doe but looke downe, and thou shalt see the Vultures tallons, carrying a firebrand, and hovering over the dying Carcasse of the State for a Prey: Be not like a Larke, dared into the net by a painted Hobby of pretended Conscience: Conscience is that new name which no man knowes but he that hath it, No man can write well of it, but he must (with Ezekiel) eate the Roll, he must be Subject as well as Author, the experient herein are only eloquent, when (as the Apostle speakes) a man is able to comfort others with the same comfort wherewith he himslef hath been comforted of God. Conscience is a diamond, and will be wrought on by nothing but dust of Diamond, such as contrition hath grownd it to: Otherwise while men carry this Subject, but as birds doe meate to their young,
young in their beakes, not breasts, and doe but (as Seneca speakes) Dilcere Schola, non vitre, hammering, and but suborning Learning into doubts, not deeds, they may (with this Treatise) write Cases (i.) covers of conscience, but resolve none: How like the motion of a Puppet, the language of a Parrot, is the best discourse in this subject of conscience of the not interested man? It would make Democritus burst againe with laughter, to see how like an Asse eating Thistles, loath to swallow them for fear of the prickles, a Doctor that is, or 'tis like would be a Court Chaplain, a pluralist, to mumble this holy Thistle of conscience, lest he should swallow it, prickles and all: If such a one see nothing aright in this subject, no marvell: Zachary will tell him the reason, he is an Idoll-Shepheard that leaves the Flocke, and then the sword shall be upon his right eye, and it shall be utterly darkened, and the sword shall be (he sayes) upon his right hand too; it is very likely this Prophefte is become the history of these times, wherein the hands of such as have been questionable deepest in the present sword: No marvell then (I say) if such a one see nothing but with the left eye of prejudice, especially in the actions of a Parliament, that hath so nearly touched him in his free-hold, Voted away his Archdeaconry, it may be one or two of his Benefices, and which is worst of all, all his hopes of having more. Quis tulerit Gracchos: ----Quis tam ferreus ut teneat se? But to the Treatise, this only by the way of caution, when you hear an Archdeacon talke of conscience, for the most part the Byas is not in the wood, it is but clapt on, to reach some tickler marke with.

Zechariah 11.17.

Quis tulerit Gracchos? ---Quis tam ferreus ut teneat se? But to the Treatise, this only by the way of caution, when you hear an Archdeacon talke of conscience, for the most part the Byas is not in the wood, it is but clapt on, to reach some tickler marke with.
An Answer to a Treatise Entitled

The Resolving of Conscience upon this Question,

Whether upon such a supposition, or Case as is now usually made (The King will not discharge His trust, &c.)

Lowing aside the Magistracy of the Title, Author, Style of this Treatise, as but the pin-dust of it, that gilds but intercepts the Letter: I find the substance of it to be a groundlesse supposition of the Parliaments taking up Armes, upon a bare supposition of the Kings meere intention to subvert Lawes and Liberties; for so we see the question it selfe is proposed:

Whether upon such a supposition?—The King will not, &c.

Here I confesse we have much of the Chair upon the resolving part, but as much beside the Cushion on the supposing part; for who ever maintained that the Parliament might upon such a bare supposition of such a meere intention of the Kings, take up Armes, the actual invasion of Liberties, invitation and detention of Delinquents from tryall by Law, to be a party in Armes against the Parliament, thereby to dissolve, or at leaft to remove it without the Houses consent, flatly against a Law of this very Parliament, Importation of foreign Armes and Souldiers, illegall Commissions to impoy them, &c. all voted in Parliament to have been done, amount to more then suppositions of meere intentions, but to passe by this, (as the property of the Feme, which ues to have a broad top, but a narrow root) the thing that he prosecutes, though not proposes, is, that

1. No supposition, or case can authorize Subjects to take up Armes against their King; and then 2. That such a case as the present Parliament pretends to have, is bad not; and 3. Therefore no Subject can take up Armes with good conscience.

The best way therefore of answering, will be to cleare these three Propositions,

1. A Parliament of England may with good conscience, in defence of King, Lawes and Government establisht, when imminently endangered, especially when actually invaded, take up Armes without, and against the Kings personal Commands, if he refuse.

2. The final and casting result of the States judgement concerning what those Laws, dangers, and means of prevention are, resides in the two Houses of Parliament.
3. In this small Resolution of the States Judgement the People are to rest, and in obedience thereto may with good conscience, in defence of the King, Laws and Government, beare and use Armes.

These made good, the answer to his severall Sections will be very easie.

If any one thinke much I do not answer the Doctor in his three proposed Resolves upon his Question, I answer, I am enforced to answer what he would say, for (to say truth) resolving, as he doth, upon a Question that never came in Question; That no conscience upon such a supposition as was never made, can have safe ground for such a resistance as was never undertaken, he layes (upon the matter) nothing at all. Only sets up an Army engaging in a quarrell of his owne fancy, a Blasphem of his owne dressing, which he cudgels into the Clouds he himself hath put it in: He disputes with his owne corner Cap, and is his owne John a Nokes, and John a Style both: much what as Mountebanks use to doe, who make Wounds only, the better to sell their playsters. And to answer him word by word, as he goes along in the Treatise (wherein for the more gravity and (it may be) the more to amuse and lose the Reader, he makes the Nomination of his in every sentence, to give the Verbe twelve-score at starting) would swell the Answer into too great an alliteration upon these dispatchfull and urgent times. How many weeks loower the Doctor hath been about the Treatise, it is well known to many, the answer cost not many hours the doing.

Prop. 1. A Parliament of England may with good conscience in defence of King, Laws and Government established, when imminently endangered, especially when actually invaded, take up Armes without, and against the Kings personal Commands, if he refuse.

Before we judge of what a Parliament can doe in England, it will be needfull to know what kind of Government this of Englands is: We are therefore to know, that Englands is not a simply subordinative, and absolute, but a Coordina-
tive, and mixt Monarchy: This mixture, or Coordination is in the very Supremacy of power itselfe, otherwise the Monarchy were not mixt: all Monarchies have a mixture, or composition of subordinate, and under-officers in them, but here the Monarchy, or highest power is it selfe compounded of 3 Coordinate Estates, a King, and two Houses of Parliament; unto this mixt power no subordinate authority may in any case make resistance. The rule holds still, Subordinat

Sect.5.
position of the Observer, the King is Universis minor, should he by this
re
siuer and others so much exploded, for if the temper (as he speakes) of this Sect. 6,
Government be of three Estates, he need not buy the Almanack (he speakes of)
to reckon by, that one is lesse then three.

But you'll say, what is not the Parliament subordinate to the King? are they
not all Subjects? I answer; The Parliament cannot be said properly to be a Sub-
ject, because the King is a part, and so hee should be subject to himselfe: no,
or are the two Houses without him Subjects; every member securis, taken se-
verally, is a Subject, but all collectives in their Houses are not, nay, Brathen the
great Lawyer is so bold, as to say, The King hath above him, besides God, the riens. De
Law, whereby he is made King, likewise his Court of Earles and Barons, &c.
But we need not goe so high, it will serve our turne, if the Houses be in this
mixture or temper of Government, not subordinate or subject, then, if they do
as Coordinates should, supply each others failings, no highest power is re-

But you'll say, how can they which are every one apart Subjects, not be all
Subjects in their Houses? Doth the Kings Writ not subject them? No, it was
the consent of both King and people, in the first coalition or constitution of the
Government, that makes them in their severall Houses coordinate with his Ma-
jefty, not subordinate to him, how else were the Monarchy mixt more then that
of Turkie? But doth not the Kings Writ make them a Parliament? It doth
ordinarily, in actu exercito, but in actu signato, it is the Constitution of the
Government designes them to it, and accordingly provides for it in an annuall, or
now trienniall vicianditute; where note by the way, that whereas it is often
urged, that they are but his Council, to be called by him; it is true, that office
is ordinarily beraules to him, but they are by the first constitution not to be ele-
cted by him, but assigned to him, not assumed (as Moses his under-officers, of
Jesho's advice) not only the Kings, but the Kingdomes Councell, elected by it,
not him, and have not only a power of consulting, but of consentium: the Writ
for the House of Commons is ad faciendum, & consentium, however, we
know they must consent before it can be a Law, whereby it sufficiently ap-
peares, they are a coordinative part in the Monarchy, or highest principle of pow-
er, in as much as they beare a consenting share in the highest office of it, the ma-
king of Lames.

But you'll say, can there be more then one highest? No, there is but one, but
that one is a mixt one, else the Monarchy were not mixt.

But you'll say, how doth it appear that the constitution of this government
is such? I answer (besides his Majesties above mentioned confession, and the
Houses share in the highest office of government, that of making Lames) by
the mutuell Oathes the King and people are to take to maintaine the Laves
that have so constituted it. * Fortesce is herein full and home, (1) The King is
to governe his people by no other then that kind of power which flows to him from
their consent, and that is a politicall not regall power. Now he that knowes any
thing.
thing of Greek, knowes the word Politicall implyes a mixt Principat, specially when oppos'd to regall.

But you'll say (with the Treatiser) the King is King before he takes his Oath, 'Tis true, but he is King but upon the same trust which his Predecessours (in whose right he followes) swore to; and the Oath which the Law provides for the King and his Predecessours to take, virtually binds him even before he take it, while he holds the Kingdom, but in the right of succession, for the same Law that conveys upon him the Crown in right of succession, charges upon him the taking of the same Oath his Predecessours have done, from whom by that Law he claims the Crowne; in that respect it is, that the King is laid in Law not to die, but demise, because they all still live in him.

But you'll say, 'Tis hard to apprehend how the same men that are all Subjects severally, should in their houses not be Subjects, but coordinate with the King? It may appeare easily thus: a Father and a Sonne are by a deed of enfeclusion jointly entred with certaine Lands to use, the Sonne is still subordinate to the Father as Sonne; but as Feofee, in the trust, he is not subject but coordinate and joynit with him. And therefore it is not a little to be wondered at, that so many especially of the Lords, who are Conciliatory, that borne Councellours to the State, in whom their shares both of trust and interest in this Supremacy of power in Parliament, the very constitution it selfe of the government hath invested their very blood with, should be so much wanting to themselves, their posterites and ise, as upon a bare Whistle to desert that trust and interest in the government, which their Fathers in so much of their care convey'd upon them, and so much of their blood preserve'd for them; Their very stile Comites and Peeres imply in Parliament a coordinate Society with his Majestie in the government; they are in Parliament his Comites, his Peers. I know 'tis strongly alledge that they could not stay with safety for routs and tumults: I must confesse 'tis much to be wish'd there had been none; but the Houses alleadge againe, they hindred them what they could, and there was no Law to punisht them, specially comming but as Petitioners, and that his Majesties face was so little from them, that the morrow after the greatest of them, he went into London with an ordinary reitirn; and that most of the Lords departed not, till long after all was quiet; what had become of Israel, if Moses had left his charge upon every tumult? But of this but by the way.

The world hath been long abus'd by Court-Preachers (such may be as this Doctor) first crying up the sole Divinity of Monarchy in generall, and then (what must follow) the absolutionesse of this in the Kings sole Person. No marvell,—id sibi negoti,—by this craft they got their living. Now they doe (with this Resolver) begin to fore-fee and acknowledge, that if Monarchy were of moral and speciall institution from God, it would at once condemne all other forms of government of rejecting a divinelly moral, and therefore universal institution, and make this Monarchy as unlimited as any other; for what limits or after-bounds can manset to Gods speciall institutions? That there be in all Societies of
men, a government (capable of it's end, safety) is out of question God's institution and moral; but that this government be f or f o moulded, qualified and limited, is as questionble from the passion or content of the Society to be governed, Hanc potestatem Populo eflxam Rex habet (as Fortescue before) the qualification of the power is an effux of the peoples content, as the power it selfe (as the Doctor tells us) an effux of God's Providence; and to say truth, he himselfe acknowledges as much, confessing, That no particular forme of government is, jure divino, it must be then humano, fure, from the peoples content.

It was but a while since good Pulpit-stuff with Court-Doctors. That safety being the end of government, and the King only by God solely entrusted with it, he was not bound by or to any humane Lawes in the managing it to that it's end; he was to use whatever the reft of his owne judgement concluded fit and conducing thereunto, may he was not bound to keepe any Oath he tooke to the people to be rul'd therein by Law; there could be no commutative justice betweene him and them, only distributive from him to them, fo that all they had was his, to the very parings of their nayles, his Oath was but a piece of his Coronation show, he might take it to day and breake it to morrow without perjury, because he was under a former and higher obligation to God (by whom only he was trusted, and to whom only accountable) to use whatever means he should thinke conducing to the end for which he had it only from God: that the Salus populi committed only by God, and whole to Him, was a Law between God and him only, before all other Lawes, and therefore these must not hinder him in the discharge of that to God by any means, which he should find in his owne judgement conducing therunto, the Oathes fault (not his) was in being taken, not broken. And to this purpose the whole body of the Cannon Law was mericely rack'd and rack'd into, for rules miferably mis-applied, as A turpi Voto muta decretum, Quod incurtè vovifi ne feceris, and Non per- ficienda promissio sed penitenda presumptio, &c. yea and some seeming Scriptures shamefully suborn'd too, as that of David's confession, against thee only have I sinn'd, spoken, only in refpeft of the secrecy of his finne, and therefore 'tis added, and done this evil in thy sight, or because finne is properly against none but God, being a transgression of his Law. As if the King tho' he be, custos utriusque tabula, Keeper of both Tables, yet were bound to keep only the firt, he owes no duty to man at all? And againe, that other of David's praise, My Lord the King is as an Angel of light; now Angels are accountable to God onely, not men; and therefore the Oath the King takes, is (forsooth) not to men but God; (whereas Divinity tells us the formall difference betweene an Oath and a Vow, is, that a Vow is to God, an Oath is by God, wherein there are 3 partes fignif, Who, by whom and to whom: belike then, if he sweare to God, the people are the party by whom he sweares: Nay, our owne Dialect will tell us, That the King is our liege Lord, as well as we his liege people, that is (as the word signifies) mutually bounden each to other.) All this and much more of this Demetrian divinity was ordinarily preach'd by these Court Acts 19.25, Earneges, and all upon this errour that the Doctor resolves on, that the fol e
Supremacy of power was in the Kings Person, and that his judgement was the sole supreme rule of that power. But we go on.

Now the end or purpose of this mixture of the 3 Estates in this government, is the safety of its safety, as all government aymes at safety, so this temper in it at the making this safety more safe or sure; The common interest of the whole body of the Kingdom in Parliament, thus twisted with the Kings, makes the Cabel of its Anker of safety stronger: So then, the government by Law its rule, unto safety its end. is ordinarily entrusted to the King, wherein, if he faile and refuse, either to follow the rule Law, or to its end safety, his coordinates in this mixture of the supreme power must according to their trust supply. But you'll say, there is no Written or fundamentall Law for this. I answer (to speake properly) if it be written it is superfluous and not fundamentall, Written Lawes, that were not Lawes before written, are repealeable and alterable, even while the government remains the same, fundamentals cannot: a foundation must not be flitt'd while the building stands; That of Magna Charta, where most of these fundamentals are (at least) implied was Law before it was written, and but there, and then, collected for easier conservation and use; but if we would know what is meant by those fundamentall Lawes of this Kingdom, so much jeer'd at in this and other Pamphlets; it is that originall frame of this coordinate government of the 3 Estates in Parliament consented to, and contrived by the people in its first constitution, and since in every severall raigne confirm'd both by mutuall Oathes betwixt King and people, and constant custerne time (as we say) out of mind, which with us amounts to a Law, wherein the rule is, Quod non disputatur praevinitur, it cannot be disprov'd from taking place upon all occasions, therefore it is to be presup'md to have contined from the beginning, even in the Parliament Summons of Edward 1. This Law is cal'd, Lex stabilita, & notissima, even before it was a record.

Now as this mixture, the mean unto this fuller safety, dies not, 'tis not personal but incorporate, and Corporations (the Law fayes) die not, so, that Reason or Wisdome of State that first contriv'd it dies not neither, it lives still in that which the law calls the Reason of the Kingdom, the Votes and Ordinances of Parliament, which being the same (in the construction of the Law) with that which first contriv'd the government, must needs have still power to apply this coordination of the government to its end safety, as well as it had at first to introduce it; otherwise it should not still continue in the office of a means to its end.

Here, in our present case the necessity of applying this coordination or mixture of the government is imminence of danger, which (if any man will make himselfe to very a stranger at home and to all the world besides) as to deny it, the matter is not great; 'tis coram non judice, it has another competent and entrusted judge, the two Houfes (wherein the Law makes the Reason of the Kingdom to reside) who have by Votre concluded it; Nay the Kings Majesty himselfe acknowledges imminence of danger in his Writ of Summons, Mandamus quod consideratis dictorum negotiorum arduitate, & periculosi imminenti bus, imminent dangers.
dangers: where, (by the way) we may take notice, that his Majesty is by the above-mentioned fundamentall Law to call a Parliament when there shall be any imminent danger.

Well, in this imminent danger of the State, the meane thought fit by this the Kingdome's reason to this end its safety, is, the secering of its Militia: (the seeds of Reformation are to be sown: and no man but makes his fence before he sewes his seed,) the State is in its unquiet and rotten parts to be lanc'd, it may be dismember'd, and who will goe about such a cure, but he will first bind the patient.) In this, the ordinary way is taken, by a Bill offer'd the King, he refuses to passe it; I know 'twill be said, he never refused to passe it: It cannot be denied but that he refused to passe it according to the advice of the Houses, which is (laries the Law) the same ever-living reason of the State that first advis'd the government, and must still advise the way of applying it. But doth not this you'll say deny the King his negative voice in making Law? No. This Vote or Ordinance of the two Houses, 'tis not an Act of Parliament, or Law; 'tis but an occasional supply of this coordination of the government (in case of one parts refulled) lest the whole should ruine, and to continue but until a Law may be had.

But you'll say, how, and where doth this reason of the State thus refiding in the Votes of Parliament, live in the intervals of Parliament. I answer, virtually it lives to the needs of the State, in the present Laws, the births of those Votes, potentially in Parliaments to be call'd when there is need, it being but occasional, needs no continued actual existence.

Well, hereupon the ordinary way of Bill failing, the Houses must not desert their trust, but apply it that way which by the first constitution of the government in such case is left them, that is, by their Votes and Ordinances, wherein (as before) the same reason of the State still lives to pursu its safety. The King still perfists in his refulal, and instead of passing a Bill for this secured Militia, raises an Army against their Ordinance for it, claiming the trust thereof to belong to him; they deny it not, so he discharge it by this entrusted reason of the Kingdom, the advice of Parliament. He will doe it, but it shall be by the advice of them against whom it is to be secured, whom the Parliament has voted enemies of the State, and against whom especially it was first call'd: Now 'tis a rule in Law, Interest reipublicae ne faser quia male utatur. No man may use his own right to the Common-wealth wrong or damage; the Law provides, that a man burn his own Corne, drown his own Land; nay, that a man bind not himself from Marriage, or the manurance or tillage of his own Land, because against the good of the Common-wealth.

Well, the King in stead of applying this trust of the Militia (ordinarily his) against these voted enemies of the Common-wealth, gathers those very enemies into an Army against the Parliament, that had voted them such, or which is all one, the over-voting party therein; 'tis certain the Law allowes not the King without content of Parliament to raise an Army, 'tis as certaine these men thus in Armes, tho' rais'd by his personal command, are enemies to him in his political capacity as King, because they are in Armes against Law, and so against the Kingdom, and so against him as King, who (tho' in place he be,) cannot in Law...
be devided from his Kingdom or Parliament, no more then the head can from the body; nay, they are not only in Armes against Law (i.) without its authority, but against the very being of it which depends on Parliament. What shall the two other Estates doe? nothing but an Army is left whereby to repress these enemies of King and Kingdom; the third Estate, the King, is so farre from joyning to raise an Army to that purpose, as he invites and detaines these enemies of the Kingdom from its justice: What, but use that power in Armes, which the government in such case of the Kings refusall hath entrusted them with to its preservation, especially when 'tis but for the apprehending of such enemies to it, as (besides their voted delinquency by the States judgement) are sufficiently convinced by their own flight from its justice, that it yet Legem sactur facinus, flight argues guilt alwayes. Every Court in its capacity, has power to apprehend and bring Delinquents to the justice of it, and that by force, and if need be, by arming the posse comitatus to enforce it, and why not the Parliament the regall Court, the posse Regni? An attempt to kill a Judge on the Bench, the Law makes treason, and why? but because 'tis in his Labours and Courts, that the King specially reignes, 'tis in them his Crowne and dignity is more specially impeach'd. But you'll say, 'tis the King makes it a Parliament, and he is not there.

To which I answer, in a coordinate and mixt government, one parts refusall exempts not the other from its duty, nor mult it defraud the whole of its safety; so it should frustrate the very end of that its coordination, which is (as we have seen) supply, for the more security of its safety.

Next, at all times the Houfes are a part in the supremacy of power, and in case of the other parts absence and refusall both, virtually the whole, but more specially at this time, now the King hath bound himselfe by Law not to dissolve them without their consent: for however many stille them now in the Kings absence no Parliament at all, and his Majesties own Papes have some expresses tending that way, yet I would faine know, whether there be now actually in England a Parliament or not? if there be not, how came it dissolved? the King hath bound himselfe from being able to dissolve it without their consent, they cannot without his, neither consent hath been obtayned: Legally dissolve it he cannot by his removal; for, then he should be able to doe more by his absence then he can by his power, he should be able to keep and break his Law at once, for the Act is against removal without consent as well as dissolution: and illegally dissolve it he cannot, if so dissolve'd, it would remaine a legal Parliament still, an injury cannot take away right. Well then, a Parliament it still remains in his absence, and if a Parliament, why should it not have the power of a Parliament? a Parliamentary power is the inseprable admission of a Parliament: why not able then, in order to the end of a Parliament his and its preservation, and therein of the whole, to apply the power of that whole wherewith it is entrusted? why should the whole be frustrated of its safety, the end it first cooereted, and thereby fitted the government to, by one part of that governments refusall, when the other part is willing? specially when that one part hath bound it selfe
Fe out from hindring the others willingness, willingness to preserve the Whole, and in the Whole that unwilling part too: how ever this Resover fligh\(t\) the Observator's Argument drawn from the highest end of government, the people's safety, he cannot deny but that the rule holds alwayes, finis quo ultimatio\(n\) eo infius potenser, the highest end hath the strongest influence, to that end still all other subordinate ends stand but in the office of means, and this that very Text the Resover to much clings to, evinces, where the higher power is call'd a Minister for thy good. The people's good is the highest end of the highest power, and therefore that which gives essence and denomination to that power according to those rules in nature, Finis habet rationem firme in moralibus, the end hath the office of the firme in morals, and Forma dat nomen & esse, the firme gives denomination and essence both, the end then being tho' last in the execution yet first in the intention of the efficient, must needs qualify and regulate the worke.

Yes, a fine way you'll say of preserving the King by fighting against him; no such matter, the King hath a double capacity, politick and natural, in his politick capacity as King, in fighting for the preservation of the Land and Kingdom they fight for him, what King could he be without a Kingdom to govern, and Law to govern it by? in that therefore the Law tells us, he cannot be severed from his Kingdom, or Parliament its representative body (tho' never so farre in Person distant from it) And in his natural capacity, as a man, they fight not against him in that neither, they humbly begge his fater presence with them, at least his withdrawing from his, and their enemies; nay, they fight for him this way too, we never reade of a King once making'd but he is quickly unman'd too, they fight to disengage and unthral all his Person from that unsafe and unworthy imployment those enemies to him and his Kingdom put it to, in making it a shelter, a breast worke, but a mudd-wall to their own dangers, which they feare from his own Laws: for however his Majesty may be persuaded by them, 'tis his cause has engaged them, (most of them)'tis their own guilt and danger that hath engaged them, and engaged them to engage him: and although in their mutual engagements, they may think eithers turne served, it may be neither sufficiently knows who steers their course, what depth of water they draw; certainly, he that looks on the confusion's of the late affairs of this and the neighbour States, cannot but believe (tho' unknown to his Majesty, and it may be many about him) that those long-spoones to feed with the Devill with, (as one calls them) the Jesuites, both at home and abroad throughout most parts of Christendome have (tho' at a distance) the first and highest, and therefore strongest influence into his Majesties present counsels, byting their unseen hooks with his and his Armies interestes, making them to pull at the Oare while those sit at the stern: His Majesties aime (may be) is to bring his Crown out of wardship, (as Lewis 11. of France bragged of his) his Army's (may be) many of them but at keeping their necks out of the halter, but those Bafilians (that kill with their eyes at distance) looke further, and have their ends mingled with, and lapt up in these upon Religion and the State both.

2. The small and casting result of this States judgement, concerning what those Propositions.
Laws, deters, and means of prevention are, resides in the two Houses of Parliament.

Well, in this mixture of the Monarchy or supreme power and trust of Government, the two Houses of Parliament making a coordinate part, what is their share? You'll say, they are the Kings great Council, but what, only to consult? (Then questionless, he, and not we were to clear them, who choses not his own Council that he is but to consult with.) No, but to consult with him in the making of Laws the highest office of Government; but how a Council voluntarily assumed by him (as Moses his substitutes in the Wilderness) no, but assigned to him by the first constitution of the Government from the very time content of the people that first made the King, and by successi- on him that King, in whom the first King still lives as in a Corporation (as the Law calls him,) which does not; For the Doctor dares not speak out, when he takes of the Kings right by conquest to the Kingdom: Conquests (I confess) may give such a right as plunderers use to take in houses they can master, a jus in re, not a jus aeternum, (as the Law speaks) a jus renovum in re, a right of tenure, but no tenure of right; how, not only undoorall, but how unchristian, inhuman a barbarismis it, to take of a right of Con- quests in a civil, a Christian State? Were a Land inhabited by Wolves and Tigers only conquest might give a right, because none could claim any other; but a mong men capable of, and invested in a right, there was never more then two ways of alienation of a right, forfeiture and content, and even in that of forfeiture there is a consent too implied, the condition is (therein) contented to, on both sides, and what forfeiture can there be where there was never any co- venant? If Conquest may create a Title where there was none before, certainly it may make that Title absolute and arbitrary as the Conqueror pleases, for what should let, where there needs no consent or covenant, and then, why might not such sooner a King in a limited Monarchy (as this is) make himself as Arbitrary as he pleased by Conquests? Tis easier to augment then to cre- ate: no conquest may restore a right, forfeiture may loose a right, tis consent only that can transfer or give a right. And I cannot let passe how many ways this Reformer abuses his Majesty herein: A Title he has (he fayes) by con- quest; but he must not rule by it; a King as Conquerour, and yet he must not rule as Conquerour; what a strange Title is this that makes him a King, but gives him not any Rule? And how injurious doth he (herein) labour to make the King to his posterity, as well as rulelesse in himself? How much doth he wrong his inheritance that subscribes and swears to a limited Title, and has a free one the while to hold by?

Well a power of consenting is of all hands agreed on to be in the two Houses, the faculty of Legem dare is not in difference, the question is about the Declaration that of Legem dicere, the Law is the rule, and cannot be framed without all the three Estates, but who must apply this rule by giving it the final and ca- sting resolution of it's fence? without which the Record is but the Sheath, tis the fence is the Sword of the Law; such a power or faculty there must be in ev- ery legal government, after all debate, and to give Lawes their fence, beyond
all further debatement, otherwise, there would be a Process in infinitum, debatement still upon debatement, and as nature avoyds infinitudes, to the Law inconveniences, even above mischiefs: and were a defect of no kife then infinite inconvenience to the end of the Law, Government: if this decisive faculty after the debative hath passed upon the fence of the Law, were not some where resident in the government, Perfection est in nilihil quod convenit deest, and 'tis a monster in Nature, quod defect necesariss, That is perfect Which Wants not what is convenient, that a monster in Nature Which is defective in What is necessary. And where should this faculty reside, but in the two Houses? in whose Votes the Law it selfe places that very same specifick reason of the kingdom, that at first contrived and still animates the Government; and which ever since contrives the very Laws themselves to be declared, (every one abounding must in his owne sense;) which thus we prove.

This Principle which all debates about the fence of the Law are to be resolved into Without further debatement, must be either the Records themselves, or the Judges, or the King, or Houses of Parliament: Not 1. The Records, for thats the peculiar Privileg of Gods word to be autocricall, its own last Judge, and even therein too, tis he who was the first contriver, that is, the last Interpreter: God only could fore-see from the beginning, what doubts may arise about the meaning of any part of his Records, and therefore he only can apply & fit those with some other part thereof to interpret them; Mans Laws are therefore still liable to repeals & dispensations, because the makers could not fore-see how unfit they might prove for after times, & even then those repeals & dispensations given the are (in conclusion of Law) no other then interpretative still; it is interpreted that bad their first makers of the lived to see their unfitness, they would have confented to those their repeals and dispensations; the Records then may be helps to their Interpreters, not the Interpreters, because 'tis they that are to bee interpreted, they are the rule, they cannot be the hand too, to apply it; though penned with never so much care, time will weare them into a capacity (at least) of different fences to different understandings, and a different or double fence cannot be this higheste principle of resolusion, there canbe but one highest.

Why not the Judges then? They take solemn Oathes to interpret Law aright; true, yet we see their interpretations and Oathes to fall under further debatement still, witness (besides many other) the late case of Ship-money, the Oath they take 'tis to the State, and therefore that by its reason residuing in the Votes of Parliament, is to judge how truely they have kept it. It comes then to fall between the King and Parliament, which shall have it? both cannot, if divided, as now they are (at least personally) and the principle of ultimat resolution cannot be a divided one, for then it cannot resolute.

But you'll say the principle of making Law is King and Parliament ioynly. True, ioynly, a joynyt principle it may be, but not a divided one. But you'll say: If Laws cannot when the principle is divided be made, nor must they in such a case be declared? I answer there is more need of declaring old Laws then of making new, a State may be governed by the old ones without new; but not by the old ones without this final resolution of their sense, they are of no use with-
out it, the making of Law, is a standing permanent Act in facto, done at once; the applying them by their interpretations, a transient one, in fieri always a doing. But you'll say then, if this declarative power be so necessary, and so necessarily in the House, how shall we doe in the intervals of Parliaments? I answer the judgements of inferior Courts must stay further debates untill a Parliament be to try those judgements by, which therefore should (by Law) be once a yeare (at least:) Well then, if this last casting principle be so necessary, and cannot be a divided one, why not the King? he cannot in himselfe be divided, the Parliament may? I answer, first, though the Members be divided, the major part that carry the Vote cannot be: Next, this principle as it is thus necessary, so it must be a competent one too, and that requires two things, ability and fidelity; ability to know what he is to judge, and fidelity to judge but what he knowes aright; for matter of ability to take cognizance of the cause by; His Majesty often professes himselfe no Lawyer; therefore, in Law he judges not but by his Courts, in the meaniest of which the sentence past stands good in Law, though the King by Proclamation or in Person should oppose it: whereas there is nothing more frequent or proper to Parliaments then to reverse any of their judgements: But the King (you'll say) has promises of assistance from God himself to enable him herein, A divine sentence is in the mouth of the King, and his lips shall not transgress in judgement; and againe, my Lord the King is as an Angel of God to discern betweene good and evil; true, such Scriptures I know have bin taught to speake what Kings can doe in stead of what Kings should doe, but these are no promises but precepts, at least but particular prays of one, no generall praynes of all Kings, nor one of the wisest Kings (and ours too) experimentally confesses, That with Kings 'tis so much the more hard to doe right, by how much 'tis so easie to doe wrong; and indeed what would such a power be lesse then arbitrary, if what he please to declare to be so, must be Law, so, what vain things would Parliaments be, what wild things Kings, and what suffering things Subjects? But in point of fidelity, why not the King rather then the Parliament? Why may there not be a factious, packt or enslaved Parliament, as well as a wilfull, flattered, abused King? Yes I confess 'tis possible, but nothing so likely, and it behoves the wisdome of a Government, where nothing can be contrived against possibility of miscarriage, to secure what may be against probability: So much the Resolver acknowledges, Wee can not (he faies) expect absolute means of safety in a State, but such as are most reasonable: now experience shews that most mens actions are swayed (most what) by their ends and interests; those of Kings (for the most part) as absoluteness of rule, enlargement of Revenue by Monopolies, Patents, &c. are altogether incompatible and cross-centred to those of Subjects, as Property, Privilidges, &c. with which the Parliaments either ends or interests cannot thus dash and interfe, the Members are all Subjects themselves, not only entrusted with, but leftes interest-ed in those very privilidges and properties; besides they are many, and so they not only see more, but are leefe swayable; as not easilie reducible to one head of private interest; but by a lesser equality of Votes (you'll say) in Parliament it may come to an ad man to cast by, and then the whole trust and interest both, lies in him wholy.
I answer, no such matter. *Syllabum Stiliconum non exspectat Clepsydram* the last odd fand doth not make the houreglafe empty more then any of the rest it doth but tell us when *tis empty* suppose 200. of one side and 201. of the other, the odds is carried by the one but the vote by the whole 201. the odd one tells us *tis the major part* but *tis all the rest that make it fo* : so that we have (however) the judgment, trust and interest of 201. chosen men engaged in the equity and fitness of the Vote: this is it that great Father of the Law, so much magnifies the will of this government in, *Dum non unitas aut centum solum consultorum virorum, sed plus quam trecentorum electorum hominum, quales numero olim Senatus Romanorum regebatur*, ipfa sunt edita, and neer upon that number of 300. the major part of both Houses falls to be.

But you I say, how if one or both Houses be devided, and that into equall Votes, how then is the principle either one, or able to resolve it. I answer, *de impossibilitibus non est desiderandum*, impossibles are not to be consulted on, it cannot be; for in such a case of either Houses, equality of Votes their several Speakers have then, and not till then Votes to cast by.

But how yet doth it appear, but that (at least) this power of last Reso- lution, is as arbitrary in the Houses, as it would be in the King: I answer, it cannot be denied nor avoided, but that as the Government (in the forme or qualification of it) was at first an act of the will, and to Arbitrary; so it still remaining the same it must remainsome where arbitrary still, elle our fore- fathers should not convey that same government to us which they began, but should bind us in that wherein they were themselves free: it is the priviledg of Gods Laws onlie to bind unalterable, now where shoudl the arbitrarines of this facultie reside for the States use, but where it was at first in the conse- nce and reason of the State? which as (we have seen) the Law places in the Votes of Parliament, where this arbitrarines allaied and balleance by number, trust, self interest, is best secured from doing hurt; in the naturall bodie the will follows alwaies the last dictate or resolution of the understanding, and that, (in this politic bodie) being the wldom of its great Councel, what so fit as it to give dictate to what necessarilie remains of will or arbitrarines in this faculty? the Resoletor himself acknowledges no leffe, when he says *the King self, is to see with their eyes, that are of different judgment from him*. But yet further if ability and fidelity make up the competency of a faculty to give Law, its final resolution by; why not then the Judges in the Chequer-chamber rather then the Members in Parliament, at they for matter of ability are skill d, and for matter of fid. they sworn, have more dexterity to judge and leffe liberty to erre: I answer; for their skill and oath, the Houses may make use of both if they please: it was the wldom of this government, considering mens aptnese ra-

> **Footes, cap. 13**
ther to warpe after their interests and ends, then to be kept upright by their
skills and oaths, to truft it rather to many independent mens interests, then
a few dependent mens oaths, every dayes experience tells us that interests are
better state security then oaths, specially when those interests have (as here)
the command of those oaths, to bind all that skill too to their service: besides,
as their interests with us ye them more to do a right, so our elections of them
tyke us more to suffer what they do if not a right: because, what they do, we do
in them, and self wrong is seldom felt revenged. Lastly, if theirs be the finall
judgment what is Law, then (a fortiori) much more when it is endangered,
and the state in it? and what fitting means of prevention are to be used.

**PROP. 3.**

In this finall Resolution of the States judgment the people are to rest, and in obe-
dience thereto, may with good conscience, in defense of the King, Laws, and
Government bear and use armes.

This last and casting resolution of judgment then (we see) resides in the
two Houses of Parliament, which are therefore called the great Coun-
cell, not of the King only, but of the kingdom, and therefore by it elected and
entrusted, but how resides it in them? infallibly? as this Resolver imposes on
their Idolizers (as he speaks?) no:they are not therein in themselves infallible,
but to us inevitable: our judgments are not enthrall’d, ’tis our interests are en-
trusted and so, subject to their decisions: our judgments are not infallibly
guided from either erring with them or differing from them, but bound up
in, and superseded by theirs from gaine-laying or resistance; here then (we
see) is no Parliament Papacy at all (as the Doctor pleases to declant) he
himself well knowes, that though the Pope claim an infallibilty, and we deny
it him, or a generall Counsell either, yet we ascribe to a rightlie constituted
generall Counsell, a power of binding all under it, from all manner of di-
Sturbance to its decisions; and why shou’d a civill generall Counsell of Eng-
land have leffe power in it? yea further, why shou’d we not, (as we have
bound our selves by our choice and truft, externally to submit to their deter-
minations, so) be enduced too, to believe their joynt judgments better then
our single opinions? there intelligence and affistansi is, (in all likelie hood)
mo: oh better, I must confesse in the Militia Ordinance, my opinion (possibily)
and another of this, or that Lords fideliy, may incline us to think they might
have bin as well continued in their trufts: but why should we not believe, we
may sooner erre therein then they? we know our own, we know not their

infor
informations, discoveries, reasons; the Law is called mens sine appatitu, a mind
without passions, and the Law-makers should be (as meere as may be) so too,
the Parliament as speaking Law, as the Law a silent Parliament, Law-makers
should be (as Aristotle speaks) rather λογιοι then ἀσπατοι rather reason then
men, and (as he speaks) but λογιογιον at most; but pieces of quick and
walking reason; every Member of Parliament, (tis like) is not such, yet cer-
tainly if some neighbour Members might personally hate this or that Lord,
upon particular entercourse of wrongs, yet, no one Lord hath in all like-
lihood provoked the greater number of the Commons House, and tis that
must go to the displacing him; or if he should, tis very much if the other
House should jumpe withall them in such a personal hatred.

Well then, wee see what power the Law, through our trut, gives the two
Houses, and all, in order to the safety of the King, Law and State; They judge
by the reason of this State, and rule of this Law (both residing in them) that
all three, King, Law, and kingdom, (in Law, as we have heard before not se-
parable,) are not only immenently endangered, but actually invaded by an Ar-
my, engaged by the adjuted forfeiture of their own lives, there remains no
way in the highest resul of the States reason to preserve these, and prevent
those from apparent mischief, but an army to withstand this other army ready
to advance, nay in actual attempts of hostility; of whom should this army of
the State consist, but those who are endangered, nay assaulted, yes assaulted,
and plundered too, nay murdered, before in any Parliament army there was so
much as man lifted, all before were but Musters, and manning of Forts, for
the kingdomes better defence against Forraign dangers.

Well the case thus standing, this great Centurion of the kingdom the Par-
lament (for the King refusing, we may now (better then our forefathers)
give that name to the Houles) saies unto one of this now necessarily yet vo-
luntarily lifted army too, go and he goes, to another come and he comes, to a vird
do this and he doth it; and wherein lies now the unceffionablenesse of this
obedience? it is natural all the faculties and members in the natural body are
to the defence of the whole commanded to their offices by the understand-
ings last resul or dietat; it is politick, prevention is the right eye of policie,
recovery is but the left, the after game. What other authoritic hath a Sherif or
executioner to put a malefactor to death? but you'll say conscience must have
some higher footing, tis Gods Accomptant, and must have his warrant and it
has that fully too: First, a warrant of Charity, in the sixth commandement,
which not only forbids murder but commands the preservation of our own
our neighbours lives. Secondly, of justice: Render to all what is due, and we
have seen, that in case of the Kings refuall (already voted by the kingdoms
Reason) the command of the kingdoms power (in order to its safety) tis its
Councells due.

Note that the two Houses are, usually in the Parliament rolls called the Par-
lament & their judgements on Delinquents, when not by Bill, is there called
the Judgement of parliament although it be by the two Houses only, and the
King no parties.
1. Peter 2.

Lastly, of obedience, submit your selves to every ordinance of man, and that for the Lords sake. Sayes S. Peter, we have seen it was the ordinance of man, the first men that introduced the government of this State, and now of the men that are ordained to administer that government. Let every one be subject to the Higher powers (faith S. Paul) and that not for wrath but conscience sake, which place I shall sufficiently clear anon) besides David in his own defence used an army, & (though against the King) yet is laid to fight the Lords Battell: now we have seen the Coordination of this highest power in this kingdom for its better safety, & therin the entyrenesse full of its efficacy to its end, though the part withdraw, if the King (especially now he has bound himself by Law not to dissolve this present Coordination) he should be able legally to break the Law, then his government were utterly absolute, or rather absolutely impossible, and illegally, he cannot, for the Law hath provided that as King he can do no wrong, (1) nothing against Law, because he cannot, (in that capacity) be severed from his Parliament, and what they enact together is Law: So then the best commands are in this our case acts of the highest power to which the Apostle bids us to be subject.

I do not say if any Soldier in this Army of the King and Parliaments (for we see legally severed they cannot be,) do fight not satisfied in his own conscience, but that he sins, and that (as the Doctor urges to often) Damnably: I say only, that he hath warrant enough for his conscience if he apply it, & if he do, the Doctors Damnation is not that of the Apostles, but much what of the nature of that of the Damnes of these times. And now these three Propositions being cleared, the Answer to the several Sections of his Treatise will be both very short and easie. To answer that all his arguments and instances against resistence are mis-scene in absolute Monarchies, whereas this is ours is mixt would serve the turne, however particularly thus.

The first Section contains little else then the laying down of the manner of conosciences, discourse, by assuming to the Proposition granted, and so concluding saying that he the theore tells us that all his fellow Divines deny to the King an arbitrary Government, and yet, in his first Section he tells us too that the chief power and final judgment is in one, and that one: which (I pray) amounts it lest to, then an Arbitrary Government? and he denies that again too almost the next word, in his omnibus ordinibus regni consentientibus, for what content of all needs there is the final Judgement be in one? now that (though the King in Person withdraw,) there are virtually, omnes ordinibus regni consentientibus, it hath sufficiently appeared; and for his person, if that were with them to consent or dissent either, doubt lest there would be no resistance made at all.

2. Sam. 25. 28.

The

The
The 3d. Section begins with certain instances of resistance, as that of the people in behalf of Jonathan, David’s resistance, and Elisha’s, but wee make no use of them, need them not, and therefore need not answer the Doctor’s refutation of them, only (by the way) David’s resistance was by an Army, and what use of an Army unless it may fight against, as well as avoid the danger, besides it is said that (though against the King) he fought the butt Is of the Lord (as before) other instances herethein against resistance, but all in simple absolute Monarchies, those of the Jews and Romans: nothing to our case: only, take notice by the way, that those Monarchies were absolute and arbitrary not by conquest, but by consent of the people, the Jews desired of God a King, to be governed by, after the manner of the Nations (as the Text) which was arbitrarily (as the Doctor obserues out of Justin) and therefore is it that God by Samuel tells them what such a King would doe to them, not what he might do (as the Doctor seems to inferre from the place.) And for the Roman Empire, its arbitrarye was not introduced by conquest, but by consent of the Senat, (how ever it may be saved thereto by Armes:) and for that Title of Succession (the there speaks of) it no way excludes consent, for it begins first in the election and consent of the people, and virtually continues till in the mutual bonds of oaths between King and people, to governe and be governed by Lawes by them joyfully to be mad.

But the maine substance of this Section is a couple of Texts, that of Rom. 13. and 1 Peter 2. To the first, we alwaye answer (as not writ particularly to the Romans, who were under an absolute Monarchy, and so no more to concern us then the Judicial Law doth (i.e.) only in the general equity of obedience) yet suppose it referre to all government in generall, it makes (as is often alleged) altogether for us, it requires obedience to ordained powers, (i.e.) legall commands not wilfull pleasures of Governour, now ours is ordained to be ordinary and mixt, and resides in that part of it from which the other though withdrawing in peron cannot take it, and to which the Law in such a case clearly gives it, including (as we have seene) in it virtually the other part too, who in his politick relation cannot bethence (as King) divided; the meaning of the place then must be this: The powers that be (i.e.) for or so establisht by consent of man, are ordained of God to be obeyed; or it is God’s ordinance that men should live under some government, and submit without resistance to that kind of government they have by consent establisht, just (as Saint Peter follows him) to the ordnance of man for the Lords sake; when the Papists pressed with this Text, ask us why wee, that are to much for obedience to higher powers, doe not submit to the Churches highest highest power in the Pope? we answer, this is a usurp, not an ordained power, seduce protestant, a usurp or wren, no part of the body, a power never either consented to by the body the whole Church.
Church, or substituted by its Head CHRIST JESUS. There are
two kindes (wet use to say of tyrann, regimines and usurpationis, that which
is only of Government, though never so heave yet must be endured, not on-
ly to the good (layes the Apostle) but the froward too, and therefore I know no
man that defends the tenne Tribes revolt from Rehoboam as the Doctor insinuates.
That other kind of usurpation it hath no right, no ordination at all, and fo
no subjéction due to it: in all power of government Divinity tells us there are
four things, the institution, the constitution, the acquisition, and the use: the
two latter acquisition and use are confessed to be often times rather from the
Devil by bribery, blood, rapine and the like: the constitution alwayses from
mans consent, the institution alwayses from God, so that here is more than
Gods bare permission or approbation either (as the Doctor charges us to hold.)
here is in every ordained power as well Gods institution of it, and injunction of
obedience to it, as mans constitution of it: That there be a Government, 'tis
of God, what this government shall be, whether Monarchy or Aristocracy:
or if Monarchy, whether simple and meere subordinate, or mixt and coor-
dinate? 'tis of man, so then, Let every soule be subject to the higher powers, for
the powers that be, are ordained of God, (i. e.) therefore let every soule be subject
to powers (not wills) because Gods providence hath instituted them, and so sub-
ject as mans content hath constituted them: now we have sufficiently seene by
the constitution of the power or government of this kingdom, the Law (as the
rule) is put into the hands of the two Houses of Parliament by their Votes, (as
it's reason) wherin we must rest, to be applied to its end, the Safety of K. & State.
I wonder therefore the Doctor should so much insist on this Text, for if he
cannot prove (what he indeed denies) the government to be absolute, and foly
in the King, he cannot hence enforce obedience to his personal commands.

The next text is that of 1 Pet. 2. Submit to every ordinance of man, wherein
the Dr. hath espied a double advantage, one from the Greeke word ἀρχὴν
which rather signifies humane then of man, so that it is called humane (i. e.) in
or on man (as he would have it:) as only the subject of it, not any way the cause:
'tis strange a Doctor of Divinity should trifle thus with Scripture, and as Sho-
makers doe with their Leather, with his teeth stretch it thus to his Lady, doth
he not a few lines after acknowledge (to use his owne words) that the forme,
Whether Monarchy, or Aristocracy and qualifications of either forme (i. e.) if
Monarchy, whether absolute or tempered, are not Jure divino, what then? not
Jure diabolicè sure, it must be humane then, and in Jure humanum, as 'tis opposed
to divisum, mans sure is the cause and Author, and not the subject only, nay why
Should the word humane be there at all, but as contradictitious to what follows:
for Gods sake? why unlewe to make the fence this? that athough the ordination
or government, in the manner of its constitution be from man, yet because in the
necessity of its institution 'tis from God, submit to it though of man for the Lords
fake.

His
His other advantage is in the words supreme and sent, the King as supreme, and such as are sent, (i.e.) (layeth he) the Parliament: but the Parliament is calld, not sent, a difference (at least) as great as betweene too and from: but wee have already seen how the King is supreme, not (as those of S. Peters times) absolutely so, but in his mixture and coordination with his Parliament, in which every subject is a subject till (as the Doctor urges) but the whole coordinate part with him in the supreme, otherwise they could not hinder him from making Lawes, nor finally declare Law without him, the two highest acts of supreme power.

The third Section especially contains two other texts of Scripture, the first of Prov. 8.15. By me Kings Reignes. I answer, it is spoken of and by Wisdome, and doth shee not as well say (as followes) by mee Nobles and Senators decree Judgement? what is here laid more of Kings Reignes, then of Parliaments Decrees, they should both be guided by Wisdome, that is all the place will bear.

The second place is that Psal.32.6. I have said yee are Gods; and doth shee not there too (when he speaks it) stand in the Congregation of the judges (as the text speaks) reprobating such as judge unjustly, and accept the persons of the wicked, all Rulers are Gods alike, (i.e.) Gods substitutes and representatives towards men, upon whom hee derives some of his power and authority; doth not the word of God come to them all alike (i.e.) as it follows in the Doctors own words, a commission for the setting up of a governing power, whereof the manner of its constitution, hee himselfe before confesses to be from the people, not God; did not this word come to Pilate, as well as to Cesar: Pilate had not his power but from above, (as our Saviour tells him,) as well as them the Doctor speaks of: I wonder touch not mine Anointed comes not in among the rest? (as usually it doth) a Text plainly spoken to Kings of Gods people, not to the people of Kinges; they were (layes the very Text) Kings whom he reproved for their sakes, saying touch not mine Anointed.

What remains in this Section, is nothing else but a jeering the fundamental Lawes of this kingdom, so often mentioned by the Parliament, which what they are I have before shewed, not as the Doctor would have it the same with those of France, Turkie and all other kingdoms, but proper to coordinate and mixt ones, and especially this.

The fourth Section is spent upon a confutation of any power in the people to reassume the power they first were trusted to the King, the which no man (for ought I know) maintains, what need the people reassume that which in the first Coalition of the Government they referred (as hath appeared before.
The fifth Section. Here, we have nothing but strange involutions of the matter, and intanglings of the Reader, most what inconsistent as well as impudent, one while the state hath means of preservation such as the Law prescribes, and yet not twenty lines after, we cannot expect absolute means of safety in a State, means of preservation, but not absolute safety; if it bee preserved, question! He is absolutely preferred, dubium salutem qui dat affliction, negat, he that gives not absolute safety gives none, againe this chiefest power and final judgement (he faies) must be in one, scarce twelve lines after but Parliaments (hee faies) are the only remedy for the distempers of the Kingdome, Parliament is the only remedy and yet the only judgement is in the King.

And yet againe he tells us in the same Section, that that only judgement too of the Kings is to see with their eyes that are of different judgements from him. What remaines in this Section is a claine begging of three questions he would faine have us to maintaine.

First, that every state whether referring it or no, hath this means of safety by resistance, and to this purpose that of the Church is objected: a state indeed, but neither civil nor of its own constitution, this state Christ the head did not only institute but constitute it too, and that without any concurrence of its own consent. Then the Christians in Tertullian's time are objected, as if they were a civil distinct state from the Romans, in which they lived, or the Roman other then an absolute Monarchie by consent of the Senat (as before.)

A second question begg'd is, that in case the King and Parliaments should neither discharge their trust, the people might rise and make resistance against both a position which no man (I know) maintaines, the Parliaments, is the people's own consent, which once paied they cannot revoke; hee still pursues his owne dreame of the peoples reasuming power, whereas wee acknowledge no power can be impoyed but what is refered, and the people have reserved no power in themselves from themselves in Parliament.

This groundlesse preasuming aspersion of the people reasuming power I wonder the Doctor so much infuits on it: There is indeed a late lawfull Scurrilous pasquill that hath broken prison out of the Gate-houe from a company of Delinquant's there (and no maryale if such would reasume all Parliamentary power) by therefore Title it should bee a Journey man of the same Trade to this of the Doctors: where after many stale malitious flanders on the Parliaments proceedings, disprovd long since by almost every mans experience, as well as severall Declarations, all to disable the Parliament from the Kingdome urgent preservation by any way that the written Lawes prescribe nor, (as if the Circumstances and exigences of publicke actions of this sort did not (above written Lawes)
laws) warrant and even element their justness) this raving Redlam (I say) broke loose without a Keeper, (deserving (as it professes to desire) no answer, one of Vulcan's forge) confeds were bent, fire or fettlers) threatens the Peopel
treasuming the entrusted power of Parliament, and with Salomons fool, Pro. 26.
18.) throwing about him arrowes and fire-brands and death; complaining and
threatening both (according to it's Title) concludes at length with this Resolu-
tion, to lay hold of what is next at hand, to the reassuming this power; other-
wise for ough I know this reassumption power is like that Popish reassump-
tion of the House of Loreto, a meree Cackle in the ayr of the Doctors brain.

The 3d. question in this Section beg'd is; that we hold the cause may war-
rant a resistance, and here we are told what the Primitive Christians suffered
without resistance: and that the Netherlands had greater cause then we to
make resistance, a contrary Religion was urged on them, whereas we have ours
still offered us; no, we hold not what ever cruelty can be suffered cause enough
to make resistance, 'tis not the cause, 'tis the constitution of the government,
referving in its coordination a power of resistance, in order to its preservation: oth-
ervise were this an absolute Monarchy, should the King alone, or (as it is )
should King and Parliament enjoy us all to deny Christ and worship the Sun,
we were (though never so able) not to make any resistance but by suffering;
the cause cannot alter the case here, 'tis the constitution must doe it: and yet, if
his Majesty might (in case of Religion) helpe the Rochellers to refult their King
in an absolute Monarchy, why much more might not the Parliament in this.

The sixth Section contains in substance three bitter invectives, sharpen'd I
believe at the Philistines forge (the Doctor speaks of) for they defie the host of
Israël.

The first calls the Parliament, a prevailing faction of a few. Is the representatie
Body of the Kingdom become but a prevailing faction? and how a Faction, if
prevailing, though never so few, 'tis the major part prevails, and so prevailing
is the body, and can the Body make a Faction or Schisme from it selfe; if many
of the members with draw, the more fault theirs, and shame too, for defert
their trust: The Law and reason both tels us, That no man can take advantage
by his owne defect; so, all Parliaments and their Acts too, how easily might they
be eluded? Certainly what is punishable is not pleadable, and Crompton (we see)
cites the Bishop of Wintons case herein, who was arraigned in the Kings
Bench, for that he came to the Parliament and departed without its licence.

The second invective is against the Parliaments hostile manner of proceeding
in this their warre, His Majesty hath always been (he sayes) upon the defensive
part, questionles he is upon the offensive part by whom the offence comes, and
that is that part in this coordinate government (that in case of such danger) re-
frues to doe his part, and refits the other from making supply: Surely the Do-
ctors Almanacke (he speaks of) is an Erra Pater, for untill his Majesty had
hostily entred the Commons House, with the attendance of his lifted Souldie-

D
ry; they had scarce so much as a voluntary guard, and when they had one, 'twas not a guard on the Members' safeties, 'twas rather on the safety of their late Act against dissolution, for if at any time that House should have bin by force but kept one half day out of the place, where they had the day before appointed their next meeting, it had bin utterly dissolved; since then, the manner of Hull, and (after his Majesty had in the name of a guard, raised an Army to take it from the Parliament's trust) Sir John Hotham's humble declining His Majesty's entrance, but untill he should acquaint the Parliament in discharge of his trust; what Hostilities were these? The setting the Militia by Ordinance (His Majesty having refus'd it) in order to his and his Kingdoms defence (where note that the Statute of 11. Henry 7. c. 1. which charges all the Kings Subjects with his and the Lands defence, makes the rule of that defence to be according to the duty of their Allegiance, and that binds them to doe their duty whether accepted or no, and what hostility in all this? since then, look down through the sieges of Warwick, Coventry, Banbury, Wills, Manchester, &c. even to Keynton, and what other reliance then defensive has the Parliament made? and even there too his Majesty was but followed with a Petition (as Scotland had successfully done before) until he was pleased to turn back upon them and give fire.

The third infinite in this Section, is against its distrust of the reality of his Majesty's Protests, to continue Religion, Laws and Liberties, &c. To this, all that I have to say is, that be his Majesty's Protests never so reall and hearty, yet if there be in the Parliaments power a surer bottom to let these on, then the most reall purposes and protestations of a mortall man they discharge not their trust if they do it not: I know his Majesty (besides his constant and fixed goodness of disposition) hath more and stronger ties upon him of honour, hazard, trust, than any els whoever, but all men must follow their principles, with in morals will and must vary with the last results of their judgements, and even those in creatures that know not by intelligence as Angels, but discourse as men, are things that upon further light must vary too; the Law as we observed before is mens sine appetita a better bottom for government to stand on, then the most constant Resolution or Protestation that ever man made, besides his Majesty dispenses but by his Ministers, and then his Protests rise to no more then this, That he will govern us by sub Lames and Cannons as his Judges and Bishops will by their interpretations fit us with.

The 7 Section contains little more then a setting on the same charges with more bitterness, calling the Parliament's Declarations wicked Pamphlets, false, odious, scandalous impugnations of this day age, &c. wherein both his virulence and impotence at once appears; in that (he says) he will with Michael use no rayling accustations on the Parliament, and yet uses the most rayling and accusting one of all other, in likening them as he doth (therein) to the Devil the Arch-rugler and accuser both; if he looke but a little further then the place he above urged in the Apostle Peter, he will tell them who they be that are thus presum-
I know and do speake evil of Dignities, and that Michael did not so.

For those empty fears and jealousies (as hee calls them) grounded on reports of forraigne power and preparations, the Queens Religion, the great refort of Papists to his Majesty, His interceping Irelands reliefe, &c. I have no more to say to these, then, that for the first; abundans suntela non nocet, State jealousy it has no right-hand error, none on the excess side, its extension intends it, the more the better, an Enemy is met any where better then within our owne doores; Besides, if forraigne States have (possibly) with their engagements altered their designes, may we condemn the vigilancy of ours that (may be) was it that diverted those designes from us; nor are those clouds yet so farre blowne over us (as the Doctor would have it) for ought I see they grow blacker still.

2. For the Queens Religion it was as well knowne (as he speaks) before as now, but (may be) not so justly feared, as since we hear of so many Priestjs and Jesuites let out of prisons at back doors, of Popes Nuncio’s and orders of Fryers in England, especially now, when we see a Popish Army raised in their defence, when the enemies of our State have armed the enemies of our Church against both.

3. For the refort of Papists to his Majesty, whom the Doctor calls such good Subjects, so much better then the Parliament: all that I will say is, that if such are become the Kings better Subjects, God help him, he hath but a few good ones left; what? such as profess to owe a greater subjection to a forraigne State, and a State, not only utterly croffe centered in its interelt of State, but meritoriously malicious by its very Articles of Faith to this of his Majesties, these better Subjects then those of his great Counsell? How will Rome ring of this suffrage from the mouth of a Protestant Doctor? And yet why not the best Subjects, if we may judge by their usage for of all sorts of men we heare not one of them by his Majesties Army plundered yet; saie there is some Covenant, these Egyptian doors are sprinkled with some what questionless, they enjoy this Passover so solemnly.

Lastly, for the interception of Irelands reliefe, if all the rest that was taken, was the Kings, because the Kingdoms (at least the poor Carriers horsees were his own proper goods: Necessity is the excuse of all, but if in a mans choice, it is no necessity at all, the definition of it is, quod alter se habere non posse, (i.) that can no otherwise be; well, necessity is pleaded yet, but on both sides, I pray God it be not shortly on backs and bellies too. I shall only add this short Prayer, and with my very soule I speake it, God bleffe the King and send us peace, and if it must not he unti II one side have prevailed, I pray God it may be that side that loves the King best.
A Postscript, Or shorter Answer.

If any man list not to read all this that hath bin here say'd in Answer to the Doctors Treatise, and yet would faine be satisfied, these few ensuing lines of the Doctors own discourse, may serve his turne, not only to Answer what he hath sayd, but what can be said in this Subject.

The King is in this Monarchy to governe by Law, not arbitrarily, 'tis in his government by Law then, not his arbitrary or Personall commands that he is the highest power, a Subject then may lawfully resist his personall commands and yet resist no highest power. Next

The King in judging what is Law, is to see with others eyes tho' of different judgement from him (so the Doctor) but those eyes of highest judgement must needs be the eyes of his highest Councell, he then that resists the judgement of this highest Councell, resists the Law, and so the highest Power; it must be the same Law that makes the highest power, that makes us either Subjects in obeying it, or Rebellis in resisting it.

FINIS.