

special  
collections

DOUGLAS  
LIBRARY



QUEEN'S UNIVERSITY  
AT KINGSTON

KINGSTON ONTARIO CANADA





AN

# ANSWER

TO

## Mis-led Doctor Fearne.

According to his own method

of his book	{	Sect. 1. 2. <i>The Divinity being by Scripture</i>	}	examined.
		Sect. 3. 4. 5. <i>The Reason by Aristotle</i>		
		Sect. 6. 7. <i>The sense or matter of fact by witness</i>		

*Diruit & ædificat, mutat quadrata rotundis.*

Ὅταν βασιλεία μὲν ὕβειν ἐντίκη ἀνομιῶν  
 Ὀλιγαρχία δὲ ὑσφρασαίην, τὸ Αὐθάδης  
 Δημοκρατία δὲ ἀναρχίαν, ἰσότης ἀμελείαν  
 Πᾶσι δὲ τὸ ἀγῶνος. Plut. de Monar. & Demo.

*Stulta est clementia, cum tot ubique  
 Vasis occurrat peritura parcere charta.*



LONDON,  
 Printed in the year of our Lord,  
 1 6 4 2.

# ANSWER

THE ANSWER IS

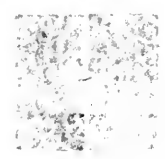
THE ANSWER IS

THE ANSWER IS

THE ANSWER IS

THE ANSWER IS

THE ANSWER IS



THE ANSWER IS

THE ANSWER IS

THE ANSWER IS

TO MY  
C O U N T R E Y.



Reade in (1) Brutus his life, that though Pompey had beene the cause of his fathers death, yet hee judging Pompeys cause to be better then Caesars, he adheres to Pompeys party, preferring the publicke good before his private ends. So although the King be deare unto me, yet the publicke good is more deare. Amicus Plato, sed magis amica veritas. Now this Truth, by reason of other occasions that calls me away, I have but only pointed at her, whereby a learned and industrious Author may (with some reserv'd jewels of History,

(1) Plutarch.

which he shall finde here) so adorne her, that she may be more amiable hereafter; and then their adulterated and painted Rhetoricke will drop away in a chafing sweat; in the meane time I know I write against such as the Erasistrateans were,

οσιδρις τις παρεδος, μηδεν εν τεισιν ου, Who will rather betray their Country then their opinion; which maintains a Περικλειαν, though they would gild this bitter and tyrannicall word over by juggling, telling us that they do not intend an (2) arbitrary government, when they forbid all just resistance.

(2) D. Gou. Fearn.

I have examined this Tenent by Scripture, and Aristotle the Atlas of humane learning: The objections that they would censure, urged upon them in the Old Testament they doe not answer, but something they must say, or else give up their cause. For Aristotle he speaks in terminis expressis against these new Maximes. And it is well knowne, that the Law of all Universities are, that Aristotle must not be denied for reason, neither doth hee speake onely what was

(3) Vide D. Fearn, 23.

(3) Sparta utile, but he was Tutor to the greatest (4) Monarch the world ever had: and I must tell you the greatest (5) Monarch England ever had,\* Buchanan

(4) Alexander.

(5) King James.

was his Tutor, who dedicated unto him a Treatise De jure Regni apud Scotos, the truth whercin is so perspicuous, that though some (6) Crow-like Parasites have attempted to oppugne it, yet they have shovne nothing but their teeth, which they duly hang by, as appeares in the Booke of Doctor Fearn, published here in London about the second weeke of December last, For I conceive the Doctor to be so studious & able a man, that if there were better reasons they would have been produced; which whilst I endeavour to answer, to take away this virulent blot of murder upon this resistance, I cannot be so tender of his Majesty as I would, and acquit his Parliament: onely thus much (lest there bee mistrifion hereafter) I must acknowledge, (that saving his disaffection towards Parliaments) hee is in

(6) Cambden wonders at his learning, he being Nec celo nec sculo, nec fobozal x. Annal. 112.

Morall virtues omni exceptione major: and that I may give the Doctor his due.

(7) There is th s difference between a Crow and a Parafite, the one preys upon the dead, the other upon the living.

## The Epistle.

*me, I must confesse I have the advantage in the cause, for to speake the truth, if the cause would not have defended it selfe, I should not have attempted it against him. And to take away all prejudice, I doe not make the matter of fault of these last hundred yeares a just patterne, where the Kings still have encroached what with their frownes on one hand, and their countenances of the other upon their Subjects, (whereby I conceive Doctor Fearnie is mis-led:) but I appeal to the right, ancient times, the Constitutions of Kingdomes, for whose good Kings were onely ordained, and so he cannot define me a Kings prerogative, but the essentiall difference must be the common good, or else I perswade my selfe it will bee both against the Scripture, Fathers, and all humane Story. In the meane time doe not deny us both this old and common excuse, χαλιπερ ὃ ἀθροειν ὄντα μὴ διαμαρτάνειν ἐν πολλοῖς, τὰ μὲν ὁλοῦς ἀποβήσαντα, τὰ δὲ κακῶς κρινόμενα, τὰ δὲ ἀμελέστερον χαλαροῦντα, It is a difficult thing being a man not to commit many errours, those things he being wholly ignorant of, these things mis-judging, and other things negligently writing.*

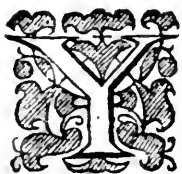
Farewell.

**P**AGE 1. line 1. read, and first Section. Pag. 3. l. 27. read, you cannot prove by this. p. 4. 8. in the margine, read, *ἐκείνων*. p. 5. l. 12. for ut, us. *ib.* 24. thy for the. *ib.* 42. it is taken. p. 7. 45. that for they. *ib.* in the margine *χαρισίαςων* for *χρησίαςων*. p. 9. marg. 24. literari for liberari. p. 10. 23. is difficult, for, not so common. p. 11. marg. 30. amongst, for, thereof. p. 13. 23. *ἢ* for *ἡ*, p. 14. 33. in some bokes, read, the Pope is above most Kings. p. 9. & 10. margine 26. is too farre one part from another.





## An answer to Doctor F E A R N S Book.



Our Preamble and Section are upon grounds which you have laid, to which we hasten, the first prooffe of the Romans I will referre to the last place, for I meet with it there too.

In the second place, whilst you seeme to lessen the resistance, you grant a resistance which is a full one, and not the lesse by being his owne souldiers; for *Saul* had made a vow, *For as the Lord liveth, thou shalt surely dye*, verse 44. *Thou shalt surely dye Jonathan*, but the people rescued him in the verse following: you know *Jeptha* made such a vow, and paid it. Well then you inferre that it was love was the cause of that resistance; I doubt not, nor you in your conscience beleeve, it is hatred to the King, which is the cause of this resistance; for *Dauids* resistance you will not deny against *Saul*, but the manner of it you say was not against his person, and it was for his defence: Well then I see if we can prove that we are in a defensive war, it is enough; yet I must tell you it is very probable, that he would have kept *Keilah* against *Saul*, for it was a strong City, and he did desire of God to let him know whether he should be delivered by them or no, which if they would have stucke to him, you have no reason to thinke but he would have accepted of them as well as others, that were in distresse, in debt, discontented, for he afterwards fled to *Achish*, *Sauls* enemy with six hundred men, if his warre were meerly defensive, what did those hosts of men flock to him for? yea it is most probable that resistance would have beene made against *Saul* himselfe, if he had come downe into the battell, which you may learne by the 11. verse, for I cannot beleeve that *Dauids* companion *Abisba* would have spared him in the battell, who would have kil'd him asleepe: besides *David* was but a private man, and was loath to give that example, for private men to kill tyrants, he himselfe being to be a King; besides it is not lawfull for any private man to kill a murderer, though he take him in the act; *Lyra* upon the 11. verse, *Or else he shall descend into the battell and perish. That he would not have kil'd Saul unlesse it had been in his owne defence*, so that there is more then we doe warrant, for our armes is not taken in the defence of any one private man, but of the Kingdome. So that I perswade my selfe, the peoples conscience may be grounded upon things very probable, when as you have not shewne in Scripture, that a tyrant is not to be resisted, but more of this in the 13. of the *Romans*.

For that of the high Priest, to me seems plaine, That he did intend a violent resistance: *And Azariah the high Priest went in after him, and with*

1 Sam. 14 39.

1 Sam. 25 10.

1 Sam 22 2.

1 Chron. 12. 17.

1 Sam. 26 10.

2 Chron 24 17.

him fowrescore Priests of the Lord that were valiant men: doth neither the number, I pray you, nor the quality denote nothing more, if need should have required, and they went after this manner before the Lord commanded any such thing which you pretend, let the world judge.

2 Kings 6.3.:

That of *Elisba* was more then a bare shutting of the doore against the Kings messenger, for *Elisba* commanded that the doore should be shut, and the messenger should be held fast.

For that story of Saint *Ambrose* Bishop of Millan which you have lessened, there is something more in it, you deny the excommunication which I asfirme, I pray you what was that *δέσμευ* or barre which kept him from comming to the Church, and the Emperour desired so much to be released of: my Author tells you, *Ambrose met him, and tooke hold of his purple garment, and hindred him in the midst of the people from going into the Temple,* so that the King for that time departed home, yet afterwards after much sorrow (for his bloody fact committed upon his subjects, innocent with the nocent at Thessalonica without forme of Law, which was upon a foule rebellion against him) he sent *Ruffinus* to him to desire admittance into the Church, but *Ambrose* answered *Ruffinus*, that if the Emperour would turne tyrant, he would willingly lose his life, for thus much he told him plainly, he would hinder him, though it cost him his life, that he should not come to the threshold.

Nicéphorus Calistius, lib. I 2. cap. 42. ὁσωνήσας δ' Ἀμβροσίον ἐκ τῆς ἀκαθάρτου λαβόμενον, ὅτι μέσω τῶ πλάθει τῶ Ἱερῶν ἐπιβάσαν προσέδυσαν ἐκάλουν. ἐγὼ μὲν ὦ Ρουφίνε προσήγα, ἄς καλῶσῶ τῶ Ἱερῶν αὐτὸν προσβῆσαι προσδύσαν, ἐν τῷ εἶς τῷ πυρρῶν ἰδα βασιλείαν μεδίστητι δεξομαι χωρὸς μεθ' ἡ σῆς τ' συναγῆν. Numb. 16. 3.

For the seventh page, that will be answered when we shall make it appear that we are upon the defence.

For the instance of the two hundred and fifty Princes against *Moses* and *Aaron*, of one singular, which being against lawfull power, you cannot sure induce, that all resistance must be unlawfull against persons that abuse that power, and as that was unjust, so this is just, which I hope will appeare at the end of this Treatise.

3 Sam. 8.12,

That there was no other meanes left for *Sauls* subjects, but crying to the Lord, you prove nothing by that, for the reasons are assignd, and he will appoint him Captaines over fifties, and will set them to care his grounds, and keepe his karvest; that of the eighteenth verse doth not declare that they had no other remedy left them which you expresse, but onely thus much, *And jee shall crie out in that day, and the Lord will not heare you in that day.*

That of *Numbers* 10. that the people were not to be gathered together without the supreme power; I need no other answer but this, I pray you is not the Parliament called by his Majesty.

Who can stretch forth his hand against the Lords anointed: I pray you Sir; acquaint your selfe with the story of *Abraham*, *Isaas* and *Jacob*: were not they the Lords anointed? besides the Lords anointed was applied to no Kings that ever I read of, saving these, *Saul*, *David*, *Salomon*, *John*, *Hazael*, those men were of Gods immediate choice, but our Kings are meerly in the people a humane ordinance, and will it not suffice, that there is no intent to hurt the Kings person; no you reply he might have suffered in the battell at Edge hill; I pray you what security can you gather that *Saul* had of his person, would not *David* have defended himselfe against what power loever? yes, against *Saul* himselfe, you may gather by *Dauids* speech,

Saint Peter.

speech, he shall either dye his death, or the Lord shall visit him, or he shall descend into the battell and perish.

I will not weary my Reader to answer the same matter as oft as you object it: you tell us that they are called Gods, looke the Psalme, and you shall finde the Judgés so called: You wonder that none of the Prophets did call upon the Elders for this manner of resistance against the Kings of Israel: I desire you for your better satisfaction, turn over these places of Scripture, *Hezechia, and he rebelled against the King of Assyria, and served him not.*

You may suppose that being forraine Princes it is not of that validity, but I answer, that domesticke tyrants are the worse, and therefore the more to be repressed, because they are perjured and more cruell. *Abikam* kept *Jeremiah* from death that would have bene pronounc'd against him; Was not *Athaliah* slaine? Did not the *Mac chabees* defend themselves, and their Common-wealth against the *Macedonian* tyrants? Thus you see how plaine in the old Testament it is apparant that this resistance was practised against tyrants, was not *Nebuchadomezar* deposed?

I will hasten to bring up the reare, that I may overcome the principle of the 13. of the *Romans*, which you have grounded upon, and in the proving, you tell us you doe not intend to settle an arbitrary government in the Prince, whatsoever you intend I know not, but I am sure by your exposition of that place, you will make us capable of the greatest slavery when the Prince will, for you doe utterly disarme and outlaw nature, that it may not defend it selfe, but I hope wee shall prove you have mistaken the place.

First of all, you say, but you doe not prove that the King is that higher power, you bring a place of *Saint Peter*, 2. 12. *Submit your selves to every ordinance of man, whether to the King as supreame, or unto governours as sent by him:* You cannot prove this, That other Cities or Countries, who were not under Kings at the same time should be disobedient, for sure there were some places not governed by Kings at the same time; *Saint Peter* writ to those that were dispersed in some Countries, as you will see.

But before I give you an exposition of this Chapter, I thought good to let you know the time when this Chapter was written of *Saint Paul* to the *Romans*, it was written in the infancy of the Church, in whichtime it was not enough to be without just cause of scandal, but also to be without appearance unto them, who sought unjust causes to accuse them, neither doth he preach a new, but the common obedience, that Citizens should obey their Magistrates, and wives their husbands, and that he might omit nothing whereby he might gaine the good will of men, and the glory of God might be more acceptable by the Christians among the Gentiles, and that the glory of his Gospell might be further propagated, for the performance of which worke, there was need of publick peace, of which Princes and ill Magistrates were the keepers; besides he writ this Chapter that he might correct the rashness of some, who affirmed that Christians had no need of government, for Magistrates were only ordained against evill men, so that we might all live equall, they did contend that there was no use of the civill Magistrate amongst men that were free from all

1 Sam. 28. 11.

Ps 1. 2. 6.

2 Sam. 13. 7.

Jerem. 26. 24.

2 Kings 11. 16.

Dan. 5. 20.

Epi<sup>st</sup> Petri c. I. v. 1.

contagion of vices, and that they might be a law to themselves : Therefore *St. Paul* doth not speak here of the person that beares the office, but of the office it selfe ; nor of one or other kinde of Magistrate, but of all kinds of Magistrates: neither is his contention with them that thinke evill Magistrates to be restrained, but with men refusing all kind of Magistracy, who absurdly interpreting Christian liberty, affirming that it was most unfitting that those who were made free of the Sonne of God, and were governed by his Spirit, should be under the power of any man.

Let every soule be subjct to the higher powers, Rom. 13. *St. Paul* doth not meane Kings alone, but includes other Magistrates. You have all Divines for it. Besides, they write upon this place, that it is not to be understood of the persons, but of the office : for in the persons there are oft-times vices, and causes of disobedience. *St. Chrysostom.* (3) *for this cause he did not say,* That there was no Ruler but from God, but he spake of the office, saying, There is no power unlesse of God; all powers are ordained of God. All other civill officers are included here : for he calls them not higher powers as in relation amongst the powers themselves, but as in the relation to the subject. I would that they who dreame so much power is given unto Kings alone, that they would shew out of the same *Paul*, that Kings alone are meant by this word, *Power.* (4) It is true, he commands us, that we should be subject to the higher powers ; but it is in the word *Powers* that hee comprehends other Magistrates ; unlesse (peradventure) wee shall thinke *Paul* thought there was no powers but an Anarchy in those Cities which were not subject to a King at that time. But by that which follows in the same verse, *There is no power but of God, ἐν εἰς ἐξουσίαις.* This is a Species, or part, being in the singular number, when the preceding powers ἐξουσίαις, is of the plurall number, that comprehendeth this power : for the former word powers is taken conjunctim, for all kinds of powers: (5) *for there is a power over ones wife, another over his children, and another over his family:* for that speech, *There is no power but from God,* is equipollent, or the same with this, That every power is from God : So that by reading of *St. Peter*, you will know that this power which *St. Paul* speaks of, is not meant onely (as you affirme) of Kings : for supreme powers are from God, who is the God of order and government : But this forme or that forme of government, is an humane ordinance. *Be you. subject. unto every human ordinance, whether Kings.* So that it is most plaine, that the power is one thing, and the man that executes that power, is another thing : for they have severall causes, the one divine, the other human. So that now we will proceed to the next, having cleared this same by *St. Paul's* owne words, that hee did not meane one kinde of power, as you would have him in the 11. page, but all kinde of power, as in relation to every subject.

(6) *Whoever resisteth this power, resisteth the ordinance of God:* So that to flye the judgement of this verse, you must know, that those who make resistance against such as abuse the power of God, are not guilty of this censure. *Euchan* (7) notes, that *St. Chrysost.* (8) observes, that *Paul* writ not this concerning the resistance of a tyrant, but of a true and lawfull magistrate, not of this or that Prince *St. Paul* speaks of, but of the office it selfe.

Now

(3) Διὰ τὴν αἰτίαν οὗτοῦτο, οὐκ ἔφηκεν ὅτι οὐκ ἦν βλάστης ἀλλ' αὐτὴ ἡ ἐξουσία, λέγων, οὐκ ἔστιν ἐξουσία ἄλλοθεν ἢ ἀπὸ τοῦ Θεοῦ, ἅπαντες οἱ βλάστηται ἠσκημένοι ἀπὸ τοῦ Θεοῦ.

(4) Juber quidam se nō nomine Potestatis necessesse est ut & ext. nō Magistratus comprehendat, nisi ferēt Paulū credimus existimare in civitatibus quae regio erat Imperio, nullam potestatem sed plerūq; ab ipsa. De jure regni. Buchan. (5) ἡ ἐξουσία ἐστὶν ἐξουσία τοῦ Θεοῦ, ἡ ἐξουσία τοῦ πατρὸς, ἡ ἐξουσία τοῦ υἱοῦ, ἡ ἐξουσία τοῦ ἁγίου πνεύματος. Arist. Polit.

(6) ἐξουσία ἐστὶν ἐξουσία τοῦ Θεοῦ.

(7) Non enim de tyranno, inquit Chrysostomus, haec ἡ Pauli scribitur.

(8) ὁ δὲ ἐξουσία ἡ ἐξουσία τοῦ Θεοῦ, ἡ ἐξουσία τοῦ πατρὸς, ἡ ἐξουσία τοῦ υἱοῦ, ἡ ἐξουσία τοῦ ἁγίου πνεύματος.



\*Rehoboam, 2 Chro.  
10. 11.  
Athaliah, 2 Chro.  
21. 10.

Jehoram and others,  
2 Chro. 23.

(15) Nos autem id contendimus cum populum à quo reges nostri habent quicquid iuris sibi vindicant Regibus esse potentiorum, jus idem habere in eos multitudinem quod illi in singulis à multitudine habent. *Bucha.*

(16) Velim ergo qui ex Pauli verbis tantum regibus potestatem datam somniant aut ostendant ex eodem Paulo eos Reges potestatis nomine hic accipi, idque solos legimus extendentes, at si cum potestates dicimus intelligantur etiam alii Magistratus. ab eodem auctore Deo in eandem usum instituti, illud quoque velim ostendant, ubi omnes Magistratus legibus soluti, & à prelatorum meum libere pronuntiantur, à singulis regibus ista immunitas concessa, ceteris qui in potestate sunt negantur. *Buch.*

1 ad Corinth.

argument, that private men may resist: no, the Magistrates and established Courts of the kingdom, are to enforce & command resistance upon occasion, as well as obedience, else the inconvenience will be great, if the dignity of Princes should be obnoxious to every private mans opinion; it must not be *ἡ ἀντιστασις*, *he that resisteth* in the singular number. Perhaps you will aske me, where ever I read, that a King was punished in the Scripture by his subjects. What if I could not produce an example, it will not forthwith be concluded, that what fact soever we should deny to be expressed in the Scripture, that that should be esteemed wicked and abominable: for if nothing should be done but by example drawn from Scripture, how small a part of the Civill or of our lawes would remaine: for the greatest part of them were not composed upon old examples, but upon new deceits and couzenages, that were not discovered before; and though I should grant you the Jewish Kings were not punished by their subjects, the urging of them is nothing to the purpose: for they were not made from the beginning by their subjects, but in an extraordinary way they were given them by God: and therefore hee had the best right who was the authour of their honours, to be an exacter of their punishments: So that here you are answered, when you confesse that the Jewish Kings were punished, you say it was by extraordinary meanes from God, so it was fitting they being bestowed upon them by an extraordinary meanes, should by the same means be punished. (15) *But we contend*, saith *Buchanan*, *that the people of the kingdom from whence our Kings hold what right they have, should be the Kings superiours; and that the Kingdom should have the same priviledges upon the Kings, that the Kings have upon all single persons.* (16) *I would therefore* (as the same author tels you) *that those who dream of so much power unto Kings out of these words of St. Paul, that they would shew mee out of the same Paul, that Kings alone should be exempted from punishment. But when wee name powers, other Magistrates are understood, who are ordained by the same author, God, for the same use; I would have them shew mee that, where the other Magistrates are exempted from Lawes and feare of punishment, or this, where that immunity is granted onely unto Kings, and denyed to the other powers or magistrates, for Bishops, inquit Buch. they are not exempted, who in a manner have a Monarchicall government over the inward man, as the Kings have over the outward man. And Saint Chrysostome will tell you that they are not exempted though the Papiests will have it so, ἡ πρεσβυτερια, ἡ πρεσβυτερια, ἡ πρεσβυτερια, neither Minister, Preacher, or Prophet, but all must be subject; besides a Buchanan tells you, *Animadvertendum diligenter quantum Paulus tribuere Episcopis, quorum functionem miris laudibus & veris laudibus afficit, ut quodammodo Regibus compositi ex adverso respondent quatenus, &c.* Wee must carefully observe how much Paul attributes to Bishops, and with what great and wonderfull praises he extols their function or office, which is kinde of government which may answer that of the Kings, for as the other are Physicians to the inward man, so the King is to the outward man, neither would he have one free from the other, but even as Bishops are subject to the King in civill government, so ought Kings to be obedient unto the spirituall admonitions of the Bishops: and although the dignity of*

these Bishops be so great and large, yet neither divine nor humane Law exempts them from punishment, but for all in generall hee commands should bee observed with publique and haynous offenders: and if this should be observed amongst Christians, all such kinde of wicked men, unlesse they repented, might perish either with hunger, cold, or nakednesse. All Ecclesiasticall Writers agree thus unanimously. Saint *Ambrose* excommunicated the Emperour *Theodosius*. So that I affirme thus much, since that it is expressly commanded, that wickednesse and wicked men should be destroyed without either of exception of degree, or order, notwithstanding in no place in the holy Scripture is there more respect unto tyrants then to private men: the command is generall in *Deut. 17.16.* you may see what duties Kings were tyed unto, (17.) That they should not multiply riches, their hearts should not be lifted up above their brethren, nor that he turne aside to the left nor to the right, to the end that he may prolong his dayes in the kingdome, he and his children in the midst of Israel. There are places in the Scripture as generall sure as that *δ' ἀντιπαύει*, he that resisteth, *Rom. 13. who so sheddeth mans blood, Gen. 9. 6. Rev. 13. 10. blasphemeth, Levi. 24. 16. if thy brother the sonne, Deut. 13. 6.* and surely the King is contained within some of these relations. This caution I would give you, that tells the King hee is not answerable to any but to God for breach of promise, such tenents as these may make some of them beleeve, that the whole world is made for the good of Kings, when it is cleare contrary: that Kings onely are for the good of their kingdomes: take heed I say you make them not more then their Creator, when you make them more then the kingdome: for looke whatsoever the kingdome promises, those must bee performed, and whatsoever God promises you will tie him to his promises, and you will say unto him, *Quid agis?* What dost thou? if he doe but deferre his promises: but the King who ought most of all to be bound to his Lawes, by reason of that great trust, you doe (18.) dissolve him from those Lawes: I could number up abundance of inconveniencies would happen, for this of *Aristoteles* is well knowne, *ἐν τῷ ἀλλοτρίῳ ὁ θύειν ὁ πολλαὶ συμβαίνειν*, One absurd thing being granted, a thousand will follow.

Now Sir you grapple with you, and to let the world see how you have built Castles in the aire, for first of all, you assume that the King is that supreme power, in your page tenne and eleven, which is proved against you in the comment upon the (19.) verse, and then you will suppose that the Parliament holds the power to be in the people, and for this you quote *δ' αἴρεσις*, one mans opinion, the *Observer* whether he holds so or no I know not, but the Parliament holds the power from God onely, it may be the Parliament holds the presenting of a man unto that power in themselves, for God doth not now as he used to doe in the old Testament to present himselfe, so that accordingly who may appoint may — doth not the King appoint Judges, who are called Gods, and give them a (20) Writ of ease when they misbehave themselves.

In the tenth page you tell us, They by petitioning, and these words loyall subjects is an acknowledgement that there is no power above him; I must tell you in former times that the complement of our Predecessors with the Court,

(17) *Josephus*, an Author of great esteem, in his antiquities of the Jewes, tells us, that *Moses* gave them this command after hee had commended Aristocratie: If you have a desire to have a King, let him be of your own Tribe, just and vertuous continually; let him feare God and the Lawes before his own weakness: for let him doe nothing without the Priest and Senates opinion.

*Βασιλευς ἐστὶν ὁ ἐπιπέμπων τὸν λαόν, ἐπὶ ἑαυτῶν ὁμοῦ λαοῦ, περὶ οὗ ἐστὶν ἀντιπαύειν, καὶ τῶ ἀλλοτρίῳ ἀλλοτρίῳ διαπαύειν, περὶ γὰρ ἐστὶν ὁ τοῖς νόμοις καὶ τῶ θεῷ πλεονεχέον, περὶ τῷ θεῷ ἐπιπέμπων τὸ ἀρχαῖον καὶ τῶν γὰρ ἀρχαῖων νόμων. l. 4. Antiq.*

(18) Et qui nolunt occidere quemquam, posse volunt.

— Et nihil est quod credere de se non audeat cum laudatur dis aequa potestas.

(19) Videatur quoque iudicium Lutheri & Theologorum ad I. C. Whitebergenium. Tom. 7, jenen. German. 2 pag. 384. ad 396.

Vide pag. 15. of his Booke.

(20) But it is well known in France, that it is not lawfull for the King to give a writ of ease unto any officer of his Kingdome, unless the cause bee examined and approved of in the Council of the Peeres,

(21) *Sigbertus Chronica, an. 862.* That Kings of France used to have a Placitum or Parliament: for in that placitum was the whole council of the Kingdom: his words are these, *Francorum Regibus moris erat Kal. Maii presidere coram tota gente, & salutare & saluteri, obsequia & dona accipere.*

Court, have lost many privileges, for the Lords (21) did use to sit covered when the King was present in the higher House; but to come to the business, better men when they come into inferiour Courts doe. I think petition, I hope it hath happened many a time, that a Lord hath had occasion to petition a Bishop, though the Bishops place is below him: but I will give you another example, I hope there seemes a greater disproportion betwixt a Jury and a Judge, then betwixt the King and the Parliament; yett the Jury will petition the Judge to receive the verdict when it is refused, though notwithstanding the Juries verdict must stand if they please, and the Judge must judge accordingly, so that indeed though it be otherwise apparant to the vulgar, the Jury are the Judges, and the Judge bound to receive their verdict, for that of *loyall subjects* must needs follow a royall King.

Which *Uere* word both rough explaine in as for words, *Kατα δὲ τὴν Μακρυτητα προσκαθίσαντες ὅτι πᾶσι τοῖς ἐσθῆσι, καὶ προσωρίαν αὐτοῖς καὶ ἀντιπέρας ἑσθῆσιν αὐτῶν, ἐξοργισθεὶς ὁ κύριος δεῖν, καὶ ἀντισέβασαν αὐτοῖς,* That is, he saluted them, and they saluted him again: they gave him gifts, and he gave them gifts againe.

In the eleventh and twelfth page I onely finde one objection, and your answer which you doe not thinke it sufficient that that Chapter of the 13. of *Romans*, was onely to such kinde of men, the preamble to my exposition of the 13. of the *Romans* will satisfie you further, to which you may have recourse too; besides this Text doth not forbid resistance, and I believe if it had been altogether unlawfull to have resisted tyrants, I perswade my selfe, *Saint Paul* being in Rome would not have omitted an expresse commandement, to have been obedient unto Emperours of what condition soever, I doe beleve *Nero* would not have thought so ill of them, as he did when he suborned men to accuse the Christians for setting Rome on fire, when he fired the City himselfe; but I perswade my selfe, no primitive Divine will interpret that that higher power is ment the Emperour, as Doctor *Ferne* assumes in these pages, the *Romans* themselves were weary of this tyranny, as *Tacitus* and *Suetonius* will impart, but it had cost many a man his life in the resisting of them, for the Emperour had continually legionary souldiers in pay, yett for all their power, they could not stop all mens mouthes, for when *Tyberius* at the first came into the Senate, he began in the Senate an oration dissemblingly, how that the charge was great which his Predecessor *Augustus* had left him, and how that halfe those dominions would be enough for him, whilst he was expecting more for his fained modesty; there starts up a Senator, and askt him what halfe he would have, and bid him chuse which: *Tyberius*, never thankt him for, but Sir, for all your instancing of *Caligula* and *Nero*, they dyed as they lived like tyrants, for they were slaine by men who never were questioned for it, so odious they were unto all the world, that they rejoyced at their deaths.

King doth retain part of this custom: for upon New-yeres day hee gives every one of his Lords a peece of plate, and they give to him againe; but perhaps some of these times Divines, will say, This was a thousand yeeres agoe. I will aske them: if they doe not allow of that religion best, which agrees most with the promise times?

So that we have runne over this great Section, wherein you promise much in the contents of it, and prove nothing; so that I conclude, it is lawfull for an inferiour Magistrate to resist a superiour Magistrate that abuses that power, or else he beares the sword in vaine.

Well then, I pray you, why may the Executors of Kings be reduced unto the primitive rule, as well as religion was in those

Your third Section tells in the 15. page, *That we would have the power originally in the people*, and you bring us *o sēra*, an *Observer*, I have told you before in answer to this objection, that it is denied that that power which is from God, which is obedience, or order, be in the people, but the



the faculty or power (as I may use your own word) of presenting a King unto that power is in the people, for I doe not thinke that you remember that God gave Kings unto any Nation, but to the Jewes, who were importunate with him for a King.

For the rest of your Section, let any man compare with the contents, and indeed all the rest, he shall finde them not to be the contents of your Sections, for you promise proofes, but where are they? and for the reassuming of power it is plaine, when we have the power of presenting; for God when he appointed Kings it was but conditionall, if *David* would doe thus and thus, he and his children should continue upon the Throne, for by him Kings did raigne; and I hope you will say he was the God of order and powers, before he gave them Kings, there was *Supreme powers*. So now the people presenting such a family, or such persons to be Kings for such an end, and if that end they will not seeke nor tend too, they cannot truly be said to be the *medii* or meanes to that end, and so no King: for in all offices there is a forfeiture, Judges are not exempted who are called Gods, and shew me where Kings are exempted. So that I conclude, it is most reasonable that that power which God hath ordained should be put into the hand of him that will execute that power, and since there must be a Judge of the person, who can bee better then the highest Court, the representative body of the Kingdome, for the Kingdome is a thing distinct from the King, for there may be *Lesse majestatis*, or treason committed against it as well as against the King, for (22) *Lex Julia majestatis*, doth shew its power and vigour against those that commit any thing against the Emperor or Common-wealth: *Ulpian* defines a traitor *Who is animated with an hostile minde against the Common-wealth and Prince*. Likewise in the Saxon Laws, *titulo tertio, who shall devise any thing against the Kingdom or King of France shall be executed.* (23) *Who shall consult with wizards concerning the health of the Prince, or the Common-wealths affaires, both the wizard that answers him, and also he that consults with him shall lose their lives.* (24) *Cicero in Epi. ad brutum: You alwaies knew it was my desire that our Common-wealth should not onely be freed from a King, but a Kingdome.* And the same author tels you. (25) *If I had been present I would not onely have freed the Common-wealth of a King, but a Kingdome.* There is nothing shews more plaine that there is a difference betwixt King and Kingdome, then the officers that belongs to them, for those officers that belongs to the King doe dye with him, as the Lord Steward of his household, the Master of his horse, the Chamberlaine and Treasurer of his household, but those that belong to the Kingdome doe continue, and have the name of the Kingdome added unto them, as the Lord Keeper of England, the Lord Chamberleyn of England, the Lord Marshall of England, the Lord Treasurer of England, the Lord Admirall of England: now the reason why these Officers are not changed with the King, (26) *because anciently these offices were bestowed by the Kingdome, and not by the King.* This reason a learned French Lawyer concerning the Officers of their Kingdome, and it is well knowne how their Kingdome and ours have agreed in forme of government: about a hundred years since, they had freer Parliaments then

eight times for sure Christian Religion wrongs no subject, nor warrants the excess of Kings. But I beleve this religion of theirs towards Kings, will prove but superstition: for *de factis* when they have but one singular.

The King of France his government, they conclude universally that it is right for all Kings to governe so: for neither Denmark, Poland, Swethland, Hungary, Bohemia, Scotland, nor the King of Spaine, in Spaine, doth governe so, yet if you observe our Divines, the more that the King hath exacted, the more they preach that hee may exact, by extolling his prerogative. I am afraid some of them have mistaken the Scripture, which now both the King and we may rue.

(22) *Ulpian. ult.*

(23) *Paulus lib.*

*Scnt. v.*

(24) *Scis mihi semper placuisse non reges solum, sed regno liberam rempublicam*

(25) *Paul p. 11. Si enim ad furtum non solum Regem, sed etiam regnum, de republica iustuliffem.*

(26) *Ecce cum antiquus non à Rege, sed à populo eas dignitates acciperent; nempe ipsius morte aut mutatione deficiebant, neque ipsius arbitrio abjudicabantur.*

they have now, and as we have imitated them continually, so our Parliaments were in a way to be like theirs, but I hope God hath prevented it, for I must tell you plainly, we had better have no Parliaments at all then such as would have beene put upon us within these twenty yeares, for continually they have been broken up: the distaste that was taken at those Parliaments was not their tampering with Religion, unlessse you can persuade us that the standing upon our just liberties is against Religion, shew me where I pray you, that Christian Religion wrongs any Subject of his rights or liberties, *You must give unto Cesar that which is due*, but you will not give the Parliament that which is due, for one of your Rethoricall arguments is, a question that you put unto the people to dissuade them from giving credit to them, you aske them, *is the Parliament infallible* as in your Preface, now we confesse it is not infallible, to answer the three and thirteth page, but yet I never knew that the Parliament willingly deceived the people, as we can prove the Kings Councell have done both wittingly and willingly, but I pray you Sir, if we should not beleeeve the Parliament, who would you have us beleeeve, him that pennes the Kings Declarations? I would willingly know what authority you have to binde our beliefes besides the Authours cunning Rethoricke, *Aristotle* is against you, who comparing a King, and the Councell of the Kingdome together, tells you, (27.) *One may be overcome by anger or any other passion, and then it is necessary that his judgement be corrupted; but for a great Councell to be angry, and to erre all at once is not so common*; but perhaps you will answer, that seven or eight have corrupted and infected them with their opinions, this is a poore shift, yet something you must say; to this I answer, the Kings Councell may be more easily corrupted, for I am sure they are fewer, for I doe not thinke that his Majesty hath eightscore Houde of Commons men, or had ever together about him since this division; so that here is the greater number, and I thinke if any man should be persuaded that seven members of Parliament should infect so many wise and rich men in both Houses, I could wish hee were sent to Anticyra, to receive the cure of Hellebore, and so returne. *Aristotle* will tell you, if you please to reade him, when he compares a greater number with a lesse, *unto* (28) *a great quantity of water in which some few drops of soule water are dropt into it, yet they cannot corrupt the whole water.*

Your fourth Section you begin with the old (29.) Crambe which I have answered twice, that we hold the power is in us of the 13. to the Romans, as any man may see by this Page, 18. and your 14. Page, but wee will not swallow your grosse bait, for I am sure it would kill us if wee should, but where soere we meet with it againe we shall passe it by.

In your 19. page you tell us, that gifts when given must not be recalled againe, *for many things which are all together in our disposing before we part with them, are not afterwards in our power to recall, especially in such in which there redounds to God an interest by donation.* These are your words. For that gifts cannot be taken away, especially where God hath an interest; this, if it please you, you might more fitly have urged it when that the kingdome and powers of obedience should have beene sought to be ruined:

Sub omnibus regibus hęc lex fuit, ut populus in Comitibus magistratus crearet, leges sciferet, bella discerneret quemadmodum. Dion Halic. lib. 2. Testatur. I finde the words to be these of Dion. Halic.

ὅτι δὲ δημοτικῶν κλίσει τὰ πάντα ἐπιτρέψεν, ἀρχαίον, τὰ καὶ ἰσχυρὰ πάλιν καὶ ἐπὶ πολέμῳ διαγινώσκων, ὅταν ὁ βασιλεὺς ἐπιβῆ, ἢ δὲ τῶν ἐπισημοτέρων ἀπὸ τοῦ ἀντιμαχικῆς καὶ τῆς βουλῆς πάντα δοκῆ. (27) τὸ δὲ ἐν τῷ ὄψει ἀρχαίον ἐπισημοτέρων ἀπὸ τοῦ ἀντιμαχικῆς καὶ τῆς βουλῆς πάντα δοκῆ. lib. 3. polit.

(28) Ἐπὶ μάλιστον ἀντιμαχικῶν τὸ πολὺ. καὶ ἐπὶ τῷ ὄψει τὸ πλεονῶν ὅτι καὶ τὸ πλεονῶν ὄψει ἐπισημοτέρων ἀπὸ τοῦ ἀντιμαχικῆς. Arist. lib. polit.

(29) Κραμβὴ δὲ ἡ ἐπισημοτέρων ἀπὸ τοῦ ἀντιμαχικῆς. lib. 3. polit.

ruinated : but I hope though I doe endow a Church with Lands and other utensils, the person may by Law (if he be dehoit) bee thrust out of his Living, and yet I take nothing from the Church, unlesse it be some drunken and swearing Minister, which some corrupt Patron it is most likely hath given to God; but God will not accept of such gifts, neither can a Kingdome be properly called a gift, it is δωρον δωρον, a gift and no gift, if you examine it aright: there is a gift I confesse which cannot bee recalled againe, that is, when any thing is given to the use of the receiver; but so is not a Kingdome, for it is but received for the use of the giver, or rather the entruster, for he is indeed but a Steward, the wonder of Nature, Aristotle will tell you what he should be, (30) That he ought not to be a Tyrant, but a Steward, and a King: and Stewards I hope are but ad placitum, and render an accompt, and not to convert it to their owne use, for he speaks thus much in the same place, that he ought to appeare to his subjects to bee a steward, and no alienator to his owne use, but to be content with a moderation of living, and not excesse; for indeed a King cannot give away (31) a City, much lesse a Kingdome. So the Civill Lawyeres Baldus and Hostiensis, and Guido Papius, Prætor Parliamenti Dauphini; wee have had examples of that at home, for I pray you who will buy any Land that is holden of the Crowne?

That I may be more profitable to my Reader I will put my grounds into a method and order, which will contradict yours, and so by our grounds let them judge by Reason, to which you appeale too, page 13. for I will bring Reason it selfe, Aristotle, and some examples for his Rules, so that I make no doubt but I shall perswade some though they will not bee perswaded, so that your reiterated objections may bee referred unto the exposition of the 13. of the Romanes, or else to this place, for if I should answer them so oft as I finde them in the booke inculcated, I should give my Auditours (32.) eares a surfeit.

First of all I will set downe what Kings have beene, and what they should be, according to Aristotle, which authority I hope so long as Dr. Fearnie lives in the Universty, I hope hee will admit of, unlesse hee can make it appeare that it contradicts Scripture, which I beleve hee cannot doe.

Secondly, that they ought to be subject to accompt, that is, when they become Tyrants.

Thirdly, that his Oath is conditionall.

\* Fourthly, that no greater prerogative belong to successive kingdomes, then to elective.

Fifthly, that the person of a Tyrant ought to bee inferiour to the Law, which represents both King and Kingdome.

First of all Aristotle tells you that powers or magistracy (33.) is the worke of good men, this is drawn out of the definition of all politick government. For (34.) what governments doe respect the publicke good, those are just, but those that favours the good of their Rulers are unjust. Archbishop Eusebithus tells us upon Homers Iliads 2. ἔτε ἀπολαθ' ἔτε βασιλεύθ', τὸ γὰρ βασιλείῃ ταύτῃ ἔστ' τὸ ἀπατῆρ, ἀλλὰ ποιμὴν λέγεται ὁ βασιλεὺς λαῶν, ποιμὴν δ' ὁ

(30) ἐν δὲ μὴ περιέχειν ἀλλὰ ἔχει τὸν καὶ ἐστὶν καὶ ἐστ' ἔθ'. Arist. 5 polit. ἔ) παρὰ τὸν τῶν ἀρχιερέων καὶ μὴ περιέχειν ἀλλὰ ἐστὶν ἔθρον καὶ τὸς μισέει τὸν ἐπὶ τὸ θεοδίδακτο. Arist. lib. 5. polit.

Iosephus in his Antiquities tells you, that the estimation of the greatest religion thereof, the Jewes, and most observant of their King, he tells you that they would not have their Kings no not exceed in appertell his subjects.

(31) Non licet Regi Francie urbes alie nate Lib. Andr. in. dist. de Major. & obed. Martin Land in oval. 1 de consuet. quæst. 13.

(32) Απὸ τῶν λόγων ἀμβλύθ' - ἀπατῆρ τυχείας ἀπάτῆρ. Pindarus. \* Vide D. Ferne, pag. 20. 21.

(33) ἔργον ἐστὶ τὸ δρῶν ἀγαθῶν. l. 3. P.

(34) Πᾶσι ἐστὶν πάλιν πῶς ὅταν μὴ πολιτεύσῃ τὸ κοινὸν συμφέρον σεοῦ ἢ τοῦ περὶ μὴ δὲ πᾶσι συμφέρον ἔστι καὶ τὸ ἀπῶς δικαιοσ, ὅταν δὲ τὸ συμφέρον μόνον ἢ ἀρχόντων ἢ ἡρώτων ἢ πᾶσι. Arist. Polit. l. 3.

χοιτε ἔτι καὶ ἄλλοι  
ἐπιπέτα ἢ τῶν ἀπο  
αἰσ παλαιοὶ καὶ τῶν.  
1. h. l. Jud. de crea.  
Princip.

(36) ἐπὶ δὲ ἀπὸ  
ἐπιπέτα καὶ ἄλλοι  
αἰσ τῶν βασιλέων.  
Lib. 3. pol.

(37) Ὡς εὐθύς  
ἐπὶ τῶν βασιλέων  
ἐπιπέτα καὶ ἄλλοι  
αἰσ τῶν βασιλέων ἰ-  
χθίων. Ph. Jud. de  
vita Mosis.

\* Arist. lib. 3. cap. 4.  
(38) Tu civem pa-  
tientiq, geras, tu con-  
sule cunctis,  
Nec tibi nec tua te publica  
vota:

In commune jubes,  
si quid censetque tu-  
endum,  
Primus iussa tibi,  
tunc observantior æ-  
qui.

Et populus nec ferre  
negant cum vident  
ipsum.  
Auctorem parere si-  
bi, componitur orbis.  
Regis ad exemplum--

(39) Rex ille non in-  
sulare dixerit cōro-  
nam auream in capite  
Regis pulchram  
esse, sed plenam cu-  
earum quas qui nos-  
cent vitæ luto jacentem  
tollentur.

(40) Adulatio ty-  
rannidis nutricula.

(41) καὶ δὲ τῶν  
πονητῶν φίλων ἢ τῶν  
ἐπιπέτων. Arist. pol. 5.

(42) διαστρέχει  
πλάττει. ὁ δὲ τῶν  
ἐπιπέτων, τὸ ἐπιπέ-  
τει ἐπιπέτει ὁμοίως,  
ὁ δὲ ἐπιπέτει τῶν  
ἐπιπέτων ἐπιπέτει,  
ὁ δὲ ἐπιπέτει τῶν  
ἐπιπέτων ἐπιπέτει,  
ὁ δὲ ἐπιπέτει τῶν  
ἐπιπέτων ἐπιπέτει.  
Ethical 8. c. 12

καταμίαν αὐτα, hee must not bee one that must poll them, but a Shepherd which should feed them : can he be said to be (35.) a Father of his country, that uses his subjects as his servants? or a shepherd, that feeds not his flocke, but pulls them? or a governour, who would make a losse of his peoples goods? no, but since they are called gods, they ought to imitate those heavenly bodies of the Planets, which bestow upon us gratis their light and quickning heat, and up n all things usefull for us : for *Aristotle* tells us, (36) *How from the benefis they received from them they set up Kings* : for at first it was the un justnesse of one man against another, that was the first founder of Kings, that he might be the dayes-man or umpere betwixt party and party to decide their controversies ; and afterwards upon the injustice of Kings towards men, were Lawes founded : for *Aristotles* el- sentiall difference or forme of a King, is one man that governes κατὶ νόμον, according to the Law ; and if you aske me what a King is, I will answer you thus, (37) that the King is the Law speaking, and the Law is the silent King: and to speake the truth *Buch*: tells you, *Dux Venetorum est verus Rex*, the Duke of Venice is the true King, for that State is the βασιλεὺς ἀγα- πῶν, the best Kingdome, for so *Aristotle* speakes of Sparta, to which that of Venice doth most resemble, saving that Sparta was by succession. Such a King as I have described would the Poet *Claudian* have.

(38) Be you a Citizen, and a Father too,  
Not for your selfe, but for your Commons doe,  
Let Commons votes, not your owne will beare sway ;  
Be't common good, whatso'e're you thinke or say ;

First then command your selfe, and so you may.  
The Commons more observant have, for they  
Never doe refuse subjection due,  
When that they see your passions you subdue.

The Kings example all the world doth follow.

You see *Clandians* rule for a King ; but there are some Kings that would be onely borne for themselves, would rather throw this Crowne in the dirt (before they would governe by this rule approved of by all Authors) from whence no knowing man would be too halty to take it up ; for that King spoke not unfitly, (39) *That a Crowne of gold upon a Kings head was amiable, but misball so full of cares; that those that knew thus much would scarce take it up lying in dirt.* To such men as these I leave the Crowne, and now we will examine what kinde of men those are, who are unworthy of this Crowne.

In a word, they are tyrants, who striving to command their Parents, the Law, that begot them into this Kingdome, but how came this tyranny in, will you heare *Buchan*. speake? (40) *Flattery is the nurse of tyranny*, and *Aristotle* tells you, καὶ ἀνδραγαθοὶ γὰρ ποιοῦσι poli. lib. 5. *They take pleasure therein*, and therefore (41) *tyrants are lovers of bad men.*

But how shall we know a tyrant from a King, *Aristotle* the greatest Counsellour to the greatest Monarch the world ever had, can best tell us, he gives them both these characters, (42) *They differ very much, for the tyrant seeks his own profit, the King his subjects, for he is no King that is not con-*

rent and aboundeth with all goodnesse and vertue.

Well, I will see whether reason will give me justice against a tyrant which the Doctor denies, suppose such a one as *Caius Caligula*, who wished (43) *that all the Romans had but one necke*, and (44) *threatened the Lawyers that he would with one proclamation take away all their knowledge*; but those (45) *Romanes shewed that Emperour that he had but one necke, and they had many hands*, surely the Lawyers would plead hard against him without a double fee, me thinks I heare the Lawyer draw his breath with a sigh, and beginne with that golden sentence of *Aristotle*, (46) *ὁ μὲν ἔν τὴν νόμον*

*καλῶν ἀρχῶν δουλεῖ καλῶν ἀρχῶν τὸν θεόν καὶ τοὺς νόμους, ὁ δὲ ἀνθρώπου καλῶν, καὶ περὶ ἀποσι καὶ θνητῶν, ἢ τε ἡ δέσποτα πᾶσι καὶ ὁ δουλῆ ἀρχῆντας διαπέσει, καὶ τὰς ἀειστος ἀνδρας, δόμοις αὐτῶ ὑπέχειας ἕως ὁ νόμος ἔστι, he that obeyes the Law, obeyes both God and the Law, but who obeyes a King, obeyes both man and beast, for ambition and passion blinds the Princes and best men, but the Law is without all passion, lib. 3. pol.* which if you assent not, this Giant or this sonne of earth (a (47) most ungodly god) will rob us of that heavenly blessing which governes both heaven and earth, *συνοῶν τὴν καὶ ἀθανάτων τῶν θεῶν* themselves are not governed without Law, according to the Poet *Pindar*, nor can they alter the adamantine book. O happy, and thrice happy were the times that *Trajan* lived in, who highly honoured such Counsellours as durst resolve this question, (48) *Who shall governe the King?* he answers, *the Law*, but saies he, *There are many who thinke (but they are deceived) is their first and chiefest good is to be above government, &c.* then he falls upon commendation of *Trajan*s words to the Captaine of the guard, *τίνα ἢ ὅτε* *προσέειπεν τῷ μίμωρτι τῷ θεοφύλακτον ἐπέσειεν, τὸ ξίφος, ὃ ἐξῆρξεν αὐτῷ ἐξελῶν, ἀρξῶν, ἐγὼ μὲν ὡσετε τε αὐτὸ, καὶ ἀνατινας, ἔφη, λάβε τὸν τὸ ξίφος, ἵνα αὐτὸ καλῶς ἀρξῶ ἵσθ' ἐμεῖς, αὐτὸ κακῶς καὶ ἐμὲ αὐτῷ χθῆν, Dion in Trajan, When he gave him (that was to be the Captaine of the guard) his sword of honour which the Captaine was to weare by his side, he first threw it, and brandished it, and said, Take this sword, and if I governe well use it for me, if ill, against me, so from opposing this most vertuous Prince unto the most vicious, the Lawyer tells them of *Theodosius* and *Valentinian*, who confesse themselves bound unto the Laws, upon this he urges how unworthy a thing it is, That these most just Princes should be subject to the Lawes, and most unjust tyrants should be *sacrofancti*, and free, when thats done, he tells them, that furious men who cannot rule the sword, nor themselves, ought to have it taken from them, and how *Thrasiboulus* thrust out the thirty tyrants out of Athens, and how the old Romans did with a generall consent expell their vitious Kings: then he pleads, *amitori*, that if the Law will give him satisfaction in the lesse, much more for a greater injury (and especially for the publicke good) hee tels them that justice was done him when he sued the King for a Farm, and recovered it, and though possession was kept against him perforce by the tenant for the King, yet he had a *posse comitatus*, upon which he raised the County, and so got possession: therefore if a King cannot injure a private man in his estate, much lesse can he murder him, or subvert the Lawes unpunished, especially when the injury will redound to the publicke, (49) if in lesser crimes such severe*

(43) Εἶδε ἕνα αὐχένα εἶχετον. Di. i. Calig.  
(44) D juris quousq; conuulsus quasi scientiam eorum omnem usum abstruere sapientia est, se, me Hercule effectum, ne quid respondere possent praeter eam. Sueton us Calig.  
(45) ἐπιδεικνυμενος αὐτῷ ὅτι ἐκείνου μὲν αὐχένα ἔρα, σφῆς δὲ χεῖρας πολλὰς ἔχειεν. Dion. Caligula.  
(46) Qui patet legi, patet Deo & legi, qui patet Prince pi, patet homini & bestilia. Buchan. ac jus Regni apud Scotos.  
(47) The Historian tells you, hee took the name of God upon him. ἢ τῶσαντ δ θεός, ἀνά βασιλεύς ἐστι Tyrannus non est Deus, sed rex est Deus. Euseb.  
(48) τίς ἔν ἀρχῶν τῷ ἀρχῶν; ὁ νόμος ὁ πᾶσι βασιλεύς ἐστι τὸν τε καὶ ἀθανάτων, ὡς καὶ Πίνδαρον ἀλλ' οἱ πολλοὶ κακῶς θεωροῦντες οἴονται προσέειπεν ἐν τῷ ἀρχῶν ἀρχῶν ἢ) τὸ μὴ ἀρξῶν, καὶ ὅτι Περσῶν βασιλεύς παύτως ἠεῖται δόλος, πλὴν τίς αὐτῶ γυμνασιεύς ἔς μάλιστα δεσπότης ἀφελῆν ἢ. Plutar. Mora. sol. 780.  
(49) vix credibile est, ut iudicium daretur contra legem de praedolo, parricidii, veneficii, perducutionis nullum in iudicio dari posse. Buch. de iure r. gnt.

(50) Ut verus dictum  
verum est, Telis ar-  
nearum lege simili-  
m's esse, quæ muscas  
detinerent, animalia  
majora tranſmittunt.  
Bæcon.

rity is used against Kings in such heynous crimes; so great licence nor  
impunity it is scarce credible would be granted, so that it is true which  
hath been said of old, (50) *The Laws are like Spiders webs which can detain  
the poore little flie, but let the Camel passe through.* Then he urges for the  
Law that made him King, that he might not ungratefully be the execu-  
tioner (51) of it.

After he hath breath'd himself a little, then he unbethinks him of a con-  
dition that he made with his Kingdome when he received it, and that by  
oath which he tooke at his Coronation, which was conditionall of his  
part that he should be thus and thus, and you may gather by *Aristotle* that  
those Kingdomes are more conditionall, which are received with an oath:  
an oath is a covenant, and when the covenant is broken, they that cove-  
nanted with the covenant breaker, are as free as they were before the co-  
venant, he hath broke this oath, because he doth work as much as in him-  
lieth in destroying the Laws, & so humane society would be destroyed, and  
so he is a tyrant, and a tyrant hath no right over any people, but is (52)  
an enemy to his people, and warre with an enemy is most just. To con-  
firme all which, a president or two is requisite, two of them domesticke  
and one forraine: *Rich. 2.* by unwilling willingnesse renounc't his King-  
dome, and *Henry the 4.* was elected by Parliament his successor, the Arch-  
bishop of Canterbury placing him in his Throne, with a *nunc vir domina-*

The First to Alex-  
ander, Quia id ego exi-  
gimus, quia in magna  
Classe, Imperator.  
O id est imperatores o i  
in imperatores, o i  
et est in ca-  
pitulo imperatoris.  
Arist. 3. vi. 4. ca. 16.

(51) That Empe-  
rour answered his  
Minion well, that  
told him, *Quicquid  
libet, licet, legibus reg-  
natus.* Wee reigne by  
the lawes, and wee  
will live according  
to them.

(52) τοῦ δὲ ἐπὶ  
λαίου καὶ ἑστὶν ἄλλο  
ἔπιτομον μετὰ τὰς  
θεοκρατίας, καὶ ἀπο-  
κρίσεις, ἀνα-  
ρῆσις, καὶ πλε-  
μίων ἀνευθεῶν  
δραστη. Philo Jud.  
de creat. princip.

(53) Articuli numero  
g nra duo &c.  
qui omnes viola-  
tionem juramenti regi-  
lis finaliter conclude-  
bant, & quoniam vi-  
debatur cunctis regi-  
ni stantibus super di-  
ctis articulis singillat-  
im ac etiam com-  
muniter interrogatis  
quod illæ causæ cri-  
minum erant suffici-  
entes.

Maub. Walfin. f. 39  
What will some of  
our Clergy thinke?  
were all the Lords,  
Bishops, Abbots and  
Priests, in an error:  
for every one of  
them consented in  
*Rich. 2.*

bitur nobis, but the Parliament because they would give satisfaction unto  
all the world, there was two and thirty articles drawne up, and proved  
against him, which the whole Parliament did absolutely conclude to be  
(53) violation on the royall Oath, and all of them being askt joyntly  
and singly did unanimously consent; that there was crime enough against  
him to take his Kingdome from him. *Grafton, fol. 643.* tells us, that there  
were certaine articles agreed upon concerning *Hen. 6.* and the Duke of  
Yorke, and the Parliament agreed upon this, that if *Henry the 6.* would  
not observe those Articles, then he should forfeit his Kingdome: now the  
forreigne example. The Lawyer urges having begun a *majori*, that he may  
conclude with an Argument a *majori*, from the greater to the lesse.

The Pope is above most Kings, but he is subject to censure: Did not the  
Synod at *Basil* ordaine and establish, That the Pope should be subject to a  
Senat or Consistory of Priests? and to omit the rest, the Pope which is  
counted, the Bishop of Bishops; and is mounted above the pitch of high-  
est Kings, with his Triple Crowne, is not exempted from punishment,  
not by his owne Canonists, a sort of men who are most addicted to him:  
now when they thought it absurd that God, for so they doe not doubt to  
call him, should be obnoxious to the censure of men; and likewise when  
they thought it unjust, that such wickednesse and hainous offences of any  
one should be unpunished, now whereby such wickednesse might be ex-  
piated, and yet the Pope be *sacroſanctus* and inviolable, they did conceive  
the Pope to be distinct from the person that bears the office, and they doe  
conceive that the Pope (whom they deny can erre) is not obnoxious to  
the examination of the Law, but the man that is the Pope, they doe con-  
fesse to bee subject both to the vices and the punishment thereof; but it  
would

would be long for mee to tell you what Popes or what men (that I may speake with them after their manner) that have borne the office of Pope, have bene compell'd to forswear their office, and some that have bene dead have bene digg'd out of their sepulchres, and throwne into Tyber; & lest this distinction of person from the Pope should seem somthing hard unto you, it is no other then Philosophy doth allow of, and ancient interpreters approve of, neither the illiterate common people that are ignorant in all disputations, are ignorant of this distinction; for the mechanicke Tradesmen doe thinke it a reproach to their profession, if either a Brewer or a Baker, or one of the family that preaches in the Tub, should be hang'd for some villany or other, though it be a disgrace unto them, yet they would rejoyce to have their society purged of such kinde of men. Suppose the King himselfe should sit in judgement, and condemne his brother or kinsman, doth he not put on the person of a (54) Judge? besides at any time when a felony is executed, he is not executed because he is *John an Oakes*, or *John of Stiles*. This I thought good to urge overplus, that I might prevent all demurs, so that now I conceive this great Councell will restore us the Law, by punishing the offendor; one of the Judges conceiving the case to be plaine, yet fearing that force might overcome right, and that the Tyrants friends who now had the offices of power in their hands, would not want pretences to defend this Tyrant, before they would suffer themselves to be displaced and called to an accompt, so that he mov'd mee that I would cleare two points unto the people; the first, that hereditary Kings had no prerogative above elective, and since these crimes ought to be punished, who must be the Judge? for it was conceived by some he was above all; therefore to have no Judge. Upon these new rais'd points, which were meerly but pretences, I had time till the afternoon to consider of them, though I was confident that these were cavils, and the wiser sort could discern them, yet considering the common people are led by example more then reason, I applyed my selfe to these two points.

And first of all I sought for some that were skilfull in Records, but could not meet with any, and for History from approved Authors, as they call them; I lookt for no assistance, because *Tacitus* tels me, that *they are drawn away eisher with feare or envy, metu vel invidia trahuntur*. And besides, if they affect truth about the Kings prerogative, they may chance follow truth to neere at her heeles, that shee may strike out their teeth. I pray you what was *Cremutius Corbulo*, was not his history burnt in *Tiberius* time, and he himselfe forced to dye by famine? onely because he called *Brutus* and *Cassius* (*libertatis Romanae vindices*) *ultimi Romanorum*, the last of the Romans.

I pray you inquire what *Buchanan* was banished for, was not he an Historian too? But to retorne againe from whence I left: in the meane time I met with a young Schollar, a Sir politique would be, and he told me that I had a hard taske in hand, for to bring authority to prove my positions, for reasons I could bring none, because *Aristotle* that was (55) *mens ipsi*, was against my latter tenents, for he told me that the King was more then *singulis major*, *ἄνθρωπος ἕκαστος καὶ ἐπὶ τῶν ἑσπερίων καὶ ἀνατολικῶν χωρίων*, that is, *singulis & pluribus*

(54) Doth not *Plato* tell us, that *Harpocration* and *Craterus* the one was *ἐπιλοβῆς*, *σὺλατός*, the other *ἐπιλαβῆς*, the one loved the King, the other loved *Alexander*.

(55) *Plato* one time going into the Senate, and *Aristotle* not being come, hee spake these words, *ὁ βῆς ἕκαστος καὶ ἐπὶ τῶν ἑσπερίων καὶ ἀνατολικῶν χωρίων* not come yet.

*ribus major*, I was somewhat astonished at this, because I knew *Aristotle* was not to be refused; I asked the young Schollar if hee remembered the consequent words, or the precedent, but his memory seemed to faile therein, but he did beleve I could get nothing for the publicke, (and he gave me a very probable reason) for he was Counsellor to the greatest Monarch in the world, and if I did he would burne his booke; for all that I sought the place, where I found his sophistry, and such satisfaction for my selfe, that I would enquire no further for reason, because I knew I should stop the mouthes of all ingenuous men, yet for that I thought there should bee

(56) Kings are said to succeed one another: they are called Successors, not heirs.

(57) Τὸν πατέρα κληρονομήσει, τὸν μητέρα ἀμελεῖ. Περικλέους.

Περικλέους.

Kings must looke to the common good. S. Basil.

(58) Natura regni Franciæ, inquit, requirit, & exigit, ne de eo fiant testamenta, legati, & alæ dispositiones. Guliel. Bened. Abbas, Recimicus I. C.

(59) Præmogenitus Franciæ non habet regnum à patre, sed ab ipsa regni lege & consuetudine.

Johan. de Terra Rubra in quodam libro, quem intulavit, *Vinea Eccl. tract. 1. q. 9.*

(60) The kingdom of France was elective until the time of *Charles the Great.*

*Carolus Magnus* testamentum reliquit, quod si filius cuiuslibet horum trium filiosum natus fuerit, quem populus eligeret, volumus ut contentiant patris ipsius:

*Caroli Magni Testamentum* apud Joh. Nauclerum & Hen. Mutium editum.

no rule without an example, I furnished my selfe with some examples; so returning to the Counsell, the question was put, what I could say to take away his hereditary kingdome from him: I did deny his kingdome to bee hereditary, for no kingdome is (56) hereditary, but onely successive: for the taking of his kingdome from him, I told them my controversie was not with him for his kingdome, but onely that he might bee punished for the violation of the Lawes, and his kingdome still remaine in its lustre: and since his progenitours were first elected, let him show how by what right, he hath gotten more then the first elected, for every one of them since hath taken a strict oath, to preserve the customes and priviledges of the kingdome. I doe not remember any thing in the oath for the preserving of his prerogative, nor can *Aristotle* tell you what his prerogative is, unlesse it be this meerly, to respect the common good, and (57) neglect his owne profit, but if hee will plead his prerogative, hee must show his proofes: for sure no man holds an estate so sure, though hereditary, but he may forfeit either for his owne life, or for ever; for the King cannot dispose of any part of his kingdome, for so the Civill Lawyers do conclude, that the King of (58) France could not give away one towne of his kingdome without consent of his Parliament: all the difference that I can show betwixt succession and election, is this, that the one is by an old law, and the other by a new one; for when the (59) sonne claimes his right to the kingdome, by what I pray you? even by an old Law established, and upon this claime he is admitted, the old Law is approved of, and not a new one made, but for those that are to be (60) elected a new law is made, the King made, both approved of, and he receives his kingdome all at once. For successive kingdomes were given unto one Family, onely that wars and tumults might be eschewed in the Commonwealth, which we see oftentimes to happen in elective kingdomes; as in Hungary, Polonia, Bohemia, and the Empire of Germany, but now that Empire is successive, by reason of the inconvenience of election, by reason of potent competitors: therefore me thinks it seemes incredible, that for so great an honour bestowed upon one Family, that the heyres thereof should deale foungratefully with us, as to assume more power to themselves, though for the most part lesse deserving, then their Ancestors, for whose virtues and the cautes above rehearsed, they reigne over us; *Aristotle* knew this, and tells you truly the difference, where he prefers the elective before the successive King, hee numbring up a great many causes and accidents whereby a King is subject to lose his Crowne, he makes not this the least, because



because they are of one Family, and by that means not so accomplished as the rest that are chosen for their virtues; but you shall here him speake in his owne words: (61) *In those Kingdomes that are successive, this may be added to the rest above numbred for one cause of their disposing, that Kings that come by succession many of them are subiect to conceipt, though they doe not usurp a tyrannicall government, yet they (not having desert in them) are a reproach unto the Royall Throne; so that his government is easily dissolved, for the good will of his subiects makes it a kingdom, but it is a (62) tyranny when it is against their will.* So Xenophon, and so Polybius will tell you,

Lib. 6. *Polyb. But if at any time they shall be displeas'd at the posterity of their Kings, then they presently goe to electing of Kings againe.* And indeed to speake the truth, Aristotle preferres an elective kingdom before a succellive, for hee preferres Carthage before that of Sparta, though their Kings were descended from Hercules. (62) *For it is better that Kings bee not by succession, but that they be choic'd men both for their virtues and gravity, for if unworthy men should have great command, they would doe great hurt, and that Sparta hath had experience of.* But that I may come nearer home, and show you that both

outs and our neighbour kingdomes themselves have followed (63) Polybius, when they thought it convenient, for Populi salus suprema lex esto. It is well knowne that Arthur Gausfides sonne, by all Historians had better right then King John unto the Crowne, yet the Lord Archbishop of Canturbury that was then, made an Oration in preferring John before young Arthur for the kingdomes cause, though Speed pretend that Richard bequeathed his brother the kingdom, but from whence Speed had that I cannot devise; but of this and King John more hereafter. But suppose a King should dye; and bequeath his kingdom to his eldest sonne, the son comes not in upon that title, sed ex lege & consuetudine, for Vitichindus Sax. lib. 2.

tells us that when Henry the Emperour had designed that his sonne Odo should succeed him in his kingdom of France, and when the kingdom had made him King, Episcopus Magontinus made an Oration unto the people, En, inquit, vobis adduco a domino Henrico alium designatum vobis, et omnibus principibus Regem factum; for that opinion Rex nunquam moritur; I pray you doth there not happen many times an interregnum? may not the kingdom be without a King, but a King cannot be without a kingdom. Isocrates de pace tells you that a King is mortall, but a kingdom immortal. Sir John Froissard tells you that there was a law made in France, that when they came to 14. yeares then they should bee crowned, and allegiance paid them: I hope then the interim was an interregnum, if allegiance were but to be paid them then. Many examples I could give you whereby the French have put by their naturall Successor, and when they did it they would have told you they might doe it; then Populi salus suprema lex esto, was of force.

Now I am come to my prooffe of my last clause, that a kingdom is above (64) a Tyrant or a King when hee breakes the lawes: I must here wonder with Buchanan, That (65) Law which concernes the Kings themselves, what is it, and by whom created, neither can the Lawyers themselves re-

... (62) ...  
... Rex, ...  
... Lib. 1. 5. 10.

(62) ...  
... Rex, ...  
... Xenophon lib. 2.

(63) ...  
... Ar. lib. 1. 1.

(64) Plutarch in Scythia tells us, that we would have the Dignities that are the best, and not those that are best of the best.

(64) For otherwise there is nothing above the King; because he is Lex loquetur, the speaking law.

(65) Quod autem ad legem Regium attentat, quomodo fuerit, quando, & quo, quibus verbis lata, nec ipsi jurisperiti expediunt, Regibus enim Romanis nunquam potestas fuit, quippe a civibus provocatio ad populum.

(66) Seneca lib. E-  
pist. 19. Scribit se ex  
Cicerone de Republi-  
ca. Libris decem esse,  
populacionem ad  
pepulum etiam à  
regibus fuisse.

\* Joh. de terra Rubra  
in those times 1371.  
a famous Lawyer,  
sub nomine Tractatus,  
scribit his verbis, Si  
alicui regi superio-  
rem non recongnos-  
cendi dandis esse  
coadjutor illius ad-  
sumtio & institutio,  
pertinet ad tres Sta-  
tus regni quod super-  
iorem non habet, ut  
est regnum Francie.

(67) The Histori-  
ans that this history  
is gathered out of,  
are Philip. de Com.  
lib. ca. 2. N. Gillius  
lib. fol. 152.

Garguinus in vita e-  
jusdem Ludov. Mon-  
stroletus: Oliverius  
Lamarcius Belgæ,  
Hist. cap. 35.

(68) Dissidio inter  
Regem Ludovicum  
17. & Carolum ipsi-  
us fratrem exorto,  
Concilium publicum  
indicatum est Turo-  
nes, ad Kalendas Dec-  
embris, quo in Conci-  
lio decretum est, ut  
Rex fratri suo Apa-  
nagii nomine Duce-  
m aliquem cederet  
insuper Rex ex suo  
sisco 60. libellarum  
millia quotannis ei  
adnumeranda cura-  
ret, Chron. Britan.  
Amor. Commemo-  
rat. lib. 4. fol. 207.

(69) Thomas Wal-  
singham.

(70) In this all the  
French Historians a-  
gree as well as Eng-  
lish. *Palmer Virg. lib.*  
19. Thomas Wal-  
singham sub Edwar-  
d's tercio,

*solve, the Romsane Kings never had that power, for from them there was an ap-  
peale (66) to the people. We will examine what the French Story can af-  
ford us, since that government is so much affected; I conceive it is Lex  
talionis to be judged by their examples, which hath bene but of late times  
within this 100. 200. or 300. yeares, for since these times I am perswaded  
their Parliaments are so farre short of their ancient authority, that they  
are not equall with those liberties they have had (by reason of the en-  
croachment of their Kings)\* for by the French Story it will easily appeare  
that they are inferiour unto their Parliaments; Did not the Nobility rise a-  
gainst Lewis the 11. of France for the publicke good, that they might demon-  
strate perforce unto the King the miserable estate of the Commonwealth. The  
summe of their request was, that the three Estates might meet, and when they did  
meet, there was chosen 12. out of every State by the Parliament, so that there  
was 36. chosen in all to (67) reforme the grievances of that kingdome, and the  
King promised his faith that he would ratifie whatsoever those 36. should present  
to him, but Lewis the 11. broke his faith, which was the cause of the warre that  
continued 13. yeares afterwards, and so the perjury of the King, with his owne in-  
famy and the destruction of the people was expiated. I must tell you this King  
was neither weake in body nor minde, for hee was but about some forty,  
and for his naturall parts surpassed all the Kings of France. To make the  
controversie appeare more plaine, (68) There was a difference betweene this  
Lewis and Charles his brother 1468 upon which the Parliament did decree that  
the King should give some Dutchy which did not belong to the Crowne, besides  
they did decree that the King should pay him yearly out of his owne treasure a great  
summe of money.*

(69) Gasco de Beirna 1275. was besieged by Edward King of England,  
Gasco appeales to the Parliament, and Edward would not detract it, but  
did commit it to his officers, lest he should (if he had detracted it) made the  
French King (to whom he had lately done homage for some land hee  
held there) a party against him, but that which makes this case most per-  
spicuous, is that of (70) Edward 3. and Philip of France 1328. the con-  
tention arising betwixt them two for the Kingdome of France, they both  
of them submitted themselves unto the censure of the Parliament of that  
Kingdome, the Parliament judged the Kingdome to Philip, neither did  
King Edward detract that judgement, he paying of him homage for Aquit-  
tane a few yeares after.

But of all the institutions of Countries, there is none so memorable as  
that of the Spaniards, who when they create their Kings in the publick  
Councell of Arragon, and that it may be the better remembred, they pre-  
sent a man, upon whom they place this inscription, *jus Arragonicum*,  
whom they doe publickly decree to be greater, and more powerfull  
then the King: when that is done, they speake to their King (being crea-  
ted upon certaine lawes and conditions) in these words which wee will  
produce, because they will shew a notable and singular stoutnesse of that  
Nation in curbing their Kings, *NOS QUE VALEMOS TANTO  
COME VOS T PODEMOS MAS QUE VOS, ELEGIMOS  
REX, CON ESTAS T ESTAS CONDICTIONS, INTRA VOS  
I NOS*



clusion, that the King out of his Courts hath a Superiour which is the Law the King in the Court, so that I wonder more and more, that these kinde of men can maintaine there can belong any government, so long as this tenent is maintained that a King is not answerable for his misgovernment; and that we must wait Gods justice and providence, (74) and we must in the meantime stand like the man in *Esop*, who when his cart stuck fast in the dirt, he did nothing but pray to *Jupiter*, that he would pull his cart out of the dirt for him, but he had answer made, *Jupiter* would not helpe him without he would helpe himselfe, and after he put too his helping hand, then he had his prayer granted. O that men would seriously consider, that a more pernicious tenent to the Kings themselves cannot be hatched, for the subject will \* continually be suspicious of their Princes, and so will never love them truly, so long as Kings nourish their Basilisks, for what more hopes can we have of Kings then of Popes, without God would by his extraordinary weanes enlighten them? we have read into what exorbitances Popes (though grave and learned men) have ruine unto, by reason they bolstered up themselves by this tenent of being unanswerable to none but God, till at last they were reduced to censure by the counsell of *Basil*, all that can be pretended in reason why we should not resist evill Princes is because that civil warres will follow; and so there will be greater bloodshed; I answer them thus, we doe usually remember evils better then benefits, for *tho one is written in marble, the other in sand*. It happens so sometimes, but sure I am, that after their removalls the next three or foure successors will be more cautelous, and so will their friends be that shall take their parts: *Caligula* and *Nero* dyed without revenge, and in good time, or else I thinke they would not have left a Roman Senatour; observe but the Princes that succeeded *Nero*, untill you come to *Domitian*, and you shall finde the Romans were not weary of them, and likewise after *Domitian* againe; but here my penne shall stop, (75) and we will leave the Lawyer in good hopes to get the cause against the tyrant, for if the Council will not judge, yet the tyrant will judge himselfe, for when he is judged by the Law, he is judged by his owne word, for by his word and will it was made when he was King, but if this will not serve, his Law bookes the Lawyer will burne, and he will never study more unlesse in the Court.

At the length we are come to the fifth Section, for what passes betwixt the 19. page in the last Sect on, and the 24. page of this, ruines upon the old score of your new grounds you give us, but in this page you seem to produce some antiquity, and he being all the Authours that I have observed you have quored, excepting Scripture; surely you urge him for Scripture, and if it should be so, you will gaine nothing by him: But Sir, the respect I have to the Church, I will not tell the rude multitude what *Tertullian* was, but (76) *Paraelius* shall tell you, *Ob errores in quos incidit, inter Apocrypha numeratur -- excommunicatum fuisse per papam: -- Contra ecclesiam scripsisse, St. Hieronymus testatur, -- ad Montani haeretici partes defecit fortasse quoniam repulsam passus est in obtinendo Episcopatu Cartaginensi*. After this preamble, we will come to the question, your words are these, *Tertul. in his*

(74) *Apocrypha*  
*Esop* who when his cart stuck fast  
 in the dirt, he did nothing but pray to  
*Jupiter*, that he would pull his cart out  
 of the dirt for him, but he had answer made,  
*Jupiter* would not helpe him without  
 he would helpe himselfe, and after he put  
 too his helping hand, then he had his  
 prayer granted. O that men would seriously  
 consider, that a more pernicious tenent  
 to the Kings themselves cannot be hatched,  
 for the subject will \* continually be  
 suspicious of their Princes, and so will  
 never love them truly, so long as Kings  
 nourish their Basilisks, for what more  
 hopes can we have of Kings then of  
 Popes, without God would by his  
 extraordinary weanes enlighten them?  
 we have read into what exorbitances  
 Popes (though grave and learned men)  
 have ruine unto, by reason they  
 bolstered up themselves by this tenent  
 of being unanswerable to none but  
 God, till at last they were reduced to  
 censure by the counsell of *Basil*, all  
 that can be pretended in reason why  
 we should not resist evill Princes is  
 because that civil warres will follow;  
 and so there will be greater bloodshed;  
 I answer them thus, we doe usually  
 remember evils better then benefits,  
 for *tho one is written in marble, the  
 other in sand*. It happens so sometimes,  
 but sure I am, that after their  
 removalls the next three or foure  
 successors will be more cautelous,  
 and so will their friends be that shall  
 take their parts: *Caligula* and *Nero*  
 dyed without revenge, and in good  
 time, or else I thinke they would not  
 have left a Roman Senatour; observe  
 but the Princes that succeeded *Nero*,  
 untill you come to *Domitian*, and  
 you shall finde the Romans were not  
 weary of them, and likewise after  
*Domitian* againe; but here my penne  
 shall stop, (75) and we will leave  
 the Lawyer in good hopes to get the  
 cause against the tyrant, for if the  
 Council will not judge, yet the tyrant  
 will judge himselfe, for when he is  
 judged by the Law, he is judged by  
 his owne word, for by his word and  
 will it was made when he was King,  
 but if this will not serve, his Law  
 bookes the Lawyer will burne, and  
 he will never study more unlesse  
 in the Court.

(75) *Tyrannorum*  
*causationum* exem-  
 pla. *Abulphar*  
*Officina*, *H. B.*, lib. 3.  
 cap. 1.

(76) *Paraelius* in  
 a *Tertulliani*,

his Apol. saies, the Christians had number and force sufficient to withstand, but they have no warrant. I wonder much where you finde this sense, I will not affirm a negative, because I have not read over the Apology, but in my glancing to looke for that quotation, I perswade my selfe I found the place which you have given a larger interpretation, then those words will beare, for he saies in the page 182. that if they would resist, the Christians *dispersi orbis* in all the wide world were as many as the *Tauri*, or the *Turcomanni*, now I conceive by this place that the Christians were not able to resist the *Tauri* or *Turcomanni*, for what head could dispersed Christians (77) throughout the world make against an united force, but he tells you, *That the wrongs done to a divine society should not be expiated with the sword, -- or they should not grieve to suffer in miseries wherein they are approved*, and saith he, *Si inimicos jubemur diligere quem habetis ut odisse*, if we be bound to love our enemies, whom have we to hate, and then he concludes, *Sed apud istam disciplinam magis occidi licet, quam occidere*, but saith he, it is more lawfull for our Religion to be kil'd, then to kill; I professe I neither understand Latin nor English, if that you can gather by these words of *Tertullian*, that it is unlawfull for to resist in point of Religion, and though it were not, yet *Tertullian* doth not speake home to us, for our war is in defence of our just liberties; and as I have told you oft, Christian Religion takes away no mans right, and commands no more than a *due unto Cesar*: But to returne againe unto *Tertullian*, for by those words I meane to prove that it is not unlawfull to kill in defence of Religion, for sure *Tertullian* knew his degrees of comparison, and that when he saies if it be more lawfull to be kil'd, surely then it is lawfull for to kill, without for your owne advantage you will say *Tertullian* spoke improperly here, who uses so much Rhetoricke in all other places; in our English tongue when we say we may doe this thing more lawfully, then that, we doe not expresse the other to be unlawfull, and that you may the better conceive that *Tertullian* spoke Rhetorically, you must know what taske he had in hand in that place, (87) [For being seditious in the Commonwealth. (79) For seeking to kill the Emperor.] In his Apology for them, he told them that the Christians were no affecters of that which they affected, which was money and delights they tooke pleasure in, so that they might not shun the Christian society, since they would not rob them of those things they took pleasure in, but that his Rhetorick may be the more seen, you must remember what I told you before, (80) *That Religion should not thinke much to suffer in misery, in which they were approved and thereby increased*, for when he writes to *Scapula*, who was Proconsul of Atrick, and President of Carthage, he exhorts him to dissemble with the Emperor, and not to execute his commands, being the execution of the Christians, and he gives him (81) the examples of foure or five that did equivocate in executing those kinde of commands, he bids him not hesitate to fight against God in obeying those commands, at the length he closes his Epistle thus, (82) *We have no Master but God alone, he it is that cannot be hid, yet you cannot reach him, but those whom you thinke to be your Masters, they are*

(77) *Tertullian* lived in the Emperour Severus his time. The yeare of our Lord 100.

(78) Circa fictiones in ambulant, Apol. ad gent.

(79) Circa in ista tem. Imperatoris in famulant. Epist. ad Scapulam.

(80) *Ned beatissimi quae probatur Religio.* Apol. ad gent. 182.

(81) *Quintus ament praesens & constantinus & creduliores illi in ament ab eis seductores.*

(82) *Magnus enim nomen habemus, in solium Dei, hunc autem ceteros ab iconibus potest, sed enim nihil fecerit, sed quos tu peris, ubi magister, hunc enim sunt & ipsi merita quoniamque. Tertullian Epist. ad Scapulam.*



*Walter Long, Master Valentine, and another or two more shall bee my witnesses, who were soundly fined in the Star Chamber, and committed, what (90) (91) taxes came upon the subject since that time? that I am perswaded there would have beene shortly (Vespasians) bonus odor lucri ex re qualibet.* Now for the Parliament that preceeded this, some three yeares since master *Belleaffes* and Sir *John Hotham* were imprisoned onely because that they said, the Countrey that they served for would not onely have Shipmoney taken from them, but other impositions, as Conduct money, &c. They were sent for to know what witness they had, that the Countrey gave them such instructions, to say so much in their name, and because they could not produce their witnesses, they were committed for faulting. My Lord *Say*, my Lord *Brooks*, and master *Hambden* will witness how much the priviledge of Parliaments was encroached on. After all this men were committed for denying of Conduct money, and I doe not think but the Petition of Right is against the raising of moneyes as they have beene raised. Did not old Monopolies come up under new names? I wonder what Lawes can secure us (without the old Counsell be made exemplar) or protect the seven members of Parliament, and the rest of the members that have not deserted their Country in forsaking them. Well, if the King should conquer us, perhaps there would not be wanting a *Cremutius Corbulo* who shall stile them in our History, *Vltimi Anglorum, The last of the English*; but Sir if the King should be trusted, unlesse the Parliament can provide for themselves with conditions, shall these Parliament men have any credit in their Countries? no, they shall not be so much as a Justice of the Peace: shall they have any thing unlesse the Kings frowne? No, but you will tell me that they shall have and enjoy a pardon. My Lord (93) *Say*, and Master *Pim*, and the rest will be well requited with it, that might have had better offices then they have, but they were not so greedy to swallow the bait, I am perswaded if they had, they would have gone neare to have cast it up before this time. I know you answer presently, *These men belike then looke for rewards and countenance.* Though they doe deserve them, I doe not thinke they expresse thus much. Truly I am perswaded that some of the Parliament men (that many scandall how that they make not this stir for nothing) would forgoe the offices they have, and which their deserts may justly expect, upon this (94) condition like *Julius Vindex*, that those that have made this combustion may lose their offices and their expectations. I must acknowledge that *Virtus est virtutis premium*, yet I doubt that that alone will encourage men hereafter to doe what master *Hambden* did in the case of Shipmoney, or others to speake boldly against the corrupt officers of all the Courts; who presently foreseeing the storme runnes to the King, importuning and perswading the good and virtuous King with long stories, that they seeke to depose him, and faine a griefe for his cause when it is their owne. At length they overcome him to make this Civill Warre (which is most barbarous.) Oh we had been happy, and thrice happy, if he had answered them as *K. Cleomenes* did the Ambassadors of Samos, who desiring him in a long and tedious Oration to assist them in a Civill Warre, he answers thus, (95) *The*

ον δὴ βασιλεύσαντα  
 Fol. 510.  
 (87) Ἐἶπε κατὰ τὸ  
 φητὶ ἔστω, πῶτα  
 τῆς παραπληθῆσι  
 τυχόντων παθῶν;  
 Fol. 512.  
 (88) ἔσθ' ἐν Πέλοπος  
 Χίοντος τῆς τ' ἀνι-  
 στήσιν δεινῶν ἐπι-  
 γογῆ τῆς οὐδ' οὐ, πο-  
 μάτως πικρῆς ὄσοι,  
 ὅτι κερὶν δὲ ἰσθμῶ,  
 καὶ μὴ ἔσοι ὁ κερὶν  
 ἰσθμῶς ὄσοι;  
 (89) Μένων δὲ Βιαι-  
 πος ἰκέτας συζεῖν  
 ἠέροντο, ἀλλ' ὅσ' οὐ  
 ἔπειτα τ' ὄσον ἔπειτα  
 καὶ ἄς πᾶντα δ' ὄσον  
 ἔπειτα. ἦσαν, ἢ πῶς  
 τ' ἴσθμι πικρῆς κερὶν-  
 ῶσιν ἰσθμῶς ὄσον.  
 Nicephorus Calisti-  
 us. fol. 479.  
 (90) The King of  
 England can exact  
 no tribute without  
 content of the three  
 Estates. Philip. de  
 Com. lib. 4.  
 (91) Neque rex peti-  
 t, ac munitros suos,  
 tallagia, subsidia, aus-  
 quavis alia onera  
 imponit legis suis,  
 ac leges eorum muta-  
 rat, vel novas condi-  
 sine concessione vel  
 assensu totius regni  
 sui in Parlamento  
 expellit. In a book  
 entitled, A learned  
 commendation writ-  
 ten by a Lord Chan-  
 cellor of England.  
 But I desire you to  
 read the cap. 18. lib.  
 5. of Philip de Com.  
 which because it is  
 too large for the  
 margin, I have plac-  
 ed at the end of the  
 Book.  
 (93) My Lord *Say*  
 should have beene  
 Lord Treasurer, and  
 beginning Mr. e m. eubye. 311-

ber of the Court of  
wards, or else Chan-  
celler of the Exche-  
quer. It was repor-  
ted that my Lord  
Mancevil, Mr. Hamb-  
den Mr. Holles, should  
have been preferred  
at the beginning of  
the Parliament, but  
now they shall be  
preferred to a

Tempora mutantur nos  
& mutamur in illis.

(94) When Nero  
had promised a great  
summe of money to  
him that would  
bring him Julius  
Vindex his head;  
αἰχμήν ἐβίβησεν ἔ-  
σθ' ὄντ' ἐ Νέρωνα  
ἀποκρίνας, τὴν κε-  
φαλὴν αὐτοῦ καπνίζ-  
εσθαι, τὴν ἑαυτοῦ ἀ-  
τμῆσεν. Dion. in  
Nerone.

(95) Ὁ εὐθιμότη-  
τι, τὰ π' ἐξ Αἰ-  
θῶς ἐβύβησεν, ἀν-  
τὸν δ' καὶ τὴν μέσην  
& ἑσθίον, τὰ δ' ὄντ'  
καὶ δ' ἐσθίον.  
Plut. Mor. fo. 223.

beginning of your Oration I forgot, so that I understand not the middle of it, but  
your conclusion for warre I utterly dislike. But now since these unnaturall  
Armes are taken up, and if the Country should abandon the Parliament,  
by desiring an untimely, unequall, and unkinde peace, the Judges will  
finde Law (out of the same Chapter of their Booke, being the next to the  
last) to hang the seven Members, and perhaps the number will be dou-  
bled, for the Kings Councell will plead then, sure how that these men have  
corrupted the representative body of the Kingdom, and so the Kingdom  
was brought into danger, for they did goe about to subvert the Lawes, by  
punishing the offenders against them, and tooke away the property of eve-  
ry mans estate by taking away Monopolies; and brought the Kingdom in-  
to warre by setting the Militia, which was the onely way to have prevent-  
ed it, and preserved our Lawes, if it had beene duly observed: the Coun-  
trei was forewarned, and might have beene forearmed in time, but both  
their purses and lives must pay for it, for ought I see, unlesse they will un-  
animously agree to be directed by the Parliament, for that is the onely way  
to procure peace in truth, for the other peace which is now promoted,  
(because they see the Parliament able to defend themselves) it is either by  
men that doe not love the Parliament, or else by such who are sensuall,  
onely looke at the present, but care not what may ensue hereafter. For  
surely if peace should be admitted on, but upon very good tearmes, our se-  
cond state would be worse then our first; for this must be supposed when-  
soever Armes are laid downe, (though upon an Act of Oblivion) the King  
will have power to discountenance those men that he doth not affect; and  
sure his Counsell & his Scouldiers (to whom he cannot but lend a gracious  
eare by reason of these engagements) will be alwayes working with him  
to put that power into act; and we have had experience how easily man  
is tempted to things that seeme pleasant, (*Revenge is sweet*) now since his  
Majesty cannot acquit himselfe of those men that are about him, the readi-  
est way to procure firme peace, and lesse dishonourable, *rebus sic stantibus*,  
both for King and Parliament, for to force those Vipets which the King  
cannot if he would, shake off his royall hand, or else from their contempt  
other men hereafter will learne to undervalue Parliaments.

In the same page, being the 26. you answer to an objection that many  
may see more then one: *True, first conscience should have demanded satisfac-  
tion, why should a hundred in the house of Commons see more then three hundred?  
or twenty in the Lords House more then sixty that are of different judgement, and  
withdrawne?* Well Sir, I see you have read some Rhetoricke, (96 *To make  
great things little, and little things great*: I pray you Sir when was there but  
a hundred in the House of Commons, and three hundred withdrawne of  
different judgement? if you would but name them, the Country sure  
would never chooise them againe. Besides all those men that are of diffe-  
rent judgements, and withdrawne, as you tearme them, of the house of  
Commons, I doe not thinke that you can number fifty of them that con-  
curre and are active for the King: for the number of the Lords which you  
say are sixty withdrawne of different judgements, how doe you know  
that? for there was not above forty subscribed at Yorke, and all of them

(96) Horatius said  
that Rhetoricke was  
τὸ π' ἀεὶ καὶ μικρὰ  
μεγάλαι: Non tu  
plus cernis, sed plus  
temerarius audes.



not Higher Houle men : but you may know of a greater number from the Kings Declaration to his subjects of Scotland, for that will confesse of eight score in the Houfe of Commons; and I doe not thinke that you can name ten of them that was of your three hundred withdrawne; but I beleeve if you will allow of eight score in the Houfe, you must needs allow of a great many to be imployed by them, what in the Army, and what in the Country. But Sir to end this discourse, belike you have read that of *Caio, (97) To make great things little, and when they are little then to make nothing of them.*

(97) Κατωρος τι  
τα ε μεγαλυ μιν  
και πειν, τι δε  
μικρο περιθωσ ανι  
σεν. Plutarck.

In your 28. page, you enter not this discourse to cast the least blemish upon Parliaments. To this Sir I will give an answer that you shall not complain on: I hope there is none so stupid that will judge by my proving it is lawfull to resist unlawfull actions by the great Councell of the kingdome, *vim vi repellere*, whether they be commanded by the King or any other power, and that it is lawfull for the kingdome to depose a Tyrant: I hope there is none will apply the latter part, that of a Tyrant, unto our King, if they doe so, *liberabo animam meam*, I doe not, nor I hope I shall ever think so, though I shall prove him in the offensive part, to which the Parliament makes a lawfull resistance: for my Law Case I have put it in so high a nature, that it cannot be resembled to him; for God forbid that any should make a parallell of our King with such a one as *Caligula* was: but my law Case was onely to conclude contradictorily to the Doctors Tenents in his booke, or whosoever they are that hold such monstrous Tenents, that a monster of men, a Tyrant, shall not be answerable unto those hee hath wronged: yet for all that, all Doctors are not of one opinion; I beleeve it will not be denyed but there is another doctrine preached here; and when you shall aske them for Gods immediate warrant, as the old Prophets had, to declare so against Kings, they may answer you, Where are Kings made now immediately from God, as they were then, when such immediate Warrants were given?

But I will close this discourse with my wishes that the King and Parliament would turne all these jarres into a (98) concord, which would make a true *δι-πασων*, and that his Majesties wealth and happinesse hereafter may blot out all these afflictions and sorrowes.

(98) συμφωνια  
σμοσων ησσηται.  
Pindar.

(99) Ει δε ο πικρος χρονος ολ  
βοιων τε ποτε ηληθην εστιν ευ  
θυνοι, κμαπον επλα  
σιν εδρασι

(99) Pindar. το δε  
Ολετ.

In your 29. page, (100) When all was referred to the rule and disposing of the 12. Peeres, how long lasted it? and what security had the State by it? Sir, I must answer you, that the Parliament at that time trusted the Kings royall word, for the accepting of the advice of those 12. Peeres, and certainē other conditions, and so disbanded their forces: but Sir there was a malignant Councell then, which would never let *Richard* the second alone, till they had undone him. You must know that *Richard* the second befet the Parliament with 4000. Archers, and you must know this of *Aristotle*

(100) In Ricard. time

(1) That for the most part tyrannicall government is but of short continuance,

(1) Αι δε ποτα  
ηδ τυραννιδων, εαν  
υποχρονται πασι γα  
υπασι πασηδω.  
Ar. l. 5. c. 12. poli.

In the same place you will tell us how this resistance is accompanied with the evils of Civil Warrs : for that, let them looke to it that fight in a wrong cause.

(2) ἡ ἀρχὴ τοῦ ἀληθῆος ἀδὲ ἀειπάει. Aristotle mech.

In the same place you tell us, *The Law is silenced; the property and liberty of the Subject everywhere invaded.* Aristotle tells us, (2) *The truth cannot be knowne without the cause.* I pray you who complains against the Parliament, but those that are a party? and who were the abettors of the first plundering? I pray you was it not beguane in Yorkshire? Alderman Hoyly and another Yorkshire Gentleman will tell you, they were first plundered : the Parliament did declare upon it to the kingdome. Well, I see your side would plunder, and not be plundered ; and I pray you who stopt the first legall proceedings? how chance the delinquents would not appeare when they were arrested according to the old forme, but the Messenger was beaten after a new fashion, and \* committed at Yorke? and when this was, the Parliament had not stricke one stroke yet, but their ordinary Summons were contemned, as if they had beene no Parliament, which will be in despight of them *ἔαρ διαπραγματι*. Let us examine a little further, and we shall finde that the first armes that were taken from any private men, the King tooke them from Yorkshire men that were with him at Hull; for when some would serve no longer, they were forced to leave their Armes behinde them. Since these passages, the Parliament hath disarmed such as they conceive to be their enemies, which is good in the law of Armes, for this law was first set up by the Kings party. I pray you what (3) Townes have they left destitute of a piece of bread? as that at Braintford; or used their prisoners so barbarously. I am sure the Parliament forces are lesse terrible into what country soever they come. I pray you what did the Univerfity suffer? what Schollers Studie did they offer to search when they were there? Well, to be briefe with you, since the delinquents have contemned the sword in the sheath, they are grievous

(3) Read the judgement of Salomon, and you will presently discern who hath loved the Countrey truly.

(4) Quasi argumentum esse iure irakendi, grauer irakli, Sen. de ino.

(5) ἡ πῆρ, ἀεὶ μασοι οἱ κρεῖττοι δὲ ἀδελφοὶ, ἀπὸ αὐτῶν κερδοῖς τὰ ἀεὶ ματα. Dion. Hal. 2.

(6) τὰ μὲν εἰς τὴν ἀδικίαν, ἀεὶ ἔργα λαοῦ, ἐπὶ αὐτῶν τὰ μὲν λαοῦ. ἢ ἀποεργεῖν. Plut. 2<sup>th</sup>.

(7) Omne magis ex amplius, liquid arabit ex iniquo, sed quod contra singulos mittitae publicae re penditur. Tacitus.

(4) angry that it should be drawne; and when they have altered the ordinary and peaceable forme of proceeding, you exclaime against them for using of an unusuall forme, for to preserve the old forme hereafter. *Dion the Historian* tells us, that (5) *businessse must wait to be transacted according to the opportunity of the times, for opportunities doe not wait upon businessse.* And whosoever shall complaine of this, he doth deny them equity : for no man need doubt but what wrong the Parliament hath done any man in these manner of proceedings, but when the times shall be settled, they will make satisfaction, no doubt but the moneyes will be restored which they have taken from some suspicious persons, when it shall appeare that it was not provided for to foment this war. *Iason* tells you that (6) *a little unjustice ought to be done, so that it may be the meanes to obtaine a great deale of justice.* And what in the meane time (7) *some peculiar men doe suffer by these proceedings, yet the publicke will gaine by it.*

In your 30. page, you put us in minde of the oath of Supremacy, *Allegiance, the Protestation* : all which is that I should confesse the King to bee supreme in all causes as well Ecclesiasticall as Civill; so I doe, you may see now by this, that the King and the Law are one and the same thing.

for in all Courts the Law is supreme; so that you must not have two supremes, nay the Judge who represents the Kings person, cannot command the Jury, nay the case may happen, that the supreme Judge, or Lord chiefe Justice may be censured by the other Judges assistants in his own Court: But to come a little nearer to our matter, we must suppose the King to be in his Court of Parliament, *Camden* calls the Parliament (8) *the presence of the King*, for the King I conceive is there, for hath he not made an act, by the continuance whereof, businesse might be transacted, and can his private word undoe what he hath done? I would put this case to you, if you should have a judgment under seal of a Court, & the Judge afterward in his chamber retracts what he hath done; you would presently tell him, that you have the Judge under seale, & let him speak his pleasure, you would not give care to him as a Judge, for sure when that oath was imposed first, it did alwaies conceive that what the King did in causes it should be Law, but in case it should happen otherwaies; still you may appeale whither? to the King in his Courts and in no place else, for there the Supremacy is exprest, and the highest Court you can goe too is the Parliament, the King doth assure you that by an act; I would have him shew me where the Kings supremacy is at this time in all causes as well Ecclesiasticall as Civill, if not in his Parliament, for all other Courts are subject to it by appeale whatsoever the cause be: for *the oath of Allegiance*, I conceive it requires no other answer, for they doe looke more especially at Papists, so that I must make this conclusion, I doe acknowledge the King supreme when I acknowledge or obey the law that is made by him, unlesse you can perswade me that a man may cancell his bond when hee pleases to speake the word: For the Protestation; I conceive every man is bound to yeeld his assistance as he conceives, whether the Kingdome will be in more danger by this meanes or that meanes.

In your 6. Section you come to matter of fact, you say your principles were examined by Scripture and reason, I have followed your method, for in the first place I urged Scripture, and after that humane story for to prove my reason, it is your owne method, for in your 73. page you say, *now let us trie what reason can inforce*; in this last Section, as I have said before, you come to matters of fact, and as you say page 33. *These admit the judgement of sense, and are cleared by what we heare and see, which judgement of sense is not so easily captivated by an implicite faith, as that of reason is*, it is true, Aristotle warrants it, (9) *it is a weaknesse to seek reasons, and flie sense*, yet both your sense and mine may be captivated, if this be not our proper object.

In page 34. you tell us, *it was promised at the beginning that such a resistance should be omnibus ordinibus regni consentientibus*, you might have promised thus, if you would in the beginning of this Parliament, unlesse you conceive an act of Parliament to be void in Law, that excluded them the House before the vote passed for this resistance, yet if you will beleve a modern Writer in Print, who presents unto us an old monument concerning Parliaments, though the Bishops should be wanting, yet the Parliament is a Parliament still: (10) *The King is the head, the beginning and the end of the Parliament, and so hath no Peer in his degree, and so of th. King alone*

(8) Parliamentum vocatur p. presentem Regis. Camden Clarendon in his Britan.

(9) λογος εστιν η ανθρωπος οδωζειν αδυνατιστο. Arist. phys. 28.

(10) Rex est caput, & principium & finis

parliamenti, & ita non habet parem in suo gradu, & sic ex Rege solo primus gradus est, secundus gradus est ex Archiepiscopis & Episcopis, tertius gradus est ex Abbatibus & Prioribus per Baronium tenentibus; quartus gradus est ex Comitibus, quintus ex militibus comitatum, sextus gradus est de Civibus & Burgensibus; & ita est Parliamentum ex sex gradibus, sed sciendum licet aliquis dictorum quinque graduum post regem absens fuerit: tamen omnes praemoniti fuerint per rationales summonitiones, parliamentum nihilominus censetur esse plenum.

is the first degree. The second degree is of Archbishops, and Bishops. The third degree is of Lord Abbats, and Lord Priors. The fourth degree is of Earles. The fifth of Knights of the Shire. The sixth of Burgeses of Cities and Townes, and so the Parliament is of six degrees, but thus much is to be knowne, that although any of these five degrees (after the Kings degree) should be absent, and having been fairly summoned, yet notwithstanding for all that, the Parliament is to be esteemed a full Parliament. The same Authour beleeves that the Parliament hath bene of a longer continuance then we commonly imagine, for he speaks of it before William the Conquerers time.

In the 35. page, you aske, did they all unanimously as one man consent unto it? Conscience cannot be so convinced, that there is such an efficacy in the place, as to make a few the whole, or their agreement to be the judgement of the whole Kingdom, &c. that unanimous consent which must be in the case of resistance. This is a meere cavill, what if somethings passed by a few upon the place, those are as firme in point of Law, as if there had bene a negative voice; are not some things many a time offered in your Regent house, which would not passe before, and though it passe but there by a voice, is no more questioned, otherwise you would proceed in infinitum? suppose that somethings have bene passed by a few upon the place, yet that, that there was warre intended, and rais'd against the Parliament, to which resistance was necessary, I am perswaded you will finde but few upon the place dissented: for the Bill of the Militia, it was voted before this time twelvemonth, and if that was carried but by a few, yet it was the major part, and I hope you will not argue therefore the Commission of Aray must be obeyed; no but perhaps you will say they may be indifferent, I must tell you, then they deserved to suffer ill on both sides, that cannot be touched with the calamities of neither, *Misericordia in malos, est injuria in bonos*, for that indifferency is cruell, when we suffer those to be murdered whom we conceive to have the better cause, and especially when our selves are concerned in it, for there is no man but in his conscience is inclined more to one side than to another.

But if the law and custome of the place must not alwaies prevaile with you in every place, we will trie what reason can inforce by Aristotle; (11) *Whatsoever seems good to the most in all governments, whether in Oligarchie, Aristocracie, Democraecie, whatsoever seems good to the major part of those that are intrusted with the government, that is raise.*

In the 36. page, *who were in armes first? He that can number the succession of weeks and months in his Almanacke may decide this, he shall finde that armed men were thrust into Hull, the Kings Army seized against his will, the Militia set up, and by that the Kings subjects drawne into Armes before the King,* for the prooffe of all this you produce no witness, I know the reason.

I confesse, if I doe not perswade the contrary, I have done very little to our present case; you have touched an old sore the businesse of Hull, which I will search to the bottome, & will shew the prochatartike cause (with the leave of the Physitians.) Did you never hear of Mr. Percy, Mr. faithlesse *Gowring*, Sir *John Suckling*, and Mr. *Henry Germin*, how they did intend to bring up a Northerne army, and Mr. *Gowring*, if you will be-

leeve

(11) το δὲ πρῶτον  
δοξῆ τῶν πλείονων  
πῶς ἀρρεῖ, ὅτι  
καὶ ἐν ὀλιγαρχίᾳ, καὶ  
ἐν ἀριστοκρατίᾳ, καὶ  
ἐν δημοκρατίᾳ, ὅταν  
δοξῆ τῶν πλείονων  
εἶναι μὲν ἰσχυρῶν τῶν  
πολιτῶν, τότε ἐστὶ  
δικαίον. Arist. polit. 1.  
7. c. 2.

leave him whom your side still reposest trust in, tells you, whom they made (12) acquainted with it, *hinc lacrima*: I wonder what you complain'd of the Parliament then, before that project, it was then no doubt the feare of the Court, that we should recover our old Laws againe by punishing the delinquents.) Well, what did the Parliament doe, or the City either, after they escaped this scouring? Did they take up armes which they might justly have done, no, they did not, they proceeded in their old forme, and presented unto his Majesty humbly the condition the Kingdome was in, and therefore necessary to have the Kingdome put into a *Militia*, and that the Irish Army might be disbanded, which was 8000. whereof 7000. were Papists, but these had no (13) successe at Court, which if it had, they had prevented I beleve all these mischiefes in both Kingdomes, for both these things were made above halfe a yeare that the Irish broke out into rebellion, or the *Militia* made an ordinance; But when the malignants and evill counsellours saw that the Parliament did desire the *Militia*, and disarming of the Papists, or else they could have no security, which they had cause to doubt of, by reason of many discourtesies that were put upon (14) them; so that there was no way but a plain refusall of their desires, but before it should come to that, they advise very cunningly, that his Majesty should fortifie the Town of Hull, where a great (15) Magazine of Armes lay, the King sent forthwith to Hull, to take possession of the Towne, the Towne refused to give possession, the Parliament after this offers to get possession of the Towne, that they might prevent any army that might come from the north againe, the Towne had it in their choice, which they would accept of, at length upon deliberation, they admit of Sir *John Hotham* (16) for to keepe the Towne for the safety of the Kingdome, and it was then declared by them against Papists and forraigne forces, and now I am perswaded that the Papists which are now in Yorkshire would willingly keep Hull if they could get it: for the King? if you please so to answer me, but I am sure it would not be for the good of the Kingdome; now Sir, if your Almanacke be not calculated for the Meridian onely where you live, but for Hull, it will quickly certifie you thus much, I will put this case unto you concerning Hull it selfe, (and we will make a mentall abstraction of the true cause of this provision, which was the bringing up of the Northerne Army, and still the frownes of the King upon them, and other mens practises.)

If you sue first for a house, and when I see you have begunne your sute, then I contend for it, I get quiet possession, and that by order of the highest Court, you would thrust me out perforce illegally, for not the lowest Court did warrant that appearance against Hull onely the doore is shut against you, who is the defendant now, or where is the liberty of the subject? if they may not admit of men into their houses, Sir *John* and his company, when it was warranted by the highest Court, neither is this act of any more hostility, being meerly to put a garrison into this Towne; surely then it is at Portsmouth or Plimmoth, who have had garrisons in them this long time, and containe themselves within their Townes, for the *Militia* set up, and in your 38. page you say, *we shall finde so be his power*

(12) If this plot had taken, far well all liberty and rights of the Subjects.

(13) The answer why the Irish Army should not bee dismissed, was because so long as the Scotch Army stand here, they ought not to bee dismissed.

(14) The denying of them a guard to wait upon them, for which there was reason, because they had contracted, they knew the hatred of a strong party against them: for it is well knowne before they had a guard, how Justice *Howard* was stabbed with a knife in Westminster-hall, and how the Prentices came, the house never sent for them. But because it may bee imagined, that one or two men might stirre them up to come as they did, This is made a scandal of the whole House which consists of hundreds of men. Besides, after the denying the Parliament a guard, did not the King come to the house with hundreds of the Parliaments enemies?

(15) Part of which Armes was taken from the trained Bands against their will, the rest belonged to the kingdome before, as I beleve.

(16) Though Sir *John Hotham* be put into Hull, to bee governor thereof, and the Parliament brake up, the King

should send unto him  
to deliver his place  
to one that would  
keep it for the same  
use, for the good of  
the kingdome, yet if  
*Sir Iohn Hotelam*  
should deny to re-  
signe his Captain-  
ship, hee did it not  
without example.  
*Iohn Stow* tells you  
in *Henry 6.* that upon  
some ill friends *Rich-  
ard Earle of War-  
wicke* had at the  
Court, King *Henry 6.*  
made the Duke of  
Somerset Capraine  
of Calles, and sent his  
privie seale to the  
Earle of Warwicke,  
to resigne his Cap-  
tainship of Calles; but  
the Earle refused to  
obey, answering, hee  
was put in by the  
Parliament, and so  
continued in his of-  
fice.

(17) *Kαλιείδης ἐν ὀ-  
δοῦ πένοντι ἄρ-  
γων πολέμου, ὁ δὲ  
Βασίλεὺς ἠγάπησεν  
Σαλῆμ.* Phil. Jud.  
Leaf A leg. lib. 2.

(8) In what other  
Courte might the  
seven members be  
creed in, I pray you,  
legally, if all acts &  
processes might be  
stept off wher? Well,  
if justice may not be  
granted to them in  
Parliament, what  
might these men  
hope for hereafter?

(19) *περὶ δὲ τῶν  
περὶ αὐτῶν τῶν ἀ-  
δούλων ἡσυχίας ἀπο-  
στρέψαντες ἀνα-  
στήσαντες ἱέντες*  
*ἀπὸ τῶν ἀρχῶν ὡς περὶ  
ἐπιπονήτων ἤσαν.* Plur.  
Mat. 10. 208.

(20) *Αγορεύει βα-  
σιλεὺς ἰδὲν διαφύγει  
ἐργασίας παλαιοῦ. Νε-  
φρον.*

*of armes, and ordering the Militia of the Kingdome: I will answer both these two places at once, that is, the Parliament did set forth a booke the last Summer, wherein if my memory faile me not much, they shewed that it was once disposed of by act of Parliament, and I pray you, if it were once disposed of by act, how comes it to bee solely in the King without another act? because the King hath been trusted the performance of many things which are not contrary to the Law, therefore must he lay a claime to them; for sure it is without reason, that any man whatsoever, and his posterity should be trusted both with all the Laws and Arms too, for God knows, his Successors may prove, it is not impossible, but may be worse then any forraigne enemy: (17) A Tyrant let him be called a King of war, but a King a Prince of peace. Aristotle writes another matter, that the Militia must be in the people, but suppose there should be a Statute for the Commission of Aray, to put it in execution, the authority I conceive should issue out of some Court or other; now all acts and proceses coming out of any inferiour Court must for the time cease and give place (18) to the Parliament. Thus much King Henry the eight, told the Parliament that his learned Counsell informed him Fox Martyr Fo 956. Lin. 40. Now let us come to the matter of fact, the Militia was made an ordinance, but when, even then, when the King had divided himselfe from his Parliament, for it was declared, when he had many times refused it, and he was in his journey Northwards, by which it was apparant what would ensue: well when they saw how the Kingdome was in imminent danger, no pretended one, they foresaw the Papists would rise, and so made it an ordinance, but the execution of it was deferred till a long while after, which leads me to the last clause of your 36. page. That subscription for Plate, Money, Horse, that listing of Souldiers for the field, and appointing of Officers of the Army were begun upon their part before his Majesty said the like, ἡρώδης ἀποστρέψας ἀμφοτέρους περὶ, Pind. There are witnessess abundance to decide this controversie betwixt us; whether doe you thinke there was not an intention and preparation for War, when the Queen conveid all the Jewells of the Crown with her, and as report goes offered them for pledge, & are pauned; you see now the sinews of War was provided, that a ship that was driven a shore at Hull, loaden with ammunition, was that provided on a sudden? Let us now come to the listing of souldiers for the field, had not the King above a thousand horse and foot, before the Parliament listed one man, or subscrib'd for moneyes? For the truth of these things, I put my selfe upon my tryall of God, and the Country of Yorke-shire; but you may give me an equivocate answer if you please, and tell me that be had most of them only as a guard for his person; his was but a meer pretence, as it as it appears now, yet since people will say, it was no pretence. thence I wil tell them that of Agasicles, (19) who being askt how a man might rule safely without a guard for his person? He answers them, very easily, if he rul'd them as (20) fathers rul'd their children, now let all the world judge whether this warre be offensive of the Parliament or no, no, it is not so much as defensive against his person, for I am perfwaded there is not one*

one man in England thinks in his conscience, but his Majesty may come to London with his Royall Train, but I will leave this point to the Reader, to be better satisfied in the Kings, and in the Parliaments Declarations, you may know what you will gaine by asserting such Tenents as these, even this, (21) *That when you speake Truth, you will not be beleevd.*

(21) Ερωτηθεις τι πιστευεισθαι κερδεις πισθησθαι, οταν λεγουσιν αληθειαν, μη πισυεισθαι, Laertius in vita Aristotelis, fol. 118.

Page 38. *To speake the Truth, Religion and Liberties, can be no other then pre- tences of this warre, the King has fortified them so with many acts of grace passed in this Parliament, but they cannot be in that danger, which is pretended for the raising of this war, it must be something that his Majesty does indeed deny, for which the contention is raised, his power of ordering the Militia, his power of denying in Parliament, his disposing of the offices of State, & such like, Also the Government of the Church, and the Revenue of it, in the three former, he challenges his Right as his Predecessours had; the other he is bound by Oath to maintaine, as by Law they are established.*

Sir you know *οκνητοι χερεις γλαυκοι περιαι, ει δε βροδον*, those many acts of grace hath been passed for the (22) most part with *ALc Roy Auferat*; and I am perswaded though those Acts be good for the Subjects, yet I perswade my selfe, the King will not willingly honour their care and industry, that was most busie about them, but I pray you what fortification can these Lawes be more, than the others was unto the Subject, unlesse the offenders against the old Lawes be punished? (23) *Thucidides* tells us, *That no Law can keep men from offending, neither privately nor publickely.* Aristotle, that Touchstone for Reason, Lib. 5. c. 8. (24) *That no good doeth redound to us by having good Lawes Enacted, and not obeyed, but that we must thinke, the onely use of the Law is, That the Lawes enacted should be obeyed.* So that I feare (without the King out of his commiseration towards good men, (that they suffer not hereafter) give up the delinquents to be punished) they will not be such strong Forts, but the Courtiers may batter them; (25) *For his power in denying in Parliament,* I conceive that hath beene sufficiently cleared by the Declarations on both sides, about *quas vulgus Eligerit*, for the construction of which, They brought good Authority: and if they could have produced none, yet very Reason would collect so much out of the Oath, for there is care taken in the Oath without all exception for things that are past; and forsooth, they would not take care for the electing of new Lawes, which would concerne them as much as these that were already enacted; for nothing is more subject to mutation than Lawes, upon many circumstances that happen; So that questionlesse, the rest of the clauses being so strict, that this clause, *Quas vulgus eligerit*, must needs have relation to the future.

(22) Against Starre-chamber, High Commission, and for the Tricenniall Parliament.

(23) Περιουσιον τε ανωντες, κηδισια κηδυσμοσιν αμαρτηντων, κηδυσμοσιν ομολογησιν, κηδυσμοσιν ομολογησιν, κηδυσμοσιν ομολογησιν. Thucid. lib. 3.

(24) Οκνησιν δε ευνομοσιν, περ ευνομοσιν της νομοσιν, κηδυσμοσιν δε, διδουσαν μη ευνομοσιν, κηδυσμοσιν ειναι, περ κηδυσμοσιν της κηδυσμοσιν νομοσιν.

(25) The denying of the Militia, and the Officers of State, I have spoken of before

*The Government of the Church, and the Revenues of it, which he is bound by Oath to maintaine.* That is, against the injuries of private men; I doe not conceive him more bound, to defend them by his Oath, than the rest of the Lawes enacted, any of which, when the Kingdome desires should be abrogated, I hope is done without perjury, have not we seene many indulgences taken from the Church, as paying of Subsidies, and the like? Yet perjury is not imputed to the King, unlesse you will impute it to the Kingdome

Kingdome too, for they must be necessary, but Sir, to deale plainly with you, it may be when he argues so much for the Church, it most concernes his Prerogative, as you call it, *Aristotle* will tell you something, that there are some men that looke one way to the Church, and another way to 26) themselves, for I must tell you, so long as the Bishops have bene in the House since *Hen. 8.* time, Some of them have studyed through ambition the Kings Prerogative, which the Rest must not refuse, but consent unto without the tearme of ungratefulnesse, because they were the Kings Creatures, *Sed non fuit sic ab initio.* For in former times, They were the best Common-wealths men the Kingdome had, when they were not so much obliged unto the (27) King; I have onely one wish to wish, next to the just uniting of the King and Parliament, that Bishops might be elected by their Clergy, as the Primitive Bishops were, nor their meanes not one jot impaired, but rather increased, for how shall they be hospitable upon *Welsb* Bishoprickes, and a great many *English* ones? Therefore in this respect, I could wish that none but single men might be chosen into them, being of yeares, so that in all probability they would not marry then, and the greatest occasion of covetousness: would be taken away thereby, and single life, according to *Saint Paul*, would be more honorable, if his Majesty and the Parliament would be pleased to consent to this, The Clergies election of their Bishops: The King would not be suspected for his love towards the Clergy, nor the Parliament heare ill of all Schollars, which are deserving men. For if the Bishoprickes should be taken away, because some of the present Bishops have bene instruments to inslave us, by this Argument all Parsonages should be taken away, because some of them are delinquents: and so our Posterity may suffer, but *quid meruere Treuer*, yet if there be no other remedy to secure our just Liberties, which I must confesse I cannot foresee by an Enthusiasticke Spirit, or Histories that are past, (I must preferre the good of the whole Kingdome before them.) I would here speake with the Poet,

— *Scelera ista nefisque,  
Hæ: mercede placent* —

And in the meane time, the Heires may petition the King and Parliament, that for their forefathers pious affections towards the Church, they may not suffer, since their peculiar intention for the good of the Church, is otherwaies construed in these times, that then according to the common (23) intention both of their dead Parents, and all Law and right; that the Church Lands may descend unto them; Here Doctor, I do conceive I shake hands with you, and all Sententious Divines, for those I except that love Repetitions in all places but *Pauls*, who by reason of their ignorance in the Fathers, and Ecclesiasticall Story, would forbid others to learne them, *Scientia nullum habet inimicum præter ignorantem.*

Page 39. *Was the managing of this warre on their parts, whether so void of Acts of Hostility, as that defensive way should be which they pretend too of Davids? He offered no act of violence to Saul, but still withdrew from him. The Speare indeed and the Crosse David tooke away from the King, to shew Abners neglect. You say in your 9. Page, If replied, Now they intend not hurt to*

(25) *En Æ mjs; ðs; ðeds; gal: edau; des; Enada; (or) ðaas; ejwos; &c; Pol. lib. s. cap. 11.*

(27) The true cause of which is the Kings presenting them, wch the King got by an act of late times, but it was otherwise before *Hen. 8.* time, for who was so much against *Rich. 2.* as the Arch-bishop of *Canterbury*, or *Rich. 2.* as the Bishop of *Ely*.

(23) There is a Write called *Contra factum Collationis.*



the Kings person; Yet might not they as well have hurt his Person in the day of Battaille as the rest? I have answered this place before, where I found it urged in the beginning of your Booke; So that I will onely adde two things; They shewed *Abners* neglect, by many petitions unto his Majesty, whereby they desired him not to put confidence in those kinde of Servants for a warre; Besides, if *Saul* had descended into the Battaille, he might have (29) perished: and I pray you who can helpe it, if his Majesty will put himselfe into danger, when there is no place of the Kingdome else but his Royall person may be safe in? for the (30) Speare and the Cruse, no doubt but they will restore them, when they can conceive by doing so, the King will be reconciled with them likewise, for upon these conditions they have proffered often, what they have (31) taken away; but if these conditions should not be kept, *Dauids* example forbids them not, to flye to his enemies.

It seemes they are men that would be loath to suffer for their Religion, they are so ready to flye to Armes, Page 41. There are a great many before the Parliament beganne have suffered (who will tell you) for their Religion, let us give every man their due. But I conceive these Armes are not onely taken up by the Parliament for Religion, as for the vindicating of the Laws, and for their security in way of defence.

Page 42. You tell us *That our feares and jealousies are raised upon reports of foraine Force to be brought in, of resorts of Papists to his Majesty, his intercepting of meanes sent for the reliefe of Ireland, from whence the good people, by their good Teachers are made to beleve, that he meanes to enslave his people.* All which you Answer, as *Michael* the Arch-angell did the Devill, *The Lord rebuke thee.* What you tearme feares and jealousies, five for one will call provident cares, for you write page 37. Well neare ten Tribes of twelve of us have revolted, I am very glad they were scandalled in this point, which displeaseth you, or else I am afraid, you would have laughed at them by his, if they should have feared nothing, but what you would allowed for just, but howsoever jealousies are not absurd, which were grounded probably; There hath beene foraine Armes and Horses intercepted, and Letters which tell us of three Regiments may be expected out of France, upon occasion: For the resort of Papists to his Majesty, what thinke you now? is there not a pretty summe of them in *Yorkeshire* up in Armes? I desire you tell me whether any could grant a Commission for them to take Armes, being against the Kings and the Kingdomes consent in an Act? but you have got men will blow away this Act with Gunpowder, and whilst we are pleading of it, you will answer us as *Cesar* did (32) *Metellus*, who told *Cesar* that he could not take the Treasury, but gainit Law, his reply was, *That when the warres were done, he might plead for the Law and Accuse him.* In the meane time you tell us he may justly take use of them, and you instance in *Dauids* entertaining false *Zibui*, page 43. Your similitude doth not quadrare, I beleve, that entertainment was against no Act of his owne formerly passed. No, He would not reverse the sentence formerly pronounced against him, as you acknowledge, page

(29) 1 Sam. 26. 11.

(30) When *David* restored those things to *Saul*, he might better hope to procure his safety so, than with a few Souldiers, in respect of *Saul* encamped against him.

(31) What priviledges of Parli. are taken from us now? yet in all this time, we must not complaine of what hath been taken from us against old Lawes, and they thinke us very unreasonable, that we will not be contented with new Lawes without the punishment of the offenders against the old ones: if Law would serve the turne, the Petition of Right, will take away all Monopolies and Shipmony, with other Taxes: Well, perhaps these men will tell us that we have a Parliament granted to us by the King in an Act; yet how much do they value this Parliament?

(32) Οὐκ ἐπόητο τὸν αὐτὴν ἐπὶ τῶν χρημάτων, ἀλλὰ πῶς ἐπὶ τῶν νόμων, Plac. in Caes.

43. This was a Royall word, whose onely property, is constancy. To deale plainly with you, It had not beene so dangerous to *England*, if so many *Danes* were here in *Armes*; So that now we have all feares, but no jealousie left us; but yet by the providence of God, it may be we have not shut the doore altogether so late as you would have had us, for sure if any where then in a Kingdome, *Nimia cautela non nocet.*

*His intercepting of meanes from Ireland.* I beleeve the Papiſts in *Ireland* will tell you they fight not against the King, but against his Parliament. You doe confesse that the King hath beene an hinderance to the *Irish* proceedings in your 44. Page, *The necessity his Majesty was driven to is sufficiently knowne, and might excuse him in taking his owne where he meetes with it, and drawing it from his occasions abroad, to that which more nearely concerned him at home.* We should not perhaps have beleeved this, unlesse you had spoken it, I should doe you wrong, if I should not give your reasons for it. *When his Armes, Monies, and (necessary page 40.) provisions are seized on, where ever they be found.* All this we deny, for what is stopped, is only stopped from that Army which hath too much, for so the poore people will tell you; if the Kingdome should suffer provisions to goe under the name of his *Necessary provisions*, all provisions would goe under that name; for in no Country of *England*, as yet, where the King hath beene, but he hath found necessary provision for his Royall Train. Nay, I must tell you of his Royall Train, if that the expences grow too great, I beleeve the Parliament wil tell you that their Predecessors have displac'd superfluous Officers, and lessened the Kings expence; the Kingdome of *France* uses this power over their *French* (33) King. But it is time for me to turne over a new leafe, I will onely answer that of *The Lord Rebuke* thee, privately with this of *Pindar*:

(33) *Rationales sunt illi illos Regios, si in-consulti facti videntur, coercens: Clau. Seysselius Archiepif. Turing. in libro de Lege Salica.*

————— A —————  
 Ἰουδοὶ δὲ πρὸς ἀναμὸν χεῖ-  
 ριστε γλῶσσαν —————

Page 43. *If there be any foraine aide towards the King, it will be as just for him to use them against Subjett's now in Armes, as it was unjust in the Barons to call in the French against their naturall King.* I hope I may have a writ of errour to reverse your judgement: For King *Jehn* was not their naturall King, all Historians (34) will tell you, that *Arthur* the Sonne of his elder brother, was *Dominus Naturalis*, and how he got the Kingdome by deceit and way of preoccupation. The Arch-bishop of *Canterbury* knew this very well, who commended him, which afterwards he repented of. I know what *Speed* tels you, That *Richard* left him this Kingdome by Legacy, which cannot be so disposed of; Besides, it may be doubted from whence *Speed* knew so much, for *Matthew Westm.* tels us how he was condemned, and sentence pronounced against him by *Hugh Putsey* Bishop of *Duresme*, (for seeking the Kingdome in his Brother King *Richards* time, and from him) and so he was incapable of the Crowne; besides, when after he was made King, *Matthew Westm.* tels you, *Regnum suum forisfecit*, for he had beene in the Popes Court for murdering *Arthur*, his eldest

(34) *Matthew Westm. Paulus Emilius, Polydor Virgill, and others.*

eldest Brothers Sonne, Now King *John* being of this disposition, he would not keepe his faith with his Subjects which he promised them, but so he might win the Pope on his side, and to take off the Excommunication he was in, he gave the Kingdome to the Pope, to hold it of him: for the Pope before had exhorted the King of *France* to aide the Subjects against his oppressions, but now he was entertained on the other side; and absolved King *John* from keeping of his Covenants with his Subjects then King *John* got an Army in *Yorkshire*, he tortures (35) men for their money, exposes Noble mens Wives to shame, cuts downe their Woods, and gives away their Lands: but I have not spoken all, till I tell you this, how he (36) sent to the King of *Morocco* to hold his Kingdome of him, and change his Christian Religion, which he held but vaine, so be it the King would but assist him, but his message was rejected with disdain, after he understood that he was an oppressour of his (37) Subjects.

Now whether such a King as this was, might not be resisted by the Barons, who at the first they (38) called in no foraine Force, untill hee had broken his trust, after they had committed themselves solely unto him unarmed, I leave this to every man to judge (39) of: and I doe not thinke though you thinke it unjustice, yet you are pleased that it was done; for if publike resistance should not be lawfull in such a case, the tyranny of Kings would grow infinite, by which all civill societie would be destroyed, for the wicked part would cut off the better: without doubt God never established tyranny so, that humane societie should be destroyed; therefore God doth not forbid us to resist, excepting tyrants who shall command any mans life at pleasure. Now Sir let all the world judge whether they be Bolts or Arrows that you shot against our Barons: A tyrant King *John* was, I prove him (by our *Lydius lapis* of reason:) *Whosoever* (40) *reignes perforce or fraud, he is a tyrant,* and the Scripture (41) gives us example of freeing our selves from them: but if you should not allow of this, Doctor, there is a necessitie (42) you must approve of those wickednesses which you would not have punished. (43) *Valerius Asiaticus* is much applauded, for his wish, that he had bene one that had kild *Caligula*: But here is too much of King *John*. Now I come to the dangerous consequence, wherein you say it is as just for the King, as it was unjust in them. Surely Doctor, this is a weake Argument, to prove that it is just in the one, because it is unjust in the other; none but Tyrants will bring in *Forraine* force (44) *A Kings guard is of his Subjects, but a Tyrants is of strangers:* and in another place, their (45) *guard is of the Citizens,* but the Tyrants guard is against his Citizens: and to speake the truth, he is truly (46) *guarded who is guarded with the affliction of his Subjects.*

In the same pa. 43. I joyne with you in your wishes, that the Lord would open the Queenes eyes; but I except against your addition, *this is not the way to draw her to it, if she look in the doctrines and practises of these times, she is not like to fall in love with it.* What Religion then is it likely shee may love in your conceit, surely this can be no hinderance to withdraw her to ours,

(35) Pecunia quavis  
ex pafius tormentis ex-  
torquetur, afflictione  
magis afflicti est An-  
glicum Nobilium mu-  
lieres lubricis trade-  
rentur, domus combu-  
rentur, Syria succi-  
derentur, Syria athenis  
donaerentur, Mar. West.  
(36) Οἶκος λέοντος  
ἐν ὕπαιθρον ἀλάστορος  
Tyrants are Lyons at  
home, and Foxes a-  
broad, Plut. in Sylla.  
(37) This Story was  
taken from the Em-  
balladours owne  
mouthes when they  
returned, Mattheo au-  
diente qui hoc scripsit.  
Matth. Paris, fol. 224.  
2el. 324.  
(38) For at the first  
the Countrey rose a-  
gainst him; untill he  
had pleased them with  
better promises of him  
which trust of theirs  
he deceived. Mar. West.  
(39) Item nullus Rex  
vel princeps potest dare  
Regnum suum sine  
consensu Baronum suo-  
rum, qui veniunt Reg-  
num defendere. Et Papa  
habe errorum veri al-  
telius nova ambitio-  
nis cupiditate, exem-  
plū dān omnibus Regnis  
perniciosum. Mar. West.  
(40) Ἄν δὲ δὲ ἀπίστος  
ἂν ἔν τις ἢ βλάσ, ἰδὸν  
δεξ. ἰδετο ἔντα το ἔν-  
τα. Arist. Pol. Lib. 5.  
(41) Judg. 3. 8.  
Judg. 4. 16.  
(42) Necessē est ut  
pi hoc, pagenon fuis  
undat. Bu. lo. p. reg.  
(43) ἰδε το ἔντα  
ἀλάστορος: Dion in Cal.  
(44) οὐλακα βλακα  
(45) πολίτων, πλεον.  
ἂν δὲ δὲ ἔντα, Arist. lib.  
5. pol.  
(46) Ἄν ἰδὲ πλεον  
το ἔντα, ἰδὲ το ἔντα  
το ἔντα, Arist. Lib. 5.  
3. Pol.  
(46) οὐλακα βλακα  
ἂν δὲ δὲ ἔντα, Arist. lib.  
5. pol.

unlesse it produceth rarer examples against Kings then her owne, which hath deposed many Kings themselves, onely we professe to depose the Souldiers and Monopolizers from reigning over us, and when all of your side shall out-face the Countrey that I have not answered one clause of yours perhaps they will blush at this.

If her Majestie will be pleased but to remember or acquaint her selfe with the Roman story, she will finde there more than a resistance; did not Gregory I. in the priviledge of the Monastery of *Sancti Medardi* threaten the deposing of all Kings that should violate that priviledge? Gregory the second excommunicated the Emperour *Leo*, and deprived him of his Tribute; Pope *Zach.* did depose *Childericke* King of *France*, and in his stead did cause *Pipin* should succeed, who was the father of *Charles* the great, *Leo* the third translated the Grecian Empire to the Romans; *Gregory* the fift caused that the Emperour of *Germany* should be elected by the seven Electors of *Germany*, which continues till this day. *Gregory* the seventh

did depose *Henry* the fourth, Emperour. *Innocent* the third did in like manner depose *Otto* the fourth, Emperour: *Innocent* the fourth in a Councell at *Leyden Parisi.* deposed *Fredericke* the second, Emperour. *Clemens* the sixt first of all excommunicated *Lewis* the fourth, and afterwards made him lose his Empire; here are examples enough though I have not numbered all: So that I will onely present one story of *Theopompus* his wife, *Upbraiding her husband* (when he had admitted the (47) Ephori to governe with him) *th. it he would leave the kingdome* (48) *lesse unto his Children, than he received it of his father: (he answered his wife) I leave it so much the more durable and firmer: in the same place the Aŭth̄r̄ or Ipse dixit tells you, that those Kingdomes whose* (49) *governments are more moderate are of longer continuance; he instances in the Kingdome of the Molossi and of Sparta, which Aristotle calls Βασιλεία καλίστη. But nearer and more homebred examples may be presented to their Majesties, that of their kingdome of Scotland and of Denmarke, which by reason of the moderation of government are the antientest of all the Kingdomes in Europe. The kingdome of Scotland as Buchan. writes hath continued above 2000.*

yeares in one Family, whereas *England, Spaine, and France* have often gone from one Family unto another; so that I hope when her sacred Majestie shall consider of these things thus, she will not repine (since it is well knowne of his Majesties conjugall affection towards her) if he shall blesse us with his love as his children, for so indeed we ought to bee, I doubt not but God will blesse such a blessing with a better Kingdome.

Now at the Length I am come to a *ne plus ultra*, without I should traverse the same grounds I have run over; for your three last sheets are spun Spider-like from your owne bowells, and the three principles in your first Section, which will never make a Demonstration, because they are not true; but Sir that I may go roundly to work with you, and end where we begun, in your Frontispece I finde these words, *Also that the shedding of blood in the pursuit of this resistance is murder*: I have looked from your second Section where you begun the proofes, unto the end, & I do not find that

(47) *Plato* writes that these Ephori, were a bridle unto the Kings, by whose Authority and counsel Kings governed the Commonwealth: And *Plutarch* writes that these Ephori would cast their King upon occasion into prison.

(48) *Θεοπόμπου μετριόστρωτος, πῆς τῆ ἀλλοις, κ' τῶν ἄλλ' Ἐφῶρων ἀρχὴν ἐπικαταστήσωτος, ἃ γὰρ ἀναμμεύς ἀπέλαν ἠύξην (εὖ πῶ χεῖνον πῶ βασιλείαν, ὡς ἔπειν πνῶ ἐπίπλεον ἐκ ἐλάττονα ἀλλὰ μέγιστα αὐπῶ, ὅσῳ ἢ ὡς ἢ γυναικῶ ἀποκείνεται εἰσὶν αὐτῶ, εἰ ποσὺν εἰ μὴ δὲν ἀγορεῖ), ἃ βασιλείαν ἐλάττω παρὰ τοῦ πῆς ἡσίων ἢ παρὰ τῶ παρὰ τοῦ παρὰ τοῦ (εἰ δὲ πῶ εἰσὶν) παρὰ τοῦ πῶ πολυχεῖναι ἔσαν. Arist. lib. 5. cap. II. Polit.*

(49) *Ὁ ὧν ἂν ἐλαττόνων ὡς κύνων, πλείον χεῖρον ἀναγχαίον. &c. Lib. 5. cap. II.*

th at you make any such conclusion; no, you do not so much as name this word: For I must tell you, I have groped for it like a Needle in a bottle of hay but it wil not prick my fingers, nor let no man look for it, for though the hay will make a great smoake, yet it will not burne cleare; and indeed whosoever shall looke for the great contents in your little booke, will looke for more then they will finde; so that I will tell you a story of Diogenes, (50) Who when he saw the great gates and the little Citie of Minda, he bid the Citizens shut the gates lest the Citie should goe out of them.

(50) Εἰς Μίνδον ἐλθὼν καὶ θεασάμενος τοὺς μεγάλας τὰς πόλεις μικρὰν δὲ τὴν πόλιν. Ἄνδρες Μίνδοι, ἐφθ. κλείσατε τὰς πόλεις, μὴ ἡ πόλις ὑμῶν ἐξέλθῃ. Laert, de vita Diogenis.

— Amphora caput  
Insitini, corrente Rota cur urceus exit?

F I N I S.



Phillip de Commins Lib. 5. part of Chap. 18.  
It belongs to the margin, Pag. 23.

**I**S (1) there any King or Prince that hath power to levie one penny upon his Subjects besides his demaines, without leave or consent of those that must pay it, unless it be by tyranny and violence? A man will say that sometime a Prince cannot tarry to assemble his estates, because it would require too long time. Whereunto I answer, that if he move a warre offensive, there needeth no such (2) hast, for hee may have leasure enough at his owne pleasure to make preparation; and further hee shall be much stronger and much more feared of his enemies, when he moveth warre with the consent of his Subjects than otherwise. Now as touching a warre defensive, that cloud is seene long before the tempest fall, especially when it is a forraine warre, and in this case good Subjects ought not to complaine, nor to refuse any thing that is laid upon them. Notwithstanding such invasion cannot happen so suddenly, but the Prince may have leasure at the least to call together certaine wise personages, to whom he may open the causes of the warre, using no collusion therein, neither seeking to maintaine a trifling warre upon no necessitie, thereby to have some colour to levie money. Money is also necessary in time of peace to fortifie the Frontiers for defence of those that dwell upon them, lest they be taken unprovided, for this must be done measurably. In all these matters the wisdom of a sage King sufficeth; for if hee bee a just Prince, he knoweth what he may doe and not doe, both by Gods Lawes and mans. To be short, in mine opinion of all the Seniories in the world that I know, the realme of England is the countrey where the Commonwealth is best governed; the people least oppressed and the Fewest build-

(1) Philip. de Com. was a man of great employment, first under the Duke of Burgundy, being his Secretary, afterwards under Lewis the 11. and Charles the eight, by whom he was made Lord of Argenton.  
(2) Surely this Author would not if he had beene a Judge, conceived the danger to have beene so imminent that Ship-money must be raised without the meeting of the Estates.

(3) To this I pray, A.  
men.

things and houses destroyed in Civill Warre, and alwayes the lot of misfortune (3) falleth upon them that be Authours of this War: Our King is the Prince in the whole world, that hath least cause to alledge that hee hath priviledges to levie what him listeth upon his Subjects; considering that neither he nor any other Prince hath power so to doe: and those that say he hath, doe him no honour, neither make him to bee esteemed any whit the mightier Prince thereby; but cause him to bee hated and feared of his neighbours, who for no thing would live under such a government; but if our King or those that seeke to magnifie and extoll him should say, I have so faithfull and obedient Subjects, that they deny me nothing I demand, and I am more feared, better obeyed, and better served of my Subjects than any other Prince living, they endure patiently whatsoever I lay upon them, and soonest forget all charges past: This me thinks (yea I am sure) were greater honour to the King than to say, I leavie what me listeth, and have priviledge so to doe, which I will stoutly maintaine. King *Charles* the fift used no such tearmes, neither did I ever heare such language proceed from any King, but from divers of their servants, who thought they did their Master great service in uttering such speeches: but in mine opinion they misbehaved themselves towards their Prince, & used such language partly because they would seeme to be good servants, and partly because they knew what they said: but for a manifest prooffe of the *French* mens loyaltie and obedience to their Prince, wee need alleadge none other example than that we have seene our selves of late by experience, when the three estates were assembled at *Tours*, after the death of our master King *Lewis* the eleventh, which was in the yeare of our Lord 1483. A man might have thought this good Assembly to be dangerous for the Kings estate; yea and divers there were of meane calling, and lesse honestie, that said then, and often said since, that it is treason to make mention of assembling the estates, and a thing tending to the diminishing of the Kings authoritie; but themselves are those that worke treason against God, the King, and the Commonwealth; neither doe any use these speeches, but either such as are in authoritie without desert and unworthy thereof, or such as are common tale-carriers, and accustomed to talke of trifling matters; or such as feare great Assemblies, lest their doings should there be ripped up and reprehended, &c.

