

SPECIAL
COLLECTIONS
DOUGLAS
LIBRARY



QUEEN'S UNIVERSITY
AT KINGSTON
Presented by

KINGSTON ONTARIO CANADA

KATAΔΥΝΑΣΤΗΣ:

M I G H T

OVERCOMING

R I G H T.

OR

A C L E E R A N S W E R

to M. JOHN GOODWIN'S
MIGHT and RIGHT well met.

Wherein is cleared,

That the Action of the Army in secluding
many Parliament men from the place of
their discharge of Trust, and the im-
prisoning of some of them,
Is neither defensible by the rules of
solid Reason, nor Religion.

By *John Gerec M. A.* and Pastour of Faith's
under Pauls in LONDON.

*Help Lord, for the godly man ceaseth; for the faithfull fail from among the
children of men. Psal. 12. 1.*

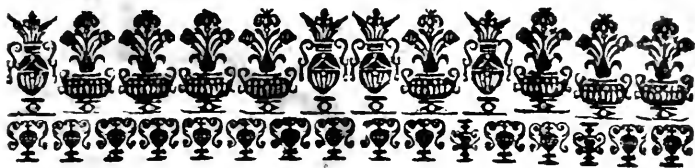
*Ferenda est magis omnis necessitas, quam perpetranda est aliqua
iniquitas, August. in Psal 73.*

*Non enim mihi est vita mea utilior, quam animi mei talis affectio,
neminem ut violem commodi. nec gratiâ, Cicero. lib. 3. Offic.*

Published by Authority.

LONDON, Printed for Robert Bostock at the King's
Head in Paul's Church-yard. 1649.

1617.647



TO THE
Right Honourable LADIES,
THE
LADY VERE,
AND THE
LADY FAIRFAX
Her DAUGHTER:
GRACE and PEACE.

Right Honourable, and
Religious LADIES:



*T*is not any acquaintance with your Honours, that emboldens me to this dedication, for I am a stranger to you: nor yet your deserved fame for your eminency, and sincerity, in Religion, though that be so illustrious that it might ingage Godly minister to be ambitious of your Patronage; But that assurance that I have, that both your Ladyships are affectionately serious against those irregular ways that I implead, and the service you may do to God by your interest, in the furthering the acceptance of my poor labours to

be effectuall, where they may be of most use: for the Medicine I administer is somewhat unpleasing, and harsh, and therefore needs the hands of Ladies for the application. And what Ladies can do it with more acceptance then your Ladships; one of which cannot but be greatly respected, because the other, that first lay in her wombe, now lies in the bosome, of the chieftain Generall of those, whose actings, this Treatise doth concerne. Madam (for now I apply my speech to your Ladship who hath been an ancient mother in our Israel) After the way that hath been called Puritanisme have I served the God of my fathers for somewhat above 33 yeares. And yet I beleave by the same, that I have heard of your Ladship, your Ladship was spiritually in Christ long before me. And I may say as S. Paul (with a little alteration) that after the strictest way of that Religion I lived, and tasted deep for many years together, of such afflictions as either Chancelours Courts, or high Commission, were used to impose on men of my principles, and yet the dayes I see, and am like to see (unlesse the God of heaven graciously interpose) are far more dolefull then any yet that I have seen, For there is a mourning that is blessed, for it shall end in comfort, and such was that which then I met with, when my heart was smitten and withered like grasse, and by reason of the voyce of my groaning, my bowels did cleave to my skin, and I was pale with fasting, while mine enemies reproached me all the day; and there is a laughter, and triumphing, which hath a wo denounc'd upon it, because it shall end in mourning and weeping. Luk. 6. 21. 25. And such is the jey and triumph in these dayes in successe in irregular ways. O Madam had such ways as are now in agitation been proposed to your dearly respected friend old * Mr. Bifield, with what an eye would he have

* See Bifield on 1 Pet. 2. 13. where among other there is this passage. The Jesuites who maintain that horrid doctrine of deposing and murdering Princes, are rather to be confuted with strokes, then arguments, as men that offend not only against the lawes of God, but the lawes of nations, and nature.

have lookt upon them? Or let us suppose when our ancient worthies such as Cartwright, Traverser, Dod, Bradshaw &c. being calumniated by the Prelates for disrespect to authority, for not conforming to unlawfull ceremonies, have replied that they did ascribe as much honour, and teach as much subjection to Magistrates as any in things lawfull and in things untawfull, they shewed their respect by patient submission to suffering: Or when our Godly Polemicall divine, such as Jewell, Reynolds, Whitaker, &c. have rejected that false pretence of the Papist, that the Primitive Christians were so subject to the heathen Emperours, quia deerant vires temporales, because they wanted temporall strength; suppose I say, some one of the worst of Prelates or Jesuites, should have bespoke them, O ye hypocrites, or false hearted men, how do you dissemble with us, or let your hearts deceive you! for if ever you be Masters of power, yee will trample under your feet all above you, that will not comply with you, yea you will imprison, attaint, murder your King; would our worthies have returned with lesse indignation, and acrimony then S. Paul to Elymas? O full of all subtilty, and mischief, O Children of the Devill, you enemies of righteousnesse, will you not cease to pervert the wayes of the Lord? Act. 13. 10. And yet behold a generation risen up, who for the most part, have not known the brick-kilnes of Egypt that if they had so accused our worthies, would by their actions have made them true Prophets. Oh Madam, let us sit down and weep over our Religion, which these men have ravish'd and done her shame, and we whether shall we cause her shame to go? How shall we now looke Papists in the face? whom we have so reviled, and abhorred for their derogatory doctrine, and damnable practices against Kings, or any in supreme authority?

What

What shall we do with the Writings of our Worthies, shall we give over reading, as the manner of some is? or learn another trick of the Papists, and get an Index Expurgatorius to blot out of their Writings such passages as cry guilt and shame on our actions? But affection hath almost made me forget the bounds of an Epistle. Therefore honorable Ladies, go on with assiduity, constancy, and increasing fervor to with-draw him (whom you so dearly respect) from society in actions so contrary to the honour of God and our Religion. Oh study, that it may never be said, That any person of Honor, and of the Protestant Religion, had any hand in so unworthy an action, as the deposing and destroying of a King, whose preservation they stand bound to endeavor by so many sacred Bonds. So shall your Ladiships do an office pleasing to God, Honorable to your relations, an ornament to your Religion, and unspeakably usefull for your Native Country. And if as a poor means thereof, you shall present one of these poor Treatises to his Excellency, written on purpose to dispell those mists that a deceived Brother hath endeavoured to cast before his eyes; your Ladiships shall deeply engage to be your Ladiships daily Orator at the throne of Grace

From my Study in
Ivic-lane, Jan. 15.
1648.

Madams,

Your Ladiships humble Servant
in the LORD JESUS,

JOHN GREEE.

Might overcoming Right.

The P R E F A C E.



He *foulest* actions alwayes borrow fair pre-
tences. If the *Devill* did not transforme
himself into an *Angel* of light, who would
be seduced by him? Hence those that would
overthrow all, or usurpe authority them-
selves, have alwayes pretended (though sel-

dom or never promoted) publike weal or liberty: and dub'd
those Magistrates Tyrants, whom they meant to oppresse, to
still their own consciences, (if they be not arrived at past
feeling) and to blear the eyes of those, who bear an awfull
respect to that ordinance of God; *Authority*. And never
were there any pretenders so far out of reason, but they had
some *Lawyers* to justifie their proceedings in *foro humano*,
and some *Divines* to plead their warrant from holy writ. For
amongst multitudes either through want of wit or honesty,
there have alwayes been found abettours to a prevailing
faction. Of all the exorbitances that ever were committed
against men in authority, I know no paralell (all circumstan-
ces considered) to that late one of the Army towards the
Members of the House of Commons, violently secluded, or
forcibly restrained by the intrusted power of a few, from dis-
charging their trust committed to them, by severall whole
Shires and *Burroughes*. And yet behold a *Divine* of note
with much confidence pleading their cause, to be so equita-
ble, as though it were not to be stumbled at by any not pro-
foundly ignorant, either of the evill of oppression, or the
unquestionable means of shaking it off. But confidence in a
dubious case doth argue either great shallownesse, or deep
prejudice arising either from doteing affection, or unworthy
interest: What hath dazeled the eyes of this *Champion* of the
Army? I know not; But in reading I have observed in
him, what I have often in other controversies in others;
That men of strong reason in maintaining errors, have show-
ed themselves so irrationall, that a man would wonder, that
they,

they that are so acute, where they preach, or defend truth should discover such weaknesse in the patronage of errour. But he that gives the gift may well blast it, when he sees it turn'd against himself. Now that we may not accuse only (as he hath done the Parliament Members) but make good the errour objected, let us take into consideration what he hath said to the controversie in hand.

CHAP. I.

ANd here first of all the question must be rightly stated, or else there can be no accurate reasoning, but we shall ever and anon fall into the fallacy *ex ignoracione Elencchi*. Now the case I conceive may be thus impartially stated: This Kingdom having bin long imbroyled in an unnaturall, consuming war, through a misunderstanding between the King & Parliament: The King at last fell into the Parliaments power, all his strength being broken by them. While the King is in this condition (after many other overtures uselesse, and experience of the discontent of the Nation, both for want of settlement; and the sad condition of their King) There is set on foot a personall Treaty with the King: In which the Parliament demand of him concession, and confirmation of such priviledges, as from the beginning they thought conducive to render this people free, and happy, and were the summe of all that had been formerly demanded in any of their other treaties or proposalls, or had been held forth in their Declarations, as the scope of their undertakings. To this Treaty the far Major part of the House of Commons agreed & that willingly, yea so far were they from being forc't to it, (as it pretended) by petitions, that neither the impetuosity of petitions from people, nor fear of souldiers pistols, could make them relinquish it, for they were satisfied in their consciences, that it was the fairest, justest, & most probable way to promote and settle the peace, & weal of a distressed Kingdom; so this Treaty is prosecuted till its very neer an happy conclusion. The Army (raised by, and deriving their military power from the Houses) dislike this Treaty, suppose it would indanger them, & a godly party in the land (so they stile their adherents.) This their judgment they remonstrate to the house of Commons. The house not convinc'd by their reasons, nor dis-

mayd at their power, laid aside their Remonstrance, hold on the Treaty, vote the Kings concessions to contain matter for a well grounded peace; hereupon the Army beset the Passages to the House of Commons, take above forty of the Members of Parliament into safe custody, and violently keep or fright a major part out of the House, debarring them liberty of sitting, and voting there. This action of the Army *Mr. John Goodwin* undertakes to defend under the title of garbbling the Parliament. And I yet beleeve, that it was a most irregular and scandalous usurpation, destructive to Parliaments, and so to the wellbeing of this Kingdom, if not to the present ruine of it, unlesse it be retracted by the actors. And this I here undertake to make good against *M. John Goodwin*, by making good those arguments, which he would overthrow, and enlarging them as occasion is offered.

Page. 2.

The first Argument which he indeavours to answer is; *From the Armes ACTING without sufficient authority, and so transgressing that Law which commands every man to keep order, and within the compasse of his calling, and this he stiles the first born of our strength.* And you shall see that it is indeed like *Moses*, a goodly child, if you vew him in his right and full proportion; in mood and figure thus,

Sect. 2.

Pag. 3.

All exercise of jurisdiction, where neither by God or man we are clothed with authority, is usurpation, breach of order, injurious, and so greatly sinful.

The Army in inhibiting the Members entrance into their House of Councell, and more grossly in imprisoning their persons, did exercise jurisdiction, where they were clothed with no authority from God or man. Therefore,

The Army in that force upon the House stand guilty of usurpation, breach of order, and injurie to the Members so used, and so sinned greatly.

The Major is undeniable; if men will grant there are such things as *usurpation, disorderly walking, and injury*, or that those are *sinfull* where ever they be. For what is *usurpation* if this be not for men to exercise jurisdiction over them who are not under their authotity, nay to whose authority they are-subject? What is *breach of rank and order* if this be not, for men that are under authority to usurpe authority with-

out call? and what is *injury* if this be not, to be haled to prison by those that are neither authoritative judges of my fact, nor have any superiority over my person, and that onely for acting according to the dictates of my Conscience? And are not such abuses grossly sinfull, that doe as it were make void the fifth Cammandment, and destroy Government?

And for the *Minor*, first its clear that the Army did exercise *jurisdiction* over the Members: for *suspension* from office, and *commitment* are high acts of *jurisdiction*. And if the Army were clothed with any authority for this, let them produce their patents that we may beleeeve them, or else the conclusion is in force against them, to *convict them of usurpation, breach of order and injury*.

But now what saith *Mr. Goodwin* to this? *As our Saviour saith. The Sabbath was not made for man but man for the Sabbath. So certain it is, that callings were made for man, and not man for callings. Therefore as the law of the Sabbath, was to give way to the necessities of men: so the law of callings &c. therefore unles it can be proved, that there was no necessity lying on the Army to garble the Parliament; Their exceeding their callings, will not illegitimize their actions.*

Answe. 1. That saying of our Saviour, that the Sabbath was not made for man &c. was not utter'd by him to shew that the action of the Disciples in plucking, and eating the ears of corne, was warranted by necessity against the commands of the Sabbath, but that it was not within the prohibition of workes on the Sabbath, which ordinarily is restrained to workes of a civill or servile nature, not to naturall refreshment, which is alwayes indulged on the Sabbath and so that work of mercy is not under the prohibition, for the plucking of the ears of corn, when they were in the field, was no more then drawing drink out of a vessel, and of this opinion is learned *Chemnitius*. *Hoc Christus ita defendit, ut simul ostendat extra casum contemptus publici ministerii, et turbationis cultus sabati propter otium externum Sabati, hominem ne levi quidem incommodo afficiendum.* - By this Christ, doth so defend his Disciples, as withall he shews that out of the case of contempt of the publike ministry, and disturbance of the worships of the Sabbath,

for the externall rest of the Sabbath, a man is not so undergo the least dammage. So that in his judgment, though the other arguments shew what is lawfull in case of necessity; so *a majori* cleers the disciples: yet this Argument shews this was not in the prohibition of works on the Sabbath.

2. The rest of the Sabbath, and keeping within our callings, are duties we owe to God by vertue of commands of a far different condition: The one by a command positive, as that of the Sabbath; the other by a law naturall, as the fifth Commandment, that commands every one to observe their ranks and duties in them. Now commandments that are positive, are to give way to duties naturall; Sacrifice to mercy; the rest of the Sabbath, not to the life onely, but to the cheerfulness and wel being of man: as the instance of the disciples, who were not in danger of death if they had fasted a little longer, but of inconvenience. But I hope Mr. Goodwin will not judge, that danger of inconveniency, should make every man, or party of power turn controllers of Magistracy. Not onely Uzziab, that wantonly, 2 Chron. 26. but Saul, who out of fear of inconveniencie, 1 Sam. 13. 11, 12, 13, 14. yea, and Uzziab, who, as he thought, in a case of necessity, put his hand (without the call) to the work of a Priest, as well as the former, was reprov'd and smitten, 1 Chron. 13. 9, 20.

And if there be any case wherein necessity amounts to a calling, it must be where that necessity engageth to a duty that ought to take place before this Commandment for order amongst men, as that for saving life, &c. And then the danger must be apparent, not probable onely to some, and disputable: for else he shall run against an undoubted rule, upon an uncertain exception. 2. It must be imminent, so that no other means is left, or possible in an ordinary way. 3. And illegall, as when any, whether Magistrate or other, is about to act mischief to the persons of others without or against law. But if a mans life be in danger in a legall way, though unjustly, a man may not himself, nor ought others to resist Authority armed with law; for that were to take away all honour and opportunity of Martyrdom. The servant who hath a froward unjust Master, is, according to Christ's example, to be patient, though he suffer unjustly, committing

2 1 Pct. 2. 18,
19, 20, 21, 22,
23.

his cause to him that judgeth righteously, (a) though many times the servant hath strength enough to bind his exorbitant Master. And such should be the carriage of private Christians to hard Magistrates executing hard laws. But now, That there was no *danger evident, imminent, and against the laws of the Nation*, to urge the Army so to force the Parliament, shall be afterwards cleared.

Sect. 4.

pag. 3.

But secondly, Mr. *Goodwin* hath found out a new fancy, if the former fail him: but that is such a feeble one, that I question whether he be serious in it; for hee takes the boldnesse to affirm, that the Army did not exceed the bounds of their calling, in their force upon the Parliament men, and he would seem to prove it; for he saith, *Their calling and Commission was to act in the capacity of Souldiers, for the peace, liberty, and safety of the Kingdom, &c.* But here first I must minde him, that the Army themselves have mar'd his market: for they (who know better the purport of their own Commission then he, and whom he flatteringly tels in his Epistle dedicatory, that hee doubts not but they were satisfied in the righteousnesse of their actions from heaven, before they were in being) roundly confesse (in their Answer to the Demands of the remnant of the House, touching their Members, Jan. 3. 1648.) *That their restraining the Members, was a course in it self irregular, and UNJUSTIFIABLE*, but by *honest intentions, and extraordinary necessity*: whereby they plainly disclaim any call by the tenour of their Commission. But lest by any, in such times as these when men many times are imprisoned first, and shew of just occasion is gladly laid hold on afterwards, this false plea might be made use of, though it were not at first thought of, I will examine what he saith; he enlargeth himself: *nor did their Commission (I presume) limit or conclude their judgements to any kinde of enemies, &c.* But (I presume) their Commission was to bear arms to remove evill Counsellours from the King, and bring him back to his Parliament, and to endeavour the subduing of all them that were in arms against the Parliament, or the welfare of the Kingdome, and (as I am informed) they were still to be regulated in their proceedings by the judgement of both Houses of Parliament; which

which any may easily beleave; for that the Parliament should give them a Commission enabling them to judge of their Councells, and imprison their persons, if that answered not their new illuminated fancies (for they must be judge what grounds are competent to make men enemies) is so far from policy, reason, or common sence, that I wonder any man of judgement should aver it in print.

But *Smith* he again, *If it shall be supposed, that by their Commission they were limited, to judge only those enemies who were in Arms with the King, and his partakers: Those Parliament-men whom they have excluded have notoriously discovered themselves to be men of this engagement, &c.* But was ever any accusation more unjust or senseless? Did not they in the Treaty hold the King so hard to it, as to justify them and the Army in the war, to the vertual condemning of himself and his? And to grant all, for which they engaged against him and his party? And can they for this be traduc'd, as apparently friends and abettors of that party. But he comes on with a third answer, *That if the Parliaments call were warrantable to levy Forces against the King and his party; then was the Armies call to act in the businesse under Debate, warrantable likewise.* But this consequence is very weak; for the Parliament is the supreme Court, and Council in the Kingdom (and in your apprehension, I beleave, the supreme authority) who were indeed called to that Trust by the people: but being by their call made members of Parliament, they became clothed with authority, to consult, and provide means for the safety of themselves and the Nation according to the Laws and Constitutions of it. And so issued out Commissions, &c. but this as private men they could not do. But now the Army was not by any Commission clothed with any authority over the Parliament. And therefore they cannot justify their actions against the Parliament, over whom they had no authority, by what the Parliament did, having so great authority; yea in the conceit of our new Lords, the greatest authority in the Land. But he argues further, *That if the Parliament-men by being made Parliament-men, had formally and really power to raise an Army, then that Army hath power to act whatsoever lies within the verge of their Commission, &c.* This is not doubted: But the thing which we doubt and

Pag. 4.

Pag. 45.

Pag. 5. 6.

and deny, is, That the tenour of their Commission should be by strong hand to suppress all that by rationally grounds they should judge enemies of the peace of the Kingdom, without dependance on Parliamentary judgment: for they were, as raised, so to be regulated by the Parliament in their proceedings. The power of judging being reserved in the Parliament; the power of executing committed to the Army, especially in case of doubt or difference. Never would, never did any State raise an Army on other terms, unless they meant to make them Lords, not Servants. For who is likely to be more skilful in judging what is conduible to peace and publick weal? a Council of War, or a council of State? Therefore its cleer, that the Army in assuming power to judge their raisers authoritatively, and so using force against them, have exceeded the bounds of their Commission, falsified trust, and are injurious usurpers on the Parliament men.

Sect. 5.

Pag. 6.

But he raiseth an Objection, *That it is not likely that the Parliament would give Commission to act against themselves.* He answers: '1. That Law-givers, when in their right mindes, may give out Laws against mad men, which may be put in execution against themselves when they become mad. And in case any of the Parliament men from whom the Commission issued had turned Cavaliers, &c. But this is a wilde answer: for the excluded Parliament-men are in the same way, and in the same principles, in which they first gave out Commissions, that is, to have the King home, separated from his evil Counsellors, that his Throne might be establish'd in righteousness. Therefore to argue, That because their Commission might have been used against them if they had left the Body that gave it, and united with the Kings party, that Now it may be so used when they continue in Parliament; and act on the same principles, on which they issued out the Commissions, is as poor a come off, as could be expected from the weakest Sophister.

* Trajane.

pag. 6, 7.

Nor hath his 2 Answer any more strength where he affirms, *That what one *Emperor spake expressly to an inferior Officer, is said implicitly to all inferior Officers, by their superiors; to use the power they have for them, if they rule well; against them, if they rule ill: for they are also for the punishment of evil-doers, and that without partiality. And S. Peter requires submission not only to the*

* the King as supreme, but unto governors, sent by him for the punishment of evil doers. But first, if there were nothing peculiar in that saying of Trajane, why is it so often mentioned of him, as a note of eminency and honor? Again, though inferior officers should use their power and be respected in the use of it, yet they must also remember their limits. A Justice of Peace hath power, but it is with limits in regard of place, which if he exceed, though his act be never so just, he usurps, and is punishable. And so is he limited also in regard of persons. Subordinate Magistrates are to govern, & to be obeyed by those under them; but they are to be governed by the powers above them, and not exercise authority over them, for their Commission extends not so far; Though we are to be subject to subordinate Magistrates, yet in case of opinion of wrong, we may appeal from them, as Paul to Caesar; which shews the supreme Magistrate is to censure their Sentences, not they his.

You might have spared that Scriptue which here you too lightly bring in, that in this Armies Commission there can not be pretence for that exception which is in that of Christ. 1 Cor. 15. 27. But when he saith all things are put under him, it is manifest that he is exempted that did put all things under him, God the Father being incapable of sin. For though the superiour magistrate is not exempt from sin, yet is he excepted out of the Commission of the inferiour magistrate, because his superiour in magistracy; and *Par in Parem*, much lesse inferiour in *superiorem* (in eodem genere) non habet potestatem, equall hath no authority over his equall, much lesse the inferiour over the superiour in the same kinde, especially where the supreme Magistrate thinks he doth well; for whose judgement shall controll? shall the inferiours controull the superiour? Neither doth Mr. Prinne or any judicious Divine that I know, affirme that any other inferiour Magistrates but the representatives of a Kingdom, shall take order with the restraining of Tyrans: or if any inferiour Magistrate may do it, yet they and the representatives are to proceed, by taking order with their Ministers which are under the penalties of the law, and within the verge of authority. And there it no usurpation in this, when penalties are inflicted on them that are under jurisdiction.

diction. But he adds ' *If the Army had not so formall a call, as the Parliament, yet had they a call as materia, for the one had it from the persons of the people, and the other from the peoples liberties, yea and lives, many of their lives being now laid upon the altar &c.* what a loud untruth is here in matter of fact? whose lives were on the altar? Or what better security could the Parliament devise, Then first to be justified by Act of Parliament, and secondly to be secured from violence by the command of the militia? Again what palpable weaknesse is here in matter of argument, to compare the calls of men to their votes, with reall calls of their miseries, and these too most in their own fancies for the major part of people apprehend no such thing, and so their groanes call not: who knows not, that personall call by votes clothes with authority, gives jurisdiction, and enables to order others? But sight of miseries, gives a man no authority to command, onely calls him to put forth that power he hath to help,

A. jainus, q. 3. 2.
Art. 7.

|| So *Augustine*
in *Psalm. 73.*
Pauper mendic-
us furtum fac-
cit ex macie
processit ini-
quitas.

* *Nonne igitur*
sapiens si tunc
ipse conficiatur
abstulerit cib-
um alteri ad
nullam rem
utili? Minimè
vero; non enim
mibi est vita
mea utilior,
quam animi
mei talis affe-
ctus, neminem
ut violen-
commodi mei
gratia.

Lastly he affirms ' *in case of extreame necessity, all things are common, and so callings;* for this he cites a Popish writer, a fit patron for a false position; for if this be true, here is no theft in extreme need when a man must dye, to feed on another mans store, it is no theft. But this is against the Scriptures, making a difference indeed between him that steales presumtuously, and him that steales for need, the one deserving pittie, but is a thief still, and must restore, though it be to all his substance *Prov. 6, 30 31.* || And *Cicero* is of the same judgement, that a good man must famish rather then steale, *lib. 3. Off.* * wherein he speaketh to the shame of *Papists* and all that symbolize with them. To the example of *David* I have answered already, for what he cites out of *Polanus*; *That when ecclesiasticks are negligent, Laickes may reforme,* Its just nothing to his purpose; for who knows not that *Polanus* and other Protestant Divines, hold the reformation of the ecclesiasticall estate to be within the verge of a magistrates call? But will *Polanus* or *Mr. Goodwin* say, that a magistrate in case of defect without any other cell, may administer the Sacraments? could necessity excuse *Uzzab*? Therefore this pretended community in case of necessity, is a Popish device, and a figleafe too narrow. H:

He closeth his answer with a similitude of his owne, which he amplifies out of Master Prin, [*Where he supposeth the Pilot of a Ship drunke, or mad, and the Ship running on quick-sands, &c. In such a case may not any man or men act as a Pilot, which others stand bound at the perill & their lives in this case to obey.*]

But first, similitudes are better for illustrations, then proofes. Secondly, They prove nothing at all, unlesse there be parity betwene the example and the thing exemplified. Whereas here is the greatest disparity. For if this similitude cleare the Army, it must suppose the Parliament men drunke, or mad, whereas indeed they that accuse them, labour of somewhat proportionable to these diseases. But let the case be put thus: The Master of the Ship is, according to his place, ablest to guide the Ship, and he accordingly to his best skill, directs such a course, and accordingly gives out commands. The Matter Gunner, presumes he can steere a safer course, and thereupon, by the helpe of his under-officers, ayes, and fore by seizeth the Pilot, and so takes his own way. Is not the Gunner here guiltie of usurpation and disobedience? Iust so stands the case between the Parliament and the Army. The Parliament are best able to judge, or they are the Councill of State, and have most right to guide the Ship of the common-wealth, for they have the Superior Authority. But the Souldiers command the Guns, and they propose another way, which though lookt upon, as most dangers by the skillfull Pilots; yet by force, all are secluded, that will not run their way. Is not this usurpation in the Souldier, and dangerous, not safe to publique weale? In case of difference in judgements, whose sentence shall controll? Shall the sons judgement controll the fathers? or the servants his Masters? no more ought inferiour Magistrates controll the Superiours. The Army therefore should obey, not prescribe to the Parliament in things dubious, especially such as are of Civill, not Martiall cognizance. But because the exception that Master Goodwin all along supposeth is, That the Parliament Members restrained, are drunke or mad civilly, or have turned back on trust, and there is much depends on this. I will here, once for all, lay downe grounds to cleare it, That the Parliament-men restrained, are in re-

ference to the Souldiery, sober, in their right wits, and true to trust, and that the contrary errors rest among their oppressors. As first I argue thus:

Seft. 6.

*Those that keep to their Principles, Professions and Declarations made, when they are confest to be sober, in their right wits, and true to trust, must needs be judged to be so still. The Parliament men who endeavour the settling of the King and Kingdom upon his large concessions, keep to their principle Declarations and Professions. Ergo They are to be judged sober in their wits, and faithful to trust. The Major is manifest for constancy in principles and wayes, is the greatest evidence of sobriety and faithfulness. A double-minded man, a drunken man, a frantick man, is unstable in all his wayes. The Minor is undeniable, which may be seene by every one in the Record of their Principler, Declarations and Professions, in the Book called, *The exact collections*, printed long since by the Parliaments appointment, and in other Summaries of them. And if the Members be sober in their wits, and true to trust; their opposites are under the evils, contrary to these vertues; For *Contraria sunt contraria sunt predicata*.*

Secondly, *Those that proceed in a way to which they stand engaged, by divers solemn and religious bonds, they are sober in their wits, and true to trust. The oppressed Members proceeded in a way to which they stood engaged by many solemn and religious Bonds, therefore they are sober, &c. The Major is not to be doubted of, unlesse we be like Felix, and think much religion or learning makes mad.*

The *Minor* is as evident for the *Oaths of Allegiance, Supremacy, Protestation, the Nationall Covenant*, are all sacred and solemn Bonds, and all engaged to preserve the Kings Honour, Safety, and Greatnesse, at least upon such Concessions as these granted by him. Therefore the conclusion is undeniable, and the blame must rest on their Oppressors, but the oppressed Members are free.

Thirdly, *They that walk in a way suitable to the Religion that they professe, and after the pattern of the wisest and best professors of it, they are sober, &c. The Parliament in according with the King upon his Concessions walk suitable to the Religion they professe and*
 follo^d

follow the pattern of the wisest and best professors of it, therefore they are sober, &c. The *Major* is evident, and the *Minor* is clear, if there be any difference, it is from the Parliaments holding up the King too high, and not in stooping too low. For no Religion is more for not onely accepting, but exalting Governours in legall wayes; then the religion of Protestants in matter of Loyalty, even in case of difference of Religion, alwayes condemning the Jesuiticall Doctrine of deposing, or destroying Princes; And for the practise of the best Protestants you shall hear, *Jurinus Brutus* in his *Vindicia contra Tyrannos*, a Book that is Scandalous even to many Protestants, for the great liberty hee gives against Princes; yet in this case, thus hee speaks, p. 47. *Cum his quoties cunq; optaris prae se est pax desine cedere cedunt, Desine Deum, oppugnare desinent propugnare. arma si velis is è manibus enutere, satis est modo nocere.* A Prince, saith he, may have peace with Protestant Subjects when he will let him leave beating them, they yeeld to him; let him leave opposing God, they will leave their forcible defence; If you would disarme them, its enough that you strike them not: and a little after, *Principi portas urbis claudunt, ubi resipuerit, & ad se redierit, impetrata facere parati.* They shut the gates of the City against the Prince; as soon as he shall repens, and come to himself, they are ready to do his Commands. A little after, *nostro vero etiam tempore menivimus eos, qui pro vera religione, adversus impietatem in Germania, Galliaq; pugnant, quoties cunq; dei pure colendi potestas facta est, arma ultro deposuisse.* Alsow remember that those in our times have fought for true Religion against impiety, either in Germany or France, as often as they had liberty given to serve God purely, lay down Arms, And his conclusion is very remarkable, *Ejusmodi ergo signis possunt hi à defectoibus facile distingui.* Therefore by such like signs, those (that maintain legall liberties against Tyranny by the Sword) may be easily distinguished from Rebels or apostate Subjects. And thus it is cleared, that the Parliament, in indeavouring peace upon the Kings Concessions, do walk after the rules and patterns of Protestants and their Religion; Therefore the conclusion stands good, that they are sober, in their wits, and true to trust, but then what to think of their oppressours is obvious enough.

Fourthly and lastly, (that I may not exceed in matters so clear; *Those whose work and trust is, to provide for the honour, safety, peace, and prosperity of a Nation, who proceed in the most probable way, to promote the honour, safety, peace and prosperity of that Nation; they are sober, in their wits, and true to trust. But such was the work, and trust of restrained Members, and they took the most probable way to promote it; Therefore, they are sober in their right wits, and true to trust.* The *Major* is manifest; The *Minor* may be clear thus; *Monarchical Government, is the most honourable Government, when it is regulated, that it degenerate not into tyranny, and its an honour to people to be loyal to Governours in good wayes. Loyalty is prayse-worthy, Treachery vile, and base; Therefore when by the Kings concessions, Tyranny is prevented, the liberties of the people secured: to preserve the Monarch in safety and honour; and the people in loyalty is undoubtedly, the glory of a Nation. And this would be as conducible to peace and safety, for this wou'd have put a present period to our broyles, and set the Parliament in a capacity to preserve peace, by their command of the forces by Sea and Land; and hereby we should have recovered reverence from friends, and become terrible to enemies, and what could in reason be the result of all this, but great prosperity? and this was the Judgement of the Army, but a little above a year agoe, and this discovered by sundry Declarations and Proposals, inforc'd with solid reasons, and this they pursued a good while, till self-interest, ambition, or I know not what tentation turned their braines, and though they have layed out all their skill in their Remonstrance, to shew that the King by peace on his Concessions, would have both oportunity and will, quickly to make himselfe absolute, and so fall upon revenge, yet there are fairer probabilities on the other side, that hee would not, if he could or could not, if hee would let out his spirit in such a destructive way of revenge; and that he would not, if he could; may appeare because he hath given so ample testimony of deep wisdom, whereby hee is able fully to foresee the desperate danger of attempting any such change, or revenge. Secondly, Experience will make him wary; The burnt child dreads the fire, he hath sufficiently felt the*

the misery, acrewing to Princes, by the alienation of Subjects. And thirdly, Which is most moving with me, his invincible patience, and tranquillity of Spirit in his sufferings. Noble natures that can beare adversity without fainting; can enjoy prosperity without revenging: revenging most haunts base, and cowardly natures. But if he would he could not break out, because by these concessions his hands are tyed; and by this recomodation, the Parliament would be reinvested in the peoples affections, and any attempt of breach on the Kings part, would carry so much ill in the face of it, that the whole Nation would be ready to rise up, and pluck in pieces, who-soever should be supposed to be either Councillors or Actors in such a breach of faith; And the Militia being in the Parliaments hands, such Incendiaries might be easily crushed. I might adde the Kings carriage in his concessions, where his own honour, or externall rights was concerned, most facile; but where his conscience was interested, tenacious to the greatest adventure, what sound reason can be given, why the King should be so resolute in the matters of his conscience, but that hee meane to keep what he granted; And therefore would not grant now, what conscience hereafter might inforce him to break, as being against conscience, and so the engagement to it sinfull, and null. But suppose the danger in peace on these concessions be more then I apprehend; yet if the danger of deposing or destroying be greater, and more unavoidable: It is not madnesse, but sobriety to chuse the safer way, wherein if we fall, we shall fall with inward peace and honour, having discharged our consciences in reference to our Oathes, and professions: and to decline another way more dangerous, wherein if we fall, our fall will be more soule and uncomfortable. Now let the danger of deposition or destroying the King be weighed in the ballance, either of experience or reason, and I doubt not but it will waigh down the danger of commodation on such concessions; for that the Prince of *Wales* should come in, and submit himselfe to the deponers or destroyers of his Father, is not imaginable. What cause, and minde to revenge he will have, any man that hath a Father, to whom he is not onely linkt in nature, but associa-

ted in cause, may easily apprehend; And his opportunities are as Evident. What potent Prince will not seek his affinity, having a just and cleare title to such three Kingdomes? And what a partly is hee like to have at home? The whole Peerage of *England* distast rigour against the person of the King; and I chink three parts of foure in the House of Commons are in their minde. The Generality of the people of the Land detest it; The Ministry, that have not been thought altogether inconsiderable, stand amazed at it, as most dishonourable to Religion, nor are the affections of *Scotland* dubious in this point, nor is all faire weather in *Ireland*. The party, that had enough to doe, to grapple with the King, when United, is now divided; Peace in *Germany* will afford plenty of Mercenaries; What greater probability was there ever for any Prince, either to attempt or atchieve revenge? And by the same meanes hee in condition to make his own termes with his people? And if hee should faile in his attempts at first, yet how endlessly they will be renewed, till the Kingdome be settled on his right basis, is as clear as the Sunne in our experience. After the deposition of *Richard* the Second, and setting up *Henry* the Fourth, of the younger House, There was no settlement between the House of *York*, and *Lancaster*, for above fourscore years, but ever and anon bloody Wars, to the inestimable damage of this poore Kingdome; neither was there any hope of settled Peace, till their titles were Vnited by the marriage of *Henry* the Seventh, of the House of *Lancaster*, with the Heyresse of the House of *York*. And thus I hope I have cleared it, that the Army was not onely destitute of any warrantable call, but also of all just occasions, so to oppresse the Members of Parliament, for proceeding to settle the Kingdom by Treaty: for its evident, they therein acted wisely, soberly, faithfully, and suteable to their former professions, and sacred engagements.

CHAP. 2.

Now Mr. Goodwin proceeds to a second objection, from the Ar- Sect. 11.
 mies resisting lawfull authority, or the powers set over them, and
 therein the Ordinance of God. View the Argument in
 its full proportion, and I doubt not but it will be found
 Herculean

They that resist lawfull powers, who they acknowledge lawfully
 set over them, and to whom these should be subject for consci-
 ence sake; They defile themselves, and incur damnation. The Army
 in their late forcible act on the Houses, did resist lawfull authority,
 lawfully set over them, to whom they ought to be subject for consci-
 ence sake: Therefore the Army by that act did defile themselves,
 and make themselves lyable to damnation. The Major is the
 Apostles, Rom. 13. 1. 2 3 4. and now let us see how Mr. Good-
 win quits him from the Minor.

He answers, [*That to resist authority imports two things; pag. 11.*
 'A deniall of obedience to the just command of authority; But this
 is not at all, there is resistance in opposing authority in legall
 commands, whether just or unjust: if they be legall, they be
 obligatory to the subject, either in regard of doing or pati-
 ent suffering, for else the advice were of little use to those
 that lived in heathenish Common-wealths, and under Empe-
 rours, none of the best, but many times the worst of men: But
 saith he, [*The House had given out no such Commandment, that
 none of their Members should be seized, though Voting never so
 palpably against their trust; But though they have not Voted
 things in such an absurd way, yet have they declared (upon
 occasion of the Kings demand of five of their Members) that
 the arresting of any Member whatsoever, without a legall
 proceeding against them, and without the consent of the
 House, whereof such person is a Member, is a breach of pri-
 viledge of Parliament, and the person that shall arrest any
 such Member of Parliament, is declared a publique enemy of
 the Common-wealth, Die Luna Janu. 17. 1641. And this*

Page 15.

I hope Mr. Goodwin, and the Officers of the Army did not then thinke unreasonoable; and so into what condition the Army have put themselves by that Declaration, is evident. But Mr. Goodwin would have no act binding, unlesse the justice of it may be sufficiently cleared; If this must be in the judgement of their opposites (which it must be, or else it will not serve his turre) sure it is a tenent that destroyes all government.

But Secondly, [*He saith resisting imports an ingagement, to take away authority but that they did not they declare their approbation and resolution, to maintaine authority Parliamentary, &c.*] But what more ridiculous, or hypocritically apology can be made, then to say, they will maintaine authority, when it is onely so much, and so farre as it will be ruled by, and sure their conceits? which is indeed to subdue, not to maintaine authority, as they pretend

But he objects against himself [*That if the Army did not in neither of his senses resist authority, yet they did what was worse, offer violence to persons in Authority, &c.* He answers, *Its lawfull by violence to wrest a sword out of a mad mans hand, &c.*] An easie, and ready way to de-throne all Authority, if saying they be mad will serve the turne, when they are neither in drinke, passion, nor under any other symptome of such unnaturall distempers: Besides; I have proved, that the madnesse that is lyes at the doores of their opposites, and sure else they would never runne on so confidently as they doe, in irregular wayes, and yet pretend to so much conscience.

He answers, secondly, [*That the King had as legall an investiture into the power of the Militia, of sitting in Parliament, &c. as also men had in their Parliamentary trust, yet did the Parliament upon a discovery, &c. deprive him of this power.*] First, what power the King had, in the Militia by Law. is not within my element to determine. But if that Principle layd down by him be true, for ought I know, its likelier to draw the Parliament into a community in erring, then exempt the Army. Beside, The King did at first leave the Parliament, and their chiefe overture of Warre, was to bring him to, not keep him out of Parliament; And that he hath not beene re-admitted e'r now, I think he may chiefly thank some of your Party.

He answers, thirdly, [*As a Client may cast off an Advocate, whom he suspects, or a Pupill his Guardian, &c.*] But first, Can a Pupill cast off his Guardian till he be fourteene yeares of age, when he is inabled thereto by Law? But to compare also the Parliament to a mercenarie Advocate, is base and ridiculous. Besides, if the Parliament be Guardians, it is of the Nation, not of them onely. Who made them Trustees to cast them off for the whole Nation?

Sect. 4.

But he Objects against himselfe, first, [*That the Parliament were Judget lawfully, Constitued of the Kings Delinquencie. But the Armie not so, in regard of the Parliament.* He answers, *That if wee measure the Parliaments judicature, by the peoples call, the Armie hath every whit as Lawfull a Constitution to judge who are enemies, &c. as the Parliament; as he hath proved.*] But the folly of that prooffe hath bin manifested, for they had no call at all from the people, but from the Parliament: And that call was not to be Judges, but Actors, according to the judgement of Parliament: And this they did usually professe, and promised to the Parliament, as long as the Parliament pleased them. [*What he addes of explicit, and implicit call from the people.*] Its nothing for him, for the Armie had neither. The implicit, I have disproved; [*explicit he confesseth, they had none, for want of opportunitie at the present: Nay, he confesseth, That the generalitie of people dis-relish their Act, but they are in a Phrenzie too.*] A short cut to make a man absolute Master of his Actions to dub every one mad, that opposeth him. But it is the most insolent, and mendicant way, that ever was avowed by a Scholar.

Sect. 5.
p. 14.

But secondly, He saith [*The investiture of the Armie into the judicature, which they have exercised, is by a Law of greater Authority, then any the Parliament can pretend; that is by the Law of nature, necessitie, and love to their Countrey.*] For his Law of nature, and necessitie, they are all one in his account. For his Law of love, they were just acted by it, as Saul when he slew the Gibeonites in Zeale to the children of Israel, 2 Sam. 21. 2. and a like pleasing to God. But the Armie acted against their Personall Oath, Saul onely against the oath of his Ancestours.

p. 15.

But he Objects against himselfe, [*That the necessitie might be pretended, not recall. Pretence of necessitie is easie, but not so easie*

Sect 5.
p. 15.

“ a thing, to designe what that necessitie is, which is authorized by
 “ God with a suspensive power over humane Lawes.] Its very true,
 that pretence of necessitie is easie, and the difficultie in design-
 ing that Authoritie, which hath no Law, great. And yet it
 will be a greater difficultie to prove the Arme under that ne-
 cessitie, both which lyes on you; but let us see how you proceed.

He answers, first, [“ That every man hath power given him in
 “ judging of persons, or things, in respect of themselves, and with
 “ relation to what concerns themselves, by way of dutie, to doe, or to
 “ forbear, &c.]

This is in a right sense true, that man being a Rationall
 creature, and so to doe his actions in judgement, and wise-
 dome. He is to judge of every thing, that is before him, whe-
 ther it be good, to be acted, or bad, to be omitted. But this is
 as cleare a Principle: That he is to judge of things by Rule,
 and one plaine Rule is, That Publique things are to be done
 by publique authoritie. And in such matters, the judgements
 of publique persons, using their best skill, ought to preponde-
 rate private judgements, at least to prevent contrary acting.
 Or else wee must fall into confusion, and have all authoritie
 overthrowne, and Apostolicall precepts touching sub-
 jection to Principallities, and Powers, quite enervated. And
 this cleare Principle they walke by; that judge the Arme
 guiltie of grosse usurpation in their force upon the Members.
 And therefore doe not usurpe upon them, nor are injurious
 to them, in such censures, as expose them to no more dis-
 repute for this fact, then it deserves.

Sect. 7.

But he proceeds, [“ To prove the sentence which the Arme
 “ pass on the Members, as meet to be dispossest of their Parliamen-
 “ tarie Authoritie, not to be erroneous either for want of skill in judge-
 “ ment, or for want of care in putting forth that skill. And why?
 “ Because for some probabilities, to wit, That the Royall Partie, by
 “ agreement, would have had and improved opportunitie to have ta-
 “ ken revenge on those, whose hands had bene heavie upon them to in-
 “ rage them, and who had shewed most courage for the Parliament.]

p. 18. 19.

But the Parliament it selte, upon more probable grounds (as I
 formerly shewed) have judged their way to be for the Peace
 and safetie of the Kingdome, in composing differences in such
 a way, that they should by Law have established, all that for
 which

which they had so long contended for, and all securitie they could demand, for the preservation of it. And their judgement ought to be binding to all under their Authoritie to acquiesce in it, at least so far, as not to oppose it forcibly.

He proceeds, [*It is no such difficult matter to judge of such emergent necessities, which is authorized by God to suspend humane lawes. He instances Mat. 12. 3, 4, 5. in hunger.*] But here you must note the necessitie of hunger, which onely suspend a ceremoniall (not a morall) Law, as that about Shew-bread; or if you apply it to the Sabbath, that was onely morall by institution, not by nature, and such a morall differs little from the ceremoniell, but in perpetuities. Hunger will not dispence with that naturall law, Thou shalt not steale, as I have proved from Prov. 6. 30, 31. *Men doe not despise a thiefe, if he steale to satisfie his soule, when he is hungry. But if he be found, he shall restore seven-fold.* So the necessitie of hunger makes not theft, no theft. And thus much Mr. Goodwin in effect confesseth: [*In his caution, where he saith, When wee seeme to approve of that Principle of the Jewes perill of life drives away all, wee intend not to say, That men may lawfully transgress every precept of God. As for example: Men may not lye, for sweare themselves in such cases.*] Wherein he hath said enough to confirme my answer, and to cut the throat of that Cause, which he would maintaine.

For was not the seizing of the Parliament-men, a manifest breach of that priviledge, which they had Sworne to maintaine? What is a priviledge of Parliament, if that be not, that their persons be free from violence, in and for Voting according to their consciences, upon the probablest grounds that they can discern? If this necessitie doe not give a man leave to be forsworne, as he confesseth, it cannot be their discharge in this fact. And undoubtedly, the law of an oath, is of absolute and indispenfible authoritie, and so judged hitherto by all but that Antichrist, who for assuming to himselfe authoritie to dispence with oaths, is evinced to be that Man of Sin, who in the Temple of God, sits as God, 2 Theff. 2. 3, 4. Neither let any man deceive himselfe, by thinking that necessity doth not give leave to be perjured, but by this necessity the oath was not binding, & so be each of the oath was not perjurie. For so the Papiſts say in making it excuse theft, in case of necessity taking what is anothers

Señ. 2.
p. 20.

p. 21.

nothers ceaseth to be theft; and yet this Mr. to *Goodwin*, I suppose likes not, for he saith, We may not lie, in case of necessity, and not to steale, is a command of the same stamp.

It being therefore clear that the act of the Army was both against their Word, and Oath, and Mr. *Goodwin* confesseth that necessity dispenseth not with an Oath, or a Ly. I need adde nothing to what he saith concerning humane Lawes, Though I must tell him that many humane Lawes, are but the backing of Divine Lawes with civill sanction and penalties, because carnall men are senseles of sin against God, and fearlesse of his threatnings, and such Lawes as are indispensable, as the Lawes of God themselves, being but the Lawes of God, put out in a Politicall dresse. And such is the Law of man, for private men to be subject to the Lawes, and Votes of those, that are clothed with authority over them, thus far as not to resist them, or rise up in Rebellion against them, for this is required by a Law, that Commands things morally, intrinsically good, and forbids the contrary, *Honour thy Father and thy Mother*, and so much for this Objection also.

But he proceeds to another Objection, "*That at least many of the Parliament men, disturbed in their way, were religious, and conscientious men, and voted, and acted what they did conscientiously judging the course they steered safest, &c. And is it not contrary to Reason, and Religion, That such men upon so faire an account, should be used so fowly?*" But I would rather frame the Objection thus, when wise and conscientious men, cloathed with authority, do act conscientiously, and according to their best skill, determine a way for publike weale. No private persons can have place left for a plea of such a necessity, as may authorise them against the Rules or Order, to rest them. For that necessity, that dispenseth with Lawes, must not be probably only, and disputable among men of equall parts, and integrity; But apparant and imminent, which the conscientiousness of the Members opprest proclames to be otherways, in the case in hand. But now what saith he. 1st *After an oblique reflection upon their Religion in a parenthesis, he answers though they be religious, yet they be men, and so have not that Divine perogative James I. 13, to be intemptable to evill, and then addes an uncharitable, and to men in authority, an arro-*
gant

“gant insinuation. They that are capable of receiving of gifts, or of
 “any inordinacy in their desires after earthly accommodations, how
 “wise soever, are subject to have their eyes blinded. But doth hee
 not see how this may be retorted, are the Army above temptati-
 ons? Above ordinances some may be, and that is to be over-
 come of temptations, but above temptations he will not say
 they are, I suppose; And do not the Army and their party
 receive gifts and accommodations? who equal to them in
 this Kingdome? many of them from so meane and defective
 a condition risen to such a shining condition? Besides though
 the Parliament men be not untemptible, their determinations
 are uncontrollable, by inferiours, as subject to temptations
 and possessing more advantages by distractions, then they were
 like to get (at least most of them) to themselves in particular
 by accommodations.

“Secondly, saith he, when men are religious onely to a mediocrity
 “and will all servile in their judgements to some principles, with great
 “confidences obtruded on their consciences, for sacred truthes and
 “yet full of enmity to a thorough dependance on God, they may be-
 “come twofold more the children of feare, and more capable of dismall
 “impressions from the World. By which obscure passage, I con-
 fesse I know not what he glanceth at. But me thinks he hath
 no great cause to upbrayd them with feare, who did with
 that resolution reject the motion of such an Army, and after
 a Vote; so highly crosse to their designe, passed through them,
 so in armes, to proceed in their discharge of their trust.
 Let Mr. Goodwin please himselfe and his followers, with his
 black insinuations, but all uninteressed men will believe that
 action shewes them above feares, and that they had not lost,
 but recovered that noble spirit, that once moved in Nebemi ib;
 shall such a man as I flie? I might also oppose to his old saw,
 “that feare is a bad counsellor, another as authentique Prudens
 “magis metuit, quam sperat. The prudent counsellor is apt rather
 “to feare then confidence, and Aristotle gives it as an effect of
 “feare ἡ γὰρ φόβος ἀλευτικὸς τοῖς ἀνδράσι feare makes deliberative,
 Rhet. lib. 2. c. 6. But saith he secondly, “When Religious men
 “sn against the common liberties of a Nation, and make one pursu
 “with the thrice declared enemies of the Nation; here then the law
 “of nature, and necessity cannot stand to make inquiry after such a
 “deference

“*difference, &c.* But first how false this supposition is, in reference to the oppressed Members, I have formerly shewed proving the goodnesse of the way they were in. And againe there cannot be more senseles boldnes, then to call such an agreement, so much to the advantage of one party, and to the burthen of an other, making one purse with them. And lastly, so long as the necessity is so obscure that so many wise, and good men, apprehend safety not danger; There can be no necessity so apparant, as to authorise inferiours, to rise against their superiours, to the violation of that Ordinance of God wherewith the superiours are clothed.

pag. 26,

Hee addes fourthly “*That the corruption of the best men is worst, with such other flourishes in themselves true to dazzle the eyes*” of his unwary Reader, wherein he still begs the question, that these men were corrupted, and waves the force of the argument, which is, that being the Parliament men were not only by their places more able to judge, but by their conscientiousnes, like to put forth their abilities to the best advantage. The course that such approve cannot be thought so apparantly destructive, as to give just cause to pretend such apparant necessity of danger, as to break Lawes humane and Divine, seen only by men, that can pretend to no more of science, or conscience, then those whom they reject.

He addes fifthly “*For any hard measure objected to be used against the Parliament men, he answers, Hee knowes not how the Army could walke toward them with a softer foot.* How doth affection blind men, could not they have used more softnes, then leave so many of them in Hell all night, without any accommodations for rest? And what menaces have bin cast out, against the lives of some of them, separated from their brethren, into a place of straiter custody, & of greater terrour, but all sufferings are light with some, that light no. on them and theirs. For close of this, because he hath cast out some oblique and some more direct glances, at the Religion, and integrity of the secluded Members. I will make him this offer. That if the secluded Members, be not as free from rayling advantage during the late troubles, and have not given as good satisfaction to the World, both of their knowledge, integrity, and affection to Religion, as so many,

chuse

chuse them where they can, of the same trust, that approve of their necessity, let them carry the cause among men. But if not their pretended necessity, is not like to be the genuine issue of a faithfull brain and heart.

C H A P. 3.

Sect. 1.

[“*Mr. Goodwin* proceeds to a third Objection, from the *Covenant*, he might have added the Protestation made *May*, the 5. 1641. which was taken more generally from which I present the argument, thus formed.

EVery act contrary to any one, or more solemn engagements made to God is lawfull, and impious: the Act of the Army seizing the members of Parliament, is contrary to one, or more solemn engagements made to God. Therefore that act was unlawfull and impious; The *Minor* is cleare, for in the protestation *May*, 1641. This is one clause to defend their power, and priviledge of Parliament. Now what more unquestionable priviledge of Parliament then this, to have free access to the House, and there to vote according to their consciences?

Mr. Goodwin answers, [“*That it is no priviledge of Parliament to act in opposition, to the benefit of the Kingdome.* True, but when the question is, what is for the benefit of the Kingdome; it is part of the power of Parliaments (which is one thing which you have protested to maintaine) to be the finall Judges, else broyles and confusion must follow; for they shall stand bound, (together with all of their Judgement,) to maintaine, what they judge so conducible for the Kingdomes wealth, and if their Judgements be not determining, others may thinke themselves bound by force to oppose them, and what can be expected from this, but perpetuall broyles?”

p. 27.

But he answers further, to a supposed reply [“*That this is a priviledge of Parliament for the Members to be free from question without the consent of the House; True saith he, when a Parliament is taken in a proper signification, noting out a compny of men not dead to trust; But if these be dead to trust, then they are not properly a Parliament; As he is not a Jewe that is one outwardly, &c.* But who shall Judge them dead to trust? They are not to be Judged, authoritatively by private persons, none such can pronounce them dead; neither have they in what they are accused, given evidence to be dead to trust, but faithfull as I have shewed; Againe

He

He that was onely a Jew outwardly, was not to be denied the outward priviledge of a Jew, by man. Though in Gods account he was no Jew, that is not holy to, & accepted of God, therefore not onely is the insinuation against the Parliament men, false, but if it were true, the Army hath no authority to pronounce them so, so nor to deale with them as such; Is not the Parliament the Supream Iudicature, against which lies no writ of error, or appeale but to God? So it stands good that their act was against their Oath.

p. 28.

But secondly he saith, [“*That if such a number of men be a Parliament, though dead to trust, &c. he knowes no priviledge of Parliament due to them, no more then a dead man hath the priviledges of a man; and this he sets off with many flourishes, wherein he keeps this old artifice to play upon a plausible string, to please his party, that agree with him in the supposition that those Parliament men are dead to trust; whereas that supposition is apparantly false and scandalous. But his flourishes are but Sophisticall neither, for a dead thing hath no priviledge, as it is dead, but if it be dead in one selfe, and alive in another, it may have priviledge in one selfe, though it have none in another; as the carnall seed of Abraham, were Jewes to men, and so had their outward priviledges, but not so reputed, of God and so had no spirituall priviledges: so a degenerate Parliament is dead indeed to God, who is above it, to judge it, it hath no honour with, nor shall have any reward from God. But it is not dead to men, so far as to resist it; for they have no authority to judge it or resist it: but it is only so far dead to private men, that they are not to give life to the dead acts of it. If the Army had said the Parliament is dead, we will not uphold it in dead wayes, the charge being true, it had beene noble to have laid downe their Commission, and not have supported them: but to resist was out of their sphere; Let me aske this man what he would have said of *Saul*, when the spirit of the Lord departed from him, and an evill spirit seized on him, 1 *Sam.* 16. 14. Was he dead to trust or no? And yet you see *David* was as observant and tender of him, as though he had beene good aswell as great. These distinctions therefore be fig-leaves, and truly I thinke such delusions that men otherwais quicksighted, use to be left to for their want of integrity to truth.*”

But

Sec. 7. p.
19. 10. 11

But Matter Goodwin adds, *that though the Army had stood bound to the priviledges of Parliament, yet they stood bound also to maintain the liberties of the Kingdom against all impediments whatso ver, and what they are not able themselves to suppress &c. And the liberties of the Kingdom he endeavours to prove to be greater then of the Parliament, and in opposition of lawes or priviledges, he greater is to take place &c.* But first here is supposed a Bull, that the liberties of a people and a Parliament of the same people, may be inconsistent, whereas it can be no true priviledge on the one side, but pretended, if they push one another. Secondly he must remember the limitation in the Covenant, that every one is to act in the performance of it according to their callings; that is not onely the Souldier as a Souldier, the Minister as a Minister, but the private man as a private man: so that a private man is not to act in a juridicall way, by vertue of his Covenant, but according to Law or Commission from men in authority; and therefore the Covenant bound not them in reference to the Kingdom to act juridically in committing the Parliament men. Again, though the liberties of the Kingdom be in some sence more then the liberties of the Parliament, yet the priviledges of Parliament are first put, and the bond of it takes hold there; therefore by what is spoken afterwards, the true priviledges of Parliament cannot be prejudic'd. And indeed there is nothing wherein the priviledges of the Kingdom are more concerned then in the liberties of the Parliament: And there is greater probability of the land being watered with blood, by the way that the Army are in, then by that way of accommodation that the Parliament men were in: and therefore it is but their fancy, that the liberties of the nation are in danger; nay, that particular mischeif is not eligible, before this inconvenience of giving the inferiours liberty upon their own private conceits to resist and disturb the supreme Indicature of a Commonwealth.

But he adds thirdly; *If there had been no clause in the oathes for the liberties of the Subject, yet had the Army more then warrant sufficient to stand up for them with out any breach of Covenant for men standbound by the Law of nature against all other obligation whatsoever. Now there is no Law of na-*

pag. 21.

*' sure that speaks more plainly then this, that the strong ought
 ' to stand by the weak in cases of extremity. Formerly you
 made exceptions in the cases of extremity, that a man may
 not lye, forswear himselfe &c. Now all bonds must give way
 to the Law of necessity, not only word but oath, oportet esse
 memrem. Ag.ine, I would know of him, if the Sheriffe
 differ in judgement from the Iudge when a case is argued,
 and the Sheriffe thinks might overcomes right. and that if
 the Iudge proceed, he undoes or destroyes a poore man an this
 family, Is the Sheriffe having power bound to pluck the
 Iudge off the Bench, or keep him from the Berch rather then
 suffer him to passe (in his conceit) an unjust sentence tending
 to extremity? For what hee saids touching the intention of the
 ' Covenant makers and Covenant takers, I referre me to his con-
 science, whether though they did not intend the Covenant to
 binde to things against the Law of nature, yet that they inten-
 ded, that they themselves should be ultimate judges what was
 for the publique wale of the Kingdom, and so not against the
 Law of nature; what not? and you know the old rule, qua-
 cumque arte verborum quis jurat &c. whatsoever art of words
 are used in the oath, the oath is to be interpreted according to
 his sense that gives it, not his that takes it.*

But next he tels us, *' tha this act of the Army in the disso-
 ' ciation of the Parliament, doth not give the least colour or shadows
 ' to the act of the Kings breaking into their House, and demanding
 ' which and how many of their Members he pleased to be sacra-
 ' ficed upon the service of his will.*

But I answer 1. The act of the King is falsely and uncharita-
 bly, that I say not maliciously represented by him; for the King
 did not break into the House of Commons as he mouthes it,
 but had admiffion there, which of right he may claime in ei-
 ther House of Parliameat upon occasion; nor did he demand
 the Members to be sacrificed to his owne will: his words were
 fayrer to have them legally tryed, touching some things which
 he had to lay to their charge; what was in his heart you know
 not. Now compare the act of the Army to this of the King;
 and see whether there be not only some colour, but according
 to our English Proverbe, whether they have not made the
 King a Saint? 1. The King demanded but five of the Common
 Members

Members; they imprison'd above forty, and secluded as they say, above an hundred; Secondly the King took none out nor can any man tell what he would have done had they been there, reason might have qualify'd him. They did not onely violently inhibit many, but as I am inform'd by Master *Levens* himselfe, he and Colonel *Birch* were puld out of the House. Thirdly the King was the supream Magistrate, they clothed with no authority. Fourthly the King pretended a legall tryall, they have no legall objection against them. Fifthly The King confesseth Parliaments should be free, and one of his objections against the five members of Parliament, was that by tumults they hindered the freedome of Parliament, and you affirme tumultuous ingagements have as much hindered freedom of Parliament this two years, as the forcible act of the Army. Sixthly the King was easily reduc'd from his error, and relinquisht it, and assured them of tenderesse of priviledge for future; you avow the Armies act, and they persist in their foree. Now who is the greater transgressour thus far? Neither did the King (as you say) *'look upon the accused Members as the greatest Patrons of the Kingdom: interest,* but under the notion of such as sought to alter the well tempered government of it; as he erred in his apprehensions, so doe you now in your conceits of the Parliament men restrayned. Nor was the pretence of the King, *'to advance the wil and power of one against the peace and comfort of many,* but to preserve the government as it stood free from alteration, which was in the judgement of any uninterrested farre more for the benefit of this Nation, then the new modell of your fancy (wittily by *Sedgewick* termed All-breach) which if it take, will make us a base, and in all likelihood ere long a broken Kingdom. But if the King under faire pretences did intend, as you hint, tyranny, may it not as well be objected to you that you intend Oligarchy? It's therefore cleer as the light, that as the King did ill, the Army did worse; and the Declaration of that House against the Kings act, doth militate as strongly against the act of the Army, *which declares the arresting of any Member of Parliament without a legall preceeding and consent of that House whereof he is a Member, a breach of priviledge; and the prrson that shall arrest any such Member, is declared an enemy of State.*

Colle. of
Decla. p.
17.

Article 6

Colle. of
Remonst.
Decla. &c.
page 39.

CHAP. IV.

Sect. 1.

Master Goodwin proceeds to a fourth Objection, 'To prove
'the Armies Act unjustifiable, because against the Law of
'the Land; which should rightly be framed thus :

Whoever being under law, and sworn to maintaine
the Law, or legall Priviledges of others; doe against
Law, or legall Priviledge imprison the Persons of others, are
guilty of an act of impious transgression. The Army being
under Law, and sworn to maintaine the legall Priviledges
of others, yet against Law, and legall Priviledges have im-
prison'd the Persons of others; Therefore by that act of theirs
they have made themselves guilty of impious transgression:
That imprisonment of the Members is against Law, and le-
gall priviledge, is clear; for the Law is, *That no free man
shall be imprisoned without due processe in Law.* And the
greater the person, the greater is the presumption, in the op-
pression of them.

Master Goodw. To this: First, 'Sums up his Answers
'already given to this Objection, which have had their Answers
in their places.

Pag. 35.

He adds, 'That we may charitably suppose, that there is no
'Law prohibiting any sort of men from being benefactors to the
'Publike, especially from preserving the Publike Liberties, when
'they stand in *extremâ regulâ*.

* Rom. 7.

Ans. How false this supposition is in the Armies case, to
wit, that the Liberties stand in *extremâ regulâ*, I have formerly
shewed, nor is there any thing more prejudiciall to the Pub-
like Liberties, then that the persons of their Publick Counsell,
shall be restrained upon the uncertaine fancies of a small
Party: And necessarily cannot dispence with a lie, nor an
Oath, as he hath formerly confest: God can preserve where
our hands are bound without our lie* or perjury, or sanctifie
all that is to be suffered.

Sect. 2.
Pag. 34.

Secondly, Saith he, 'If there were such a Law, it could have
'no obliging force, &c. If he mean it could have no obliging
force *in foro Dei*, in the Court of Heaven; so that man should

not obey it; It is true. But if he mean, it hath no obliging force *in foro humano, in the Courts of men*; so that a man ought not to suffer, but resist, it is false; for then all the Lawes of Emperours made against Christians are invalid: And those sufferings of Primitive Christians, especially when they grew into multitudes and legions, were not such glorious actions; but rather the follies of the Christians, that knew not their Liberty to use their power to resist those dead Lawes to which they no wayes stood bound: At least, *Bellarmines* Answer in behalfe of the Church of *Rome*, running courses contrary to Primitive times, is true; that then *derant vires temporales, they wanted temporall strength*; and Protestants have been in an error that have ascribed the dissimilitude to the decay of spirituall graces. But its nothing for such as Mr *Goodwin* to symbolize with Papists.

He proceeds: Thirdly, *'If there were a Law to make force in any kinde to interrupt Magistrates in their way punishable, yet this would not evict this Act of the Army, to have been contrary to the Lawes, because it is the constant genius and manner of Lawes, to lay down only the generall Rules, and conceale the exception: Now the exception doth not break the rule. And here hee cites something out of Tully, Grotius, Aristotle, and the Imperiall Lawes; and the chiefest exception is necessity.*

But first, where no such exception against the Law lies, there the Actor is the Transgressor of the Law. And those that urge the Law against them, suppose it clear that there was no such necessity. For those Magistrates restrained, were good and wise men, and in their serious thoughts judged the way that they were in preservative, and ten parts of the Land to one, are of their mind still; and so the necessity is but pretended. Besides, though the Lawes of men be subject to exceptions, I referre it to his conscience, in case a Magistrate may be consulted, whether he thinks that any of his Authors will say, that private mens exceptions are to be received before the judgment of those with whom power of interpreting Lawes is intrusted? And lastly, whether an Oath to a particular Law engage not to it, though it prove detrimental? *Psal. 15.4.*

CHAP. V.

Sect. I.

Master Goodwin proceeds to a fifth Objection. 'From the mischievous consequence of the example of the fact of this Army which may be made use of by any Party, finding themselves strong enough to attempt the like disturbance and confusion: but I would frame the Argument thus:

Very action grounded on such Principles as are a manifest inlet to wickedness, confusion and Anarchy, is pernicious and wicked: The force exercised on the Parliament by the Army grounded on necessity, visible only to them and their party, is a manifest inlet to wickedness, anarchy, and confusion. Therefore the Armies sayd Act is pernicious and wicked.

Mr Goodwins Answ. 1. page 36. 'The lawfulness of actions is not to be judged by what doth, but by what is likely to follow, and that not by accident, or misconstruction, but by the native tendency of it, &c. Answ. 2. Though there were not only a possibility but a probability, that the Armies Act should begin disturbances, yet should not they have stood still, because when the seedtime is come, we must not observe the winde.

But these Answers reach not the Objection, as it is laid by me, and should have been laid by him which condemns actions, grounded on such principles which will beare out other persons of strength, in wicked and State confounding actions: The ground of this action in the Army was necessity, whereof themselves are Judges; for it appeares not to others: But if necessity be a sufficient warrant to disturb Authority in legall wayes; and the Parties in whom Power is, be Judges of this necessity: By this any Party of Power may justify themselves to men in disturbing Governours, whether the Party be Royalists, Papists, or Atheists: That plea would have served the Northern Army if it had marcht up against the Parliament, as well as the present Army did, or the Apprentizes as well as them, they might have pretended necessity, and been judges in their own case; *ex veris nil nisi verum*, nothing but truth will naturally flow from true principles: Therefore the ground

ground of the Armies Act was a false principle, because it will beare false conclusions; nay further, if necessity may dispence with Lawes, and the Actors be judges; what if the Levelling Part of the Army should have further designs then the Moderater Part, and the heads of the Moderate Party stand in their way, may not they take up ths plea, and without Law, or legal process *tollere è medio* take them out of their way? yea, then what barre is left against Iesuiticall King-killing by assassins.

Nor will this be taken off by what he saith Thirdly *that* ^{sect. 2.}
where there is not a concurrence of the same circumstances for- ^{p. 33. 37}
mally and equivalently, there can bee no place for exemp'a-
rtnesse; for we speake not now of the legitimacy of actions
in the sight of God onely but men alio. *wee are to provide*
for things honest in the sight of all men, Rom. 12. 17. 2 Cor.
8. 21. And if there be the same pretences not to be disproved
by men, which they cannot be; it they must be judges of them,
who carry the long sword, Those actions which are the same
in externall, though not in reall circumstances, shall be as im-
pleadable by men

And there is yet lesse sence in his fourth answer, *That it* ^{sect. 3.}
is not likely that action should breed disturbance, that was done
in due order to prevent occasion and opportunity of disturbance &c.
For what if they that levelld this shaft at this mark, were un-
skilfull Archers, may they not shoote quite wide the marke
they aim at, and hit a friend instead of the butt? I am sure they
have been most of them but little used to the bow of Politicks,
and what if the Scene change? May not the present Army
degenerate, (no man can say they are stable in their Ptinciples)
and then will not this plea of necessity fit their hands
for worse changes if worse can be? I am sure it hath once
served their turnes, to comply with the King against the minds
of the Parliament, and now to imprison Parliament men, and
to threaten the destruction of the King, and who knowes what
designe it may carry on next? And is not this course a means
to irritate an opposite party, and who knowes where God may
cast strength? and then what a gallant plea is here for them,
Quidlibet audendi? adventuring upon any rhing.

Lastly he argues, *that if this action of the Army is not dis-* ^{sect. 4.}
proveable ^{37.}

'provable by any likelihood of evil that it may bring upon this
 'Kingdom hereafter, no more then preservation of a man from
 'imminent death is reproveable, because by it he is occasionally
 'exposed to dye another time. There were something in this, if
 there were any imminency of death over our Nation; but this is
 denied upon better grounds, then they can give to the contra-
 ry, and that by those that are the legall judges of it, which the
 Army was not. You adde, 'they who conceive the Army had
 'better have fate still for feare of after disturbance, plead as if
 'a manshall counsell a friend dangerously sick, not to use a Physic-
 'cian, because if he do recover, his recovery might prove an oc-
 'casion of more sicknesse afterwards. But this answer hath wit
 without reason; for first, it presupposeth that to bee sicknesse
 of the Common-wealth, which indeed was good Physick for
 her recovery. And secondly to make the similitude hit, the
 Physick that is dissuaded, must be to have an influence by the
 hazzardous cure of one malady, to have procured more. And
 truly I should not think him mad but wise, that should dis-
 suade such Physick; nor is the example of *Hezekiah* any bet-
 ter, 'that he was to be thankfull for his recovery, though hee
 'were to dye fiftene yeares after. For first it runs upon the
 former false supposition: And secondly that which recovered
Hezekiah, was not the cause of his death afterwards. But
 here it is objected against the medicine that hee saith revives,
 that it will have an influence to kill afterwards. Nay, after
 a pretended cure, that medicine which he saith revives, is not
 like to preserve long, not fiftene yeares, nor fiftene moneths;
 for where there is one in the Kingdom that accounts this act
 of the Army medicine, it's conceived there be an hundred that
 count it a cup of poyson, and so to be broken: And what a
 Paroxysme this is like to beget shortly in this poor Kingdom,
 let the prudent Reader judge.

CHAP. VI.

Sect. I.

Master *Goodwin* proceeds to a sixth Objection, 'counted hee
 'saith by some impregnable; It is taken from Rom. 13. 1. 2.
 'Let every soule be subjeēt to the higher powers; for the pow-
 'ers that be, are ordained of God. He therefore that resisteth
 'sho

the powers, resisteth the Ordinance of God, and they that resist shall receive to themselves damnation. And this I doubt not will yeild an Argument too hard for Master Goodwin to answer, or else sure all Protestant Divines have been much mistaken: It may be formed thus.

V V Hosoever resisteth the higher powers, resists the Ordinance of God, and receives to himself damnation. The Army in secluding and imprisoning Parliament men did resist the higher powers; therefore thereby they did resist the Ordinance of God, and receive to themselves damnation. For the minor, Master Goodwin will not deny but the Parliament are higher powers, to which the Army are to be subject. *This he saith he hath considered in the second objection, yet because he would give surplusage in such arguments as pretend to Scripture, he will take it in hand againe; let us see whether he can acquit himselfe better then he did before.*

And first he presents us with a distinction betweene the power pag. 38.
and the abuse of the power; the abuse of the power is not of God, and soe resistance of that not forbidden nor damnable. Now that the Army did only resist the abuse of the power (he saith) he hath proved in his book: And I reply, that it hath been as often disproved in my Answer. Again, this distinction between the powers, and abuse of powers, is to be taken with caution, or else it may deceive. Mr Burroughs his distinction in his Lord of Hosts page 22. contains better divinity, which is between the commands of abused authority, and the commands that are from the wills of men in authority. That is abused authority when those to whom power of making Lawes doth belong, shall make evill lawes; in this case there is no help but passive obedience or flight, untill some way bee taken to rectifie the authority that is abused (that is disannulling those evill lawes) but when men that are in authority command any thing out of their wills &c. So that in his judgement abuse of authority being legall, is to be borne with patience, not resisted by violence. And indeed if we consider that these powers were in St. Pauls times Heathens, and how bloody their lawes were against Christians, and how impious they were in many other things,

F

one

one might judge it had been fitter, (after Master Goodwins light) to have taught them his new doctrine of resistance, rather then to have prest subjection on them. Magistracy is the Ordinance of God, the lawes of the land the rule of it, while it keeps within that sphere; though the lawes be corrupt, the Magistrate is no tyrant; so he is a power ordained of God, and we are to be subject in obeying or suffering, but may not resist.

Sect. 2. pag. 33.

He adds, *it is manifest that they did not resist Parliamentary power, because this power remains quiet and undisturbed: but is he in good earnest? Is not Parliamentary power a power representee of the whole Nation? Doth it remain undisturbed when so great a part are secluded, and so many thereupon think it unlawfull for them to handle the affaires of the Nation without the concurrence of their fellow Trustees, that as they say ordinarily, scarce a sixth part of that number that ought to sit, meet in the House? Secondly he sayth, "that they have care to settle Parliamentary power on better terms. Yes by their new Modell. What disturbers of present Governance were ever found without that pretence? but how few, if ever any, effected it?*

* One Parliament man told me, that as he was coming from the House the day after the seizing, one of the Souldiers cryed roome, roome, another said knock him down, so he never came there since. Was not hee forced away? And are not many more (not of their principles) kept away in like manner? And is the Parliament free from force.

He objects against himself, *That the Parliamentary power is under force now. He answers, That they are no more under force now, then they were before the Army secluded the Members. I answer, Why is that which hee calls Parliamentary power free from force now, but because they act after the Armys misguided fancy? but should they crosse them in their Idoll Designe? doth Mr John Goodwin think they would be more exempt from * force, then their brethren now secluded? why doth he then trifle so? And it is palpably false, That the Parliament now is not more under force, then it hath bene for two yeares by reason of tumultuous engagements; for though there was one unhappy tumult soone appeald, there was no other tumult so neare them that threatned them other wayes then with desertion in affection, whereas now they are secluded the House and imprisoned.*

Sect. 3.

But Master Goodwin proceeds *the Ordinance of God in Magistraticall power, is the adequate foundation whereon obedience*

' to it is to be built, and the intent of magistraticall power is the
 ' good of those that are subject to it. Therefore there is no sub-
 ' jection commanded of God to any higher power, further or o-
 ' therwise then they act, and quit themselves in due proportion of
 ' the good of men. I answer the conclusion here inferd is point-
 blanke to the plaine word of God; for the power of a Master
 over a servant is a power ordained of God, and the Apostle
 Peter directs servants to be subject not onely to the good and
 gentle, but to the froward; for it's prayse worthy to suffer wrong-
 fully, 1 Pet. 2. 18. 19. and why this should not hold in other
 powers; I shall expect a solid reason from Master Goodwin;
 till then his premises must passe for false with me, because his
 conclusion is contrary to expresse Scripture, and he knowes
ex veris nil nisi verum. And me thinks it's strange to see
 what difference there is betweene the new light and the old:
 The Apostles whom Christ Iesus made the infallible lights of
 the world, were most carefull to warne Christians, that they
 should not suffer as evill doers, but as Christians, 1 Pet. 4. 15.
 16. But new light tels us that we need not suffer but when
 wee are evill doers; for if the powers molest us in good, they
 are abused, decline from their ends, so we owe them no sub-
 jection, but may resist. But the Apostles had the spirit of
 truth, and those that dissent give heed to seducing spirits. The
 truth is because Magistraey is an Ordinance of God appointed
 for the good of men, though they through weaknesse do mis-
 carry, yet so long as they act as Magistrates, that is, legally,
 we are not to resist them, because they have Gods Ordinance
 upon them. And sutable to this was the doctrine of Primi-
 tive times to be read in the legible characters of their glori-
 ous sufferings; and therefore it seems they so understood St.
 Paul and St. Peter.

He adds lastly, ' That the resisting of the higher powers here Sect. 3.
 ' condemned, is not detaining men in authority by strong hand
 ' from doing mischiefe &c. but detaining them by strong
 hand from going on in their Office, is the resistance condem-
 ned, which the Army did to the Parliament men. *Arundel*
 saith Beza, is *verbum militare*, the originall is a milita-
 ry word, and therefore the Souldiers restraining the Members

as Souldiers in a warlike posture, did resist in the exact propriety of the word, But saith he, *It is either refusing obedience to their lawfull commands, which he ascribes to Paræus: but he abuseth Paræus, if he make that all that Paræus thinks is intended there, for he affirmes, Christianos non minus quam alios quoscunque potestatibus subiectos esse debere, non tantum fidelibus, sed infidelibus, quales tunc omnes erant: non tantum placidis & equis, sed etiam difficilibus & iniquis; Christians no lesse then other ought to be subiect to the powers, not only when believers, but when infidels, as all the powers then were; not onely to the pleasing and equitable, but also to the froward and unjust. And what Master Goodwin cites out of Paræus, That every disobedience is not to bee accounted Rebellion or resistance, but onely that which is practised out of malice contrary to the Lawes, is true; but helps not him, but is onely futeable to Mr Burroughs his distinction, between the Authority of Magistrates, that is, when he acts legally, and his will; disobedience to his will, is not condemned but to his Authority, that is his legall will: Again, if we disobey out of conscience, but submit to suffer, and be not carried with passion to oppose, we doe not rebell. The latter thing which you cite out of Paræus, will stand you in no more stead: That if a Tyrant set upon a private man as a Robber, &c. he may defend himself from him (in case of no other meanes of escape) as against an ordinary Robber; for in that case a Tyrant acts not legally, and his will, not his authority is resisted.*

Page 41.

But Mr Goodwin addes another sence out of Calvin, *That by resisting is meant a conspiring and attempting to shake off the yoke of all obedience to the Magistrate: But he abuseth Calvin and the Reader, if he set down that as the full of what Calvin thinks is forbidden; whereas he makes that only the scope of the place to be the preventing such a tentation, to which he shoves it is likely Christians might be subject: But upon the place delivers Doctrine as contrary to Mr Goodwins, as light to darknesse; for saith he, on Vers. 3. *Ceterum hic de vero & quasi nativo Magistratus officio loquitur, à quo tametsi non raro degenerant qui principatus tenent; nihilominus deferenda est**

est eis obedientia que principibus debetur: Nam si malus princeps flagellum &c. But the Apostle here speaks of the true, and as it were native Office of a Magistrate, from which although they degenerate, which hold the Principality; yet nevertheless the obedience which is due to Princes is to be given to them; for if an evill Prince be a scourge sent of God, &c. But you adde, The Army did not in what they did, refuse to obey any commands of their Superiours; false: The remaining Members in the Commons were their Superiours; and their demands of their Members imprisoned twice by their Serjeants, were commands disobeyed by the Army; You say also, They refused not giving satisfaction to the Law by refusing to suffer any punishment; Ridiculous: What Magistrate will attempt their punishment? Yet we shall see how Mr Goodwins words will hold, when Mr Pryne brings his action of false imprisonment against them.

But you have another clinch out of Calvin; he saith, say you, but you tell us not where that the Apostle speaks of powers in the abstract, not of the persons of Magistrates at all, otherwise then he useth his power in due order. First, this is flat contrary to that which I cited out of Calvin, That the place teacheth Obedience to Princes though they degenerate; therefore sure you abuse Calvin: And Beza (that is not uied to differ from Calvin) saith, Potestatis nomine isto, tropice intelliguntur qui sunt in illis dignitatibus constituti, ut sciamus hanc subjectionem in ipsis dignitatibus habendam, etiamsi indigni sint qui eo sunt evelti: By that name of powers, they are tropically understood, which are placed in those dignities, that we may know this subjection is to be given to the Powers, though they are unworthy that are advanc'd to them. Besides, all that can be hindred in the name of Powers so often uied, is but according to the distinction between the will, & authority of the Magistrate for conscience sake, further, then it is clothed with Power, that is, legally, and that is plainly the meaning of Pareus cited by you; He names Powers rather then Kings and Princes; for in the persons vices & causes of disobedience are found, therefore he would have the Powers different from the persons. That is, their corruptions will put them on to seek to have their will a Law, & their

Power extends no farther then Law, nor further are we bound to obey. But what need we stand upon this terme any longer, sith *S. Peter* expressly mentioneth the persons both of the King, as Supream, and all that are in Authority under him? Therefore Mr *Goodwin*. without just ground, ' *Limits the subjection to Magistrates only, while they act regularly, and with a single eye on procurement of Good.* Though I doubt not but our Parliament men seised for endeavouring agreement with the King, were both regular in their way and aimes: I may conclude therefore, for all Mr *Goodwins* sleek Apology, the Armies forcible Act upon the Parliament stands convict of grievous guilt, and yet we see the old adage true, *Durum telum necessitas*; for behold that Army, that hath so often prevailed against the sharpest weapons of their Enemies, fallen, and expiring in their honours, vanquish't by this one poore dart of pretended necessity.

And yet this Act of theirs, that is so unwarrantable in it selfe, is made much more abominable, by the intention of it, which the issue discovers; for its evident it was to make a Party, to proceed to the deposition and destruction of the King, if God prevent them not: A thing directly contrary to their sworn Allegiance, to the Doctrine of the Church of England, to which they are also engaged by Protestation, to the constant Profession of the Parliament in generall; their partakers in their Apologeticall Declarations, and * Books wherby they engaged many people in their quarrell, who will now detest the present Act, the more because they have been made somewhat to contribute to it, by the former hypocrisie and present treachery of others. And this also heightens the injury of the Armies Act, that they should exclude the Trustees of so many Shieres, Cities and Burroughes, when a thing of so great a concernment to them, as the life of their King is to come in question; is this justice? If their Trustees be degenerate, should they not have leave and time to have chosen other before such a matter had been taken in hand? For that of *Aquinas* you cited to no purpose, pag. 15. will not take place here neither; for you confesse their choyce was good, but the men are degenerate, I may there-

fore

Amongst which Master *Joh. Goodwin* in his *Anti-cavalierisme* hath spoken, as plain and sensibly as any, That it is a just Privilege of Persons of Kings to be secure from the violence of men in what causes soever; and their Lyes to be as consecrated ground, meet to be reaped and gathered only by the hand of God himselfe: with other words which may be seen in an anonymous Letter sent unto him by a learned, godly and worthy Knight, Sir Fra. Ne-

fore conclude, little reason had Mr *Goodwin* to conclude his Book with such hyperbolicall (that I say not blasphemous) ' flattery, as to compare so sinfull an *Act* of the Army, to the ' sufferings of *Jesus Christ* to save a lost world &c. But the conclusion suites with the premises, both Popish; for its the manner of Papists to extoll their *assassinates*, so they doe it with a good intent *adificandicausa*, and in case of necessity to save the lives, or prevent the ruines of many Catholics. And I now seriously propose it to Mr *Goodwin* and his Associates, Whether the necessity harpt upon, be any other then danger to a sort of people in the land, that out of pretended *new Light*, would live exempt from the ordinary and received rules of Government. Danger I say to such, lest they should meet with trouble, loose those preferments and that Ruledome that they draw, and many times usurp to themselves in Parliament, City, Countrey, by the Power of the sword intrusted to more Publike ends. If this be the necessity, as there be hints many, that it is: How much more suteable were it for men of conscience, not to disturb the Treaty for Peace, but interpose in it for their own Interest? And if they think exemption from the coercive Power of the civill sword in matters of Religion be a native Liberty of Christians: Let them desire it may be debated freely, before a free Parliament; and if we convince not the impiety and iniquity of it, let them carry it. If they fall short in that, yet whatever indulgence may be consistent with duty to Truth, and the peace of the Church will never be denied them. Oh! did any relenting appeare to procure return from those irregular wayes, how would all godly hearts imbrace them with joy, looking on them in their irregularities past, as men under a strong tentation, and with consideration that they also may be tempted. But if they bee resolved, that what they have usurpt they will hold, I hope I shall not, I am sure, I need not envie their *slippery places*; for when they have done *Gods whole work*, on thole under their oppressive power, I am confident *God will visit the fruit of the great hearts of this aspiring Faction, and the glory of their high looks.*

DEO GLORIA.

Jan. 13. 1648.

Imprimatur.

Iam. Cranford.

F I N I S.

