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REMARKS
UPON
Dr. SHERLOCK'S BOOK,
INTITULED, The
CASE
OF THE
ALLEGIANCE
DUE TO
SOVERAIGN PRINCES,
Stated and Resolved, &c.

Johnson, Samuel

The Second Edition.

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REMARKS

UPON

Dr. SHERLOCK'S

Case of Allegiance, &c.

HAVING lately perused Dr. Sherlock's *Reasons* (as the Book is commonly called) I cannot forbear imparting to you some very few Observations upon them, not to show my Skill, Pref. p. 3. but to perform my Promise.

I observe in the First Place, That the Doctor thinks it necessary to convince all sober Christians, That men may swear Allegiance to King William and Queen Mary, without renouncing any Principles of the Church of England. But I hope we were not in such a condition, as that

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All Sober Christians stood in need of such a Conviction. And God forbid the Principles of the Church of England should be such, as not only to create in all sober Christians, a doubt whether they might swear Allegiance to the Present King and Queen; but should be so obscure in the matter, as that so Learned a Man as the Doctor is reputed, and so Wise a Man as he would be thought (for he never gave any

Pref. p. 1.

just occasion to the world to mark him out for a fool) should be at almost Two Years Pains to make a Reconciliation betwixt them, and the Duty of Swearing Allegiance to this present Government; upon the continuance of which the Doctor does more than once or twice acknowledge the Liberties and Religion of the Nation to depend.

Pref. p. 5.

He confesses he stuck, and should have stuck to this day, had he not been relieved by Bishop Overal's Convocation Book; and had not the Venerable Authority of a Convocation, given him greater Freedom and Liberty of Thinking, which the apprehensions of Novelty and Singularity had cramp'd before: How mean are we Lay-men in the eyes of these Gentlemen! Nothing that was done, said, or writ, at and after the Revolution,

tion, to justify the Lawfulness thereof by the Laws of God and of this Realm, had any influence upon this *Clergy-man's* Judgment or Conscience, till he met with a new upstart *Convocation-Book*. Nay, his very Thoughts were in chains, till the *Venerable Authority* of a *Convocation*, gave him *Liberty to Think*. What the Lords and Commons did, the Consent of a Nation, the approbation of all Protestants abroad, the Interest of Religion and the Publick Weal, were not considerable enough to give this man a liberty to think; his liberty of Thinking was cramp'd, till the *Venerable Authority* of a *Convocation*, came and set him him at liberty. I wonder the less to find him in his Book, enslaving his Life and Liberty, to what, in a mistaken Notion, he calls *God's Authority*; since I perceive his very Thoughts are slaves to an Assembly of Ecclesiasticks.

He waves the matter of Right, is not concerned in the Legality of the late Revolution; * to dispute the Right of Princes, is a thing which no Government can permit to be a question amongst their Subjects; such Disputes are needless in this Cause, and serve only to confound it. by carrying men into such dark Labyrinths of Law and History, &c. as

* But I hope all Subjects that believe it, may and ought to assert it. And upon occasion would, if they did believe it; else they lye on the lurch.

very few know how to find their way out of again. To judge truly of the legality of the late Revolution, requires such perfect skill in Law and History, and the Constitution of the English Government, that few men are capable of making so plain and certain a judgment of it, as to be a clear and safe Rule of Conscience.

Laymen think Laws and Constitutions of Governments to be *safe Rules of Conscience* in these Cases; and no such dark Labyrinths as the Mysteries of the *Holy Trinity* and *Incarnation*, the *Satisfaction of our Saviour*, the *Judge of Controversies*, &c. which yet are all as plain to the Doctor, as a Pike-staff; the *Scripture* and *Reason* are admirably clear in all these things; but the *Laws* of a Nation, and the *Constitution of its Government*, are a dark Labyrinth. None are so blind as they that will not see. Till some Proud, Ambitious Clergy-men, and Flattering Courtiers, either really or pretendedly ignorant of our *Laws* and *Constitutions*, set their own and other Mercenary Heads and Pens at work, to represent our Government in quite other than its own native Colours, out of a base Compliance with a Court that left no stone unturn'd, to overthrow it; till then,

then, I say, the Constitution of our Government was so well understood by our Forefathers, that they supported and asserted it from time to time, at a vast Expence of Blood and Treasure, and transmitted it down to their Posterity, as they had received it from their Ancestors, confirmed with all the Sanctions that the nature of the thing was capable of; nor were ever beholden to a *Foreign Prince* to preserve it, till now; nor needed to have had recourse to the *Prince of Orange* to assert their Liberties, if the overflowing of such *Bigottry* as this Gentleman is infected with, had not almost unmann'd the Nation, and prepar'd them for *Slavery*: And two ways were taken to effect it, the one, by persuading us, That we are Slaves by the Law of God; and the other, by representing our Government as being *absolute* in its Original Constitution; and that whatever Liberties the People claim a Right to, are either Concessions from the *Crown*, or Usurpations upon it. And because some ignorant People have been imposed upon by the misapplication of *Scripture* by the *Clergy*, and by mis-understanding and misapplying our Ancient

cient *Histories* and *Records*, and not thoroughly searching them neither, our Constitution and Fundamental Laws must now be represented as not clear, nor a safe Rule for Conscience; and therefore another must be set up instead of them, invented by a *Clergy-man* in his Study, directed in his Enquiry by a few of his own *Profession*, either ignorant of our Constitution, or profess'd Enemies to it, or both; and this Rule of Conscience not so clear neither, but that our Spiritual Guides are together by the ears about it, and the Learned Dr. Sherlock has been all this while finding it out: But found it he has: The Mountains have been in Labour, and behold the Mouse!

P. 2, 3.

God, when he sees fit, and can better serve the Ends of his Providence by it, sets up Kings without any regard to Legal Right, or Human Laws.

Kings thus set up by God, are invested with God's Authority.

Subjects are bound to Obey, and to Pay and Swear Allegiance (if it be required) to those Princes whom God hath placed and settled in the Throne, when they are invested with God's Authority.

This

This is no new Invention of the *Doctor's*, nor does he pretend to it; he had it (it seems) from *Bishop Overal's Convocation-Book*. But *Sir Robert Filmer* broached it before that Book came out, in his *Patriarcha*; and that it will serve the turn of every *Usurper* is evident, nor does the *Doctor* deny it.

But that the possession of the Throne, and the actual Administration of a Government, creates a *Right*, the *Doctor* is positive in; not such a *Right* as shall Entitle a *King* to be what we poor Lay-men call a *King de Jure*; but to be a *Rightful King* with respect to God: And why so? Why, because the most *High* Ruleth in the Kingdom of Men, and giveth it to whomsoever he will, and setteth over it the basest of Men. It is he that removeth *Kings*, and setteth up *Kings*. Shall there be evil in the City, and the Lord hath not done it? They are the Ministers of God. All Power is of God, the Powers that be, are ordained of God. I exalted thee out of the dust, and made thee Prince over my people Israel.

Now I cannot understand the *Doctor's* Inference from such Expressions as these. That God Govern's the World, and that all things come

come to pass by his Providence, I hope is past dispute. And that such expressions as these, are to be understood only of God's Ordinary Providence in the guidance of Human Affairs, will perhaps appear by the common style of *Scripture*, in ascribing all things of what kind or nature soever, natural or moral, good or bad, immediately (in words) to the first Cause. God is said to instruct the Plowman in discretion, and to teach him: And that his skill cometh from the Lord of Hosts, which is wonderful in counsel, and excellent in working. So God filled Bezaleel with the Spirit of God, in wisdom, in understanding, and in knowledge, and in all manner of workmanship. Thunder is said to be the Voice of God. God hardened Pharaoh's heart. Is there evil in the City, and the Lord hath not done it? So God sets up Princes, and removes them, by the Events of Providence: But that their Authority is derived immediately from God, or that they have, when settled in the Throne, any other Authority than what the Constitution of the Government allows, much less that they can have an Authority from God, in opposition to a Legal Right, I shall believe, when

Ila. 28.

26, 29.

Exod. 35.

31.

Job 40. 2.

when I see a Prince work greater Miracles than Curing the King's Evil, to Justify the delegation of such Authority.

The Doctor, throughout this Discourse, runs upon a notion of Mens Duty to *Princes only*, as if the Persons of Princes were the *sole Objects* of our Duty and Obedience; That is his $\pi\epsilon\tilde{\sigma}\tau\omega\ \delta\epsilon\delta\omicron\tau$ and proceeds from his Ignorance of the Nature of Human Laws in Political Governments. It is a notion that suits only with a Despotical Government, which is down-right Tyranny; nor has the Doctor an Idea of any other: And if he had not been invincibly prejudiced against the Truth, by the ignorance of his Education in things of this nature, that excellent Discourse of Mr. *Johnson's*, in Answer to his Book of *Non-resistance*, would have had another effect upon him than a scornful Reprinting of his own Book in Answer to it.

His second Section is taken up with proving from Bishop *Overal's* Book, That *though the Church of England has been very careful to instruct her Children in their Duty to Princes; to obey their Laws, and submit to their Power,*

and not to resist, though very injuriously oppressed; and that those who renounce these Principles, renounce the Doctrine of the Church of England; that she takes care to condemn all those wicked means whereby changes of Government are made; yet she teaches, that when such changes are made, the Authority is God's, and must be obeyed.

Here we learn, That if this be the Doctrine of the Church of England; then by the Laws of God, as the Church of England understands them, and teaches them to her Children, all the people of England are Slaves. For to be injuriously oppressed, is to be oppressed contrary to Law; *Executio Juris non habet injuriam*; No Man can pretend that he or any body else is injured, when the Laws have their course. But from very injurious oppressions, the true Sons of the Church of England have no redress, because they must not resist the Authority of God, which the Prince Regnant is invested with. Whatever the Constitution of the Government be, whatever Laws your Forefathers have provided for the continuance and preservation of it; whatever Legal Right you may fancy
you

you have to your *Lives, Liberties, Religion, Properties*; if you assert and defend this *Legal Right* in opposition to the very *injurious oppressions* of your *Princes*, who in a *Limited Government* (as yours is acknowledged to be) have but a *limited Power by Law*; yet in so doing, you oppose the *Authority of God*: And so your *Laws* are but Cobwebs; your *Legal Right*, an Imaginary Notion: Your *Princes* have an *Authority from God* to cancel your *Laws*, and dispose of you and your *Rights* as they see Cause. Thus by the *Doctrine of your Church* (as this Gentleman represents it) you are in no better a condition, than if you were *Subjects to the Grand Seignior*.

Your Forefathers, (who fought for your *Liberties*, in opposition to the *Tyranny of K. John, K. Henry the 3d. K. Edw. the 1d. &c.* and who, if they had acknowledged such an irresistible Authority in their *Princes*, as the Doctor contends for, and had not vindicated the *Government* by force of Arms, you their *Posterity* had long before now been in the same, or a worse condition than the *Peasants of France*) were all *Traytors and Rebels*, tho warranted by

the Laws of the Land to make opposition, nay, and sworn so to do by the King's own Commission, as particularly in the Reign of King *John*, and King *Henry* the Third. This Notion of an *Irresistible Authority* in your Princes, because they have *God's Authority*, was not then hatch'd : nor did it appear in the World till the degeneracy of the Reformation brought it forth : For Queen *Elizabeth's* Parliaments and Convocations were of another Opinion : as has been proved by many Instances of their giving her Subsidies to relieve distressed Subjects against their own Princes : and when *Sibthorp* and *Manwaring* broached those Traiterous Positions in King *Charles* the First his time, they were impeached in *Parliament*, and severely censured for it. Yet notwithstanding all, this Clergy-man will have it be the Doctrine of the Church ; which if it were pursued, does unavoidably destroy the State ; and therefore by his own Argument (*pag. 44.*) can be no good Doctrine ; because, if pursued, it would subject all Human Societies to be destroyed ; whereas he acknowledges the End of Government to be the preservation of Human Societies.

And

And he has the assurance to publish his Conceits of this kind, under a Government, that has been happily settled amongst us in opposition to, and in spite of these slavish Conceits of some of our Clergy. A Government, which those who contributed to erect, this Doctor brands with the lowdest Calumnies: and yet under which he now seeks protection, and which he acknowledges now at last, being convinc'd thereof by the *Events of Providence*, to have the Authority of God, though introduced by the Devil.

But how does it follow, That this Doctrine of his must therefore be received as the Doctrine of the *Church of England*? because he finds it in *Bishop Overall's Book*. Do the *Canons of a Convocation*, neither assented to by *Act of Parliament*, nor so much as by the *King's Letters-Patents*, make, or authoritatively declare the Doctrine of the *Church of England*? Is the *Convocation* the Representative Body of the *Church of England*? (I know they tell us so in the *Canons of 1603*. But I never found that any but some few of the Clergy believed them) Has what he calls the *Church*, a power to determine matters of *Civil Right*?

Right? Are we to go to School to *Clergy-men* to learn the Terms and Measures of our *Duty* and *Allegiance* to *Magistrates*; which all Mankind, but a few of that Profession in our own Nation, acknowledge to depend upon Human Laws, and the several Constitutions of Government, and which the body of our *Clergy* are so ignorant of, that they are a *dark Labyrinth* to them. *When the blind lead the blind, both shall fall into the ditch.* And yet his Argument drawn from the pretended *Canons* of that Convocation, are as good Authority as can be urged to the Members of the Church of England; for if a Convocation cannot declare the Judgment of the Church of England, he knows not where we shall learn it. So that the Members of the Church of England are to be guided in matters relating to their *Temporal Rights*, by an Assembly of their *Clergy*: Though even our *Popish Ancestors* protested from time to time against the Authority of the See of *Rome* in *Temporalibus*. But I can tell him whence, and whence only he may learn the Doctrine and Judgment of the Church of England authoritatively; viz. in the *Articles* and the *Liturgy*, which have the publick Sanction of the

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the *Legislative Authority*; not in his *Spurious Canons* of 1610, nor in those of 1640, nor yet in the *Homilies*, though appointed by Act of Parliament to be read in Churches; for so is the *Apocrypha*; and yet we do not submit to those Books as *Authoritative*. All other Writings are but the *Opinions* of private Men.

The rest of that Section consists of some Stories of *Jehu*, *Ahab* and *Jezebel*; The *Moaabites* and *Aramites*, *Ehud* and *Eglon*, the Kings of *Egypt* and *Babylon*, the *Four Monarches*, *Alexander*, *Darius*, *Jaddus* and *Cesar*. All which are no more to us, than if he had told us a Tale of *Tom Thumb*, or *Guy of Warwick*.

But it is no new thing for the Clergy to top Foreign Laws and Governments upon us; One of their *Canons* in 1603. is, *Quicumque in posterum affirmabit Potestatem Regiam non habere eandem Auctoritatem in Causis Ecclesiasticis, quam Pii Principes apud Judeos & Christiani Imperatores in Primitiva Ecclesiâ obtinuerunt, &c. Excommunicetur ipso facto, &c.* Our King's Jurisdiction in matters Ecclesiastical, is settled and bounded by Laws of this Realm; and those Laws we look upon

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on as the measure of their Authority. But *Clergy-men* make nothing of Human Laws, at least not of the *Laws of England*; But send us to the *Jews*, and to the *Romans*, to enquire what Authority their Princes had, and very boldly determine, under the penalty of *Excommunication*, That *Our Kings* have *eamdem potestatem*: And yet they neither know what power *our Laws* allow to *our Kings*, nor what *their Laws* allow'd to *theirs*.

He grants, that *Kings* set up by God, have *God's Authority*; and that all *Kings* who are in the actual possession of the Government, are set up by God: And therefore having *God's Authority*, *Allegiance* is due to them. So that he resolves the Duty of *Allegiance* into the Authority committed by God to the Prince; the committing of which Authority appears by the Events of *Providence*. For *Providence* is *God's Government* of the World by an invisible Influence and Power; the Ends of which he serves by overruling mens wicked Designs to accomplish his own Councils and Decrees, and either disappoints what they intended, or gives success to them, when he can serve the Ends of his Providence by their wickedness.

But

But how shall Subjects judg when God serves the ends of his Providence by men's wickedness, and consequently *when their obedience becomes due to a new Prince? why, obedience is due to God's authority, when we can reasonably conclude that God has made him King.* p. 16.
That is, *when the Providence of God has settled him in the Throne. But there are different degrees of settlement, which require different degrees of submission.* The Doctor has gone hand in hand with Providence ever since the Revolution: *The generality of the Nation submitted to the present King and Queen, and placed them on the Throne, and put the whole power of the Kingdom into their hands, though it may be the Doctor could not think them settled by Providence, whilst the late King had such a formidable power as made the Event doubtful, yet because he thought fit to continue in the Kingdom, he could live quietly and peaceably, pay taxes, give them the title of King and Queen, and pray for them as such, because we are bound to pray for all that are in authority, and that their Majesties had, because they had power to do a great deal of good or a great deal of hurt.* Here power to do good or harm

is authority: And Thieves and Robbers have that. But it may be the King and Queen had *Gods authority* all this while, before the *Doctor* thought fit to own it by swearing Allegiance to them; because he did not know they had it, till the power of the *dispossessed Prince* was broken, and no visible prospect of his recovering his Throne again. So that men of the *Doctor's* opinion must watch till God has play'd his game out; before they can be ascertain'd what his will and pleasure is in these matters of obedience and swearing Allegiance to *Princes*: For the will of God, when known, is the rule of Conscience. But the will of God in these cases is no otherwise to be known but by the *Events of Providence*. So that men of such Principles as this Gentleman represents to us for *Church of England* Principles, must stay till the Storm be over, and then they'll tell us 'tis fair weather. I cannot sufficiently express my indignation against men that can have the confidence to represent the *Church of England*, which is the body of the People of *England*, and who have a right to their *Properties, and Religion* as far

far as these words, *Right to Properties and Religion* can be extended, as a sort of men who must not stir their finger in opposition to a Prince that invades this Right all at once, upon a supposition that the Prince is invested with *God's Authority*; as if a man could act by *God's Authority* in opposition to the *Laws of the Realm*, and his own Oath to observe them, and cause them to be duly executed; as if Princes had any other *Authority from God*, then to *govern according to Law*; as if resisting a *Lawless Authority*, which is no Authority, were resisting the *Authority of God*; as a sort of men to whom the Laws and Religion of the Nation, upon which all that can be *dear* to us depends, must never owe any thing for their preservation, tho in the greatest extremities, so long as they are guided by *the Spirit of their Church* (tho thanks be to Heavens a late Divine has furnished us with a distinction betwixt that and *the Spirit of God*); No, they must be quiet and suffer all to be trampled under foot by *God's Authority*, unless *wicked men* form *designs* against *God's Authority* to preserve the Authority of the Laws and the Profession of *God's true Religion*: So that the

Dr. Hickman

best things that can be done in the World must be done by *wicked men*, and in opposition to *God's Authority*, or not be done at all. And all this while that the Church must sit still, the *Providence of God* is at work by means of the Devil and his Agents, *wicked men*, against his own authority, which a *King* that has a legall title, but exercises an illegall power, is invested with ; and herein consists the *unsearchable Wisedome of Providence* that *God serves his own Ends by their Wickedness*. It seems he can never serve his Ends by the *Godliness of the Church* ; but must carry on Ends for their good, by the free *Ministeries of wicked men*. All you *Patriots*, that with the hazard of your Lives and Estates stept into the gap to prevent *Popery* and *Slavery* coming in, like a torrent upon Church and State, and who in so doing thought you did *God good service*, because your End was the preservation of your own and your Countries Liberties, Properties and Religion under a legal administration of the ancient *English Government*, were all that while fighting against *God*, you were resisting the power ordain'd of *God*, and so doing you receiv'd to your selves damnation ; and tho'

God

God has wrought a deliverance through your wickedness, no thanks to you; tho' the Nation has consented to what you have done by as universal a consent as perhaps was ever heard of, this National consent is but an indication that God has given the *King* and *Queen* his *Authority*, but does not invest them with any *legal Right*, that remains in the dispossessed *King* yet: So that you and the Nation have but been endeavouring to transfer what it is not in your power to transfer, viz. a *legal Right*: And you have transferred what you never intended to transfer nor ever acknowledged; viz. an *irresistable Authority* from God: Dr. *Sherlock* has found out now what you were then doing, and sees the consequence of your Actions, to your selves and all men else unknown. You aided the *Prince* and promoted the *Ends* of his Declaration, which were to deliver the Nation from *Popery* and *Slavery*, so as it might never be in the power of any *Prince* hereafter to introduce either: but D. *Sherlock* tells ye, that can never be done, for it never will be Lawful nor indeed possible to exclude *Slavery*: because every *Prince* has God's authority, which is irresistible, and I'm sure
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he that is your *Prince*, and is by the *Law of God* irresistible, to him you are slaves by the *Law of God*. So that you have but changed Masters according to his principle, one of a rough temper for a more mild one : And all your security depends upon the good nature of your *Prince* for the time being.

I neither have leisure, nor if I had that, can I have patience, nor, if I had both, can I think it worth my while to run through the Book, and animadvert upon it *Paragraph by Paragraph* : For if it were much better written than it is, yet the writing of him, who slights and despises to that degree, that he does upon all occasions every man's reason but his own, and in this Discourse sets up an *Hypothesis* of his own for a Rule to men's Consciences in matters of Government, without any regard to the Laws of the Nation can hardly deserve so much regard as a serious answer would require.

p. 16.

He tells us that *an Oath to the deposed Prince ceases Cessante materiâ* ; for though the man be still in being, the King is gone. So that the Kingly authority may be transferr'd from one person to another

another ; But then they that assist and defend the new Prince in opposition to the title of him that is dispossessed, must (I hope) not for the future *abhor that treasonable Doctrine and Position of levying War by the King's authority against his person, &c.*

He tells us *the Scripture makes no distinction between Rightful Kings and Usurpers :* P. 17. *The Rule is general ;* let every Soul be Subject to the higher powers, &c. Nor does the Scripture define to us, who these higher Powers are : And I'm sure they are not the same every where ; In what person or persons the Powers lodge, which here are said to be ordain'd of God, and with what degree of Power they are invested, depends upon the several Constitutions of Governments ; for if it be equally *resisting God's Ordinance* to Resist *all Princes* without distinction ; then I know no difference betwixt an *absolute* and a *limited* Monarchy : then Princes have some dormant Authority or other, which the Law does not give 'em : Which are Principles of slavery peculiar to this last Age, and to some of the English Clergy.

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He will not have *St. Paul* to be understood of lawful powers only, for then it would be necessary for Subjects to examine the titles of Princes, which would involve the Consciences of men in perplexities; for these are disputes amongst learned men, and he cannot think that the resolution of Conscience in matters that all mankind are concerned in, should depend upon such niceties as learned men themselves cannot agree in. He will hardly allow this Position, with reference to matters of Religion, which yet I think all Mankind are or should be concerned in. Nor ought a rule to be rejected upon a supposition that it is not clear, because learned Men differ about it; unless at the same time a New One be set up, which all learned Men doe agree in. But the disputes about Government are various, and that amongst very learned Men; and yet to the best of my Observation, all Men hitherto learned and unlearned have agreed that the Laws of a Nation, and the Constitution of it's Government are at least a safe, a true rule for Conscience: which if we shall leave and follow some *Ignis fatuus* of a Schollar's Invention,

I know not whither it may lead us at last.

The Laws of a Nation may be trampled under foot and it's Constitution broken by an inundation of Foreigners; this is a force and a force gives no right, let the Doctor tell us to the world's end of *All things being equally rightful with respect to God*: men that are under a force, have a Right from Self-preservation, which is a Law of Nature and consequently of God to rid themselves of that force if they can. Conquests end, when the Conquerors and Conquered come to mutual Pacts and Agreements, which are the Laws by which they agree to rule and be ruled for the future. Till such subsequent Pacts intervene, the conquered People shift for themselves as well as they can: But where there is no pretence nor appearance of any Conquest, where the Laws of a Nation, which are the publick Agreement of all the nation for their mutual defence and security retain their force; they cannot be good subjects, who set up any other rule of conscience in matters of civil Right, Property or power: for that other rule is either

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agreeable with the Law, and then we need it not; or it is contrary to it, and then they that advance it, are enemies to the Constitution. I know little difference betwixt assuming an authority to govern the State, and setting up other rules then that of the Law to guide men's Consciences by in matters of Allegiance and Obedience to the civil Magistrates.

pag. 21.

Our Saviour's argument relies wholly on possession of power; whose Image and superscription hath it? If such a possession as having the Coynage of Money requires Allegiance, the Doctor ought to have taken the Oaths when the new money came out. If not, then our Savior's argument does not justify him now.

pag. 22.

We have no directions in Scripture about restoring a dispossessed Prince to his Throne again: But if the dispossessed Prince retain a Legal right, then we are directed to restore him, Rom. cap. 13. v. 7. Render unto all their dues, tribute to whom tribute is due, custom to whom custom, fear to whom fear, honour to whom honour. If the late King have a legal right to the Crown, he has a legal right to the Excise, the Customs, and Hearth-money, &c. And if he has a legal right to them, they are due to him.

him. And if they are *due* to him, we are commanded to *render them* to him. And that the *Late King* may yet have a *legal right* to the *Crown*, the *Doctor* agrees. The *Providence of God* removes *Kings* and sets up *Kings*, but alters no *legal rights*. We are commanded to *do as we would be done by*; and none of us would be deprived our selves of our own *legal rights*.

If the *Late King* have a *legal right* yet, then no *English* subjects can have a *legal Right* to oppose him; unless a man can have a *legal Right* to an *Estate*, and at the same time another have a *legal Right* to with-hold it from him; which is to make the *Law* a contradiction to it self; and yet these are the necessary consequences of the *Doctors Positions*.

That one *Prince* is at present placed in the *Throne*, and the other removed out of it, does not divest the *dispossessed Prince* of his *legal right and claim*, nor forbid him to endeavour to recover his *Throne*, nor forbid those, who are under no obligation to the *Prince in possession*, to assist the *dispossessed Prince* to recover his *Legal Right*: A *Legal and successive Right* bars

all other Humane Claims ; so that the disposed Prince has a just cause of War against the Prince in possession for the recovery of his Legal Right. And they that are under no obligation to the Prince in possession, are not forbid to assist him: Who these are that are supposed to be under no obligation, &c. I know not. I hope if the Prince in possession be thoroughly settled, he has God's Authority, and then all they that are his Subjects are under some obligation to him, or else God's Authority stands for nothing. But if foreign Princes are meant by those who are under no obligation, then at least the King of France has a just cause of War upon us to restore King James: And then at whose Doors must the Blood lie that is spilt in the War? If the late King have a legal Right, he has a Right by our Laws; and then in opposing his Title we fight against our own Laws and Government. If the late King have a Legal Right to the Crown, then a man must be very learned indeed to be of opinion that the obligation of our Oaths of Allegiance to him ceases. It is not enough for the Doctor to say, That it was necessary for him to reason
upon

upon the supposition of unjust Usurpations, and illegal Revolutions, &c. and that he was far from intending to reflect upon the present Government. With Reverence be it spoken, is a common saying with some, when they are going to speak blasphemy. His standing out so long, the grounds of his present compliance, his avowed Principles in his Book of *Non-resistance*, which he here justifies excepting in one *punctilio*, shew undeniably that the Doctor acknowledges no other Right in Their Present Majesties, but an Authority from God of his own inventing; and that their only firm security, because only satisfactory to the Consciences of their Subjects, that of a *Legal Right*, which indeed is God's Authority, (and we acknowledge no other in these matters,) is by this Writer, as far as in him lies, quite blown up.

The duty of Subjects is to obey their Prince pag. 27. *whilst in possession; but Kings must take care to preserve their Crowns by good Government: For if they notoriously violate their Subjects Rights, &c. it is too much for Subjects to venture their lives and fortunes, to keep them in the Throne to oppress them. But why should not Subjects*

pag. 30.

jects be obliged in Conscience to defend such an injurious Prince? He has a *Legal Title, Possession, a Settlement*, he has *God's Authority*, he is *irresistable*, and has the *Sovereign Power*. And is it no part of *Sovereign Power* to command the service of his Subjects? No, he is entituled only to a *legal defence*, the *Militia*, and the *Posse Com.* Thus when men are at a pinch, they seek refuge where they can. When their Doctrine of *Non-resistance*, and a thousand other ascriptions to the Power of the Prince turns upon them, they shelter themselves under the *Law* of the Realm: Which when things go as they would have them go, they subject to the Prince's pleasure: And to excuse their taking shelter under what they have so basely betrayed, they tell us tho' they taught *Non-resistance*, they may practice *Non-assistance* without foregoing that Doctrine. So they may suffer the *Lord's Anointed*, the *Light of their Eyes*, and the *Breath of their Nostrils* to be taken in the *Pits of Wicked Men*, when he does not serve their turn, and be good Loyalists, good Church of England men, good King's men for

for all that. *Quo teneam vultus mutantem Protea nodo?*

This Doctrine of Obedience and Allegiance to the present Powers is founded on the same principle with the Doctrine of Non-resistance and Passive Obedience. How the Doctor new moulds the Doctrine of Non-resistance, &c. to square with his Hypothesis, I am not concerned to trouble my self about. I cannot but wonder that any good stream should issue from so corrupt a Fountain, as that Doctrine (so as it was lately preached up and inculcated) proceeded from. But as that Doctrine was taught of late, the Argument must run thus; 'Because the late King Charles and King James had received a Sovereign Authority from God, which must be obeyed and not resisted, tho' the latter be now *de facto* deprived of the exercise of that Authority by Rebellious Subjects, aided by a Foreign Prince, to accomplish their wicked enterprise, which does not divest the said late King James of a Legal Right to recover it again; Therefore I do swear Faith and true Allegiance to their Majesties King William and Queen Mary, &c.

The

pag. 36.

I pass over many things that are so obvious, as not to deserve a particular Observation; as the contradiction he is guilty of in telling us, that *he could never find the Scriptures made any difference between Lawful and Usurped Powers*, and yet that *he stuck, and had stuck to this day, had he not been relieved by Bishop Overall's Book*; tho all the help that Book could give him, was by helping him over that distinction. *Oportet Mendacem esse memorem.*

Another thing is the New-coyn'd account he gives of a *limited Monarchy*, viz. that in a *limited Monarchy* we are bound *not to resist*, only we are not bound to *assist*. The saucy introducing of private men's whimsies into Schemes of Government in opposition to Laws of Nations, and the common sense of Mankind, has been observed before. But let the Doctor here take notice of an Expression of a far greater Man than himself, which comprehends the true notion of a *limited Government*; *Ubi Rex summam potestatem non habet, sed partem alteram populus aut Senatus, Regi in partem non suam involanti vis justa opponi poterit, quia exterius non est superior.* Grot. de jure Belli & Pacis.

He takes a great deal of pains to distinguish betwixt the present Case, and that of the late times under the *Long Parliament, Oliver Cromwel, &c.* and it is very observable how he gets over it upon his Principle. Why, the Government of the Nation was then quite overwhelmed; we had no *King*, nor *Lords*, and but *a part of the House of Commons*, who carried all *by force*. And what then, I hope *there were Powers in Being*; and if so, they were of God,

God, tho usurped. *But there was not a Settlement.* I know not what he calls a Settlement; the *Highlanders* in *Scotland* were subdued, *Ireland* quite reduced, the Government then in being, such as it was, acknowledged by all the Princes and Governments of Christendom, nor was there then a Powerful Prince that waged War against the then Powers in behalf of the then dispossessed Prince. But the truth of the difference is this, *the then Powers were no friends to the Bishops.*

When men are once out of the right way, they wander in various By-paths; and so *the Doctor, Hobbs, Filmer, &c.* leaving the Law of the Land, which is an agreement betwixt all Subjects, and flying to other notions of *Power*, and *God's Authority*, and the *Law of Nature*, and no body knows what, may please themselves with the Wit and Novelty of their own Speculations, but I am perswaded will never find the Body of the People influenced by what such Learned must be at so much pains to find out, and dress up with any tolerable appearance of sense.

The Doctor is much concerned to free God from any confinement to Human Laws: But since he would not have men violate them, he ought (I should think) to shew that in taking the present Oaths he has not done it himself: Tho God is not confined to Human Laws, I do not know how the Events of his Providence can justifie men's breaking them, and their own former Oaths both at once. They that come into the interest of this present Government, upon the true Legal Foundation, upon
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which

which it stands, have broken neither. But how to entertain the Doctor's imaginary Hypothesis of a Divine Authority, in opposition to a Legal Right, which is to make the Government of Divine Institution, and yet contrary to Law: How to make it safe for King and People upon his Bottom, I know not, nor shall enquire any farther.

God made man upright, but he hath found out many inventions.

To the Law and to the Testimony, if they speak not according to this word, it is because there is no light in them.

F I N I S.

