

My Lords, When it appears that the Church has the Sanction of so many and so good Laws to establish and defend it; when the Veneration and Devotion to it, of so great a Majority of the People, is so visibly fix'd in their Hearts, that the bad Examples and provoking Behaviour of this False Brother, and of several others of the same Stamp, have not made the least Abatement, or Impression to its Disadvantage; when the Parliament on all Occasions appears so forward and unanimous in their Zeal and Affection for it; when 'tis recommended and illustrated by the Learning, Piety, Wisdom, Charity and Christian Moderation of so many of its chief Pastors; but above all, when 'tis under the Protection and Government of a Supreme Head, a true and constant Defender of its Faith and Discipline, who having already exposed her Royal Person to Hardships and Dangers, to rescue it in a Time of its utmost Peril, does continue daily to manifest the same Devotion, Piety and tender Concern for it: Under this powerful Alliance for its Support, can ought but Malice and Envy at its Prosperity, can any one but an incendiary or disguis'd Enemy insinuate, that the Church of *England* is not fenced and fortified with an impregnable Barrier against all Danger, from open Attacks or Violations?

'Tis true indeed, my Lords, that no human Care or Policy can prevent the Attempts and secret Conspiracies of intestine Traytors. Vipers in the Bosom may sting, though the Body be covered with the strongest Armour. All that can be done is, to be watchful to discover and expose the Hypocrite, to detect and punish his Crimes. The Commons, on this Occasion, are here exerting their Part of this Duty, fully assured of Success from your Lordships equal Zeal and Justice.

My Lords, You have now brought to your Bar a Clergyman, bound, by the strongest Ties and Duty of his Function, to instruct and propagate the necessary Means for the Peoples true Happiness in this World, as well as the next; yet your Lordships will find him proved to be a Trumpeter Itinerant of Sedition and Rebellion, first at *Derby*, then in *London*; an Agent detach'd from that dark Cabal, whose Emissaries appear in all Shapes, and almost in all Places; an Asserter of such pestilential and unparallel'd Doctrines, as at once overthrow the whole Constitution both of Church and State. He may perhaps urge a Precedent, in which it has been pleaded, and from the Pulpit, that an urgent Necessity can justify the Breach of Laws; and from others, that in particular Cases they may be dispensed with; but this Gentleman must be allowed the Infamy, to have stretched and improved those pernicious Tenets to the exalted Height of making all our Laws, Liberties, Religion, and Lives, held only at the precarious Pleasure of any bold Invader; for nothing can be a plainer Exposition or Consequence, when 'tis taught, that no Oppression, no Violation can justify an Opposition to it.

My Lords, The Commons have brought this Offender before you, with a View, not only to detect and punish his Offence, but to obtain an Occasion in the most publick and authentick Manner to avow the Principles, and justify the Means, upon which the present Government and the Protestant Succession are founded and established; and this more out of a generous Concern for Posterity, than for our own present Security. My Lords, we are so happy as to have a Sovereign on the Throne, whose Goodness, Justice, and Piety, leaves no Room for the least Fear or Jealousy; but we hope the Re-

cord of this Proceeding will remain a lasting Monument, to deter a Successor, that may inherit her Crowns, but not her Virtues, from attempting to invade the Laws, or the Peoples Rights; and if not, that it will be a noble Precedent to excite our Posterity to wrestle and tug for Liberty as we have done. My Lords, I doubt not but her Majesty will with the greatest Satisfaction, see the Government thus put upon a right and equal Foot, since thereby those Blessings will be secured to future Ages, which her happy Reign has planted amongst us, since thereby she will intail a lasting Felicity on her People, and prevent those real Dangers both to Church and State, which at this Time are so fallily insinuated. But, my Lords, if this should not now be effectually obtained, and by such wholesome Severities as the Doctor applauds and recommends, give me Leave to conclude, with a juster Complaint than that in his Answer, That hard is the Fate of that People, who after having been twenty Years in War, in Conjunction with so many great Allies, with the Expence of so much Blood and Treasure, contending only against Tyranny and Oppression, and which we may justly hope is at last subdued, shall then see all *Europe* enjoy the Fruits and Benefits of our Labours; and at the same Time, that her Majesty's well chosen General shall at last bring home Peace, as he has so often the Laurels of Victory, to lay with humble Duty at her Royal Feet, yet we, only we, must be rendered incapable of the common Blessing, *betrayed at home to a perpetual Condition of Bondage, by such False Brethren, as are at your Lordships Bar.*

Then the Lord *Haverham* moved to adjourn to their House above; and being returned, and seated as before, Proclamation for Silence was made by the Serjeant at Arms.

Lord *Chancellor*. Mr. *Dolben*, the Lords have taken Notice, that at the Conclusion of what you spoke, you us'd this Expression, "*as are at your Lordships Bar*"; which words are so general, that their Lordships are of an Opinion that they want an Explanation.

Mr. *Dolben*. My Lords, those Words had relation only to the Prisoner *at the Bar*.

Serjeant *Parker*. MY Lords, Your Lordships have heard the three first Articles of this Charge largely spoken to; it is my Duty, in Obedience to the Command I have been honoured with by the Commons, to make good the Charges in the Fourth. I am sensible how unequal I am to such a Work, both from my want of Capacity, and my present Indisposition; but however, in such Manner as I can, I shall endeavour it.

This Article sets forth, That *He the said Henry Sacheverell, in his said Sermon and Books, do falsely and maliciously suggest, that her Majesty's Administration, both in Ecclesiastical and Civil Affairs, tends to the Destruction of the Constitution; and that there are Men of Characters and Stations both in Church and State, who are False Brethren, and do themselves weaken, undermine, and betray, and do encourage and put it in the Power of others, who are professed enemies, to overturn and destroy the Constitution and Establishment: and chargeth her*

\* Exception had been taken, that the Word *are* might carry the Reflection to the Counsel and Solicitor assigned by the Lord: to Dr. Sacheverell, who were also at the Bar.



*Majesty, and those in Authority under her, with a general Male-Administration; and as a publick incendiary, he persuades her Majesty's Subjects to keep up a Distinction of Factions and Parties, instills groundless Jealousies, and foment destructive Divisions among them, and excites and stirs them up to Arms and Violence: And, that his said malicious and seditious Suggestions may make the stronger Impressions upon the Minds of her Majesty's Subjects, he the said Henry Sacheverell does wickedly wrest and pervert divers Texts and Passages of holy Scripture.*

This Article in general, is a Charge of Sedition under several Aggravations, and made good by almost every Part of the Sermon and Dedication, read before your Lordships in Evidence.

The avowed Design of the Sermon, is to represent the extreme Perils and Distresses of the Church and Constitution from False Brethren, that are in the Administration, and countenanced by it.

He represents the Church in the utmost Extremity, those Fences broken down, without which she is naked and unguarded, her Altars and Sacraments prostituted, herself deserted, betrayed, undermined, and persecuted with open Violence, bleeding of her Wounds, her Enemies openly calling for her Destruction.

The Nation, sunk into the lowest Degree of Corruption, swarming and over-run with Atheists, Deists, Socinians, Hypocrites, Villains, Rebels, Traytors, Correspondents with the Devil, nay, with Men that are themselves the worst of Demons.

The Government, so far from applying a Remedy, that all this is done openly, with Impunity, without Discouragement: Nay, the Persons from whom the Mischiefs arise, are suffer'd to form themselves into Seminaries, to propagate Atheism and other hellish Principles, are let into the Administration, they are in Places, Places are given them as the Reward of betraying their Parties, they engross all Places, they are Persons of Characters and Stations, nay, they are Chief.

Nor is this done in any Representation to those, that by making new Laws, or putting in Execution the old, might regularly cure the Mischiefs; but in a popular Harangue from the Pulpit: Not in Terms of Lamentation, not as Grounds of Humiliation, or in a Language that might become one that thought the only Arms of the Church to be Prayers and Tears; but with all Malice, Bitterness, Reviling, Insolence, endeavouring to raise in his Auditors the Passions himself puts on, and pointing out (as far as he dares) to Arms and Violence for a Cure, and not so much as offering any other.

These are the Colours in which he paints our Condition, and thus he chuses to shew the Zeal and Duty he professes to the best of Queens.

But since he pretends in great Measure to deny or evade the Charge, it may not be amiss to look a little more particularly into his Sermon, and take a View of the Scheme of it, and of several Passages therein.

The Crime he professes to show the Mischiefs of in his Sermon, is *false Brotherhood*: The Method he proposes to treat it in is,

1. To describe the Crime, and to show who are False Brethren, and upon what Accounts; and he considers it both with Respect to the Church and to the State.

2. To show the Dangers: And,

3. The Guilt and Folly of this Sin. And,

VOL. V.

4. (That it may appear that all the Crimes and all the Treacheries he mentions are not mere Suppositions, but Realities, at this Time,) He undertakes, as a Consequence of all, to shew what mighty Reason we have at all Times, more especially AT PRESENT, to stick to the Principles of our Church and Constitution, and to beware of, and mark all those false Brethren who desert or betray them.

I believe the first Clause of this Article will so clearly be prov'd from the Passages that more directly concern the Second and the Third, that I desire, for saving your Lordships Time, to begin with those two Clauses, and then to return to the First afterwards.

I begin therefore with the second Clause, *That the said Henry Sacheverell, in his Sermon and Books, doth falsely and maliciously Suggest, that there are Men of Characters and Stations in Church and State, who are False Brethren, and do themselves weaken, undermine, and betray, and do encourage and put it in the Power of others, who are professed Enemies, to overthrow and destroy the Constitution and Establishment.*

To make this out, I beg Leave to observe, that in entering upon his second Head, that is, to show the great Peril and Mischiefs of these False Brethren both in Church and State, he asserts, pag. 15. *That they weaken, undermine, and betray in themselves, and encourage and put it in the Power of our profess'd Enemies to overturn and destroy the Constitution and Establishment of both.* This therefore runs through his whole Discourse; and, being affirm'd of False Brethren in general, must be applicable to every sort of false Brother. If then there be any Persons of Characters and Stations whom he represents as False Brothers, then he has, in the Place mentioned, affirm'd of THEM, and undertaken to prove, that THEY weaken, undermine and betray, and put it into the Power of others to overturn and destroy the Constitution and Establishment.

And as to that, he comes under his third Head, pag. 21. to show the Malignity and Guilt of this Sin, in respect of the World, and begins it thus, (pag. 21, 22.) "What a vast Scandal and Offence must it be, to all Persons of Piety and Integrity, to see Men of Characters and Stations thus shift and prevaricate with their Principles, and starting from their Religion, upon any Occasion of Difficulty or Trial, and like the Disciples flying from and forsaking our Saviour, when his Life lay at Stake; to see Mens Opinions sit as loose almost as their Garments, to be put on or off for Convenience; what can unwary Persons conclude from this Tergiversation and Hypocrisy, but that all Religion is State Craft and Imposture? That all Godliness is Gain, and that the Doctrines of the Church lie not so much in her Articles, as her Honours and Revenues?"

This is a full Charge of False Brotherhood upon those Persons of Characters and Stations, and exemplifying in them the Malignity of that Crime, which is the Subject of his Discourse: The Consequence is plain, that he here charges them with False Brotherhood, and having before asserted, *That all such False Brothers weaken, undermine, and betray, and put it into the Power of others to overturn and destroy the Constitution and Establishment*; he has not only suggested but maintained, *that there are Persons of Characters and Stations that weaken, undermine and betray, and put it into the Power of others to destroy the Constitution and Establishment.*



In his Answer, put in before your Lordships to the Articles of Impeachment, he would divide the Charge in this Clause; and (1.) as to the suggesting that there are such *Persons* who are *False Brethren*; he says, That if he had said *there are Persons of Characters and Stations* that are *False Brethren*, not restraining it to the *highest*, it would not be either false, malicious, or highly criminal.

(2.) As to the weakening, undermining, and betraying in themselves, and putting it into the Power of professed Enemies to overturn and destroy the Constitution, he says, he has not suggested *that* of *Persons of Characters and Stations*; but the mention of those *Persons*, and the Expression of *weakening and betraying in themselves, and enabling others to destroy the Constitution*, are twelve Pages asunder.

(3.) He mentions some, which he thinks do weaken and betray the Constitution, but has not said any of *them* are *Men of Characters and Stations*.

In answer to these Glosses, I might say, that if this were meant, *not* of the *highest* Characters and Stations, nay though it were *true* too, the affirming this of them would be criminal, and in the Manner he does it, *highly* so. All subordinate Magistrates, of whatever Station, may be regularly complained of, and called to account; but the Meanest are not to be traduced and libelled, nor the Government upon their Accounts.

But this I offer. The Words, if not *restrained* to those of *highest* Characters and Stations, neither are they *restrain'd* to the *lowest*; and, in Truth, strike *all*, and so were *intended*, as other Parts show.

It is no Excuse, if he scandalizes Persons of the *highest* Characters and Stations, that he does not scandalize them *only*.

It is no Excuse, when he speaks opprobriously, in *general* Terms, of Men of Characters and Stations, without distinguishing *to his Auditory*, to distinguish *upon his Defence*, and pretend he meant only some few of the *meaner* Sort; that is, that when he was speaking of the Mischief and Malignity of this Crime, and showing how *Great* it was, his Assertion concerning Men of Characters and Stations *in general*, was meant *only* of *those*, in whom the Mischief and Malignity is *least*.

No, it is a general Arraignment of the Government throughout, and as such he must answer for it. And to put this out of Doubt, he has told us, Page 26. in Scripture Words, That *the Church's Adversaries are chief*.

For what he talks of several *Senses*, in which he says he takes *False Brethren* in the Sermon, 'tis not at all material in *what Sense* he charges those Persons with *False Brotherhood*, if *in Consequence thereof* he charges them with *betraying* the Church, and empowering its Enemies to destroy it. The charging them with being *False Brethren*, had been a *Fault*, as *that* is a Term of Reproach, which, with him, carries just as much Malignity as he pleases, even to *something analogous to the Sin against the Holy Ghost*, and rendering them the *worst of Demons*. But the *Stress* of this Accusation, is the *Treachery* they are charged with as *False Brethren*.

2. In the next Place, therefore, he denies that Part of the Charge; and for this *screw'd Reason*, that the two Expressions are twelve Pages asunder: An Answer I admire to see put in upon so solemn an Occasion! As though the *False Brotherhood* he shows the *Danger of*, and the *False Brother-*

hood he shows the *Malignity of*, had no Relation to one another, because twelve Pages asunder.

3. He mentions *some* that he affirms to be *Weakners and Betrayers*, &c. but says he does not suggest *those* to be *Men of Characters and Stations*. All the Inference to be drawn from that, is, either that there are, besides *those*, some *other* Weakners and Betrayers, that are Men of Characters and Stations; or that *some* of *those* are Men of Characters and Stations, though he hath not said so; which is no Excuse for him. For though he hath not describ'd *every Sort* of Weakner or Betrayer; and though he hath not told us *which Sort* of Weakner or Betrayer he ranks the Men of Characters and Stations under; yet he has in general charg'd Men of Characters and Stations with *False Brotherhood*, and as *False Brethren* to be Weakners and Betrayers, &c.

IN the next Place, I would lay before your Lordships the Proof of the third Clause of this Article, which says, *That Dr. Sacheverell charges her Majesty, and those in Authority under her, with a general Male-Administration*. Every Part of the Sermon makes out this, representing the whole Nation in the utmost Disorder and Confusion, and the Magistrates, instead of *applying* a Remedy, rather *increasing* the Dislemper.

Page the 14th is a very home and direct Charge upon the Government. It comes under that Part of the Sermon, where he is describing *False Brethren* with Relation to the State, and when he has declared very largely what they *do*, and what they *bold*; he goes then to what they are *suffer'd to do*: He says, "These false Brethren in our Government do not singly, in private, spread their Poison; but (what is lamentable to be spoken) are *suffer'd* to combine into *Bodies and Seminaries*, wherein *Atheism, Deism, Tritheism, Socinianism*, with all the hellish Principles of *Fanaticism, Regicide* and *Anarchy*, are *openly profess'd* and taught, to corrupt and debauch the Youth of the Nation in all Parts of it, down to Posterity, to the present *Reproach* and future *Extirpation of our Laws and Religion*."

The *suffering* these Things is a direct Charge upon the *Administration*; and he in Effect *declares* it so, when he concludes, that this is *to the Reproach of our Laws and Religion*; that is, of those that do not *mend*, or do not *execute* the Law: And he brings it Home to the first Clause, when he declares the Consequence to be the *Extirpation of our Laws and Religion*.

The Passage I before read, Page 22. concerning Persons of Characters and Stations, likewise proves this: For, what can be a greater Charge upon the Administration, than to accuse the Ministry of putting into *publick Stations False Brethren*, that *betray* the Church, and *impower* others to *destroy* it? That the Expression there is so general, as to reach *all* in publick Stations, I have before observ'd; and that it is so *meant*, may be thus made plain. In the same Passage he is apprehensive that those Persons Behaviour should give Occasion for believing *Religion to be but State Craft*; that is, a Stratagem us'd by the State to serve its own Ends: "That *the Doctrines of the Church lie not so much in its Articles, as its Honours and Revenues*"; which Honours and most tempting Revenues are in the Hands of the Crown, and those that are byass'd by them, must be byass'd by the Crown and the Administration.

Page 23. "A False Brother is represented as *relinquishing his old Friends and Principles*, and *betraying*



“traying his own Party for the little sordid Lucre of Place or Preferment”. Here is a plain Representation of a Villain, selling his Conscience; the Price is *Place or Preferment*, the Buyer that pays him that Price, must have the *Disposal* of those Places and Preferments; so that *those* False Brethren are not only *suffer’d*, but *made* such by the Administration.

That the False Brethren, which he mentions, as put into Places, are put in by our Governors, he plainly suggests, *Page 18.* when he bids *the Governors consider* whether they are fit to be intrusted, especially with the *Guardianship of our Church and Crown*: For to what Purpose is that *qualified* Admonition, if the Governors put such Persons into no Places at all? Admonitions to Temporal Governors, with respect to meer Matters of Government, tend only to affront ’em, if present, but *can* have no other Effect, when they are absent.

Let the Preface to the *Derby Sermon*, without any Observation or Comment upon it, conclude this Head: “Now when the Principles and Interests of our Church and Constitution are so shamefully betray’d and run down, it can be no little Comfort to all those, who wish their Welfare and Security, to see, that notwithstanding the *secret Malice and open Violence* they are persecuted with, there are still to be found such worthy Patrons of both, who dare own and defend them as well against the rude and presumptuous Insults of the one Side, as the base undermining Treachery of the other”. For I omit to repeat what has been observ’d upon the third Article, or upon the former Clause spoke to by myself.

I RETURN now to the first Clause of this Article, which runs thus: “That he suggests that *her Majesty’s Administration, both in Church and State, tends to the Destruction of the Constitution.*”

This is made out from what has been said on the other two; for, if Men of Characters and Stations in Church and State, that *betray* our Constitution, and *encourage and enable others to destroy it*, come into their *Places* through the *Administration*; if the general *Mis-Administration of her Majesty and those in Authority under her*, consist in *Part*, in *preferring and encouraging*, at least *not discouraging* those Persons that *betray and destroy* the Constitution; the necessary Consequence is, that all those fatal Mischiefs complain’d of *arise from the Administration*, which therefore plainly *tends to the Destruction of the Constitution.*

Besides, having involv’d all those, in this Description of False Brotherhood, who defend Toleration; and having declar’d the *Church’s Adversaries chief*: Considering *who is chief, and what Promises* have been made for Continuance of the *Toleration*; his Insolence ought to be treated rather with Indignation and Contempt, and a just Punishment, than vouchsaf’d an Answer.

As to the next Clause; “And as a *publick Incendiary*, he persuades her Majesty’s Subjects to keep up a *Distinction of Factions and Parties*, in-  
“fills groundless *Jealousies*, and foment destructive *Divisions* among them, and excites and stirs them up to *Arms and Violence*”; ’tis sufficient in short to say this:

What he advances against the Foundation of the *present Establishment*, and against the *Administration*, is as an *Incendiary*.

That he persuades Men to keep up *Distinctions*, and instils groundless *Fears and Jealousies* among

them, is plain, from the Drift of all he says; from his Language of *forsaking old Friends and Principles, betraying their Party*, which he makes to be the great Crime of *those in Places*, and goes to shew the Folly of it, *pag. 23.*

And though he pretends, in his Answer, that he invites Schismatics into the Church, it is only on those Terms, that they comply with his Notions to a Tittle: He makes no Allowance for human Frailty, for Prejudice or Ignorance, and in some Instances expressly disallows ’em; and those who are so weak as to fancy the Church in *any Particular* not to be in the right, though in all others they would sincerely and *constantly* conform to it, even *they* must continue Schismatics still: If, with these mistaken Opinions, they communicate with the Church, they are *False Brethren*, and as such to be *abhorr’d*: And yet if they do not, they are not to be *tolerated*.

Nay, whoever has so much Compassion for such a Case, as to think it might be tolerated, is a false Brother too, as defending Toleration, which is giving up *one Point of the Discipline of the Church*, and encouraging the Schism.

For, though he seems *in Words* to approve of an Indulgence to *Consciences truly scrupulous*, yet *in Reality* he approves none; since he admits not any one to have a *Conscience truly scrupulous* that differs from him, but all such are *False Brethren, Villains*, and to be stigmatiz’d with all the other Names of Reproach he is so liberal of.

As to *Fears and Jealousies*, those are naturally produc’d by these Representations of the Dangers the Church and Constitution are in; and as those Dangers are meerly *imaginary*, those *Fears and Jealousies* are *groundless*.

As to his inciting her Majesty’s Subjects to *Arms and Violence*, that he does it, is most manifest.

The spreading among the People such hideous Representations of an evil Government, such Outcries of *the Church and true Religion being undermin’d, betray’d and expos’d by those in the Administration*, naturally tend to Rebellion. And therefore at Common Law, as we find it express’d in our Law Books, to \* *bear the People in Hand* (I give the very Words) *that the King’s Government was erroneous, heretical or unjust, whereby the Manner of the Government was arraign’d or impeach’d, was High Treason.*

The Passion, Heat and Violence in this Sermon preach’d in publick, could be intended for nothing else but to raise the Passions of those that heard it.

The People are call’d upon to *put on Resolution and Courage*; they are assur’d the Cause *at present* requires the *bravest Resolutions*; he exhorts them to *contend earnestly for the Faith*; having elsewhere shewn against whom, against *False Brethren*, against the Enemies he had describ’d, such as have *Places and Preferments*, are *Men of Characters and Stations*; such as are *Chief and at present prosper*, and denounces *Woe against the fearful Heart and saint Hands.*

The Expression of *standing by her Majesty with Lives and Fortunes*, and of *sacrificing them in her Service*, being now become a familiar Phrase, for *assisting her in War*, those Expressions are affected.

In the Dedication of the *Derby Sermon* he extols those, who are for maintaining what he calls *for-saken Truth*, with their *Lives and Fortunes.*

And in the Sermon at *St. Paul’s*, *pag. 9, 10.* the Readiness to *sacrifice Lives and Estates* in Vindica-

\* In *William’s Case* in 2 *Rolls Reports*, *pag. 89, 90:*



tion of the Church, is represented as so *Noble* a Resolution, that in Comparison to that, Obedience to her Precepts, that is, *a good Life*, is but as the *one thing necessary* in the Gospel, only an extraordinary pitch of Perfection, only as the selling all his Goods, and giving the Price to the Poor, was to an exact Obedience of the whole Moral Law.

But in the Dedication of the *St. Paul's* Sermon he seems to *avow* this Design; he pretends not his Sermon to be Christianity, but *owns* it to be *Politicks*, not *preaching Peace*, but *sounding a Trumpet*. For he states the Objection, *that the Pulpit is not a Place for Politicks, and that 'tis the Business of a Clergyman to preach Peace, and not to sound a Trumpet*. What's his Answer? Does he deny the Objection to extend to himself? No, he admits it and justifies it by Pretence of a Divine Command, and treats the Maxim laid down in the Objection with Scorn, as contrary to the express Word of God.

In his Answer to this last Part of this Clause, he seems first to represent it as *inconsistent* with his *Position* of the utter Illegality of Resistance to the Supreme Power on any Pretence whatsoever, and with his *Professions* of Loyalty to her Majesty; and then attempts to *confute it* (as his Expression is) by a Passage in the *Derby* Sermon.

As for the latter, I think it rather a Justification of the Charge; for the Passage asserts, *That every Man has, by God and Nature, a Commission to ENGAGE the Enemies of the Constitution*; that is, (as he has painted them) the Queen and her Ministry.

The other is founded on a Supposition that he is never inconsistent, a very civil Compliment to himself, but as it happens, very false.

But to consider this Part of the Answer a little more particularly. As he has here managed the Matter, I own there is *in this Particular* no Inconsistency. We say, *he has stirred up her Majesty's Subjects to Arms and Violence*: He says, *he has declar'd all Resistance unlawful*; yes——all Resistance to the Supreme Power; but he has never declar'd Resistance to her Majesty unlawful. He maintains the utter Illegality of Resistance on any Pretence whatsoever to the *Supreme Power*, but nowhere says, that in the Supreme Power he *includes her Majesty*, or that it is *illegal to resist her*. The utter *Illegality of Resistance to the Supreme Power upon any Pretence whatsoever*, her Majesty's professed Enemies will come into, and labour for; meaning only to condemn the Resistance that *was* made against *King James the Second*, which brought about the Revolution, and any Resistance that *shall be* made against the *Pretender*, whenever he comes; and *Dr. Sacheverell* goes no further.

Those Enemies of her Majesty, have ever since the Revolution, made it their Business, to blacken it to raise Scruples in Peoples Minds about it, and to make the Administration odious: The same Methods are advanced by *Dr. Sacheverell* into the Pulpit; and if those Methods are to appear in the greatest Assemblies, on the most solemn Occasions; if the Revolution must be *attack'd* on a Day when her Majesty has appointed it to be *Commemorated*; if her Majesty's Reign is to be arraign'd in Publick, and an Appeal made to the Passions of the People; let it be attended with what *Professions* it will, it equally strikes at her Majesty and the Establishment; and the Commons could not but think themselves oblig'd, in Duty and Gratitude to her Majesty, and in Justice to the whole Nation, to call him that used 'em thus to a publick Account:

And let this Gentleman commend his own Loyalty, as much as he pleases, 'tis plain that in this Sermon he is doing the very same *Work*, and in the very same *Method*, with those that *disown Allegiance* to her Majesty.

My Lords, Permit me to observe a little his Management of this Text: Supposing the Doctor to be *right* as to his *Doctrine*, and that he believes himself to be so; and that he is *sincere* in his *Professions* of Loyalty to the Queen. For I am not now going to dispute or limit the Doctrine of Non-Resistance, which was the Business of those Gentlemen that spoke to the first Article.

By *False Brethren* in the Text of this Sermon were meant, those who *pretended* to be Christians, but really *were not*. *Dr. Sacheverell* seems so to understand it; and therefore to declare those to be *False Brethren in the CHURCH*, that pretend to be of the Communion of the Church of *England*, but are not; that live in its Communion, but own not its Doctrines and Authority. By like Analogy, *False Brethren in the STATE* are such, that perhaps swallow the Oaths to the Queen; or if they go not so far, yet take the Benefit of her Laws, her Courts, her Protection, yet deny her Allegiance, and are for another Prince. A just and well-managed Reproof of these had been a noble Topic for one that pretends all this Zeal for the Queen. But they are wholly pass'd by, *they* are not to be blam'd, there's no Danger from *them* either to Church or State. Who then, according to the Doctor, are *False Brethren in the State*? (He was hard put to it to substitute some others in their Place.) They must be only those who *one Way or other* oppose the Doctrine of *Non-Resistance upon any Pretence whatsoever*, whom he describes in several invidious Instances, and in all possible Terms of Reproach. This seems strange.

1. This being, as he states it, an Error in a Doctrine of the Church, the holding it is only one Branch, one Instance of *False Brotherhood in the CHURCH*; and therefore not so proper to stand for a distinct Head of *False Brethren in the STATE*.

2. The bare denying or not believing the Doctrine of Non-Resistance, supposing it true, does not denominate a Man a *False Brother in the STATE*.

Suppose then a Man own the Queen's Title, be satisfied with her Administration, in Love with her Reign, convinc'd that she has principally at Heart his Interest, and the true Interest of all her Subjects; believes that upon the Continuance and Quiet of her Government depends the Preservation of our Liberties, and those of all *Europe*, and accordingly obeys and serves her with Sincerity and Zeal, and thinks all Resistance to her utterly unlawful; is this Man a *False Brother in State*, a Rebel, a Traitor, because he thinks Resistance *was* lawful at the Revolution, and *may be so* whenever the same Breaches of the Constitution are repeated?

Is he a Rebel to *THIS QUEEN*, because there *possibly* may happen a Case, wherein he *may* resist *another* Prince, if that Prince *should* do what he's *sure SHE never will*?

At most, that Mistake only *exposes* such a Person more easily to be misled: He *may* be in more *Danger* of becoming a Rebel to a Prince he shall be dissatisfied with, but *is not* therefore a Rebel to a Queen he loves.

How then comes this single Instance of *False Brotherhood in State* to be insisted on, which at most shews, not that the Person *is*, but only that perhaps he *may become* a *False Brother*; and those Instances



stances pass'd over, where Persons plainly are False Brethren in State?

Further, This Doctrine being, as the Doctor says, a *fundamental Doctrine in State*, urged with *Warmth and Vehemence*, one would expect some *Inference* to be drawn from it: One would expect that he, who had so great a Zeal as the Doctor professes for her Majesty, and had so triumphantly established absolute Non-Resistance, would have fallen in so far with the *Business of the Day*, and have made so much use of his *Favourite Doctrine*, as to *dissuade* from Rebellion; and when he had taken Notice of these false Steps in the Administration, that he should have persuaded the People to make proper Applications for Redress, but to be careful not to let the *Faults of the Ministry* cause 'em to forget their *Duty to the Queen*. But there's not the least Exhortation to that purpose.

All this seems strange, taking it for granted that the Doctor is sincerely zealous for the Queen.

Give me Leave therefore to make another Supposition: Suppose this Zeal is but *pretended* to the Queen, but *really* for another, and that he thinks the other his rightful Prince; your Lordships will find, all consistent, every Expression, and the whole Procedure, exactly just.

In Consequence of that *concealed* Sentiment, tho' he dare not directly commend those who own the Pretender, yet neither will he reprove them as *False Brethren in the State*; they being, according to his Opinion, the only Persons who perform their Duty in it. Therefore the *true* Notion of False Brotherhood must be dropt; and instead of it, they that hold Resistance lawful in Cases of *Extremity*, and particularly in that of the *Revolution*, are to be fallen upon; for they are really Rebels and Traitors in his Sense, because they directly overthrow all the Title which the Disaffected here would fancy for the Pretender.

As long as the *Revolution* stands un-impeach'd, that *Person* can have no *Title*, let his Pretence be as favourable as he pleases: If the *Revolution* stand, the *Laws* which are founded upon it stand too, and those *Laws* concerning the *Right and Succession* of the Crown, are absolutely binding; and therefore whatever *Right* he could wish People to believe him to have, all that *Right*, all that *Pretence* of Right is as effectually barr'd, as all the *Right* which those who stand in the *Course of Descent* before the Princess *Sophia* of *Hanover* would have had but for the Act of Settlement, will be bound, whenever GOD, for our Sins, shall take from us her Majesty, without Issue.

This Principle therefore is *fundamental* to the Pretender; and, taking the Matter thus, accounts for all that Rage against those that dispute this Doctrine, as extended to the Case of the *Revolution*, for his so often repeating this to be the *Basis*, the *fundamental Principle* of the Constitution.

This shews clearly, why neither in the *Sermon*, nor *Defence*, he has once maintain'd the *Illegality* of *Resistance to her Majesty*.

This shews, why this *fundamental Principle* is to totally forgot to be press'd by him upon the People; no *Inference* from it, that those *Mismanagements* ought not to make them forget their *Duty to the Queen*; not one *Persuasive* to Obedience to her; not one *Admonition* against the Consequence of False Brotherhood in the State, that it was apt to make People rebel; no *cooling* the People, with telling 'em that Prayers and Tears were the only Arms of the Church; that they ought to do their *own Duty*, submit wholly to the *Queen*, and those in

*Authority* under her, and leave the rest to GOD. These were the natural Consequences of this Doctrine of Non-Resistance, so violently contended for, but not one of them pursu'd or mention'd.

And perhaps this made him chuse to describe the Case of our Church, p. 26. in the Words of the Prophet in the *Lamentations*, which are in *ch. i. ver. 4, 5.* (tho' not truly cited in his printed Sermons) *The Ways of Sion mourn for a time, and her Gates are desolate, her Priests sigh, and she in Bitterness, because her Adversaries are chief, and her Enemies AT PRESENT prosper.*

My Lords, That Book was wrote just after *Nebuchadnezzar's* taking *Jerusalem*; and the Condition of the *Jews then*, which is thought proper by him to give an Image of *ours now*, was this:

*They were enslav'd, their King in a Foreign Country, stripp'd of his Crown, and the Prince then Reigning was an Oppressor, that had no other Title, but Possession and Force.*

Thus has the Doctor, out of his *tender Concern* for her Majesty's Person and Government, thought fit to express his Sentiments.

THE last Part of this Charge is that of *Wresting and Perverting divers Texts and Passages of Holy Scripture*. This may not perhaps seem so proper for me to speak to, but being part of my Province, I shall apply to it without any Apology.

My Lords, As wicked and corrupt as Doctor *Sacheverell* would represent this Nation, he very well knew, that the Holy Scriptures are had in that just Veneration and Regard, that whatever is cited thence has a particular Influence upon the Minds of the People; whatever *Story* can be brought thence as a Parallel, whatever *Expressions* taken thence are made use of, to paint the Beauty, the Deformity, the Dangers of the Preacher's Subject, give a strong *Impression*, fire the *Zeal* of the People, alarm their *Passions*, and make 'em fancy they hear the *Voice of GOD*, when they hear *His Words* repeated.

This the Doctor *knew*, and your Lordships will see what *use* he makes of it.

When he speaks of the *Perils of the Church*, which her Majesty, your Lordships, and the Commons, could not see, the *Scripture* is to be search'd for a *Story*, that may be brought to match the Case, and to give an Opportunity, under other Names, to speak a *bold Falshood* concerning all these.

It happens, there is one remarkable *Story* in the Holy Scripture about a *Mistake of Danger*, but unfortunately it suits not the Case, as told there, however it gives a *Handle*, and he can make from it a *Story to his Purpose*.

Accordingly he says, *pa. 21.* "When *Elisba* the great Prophet of GOD was surrounded with an Host of Enemies that sought for his Life, his blind Servant beheld not the Peril his Master was in, 'till his Eyes were opened by a Miracle, and he found himself in the midst of Horses and Chariots of Fire.

This *Story thus* told is extremely happy for him; for hence the People are to understand him to be the *inspired Prophet*; and the *Queen, Lords, and Commons*, blind at least, tho' not his Servants.

But the *Story* in Holy Writ is directly contrary; and it was only the *blind Servant* fancied they were in Danger, when really they were not.

The *Story* is in *2 Kings*, Chap. vi. and, as told there, is thus: The King of *Syria*, at War with *Israel*, being inform'd, that what he said in his Bed Chamber was told to the King of *Israel* by

*Elisba*



*Elisba* the Prophet, resolved to seize *Elisba*; and hearing he was at *Dothan*, Ver. 14. (I now give your Lordships the very Words) *He sent thither Horses and Chariots, and a great Host, and they came by Night, and compass'd the City about.* Ver. 15. *And when the Servants of the Man of God was risen early, and gone forth, behold an Host compass'd the City both with Horses and Chariots: And his Servant said unto him, Alas, my Master how shall we do? [This is the blind Servant, that the Doctor says, saw no Danger.]* Ver. 16. *And he answer'd, Fear not, for they that be with us are more than they that be with them.* Ver. 17. *And Elisba pray'd, and said, Lord, I pray thee open his Eyes, that he may see. And the Lord open'd the Eyes of the young Man, and he saw; and behold the Mountain was full of Horses and Chariots of Fire.* The Doctor's Exposition is, That this *Heavenly Guard*, these *Horses and Chariots of Fire*, which were there only to defend the Prophet, were to destroy him; and from them arises the Danger, which the Doctor fancies the miraculous Opening the Servant's Eyes disclosed to him.

I think I may give the Doctor his Choice, what this proceeded from, whether from his *not knowing* this Passage, but taking it upon *Hearsay*, or his Resolution *knowingly* to pervert it.

The next Passage is, *pa. 26.* the Words of *St. Paul*, *Eph. vi.* with which, after a Discourse where all the social and good-natur'd Virtues are taught in the highest Perfection; where he had recommended, *Chap. iv. Ver. 2.* *Lowliness, Meekness, Long-suffering, forbearing one another in Love; endeavouring to keep the Unity of the Spirit in the Bond of Peace:* Where he had commanded, *Ver. 31.* that *all Bitterness, and Wrath, and Anger, and Clamour, and Evil-speaking be put away, with all Malice:* And *Ver. 32.* that those to whom he writes, should be *tender-hearted, forgiving one another, even as God for Christ's Sake had forgiven them:* *Ver. 27.* That had forbidden *giving place to the Devil*, but not to any other. The Apostle concludes, that in this *Spiritual Warfare*, and that they *might be able to withstand the Wiles of the Devil*, they should *put on the whole Armour of God*; because they *wrestled not against Flesh and Blood; but against Principalities, against Powers, against the Rulers of the Darkness of this World, against Spiritual Wickedness in High Places.*

This Gentleman, after a Discourse full of *Bitterness, Reviling, Wrath, Clamour and Evil speaking, forbearing no Man in Love, nor forgiving any that differs from him one Tittle; and having shewn other Devils incarnate, (page 23, 25.) the worst of Demons, other Powers, others in Places and Stations, against whom his Auditors were to contend earnestly; repeats those Words; not in the Spiritual Sense the Apostle used them, but (as the whole Subject and Drift of his Discourse shews) as an odious Description of the Government, in Scripture Words: And whether he meant the Armour in the Apostle's Spiritual Sense, any more than any of the other Words there; or whether he intended it a Literal Earthly Armour, which the Cause would make the Armour of God; I leave to your Lordships to determine. However, 'tis no Defence for him, what he says, That the Arms of Resistance to Princes, is no Part of the Spiritual Armour recommended by *St. Paul*; because he has plainly departed from *St. Paul's* Spiritual Meaning.*

And that this is his Meaning, to paint here our present Circumstances in Scripture Language, is fur-

ther plain from what follows; That the Church is *bleeding of the Wounds which she has received in the House of her Friends*; borrow'd from *Zech. xiii. Ver. 6.* That the *Ways of Sion may mourn for a Time, and her Gates be desolate; though her Priests sigh, and she in Bitterness, because her Adversaries are Chief, and her Enemies AT PRESENT prosper.* I have before observ'd, from what Circumstance of the Jews this Image is borrow'd; and your Lordships will take notice, what Changes in the Expressions he has made, to render them more *Emphatical.*

My Lords, There can be no greater Perverting of Scripture, than to make use of the Language of the Holy Ghost, to revile our Neighbours, to scandalize the Government, and to raise *Wrath, Sedition, and Rebellion* in the People.

The last I shall mention, is that in the Dedication of the *St. Paul's* Sermon; where proposing it as an Objection, that *it is the Business of a Clergyman to preach Peace, and not to sound a Trumpet in Sion*; he affirms that to be *expressly contrary to the Command of God*; and to prove that Command, cites these Words, *Cry aloud, and spare not*, which are in *Isa. lviii. 1.*

My Lords, This I apprehend to be not only *Perverting*, but that to Men of Understanding it will seem *ridiculing* Scripture. To infer, that because they were to *speak loud*, they were to *sound a Trumpet*, seems ridiculous.

Or if he had cited the rest of the Words, *Cry aloud, and spare not; lift up thy Voice like a Trumpet, and shew my People their Transgression, and the House of Jacob their Sins*; he had indeed found the Word *Trumpet*, but little to his Purpose: For because the Prophet was to imitate a *Trumpet* in the *Loudness*, that the People might hear; was he to imitate it too, as it is an *Instrument of War*, that they might prepare themselves for *Battel*? Because he was *loudly* to tell them their own Sins, that they might *repent*; was he likewise to *trumpet* to them the Faults of the Government, that they might *take up Arms*, and redress them by *Rebellion*?

If he find any other Place in the Old Testament to command the Priests to sound a Trumpet, I shall refer him to the 10th of *Exodus*, where he'll find the Priests were *literally* to sound the Silver Trumpets in the Army, *in the Field*; but he'll not find, they ever sounded it from the *Pulpit.*

My Lords, I shall offer nothing further to your Lordships on this Head; though there is room for it.

But there are *Two Things* in the Answer to this Article, I cannot omit taking Notice of.

The first is in his Answer to the first Part of this Article, that charges him with *suggesting; That her Majesty's Administration, in Church and State, tends to the Destruction of the Constitution*; where he takes great Comfort, that in this Article he is charg'd not with *Suggesting and Maintaining*, but *Suggesting only*; and hopes that bare Suggestions, or Insinuations, shall not involve an *English Subject* in the Guilt and Punishment of High Crimes and Misdemeanors. I don't envy him his Comfort, nor shall labour to take it from him, tho' it seems *strangely founded*: For tho' it is *expressly* said, that he charges her Majesty with a *General Male-Administration*; tho' the Accusation be *positive*, that as a *Publick Incendiary, he persuades the Subjects to keep up Parties, foments Divisions amongst them; and stirs them up to Arms and Violence, and perverts divers Texts of Scripture*; notwithstanding all these *posi-*  
tive



sive Charges, yet the *first Expression* happening to be only, *Suggest*, and not *Maintain*, it seems he is very happy in it.

But, my Lords, this is an extraordinary Step; that let a Man cast never so many Scandals and Reproaches on the Government, tho' in never so publick a Manner, yet if it be done by way of Suggestion and Insinuation, and the Charges not expressly maintain'd and avow'd, there is no Crime in it, or not any high one. That is, in short, Sedition, and Exposing the Government, is lawful; only the Manner is to be taken care of. Don't do it directly and avowedly, for that would be dangerous; but do it by Suggestions that every body will understand, and which will have their full Effect, and all's safe: For those that come to judge you, are not to understand you, tho' every body else does.

My Lords, Here are two extraordinary Claims of Right before your Lordships, and of great Consequence, if you allow them; one, that the Clergy may sound a Trumpet in Sion, in a Military Sense, and are not to be restrained to the preaching of Peace; the other, that every Englishman is at Liberty to asperse the Government at Pleasure, by whatever Suggestions and Insinuations he pleases; and these made by a warm Advocate for Passive Obedience, the most peaceful and submissive Doctrine in the World.

My Lords, In the Case *de Libellis Famosis*, in the Fifth Report, there was a Prosecution for a Libel, not indeed set forth at large in the printed Book, (as was not fit) but thus far particularly taken notice of that it traduced and scandalized one Person dead, and him an Archbishop too, by Descriptions and Circumlocutions, and not in Express Terms; and no body ever doubted but it was Criminal. But tho' there should be a greater Strictness observed in respect of private Persons, yet when the Queen and Government are concern'd, when All lies at Stake, a Man ought to guard himself, and his Expressions, not to touch in the least there: And every Man that's truly Loyal, and desires the Peace of his Country, will do it. And knavish Designers against the Publick Peace, are not to be suffer'd to go on in overthrowing it, because they have contriv'd crafty Ways of doing it.

I mention this only to oppose the present Claim; though in our Case, the Reflections are plain and full.

The other is his Lamentation at the Close, which I cannot but take notice of, as an insolent Reflection on the Honour and Justice of the House of Commons. "Hard is the Lot of the Ministers of the Gospel, if when they cite the Word of God in their general Exhortations to Piety and Virtue, or in the Reproofs of Mens Transgressions, or when they are lamenting the Difficulties and Conflicts, with which the Church of Christ, while Militant here on Earth, must always struggle, the several Texts and Passages by them cited shall be said to have been by them meant of particular Persons and Things, and shall be consider'd in the most Criminal Sense, and be made (by such Construction) one Ground of an Impeachment for High Crimes and Misdemeanors.

My Lords, This was put into the Answer, not by way of Defence, but to make that Use which has been made of it, to print it before it came to be consider'd, and lay hold of that as an Handle, as has been done, to say Dr. Sacheverell has been prosecuted only for doing his Duty as a Clergyman, which is a scandalous Reflection.

Is the Story of *Elisha*, as told by him, an Honest Citation of a Passage of Scripture?

Are *Enemies* that are Chief, and the *Adversaries* that at present Prosper, no particular Persons now in Being; though to the Scripture Expression he has added the Words, *At present*, for fear the Application should not be close enough.

Is this Sermon an Exhortation to Piety and Virtue? Or is it not manifestly a Trumpet to Rebellion? Is it a shewing the Audience their own Faults, that they may cure them, and amend their Lives? Or is it not plainly the Exposing the Faults of others, the Faults of their Governors, that they may hate the Persons?

Even the Doctrine of Passive Obedience, is it here so warmly contended for, that People may be dutiful and submissive; or that they may be enraged against those that deny it? In short, Is there one Christian Virtue taught in it? Except your Lordships will honour with that Name the sticking, not to the Church and Christianity, but (according to the Doctor's own Expression in another Place) to a Party; and Courage, not only a Passive, (which he no where recommends) but an Active against the Government, to which the whole Discourse incites.

My Lords, The Commons have the greatest and justest Veneration for the Clergy of the Church of England, who are Glorious thro' the whole Christian World for their Preaching and Writing, for their Steadiness to the Protestant Religion, when it was in the utmost Danger. They look upon the Order as a Body of Men, that are the Great Instruments, thro' whose Assistance, the Divine Providence conveys inestimable Advantages to us. They look upon the Church Establish'd here, as the best and surest Bulwark against Popery; and that therefore all Respect and Encouragement is due to the Clergy: And it is with Regret and Trouble, that they find themselves oblig'd to bring before your Lordships in this manner one of that Order.

But when we consider Dr. Sacheverell, stripping himself of all the becoming Qualities proper for his Order, nay, of all that peaceful and charitable Temper, which the Christian Religion requires of all its Professors, deserting the Example of our Lord and Master, and of his Holy Apostles, and with Rancour and Uncharitableness branding all that differ from him, (tho' thro' Ignorance) with the Titles of Hypocrites, Rebels, Traitors, Devils; reviling them, exposing them, conducting them to Hell, and leaving them there; treating every Man that falls in his way, worse than Michael the Archangel used the Devil; coming himself more near the Character in St. Jude, (Part of which he would apply to others) despising Dominion, speaking evil of Dignities; like raging Waves of the Sea foaming out his own Shame; forgetting (when his Text and his Doctrine led to it) to recommend the Peace of his Country, in a Time when all Europe is in War, and nothing can preserve us from falling into the Hands of the Grand Enemy and Oppressor, but our Unanimity under her Majesty: Then labouring to sap the Establishment, and railing and declaiming against the Government; crying To Arms, and blowing a Trumpet in Sion, to engage his Country in Seditions and Tumults, and overthrow the Best Constitution, and betray the Best Queen that ever made a People happy; and this with Scripture in his Mouth!

The Commons look'd upon him by this Behaviour, to have sever'd himself from all the rest of the Clergy, and thought it their Duty to bring to



Justice such a Criminal; and are in no Fear of being thought *Discouragers* of those who preach *Virtue* and *Piety*, because they, in the Supreme Court of Justice, *prosecute* him that preaches *Sedition* and *Rebellion*; or to have any *Design* to lessen the *Respect* and *Honour* that's due to the *Clergy*, by bringing him to Punishment that Disgraces the *Order*.

*Mr. Secretary Boyle.* MY Lords, I am commanded by the House of Commons to have a Share in Maintaining the Articles of Impeachment against Doctor *Sacheverell*; and it falls to my Lot to speak to this Fourth Article, which contains no less a Charge than Endeavouring to Excite and Stir up her Majesty's Subjects to Arms and Violence.

The Ground of this Accusation, is the Dedication of a Sermon preach'd at *Derby* at the last Assizes; and another Sermon preach'd at *St. Paul's* the Fifth of *November* last, a Day set apart to commemorate the Preservation of the King and Parliament from the Gunpowder-Treason; and to give Thanks to Almighty God for the Deliverance wrought by his late Majesty, in rescuing these Kingdoms from Popery and Arbitrary Power.

The whole Nation doth now enjoy the Benefit of that happy Revolution, and all the good Subjects of her Majesty are thankful for it. One would have thought, that on such a Day, that Matter should not have been so handled as only to be expos'd; and I am persuaded, that whoever goes about to asperse and vilify the late Revolution, would rejoice to see another.

I shall not trespass upon your Lordships Patience so far as to repeat the many Passages in the Sermon that make good our Accusation, they having been so fully laid before your Lordships already by a Gentleman that spoke before: And indeed there is the less Reason to descend into Particulars, since the whole Scope and Design of the Sermon is to instill groundless Jealousies into the Minds of People, and to cast the most virulent Reflections imaginable upon her Majesty's Administration.

One might suppose, from the Doctor's Discourse, that the Church of *England* was now suffering under the most severe Persecution; that the Laws were no longer in Force; and that the whole Government was unhinged. Aspersions more violent could not be used, if we lived in the Reign of the worst of Heathen Emperors, while we are Partakers of so many Blessings under the Government of the best of Queens.

The Prisoner at the Bar lays some Strefs upon the Word *Suggest*, as expressed in the Fourth Article, which has already receiv'd an Answer; and would insinuate that there are no plain Words in the Sermon to support the Charge. But if that Objection were true, which we are far from admitting, and the Consequences drawn from it were allowed, I must say, hard would be the Case of the Government, if Men might make the most odious Suggestions against it, and cast Reflections with Impunity, under the Shelter of some doubtful Expressions, and equivocal Sentences, at the same time that the Sense and Malice of the Reflections are plain to be understood, and can hardly be mistaken.

He doth indeed affect in his Answer, and in one Part of his Sermon, to profess great Duty to her Majesty; but let those Expressions be compared with the Calumnies that are heaped upon her Administration, and I conceive they will not mitigate his Crime, and will avail him no more than the Pretence that he makes to be for Liberty of Conscience,

when he condemns the Toleration. I believe these Excuses will equally weigh with your Lordships, and his Sincerity in both will equally appear.

My Lords, It is no new Thing among those who design to stir up Sedition, to bestow great Encouragements on the Person of the Prince; it has been a common Practice, and the same Method was pursu'd in the late unhappy Times. The Incendiaries of those Days pretended that the Protestant Religion was in Danger under that Government, as the Enemies of our Constitution cry the Church is in Danger under this.

But, my Lords, every thing is in Danger from such seditious Discourses. What a Scene of Distraction and Wickedness is here display'd to the Understandings of the People, to excite and inflame them to Sedition and Rebellion? Who can sit still, if they are persuaded that *the Altars and Sacraments of our Church are prostituted to Hypocrites, Deists, Socinians and Atheists; and this done with Impunity, and without Discouragement?* What can be more provoking to all good Christians and good Subjects, than to be told that *People are suffer'd to combine into Bodies and Seminaries, wherein Atheism, Deism, Tritheism, Socinianism, with all the Hellish Principles of Fanaticism, Regicide, and Anarchy, are openly professed and taught.*

No Man can think he is long to enjoy his Religion, Liberties or Property, if he can be made to believe that *the Foundations of the Church are undermin'd, and the Government endanger'd, by filling it with its profess'd Enemies.* What is the Meaning of all this, but only to make out, that her Majesty's Administration, both in Ecclesiastical and Civil Affairs, tends to the Destruction of the Constitution? And what must be the Consequence of such an Opinion instill'd into the Minds of the People, but black and melancholy Thoughts, seditious Practices, and at last open Force and Violence?

The Priests must *cry aloud and spare not*, they must *blow the Trumpet in Sion*; and we are told there are those that have Lives and Fortunes to maintain such Truths as Doctor *Sacheverell* has laid down. What those Truths are, may be seen thro' the whole Course of the Sermon; they are such, my Lords, as we apprehend do not at all tend to the strengthening the present Government, tho' they may be serviceable towards setting up another.

This is not the Spirit of the Gospel, nor agreeable to the Principles of the Church of *England*; and we submit it to your Lordships Judgment, whether this Sermon is not Seditious, and whether the Prisoner at the Bar is not guilty of High Crimes and Misdemeanors.

*Mr. Chancellor of the Exchequer.* MY Lords, I am commanded by the Commons of *Great Britain* to bear my Part in the Management of the Impeachment against Doctor *Henry Sacheverell*, and particularly on this Article. My Lords, I believe, after what you have heard already, you will think there is little Need for me to say any thing on this Head; yet I shall take the Liberty to mention a few Particulars.

I cannot but take Notice, that in a Sermon preach'd on a Day appointed to commemorate the Blessings we enjoy by the late happy Revolution, there is not one particular Clause to shew forth those Blessings, or the Mischiefs that were then likely to come upon us. There is a little, indeed, upon the Gunpowder-Treason; but upon the Revolution there is nothing, nor doth he take Notice of the Dangers we were in before it, in order to raise  
the



the Devotion of the People, and their Thanks to God for their Deliverance. But all the Tenor of his Discourse is to show the Male-Administration of the Government, and the Dangers that have been coming upon the Church ever since the Revolution; so that it is plain, that he had no Thoughts of the Blessings of that Deliverance, nor any Dislike to the Conduct of those Times.

My Lords, This Sermon was preach'd in a Place well chosen to attempt Mischief in. He well knew that if he could raise an evil Spirit in this great City, it would do more Mischief than in another Place where he had often attempted it: But, God be thanked, he was disappointed; and he own'd himself in another Place, that he did not expect the Thanks of the Court of Aldermen for it.

I shall take Notice of his Dedication, where he carries on the same Design, and owns it on second Thoughts. He's not only warm in preaching the Sermon; but in his Dedication he shows with what Spirit he composed it: He says, *That if honest Gentlemen will sit still, and give up their Cause for want of Courage, or a just Sense of the dangerous Attempts of our Enemies, without the Spirit of Prophecy we may forget what will become of our Constitution, when it is so vigorously attack'd from without, and so lazily defended from within.*

My Lords, I shall not explain the Meaning of those Words, *Sitting still, and Want of Courage*; but I cannot but take Notice of these Words, *The vigorous Attack from without, and the lazy Defence from within.* I would desire to know who the Doctor takes to be the Defender of the Faith; and who under that Defender is to protect the Church? It must necessarily be meant as a Reflection on her Majesty, and upon those that under her Authority are to take Care of the Church. The next Passage is a plain Confession of his seditious Intentions. He tells us his Business was not to preach Peace, but to sound the Trumpet. If a Minister will declare it, not to be his Duty to preach Peace, your Lordships will easily judge what his Intentions were.

I know it is the Business of those that are Profelytes to this Gentleman, to give out that we design to narrow our Obedience to her Majesty. But, my Lords, we are far from it; and own the greatest Duty and Submission to our Sovereign: But we cannot bear, that a Reflection should be cast upon the Resistance that was us'd at the Revolution; and we hope your Lordships will never admit a Question to be rais'd of the Legality of it.

My Lords, The Acts of Settlement of the Crown depend upon that Legality: If that be illegal, the others in Consequence are void; and tho' her Majesty has an hereditary Right to the Crown, yet I take those Acts to be her great Security; and I can make no Question, but that if the Foundations of those Acts were shaken, the Doctor would soon find another hereditary Right to resort to.

My Lords, The Toleration is certainly grounded upon the best Principles, upon a Principle of Religion and a Principle of Policy. I think every Body will allow, that nothing can establish Peace in a Kingdom so well, as the granting Ease and Quiet to Mens Consciences. If they pay due Submission to the Government, they ought not to be persecuted for their Religion: It is for her Majesty's Interest and Honour. For how can her Majesty be the Head of the Protestant Interest Abroad, if Protestants are not protected at Home?

It was the Observation of the Lord Clarendon, in his History, that some eminent Clergymen press'd King Charles the First to make Distinctions among

Persons; and that by their Advice, his Embassador in France was order'd not to go to the Hugonot Churches there, as he us'd to do. He lays it as an Imputation on those that gave the Advice; and makes this Remark, That it was with a Design of an Union with the Church of Rome; which prov'd of very ill Consequence to his Affairs at that Time.

My Lords, We take it, that it is contrary to the Duty of any private Man to find Fault with a Law in Being, or to declaim against the Reasonableness of the same; it is raising in the People an ill Opinion of the Lawgivers, and the Administration.

My Lords, There are some People, and I wish their Numbers do not increase, who will not allow the Church to be out of Danger, whilst the Civil Magistrate has the Government of the Church. These appear publickly; and in Print; they cancel the Queen's Supremacy, deny the Authority of the Laws, and erect a Church independent on the Civil Government. Of this Church I take the Doctor to be, and very properly for his Purpose; for here he may thunder out his Bulls and Anathema's without Controul: Here is a Field for him to open his Commission in, where he may sound his Trumpet, and not preach Peace.

But, my Lords, the Commons can never admit the Church, as established by Law, to be in any Danger during her Majesty's Administration; it being guarded by her Majesty's Piety and Care of it; by the Reverend Bishops, who are so diligent and watchful in their Functions; and which will always have the utmost Assistance of the Commons and your Lordships, to support and maintain. As for their independent Church, I hope it will ever be in Danger; and cannot but think that wholesome Severities were very proper to be apply'd to the Broachers of such seditious Doctrines; they are Popish Principles, and if they should obtain here, would certainly bring in Popery along with them.

My Lords, I cannot conclude, without taking Notice of a very unjust Reflection made upon the Commons in the Doctor's Answer, wherein he charges them with designing to restrain the Ministers of the Gospel from doing their Duty, in recommending Piety and Virtue to their Auditors. These are Doctrines so proper to come from the Pulpit, that those that recommend them, will always meet with the Countenance and Encouragement of the House of Commons. But when a Clergyman acts contrary to his Function, and instead of reproving Vice and Immorality, takes upon him to reproach the Government; when instead of preaching Peace, and Charity, and other moral Virtues, he takes upon him to raise Jealousies, foment Divisions, and stir up Sedition, 'tis high Time for the Justice of the Nation to put a Stop to it: As such a Person, we charge Dr. Sacheverell, and think we have made good our Charge, and cannot doubt your Lordships Justice upon the Offender.

*And then the LORDS adjourned to their House above.*

---

*Thursday, March 2. The Fourth Day.*

THE Lords coming down into *Westminster-Hall*, and being seated in the manner before-mentioned, Proclamation was made by the Serjeant at Arms as follows:



Our Sovereign Lady the Queen doth strictly Charge and Command all manner of Persons to keep Silence, upon Pain of Imprisonment.

Then another Proclamation was made: *Henry Sacheverell*, Doctor in Divinity, come forth, save thee and thy Bail, else thou forfeitest thy Recognizance.

The Doctor appearing at the Bar accordingly, with his Counsel as before:

*Lord Chancellor.* Gentlemen of the House of Commons, you may proceed in your Evidence.

*Mr. Leckmere.* MY Lords, Your Lordships adjourned Yesterday, when the Commons were proceeding on their fourth Article, a Share of which Service was appointed to me: The Proofs, we insist on, in Maintenance of this Part of our Charge, have been laid before you with great Exactness; and all the Enforcements they can well receive, have been already offer'd to you, by those Gentlemen, that have gone before me; so that I find myself acquitted from giving your Lordships much Trouble upon it.

The Charges contain'd in the precedent Articles, are particular and distinct; of so high a Nature in themselves, and of such eminent Consequence to her Majesty and her Government, that we have held ourselves obliged, to treat each of them, with all imaginable Clearness and Solemnity; and this, my Lords, from that true Zeal and necessary Concern, with which the Commons, upon this great Occasion, are so justly inspired, for the Honour of her Majesty, and the Prosperity of her Kingdoms.

The Subject of this Article is laid down in general Positions, some of which are the Result and Consequence of the former Articles; and this will make it necessary to remind your Lordships of the Passages produced in Support of them: The Application of them, to the several Branches of this Charge, is easy and obvious: The further Passages, that were Yesterday pointed out to you, are many in number, and the Assertions positive, scarce liable to any Constructions more innocent in themselves, or more favourable for the Prisoner, than what hath been put upon them: But tho' the more flagrant Parts of the Prisoner's Discourses have been distinguish'd to you, your Lordships can't fail of discerning that implacable Enmity that runs through the Whole: How little will your Lordships find in it of the Spirit of the Gospel, of the Temper of a Christian, or a good Subject, much less of a Messenger of Peace? No, my Lords, when the Heart is poisoned, the Corruption will be diffus'd throughout; when Principles are delivered from the Pulpit, that strike at the Root of the present Government, and our future Establishment, and are taught as fundamental Rules both of Law and Conscience; what Kind of Proofs, what Exhortations are to be expected from such a Preacher? Surely, such only, as you have heard from this Man, such only, as may create universal Dissatisfaction, will disquiet the Minds, and tend to pervert the Obedience of the Subjects; such only, as shall be most likely to cherish and cultivate those Seeds of Sedition, which, when sufficiently propagated, and brought up to their full Growth, can terminate in nothing less than a total Destruction.

*My Lords,*

I am now to acquaint you, That the Commons have gone through their Charge, wherein they have been heard by you with great Candour and Pati-

ence: And that imperfect View, which was the best I was able to give you, in opening the Charge, has been amply supply'd by the great Sufficiency of what has follow'd: And from thence, I think, I have good Grounds to say to your Lordships, that this Impeachment of the Commons in every Part of it, is substantially and effectually maintain'd.

And now, my Lords, craving Leave of the Doctor to borrow a Phrase which stands at the Head of the last Paragraph of his Sermon, *What is the Result* of this Proceeding hitherto? In opening the Charge, we consider'd him in the Condition of a Person accus'd; but the Proofs having been produc'd, and the Evidence being unquestionable, even from his own Mouth, and by the Endeavours of other Gentlemen, to whose Provinces the several Tasks have fallen, the false Colours of his Discourse being taken off, and his Scheme reduced to its true Consistency, give me Leave to represent him to your Lordships in a true Light, and in his proper Colours.

Your Lordships now see this Gentleman, under the Reign of the greatest and best of Princes, that ever wore a Crown, whose Title to the Throne stands upon a more solid and indisputable Foundation than that of any Prince upon Earth, guarded and defended by the best Laws in the World, and the intire Affection of all her true Subjects, and which none can draw in question with any other Design than to weaken its Support:

You see him, under an Establishment and Constitution, excellently contrived and adapted to answer all the good Ends of Government, and which has withstood the open Assaults of arbitrary Princes, and the more crafty Attempts of Papal Encroachments; and which, since the true Religion was established among us, has been preserved in despite of the Dangerous Endeavours of Papists, by dividing Protestants, to make Way for its Destruction: A Constitution, which happily recovered itself at the Restoration, from the Confusions and Disorders which the horrid and detestable Proceedings of Faction and Usurpation had thrown it into, and which after many Convulsions and Struggles, was providentially saved at the late happy Revolution; and by the many good Laws pass'd since that Time, stands now upon a firmer Foundation: Together with the most comfortable Prospect of Security to all Posterity, by the Settlement of the Crown in the Protestant Line.

Your Lordships have found this Person, at a Time when the Church of *England* as by Law establish'd, is in perfect Prosperity and Safety at Home, and in higher Reputation Abroad, than in any Age that has gone before it; at a Time when the Nation enjoys Peace and Tranquility, and all the good Effects of a prudent and successful Administration, demonstrated by the Harmony and unanimous Endeavours of all her Majesty's true Subjects to support it;

In the most solemn and publick Manner, leveling the most virulent Discourse against her Majesty's Title to the Crown, and against our present Establishment, and calculated to favour the Pretension of another.

Your Lordships find in it the same Principles reviv'd and avow'd in the same dangerous Extent by him, as in a late Reign by the profess'd Instruments of Popery and Arbitrary Power, and apply'd in Condemnation of the glorious Work of the late happy Revolution, which delivered us from them.

Your



Your Lordships have found him arraigning the Honour of her Majesty and her Parliament, aspersing her Administration both in Church and State, and with all imaginable Ardour and Vehemence stirring up Sedition, and exhorting to Rebellion; and that in the Name of Almighty God, as a Person commissioned from Heaven to that End, and in the most profane and prostitute Manner abusing and wresting Scriptures to those impious Purposes.

'Tis on those Grounds, that the Commons have charged the Crimes to have been committed by him with an Intent to undermine her Majesty's Government, and to stir up Arms and Violence: And do your Lordships want further Evidence of this? Let us remind you of the Rebellion that has been rais'd, and that High Treason that was committed, the last Night, by those Persons who abet the Prisoner!

I can't aggravate the Offence; your Lordships will duly consider the Height and Quality of it, you will think of a Satisfaction suitable to that, and to the just Expectation of the Commons.

*My Lords,*

The Nature and Length of this Proceeding having occasion'd many Interruptions, we are yet assur'd, that no Misconstruction will be permitted by your Lordships, of what may have fallen from any of us. We likewise take Notice to your Lordships, that the Commons have very readily acquiesced in your Appointment of Counsel to assist the Prisoner. Your Lordships informed us in the Beginning of the Cause, that you did this in great Benignity to him, in assigning him those Counsel which he himself had ask'd, and doubtless such as are according to his own Heart's Desire: And the Commons are assur'd, that those Gentlemen will understand that Regard which is due to the Nature of this Cause, and to the Dignity of a Proceeding wherein the Commons of *Great Britain* appear as Prosecutors.

The Commons conceive, they have Reason to take great Satisfaction from this Proceeding, whereby they have the Opportunity in the most solemn Manner, before the most August Judicature in the World, to assert the Freedom and Excellency of our Government, and the Justice of the present Establishment: This single Consideration shews your Lordships of what Malignity the Prisoner is capable, who has thus set himself to disorder and destroy so happy and so beautiful a Constitution.

We desire to put your Lordships in Mind of those Felicities, which in our Opinions, accompany this Prosecution; when we see so many of your Lordships the Judges of this great Cause, who had so great a Share in that Deliverance which we are now called upon to vindicate; so many others of your Lordships, the Sons of those Fathers, who joined in it; and who have the same Blood still running in your Lordships Veins. And when we consider that firm and steady Zeal which every one of your Lordships have shewn in Support of the present Settlement, what Doubt can we entertain of your most impartial Justice?

We further observe it, as the great Security of our Impeachment, That no Endeavours can prevail to prevent your Judgment upon it, nor any Means succeed to defeat its Effects.

And on t'other Hand, we have before our Eyes the many good Consequences, which that Part which the Commons have taken on themselves, will certainly produce; that Strength and Vigour

'twill add to the great Affairs of the Kingdom, and of all *Europe*, at this critical Juncture, when the World shall see that the Commons of *Great Britain*, who have been so unanimous in Defence and Support of the common Cause of Peace and Liberty Abroad, are thus zealous to find out and extirpate that malignant Humour, which alone can endanger it at Home; that whilst the common Oppressor feels the Effects of her Majesty's Arms, the intestine Enemies of the Nation, and of her Government, (in the Instance of the prisoner) may see and consider the Force and Weight of the highest Resentment of the Commons.

Those good Effects will receive yet greater Enforcements from your Lordships Judgment; which, when it becomes publick, will be an effectual Confutation, or an unanswerable Treatise against the pestilent Doctrines advanc'd by the Prisoner.

The Firmness of your Proceedings will give the same Steadiness and Vigour to all other Parts of the Administration, which will henceforward strive to imitate your Lordships in so great an Example; and 'twill strike due Terror on those Minds, in which the same destructive Errors have taken Root.

And, my Lords, What Comfort and Peace must it bring to all her Majesty's faithful Subjects, to see her Majesty's undoubted Title, the Wisdom of her Administration, and the Protestant Succession, so effectually supported by your Lordships Judgment?

My Lords, We have thought it necessary, in Discharge of the great Trust reposed in us by the Commons, to go through the whole Charge together, that your Lordships might have it intire. I am now only to add, That they do reserve to themselves the Liberty of replying to what shall be offered on behalf of the Prisoner, and of every other legal Advantage that shall arise to them in the Progress of their Impeachment.

*Lord Chancellor.* Gentlemen of the House of Commons, Have you gone through the Charge?

*Mr. Lechmere.* My Lords, we have.

*Lord Chancellor.* Then you that are appointed Counsel for Doctor *Sacheverell*, may proceed to his Defence.

*Sir Simon Harcourt.* My Lords, There having been already three whole Days spent by the Gentlemen of the House of Commons in Maintenance of their Charge; and this Day being so far spent, I am bound in Duty humbly to represent to your Lordships, that it will be impossible for us to go through the very first Article, so as to finish in any reasonable Time. My Lords, We humbly expect your Lordships Commands.

*Lords.* Go on, go on.

*Sir Simon Harcourt.* My Lords, We must receive your Lordships Commands. We think it of great Importance to go through the first Article at once, if your Lordships please to give us Leave.

*Then the LORDS adjourned to their House above.*

---

*Friday, March 3. The Fifth Day.*

THE Lords coming down into *Westminster-hall*, and being seated in the Manner before-mention'd, Proclamation was made by the Serjeant at Arms as follows:

Our



Our Sovereign Lady the Queen doth strictly charge and command all Manner of Persons to keep Silence, upon Pain of Imprisonment.

Then another Proclamation was made: *Henry Sacheverell*, Doctor in Divinity, come forth, save thee and thy Bail, else thou forfeitest thy Recognizance.

The Doctor appearing at the Bar accordingly; with his Counsel, as before:

*Lord Chancellor*. Gentlemen, you that are Counsel for the Prisoner, may proceed to his Defence.

*Sir Simon Harcourt*. **M**AY it please your Lordships, I am Counsel for Doctor *Sacheverell*, who stands impeached in the Name of all the Commons of *Great Britain* of High Crimes and Misdemeanors. The Crimes supposed to have been committed by him are contain'd in four Articles. I beg leave to postpone the three last, without mentioning any Thing of them, 'till we have all concluded what we have to offer and lay before your Lordships, as to the several Charges contain'd in the first; and endeavour'd to satisfy your Lordships, That notwithstanding what has been objected by the Gentlemen of the House of Commons against the Doctor, in Maintenance of that Article, he is an innocent Man. The first Article contains three distinct Charges; we shall proceed on them as they lie in Order. The first of them is, "That he suggests and maintains, that the necessary Means used to bring about the late happy Revolution were odious and unjustifiable". Your Lordships have been inform'd, that by this Expression of, *The necessary Means*, mention'd in the first Article, the Gentlemen of the House of Commons intend his late Majesty's glorious Enterprize for delivering this Kingdom from Popery and arbitrary Power, and the Subjects of this Realm well affected to their Country, joining with, and assisting him in that Enterprize. In a shorter Description, it has been explain'd, that these *necessary Means* were the Subjects Resistance to their unfortunate Prince then upon the Throne. Of this Resistance the Doctor has made no Mention in his Sermon. He has, indeed, affirm'd the utter Illegality of Resistance on any Pretence whatsoever to the Supreme Power; but it can't be pretended, there was any such Resistance used at the Revolution. The Supreme Power in this Kingdom is the Legislative Power; and the Revolution took Effect by the Lords and Commons concurring and assisting in it. Whatever therefore the Doctor has asserted of the utter Illegality of Resistance, his Assertion being applied to the Supreme Power, can't relate to any Resistance used at the Revolution; and consequently can't be an Affirmance, that such Resistance, or such necessary Means, were odious and unjustifiable. One of the learned Gentlemen, who spoke the third Day of this Trial, in Maintenance of the last Article, concur'd with me in this; and objected it to the Doctor, That he had guarded himself, by confining his Assertion to the Supreme Power; and that he had not averr'd the utter Illegality of Resistance to the Queen: But had he in express Terms affirm'd the Unlawfulness of such Resistance, yet by the same Arguments which have been used, the Doctor would have been told, he had been preaching a slavish Doctrine. My Lords, another Gentleman of the House of Commons (I think there were but two of them who took Notice of this Expression of the Doctor's of *the Supreme Power*) observ'd, that the Doctor had asserted the Illegality of Resistance to the Supreme Power on any Pretence

whatsoever; which Power he admitted was the Legislative; and declared, if the Doctor had really meant that Power, he should not have differ'd from him; and without doubt, your Lordships and all Persons will concur with him in this, that 'tis utterly unlawful to resist the Supreme Power. But that Gentleman being satisfy'd, that tho' the Doctor expressly mention'd the Supreme Power, which is the Legislative, yet he certainly intended the Supreme executive Power, concluded he was guilty of this Charge in the first Article; and mention'd it as an Instance of the great Mercy and Lenity of the House of Commons, that they had not proceeded against him for High Treason, as a *Parson* in one of the late Reigns was prosecuted for Words which he thought less offensive and dangerous than this Assertion preached by Dr. *Sacheverell*. And yet that Gentleman was pleas'd to say, That had a Dissenter, whose Affection to the Government was unsuspected, express'd himself as the Doctor did, the Gentlemen of the House of Commons would not have thought fit to have prosecuted him. That Case which was alluded to, I take to be the Case of Mr. *Roswell*, a Nonconformist Minister. He was indicted in the 36 *Car. II.* for Words spoke by him in a Sermon preach'd at a Meeting-house. 'Twas a Prosecution carried on through the Violence of those Times, and generally detested. He was convicted; but on cooler Thoughts, and Consideration of the Uncertainty in his Expressions, that they could not amount to such a Crime as he stood charged with, Judgment was arrested, and Mr. *Roswell* was discharg'd. Another learned Gentleman who open'd the Charge, was of Opinion, that the Doctor, in his Assertion of the Illegality of Resistance to the Supreme Power, does really neither mean the Legislative nor executive Power, but that he had the Pretender in his View. This is diving into the Secrets of his Heart, and searching into his Thoughts, which God only knows. This was urg'd, to avoid the strange Inconsistency, in concluding, that the Doctor was endeavouring to undermine the Government, by preaching up the utter Illegality of resisting it.

My Lords, If there be a double Sense, in either of which those Words are equally capable of being understood; if in one Sense the Doctor's Assertion be undeniably clear, but in the other some Doubt might arise, whether his Words be criminal or not, the Law of *England* is more merciful than to make any Man a Criminal, by construing his Words against the natural Import of them, in the worst Sense. This is the great Justice and Clemency of our Law, in every Man's Case. But some Persons are intitled to have a more favourable Construction put on all their Words and Actions, than others are; such as Persons acting in the Execution of their Offices, in Obedience to Authority, or by a Commission from the Crown; such Persons are look'd upon as under the immediate Protection and Care of the Law: How much more reasonable is it, that Ministers of the Gospel, who have their Commission from God, and speak in the Name of God, should have the most candid Interpretation made of whatever they say? This, I am persuaded, was one of the chiefest Reasons which in the Case of Mr. *Roswell* allay'd the Rage of that Reign; and at that Time obtained Mercy for him, though a Nonconformist Minister under a Conviction of High Treason. 'Tis a hard Fate attends this unhappy Gentleman, if he must inevitably lie under the Imputation of being thought an Enemy to the Revolution, and to our present happy Establishment on that Foundation.

What



What Evidence will your Lordships expect he should produce to clear himself? He has shown his Submission to the Revolution, from the first Moment his Years made him capable of doing so. He has given all the publick Testimonies of his Fidelity and Affection to the last Reign, as well as the present, which the Government has at any Time requir'd from the most suspected Persons. He has taken the Oath of Allegiance, signed the Association, and took the Abjuration. 'Tis a miserable Case any Man is in, if after he has taken the Abjuration, the utmost which is requir'd, he shall still be told, he hath indeed abjur'd the Pretender, but hath not yet forgot him. If neither the Inoffensiveness of the Doctor's Behaviour, neither his Words, nor Oaths can satisfy; if after all these Demonstrations the Doctor has given of his Fidelity, he is still liable to be censured, what Satisfaction is it possible for him to give?

My Lords, If the Manner of this solemn Prosecution has not alter'd the Nature of Things, I hope I may insist, without putting in a Claim of Right in Behalf of all the factious and seditious People in the Kingdom to revile the Government at Pleasure, That by the happy Constitution under which we live, a Subject of *England* is not to be made criminal by a labour'd Construction of doubtful Words; or when that can't serve, by departing from his Words, and resorting to his Meaning. Too many Instances there were of this Nature before the late happy Revolution; but that put an End to such arbitrary Constructions.

I might trouble your Lordships on this Head with Multitudes of Authorities; but I shall mention only one: 'Tis an Authority of your Lordships, upon a Writ of Error, immediately after the Revolution; Sir *Samuel Barnardiston's* Case; and I beg Leave to refer to your Lordships Journal, *May 14, 1689.* 'Twas that Gentleman's Misfortune to be called in Question in the Reign of King *Charles* the Second (*Hill. Term 1683.*) for writing some Letters supposed to be seditious, and highly reflecting on the Government, and the publick Justice of the Nation at that Time. Upon his Trial he was represented as a seditious Man, and one of a turbulent Spirit; and being so painted by the Chief Justice who try'd him, tho' his Actions were inoffensive; notwithstanding his Innocence, a Verdict was obtain'd against him; and when he came to receive Judgment, not being look'd upon as an inconsiderable Man, nor as a Tool of his Party, but as one of the Heads of it, a Fine of ten thousand Pounds was set on him. I beg Leave to lay before your Lordships what you did in that Case. Your Lordships reversed that Judgment; and as a glorious Instance of your Justice, not contenting yourselves with the Right you had done in the Case then before you, at the same Time provided, as far as was possible, that no innocent Person, in After-Ages, might suffer Wrong. Your Lordships therefore, in an extraordinary Manner, order'd the Reasons of your Judgment to be entered in your Journal, and they are enter'd in the following Words: "First, "The Information in this Case being grounded upon Letters, which in themselves were not criminal, but made so by Innuendo's, your Lordships declared, that Innuendo's, or suppos'd, or forc'd Constructions, ought not to be allow'd; for all Accusations should be plain, and the Crimes ascertained". My Lords, I hope it's unnecessary to my present Purpose, to read to you the second Reason; but as it was another Instance of your Lordships Justice, which ought never to be forgot, I

shall take the Liberty of doing it: It relates to the Fine of ten thousand Pounds. Tho' Sir *Samuel Barnardiston* was a Gentleman of a very considerable Estate, your Lordships declared, "Secondly, That "this Fine of ten thousand Pounds is exorbitant, "and excessive, and not warranted by legal Precedent in former Ages; for all Fines ought to be "with a *Salvo contentemento suo*, and not to the "Party's Ruin". These were your Lordships Declarations in that Case. If there be any Uncertainty or Doubt in the Doctor's Expressions, your Lordships, I hope, will put the most favourable Construction on them. What I have hitherto offer'd is, with Relation to these Words, *The Supreme Power*; but that which I take to be the main Objection in this Case, is, that the Doctor's Assertion of the Illegality of Resistance must be necessarily understood with Reference to the executive Power. And if it be utterly illegal, in any Case, upon any Pretence whatsoever, then 'twas unlawful at the Revolution; and from thence the Consequence is drawn, That the Doctor is guilty of this first Charge, *of maintaining, That the necessary Means used to bring about the happy Revolution were odious and unjustifiable.* This I take to be the Force of the Objection.

My Lords, I admit the Doctor has in general Terms asserted this Proposition of the Illegality of Resistance to the Supreme Power on any Pretence whatsoever; and yet I am not altogether without Hopes, but that I shall be able to satisfy even the Gentlemen of the House of Commons, whether that Expression be understood of the Legislative, or Executive Power, that he is an innocent Man, notwithstanding that Assertion.

My Lords, There is nothing further from our Hearts, nor is any Thing less necessary to the Doctor's Defence, than for us to dispute or to call in Question the Justice of the Revolution. We are so far from it, that we look on ourselves to be arguing for it, whilst we are endeavouring to show your Lordships, that the Resistance used at the Revolution is not inconsistent with the Doctrine of the Church of *England*, and with the Law of *England*; and that the Doctor uses no other Language than what they both speak. When your Lordships have laid aside what was urg'd the second Day, to show the Justice of the Revolution, and to aggravate the Doctor's Offence, supposing him guilty, this Matter will lie in a very narrow Compass; and I am in Hopes there will not appear to be so great a Difference as hath been represented, between the Doctor, in his Assertion concerning the Illegality of Resistance, and some of the Gentlemen of the House of Commons. I can't say, that I differ from many of them in their Notions of Allegiance, as stated the second Day of this Trial.

My Lords, The first Thing on which I humbly insist, supposing this general Assertion to relate to the Supreme Executive Power, is, that the Doctor has not in any Part of his Sermon apply'd it to the particular Case of the Revolution.

'Twas insisted on the first Day, That he had not only asserted the utter Illegality of Resistance to the Supreme Power, on any Pretence whatsoever; but also that he had expressly affirm'd, that the Revolution was not such a Case, as ought to be excepted out of his general Rule. This I deny: If such an Expression can be found in the Doctor's Sermon, I shall think no Punishment too great for him. 'Tis one Thing, expressly to affirm the Revolution is such a Case as ought not to be excepted out of the general Rule; and another Thing, not to make the Exception. The Apostle, who in general



neral Terms enjoins the Duties of Obedience and Non-Resistance to the Higher Powers, makes no Exception when he lays down those Precepts; nor (on the other Side) does he say, no such Case can ever happen, wherein Obedience is not to be paid, or Resistance not to be made. He is silent in that Matter; and the Doctor's Expression, in this Case, is agreeable with that of the Apostle. To prove the Doctor guilty of this first Charge, and that he had directly applied his General Rule of the Illegality of Resistance to the Supreme Power, to the particular Case of the Revolution, a learned Gentleman, (whose Province it was to maintain the first Article) on the second Day of this Trial, first stated to your Lordships the Page wherein the Doctor mentions the utter Illegality of Resistance, and read that Passage in the following Words: "The grand Security of our Government, and the very Pillar upon which it stands, is founded upon the steady Belief of the Subjects Obligation to an absolute and unconditional Obedience to the Supreme Power, in all Things lawful, and the utter Illegality of Resistance upon any Pretence whatsoever." And then, says he, the Doctor goes on, and says, "Our Adversaries think they effectually stop our Mouths, and have us sure and unanswerable on this Point, when they urge the Revolution of this Day in their Defence". This might very reasonably make an Impression upon your Lordships, not comparing those several Passages in the Doctor's Sermon, at the same Time that Objection was made. But I beg your Lordships will observe the Distance of these two Passages from each other, between twenty and thirty Lines, in which several distinct and intire Sentences are contain'd, to which that last Passage of *Our Adversaries*, &c. plainly relates. The next Method used to prove the Doctor guilty, was, by taking the Passage in itself, independently, from any other; and this I own to be the true way of considering it: And taking it thus, 'tis objected, If in no Case whatsoever 'tis lawful to resist, 'twas then unlawful at the Revolution. Such a Doctrine must be a slavish Doctrine. An unlimited Passive Obedience and Non-Resistance is a slavish Notion.

My Lords, Dr. *Sacheverell* does not contend for it; nor is there any Thing mentioned in his Sermon, of such an Obedience or Non-Resistance. There is but this small Difference between the Gentlemen of the House of Commons, who think this Expression so highly Criminal, and the Doctor, who still conceives it to be otherwise; whether, when the General Rule of Obedience is taught, the particular Exceptions, which may be made out of that Rule, are always to be expressed; or whether, when the General Rule is laid down, the particular Exceptions, which might be made out of that Rule, are not more properly to be understood or implied.

I humbly apprehend, my Lords, that extraordinary Cases, Cases of Necessity, are always implied, though not express'd, in the General Rule. Such a Case undoubtedly the Revolution was, when our late unhappy Sovereign, then upon the Throne, misled by Evil Counsellors, endeavour'd to subvert and extirpate the Protestant Religion, and the Laws and Liberties of the Kingdom. The general Rule ought always to be pressed; but the Exceptions of extraordinary Cases, of Cases of Necessity, are never particularly to be stated. To point out every such Case before-hand, is as impossible, as it is for

a Man in his Senses not to perceive plainly when such a Case happens.

Every Minister of the Gospel is sufficiently instructed from the Doctrine of his Church, from the written Laws of the Land, and the Law of God, to press the general Duty of Obedience; but such extraordinary Cases, wherein Resistance is lawful, wherein it becomes an indispensable Duty, are no where laid down. The same Apostle, who enjoins Obedience and Non-Resistance to the higher Powers, commands also Servants to obey their Masters, and Children their Parents, in all Things: Notwithstanding which general Precepts, many Cases may happen, wherein it may be not only unfit, but sinful for Servants to obey their Masters, or Children their Parents. And yet the Apostle never thought it proper to state, or mention those Cases, but contented himself to press the Duty of Subjection in general, leaving such Cases (when they happen'd) to justify themselves.

Such Cases, my Lords, with respect to Resistance against the Supreme Power, are no way fit to be consider'd, but in Parliament; and even the Parliament itself hath never yet thought fit otherways to consider them, than by way of Retrospect, to justify what had of Necessity been done in those Cases; but never went so far as to enumerate the Cases of that kind, which might happen for the future, wherein it might be lawful for the Subject to resist; nothing being more evident, than that the Subjects would be, some time or other, thereby tempted to exceed their just Liberty.

I beg Leave to close what I have humbly offer'd to your Lordships on this Head, with an Observation I borrow from Mr. *Pym*, at his delivering the Charge against Dr. *Manwaring*. Mr. *Pym*, speaking of the Dutchy of *Normandy*, observes, that that Dutchy having been oppressed with some Grievances, contrary to their Franchises, made their Complaint to *Lewis* the Tenth; who, by his Charter, acknowledging the Right and Custom of the Country, and that they had been unjustly griev'd, did grant and provide, That from thenceforward they should be free from all Subsidies and Exactions to be imposed by him, and his Successors, yet with this Clause, *Unless when great Necessity required*: Which small Exception, Mr. *Pym* observ'd, had devour'd all their Immunities granted by that Charter. I think I may as reasonably conclude, That if Clergymen, or others, in their Sermons, Writings, or publick Discourses, instead of preaching up the general Rule of Obedience, are permitted to state the several extraordinary Cases, which may arise, the several excepted Cases which, notwithstanding the general Rule, are implied; such Exceptions will in time devour all Allegiance.

Having thus stated to your Lordships the Question between us, Whether such excepted Cases as the Revolution was, are not more proper to be left as implied, than to be express'd, when the general Duty of Obedience is taught; I shall endeavour to satisfy your Lordships, First, That the Doctor's Assertion of *the Illegality of Resistance to the Supreme Power on any Pretence whatsoever*, in general Terms, without expressing any Exception, or that any Exception is to be made, is warranted by the Authority of the Church of *England*: And, Secondly, That his Manner of Expression is agreeable to the Law of *England*.

First, That 'tis warranted by the Authority of the Church. Your Lordships were informed, on the first Day of this Trial, with how much Bra-

very



very even our Popish Ancestors asserted the Legality and indispensable Duty of Resistance, whenever they thought the Liberty of their Country requir'd it; but that at the Reformation, when Truth began to shine out, then it became evident, that this Notion of the Illegality of Resistance was a slavish Doctrine. The learned Gentleman undoubtedly pitch'd on a very proper Time to begin his Search after Truth; and from thence I shall endeavour to trace it.

One very early Authority I find; it was indeed in the Dawn of the Reformation, in a Book intitled, *A necessary Doctrine and Erudition for any Christian Man*; publish'd by the King's Command, 34 H. VIII. 'Twas a Treatise composed by the Direction of *Cranmer*, by *Ridley*, *Redmayn*, and other very great and learned Men. I find it highly commended in the *History of the Reformation*, Part 1. Book 3. Page 286. The Reverend Author of that History gives an Account how well the Reformers were employ'd, (*Ann.* 1540.) though not in the way of Convocation: That a select Number of them sat by Virtue of a Commission from the King, confirmed in Parliament; and that their first Work was to draw up a Declaration of the Christian Doctrine, for the necessary Erudition of a Christian Man; and (*Pa.* 293.) that 'twas finish'd and set forth, with a Preface, written by those of the Clergy who had been employ'd in it, declaring with what Care they had examined the Scriptures, and the antient Doctors, out of whom they had faithfully gather'd that Exposition of the Christian Faith. In this Treatise I find these Passages. In the Exposition of the Fifth Commandment: "And by this Commandment also, Subjects be bound not to withdraw their Fealty, Truth, Love, and Obedience towards their Prince, for any Cause whatsoever it be; nor for any Cause they may conspire against his Person, nor do any Thing towards the Hindrance or Hurt thereof, nor of his Estate." In the Exposition of the Sixth Commandment: "Moreover, no Subjects may draw their Swords against their Prince, for any Cause whatsoever it be." The Reverend Father of our Church, to whom the Publick is so much indebted for that excellent History of the Reformation, and who has receiv'd the just Thanks of both Houses of Parliament for it, (*Page* 291.) declares those Expositions of the Commandments to be very profitable.

My Lords, Tho' the Treatise, in which I find these Expositions, was publish'd in a Popish Reign, yet (as an undeniable Evidence that the Doctrine of Non-Resistance, there taught, is a Protestant Doctrine) I shall shew your Lordships, the Reverend Author of the History of the Reformation has himself asserted it, in much stronger Terms, than Doctor *Sacheverell* has done. In *Edward* the Sixth's Time, the glorious Light of the Gospel shone out. The first Book of the Homilies, prepar'd by the Clergy, was then published by the Royal Authority; in which were three Parts of a Homily, or rather three distinct Homilies of Obedience: In one of which is the Passage mentioned in the Doctor's Answer. "Here, good People, mark diligently: It is not lawful for Inferiors, and Subjects, in any Case, to resist and stand against the superior Powers; for *St. Paul's* Words be plain, that whosoever withstandeth, shall get to themselves Damnation; for whosoever withstandeth, withstandeth the Ordinance of God." In Queen *Mary's* Reign, the Light of the Gospel was eclipsed, and the Darkness of Popery again over-

spread the Nation. Resistance to Princes being a Doctrine of the Church of *Rome*, your Lordships will not expect any authentick Evidence to be produced out of that Reign, in Maintenance of the Doctrine of Non-Resistance.

When Queen *Elizabeth* came to the Crown, the Truth of the Gospel shone forth in its full Lustre, and then six Homilies were added to the other three against Disobedience and wilful Rebellion; in which your Lordships will find many Passages, wherein the Duty of Non-Resistance is pressed and inculcated, in much stronger Terms than it hath been asserted by Dr. *Sacheverell*. In that glorious Reign, the Thirty-nine Articles of our Religion were agreed upon by the Archbishops and Bishops of both Provinces, and the Clergy in Convocation; by the 35th of which, the Homilies are declared to contain a *Godly and Wholesome Doctrine*, and are order'd to be read in Churches, by the Ministers, diligently and distinctly, that they may be understood of the People. In the thirteenth Year of that Reign, a further Sanction was given to the Homilies; the Thirty-nine Articles were then confirm'd, and every Person in Holy Orders, to be admitted to any Benefice with Cure, was required (by Act of Parliament made in that Year) to subscribe and Read them in the Church, and declare his unfeigned Assent thereto.

My Lords, We have now a most gracious Sovereign on the Throne, as far surpassing her renown'd Predecessor Queen *Elizabeth*, in the effectual Support she gives to the Protestant Interest, and in her pious Care for the perpetual Security of the Church of *England*, as in all the other Successes and Glories of her Reign. In this Reign, a perpetual Sanction is given to the Books of the Homilies, by inserting in the Act of *Union* the Act made 13 *Eliz.* which confirms the Thirty-nine Articles; by the 35th of which, the Doctrine of the Church (taught in the Homilies) is approv'd; and declaring that Act, 13 *Eliz.* to be an *essential and fundamental Part of the Act of Union*: So that I may now conclude, the Doctrine of the Church of *England*, taught in her Homilies, must continue as long as the Union of the two Kingdoms, which I heartily pray may be to the World's End. On these Authorities do the Homilies of our Church subsist: And as they are thus ratified by the Articles and Acts of Parliament, the Doctor has the concurrent Authority of the Church and State, for what he has said concerning the Illegality of Resistance.

My Lords, Is this Doctrine of Non-Resistance taught in the Homilies in general Terms, in the same manner as Doctor *Sacheverell* has asserted it, without expressing any Exception? Do the Articles of our Religion declare the Doctrine taught in the Homilies to be a Godly and Wholesome Doctrine; and will your Lordships permit this Gentleman to suffer for Preaching it? Is it criminal in any Man to preach that Doctrine, which 'tis his Duty to read? The Doctor is not only required by the 35th Article to read this Doctrine diligently, and distinctly, that it may be understood by the People; but to shew your Lordships, the Doctrine taught in the Homilies did not die, nor was alter'd at the Revolution, I must observe to your Lordships, that the Rubrick of the Office appointed for the Fifth of *November*, by the late Queen of Blessed Memory, directs the Clergy on that Day, if there be no Sermon, to read one of these Homilies against Rebellion. Since the Doctor chose rather to preach, than to read a Homily on that Day;



how could he better comply with the Command of her late Majesty, than by preaching the same Doctrine as was contain'd in those Homilies he was commanded to read on that Day, if he did not preach? Does an Act of Parliament, inserted in the Act of Union, injoin him to subscribe to this Doctrine before the Ordinary, and declare his unfeign'd Assent to it in his Parish Church? And shall he be condemn'd in Parliament, for asserting the Truth of it? I must admit, this 35th Article of our Religion is not by the *Toleration-Act* (I will give no Offence, by calling it by its true Name) required to be subscribed by any Persons dissenting from the Church of *England*, to intitle them to their Exemption from the Penalties mentioned in that Act. But that Act of Parliament no way varies the Case with respect to the Clergy; so that whatever Duty was incumbent on them before, is so still; and therefore I hope, your Lordships will not think this Gentleman has so highly offended.

As a further Proof that this Doctrine of Non-Resistance, as laid down by the Doctor in general Terms, without making any Exception, is the Doctrine of the Church of *England*, I shall shew your Lordships, that it has been so preach'd, maintain'd and avow'd, and in much stronger Terms than the Doctor has express'd himself, by our most Orthodox and able Divines from the Time of the Reformation. 'Twould be endless to offer your Lordships all the Authorities I might produce on this Occasion; but we shall beg your Lordships Patience to lay before you some Passages out of the learned Writings of several Reverend Fathers of our Church, of nine Archbishops, above twenty Bishops, and of several other very eminent and learned Men.

That your Lordships may not think this Doctrine died at the Revolution, I shall humbly lay before your Lordships the Opinions of three Archbishops, and eleven Bishops, made since the Revolution, which will fully shew the Doctrine of Non-Resistance is still the Doctrine of our Church; I would not willingly give Offence in naming them, I am sure I mean no Reflection, nor can it, as I think, be any Reproach to them: I find no other Doctrine in this Case taught by them, as far as I am able to judge, than what the Apostles taught before them. With your Lordships Leave, I will therefore presume to name them; Archbishop *Tillotson*, the two present Archbishops, Bishop *Stillingfleet*, late Bishop of *Worcester*, the present Bishops of *Worcester*, *Rochester*, *Salisbury*, *Exeter*, *Bath* and *Wells*, *Lincoln*, *Exeter*, *St. Asaph*, *Carlisle* and *Chichester*. If I am able to shew your Lordships that all these Right Reverend Fathers of our Church have preached the same Doctrine the Doctor has, Are the same Words coming out of their Mouths to be received as Oracles of Truth, but spoke by the Doctor fit for Articles of Impeachment? I am sure it's impossible to enter into the Heart of Man to conceive, that what these Reverend Prelates have asserted, that any general Position they have laid down concerning Non-Resistance, is an Affirmance that necessary Means used to bring about the Revolution were *Odious* and *Unjustifiable*: Why then is Doctor *Sacheverell*, by having taught the same Doctrine, in the same Manner as they did, to be charged for having suggested or maintained any such Thing?

My Lords, I dare not suppose this Doctrine, thus establish'd by so many Reverend Fathers of our Church, to be erroneous. If an intemperate Expression of one single Archbishop above a Hundred Years since dead, is fit to be inserted in an Article

of Impeachment of High Crimes and Misdemeanors, what Punishment should I deserve, could I suppose the Doctrine taught by so many Archbishops and Bishops to be erroneous. But if I might hope to be excus'd, if I made the Supposition, that the Homilies of our Church contain false Doctrine, and that so many of the Right Reverend Fathers of our Church are capable of erring, or being ignorant in the Doctrine of their Church, I humbly propose it to your Lordships, whether a Clergyman who errs after such great Examples, might not reasonably have hop'd for a more moderate Correction, than an Impeachment! Had this slavish Doctrine of Non-Resistance been first branded with its indelible Mark of Infamy, and the Right and indispensable Duty of Resistance to Princes plainly shewn; had all the slavish Notions of the Common Law which we find dispers'd throughout our Law-Books, which give Countenance to this Doctrine of Non-Resistance, been first weeded out of them, and some few Acts of Parliament, intirely agreeable with this slavish Doctrine, been first repealed; had the People been set right in the Notions of their Obedience, and the Ministers of the Gospel been instructed by Act of Parliament what Doctrine they ought to preach, and what not; had all these Things been first done, and the Doctor had afterwards err'd, your Lordships might have then look'd upon him, as an obstinate Offender.

The next Thing I beg Leave to consider is, the Law of *England*; whether the Doctor's Assertion of *the utter Illegality of Resistance to the Supreme Power on any Pretence whatsoever*, in general Terms, is agreeable to the Law of *England*. I hope I need not again explain myself as to this Particular, I mean, that as the general Rule is always taught and inculcated by the Church, so has it always been declared by the Legislature, without making any particular Exception; and if this Rule holds both in Church and State, this Gentleman is strangely unfortunate, if he can't be comprehended under one or other of them.

My Lords, whatever may at any Time heretofore have been thought proper to be done by Parliament; whatever Measures, in Cases of the last Necessity, may at any time have been taken by the People in general, for preserving their Liberty, or asserting the Rights of their Country, and keeping themselves from Slavery; yet in no Age can any Instance be shewed, not in the Reigns of those Princes who have been depos'd, that this Doctrine, of the Right of Resistance, as it has been term'd, was ever permitted to be asserted by any particular Person. A memorable Case to this Purpose happened in the Reign of King *Edward* the Second: An Act of Parliament pass'd in the fifteenth Year of that Reign, intitled, *Exilium Hugonis de Spencer Patris, & Filii*. The two *Spencers* were banished by that Act; and the first Article in that Act against them is, "That they had affirm'd and publish'd in Writing, that Homage and Oath of Allegiance were due more by reason of the Crown, than by reason of the Person of the King; and that if the King did not demean himself according to Reason, in the Exercise of his Government, his Subjects might remove him; And that since that Removal could not be by Course of Law, they might therefore remove him by Force." The Time when this Act pass'd, and what afterwards happened, is remarkable. The Act, very soon after the making it, was repeal'd, and 'twas thought necessary in that Reign the People should assert that Right, and thereupon the King was depos'd. But your Lordships will



will find in his Successor's Reign, they were so far from casting any Blot on the Act of Exile, that in the 1 *Edward* 3. by one of their first Acts, the Repeal of the Exile was annulled, and the Act of Exile confirm'd. It is true, that in the 21st Year of *Rich.* 2. the Act made the 1st *Edw.* 3. for annulling the Repeal of the Exile, was repeal'd, and the Reversal of the Act of Exile confirm'd; but in the 1st of *Hen.* 4. the whole Parliament held the 21st *Rich.* 2. and all the Proceedings in it, for their Extravagance, were annulled, and from thence the Act of Exile of the two *Spencers* continued untouched. I must humbly observe to your Lordships, that though there were two Repeals of the Act of Exile, yet neither of them mention'd the Matter contain'd in the Articles as insufficient, but the Reasons assign'd in the Acts of Reversal are, that "in the Proceedings against the *Spencers*, the great Charter was not observ'd, that the Prelates were not present, and did not assent thereto; and some other Defects in Form". What Opinion our greatest Lawyers have since had of this Act of Exile, sufficiently appears, *Co.* 7. 11. *Calvin's Case*, the Words are these: "In the Reign of *Edw.* 2. the *Spencers*, the Father and the Son, to cover the Treason hatch'd in their Hearts, invented this damnable and damn'd Opinion, That Homage and Oath of Allegiance was more by Reason of the King's Crown (that is, of his Politick Capacity) than by Reason of the Person of the King; upon which Opinion, says the Lord Chief Justice *Coke*, they inferr'd most execrable and detestable Consequences. First, If the King do not demean himself by Reason in the Right of his Crown, his Lieges are bound by Oath to remove the King. Secondly, Seeing that the King could not be reformed by Suit of Law, that ought to be done by Force: All which were condemned by two Parliaments, one in the Reign of *Edw.* 2. called *Exilium Hungonis le Spencer*; and the other 1 *Edw.* 3. *cap.* 1". I barely mention these Acts to show, that however applicable the Case of the Revolution might be to that of King *Edw.* 2. yet that those very Persons, by whom the King was depos'd, thought it so high a Crime in the two *Spencers*, to take on them to publish such Positions, as to deserve Banishment. The next Law I beg Leave to mention, is the 25 *Edw.* 3. *cap.* 2. By which, *the levying War against the King in his Realm* is declared, in general Terms, to be *High Treason*, without an Exception whatsoever: This is an Instance of what I am contending for, that the Law, in all Cases concerning our Allegiance, lays down the general Rule, without making any Exception. So the Oath of Obedience (as injoin'd 3 *Ja.* 1. 4.) all Persons are to swear *to defend the King to the utmost of their Power, against all Conspiracies and Attempts whatsoever, which shall or may be made against his Person, Crown or Dignity.* The Oath is in general, without any Exception express'd in it; and no Man will presume to say, that Oath, which was taken from the 3 *Ja.* 1. 'till after the Revolution, was not true. But the Answer to be given is, what I give in this Case, that Cases of Necessity, such as the Revolution, were implied, they are improper to be express'd; and why ought not the like Implication equally to be allow'd in the general Assertion made by Dr. *Sacheverell*? By the Act made 12 *Car.* 2. *c.* 30. for Attainder of the Regicides, it is declared, that *by the undoubted and fundamental Laws of this Kingdom, neither the Peers of this Realm, nor the Commons, nor both together, in Parliament, or out of Parliament, nor the People, collectively, or representatively, nor any*

*other Persons whatsoever, ever had, have, hath, or ought to have, any coercive Power over the Kings of this Realm.*

My Lords, I can't apprehend this Act to be repealed: If it be not, I beseech your Lordships, let Dr. *Sacheverell* be tried by it; and that you will be pleas'd to consider, whether the Doctor's Assertion concerning Resistance, hath out-gone the Declaration in this Law.

Your Lordships hear how fully the fundamental Law of the Kingdom is declared by this Act: The Doctor has only said, *'Tis illegal to resist the Supreme Power on any Pretence whatsoever.* The Expression at the End of that Declaration may possibly be observed, that it extends only to a coercive Power over the Person of the King; I know not what Inference may be drawn from thence, but certainly there is nothing in the Doctor's Sermon but what may be abundantly justified by the Declaration in that Act.

The Militia Act, the 13th and 14th *Car.* 2. *c.* 3. for ordering the Forces in the several Counties of this Kingdom, contains a Declaration as strong as the former: By that Act 'tis declared, *That neither both or either of the Houses of Parliament can, or lawfully may, raise or levy any War, offensive or defensive, against his Majesty, his Heirs, or lawful Successors.* When I perus'd this last Declaration in the Recital of the Acts, I read carefully to the End of it, to look for the Exception, but could find none. If there be no Exception in that Act; but that it stands as a general Declaration of the Law; if neither, nor both the Houses of Parliament can or may raise or levy War, offensive or defensive, against the King, is it a high Crime and Misdemeanor to assert in general Terms that Resistance to our Prince is unlawful? Pray, my Lords, compare the Doctor's Assertion in his Sermon with the Declaration in this last Act of Parliament.

By the Corporation Act, 13 *Car.* 2. *sess.* 2. *cap.* 1. all Mayors, Aldermen, Common-council Men, and other corporate Officers there enumerated, are required to take an Oath, *That it is not lawful upon any Pretence whatsoever to take Arms against the King.* By the Militia Act, which I have already mentioned, the same Oath, *That it is not lawful on any Pretence whatsoever to take Arms against the King,* is required to be taken by every Peer of the Realm, before he is capable of acting as a Lieutenant or Deputy Lieutenant; and by every Commoner of *England*, before he can be capable of acting as a Lieutenant, Deputy Lieutenant, Officer or Soldier in the Militia. By the Act of Uniformity, 13 & 14 *Car.* 2. *cap.* 4. all Ecclesiastical Persons, and many others under the several Denominations in that Act, are required to subscribe to the Truth of that Assertion, *That it is not lawful on any Pretence whatsoever to take Arms against the King.* This is the Language of our Law, and the like do the Apostles use in their Precepts touching Obedience and Non-Resistance to the Supreme Power.

But here I ought to observe, an Objection has been made to these several Acts, that by an Act made in the second Year of the late King and Queen, 'tis enacted, "That from thenceforth the Oath in-joined to be taken or subscribed, by the several Acts I have mentioned, should not be required to be taken by any Person whatsoever; and that the former Acts of Parliament, as to that Oath, are thereby repealed". 'Tis a very tender Repeal, my Lords, if it be one; but admit it to be one, it seems to have been argued from thence by a learned Gentleman, with whom in many Things he said



I no Way differ, that this Doctrine of Non-Resistance was become the more unlawful, because that Oath was not to be taken from thenceforward.

My Lords, As the Corporation Act required the Swearing, 'twas not lawful to take up Arms against the King, so does it direct the Subscribing to the unlawfulness of the Solemn League and Covenant; now by the same Argument, the Solemn League and Covenant may be proved to have been a lawful Oath.

I beseech your Lordships to consider, whether the Repeal of this Oath can have any Weight with your Lordships. 'Twas a general Assertion, to which all the Peers and Commoners, in the Employments I have mentioned, were to swear; there is no Exception in the Oath, but what is implied in it. Was not the Proposition as true before it was sworn, as after? Was it therefore true because 'twas sworn; or was it sworn because it was true? Did the Swearing it make it true; or the Truth make it fit to be sworn? If it was true when it was sworn, the Proposition was equally true before, and since. I believe, since the Oath was taken by so many Peers and Commoners, no Man will pretend to question the Truth of the Proposition.

My Lords, I have gone thro' the several Laws I shall lay before your Lordships on this Occasion; and let me once more humbly beg your Lordships, that you will be pleased to compare the Doctor's Assertion in his Sermon, concerning the Illegality of Resistance, with them; whether it be stronger than the Declaration of the undoubted and fundamental Law of the Kingdom, in the Act against the Regicides; than the Declaration in the *Militia Act*; than the Oath required to be taken by so many Acts of Parliament; than the Declaration in the 25th of *Edward III.* All the Doctor has said, is, *That Resistance to the Supreme Power is illegal, on any Pretence whatsoever.* All the Peers and Commoners of *England*, under the Characters and Employments I have mentioned, have sworn to the Truth of it; the 25th of *Edward III.* declares it to be High Treason: and your Lordships have heard what *St. Paul* says.

My Lords, I began this Discourse, relating to the Doctrine of the Church and the Laws of the Land, with the most sincere Protestation, That it was far from my Intention to offer any Thing inconsistent with the Justice of the Revolution: I think the Justice of it consistent with our Laws, the Exceptions to be made being always implied. And surely none can shew themselves truer Friends to the Revolution, than those who prove that the Revolution may stand without impeaching the Doctrines of our Church, or any fundamental Law of the Kingdom. *Dr. Sacheverell* being impeached for not making the Exception, when he laid down the general Rule; I beg Leave to turn the Case, and suppose he had made it. Had he been stating the Case of a Revolution, on a Day when he press'd the Illegality of Resistance, on a Day when, if he did not preach, he was obliged to read one of the Homilies against Rebellion, in which there is no Exception; Had he been picking Holes for the Subject to creep out of his Allegiance, and had he been cited before his Diocesan; might he not have been questioned, by what Authority he presumed to preach in that Manner? Whether he found such Doctrine taught by the Apostles, by the Homilies, or by any of the Reverend Fathers of our Church? Might he not have been told, it was his Duty, in Imitation of those great Examples, to press the general Duty of Obedience, and the Il-

legality of Resistance, without making any Exception whatsoever? Had he been questioned before the Temporal Power, for preaching in the Manner he has done; had an Indictment been framed against him on his general Assertion, and brought before the twelve Judges; I humbly apprehend, not one of them would have declared he went too far. But had he been making Exceptions out of the general Rule of Obedience, especially if he had been tried by such Judges as were before the Revolution; might he not have been told, 'Twas easy to discern what Spirit he was of, of what Party he was, and what he aimed at, what he intended; That he had not been preaching in Defence of the late Revolution, to shew the Justice of it; but that he was covering the Treason of his Heart, and under Pretence of justifying one Revolution, he was labouring to bring about another. He, who knew how far the Design had gone of landing the Pretender but two Years since; what else could he mean, by picking Holes in the Rules for our Obedience?

I have but a Word or two to add to the other Charges of this Article. The Gentlemen of the House of Commons were pleased to observe, That tho' there were four Articles, the Substance of them all centured in the first. The second Charge in this Article is, *That his late Majesty in his Declaration, disclaimed the least Imputation of Resistance.* It is not, I hope, a sufficient Ground for an Article of Impeachment, if the Doctor has expressed himself in an obscure Manner. I must confess, I can't easily comprehend him myself; but it may be any Man's Misfortune to express himself in such a Manner, as to make it decent and fit for him to explain himself: And I hope the Doctor has explain'd himself, so as to show, that tho' he may have spoken improperly, he has yet spoken innocently. The Gentlemen of the House of Commons declare, by Resistance they mean the Resistance of the Subjects to their Sovereign: But Resistance, where the Doctor mentions his late Majesty to have disclaimed it, cannot have that Meaning. He was a Sovereign Prince, and might resist whom he pleased. Perhaps the Passage in the Doctor's Sermon may be capable of different Constructions, but the Doctor has taken Care to prevent all Manner of Mistakes that might possibly arise from thence: He has not only (as was observed by one of the Gentlemen of the House of Commons) made a marginal Reference, to show what he meant; which might have been done when he apprehended that Expression would be found fault with; but he has in the Sermon itself quoted what the Parliament did, in burning a Treatise which related to the King's having conquered the Kingdom.

My Lords, it was ask'd, What had he to do to take Notice of that Matter? What led him to justify the late King? Was there ever any Body living that imputed any such Thing as Conquest to him? My Lords, If there never was but that one Imputation endeavoured to be cast on his Memory, as I never heard of any other, surely then he did well to wipe off that Imputation; and that this has been laid to his Charge, I must refer to the Journals of both Houses of Parliament. Your Lordships resolv'd the Assertion of King *William's* and Queen *Mary's* being King and Queen by Conquest, was injurious to their Majesties rightful Title to the Crown, inconsistent with the Principles on which this Government is founded, and tending to the Subversion of the Rights of the People: And



on the 25th of *January* 1692. your Resolution being communicated to the Commons, was unanimously agreed to.

The last Part of this Article is, *That to impute Resistance to the Revolution, is to cast black and odious Colours on his late Majesty and the said Revolution.* My Lords, There are these words in the Doctor's Sermon, of *casting black and odious Colours on his late Majesty and the Revolution*: They are in the Close of a Sentence, which immediately precedes the Expression of his late Majesty's disclaiming the least Imputation of Resistance. It is impossible to mistake the Place; your Lordships will examine it; and from thence let him take his Fate, Whether that Passage is applicable to what went before it, or to what follows after. Those Words of *casting black and odious Colours*, are so far from referring to *his late Majesty's disclaiming the Imputation of Resistance*, that they conclude the Sentence which went before it; in which the Doctor mentions *New Preachers, and New Teachers, that broached abominable Positions, That the People have a Right to cancel their Allegiance at Pleasure, to call their Sovereign to Account; and who pretend to justify the horrid Murder of the Royal Martyr King Charles the First, and endeavour to green themselves, and their vile Notions, under the Revolution.* The Doctor having mentioned these New Preachers and their Doctrine, goes on: *Our Adversaries think they effectually stop our Mouths, and have us sure and unanswerable on this Point, when they urge the Revolution of this Day in their Defence. But certainly they are the greatest Enemies of that, and his late Majesty, and the most ungrateful for the Deliverance, who endeavour to cast such black and odious Colours upon both.* I pray, my Lords, What does this refer to? Don't it clear the Revolution against the Venom of those Miscreants, who publish such villainous Assertions as these? But 'twas objected by a learned Gentleman, What has a Minister to do to meddle with these Things? If any Man offend against the Temporal, or Ecclesiastical Law, the Courts are open; the Magistrates are to punish.

My Lords, I don't find, if this Doctrine holds, that he must preach against any Thing: If he must not preach against any Thing which may be prosecuted, either in the Temporal or Ecclesiastical Courts, he must not preach against any Offence that is forbid by the Ten Commandments. Perhaps it will be urged, that there are no such People as these New Preachers, and New Teachers; that he is raising a Phantom, and then throwing it down; he is only imagining Cases, of which there are no Instances; that there are no such Men, who endeavour to justify the Murder of King *Charles*, or defend it by the Revolution. We will show there are too many Instances of such Persons, who make no scruple to publish these Positions, and cast Reflections on the Queen and her Government, whom the Doctor has been defending. He is not the Person he has been represented; he hath no disloyal Thoughts about him: Sure I am, he would rather die in her Majesty's Defence. We shall show your Lordships, that there are such as run most vile Comparisons between the Revolution and the most execrable Murder of King *Charles* the First, and can find no better Difference between them, than this abominable Distinction of a *Wet Martyrdom* and a *Dry One*.

Mr. Dodd. MY Lords, I am likewise a Counsel for Dr. *Sachverell*; and I

cannot but think, by the same Arguments that have been used to maintain these Articles, any Book or Sermon, be it never so innocent, may be represented to be a Libel.

The Gentlemen Managers of the House of Commons, with Submission, have scarce any three of them agreed in any one principal Point; only in this most of them have agreed, That the Doctor is a Criminal before he is condemned. He has been in the whole Debate (generally speaking) so called; the usual Expression having been, The Criminal at the Bar: This (as it is not usual in other Places) would have been a great Discouragement to us that are his Counsel, and great Discouragement in his Defence, but that we consider that the Judgment is your Lordships, and that by your Justice he must stand or fall. It has been represented, as if this Sermon had been perused and approved by Lawyers; but this is only suggested, (as other Matters have been) yet there is not the least Proof thereof. We have had different Facts charged upon us; sometimes we are taxed for having said too much, and sometimes for having said too little, and not mentioning Things that were the proper Subject of the Day.

My Lords, we apprehend these Matters are objected for want of observing the Sermon itself; for as it was preached on the Fifth of *November*, so your Lordships will find an Account given for a Leaf together, setting forth the horrible Design of the Powder Plot. Your Lordships will also find, both in the Body and Conclusion of the Sermon, Notice taken of our Deliverance on this Day.

There have been some Acts of Parliament cited by the Gentlemen Managers for the House of Commons; that of the 25th *Henry* 8. about the Supremacy, which we apprehend is not to the present Purpose. It only asserts the Supremacy, that is, the Independency of the Crown, which was usurped by the Papal Authority; for surely King *Henry*, the Eighth, was a Prince that would as little bear the Doctrine of Resistance, as any Sovereign that ever wore the Crown of these Kingdoms.

There have been many Things said by the Gentlemen of the House of Commons that we heartily agree with them in. The Revolution was a Case we all agree out of the general Rule; and so in every Thing we say, we hope your Lordships will understand it. We neither do nor can understand it; it is against our Judgment and Interest to think otherwise. We are hearty well Wishers to the Revolution, and to the Happiness of *England*, that is in a great Measure built upon it. We agree the Law of the Land is the Measure of the Prince's Authority, and the Peoples Rights; that in the Case of the Revolution, when the Laws were overturned, Popery was coming in upon us, and Property signified nothing: The People of *England* being invited by his late Majesty, did resort to the last Remedy, even that of Necessity; and that Necessity did induce Resistance, and justify 'em in it; and upon that Foot the Revolution succeeded. We totally deny that the Doctrine of Non-Resistance, as laid down by the Doctor, and as asserted by him, was intended for the Pretender, or any other but her Majesty and her Government; or can be construed a thwarting the Revolution: His Assertions are general; those general Assertions will have their particular Exceptions.

Sure it has not, nor can be made out, that we had an Eye in favour of the Pretender in any Part of this Discourse. Now it has been by some of the Gentle-



Gentlemen admitted to us, that the Doctrine in the Main is right; but, say they, you had your Thoughts, your Eyes on the Pretender. Now this is so very contrary to what the Doctor has asserted in his whole Sermon, that I hope there is no Ground for it: For the Doctor (as a dutiful Subject) takes Notice that her Majesty is the last of the Lineal Descent, as the Relict of the Royal Family; which quite disowns the Pretender and his Right. And can any one imagine, that in such Expressions he could have an Eye to the Pretender? For if there be any Pretence of Title in the Pretender, it must be as a Descendant of that Family. But he takes Notice, that her Majesty is the only one left of that Family in a Lineal Descent; and I think that is enough to acquit the Doctor of having an Eye to him beyond the Water.

Having, my Lords, made these Remarks, I shall now consider the Articles as they lie before your Lordships. In the Preamble to the Articles, there is Notice taken of three Acts of Parliament. The first is the *Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown*. The second is the *Act for preventing Vexatious Suits against Such as acted in order to bring in their Majesties, and for their Services*. The third is the *Act for paying the States General of the united Provinces their Charges for his Majesty's Expedition into this Kingdom, and for other Uses*. These are the three only Acts that are cited in the Preamble of these Articles: I shall say but a Word to each of them. As to the Act called *The Bill of Rights*, I don't find that that Act meddles with the Points of Resistance or Non-Resistance; the whole Ground and Tenor of that Act is upon the Abdication. It settles the Crown upon the Vacancy of the Throne. It is said, *Whereas the late King James the Second having abdicated the Government, and the Throne being thereby vacant, &c.* There is no other Fact stated; there is no Mention of Resistance. But the Throne being vacant, the next Head in that Act says, *That King James having abdicated the Government, and their Majesties having accepted the Crown, did become lawful King and Queen, &c.* These are the only Passages in that Act as to this Matter: It has preserved the Liberties of the Subject; established several Rights which are their antient Inheritance; told the People that the Throne was vacant; and being so, that their late Majesties were lawful and rightful King and Queen, as undoubtedly we all agree they were.

My Lords, The next Act mentioned, is the *Act for preventing Vexatious Suits against such as acted in order to the bringing in their Majesties, or for their Service*. This goes further than the Bill of Rights; but whoever reads it, will find, it is but the same Act in Effect, that was enacted in the Reign of Edward III. after Edward II. was deposed. It is a meer Act of Indemnity, an Act of Pardon for Officers Civil and Military. It only exempts them from Prosecution, that having been Transgressors against the strict Rules of the Law, were subject to private Actions; and no less could be done than to exempt them from such Prosecutions; and therefore that Law pardons all Actions of Trespas that were committed upon that Occasion.

My Lords, The next Act taken Notice of is, *That for paying the States General*. That, I don't see, takes any other Notice; but is only for paying the Dutch 600,000 l. for their Assistance to his Majesty at his coming into this Nation, for our Deliverance from Popery and Arbitrary Power.

Then the Preamble charges the Doctor with *Preaching and Publishing the Sermon and Dedication; and that is said to be done with a wicked, malicious and seditious Intention, to undermine and subvert her Majesty's Government, and the Protestant Succession as by Law established; to defame her Majesty's Administration; to asperse the Memory of his late Majesty; to traduce and condemn the late happy Revolution; to contradict and arraign the Resolutions of both Houses of Parliament; to create Jealousies and Divisions among her Majesty's Subjects; and to incite them to Sedition and Rebellion*. These are the Corollaries that are drawn from the Preamble of the Articles of Impeachment; and these are the Facts which must make these Articles criminal, or they can't be so at all. These Facts we utterly abhor and deny, and say we are not guilty of them; and hope it will so appear to your Lordships.

My Lords, I shall now come to the first Article itself, and shall shortly speak to the three Divisions of this Article: It consists of three Heads. The first is, *That the Doctor suggests and maintains, that the necessary Means used to bring about the happy Revolution were odious and unjustifiable*. The second is, *That his late Majesty, in his Declaration disclaimed the least Imputation of Resistance*. And the third is, *That to impute Resistance to the Revolution, is to cast black and odious Colours upon his late Majesty and the Revolution*.

As to the first, *That he suggests, that the necessary Means used to bring about the Revolution were odious and unjustifiable*; My Lords, we can't have a better Answer to this, than utterly to deny that we have made any such Assertion: We have not done it in Words, nor in any Words that will bear that Construction. We insist, that as it can't be proved out of the Sermon, so neither out of any other Action of his Life, or any other Sermon by him preach'd. We say, that in no Part of his Sermon he has affirmed any Thing of the *necessary Means used to bring about the Revolution*; that was a Point not fit for the Doctor to meddle with, the Legislature had taken Care of that. On the contrary, we have all along endeavoured in that Sermon to clear the Revolution and his late Majesty (and we hope we have done it effectually) from the black and odious Colours which their greatest Enemies had endeavoured to cast upon them. To this Part of the Article we have pleaded Not Guilty. We have denied the Fact; it has not been prov'd upon us; the Sermon don't prove it, nor does the Dedication prove it; but they prove quite the contrary, as by several Paragraphs of the Sermon compared together will appear.

The second Division of this Article is, *That his late Majesty, in his Declaration, disclaimed the least Imputation of Resistance*. This Fact we do acknowledge, if it be understood as the Doctor explains it, and proves it by the Declaration itself. We take it to be very just and true; the Resistance the Doctor mentions, being such a Resistance as tends to Conquest only, as by the Words plainly appear, which are printed, and referred to in the Sermon. It can have no other Consideration, or Meaning, as will appear to any that read that Part of the Sermon with any Candor, or any Ingenuity. The Doctor has taken Care to express it in Words, that there might be no Room for Exception. *His Highness declares in Opposition to those who give it out, that we intend to conquer and enslave these Nations, that we have thought fit to add a few Words to our Declaration:*



tion: *It is not to be imagined that either those who have invited us, or those who are already come to assist us, can join in a wicked Attempt of Conquest, to make void their own lawful Titles to their Honours, Estates and Interests.* And undoubtedly it is so. He did not come to conquer and enslave us, but to make us a free People; to preserve and restore our Religion, Laws and Liberties; which, my Lords, with humble Submission, has been the Sense of the Nation; and Notions of a different Kind, and such Assertions in printed Sermons, have been animadverted upon.

Now if the Doctor, having his Eye in that Expression on the Matter of Conquest that others had insinuated, and that the late King did disclaim any such Pretence, did express the same by Resistance, the Expression, we hope, is applicable to the Subject-matter that was before him, and ought not to be wrested or turned to any other Purpose. Nothing can shew more his Meaning than his own Quotation: He refers to King *William's* Declaration, to justify him in that Matter.

The next Head is, *That to impute Resistance to the said Revolution, is to cast black and odious Colours upon his late Majesty, and the said Revolution.* This we likewise utterly deny to have maintained; we have said no such Thing quite thro' the Sermon; we have not taken upon us to meddle with that Point: It was an improper Subject for him to meddle with. The Doctor neither affirms, nor says any Thing of those that impute Resistance to the Revolution; but those which the Doctor intended, and which are plainly meant, if the preceding Words must be the Words to which the Subsequent and Conclusion of the Sentence relates, then they are Persons of dangerous Dispositions, that place the Power in the People; that pretend to a Power to call their Sovereign to an Account at their Will and Pleasure; Positions that stand condemn'd by the Laws of the Church and State, and then vouch the Revolution in Defence of these Principles. These are the Persons mentioned and intended by the Doctor, whose Principles and Practices cast black and odious Colours upon the Revolution.

My Lords, The Doctor, we own, in his Sermon, has asserted this general Proposition, *viz. Absolute Obedience in all Things lawful to the Supreme Power; and the utter Illegality of Resistance of the Supreme Power upon any Pretence whatsoever* And this being the Article, if we understand some of the Gentlemen of the House of Commons aright, on which the whole Impeachment turns; and that if we were clear of this Article, there would be no Reason to follow us upon the others; it gives us an Occasion to enlarge a little further upon this Point.

My Lords, Non-Resistance in general we do assert as a Rule; yet we agree there is an Exception implied in that Rule, and that Exception, we say, was the Case of the Revolution. When this general Rule has an Exception in it, it must be in a Case of the utmost Necessity implied, and is not expressed, stated, or determined in any Law or Act of Parliament that I know of, except in the Particular herein after-mentioned.

My Lords, This Doctrine is agreeable to the Scriptures; is taught by the Church of *England* in her Homilies, Articles and Injunctions; by her Bishops and Fathers; and in all Admonitions we have had from the Bishops and Pastors of the Church, from Time to Time. I shall not name them, some of them have been named. We shall produce Sermons preached before her Majesty, your Lord-

ships, and the House of Commons, on the most solemn Occasions, where this Doctrine has been fully asserted, even beyond what the Doctor has laid down. Both your Lordships and the Commons have returned Thanks to the Bishops and Clergy that have preach'd them; and therefore we can't apprehend ourselves to be worthy of this Reprehension. We shall produce them in Evidence, and vouch Authorities before the Reformation, and in the Infancy of it: The Homilies which are allow'd by the Church, and established by several Acts of Parliament.

This we take to be agreeable to the Laws and Statutes of the Realm. The Law makes it High Treason, for particular Persons to resist the Supreme Power.

The *Spencers* in *Edward* the Second's Time asserted, That if the King did not govern well, the People might remove him, and that by Force; but that was condemn'd by two Acts of Parliament, in *E. II.* and *E. III's* Reign. The Act of 25 *E. III.* that famous Act that has been the Standard for Treason for many Ages, is agreeable to the Doctor's Assertion; and when there were Breaches made in that Law in *Queen Mary's* Time, those Acts were again repeal'd: Now I need not repeat, that to resist the executive Power, and the Person of the King, by that Act, is compassing his Death, and levying War against him. They have always looked upon it, that resisting the King is levying War, it is a compassing and imagining the Death of the King; I shall therefore say no more on that particular Act of Parliament, but come to later Times.

In the Act of 12 *Car. II. cap. 30.* it is declared, *That it is the undoubted and fundamental Law of this Kingdom, that neither the Peers of this Realm, nor the Commons, nor both together, in Parliament or out of Parliament, nor the People collectively or representatively, nor any other Persons whatsoever, ever had, have, or ought to have any coercive Power over the Persons of the Kings of this Realm.* Here is a Declaration as full as can be, I am sure as full as the Doctor's Sermon; and yet this Declaration, I do agree, must have an Exception in a Case of the utmost Necessity: And I hope there is as much Reason to allow the Doctor an Exception, as in this Act of Parliament.

The next Act is the Corporation Act, 15 *Car. II.* in which all the Officers of Corporations are directed to swear, *That they do believe, that it is not lawful, upon any Pretence whatsoever, to take Arms against the King.* Here is as full a Declaration to be made by all the Magistrates of Corporations, as general Words can carry, and yet I would be understood in every one of these, that there is an Exception of Necessity; but whether the Doctor was a proper Judge of that Necessity, I shall take Notice by and by.

The next is the Militia Act, 13 and 14 *Car. II.* and there is the same Declaration to be made by every Lord Lieutenant, Deputy Lieutenant, Officer and Soldier, *That it is not lawful, upon any Pretence whatsoever, to take Arms against the King.* And the Preamble of that Act is stronger, for in the Preamble of that Act it is declared, *That both or either of the Houses of Parliament, cannot nor lawfully may raise or levy any War, offensive or defensive, against his Majesty, his Heirs, or lawful Successors.*

The next Act is the Act of Uniformity 13 and 14 *Car. II.*

The next is the Act for Select Vestries, which enjoins all Deans, Parsons, &c. to make this Declaration, *That it is not lawful, upon any Pretence whatsoever, to take Arms against the King.*



The next Act is the Act of Association, whereby *all Persons are engaged to stand by and assist one another against all his Majesty's Enemies, without any Limitation.*

The next is the Act which establishes the Abjuration Oath, 13 & 14 *W. III.* which was taken in the late Reign, and the Acts of 1 & 6 of her Majesty's Reign, whereby *all Persons in Office are to swear to defend the King and Queen, to the uttermost of their Power, against all Traiterous Conspiracies and Attempts whatsoever, which shall be made against her Person, Crown or Dignity.* And that these Words may have the plain Sense put upon them, *They are to declare that they make that Recognition, Acknowledgment, Abjuration, Renunciation, and Promise, heartily, willingly, and truly, upon the true Faith of a Christian.* Now this Resistance can't be agreeable to this Abjuration, for to resist is not the way to defend.

My Lords, We think that the Doctrine of Non-Resistance, as a general Proposition, is warranted by the Laws of the Land; and when there is an Exception implied therein, must only be determined by the Wisdom of the Nation, and not by any one Doctor or private Person whatsoever. The Doctor's Proposition is about Non-Resistance of the Supreme Power, and we have no Reason to take a greater Weight upon us than the Words of our Sermon; and whatever Construction may be put upon it, in Relation to the Executive Power, yet the Proposition holds as to the Supreme Power, which is all the Doctor has asserted. The Supreme Power is the Queen and Parliament, and to this Supreme Power the Doctor has press'd the utter Unlawfulness of Resistance; and I have not heard it said by any that it is lawful to resist the Queen in Parliament. Here is the Strength of the Nation, and here there ought to be a Standing Obedience, otherwise it is setting up the People to be Judges, and not the Collective Body of the People assembled in Parliament.

My Lords, in a particular Case of the utmost Necessity; what Construction must be made as an Exception out of the General Rule, must be left to Time and Circumstances (when such a Case shall happen) to determine, and must be determined by the Wisdom and Strength of the Nation, if ever such a Case should happen, which I hope never will more.

There is indeed one Exception made in one particular Case in the Bill of Rights, where it is Enacted, *That if the King or Queen shall be reconciled to the See of Rome, or profess the Popish Religion, or marry a Papist, then such Person shall be excluded to inherit the Crown, or have Regal Power in the Realm, and that the People shall be absolved of their Allegiance.* And this I take to be the first stated and determin'd Exception to this general Rule that ever was made in any Act of Parliament.

My Lords, We think the Government can scarce be just to itself, that don't encourage and command this Obedience, this Non-Resistance. This is a Rule profitable to all Governments, let the Nature of them be what they will; it is for the Peace and Quiet both of Church and State. It would be wise Work to have the Exception to this Rule stated by every one that comes into a Pulpit. I know not whether it would not be High Treason in them to do it, sure I am, it would be a high Crime: And if these Points are doubtful or disputable (as at least must be agreed) sure they are no Grounds for an Impeachment.

What Doctrines should a Minister of the Church of England preach, if not those that are delivered in the Scriptures, and in the Doctrines of the Church? Must he search another Rule than the Scriptures, the Laws and the Fathers of the Church, have laid down? Must he tell the People, that the Doctrine of Non-Resistance of the Supreme Power is the Doctrine of the Church of England? Or must he limit this Rule, and state the Exceptions to it? Sure this would be very strange for the Doctor to do: He must tell them Resistance is unlawful, but there is an Exception to that Rule; but what that Exception is, I must not tell you, but you must find it out as you can. Is not this to pick Holes in the Duty and Allegiance of the Subject, and would look like the Blind leading the Blind.

My Lords, We think it would be a very strange thing for a Minister of the Gospel to distinguish in this Case: It would not be allowed him, it would be an Offence for any Preacher to do it. He must preach the general Proposition, he must inculcate the General Rule, and he must preach in the Words that the Laws of God, and of this Land, have delivered it in; he must not vary it, to find Meanings to help the People, like a good Casuist, to distinguish themselves out of their Allegiance.

Now so far we apprehend is the whole Sermon of the Doctor's to be understood, as not raising the Foundations of the Government, not inciting to Rebellion, but preaching Obedience to the Laws of GOD and Man. It is a great Misfortune for the Doctor to be represented as preaching this Doctrine for the Sake of the Pretender. We think, at least, it may be a Comfort to him, that there is not a Syllable of Proof or Truth in it; and that on the contrary, the Doctor disclaims all Right in the Pretender, by asserting and acknowledging her Majesty's Right, and expressing a passionate Concern, that her Majesty is the Relict of the Royal Family.

We have given all the Assurance of our Fidelity the Law demands, we have taken the Oath of Abjuration, and been always submissive to her Majesty, and the Laws of the Nation, given all the Security of our Allegiance and Loyalty that the Government required.

The Doctor fully declares his Meaning in this Sermon: Does he not all along submit to the Government, and pray for the Queen and Government? He has done it in several Places of his Sermon, particularly in one Place, which will carry a great Weight in it. *What (says he) I have thus freely spoken, I hope is as much without Offence, as it proceeds from a tender Concern for her Majesty's Person, and a hearty Zeal for the Safety of our Church and Constitution.* Surely after this Declaration, in Common Justice, there ought to be no Construction of a Man's Meaning made by Inference. Here is a full Declaration, that what he has done he has done in Service and Zeal to her Majesty and the Constitution in Church and State.

When there is not through the whole Sermon any plain Words to ground such a Construction, when there is not the least Proof offer'd, but only by such forced Constructions, when different Words are pick'd out from different Places, and Words so distant are join'd together to make up Sentences; and then Arguments framed, and Conclusions drawn from those Sentences to make good the Impeachment, we think it is much too hard, and hope it never will be endured, to pick Part of a Line here, and six or eight Lines after to pick part of another, and to join the Conclusions of one Sentence, and  
the



the Beginning of another; this would be to confound all Reason and Understanding whatsoever. This we take not to be a right way of Reasoning, nor a proper Evidence to maintain an Impeachment, and we hope your Lordships will therefore acquit the Doctor of this Article.

Mr. Phipps. **M**Y Lords, I am also assigned by your Lordships to be one of the Counsel for Doctor Sacheverell, who, I beg Leave to say, I cannot yet think to be a Criminal; and, when we have been heard, I hope your Lordships will not think him such.

I do admit, as the Case is stated by the Gentlemen who are the Managers for the Commons, that it is a Cause of very great Moment, and is worthy of your Lordships Determination, because it deserves the greatest Deliberation; it being a Cause as considerable in its Consequences to her Majesty, the Church, and these Kingdoms, as ever came before your Lordships. And therefore, since it has been the Doctor's Misfortune to incur the Displeasure of the House of Commons, and to lye under the Weight of an Impeachment by that Great and Honourable Body, it is his greatest Comfort (next to his being Innocent) that he has the Honour to have your Lordships for his Judges, and the Opportunity of so publick a Vindication of his Innocence; for he does not doubt to give your Lordships, and all by whom we have the Honour to be heard, full Satisfaction, that he is not Guilty of any of the Crimes charged upon him in any or either of the Articles.

My Lords, we agree with the Managers, that his late Majesty, when Prince of Orange, did, with an armed Force, undertake a glorious Enterprize for delivering the Kingdom from Popery and Slavery. We admit, that divers Subjects well affected to their Country joined with and assisted him in that Enterprize; and that the Enterprize being crowned with Success, the late happy Revolution took Effect, and was Established. We also admit, that the blessed Consequences of the Revolution are the Enjoyment of our Religion and Laws, the Preservation of her Majesty's Person, the many Advantages arising by her Majesty's wife and glorious Administration, the Prospect of Happiness to future Ages by the Settlement of the Succession, and the Union of the two Kingdoms.

But there are other Matters suggested in the Preamble, in which we differ with the Gentlemen of the House of Commons; for it is therein alledged, *That Doctor Sacheverell preached and published his two Sermons with a malicious and seditious Intention, to undermine the Government and Protestant Succession, to defame her Majesty's Administration, to Asperse the Memory of his late Majesty, and Traduce and condemn the Revolution, to Arraign the Resolution of both Houses of Parliament, to create Jealousies and Divisions among her Majesty's Subjects, and to incite them to Sedition and Rebellion.* And all this we totally deny.

The Offences charged upon the Doctor are of a very high and heinous Nature, and the greater the Crimes are with which a Man is charged, the clearer and plainer ought the Evidence to be to maintain and make good that Charge. And to make the Doctor a Criminal within these Articles, every Branch of the Articles must be proved as they are laid. It must be proved that he preach'd and publish'd these Sermons with such wicked, malicious and seditious Intention, as is alledged in the Preamble; and the Proof ought to be plain and positive; for

the Laws of *England* have so guarded the Persons and Properties of the Subjects, that their Lives, Liberties, or Estates, cannot be subject to Forfeiture, or Restraint, by uncertain or conjectural Evidence, by strain'd or unnatural Inferences, Insinuations, or Innuendo's. And altho' I could cite many Authorities and Determinations in the Courts of *Westminster-Hall*, wherein the Judges have express'd their Dislike and Detestation of convicting Men of Offences, either Capital or Criminal, by Innuendo's or Inferences; yet I forbear to trouble your Lordships with any of them, because I have an Authority Superior to them all to warrant what I have said, and that is the Determination and Resolution of your Lordships in *Sir Samuel Barnardiston's* Case, which having been read by *Sir Simon Harcourt*, I forbear to trouble your Lordships with a Repetition of it.

The next thing therefore to be considered is, Whether the Sermons were preached with such malicious and seditious Intention as is asserted in the Preamble, and if there be such plain, direct and positive Proof, as is by your Lordships Determination, in *Sir Samuel Barnardiston's* Case, declared to be necessary.

But before I come to speak to any particular Article, I beg Leave to observe something, which though it hath not been made a particular Charge against the Doctor in any one Article, yet it has been urged and insinuated almost by every one of the Managers of the House of Commons to enforce every Article, and that is, *That notwithstanding the Doctor's Expression of Loyalty to the Queen, yet his Intention is to bring in the Pretender.*

It has been objected, as I apprehended (and I beg Pardon if I am mistaken) "That the Doctor confines his Doctrine of Passive Obedience and Non-Resistance to a *Jure Divino* King or Queen, and that from thence it was easy to understand against what Queen the Doctor excites the People to take up Arms." If the Queen, who has an Hereditary Right, and also a Right confirmed and established by Act of Parliament, cannot be said to be a *Jure Divino* Queen, I do not know who can. I did not think that the Doctor, who asserts the Hereditary Right of the Queen, could be charg'd with an Intention to bring in the Pretender. I am in your Lordships Judgment, whether the denying her Majesty's Hereditary Right be not the most likely way to bring him in: For I submit to your Lordships, whether the denying the Hereditary Right of the Queen, be not to suppose an Hereditary Right in somebody else; and whether that does not leave a Way open (when the Queen's Enemies are strong enough) to bring in that Person in whom the Hereditary Right is supposed.

It is asserted, "That the Doctor's pretended Zeal is for her Majesty, but his real Zeal is for the Pretender: It is hard to say a Man means contrary to what he speaks, and that, though he declares that the Safety, Rights and Establishment of her Majesty's Government, with those of the Church, are the things which he so earnestly contends for, and are his only Aim and Intention; and tho' he prays that God will preserve her Majesty, for the Comfort and Support of the Church and Nation, yet it is suggested that his chief Aim and Design is to dethrone her Majesty, to set the Crown upon the Head of the Pretender, and to establish Popery, or at least a Church independent on the State. And altho' he preaches up Passive Obedience and Non-Resistance under her Majesty's happy Administration, yet it is objected he stirs up the People to Rebellion, and



“ means Non-Resistance and Passive Obedience  
 “ to the Gentleman on the other Side of the Wa-  
 “ ter.

I do agree these Things have been urged with great Ingenuity, but what Proof, what Evidence is there of any of these Matters thus suggested?

My Lords, by the Law of *England* Men are not to be harangued out of their Lives, Liberties or Estates; but, as I have observed, it must be plain and positive Proof alone that can subject them to a Forfeiture: And I submit to your Lordships, where a Man affirms a Thing in his Sermon, if an Averment by any Body else that he means quite the contrary, be a sufficient Evidence to convict a Man of High Crimes and Misdemeanors.

There is another Matter which I confess puts me under a great Difficulty, to determine which way to apply our Defence to the first Article, and that is the different Construction which the Gentlemen of the House of Commons have made of that Part of the Doctor's Sermon on which the first Article is founded. The Gentlemen that spoke to the first Article (if I apprehend them right) affirm, “ That  
 “ the Doctor asserts an unlimited Obedience, and  
 “ the utter Illegality of Resistance to the Queen, as  
 “ the Supreme Executive Power, and that such an  
 “ Assertion was a Reflection upon the Revolution,  
 “ which was brought about by the Resistance that  
 “ was given to the late King *James*.” And all their Arguments on the first Article were grounded on this Assertion. But a very learned Gentleman, who spoke Yesterday to the fourth Article, was pleased to object, “ That tho' the Doctor asserted  
 “ the utter Illegality of Resistance to the Supreme  
 “ Power, yet he had no where asserted the utter  
 “ Illegality of Resistance to the Queen, thereby  
 “ leaving himself at Liberty to resist the Queen,  
 “ and bring in the Pretender.”

Now the Question is, which of these Constructions we must believe; if the Construction made by the Gentlemen who spoke to the first Article be true, then the Doctor has taken that Care of her Majesty's Person which he ought, by asserting the utter Illegality of Resisting Her, and hath not left himself at Liberty to take up Arms against her Majesty to bring in the Pretender; and so the great Objection made against the Doctor by the learned Gentleman who spoke to the fourth Article falls. But if his Construction prevails, there is no Reflection on the Revolution, and the first Article falls to the Ground; for the reflecting on the Revolution can be only by asserting the Illegality of Resistance to the Queen, as the Supreme Executive Power; because the Resistance which brought about the Revolution was made to the late King *James* only, and not against the Legislature: But whichever of these Gentlemen your Lordships shall be of Opinion is in the Right, I beg Leave to say, that this may certainly be concluded and inferred, That the Construction of that Sentence must be very doubtful, in which such learned Men differ, and consequently cannot be a Charge sufficient and certain enough to ground a Conviction for High Crimes and Misdemeanors. These Matters being submitted to your Lordships Judgment, I come next to consider the Articles themselves, and shall humbly propose to your Lordships Consideration what I have to offer in Answer to them, and shall take Notice of the several Branches of the respective Articles, which the Doctor mentions in his Answer to them.

As to the first Branch of the first Article, which charges, the Doctor does *Suggest and Maintain,*

*that the necessary Means used to bring about the happy Revolution were Odious and Unjustifiable*; the Doctor denies there are any such Expressions in his Sermon at *St. Paul's*: And I beg Leave to say, that there is not one Paragraph or Sentence in his Sermon that can support this Charge; the Necessary Means used to bring about the Revolution not being once mentioned in his Sermon; and therefore I at first doubted whether I had the right Sermon; for I could no more find that Sentence in the Doctor's Sermon at *St. Paul's*, than one of the learned Managers could find a Text of Scripture, quoted by the Doctor, in his Bible.

One of the Gentlemen who spoke to this Article, was pleased to admit, that the Words charged in this Part of the Article are not in the Doctor's Sermon, but said there are Words that are *tantamount*: so that this Branch is to be proved by Innuendo's, and yet they have not been pleased to let us know what those Words are which do amount to the same Signification, and we deny there are any such Words.

The last Part of the first Article (for I shall consider that next, because it relates to the Revolution) charges, that the Doctor *does Suggest and Maintain, that to impute Resistance to the Revolution, is to cast Black and Odious Colours upon his Majesty and the Revolution.* In answer to which I must beg Leave to take Notice, that the Words of the Sermon are here transpos'd and misplac'd; for the Doctor does not say, that *to impute Resistance to the Revolution is to cast black and odious Colours upon his Majesty and the Revolution*; but he says, that *to urge the Revolution to justify the Doctrine of Dethroning and Murdering of Princes, is to cast Black and Odious Colours on his Majesty and the Revolution*; for the Doctor in Page 11, says, that “ the  
 “ New Preachers and New Politicians pretend to  
 “ have a Power to cancel their Allegiance at Plea-  
 “ sure, to call their Sovereign to an Account for  
 “ High Treason, to Dethrone and Murder him  
 “ for a Criminal, as they did the Royal Martyr  
 “ by a Judiciary Sentence, and that to justify this  
 “ Doctrine, they urge the Revolution of this Day.  
*But (says he) they are the greatest Enemies of that,*  
*and his late Majesty, and the most ungrateful for the*  
*Deliverance, who endeavour to cast such Black and*  
*Odious Colours upon both*; so that what he says is no more than that to justify the calling the Sovereign to an Account for High Treason, and the Dethroning and Murdering of him, by the Revolution, is to cast Black and Odious Colours upon both. And is there any Body that has any Respect for the glorious and happy Revolution, that has any Regard for the Preservation of our Constitution, can say less? Can there be a greater Reflection on the Revolution, than to urge That in Vindication of the Rebellion in Forty-one, as if the Cases were alike?

I humbly submit it to your Lordships, if there be any Thing in his Sermon that can be construed to reflect on the Revolution, if the Words be taken according to the Natural and Genuine Sense of them; nor can it be thought the Doctor would cast the least Reflection upon it: Can it be imagined, that he who is a Member of *Magdalen College in Oxford*, should so soon forget the Attempts that were made on their Liberties, and would reflect on the Revolution, by which not only he and the rest of the Fellows of that College, but all the Colleges in both the Universities, nay, all her Majesty's Protestant Subjects, now enjoy their Religion, Rights and Liberties? That he who is a Church-of-Eng-  
 lish-



land-Man should Calumniate the Revolution, by which the best Established Church in the World is preserved from Popish Superstition and Idolatry? That he who contends so earnestly for the Preservation of our Constitution, should cast Black and Odious Colours on that, by which alone the Succession is settled and secured in the Protestant Line, and her Majesty is now Lawfully and Rightfully seated on the Throne of her Royal Ancestors, on which the Doctor prays, and I hope we all join with him, *that she may long continue for the Support and Comfort of this Church and Nation?* No, my Lords, it is not the Revolution in 1688, but the Revolution in 1648, that he endeavours to blacken, and the Principles by which that was brought to pass, those Principles which made Rebellious Subjects take up Arms against one of the best Princes that ever Swayed the Sceptres of these Kingdoms; those Principles which brought that Pious Martyr to the Block, banished the Royal Family, and set an Usurper upon the Throne; this is the Dethroning, this is the Murdering which he means: And can any Colours be too Black, any Colours too Odious for such Crimes? No doubt, my Lords, they cannot; and therefore instead of charging the Doctor with reflecting on the late happy Revolution, I hope your Lordships will be of Opinion he vindicates it in the highest Degree, when he distinguisheth it from that in 1648, and shews what a wide Difference there is between them.

As to that Part of the first Article which says, *That his late Majesty, in his Declaration, disclaimed the least Imputation of Resistance*; If the Doctor had not explained himself, it is humbly submitted how far he is justified by his Majesty's Declaration. The Declaration says, *We have thought fit to go over to England, and to carry with us a Force sufficient, by the Blessing of God, to defend us from the Violence of evil Counsellors; and that his Expedition is intended for no other Design but to have a free and lawful Parliament*: So that this Expedition was to have a free Parliament, and his Forces were to defend him from the Violence of Evil Counsellors, in carrying on that glorious Design; and when the late King James Abdicated the Government, what Resistance was it to supply the Vacancy, by settling his late Majesty on the Throne?

In Construction of Words and Sentences, if any part be ambiguous, and may be taken in a double Sense, it ought in Favour of Life and Liberty to be taken in the best Sense. But the Author declares what his Sense is, what he means by it, there it cannot be taken in any other Sense than that: And this is the Doctor's Case; for he shews, both in his Sermon, and by a Note printed at the Bottom of the Page, that by Resistance he means such Resistance as tended to a Conquest: And is he not justified in that by his Majesty's Declaration, wherein he disowns the wicked Attempt of Conquest? And by the Vote of both Houses of Parliament, who so highly resented the Design of making that Expedition a Conquest, that they ordered a Pamphlet which attempted to prove it such, to be Burnt by the Common Hangman?

And therefore, if the general Words would have carried such a Reflection, yet the Clause which explains it, being printed with it, prevents such a Construction; for there is no Reason to apprehend any Danger from the Poison, when the Antidote is administered at the same Time. Thus, my Lords, I take it, I have answered every Branch of this Article, and shewn, that there are not any Expressions in the Sermon, that can Warrant or Support any Part

of it: But, from what I observed from the Gentlemen who are the Managers, and spoke to this Article, the great Foundation and Strefs upon which this Article depends, is in the Sentence in Page 11. of the Doctor's Sermon, where he says, *The Grand Security of our Government, and the very Pillar upon which it stands, is founded upon the steady Belief of the Subjects Obligation to an absolute and unconditional Obedience to the Supreme Power in all things lawful, and the utter Illegality of Resistance upon any Pretence whatsoever*. But I take it, the Charge in this Article can never be supported by any Words in this Sentence; for it is Evident, that the absolute and unconditional Obedience, which he says Subjects are obliged to, is to the Supreme Power in all things lawful; and the utter Illegality of Resistance upon any Pretence whatsoever, (being in one and the same Sentence) must be intended to be of the Supreme Power in all Things lawful; so that it is no more than if he had said, 'Tis utterly Illegal, upon any Account whatsoever, to resist the Supreme Power in Things lawful. Can any Aphorism be truer than this, viz. *That where the Thing commanded by the Supreme Power is lawful, the Resistance given to it must be unlawful?* And this is all the Doctor hath asserted in this Paragraph.

If I may have Leave to cite a foreign Author, *Puffendorf* says, The Supreme Power is that in which the Legislature is vested; for he says, *Human Laws are the Decrees of the Supreme Power, concerning Matters to be observed by the Subjects for the good of the State*. And one of the learned Managers, who spoke to this Article, admits it to be so. And then the Doctor's Assertion is, That the Security of our Government, and the very Pillar on which it stands, is founded upon the steady Belief of the Subjects Obligation to an Absolute and Unconditional Obedience to the Laws made by the Queen, Lords and Commons, in Parliament assembled, and the utter Illegality of Resisting such Laws on any Pretence whatsoever. And if this be not so universal a Truth, as not to admit any Exception, is humbly submitted to your Lordships: And this is an Answer to all that hath been said against us on the first Article. For all the Gentlemen have founded their Discourse on a Supposition, that the Doctor preached up an Absolute Unconditional Obedience to, and the utter Illegality of Resistance of the Queen; whereas he preaches up the Illegality of Resisting the Supreme Power, and that in all Things lawful.

Suppose it could be collected, that by the Supreme Power the Doctor meant the Supreme Executive Power, which is the Queen; yet the Doctor cannot be thought by this to reflect on the Revolution, or to condemn that Opposition given to King James.

For can it be imagined, that he condemns the Opposition given to that Prince in the Dispensing Power, in committing the Bishops, depriving Men of their Freeholds and Liberties, by Ecclesiastical and other unlawful Commissions, and endeavouring to establish Popery, by introducing a foreign Power? I say, Can it be imagined the Doctor condemns that Opposition, when he urges the Illegality of Resistance to the Supreme Power in all Things lawful? If those Proceedings of King James were lawful, then the Doctor condemns the Opposition given to them; but those Proceedings being Illegal, the Opposition given to them is no where condemn'd by the Doctor, nor hath this Paragraph in his Sermon any Relation to it.



To carry this yet further; suppose that the urging the Illegality of Resistance on any Pretence whatsoever had been a Substantive Clause, and had no Relation to, or Dependance upon any other Clause or Sentence; or suppose such a general Assertion can be collected from any Part of the Doctor's Sermon, yet it must be taken only for a general Proposition: And if such general Propositions are true in the General, and to a common Intent, tho' they are subject to particular Exceptions, yet it is submitted, whether the Doctor is not well warranted in asserting such a general Proposition, without mentioning the particular Exception? For all general Rules have Exceptions; and yet the Person that cites them, seldom or never mentions the Exceptions; for whenever such general Propositions are urged, the Exceptions are always understood and implied. And there was less Reason to mention the Exception in this Case, because it is so universally known: It had the Concurrence of the whole Nation, and was so often established and approved by the Legislature.

And the Doctor intirely concurs with the Gentlemen of the House of Commons, that the Revolution is an Exception; and is not Adversary to one of the learned Managers, who was pleased to admit, it was the only Exception from this general Rule. And I submit to your Lordships, if the naming that Exception, would not be a greater Reflection on the Revolution, than the Preaching that Doctrine in general Terms, without naming it; for to name it now, since the Revolution, would be to suppose, that it was not implied and understood as an Exception out of that general Proposition, before the Revolution; and then the Exception is to be warranted by the Revolution; which is to infer, that no Resistance was lawful 'till the Revolution: Whereas we say, that such an extraordinary Case as that of the Revolution, was always implied as an Exception out of that general Doctrine, and so the Doctrine justifies the Revolution.

And therefore, the Doctor urging this Doctrine of Non-Resistance in such general Terms, as all other general Propositions are usually urged, it is humbly submitted, whether he can for this be esteem'd guilty of High Crimes and Misdemeanors; especially since this very Doctrine hath been affirm'd in such general Terms, by learned Men in all Ages, by our Church, and by the Legislature; of which I'll beg Leave to give some few Instances.

When the Duke of *Monmouth* was to be executed, his present Grace the Archbishop of *Canterbury*, the present Lord Bishop of *Bath and Wells*, the then Bishops of *Ely* and *Bath and Wells*, were appointed by the King to attend his Grace. They press'd him to make a particular Confession of his Crime, and to acknowledge himself guilty of Rebellion: His Answer was, *He died a Protestant of the Church of England*. They replied, *My Lord, If you be of the Church of England, you must acknowledge the Doctrine of Non-Resistance to be true*.

Archbishop *Tillotson*, in his Letter writ to my Lord *Russel*, July 20, 1683. offers these Considerations concerning the Point of Resistance. “(1.) That the Christian Religion doth plainly forbid the Resisting of Authority. (2.) That in the same Law which establishes our Religion, it is declared, It is not lawful upon any Pretence whatsoever to take up Arms against the King.

Bishop *Saunderson*, in his Works, Pag. 522. says, *No Conjunction of Circumstances whatsoever, can*

*make that Expedient to be done at any Time, that is of itself, and in the Kind, unlawful. For a Man to take up Arms (offensive or defensive) against a lawful Sovereign, being a Thing in its Nature simply, and de toto genere, unlawful, may not be done by any Man, at any Time, in any Case, upon any Colour or Pretence whatsoever.*

Thus your Lordships observe, how much higher these great and learned Men carried this Doctrine, than Doctor *Sacheverell* hath done in his Sermon: And Multitudes of Instances there are, which shew, that it hath been the concurrent and universal Opinion of all the learned Men of our Church, in all Ages, that Resistance of the Sovereign Power is not lawful upon any Pretence whatsoever. And what Punishment, what Censures have been inflicted upon, nay, what Fault has been found with any of them to this Day? One of the learned Gentlemen, to inforce the Legality of Resistance, was pleased to urge the original Contract, as the Foundation of the Prerogative of the Crown, and the Liberties of the People; and to assert, that if the Supreme Executive Power invaded the Rights of the People, the Contract was dissolv'd, and the People discharg'd from their Allegiance. I will not be positive, as to the very Words, but I take this to be the Purport of them.

When the original Contract was made, that learned Gentleman did not think fit to inform us. Was it before *Magna Charta*? If so, why not compriz'd in it? All the Liberties the Subjects then laid Claim to, being included in that Act; and 'tis much, a Thing of that Moment, and which was the Source and Spring of all their Liberties, should not be so much as mentioned in it. I never met with it in any of our Law Books, in my little Experience. — I never heard it urg'd in any Court before. Was it before the Statute of 25 *Edw. III*? I never knew it pleaded to any Indictment for High Treason, nor objected, to enervate or take off the Force of that Statute: And our Law Books being silent in it, I think it is too tender a Point for us, who are no Members of any Part of the Legislature, to meddle with. And therefore, 'till the Legislature have declar'd what the original Contract is, and determin'd what Act of the Supreme Executive Power shall amount to a Dissolution of that original Contract, and discharge the Subjects from their Allegiance; I must beg Pardon, if I think, that as to Resistance in general, the Law stands still upon the Foot of the 25th of *Edward III*. and that all Resistance, except in the Case of the Revolution, is still Treason within that Act.

But to give some further Instances, in Vindication of the Doctrine of Passive Obedience and Non-Resistance. Archbishop *Tillotson*, in his Letter to the Lord *Russel*, says, *The Doctrine of Non-Resistance is the Doctrine of all Protestant Churches*: I may add, it was the Doctrine of Christ and his Apostles: It was the Doctrine in *David's* Time; for it was this Doctrine that restrained *David* from offering Violence to King *Saul*, tho' that King sought to take away his Life. It was that holy Man's Opinion, that he could not *lift up his Hand against the Lord's anointed, and be guiltless*. Can it be done now with greater Innocence than it could then? Is the Person of the Lord's anointed now less sacred than it was then? Or have the People now a greater Liberty to resist, than *David* had then? My Lords, one of the learned Gentlemen said, that in Respect of the Patriarchal Right, it is  
a Do-



2 Doctrine as old as *Adam*, and I will not pretend to carry it further.

The next Thing therefore to be consider'd, is, Whether this Doctrine, that is of so great Antiquity, has had any Alteration, whether it hath been preach'd, or urg'd in any other Terms since the Revolution, than it was before. Bishop *Beveridge*, in a Book call'd *Private Thoughts upon Religion*, Pag. 247, 249, 250. says, *Upon any seeming real Defect or Defect of our Sovereign, we are to be more earnest in our Prayers and Intercession for him; but upon no Account to fight or rebel against him.* This Book had her Majesty's Royal License, and was countersigned by a noble Lord, eminent for Learning, and her Majesty's principal Secretary of State; I mean, the Right Honourable the Earl of *Sunderland*.

I beg Leave to cite next a learned Gentleman, whose Affection to the Government, and Understanding in Antiquity, no body can doubt: 'Tis Dr. *Kennet*, who in his Sermon preach'd before the House of Commons, *January 30, 1705*, says, *This is the true Foundation of that common Axiom, The King can do no Wrong; because there is no Right nor Remedy against his Royal Person.* And in the same Sermon he says, *It was declarative of our original Constitution, (which one would think should be the original Contract, unless the original Contract and the original Constitution differ) that our Legislature, upon Occasion of this Day would have it express'd, that by the undoubted and fundamental Laws of this Kingdom, neither the Peers of this Realm, nor the Commons, nor both together, in Parliament, or out of Parliament, nor the People, collectively or representatively, nor any other Persons whatsoever, ever had, have, or ought to have, any coercive Power over the Persons of the Kings of this Realm.* And I think it is evident, where there can be no coercive Power, there cannot be any Resistance. This was but in the Year 1705. And was the original Contract found out since? If not, then it is plain, the Commons did not think this Doctrine to derogate from that Contract, or to reflect upon the Revolution; for the Doctor had the Thanks of the Commons for his Sermon, and their Order to print it.

I do most readily concur with the learned Gentlemen of the House of Commons, that that Reverend Bench is fill'd with Fathers of the Church, who are as great an Ornament to it for Learning and Piety as any of their Predecessors, and are most justly famed for their religious Moderation; and therefore Instances of their asserting this Doctrine since the Revolution, will have the greatest Weight with your Lordships, and tend the most to the Satisfaction of that honourable House, upon whose Impeachment the Doctor is brought hither.

The Bishop of *St. Asaph*, in his Sermon on the 30th of *January, 1699*, preached before the Lord Mayor, Pag. 18, says, *It is plain, that a Government can't possibly subsist for any Time, where any Kind of Violence is allow'd against the Magistrate: Government is at an End, where Rulers are expos'd to popular Assaults.*

The Bishop of *Lincoln*, in his Sermon preach'd before your Lordships the 30th of *January, 1708*, pag. 15, 16, 17, says, *Where-ever that Supreme Power and Authority is lodg'd, or in whomsoever it resides, we are bound to pay either an active or passive Obedience, must either do what it requires, or suffer what it inflicts. This is, without Controversy, the standing Doctrine of Christianity, and has been confirm'd by the Practices of the best Christians in all*

*Ages of the Church.* My Lord Bishop likewise cites the Words of the Statute of the 12th of *Charles II.* which were mentioned by Dr. *Kennet*; your Lordships were pleas'd to thank my Lord Bishop for this Sermon, and desired him to print it.

My Lord Archbishop of *York*, in his Sermon preach'd before your Lordships in 1700, has stated this Doctrine so fully and clearly, that it is not capable of the least Contradiction or Doubt: His Grace expresses himself thus: *That there is such a Submission due from all Subjects to the Supreme Authority of the Place where they live, as shall tie up their Hands from opposing or resisting it by Force, is evident from the very Nature and Ends of Political Society; and I dare say, there is not that Country upon Earth, let the Form of their Government be what it will, (Absolute Monarchy, Aristocracy, or Commonwealth) where this is not a Part of the Constitution. Subjects must obey Passively, where they cannot obey Actively, otherwise the Government would be precarious, and the publick Peace at the Mercy of every Malecontent; and a Door would be set open to all the Insurrections, Rebellions, and Treasons in the World. Nor is this only a State Doctrine, but the Doctrine also of Jesus Christ; and that a necessary and indispensable one too, as sufficiently appears from those famous Words of St. Paul's, Rom. xiii. 1, 2. which are so plain that they need no Comment: So that so long as this Text stands in our Bibles, the Doctrine of Non-Resistance or Passive Obedience must be of Obligation to all Christians.*

Is not this Doctrine confirm'd by our Church in her Homilies, and injoin'd to be read on certain Days in the Church? Are not these Homilies allow'd by the Articles? Are not these Articles establish'd by the 13th of *Eliz.* Chap. xiv? And is not that very Act confirm'd and made perpetual by the Act of Union made in the fifth Year of her Majesty? Is it not likewise ratify'd and establish'd by the Legislature, by the Act of the 12th of *Charles the Second*, cited in the Sermons of the Bishop of *Lincoln* and Dr. *Kennet*; by the Act of the 13th of *Charles the Second*? For that Act of the 13th of *Charles the Second*, Chap. iv. obliges all Ministers, &c. to subscribe a Declaration: The first Part whereof was this, *I A. B. do declare that it is not lawful upon any Pretence whatsoever to take up Arms against the King.* Was not that Declaration to be sworn to by all Officers of Corporations, by the Corporation Act; by all Lieutenants, Deputy Lieutenants, and all Officers and Soldiers of the Militia, by the Militia Act? And can any Man doubt the Truth of that Doctrine, which the Legislature has obliged the greatest Part of the Nation so solemnly to subscribe and swear to? We have collected many more Instances of this Kind, which we will offer to your Lordships in the Course of our Evidence.

Thus your Lordships observe how this Doctrine hath been preach'd and maintain'd by Archbishops, Bishops, and eminent Divines, confirm'd and establish'd by the Church; and by the Legislature: And is this Doctrine alter'd; or hath it receiv'd any Diminution or Restriction by the Revolution? I will not presume to say, but are in your Lordships Judgment, on the Consideration of the several Sermons before mention'd, preach'd and publish'd with the respective Approbation of both Houses of Parliament since the Revolution. I beseech your Lordships, How many Revolutions have there been in this Kingdom, and yet this Doctrine always continued the same; and I submit, whether we have not the Authority



thority of your Lordships on this very Point ; for in a Sermon preach'd before your Lordships on the 30th of January, 1702, by my Lord Bishop of Carlisle, his Lordship expresses himself thus. *Our Foundations, 'tis to be hoped, are not shaken by the Weight of those many great and extraordinary Revolutions that have passed upon us. The All-wise Providence of God has frequently of late (and, as some of us always thought, very graciously) exchange'd our Governors ; but if we ungratefully alter our Notions of the Divine Right of Government, and throw off our antient and primitive Rules of Obedience, we shall make an unworthy Return for the Mercies we have received.* I hope I may have your Lordships Leave to conclude your Lordships are of the same Opinion, since my Lord Bishop had your Lordships Thanks for his Sermon, and your Desire to print it. I also presume to offer it to your Lordships Consideration, whether this very Doctrine be not establish'd and injoin'd under the Obligation of an Oath, by the Legislature, in the Reign of his late Majesty, and of her present Majesty ; I mean in the Abjuration Oath, in which Oath there is this Clause, *viz. And I do swear that I will bear Faith and true Allegiance to her Majesty, and her will defend to the utmost of my Power against all traiterous Conspiracies whatsoever, which shall be made against her Person, Crown and Dignity.* I believe it will not be deny'd by any Lawyer, that taking up Arms against her Majesty is High Treason, by the Statute of the 25th of Edward the Third ; and therefore the Parliament having injoin'd all Persons in Office, &c. to defend her Majesty against all traiterous Conspiracies and Attempts, shew, that it was their Opinion, that the taking up Arms and resisting her Majesty, upon any Pretence whatsoever, is unlawful ; because wheresoever Resistance is lawful, the Defence must be unlawful.

I would only beg Leave to add, that the Punishment inflict'd by our Law in this World for Resistance, and the Judgment denounc'd against it in the next, sufficiently vinces the Illegality of it. Taking up Arms and resisting against the Queen, by the Statute of the 25th of Edward the Third, is High Treason ; the Punishment of which is to be Drawn, Hang'd and Quarter'd. And in what Condition they are to be in a future State, St. Paul informs us : For he says, *They that resist shall receive to themselves Damnation.* And surely no Body will contest the Truth of that Doctrine, the Breach of which is attended with such dismal Consequences. I hope, therefore, since this Doctrine has been so universally preach'd and approved, the Preaching of it now shall not be thought to reflect on the Revolution, more than it has done hitherto, since her Majesty's happy Accession to the Throne ; and more than it did in the Reign of his late Majesty, who was the glorious Instrument of that happy Revolution. Was not his Majesty appriz'd of the necessary Means by which the Revolution was brought about ? Had not his late Majesty as tender a Regard for the Honour of the Revolution, as any Body else can be suppos'd to have ? No Body can doubt it : And yet this Doctrine was preach'd in his Time, in as general Terms as the Doctor has preach'd it ; and not only without Objection, but with the Approbation of his Majesty, and both Houses of Parliament. And if all this will not vindicate the Doctrine ; yet, I hope, it will at least excuse the Doctor from being a Criminal.

Can he be a Criminal for preaching that Doctrine which has been assert'd by so many Archbishops, Bi-

shops, and other eminent Divines, not only with Impunity, but even with the Approbation of both Houses of Parliament ? That Doctrine which is injoin'd by our Church, ratify'd, confirm'd and establish'd by the Legislature, and which is the Doctrine of all the Protestant Churches in the World, which was the Doctrine of our Saviour himself, and which hath been the Doctrine ever since Adam, and will continue so as long as there is a Bible upon Earth ?

Can a Man be a Criminal for preaching the Doctrine of Passive Obedience and Non-Resistance, tho' without Restriction and Limitation, while we are so happy as to have her Majesty to reign over us, upon whose Life the Welfare and Happiness of these Nations depend, as much (I hope I may be excus'd if I say more) than the Welfare of any Nation ever did upon the Life of any Prince whatsoever since the Foundation of the World ? And therefore we are sure your Lordships will not lessen her Security ; and the rather, because it is impossible, during her Majesty's Life, any Invasion or the least Attempt should be made upon that Religion, that Liberty and Property, for the Preservation of which she run so great a Hazard.

This is what I humbly offer to your Lordships, on Behalf of my Client, on this Head. And tho' I have mention'd these Instances, to show in what general Sense the Doctrine of Passive-Obedience has been preach'd, and that if the Doctor had assert'd it in such general Terms, he could be no more a Criminal than others ; yet it must be always understood, that he does not assert it in such general Terms, but only asserts the utter Illegality of Resistance to the Supreme Power in all Things lawful.

Before I quit this Article, I would take Notice, it has been objected, that it is highly improper and unseasonable for Divines in their Pulpits to meddle with Matters of this Nature : In Answer to which, I would (besides the Injunction that the Apostles have laid on their Successors, to put People in Mind of being subject to Principalities and Powers) humbly offer to your Lordships Consideration, a bold and seditious Paragraph in a Pamphlet printed in 1705, call'd, *The Review* ; which hath this Paragraph, *If the next Parliament should pursue the Steps of the last, the Nation, in my Opinion, will be so much nearer that Crisis of Time, when English Liberty being brought to the last Extremity, must open the Magazine of original Power.* The same Author, speaking of the Family of the Stuarts, calls it *the Line of all the World, fam'd for Blood, and that had ravaged the best Families of the Kingdom.* And in another Paragraph he says, *In short, if Jure Divino comes upon the Stage, the Queen has no more Title to the Crown than my Lord Mayor's Horse : All the People are bound by the Laws of God to depose her as an Usurper, and restore their rightful and lawful King, James the Third.* If therefore to defame the whole Line of her Majesty ; to assert that the Pretender has an hereditary Right to the Crown ; if telling the People, if they do not like the Parliament, they must have Recourse to the Magazine of original Power, be not founding a Trumpet to Rebellion, and does not make this Doctrine seasonable and necessary to be preach'd at this Time, we submit it to your Lordships. And therefore, I humbly hope, that instead of laying a Brand of indelible Infamy on this Doctrine, your Lordships, for the Preservation of her Majesty, and her Successors, and for the securing the Peace of the Kingdom, will convey this Doctrine as intire,  
and



and in as full Force, down to Posterity, as it was transmitted to your Lordships by your Noble Progenitors.

And as to what one of the Honourable Gentlemen concluded with, *viz.* That your Lordships would direct what Doctrine the Ministers should preach.

If there be any Doctrine in the Bible not proper to be preach'd; if there be any Doctrine, except that of the Deity, of greater Antiquity than this, which commences from *Adam*, or is more useful or necessary for the Preservation of the Government, then we submit this Doctrine should be let alone. Upon the whole Matter, I am in your Lordships Judgment, if upon Consideration of what hath been said, your Lordships can be of Opinion, that the Doctor is guilty of the High Crimes and Misdemeanors contain'd in the first Article.

Mr. *Dee.* **M**AY it please your Lordships, After so much has been said, and so well pressed by the Gentlemen that have gone before me, of the Doctrine of Non-Resistance (which is so well established by the Opinion of the Fathers of the Church, and founded on the Laws of the Land) I should think myself very unmannerly to spend your Lordships Time, in repeating it in worse Words. I beg Leave only to make a few Remarks: First on some Generals, and then to add a few Words, and draw an Inference or two from one Law that has not yet been taken Notice of.

My Lords, We readily join with the Gentlemen who managed on Behalf of the House of Commons, in desiring your Lordships to assert Fundamentals; and desire your Lordships to consider the antient legal Constitution of the Kingdom. This we readily comply with them in, and doubt not but your Lordships will do it.

My Lords, There was some Notice taken of the Time and Place where this Sermon was preach'd; and it was said by one of the Gentlemen, that it was an improper Time, because it was a Doctrine fit only to be preach'd in the Reign of a bad Prince, but not of a good one. My Lords, indeed I am at a Loss to understand that: I think, if at any Time, it is reasonable when we have so gracious a Princess upon the Throne, much rather than in the Reign of a Tyrant or Usurper.

My Lords, This Doctrine has been made appear to your Lordships to be consonant to the Laws of God, and the Laws of the Land; and when we have laid before your Lordships our Proofs that have been opened, I hope your Lordships will allow we have proved our Case.

The Gentlemen of the other Side said they had proved their Articles: But how? In no other Way than by reading the Sermon, which we hope shall be permitted to speak for itself.

My Lords, It was said, that the Municipal Laws of the Land signify nothing only in Times of Peace. What the Meaning of that is, I know not, unless that the Laws must be silent in the Time of War; but the Way to maintain Peace, and to prevent Blood and Wars at Home, is to preserve our Laws.

My Lords, It has been likewise urg'd as a Maxim, *That there can be no Right, but there must be a Remedy to preserve it.* And thereupon it was hinted, as if there were some secret Right vested in the People to do something they did not think fit to name. That Saying, My Lords, I take to be a Maxim in the Law, and to relate only to legal Matters, and the Meaning of it to be, That when any Man has a Property, the same Law that gives

Property, gives him a Remedy, if the same be invaded. But I never understood that Maxim to be meant of a Remedy by Force; and I am sure, in most Cases, such a Remedy is worse than the Disease.

My Lords, We would not be thought (I am sure no Gentleman of our Side would be thought) in the least to reflect on the Revolution mentioned in the Impeachment; nor does any Thing, as we think, that the Doctor has said in his Sermon, in the least look that Way. The general Position of the utter Illegality of resisting the Supreme Power, does (as it has been observ'd already) imply in it a Condition, (which perhaps may extend to some other Cases;) and, as we say, extends to that of the Revolution.

One of the Managers instanced in the fourth Command, which in general forbids any Work to be done on the Lord's Days; and yet, says he, Works of Necessity and Mercy are allowed to be done on that Day, and are an implied Exception. The like we say of the implied Exception to the general Doctrine laid down by the Doctor of the Illegality of Resistance.

My Lords, Certainly there is no Room to suppose any Reflection to be made on his late Majesty; for surely his Majesty wanted no Excuse for his coming hither; nor could he be guilty of any Thing that we properly call Resistance. He was a Sovereign Prince, and might do what he thought fit. He owed no Allegiance to any one, so could not be said to resist, in the Sense Resistance bears in the Doctor's Sermon, which is the Resistance by Subjects to the Supreme Power.

My Lords, I now beg Leave to mention the Act of the second Year of King *William* and Queen *Mary*, intitled, *An Act for a general Pardon*; by the last Clause whereof it is provided, *That nothing in that Act shall extend to pardon, or discharge any one for counselling or procuring the raising War against their Majesties, after the 13th Day of February, 1688, unless such Person shall before the 26th of July take the following Oath.* Then follows the Oath of Allegiance. From hence I beg Leave to make an Inference or two: First, That it was the Sense of the Legislature at that Time, that those Persons that contrived or abetted the raising War against their Majesties after they came to the Crown, were guilty of a High Crime, and stood in need of a Pardon. So that if any Thing had shaken the Doctrine of the Illegality of Resistance, here Resistance is made as criminal as it was before. Secondly, It appears by that Clause to be the Opinion of the Legislature, that by the Oath of Allegiance, as it is now framed, this Doctrine of the utter Illegality of Resistance is firmly established. For, my Lords, To what Purpose should that Oath be made the Condition of a Pardon for having resisted, unless they thought that Oath laid an Obligation on the Persons taking it not to do so again?

My Lords, That Construction which some of the Managers for the Commons put on the Doctor's Sermon, that this Notion of Non-Resistance could only be applied to some Body beyond sea, we think to be very hard and strained: I am sure it don't appear from any Thing the Doctor has said in his Sermon; but the contrary plainly appears; for the Doctor doth assert her Majesty's hereditary Right, and yet doth not reflect on the Revolution; for though he speaks of her Majesty's hereditary Right, he does not any where say, that she has no other than an hereditary Right in her. And it was owned by one of the Gentlemen that managed for the House of



Commons, that his late Majesty had a single Right by the Act of Settlement; but that her Majesty has a twofold Right, a Right according to the Act of Settlement, and an Hereditary Right too.

My Lords, There has been a great deal of Time spent, therefore I shall only make this one Remark further, that is, That the learned Managers for the House of Commons have drawn very many Inferences, by their Skill and Ingenuity, from Passages in the Doctor's Sermon, which I believe none of your Lordships can think the Doctor ever thought of, when he was composing his Sermon, or delivering it in the Pulpit.

*Doctor Henchman.* MY Lords, I am likewise assign'd Counsel for Doctor *Sacheverell*; but if he has been represented by the learned Managers in his proper Colours, if he has been set before your Lordships in a true Light, and with his Mask off, I must beg Leave to say, that nothing less than the Commands of this Honourable House could prevail with any one to appear in his Defence. If he is a Mover of Sedition, and an Underminer of the Protestant Succession and present Establishment; if he has fomented destructive Divisions, and excited his Fellow-Subjects to Arms and Violence, and has taken all Advantages to vent his Seditious Notions in the most publick Manner, I must humbly think that no Body would dare to open his Mouth in his Behalf in the Face of the Government, and before the united Legislature of the whole Kingdom. I protest for myself I would not do it, and I believe I may say the same for all the Gentlemen that have spoke before me.

My Lords, the general Part of these Articles has been already largely spoken to, and I shall therefore apply myself directly to the first Article, and the first Branch of that Article, which has been made the Ground of this whole Accusation, *viz. That he does suggest and maintain that the necessary Means used to bring about the late happy Revolution were Odious and Unjustifiable.* I must own this is a Charge of a very high Nature, and has been aggravated to the utmost by the great Pains that the Gentlemen of the Honourable House of Commons have taken, and the elaborate Speeches that have been made on this Head.

My Lords, The Justice of the Revolution is too plain to need any Vindication, every one of us is sensible of the happy Effects of it; and therefore for any one to cast black and odious Colours on it, would be, as has been truly said by the honourable Managers, *a Reflection on his late Majesty, and must bring a foul Imputation on her present Majesty and Government*; which, if the Revolution be Unjustifiable, must be an Usurpation, and all her Subjects Rebels.

My Lords, The Clause made use of to prove this Part of the Article, is in the 11th Page of the Sermon at *St. Paul's*, and has been often read; *The grand Security of our Government, and the very Pillar on which it stands, is founded upon the steady Belief of the Subjects Obligation to an Absolute and Unconditional Obedience to the Supreme Power in all Things lawful, and the utter Illegality of Resistance upon any Pretence whatsoever.* This, my Lords, is the Ground of the Commons Impeachment, because here they say the Doctor condemns all Resistance, and in that the Resistance which was necessary to be made use of at the Revolution.

Whether what is here laid down be agreeable to the Doctrine of the Church of *England* is not

my Province to determine, neither shall I now mispend your Lordships time in establishing this Doctrine; that has been already sufficiently done, and the Doctor himself abundantly vindicated, from the Doctrine of *St. Paul* himself, from the express Doctrine of the Church of *England* set forth in her Homilies, from the Writings of Bishops and Divines dead and living, from the known and unrepal'd Laws of the Land, and from the Reasonableness of laying down a general Rule without any Exception. What farther Vindication can be necessary? Or how can a good Subject of the Realm, and a true Son of the Church, better make his Defence than from the Laws of the one, and the Doctrine, of the other? But because the great Objection has been, That this Doctrine is here laid down without any Limitation or Exception at all; and being myself of a different Profession from the Gentlemen that have spoke before me, I shall take a different Way in Vindication of this Passage, and beg Leave to follow the Method prescrib'd by one of the learned Managers of the House of Commons. It was said by one of them, *Ex ore suo judicabitur.* My Lords, let him speak for himself, and then it will be seen if this Passage may not be justified by the very same Methods that have been made use of to accuse him. If nothing will satisfy the Gentlemen of the House of Commons but an Exception, an Exception they shall have, and that out of his own Mouth. It is in the 10th Page, and the beginning of that very Paragraph, where the whole Foundation of this Accusation is laid. But I don't well know whether I may venture to mention it, lest it should subject him to a Prosecution in the Spiritual Court, or the Censure of his Diocesan; but if it may help to acquit him from this Impeachment, I will advise him to run the Risque of any Prosecution elsewhere.

The Clause is this, *But, Secondly, Men may be denominated False Brethren, with relation to the State, Government, or Society of which they are Members. The Constitutions of most Governments differing according to their several Frames and Laws upon which they are built and founded, it is impossible to lay down any one universal Rule, as the Scheme and Measure of Obedience, that may square to every one of them.*

My Lords, This is an observable Instance of this Gentleman's good Temper and Moderation; nothing can be said more like a good Christian, and a good Subject, and a Man of Temper: He is not here for bringing all Things to his own Rule, but every Government must stand upon its own Foundation, and be govern'd according to its own Rules. But he goes on; *Only this Maxim in general, I presume, may be Established, for the Safety, Tranquility, and Support of all Governments, That no Innovation whatsoever should be allowed in the Fundamental Constitution of any State, without a very pressing, nay, unavoidable Necessity for it.*

My Lords, In these Words there is a plain Exception made, whenever the Case of an unavoidable Necessity shall happen. No Body will deny but that the Revolution was such an unavoidable Case, and of Necessity, and what can't be reflected on, but with great Satisfaction, and Thanks to GOD for bringing it about. But it seems very strange that this Exception should stand so very full and plain in the very Front of that Paragraph from which the learned Managers have chiefly drawn this Accusation, and yet never be so much as once taken notice of by them. Passages at a much greater Distance have been connected in order to Accuse him; and there



there can be no Reason given why the subsequent Passage in the same Paragraph should not be explained by this; why, what in the Beginning is said of all Governments in general, should not be extended to that Part where he speaks particularly of our own Constitution. This, no doubt of it, he had in his Thoughts, and will, I hope, sufficiently vindicate him from this Charge.

I shall trouble your Lordships no longer on this Head, but only observe, that the Doctor in his Answer has put himself upon his Defence, That this Doctrine is agreeable to the Doctrine of the Church of *England* and the Laws of the Land, and we are ready to produce his Vouchers, and make it evident to your Lordships.

*Sir Simon Harcourt.* My Lords, If we have not already tired your Lordships, there is this wide Difference between the Managers for the House of Commons and us; they desire your Lordships to trust them, and to take their Words in every thing; we humbly beg your Lordships to take our Words in nothing, but that you will give us Leave to lay before you the Testimonies for every thing we have open'd; but they being very long, we humbly submit it to your Lordships, whether it will be proper for us now to produce them. The first Evidence we desire to read is, Some godly and wholesome Doctrine contained in the Homilies; we have my Lords, for your Lordships Ease, collected them by a Person that is ready to swear to them. We humbly submit it to your Lordships, whether it shall be read out of the Writing, or whether the Books themselves shall be produced; we shall observe your Lordships Commands, and proceed which way your Lordships please.

*M. Dodd,* My Lords, We are ready to observe your Lordships Directions in this Matter: We have collected the Passages out of the Homilies, the Articles, the Sermons, and Acts of Parliament; and have a Person ready to make Oath that they are truly collected. But if there be any Objection, we are ready to refer to the Books themselves, and have them all here ready to produce.

*Mr. Phipps.* If your Lordships please, the Witness may be sworn.

*Then Mr. Trap was Sworn.*

*Lord Chancellor.* If you offer any Thing in Evidence, you must take the same Method that the Gentlemen of the House of Commons did; it must be proved, and then delivered in at the Table, and there read.

*Sir Joseph Jekyll.* My Lords, we have given the Gentlemen that are Counsel for the Prisoner no Disturbance in any thing they have said during their Defence, so that we might come to a Determination as speedily as possible in this Trial; otherwise every Body must think, we had Reason to object to some Things that have been said by the Counsel. That which they are now going to do, is what we think proper to deliberate upon; and, according to former Precedents, we desire to withdraw, and we will attend your Lordships again presently.

*Mr. Smith.* My Lords, I beg Leave to speak one Word. We have endeavoured to behave ourselves before your Lordships, according to the Duty we owe to the House of Commons, and to your Lordships: We think there is something offered, that is fit for us to consider of. We don't propose more, than for the Managers to withdraw for a few Minutes; for we think we have something to offer to your Lordships.

VOL. V.

*Accordingly the Managers withdrew; and then the Lords adjourned to their House above: And in a short time their Lordships being returned, and seated as before, and the Managers being returned to the Place appointed for them at their Lordships Bar; Proclamation for Silence was made by the Serjeant at Arms.*

*Sir Joseph Jekyll.* My Lords, the Managers withdrew for two Reasons; the one, to consider of several Expressions that fell from the Counsel at the Bar, which we had Reason to take Exceptions to; the other was, to consider of the Evidence they offer to your Lordships. For the first; The Managers are so desirous that no Interruption should be given to the Doctor's Counsel in his Defence, that they at present take no notice of it, but reserve that Matter to be taken notice of at such other Time as they shall think proper. As to the Second, The Managers being unwilling the Doctor should be depriv'd of any Thing that his Counsel can fancy is Material for his Defence, they are contented to let them go on in the Way they proposed; but, to save your Lordships Time, we admit the Books, Sermons and Pamphlets, to be as they have open'd them.

*Sir Simon Harcourt.* My Lords, We humbly pray they may be read, but we have not open'd the tenth Part of them.

*Mr. Dodd.* We have collected them, to save your Lordships Time; but we have not open'd them, because we reserv'd them to be read.

*Mr. Phipps.* My Lords, The Witness is sworn. Is that a true Copy of what it refers to?

*Mr. Trapp.* I did compare them with the Originals: It is a Transcript from the Original.

*M. Phipps.* Are they intire Paragraphs?

*Mr. Trapp.* They are most of them intire Passages.

*Lord Chancellor.* Gentlemen of the House of Commons, do you object to the Evidence?

*Sir Joseph Jekyll.* No, my Lords.

*Then the LORDS adjourned to their House above.*

---

*Saturday, March 4. The Sixth Day.*

THE Lords being seated as usual, and the Commons in a Committee of the whole House, and the Managers at their Lordships Bar: the usual Proclamations being also made;

And *Dr. Sacheverell* appearing at the Bar:

*Lord Chancellor.* Gentlemen, You who are Counsel for Doctor *Sacheverell* were proceeding to your Evidence, and had offered some Papers which you desired to be read in Evidence; and the Gentlemen of the House of Commons did agree to let them be read, as you desired.

*Mr. Dodd.* My Lords, We pray those Papers may be read.

*Mr. Phipps.* My Lords, The Defendant does in his Answer assert, "That the Doctrine of the Illegality of Resistance to the Supreme Power, is contained in the Homilies, and approved by many of the Divines of the Church of *England*: We desire now to have those Homilies, and the Sermons of those Divines, read.



Sir *Joseph Jekyll*. My Lords, The Gentlemen that open'd for the Doctor, were pleas'd to mention some Homilies, and other Books, one intitl'd, *A Necessary Doctrine and Erudition for any Christian Man*; which they desir'd might be read; and said, They had collected the Passages out of them, in a Paper which they offer'd to your Lordships. We have look'd into that Paper, and find Extracts out of *Gazettes*, and other Papers. We are willing to let them read the Homilies, and that other Book call'd, *The Erudition of any Christian Man*; but when they come to the others, we pray they may produce the Books or Papers themselves.

Mr. *Dodd*. My Lords, We shall observe it accordingly.

Mr. *Phipps*. We pray we may begin with the Book intitl'd, *The Erudition for any Christian Man*.

*Clerk reads the Paper Abstract.*

' A Necessary Doctrine and Erudition for any Christian Man; set furth by the King's Majesty of England, &c. Anno 34 H. VIII.

*In the Exposition of the Fyftbe Commandment.*

fol. 113. ' And by this Commandment also, ' Subjects be bounde not to withdrawe ' their said Fealtie, Trough, Love, and ' Obedience towards their Prince, for any Cause ' whatsoever it be; ne for any Cause they may conspire against his Person, ne do any Thing towards the Hindrance or Hurt thereof, nor of his Estate.

*In the Exposition of the Syxte Commandment.*

fol. 187.9. ' Moreover, no Subjects may draw ' their Swords against their Prince; for ' any Cause, whatsoever it be.

Mr. *Dodd*. If your Lordships please, that we may now read several Passages in the Homilies.

*Clerk reads.] The Second Part of the Sermon Of Obedience, Pa. 110.*

' Whereby Christ taught us plainly, that even ' the wicked Rulers have their Power and Authority from God; and therefore it is not lawful for ' their Subjects to withstand them, altho' they abuse ' their Power.

*Ibid.* p. 113. ' But nevertheless, in that Case ' we may not in any wise withstand violently, or rebel against Rulers, or make any Insurrection, Sedition or Tumults, either by Force of Arms, or otherwise, against the Anointed of the Lord, or any of his Officers; but we must in such Case ' patiently suffer all Wrongs and Injuries, referring ' the Judgment of our Cause only to God.

*The Third Part of the Sermon of Obedience, Page 114.*

' Yee have heard before, in this Sermon of good ' Order and Obedience, manifestly prov'd, both ' by the Scriptures and Examples, that all Subjects ' are bounden to obey their Magistrates, and for no ' Cause to resist, or withstand, or rebel, or make ' any Sedition against them, yea altho' they be ' wicked Men.

*First Part of the Sermon against wilful Rebellion, Page 589.*

' What shall Subjects do then? Shall they obey ' valiant, stout, wise and good Princes; and con- ' tem, disobey, and rebel against Children being ' their Princes, or against indiscreet and evil Go- ' vernors? God forbid! For, first, What a peri- ' lous Thing were it to commit unto the Subjects ' the Judgment which Prince is wise and godly, and ' his Government good, and which is otherwise;

' As tho' the Foot must judge of the Head! An- ' Enterprize very heinous, and must needs breed ' Rebellion.

*Ibid.* p. 590. ' And whereas indeed a Rebel is: ' worse than the worst Prince; and Rebellion worse: ' than the worst Government of the worst Prince: ' that hitherto hath been.

*Second Part of the Sermon against wilful Rebellion, Page 600.*

' Now let *David* answer to such Demands, as ' Men desirous of Rebellion do use to make: Shall ' not we, especially being so good Men as we are, ' rise and rebel against a Prince hated of God, and ' God's Enemy; and therefore like not to prosper ' either in War or Peace, but to be hurtful and per- ' nicious to the Commonwealth? No, faith good ' and godly *David*.

*Ibid.* p. 601. ' But, say they, we shall not rise ' and rebel against so unkind a Prince, nothing con- ' sidering or regarding our true, faithful and pain- ' ful Service, or the Safeguard of our Posterity? ' No, faith good *David*.

*Ibid.* ' Shall we not rise and rebel against our ' known, mortal, and deadly Enemy, that seeketh ' our Lives? No, faith godly *David*.

*Ibid.* ' Shall we not assemble an Army of such ' good Fellows as we are, and by hazarding of our ' Lives, and the Lives of such as shall withstand us, ' and withal hazarding the whole Estate of our ' Country, remove so naughty a Prince? No, faith ' godly *David*.

*Ibid.* ' What shall we then do to an evil, to an ' unkind Prince, an Enemy to us, hated of God, ' hurtful to the Commonwealth, &c? Lay no vio- ' lent Hand upon him, faith good *David*; but let ' him live, until God appoint and work his End, ' either by natural Death, or in War, by lawful ' Enemies, not by traiterous Subjects.

*Ibid.* p. 602. ' If King *David* would make these ' Answers, as by his Deeds and Words recorded in ' the Holy Scriptures indeed he doth make, unto ' all such Demands concerning Rebelling against ' evil Princes, unkind Princes, cruel Princes, Princes ' that be to their good Subjects mortal Enemies, ' Princes that are out of God's Favour, and so ' hurtful, or like to be hurtful for the Common- ' wealth."

Mr. *Dodd*. If your Lordships please now, that we may read the thirty fifth Article of the Church of England, which approves these Homilies.

Mr. *Phipps*. We open'd, that these Homilies were approv'd of by the Articles of the Church of England, as containing sound and wholesome Doctrines: We pray the thirty fifth Article may be read.

*Clerk reads.]*

*Article the thirty fifth. Of Homilies.*

' The Second Book of Homilies, the several Ti- ' tles whereof we have joined under this Article, ' doth contain a godly and wholesome Doctrine, ' and necessary for these Times; as doth the former ' Book of Homilies, which were set forth in the ' Time of *Edward* the Sixth. And therefore we ' judge them to be read in Churches by the Mi- ' nisters, diligently and distinctly, that they may ' be understood of the People. The Names of ' the Homilies. 1. Of the right Use of the ' Church. 2. Against Peril of Idolatry. 3. Of ' repairing and keeping clean of Churches. 4. Of ' good Works; First, of Fasting. 5. Against Glut- ' tony



‘ tony and Drunkenness. 6. Against Excess of Apparel. 7. Of Prayer. 8. Of the Place and Time of Prayer. 9. That Common Prayers and Sacraments ought to be ministr’d in a known Tongue. 10. Of the Reverend Estimation of God’s Word, 11. Of Alms-doing. 12. Of the Nativity of Christ. 13. Of the Passion of Christ. 14. Of the Resurrection of Christ. 15. Of the worthy Receiving of the Sacrament of the Body and Blood of Christ. 16. Of the Gifts of the Holy Ghost. 17. For the Rogation-Days. 18. Of the State of Matrimony. 19. Of Repentance. 20. Against Idleness. 21. Against Rebellion.

Mr. Phipps. By the Statute of 13 Eliz. these Articles are confirmed: I believe the Gentlemen of the House of Commons will allow of it.

Mr. Dodd. They are confirmed by the Act of Uniformity; and we think we need not spend your Lordships Time in reading it.

Sir Jos. Jekyll. My Lords, We told them, that we were willing to admit all they open’d; and then we admit this.

Mr. Dodd. If your Lordships please, we will go on with the Abstract.

Mr. Phipps. The Gentlemen say, that they admit us to read what we open’d. Now what we are going to read next, we did not open; and therefore we submit it to your Lordships, whether we shall read out of the Abstract, or produce the Book it self?

Sir Jos. Jekyll. My Lords, We desire to know what it is they would read?

Mr. Phipps. It is Bishop Overall’s Convocation-Book.

Mr. Dee. If your Lordships please, we shall produce the Book; because there are some broken Passages collected, and there may be some Objection, if the Book be not produced.

Mr. Phipps. My Lords, We hope the whole Canon which is mentioned in this Book, tho’ it is recited by Parcels, shall be read,

Clerk reads.] ‘ And therefore ———

Sir Jos. Jekyll. My Lords, They are reading a Passage out of this Book. We might object, That a Printed Book is no Proof of a Canon; and that they ought to make a Legal Proof of it. But that which we object, is, That they begin in the Middle of a Sentence: Your Lordships observe, the Clerk begins with the Words, *And therefore*. I pray, he may read at the Beginning of a Sentence.

Mr. Phipps. My Lords, Where the Clerk began, was the Beginning of that Canon; but it being at the End of another Canon, is the Reason that it begins *And therefore*.

Clerk reads.] ‘ And therefore, if  
Bishop Overall, p. 107. ‘ Man shall affirm under Colour of  
Can. 1. ‘ any thing that is in the Scriptures,  
‘ either that the Doctrine of Grace in  
‘ the *New Testament* doth more abo-  
‘ lish the Rules of Nature, or Moral Law of God,  
‘ than it did in the *Old*; or, that thro’ Faith the  
‘ said Law was not rather established, than in any  
‘ sort impeach’d; or, that because as many as be-  
‘ lieve are redeem’d, and made free from the  
‘ Curse of the Law, they are therefore exempted,  
‘ and free from the Obedience of the Law; or,  
‘ that by the Incarnation of our Saviour Christ,  
‘ Obedience to the Fifth Commandment, touching  
‘ Honours due to Parents and Princes, was in any  
‘ sort impeached, the rest of the Law being esta-  
‘ blished; or, that our Saviour Christ having un-  
VOL. V.

‘ dertaken the Fulfilling of the whole Law, (as far  
‘ forth, at the least, as ever Mankind was bound to  
‘ have fulfilled it) came short in this one Law, by  
‘ exempting himself from any Obedience due to  
‘ the Civil Magistrate; or, that he, having tied  
‘ himself according to the said Commandment, as  
‘ well to the Obedience of the Civil Magistrate, as  
‘ the Obedience which was due to his Parents, did  
‘ not, whilst he liv’d in the World, fulfil the Law  
‘ wholly concerning them both; or, that he did any  
‘ way, or at any Time, encourage the *Jews*, or any  
‘ other, directly or indirectly, to Rebel, for any  
‘ Cause whatsoever, against the *Roman* Emperor, or  
‘ any of the Subordinate Magistrates; or, that he  
‘ did not very willingly, both himself pay Tribute  
‘ to *Cæsar*, and also advise the *Jews* so to do; or,  
‘ that when he willed the *Jews* to pay Tribute to  
‘ *Cæsar*, including therein their Duty of Obedience  
‘ unto him, he did not therein deal plainly and sin-  
‘ cerely, but meant secretly that they should be  
‘ bound no longer to be obedient unto him, but  
‘ until by Force they should be able to resist him;  
‘ or, that he did not utterly and truly condemn all  
‘ Devices, Conferences and Resolutions whatsoever,  
‘ either in his own Apostles, or in any other Per-  
‘ sons, for the using of Force against Civil Autho-  
‘ rity; or, that it is, or can be more lawful for any  
‘ private Persons, either of *St. Peter’s* Calling, or  
‘ of any other Profession, to draw their Swords  
‘ against Authority, though in their rash Zeal they  
‘ should hold it lawful so to do, for the Preserva-  
‘ tion of Religion, than it was for *St. Peter* for  
‘ the Preservation of his Master’s Life; or, that  
‘ by Christ’s Words above-mention’d, all Subjects  
‘ (of what sort soever) without Exception, ought  
‘ not, by the Law of God, to perish with the  
‘ Sword, that take and use the Sword, for any  
‘ Cause, against Kings and Sovereign Princes, un-  
‘ der whom they were born, or under whose Juris-  
‘ diction they do inhabit; or that seeing our Sa-  
‘ viour Christ would not have the *Samaritans* to be  
‘ destroyed with Fire from Heaven, altho’ they  
‘ were at that time divided in Religion from the  
‘ *Jews*, and refused to receive him in Person, it is  
‘ not to be ascribed to the Spirit of Satan for any  
‘ private Men to attempt by Gunpowder, and Fire  
‘ from Hell, to blow up and destroy their Sove-  
‘ reigns, and the whole State of the Country where  
‘ they were born and bred, because in their Con-  
‘ ceits they refused some part of Christ’s Doctrine  
‘ and Government; or, that Christ did not well,  
‘ and as the said Fifth Commandment did require,  
‘ in submitting himself as he did to Authority, al-  
‘ though he was first sent for with  
‘ Swords and Staves, as if he had *Mat. xxvi. 55.*  
‘ been a Thief, and then afterward  
‘ carried to *Pilate*, and by him (albeit he found no  
‘ Evil in him) condemn’d to Death; or, that by  
‘ any Doctrine of Example which Christ ever taught,  
‘ or hath left upon good Record, it can be prov’d  
‘ Lawful to any Subjects, for any Cause of what  
‘ Nature soever, to decline either the Authority  
‘ and Jurisdiction of their Sovereign Princes, or  
‘ of any their lawful Deputies and inferior Magi-  
‘ strates ruling under them: He doth greatly  
‘ err.

Mr. Phipps. My Lords, We opened, that from the Time of the Reformation this had been the Doctrine of the Church. We desire to begin, and shew it was Archbishop *Craumer’s* Opinion: In *Strype’s* Memorial of Archbishop *Craumer*.



*Clerk reads.]* ' The second Exhortation is, That next unto God you obey your King and Queen willingly and gladly, without Murder or Grudging, and not for Fear of them only, but much more for the Fear of God. Knowing that they be God's Ministers, appointed by God to rule and govern you; and therefore whoſo reſiſteth them, reſiſteth God's Ordinance.

Mr. *Phipps*. My Lords, We now offer a Declaration of *Bishop Ferrar*, *Bishop Hooper*, *Bishop Coverdale*, and about nine other Bishops, which is in *Fox's History*.

*Clerk reads.]* ' Humbly requiring, and in the Bowels of our Saviour Jesus Christ, beſeeching all that fear God, to behave themſelves as obedient Subjects to the Queen's Highneſs, and the ſuperior Powers which are ordained of God, under her; rather, after our Example, to give their Heads to the Block, than in any Point to rebel, or once to Mutter againſt the Lord's anointed.

Mr. *Dodd*. If your Lordſhips pleaſe, he may read the Names of thoſe Perſons that have ſubſcribed it at the End of it.

*Clerk reads.]* *The 8th Day of May, Anno Dom. 1554.*

' The Names of the priſon'd Preachers ſubſcribing to this Declaration, *Robert Menaven*, alias *Robert Ferrar*, *Rowland Taylor*, *John Philpott*, *John Bradford*, *John Wigorne*, and *Glouc. Episcopus*, alias *John Hooper*, *Edward Crome*, *John Rogers*, *Lawrence Saunders*, *Edmund Lawrence*, J. P. T. M. — To theſe Things aboveſaid do I *Miles Coverdale*, late of *Exon*, conſent and agree with theſe nine afflicted Brethren, being Priſoners, mine own Hand.

Mr. *Phipps*. My Lords, The next we offer is the Opinion of *Bishop Jewell*, in his Defence of the Apology for the Church of *England*, in Answer to Mr. *Herding*.

*Clerk reads.]* ' We teach the People as *St. Paul* doth, to be ſubject to the higher Powers, not only for Fear, but alſo for Conſcience. We teach them, that whoſo ſtriketh with the Swerde by private Authority, ſhall periſh with the Swerde. If the Prince happen to be wicked, or cruel, or burthenous, we teach them to ſay with *St. Ambroſe*, *Arma noſtra ſunt Preces & Lachrymæ*, *Tears and Prayers be our Weapons*.

Mr. *Dodd*. My Lords, The next is Mr. *Hooker*, in his *Eccleſiaſtical Polity*.

*Clerk reads.]* ' That Subjection which we owe to lawful Powers, doth not only import, that we ſhould be under them by Order of our State, but that we ſhew all Submission towards them, both by Honour and Obedience. He that reſiſteth them reſiſteth God. And reſiſted they be, if either the Authority itſelf, which they exerciſe, be denied; as by Anabaptiſts all ſecular Jurifdictions; or if Reſiſtance

be made but only ſo far forth as doth touch their Perſons, which are inveſted with Power; (for they which ſaid *Nolumus hunc regnare*, did not utterly exclude Regiment; nor did they wiſh all Kind of Government clearly removed, which would not at the firſt have *David* to govern;) or if that which they do by Virtue of their Power, namely, their Laws, Edicts, Services, or other Acts of Jurifdiction, contrary to the bleſſed Apoſtles moſt holy Rule, *Obey them who have the Overſight of you*, *Heb. xiii. 17*. be not ſuffered to take Effect; or if they do take Effect, yet is not the Will of God thereby ſatiſfied neither, as long as that which we do is contemptuouſly or repiningly done, becauſe we can do no otherwiſe. In ſuch ſort the *Iſraelites* in the Deſart obey'd *Mofes*; and were, notwithstanding, deſervedly plagued for Diſobedience. The Apoſtle's Precept therefore is, *Be ſubject even for God's Sake; be ſubject not for Fear, but of mere Conſcience, knowing, that he which reſiſteth them, purchaſeth to himſelf Condemnation*.

Mr. *Gen. Stanhope*. My Lords, ſince *Hooker's Eccleſiaſtical Polity* is before your Lordſhips, and they have read that Part, I pray that from *pag. 444*. to the latter End of *pag. 446*. may likewiſe be read.

Mr. *Dodd*. We ſubmit it to your Lordſhips, whether it is proper to break into our Defence? or whether the Gentlemen of the Houſe of Commons will read what they think proper when they come to reply? Your Lordſhips know the Courſe in other Courts is to give our Evidence intire.

Sir *J. Jekyll*. My Lords, The Indulgence of the Managers, to let the Doctour's Couſel go into this Evidence, is very great; (for I believe ſuch ſort of Evidence was never known before in any Court of Juſtice whatſoever;) but ſurely, as they have called this Witneſs, for ſo I may term the Book they were reading, we may be at Liberty to croſs-examine that Witneſs; perhaps the Place we deſire to have read, may explain the Paſſages read by them.

Mr. *Phipps*. My Lords, We ſubmit to it.

Mr. *Gen. Stanhope*. Pray what Edition is that Book?

*Clerk*. It is printed in 1705.

Mr. *Gen. Stanhope*. My Lords, If we ſhould be miſtaken in the Edition, I hope we ſhall not be hindred in our Reply from reading thoſe Paſſages in the Edition which I have conſulted.

*Clerk reads.]* ' Again, on whom the ſame is beſtowed at Mens Diſcretions, *Fol. 444*. they likewiſe do hold it by divine Right. If God in his revealed Word hath appointed ſuch Power to be, altho' himſelf extraordinarily beſtow it not, but leave the Appointment of Perſons to Men; yea, albeit God do neither appoint nor aſſign the Perſon; nevertheleſs, when Men have aſſigned and eſtabliſhed both, who doth doubt but that ſundry Duties and Affairs depending thereupon, are preſcribed by the Word of God, and conſequently by that very Right to be exerted? For Example ſake, the Power which *Roman Emperors* had over foreign Provinces, was not a Thing which the Law of God did ever inſtitute; neither was *Tiberius Caſar* by eſpecial Commiſſion from Heaven therewith inveſted; and yet Payment of Tribute unto *Caſar*, being now made Emperor, is the plain Law of *Jesus Christ* unto Kings by human Right; Honour by very divine Right is due. Man's Ordinances are many Times propoſed as Grounds in the Statutes of God.

' And



' And therefore, of what Kind soever the Means be  
 ' whereby Governors are lawfully advanc'd to their  
 ' States, as we by the Laws of God stand bound  
 ' meekly to acknowledge them for God's Lieute-  
 ' nants, and do confess their Power his; so by the  
 ' same Law they are both authoriz'd and requir'd to  
 ' use that Power, as far as it may be in any State  
 ' available to his Honour. The Law appointeth no  
 ' Man to be a Husband; but if a Man hath betaken  
 ' himself unto that Condition, it giveth him Power  
 ' and Authority over his own Wife. That the Chri-  
 ' stian World should be ordered by the Kingly Re-  
 ' giment, the Law of God doth not any where  
 ' command; and yet the Law of God doth give  
 ' them, which once are exalted unto that Place of  
 ' Estate, right to exact at the Hands of their Sub-  
 ' jects general Obedience in whatsoever Affairs their  
 ' Power may serve to command; and God doth  
 ' ratify Works of that Sovereign Authority, which  
 ' Kings have received by Men. This is therefore  
 ' the Right whereby Kings do hold their Power;  
 ' but yet in what Sort the same doth rest and abide  
 ' in them, it somewhat behoveth farther to search;  
 ' where, that we be not enforced to make over  
 ' large Discourses about the different Conditions of  
 ' Sovereign or Supreme Power, that which we speak  
 ' of Kings shall be in respect of the State, and ac-  
 ' cording to the Nature of this Kingdom, where  
 ' the People are in no Subjection, but such as wil-  
 ' lingly themselves have condescended unto for their  
 ' own most Behoof and Security. In Kingdoms  
 ' therefore of this Quality, the highest Governor  
 ' hath indeed universal Dominion, but with Depen-  
 ' dency upon that whole intire Body, over the sever-  
 ' ral Parts whereof he hath Dominion; so that it  
 ' standeth for an Axiom in this Case, the King is  
 ' *Major singulus, universis Minor*. The King's De-  
 ' pendency we do not construe as some have done,  
 ' we are of opinion, that no Man's Birth can  
 ' make him a King; but every particular Person  
 ' advanced to such Authority hath, at his Entrance  
 ' into his Reign, the same bestowed on him as an  
 ' Estate, in Condition, by the voluntary Deed of  
 ' the People in whom it doth lie, to put by any  
 ' one, and to prefer some other before him better  
 ' liked of, or judged fitter for the Place; and that  
 ' the Party so rejected hath no Injury done unto  
 ' him; no, altho' the same be done in a Place where  
 ' the Crown doth go *ſua vi*, by Succession, and  
 ' to a Person which is capital, and hath apparently,  
 ' if Blood be respected, the nearest Right. They  
 ' plainly affirm, in all well appointed Kingdoms,  
 ' the Custom evermore hath been, and is, that  
 ' Children succeed not their Parents 'till the Peo-  
 ' ple, after a Sort, have created them a-new;  
 ' neither that they grow to their Fathers as  
 ' natural and proper Heirs, but are then to be  
 ' reckoned for Kings, when at the Hands of such  
 ' as represent the King's Majesty, they have by  
 ' Sceptre and a Diadem received as it were the  
 ' Investiture of a Kingly Power: Their very Words  
 ' are, "That where such Power is settled into a  
 ' Family or Kindred, the Stock itself is thereby  
 ' chosen, but not the Twig that springeth of it."  
 ' The next of the Stock unto him that reigneth,  
 ' are not through nearness of Blood made Kings;  
 ' but rather set forth to stand for the Kingdom:  
 ' Where Regal Dominion is hereditary, it is not-  
 ' withstanding (if we look to the Persons which  
 ' have it) altogether elective". To this Purpose  
 ' are selected Heaps of Scriptures concerning the so-  
 ' lemn Coronation or Inauguration of *Saul, David,*  
 ' of *Solomon*, and others, by the Nobles, Antients,

' and People of the Commonwealth of *Israel*: As if  
 ' these Solemnities were a Kind of Deed, whereby  
 ' the Right of Dominion is given; which strange,  
 ' untrue, and unnatural Conceits, set Abroad by  
 ' Seedsmen of Rebellion, only to animate unquiet  
 ' Spirits, and to feed them with Possibility of  
 ' aspiring to Thrones, if they can win the Hearts of  
 ' the People, what hereditary Title soever any other  
 ' before them may have; I say, unjust and insolent  
 ' Positions, I would not mention, were it not there-  
 ' by to make the Countenance of Truth more orient;  
 ' for unless we will openly proclaim Defiance unto  
 ' all Law, Equity and Reason, we must (there is  
 ' no Remedy) acknowledge, that in Kingdoms, he-  
 ' reditary Birth gives Right unto Sovereign Domi-  
 ' nion; and the Death of the Predecessor puts the  
 ' Successor by Blood in Seisin. Those publick So-  
 ' lemnities before specified, do but serve for an open  
 ' Testification of the Inheritor's Right, or belong-  
 ' ing unto the Form of inducting him into Possession  
 ' of that Thing he hath Right unto. Therefore, in  
 ' case it doth happen, that without Right of Blood,  
 ' a Man in such wise be possessed, all these new  
 ' Elections and Investings are utterly void; they  
 ' make him no indefeasible Estate, the Inheritor by  
 ' Blood may dispossess him as an Usurper. The  
 ' Case thus standing, albeit we judge it a Thing most  
 ' true, that Kings, even Inheritors, do hold their  
 ' Right in the Power of Dominion, with Depend-  
 ' cy upon the whole Body Politick, over which they  
 ' have Rule as Kings; yet so it may not be under-  
 ' stood, as if such Dependency did grow; for that  
 ' every Supreme Government doth personally take  
 ' from thence his Power, by way of Gift, bestow'd  
 ' of their own free Accord upon him at the Time of  
 ' his Entrance into the said Place of his Sovereign  
 ' Government. But the Case of Dependency is that  
 ' first original Conveyance when Power was deriv'd  
 ' from the Whole into one; to pass from him unto  
 ' them, whom out of him, Nature, by lawful  
 ' Births, should produce, and no natural or legal  
 ' Inability make incapable. "Neither can any  
 ' Man with Reason think, but that the first Instita-  
 ' tion of Kings is a sufficient Consideration; where-  
 ' fore their Power should always depend on that  
 ' from which it always flows: By original Influence  
 ' of Power from the Body unto the King, is the  
 ' Cause of King's Dependency in Power upon the  
 ' Body". By Dependency we mean Subordination  
 ' and Subjection; a manifest Token of which De-  
 ' pendency may be this: As there is no more certain  
 ' Argument that Lands are held under any as Lords,  
 ' than if we see that such Lands, in Defect of Heir,  
 ' fall unto them by Escheat: In like Manner, it  
 ' doth follow rightly, that seeing Dominion, when  
 ' there is none to inherit it, it returneth into the  
 ' Body; therefore they which before were Inheri-  
 ' tors thereof, did hold it with Dependency upon  
 ' the Body: So that by comparing the Body with  
 ' the Head, as touching Power, it seemeth always  
 ' to reside in both; fundamentally and radically in  
 ' the one, in the other derivatively; in one the Fla-  
 ' bit, in the other the Art of Power. May a Body  
 ' Politick then at all Times, withdraw in whole or  
 ' in part, the Influence of Dominion, which passeth  
 ' from it, if Inconveniences do grow thereby? It  
 ' must be presumed, that Supreme Governors will  
 ' not in such Case oppose themselves, and be stiff  
 ' in detaining that, the Use whereof is with pub-  
 ' lick Detriment. But surely without their Consent,  
 ' I see not how the Body by any just Means should  
 ' be able to help itself, saving when Dominion doth  
 ' escheat; such things therefore must be thought



upon beforehand, that Power may be limited, e'er it be granted; which is the next Thing we are to consider.

Mr. Dodd. We now produce Bishop *Andrews's* Sermons.

*Clerk reads.]* ' To deprive or de-  
London Edi- ' pose them? Sure where the worst is  
tion, Fol. ' reckoned that can be of them, *Clau-*  
1632. p. 939. ' *mabant ad Dominum* is all I find,  
' 1 Sam. viii. 18. No *Per* to do it but  
' he. By him, and by none but by him, they be;  
' by him, and by none but by him, they cease to be.

Mr. Phipps. We desire to read another Passage out of Mr. *Hooker*, in a Treatise of Church Government.

*Clerk reads.]* ' A Treatise of Church Govern-  
' ment: To which is added a Treatise of the Re-  
' gal Power, and of the Novelty of the Doctrine of  
' Resistance, publish'd by Dr. *Bernard* in his *Clavi*  
' *Trabeles*.

Lord Chancellor. This is a Collection of the Works of several Persons; so that it don't appear whole Works these are that you are reading.

Mr. Phipps. That which we offer to be read is Mr. *Hooker's*, and is left out of the Book which was printed before.

*Clerk reads.]* ' There is a Supreme  
Lon. Edit. ' Head of Justice whereunto all are  
1601. 4to. ' subject, but itself in Subjection  
pag. 49, 50. ' to none; which Kind of Pre-emi-  
' nence, if some ought to have in a  
' Kingdom, who but the King shall have it? Kings  
' therefore no Man can have lawful Power and Autho-  
' rity to judge; if private Men offend, there is  
' the Magistrate over them, which judgeth; if Ma-  
' gistrates, they have their Prince; if Princes,  
' there is Heaven, a Tribunal before which they shall  
' appear; on Earth they are not accountable to any.

Mr. Phipps. My Lords, We offer Doctor *Jackson's*, and Bishop *Usher's* Opinion in this Matter. And first Doctor *Jackson*.

*Clerk reads.]* ' He that is a King  
Tom. 3. ' or Supreme Magistrate, by just and  
Pag. 965. ' lawful Title, may not be thus resist-  
' ed, albeit he exercise his Power ty-  
' rannically.

Mr. Phipps. The next is Archbishop *Usher*, in a Treatise called, *The Power communicated by God to the Prince, and the Obedience required of the Subject, &c.*

*Clerk reads.]* ' But if Mens  
Pag. 157. ' Hands be thus tied (will some say)  
Lond. 1683. ' no Man's State can be secure: Nay,  
' the whole Frame of the Common-  
' wealth would be in Danger to be  
' subverted and utterly ruin'd by the unbridled Lust  
' of a disemper'd Governor.

I answer, God's Word is clear in the Point, *Whosoever resisteth the Power, resisteth the Ordinance of God, and they that resist, shall receive to themselves Damnation*; and thereby a Necessity is imposed upon us, of being subject even for Conscience sake, which may not be avoided by the Pretext of any ensuing Mischief whatsoever.

Mr. Phipps. My Lords, We offer next the Authority of Mr. *Chillingworth*, and we need say no more of him than to mention that it is Mr. *Chillingworth*; and his Character is so established by the Lord *Clarendon*, that we need say no more of it.

*Clerk reads.]* ' They that make no  
' Scruple at all of fighting with his *Fol. 330.*  
' Sacred Majesty, and shooting Mus- *Lond. 1704.*  
' kets and Ordnance at him (which *Folio.*  
' sure have not the Skill to chuse a  
' Subject from a King) to the extreme Hazard of  
' his Sacred Person, whom by all possible Obliga-  
' tions they are bound to defend, do they know,  
' think you, the general Rule without Exception  
' or Limitation left by the Holy Ghost for our Di-  
' rection in all such Cases, *Who can lift up his*  
' *Hand against the Lord's anointed, and be innocent?*  
' 1 Sam. xxvi. 9. Or do they consider his Command  
' in the *Proverbs of Solomon*, *My Son, fear God and*  
' *the King, and meddle not with them that desire*  
' *Charge?* Prov. xxiv. 21. Or his Counsel in the  
' Book of *Ecclesiastes*, *I counsel thee to keep the*  
' *King's Commandment, and that in regard of the*  
' *Oath of God?* Eccles. viii. 2. Or because they pos-  
' sibly may pretend that they are exempted from, or  
' unconcerned in the Commands of Obedience deli-  
' vered in the Old Testament: Do they know and  
' remember the Precept given to all Christians by  
' St. *Peter*, *Submit yourselves to every Ordinance*  
' *of Man for the Lord's Sake, whether it be to the*  
' *King as Supreme, or unto Governors, as unto*  
' *them that are sent by him?* Or that terrible Sancti-  
' on of the same Command, *They that resist shall*  
' *receive to themselves Damnation*, left us by St.  
' *Paul* in his *Epistle to the Romans*, who then were  
' the miserable Subjects of the worst King, the  
' worst man, nay, I think, I may add truly, the  
' worst Beast in the World; that so all Rebels  
' Mouths might be stopt for ever, and left with-  
' out all Colour or Pretence whatsoever to justify  
' the Resistance of Sovereign Power?

Mr. Phipps. My Lords, The next we offer is Archbishop *Bramhall*, sometime Bishop of *Armagh*.

*Clerk reads.]* ' The same Oath  
' binds us to defend him against all *Page 531.*  
' Conspiracies and Attempts whatso- *Dubl. 1678.*  
' ever, which shall be made against *Folio.*  
' his Person or Crown; to defend him,  
' much more therefore not to offend him, against  
' all Conspiracies and Attempts whatsoever. That  
' Oath which binds us to defend him against all  
' Attempts whatsoever, presupposeth that no At-  
' tempt against him can be justified by Law, whe-  
' ther these Attempts be against his Person or his  
' Crown.

*Clerk reads.]* ' If a Sovereign shall  
' persecute his Subjects for not doing *Ibid. fol.*  
' his unjust Commands, yet it is not *542.*  
' lawful to resist by raising Arms  
' against him, *They that resist shall receive to them-*  
' *selves Damnation*. But they ask, Is there no Li-  
' mitation? I answer, *Ubi Lex non distinguit, nec*  
' *nos distinguere debemus*. How shall we limit  
' where God hath not limited, or distinguish where  
' he hath not distinguish'd?

Mr. Dodd. My Lords, The next is Bishop *Sanderfon*.

*Clerk*



Clerk reads.] No Conjunction of Circumstances whatsoever, can make them expedient to be done at any Time, that is, of itself and in the Kind unlawful. For a Man to blaspheme the holy Name of God, to sacrifice to Idols, to give wrong Sentence in Judgment, by his Power to oppress those that are not able to withstand him, by Subtilty to overreach others in bargaining, to take up Arms (offensive or defensive) against a lawful Sovereign: None of these, and sundry other Things of the like Nature, being all of them simply, and de toto genere unlawful, may be done by any Man, at any Time, in any Case, upon any Colour or Pretension whatsoever; the express Command of God himself only excepted, as in the Case of Abraham for sacrificing his Son. Not for the avoiding of Scandal, not at the Instance of any Friend, or Command of any Power upon Earth; not for the Maintenance of the Lives or Liberties either of ourselves or others; nor for the Defence of Religion; nor for the Preservation of a Church or State; no nor yet, if that could be imagin'd possible, for the Salvation of a Soul; no, not for the Redemption of the whole World.

Mr. Phipps. My Lords, Doctor Sacheverell being educated in the University of Oxford, we offer the Decrees of that University touching this Matter. They were publish'd in the Gazette the 26th of July 1683, by Authority.

Clerk reads.] Numb. 1845.

The London Gazette. Publish'd by Authority. From Monday July 23. to Thursday July 26, 1683. Whitehall, July 24. This Day was presented to his Majesty the following Judgment and Decree of the University of Oxford, pass'd in their Convocation, on Saturday the 21st Instant. The Judgment and Decree of the University of Oxford, pass'd in their Convocation, July 21, 1683. against certain pernicious Books, and damnable Doctrines, destructive to the Sacred Persons of Princes, their State and Government, and of all Human Society.

Altho' the barbarous Assassination lately enterprized against the Person of his Sacred Majesty, and his Royal Brother, engage all our Thoughts to reflect with utmost Detestation and Abhorrence on that execrable Villany, hateful to God and Man; and pay our due Acknowledgments to the Divine Providence, which by extraordinary Methods brought it to pass, That the Breath of our Nostrils, the Anointed of the Lord, is not taken in the Pit which was prepared for him; and that under his Shadow we continue to live, and enjoy the Blessings of his Government; yet notwithstanding we find it to be a necessary Duty at this Time to search into, and lay open those impious Doctrines, which having of late been studiously disseminated, gave Rise and Growth to these nefarious Attempts, and pass upon them our solemn publick Censure and Decree of Condemnation.

Therefore, to the Honour of the Holy and undivided Trinity, the Preservation of Catholick Truth in the Church, and that the King's Majesty may be secured both from the Attempts of open bloody Enemies, and Machinations of treacherous Hereticks and Schismaticks; We the Vice-Chancellor, Doctors, Proctors, and Masters, Regent and not Regent, met in Convocation, in the accustomed Manner, Time and Place, on Saturday the one and twentieth Day of July in the Year one thousand six hundred and eighty three, concerning

certain Propositions contain'd in divers Books and Writings, publish'd in the English, and also the Latin Tongue, repugnant to the Holy Scriptures, Decrees of Councils, Writings of the Fathers, the Faith and Profession of the Primitive Church; and also destructive of the Kingly Government, the Safety of his Majesty's Person, the publick Peace, the Laws of Nature, and Bonds of Human Society, by our unanimous Assent and Consent, have decreed and determin'd in Manner and Form following:

The First Proposition.

All Civil Authority is derived originally from the people.

The Second.

There is a mutual Compact, tacit or express, between a Prince and his Subjects; and that if he perform not his Duty, they are discharged from theirs.

The Third.

That if lawful Governors become Tyrants, or govern otherwise than by the Laws of God and Man they ought to do, they forfeit the Right they had unto their Government. *Lex Rex. Buchanan de Jure Regni. Vindiciae contra Tyrannos Bellarmine de Consiliis. De Pontificie Milton. Goodwin. Baxter. H. C.*

The Fourth.

The Sovereignty of England is in the three Estates, viz. King, Lords and Commons. The King has but a Co-ordinate Power, and may be over-rul'd by the other two. *Lex Rex. Hunton of a limited and mixed Monarchy. Baxter H. C. Polit. Catechis.*

The Fifth.

Birth-right and Proximity of Blood give no Title to Rule or Government; and it is lawful to preclude the next Heir from his Right and Succession to the Crown. *Lex Rex. Hunt's Postscript. Dolcman's History of Succession. Julien the Apostate. Mene Tekel.*

The Sixth.

It is lawful for Subjects, without the Consent, and against the Command of the Supreme Magistrate, to enter into Leagues, Covenants and Associations, for Defence of themselves and their Religion. *Solemn League and Covenant. Late Association.*

The Seventh.

Self-preservation is the fundamental Law of Nature, and supercedes the Obligation of all others, whensoever they stand in Competition with it. *Hobbs de Circe Leviathan.*

The Eighth.

The Doctrine of the Gospel concerning patient Suffering of Injuries, is not inconsistent with violent resisting of the higher Powers, in case of Persecution for Religion. *Lex Rex. Julian Apostate. Apolog. Relat.*

The Ninth.

There lies no Obligation upon Christians to Passive Obedience, when the Prince commands any Thing against the Laws of our Country; and the Primitive Christians rather chose to die than resist, because Christianity was not settled by the Laws of the Empire. *Julian Apostate.*

The Tenth.

Possession and Strength give a Right to govern; and Success in a Cause or Enterprize, proclaims it to be lawful and just. To pursue it, is to comply with the Will of God; because it is to follow the Conduct of his Providence. *Hobbs. Owen's*



Owen's Sermon before the Regicides, Jan. 31, 1648.

Baxter. Jenkins's Petition, Octob. 1651.

*The Eleventh.*

' In the State of Nature there is no Difference  
' between Good and Evil, Right and Wrong. The  
' State of Nature is a State of War, in which every  
' Man hath a Right to all Things.

*The Twelfth.*

' The Foundation of Civil Authority is this National  
' Right, which is not given, but left to the  
' Supreme Magistrate upon Mens entering into Soci-  
' eties; and not only a Foreign Invader, but a  
' Domestick Rebel, puts himself again into a State  
' of Nature, to be proceeded against, not as a Sub-  
' ject, but an Enemy; and consequently, acquires  
' by his Rebellion the same Right over the Life of  
' his Prince, as the Prince (for the most heinous  
' Crimes) has over the Life of his own Subjects.

*The Thirteenth.*

' Every Man, after his entering into a Society, re-  
' tains a Right of defending himself against Force,  
' and cannot transfer that Right to the Common-  
' wealth, when he consents to that Union whereby  
' a Commonwealth is made: And in case a great  
' many Men together have already resisted the Com-  
' monwealth, for which every one of them expect-  
' eth Death; they have Liberty then to join toge-  
' ther, to assist and defend one another. Their bear-  
' ing of Arms, subsequent to the first Breach of their  
' Duty, tho' it be to maintain what they have done,  
' is no new unjust Act; and if it be only to defend  
' their Persons, is not unjust at all.

*The Fourteenth.*

' An Oath superadds no Obligation to Pact, and  
' a Pact obliges no farther than it is credited; and  
' consequently, if a Prince gives any Indication that  
' he does not believe the Promises of Fealty and  
' Allegiance made by any of his Subjects, they are  
' thereby free from their Subjection; and notwith-  
' standing their Pacts and Oaths, may lawfully re-  
' bel against, and destroy their Sovereign. *Hobbs*  
*de Cive Leviathan.*

*The Fifteenth.*

' If a People, that by Oath and Duty are oblig'd  
' to a Sovereign, shall sinfully dispossess him, and  
' (contrary to their Covenants) chuse and covenant  
' with another; they may be obliged by their later  
' Covenants, notwithstanding their former. *Bax-*  
*ter. II. C.*

*The Sixteenth.*

' All Oaths are unlawful, and contrary to the  
' Word of God. *Quakers.*

*The Seventeenth.*

' An Oath obligeth not in the Sense of the Impos-  
' ser, but the Takers. *Sheriffs Case.*

*The Eighteenth.*

' Dominion is founded in Grace.

*The Nineteenth.*

' The Powers of this World are Usurpations up-  
' on the Prerogative of Jesus Christ; and it is the  
' Duty of God's People to destroy them, in order  
' to the setting Christ upon his Throne. *Fifth Mo-*  
*narchy-men.*

*The Twentieth.*

' The Presbyterian Government is the Sceptre  
' of Christ's Kingdom, to which Kings as well as  
' others are bound to submit; and the King's Su-  
' premacy in Ecclesiastical Affairs, asserted by the  
' Church of *England*, is injurious to Christ, the  
' sole King and Head of his Church. *Altare Da-*  
*mascenum. Apolog. Relat. Hist. Indulg. Cartwright.*  
*Travers.*

*The Twenty first.*

' It is not lawful for Superiors to impose any  
' Thing in the Worship of God, that is not ante-  
' cedently necessary.

*The Twenty second.*

' The Duty of not offending a weak Brother, is  
' inconsistent with all Human Authority of making  
' Laws concerning indifferent Things. *Protestant*  
*Reconciler.*

*The Twenty third.*

' Wicked Kings and Tyrants ought to be put to  
' Death; and if the Judges and inferior Magistrates  
' will not do their Office, the Power of the Sword  
' devolves to the People: If the major Part of the  
' People refuse to exercise this Power, then the  
' Ministers may excommunicate such a King; af-  
' ter which it is lawful for any of the Subjects to  
' kill him, as the People did *Atbaliab*, and *Jebu.*  
*Jezebel. Buchanan. Knox. Goodman. Gilby.*  
*Jesuits.*

*The Twenty fourth.*

' After the Sealing of the Scripture Canon, the  
' People of God in all Ages are to expect new Re-  
' velations for a Rule of their Actions; and it is  
' lawful for a private Man, having an inward Mo-  
' tion from God, to kill a Tyrant. *Quakers and*  
*other Entbusiasts. Goodman.*

*The Twenty fifth.*

' The Example of *Phineas* is to us instead of  
' a Command; for what God hath commanded or  
' approved in one Age, must needs oblige in all.  
*Goodman. Knox. Naphali.*

*The Twenty sixth.*

' King *Charles* the First was lawfully put to  
' Death, and his Murderers were the blessed In-  
' struments of God's Glory in their Generation.  
*Milton. Goodwin. Owen.*

*The Twenty seventh.*

' King *Charles* the First made War upon his Par-  
' liament; and in such a Case the King may not  
' only be resisted, but he ceaseth to be King.  
*Baxter.*

' We Decree, Judge, and Declare all and every  
' of these Propositions to be false, seditious, and  
' impious, and most of them to be also heretical  
' and blasphemous, infamous to Christian Religi-  
' on, and destructive of all Government in Church  
' and State.

' We farther Decree, That the Books which con-  
' tain the aforesaid Propositions and impious Do-  
' ctrines, are fitted to deprave good Manners, cor-  
' rupt the Minds of unwary Men, stir up Seditions  
' and Tumults, overthrow States and Kingdoms,  
' and lead to Rebellion, Murder of Princes, and  
' Atheism itself: And therefore we interdict all  
' Members of the University from the Reading of  
' the said Books, under the Penalties in the Statutes  
' express'd. We also order the said recited Books  
' to be publicly burnt by the Hand of our Mar-  
' shal, in the Court of our Schools.

' Likewise we order, That in perpetual Memory  
' hereof, these our Decrees shall be entred in the  
' Registry of our Convocation; and that Copies of  
' them being communicated to the several Colleges  
' and Halls within this University, they be there  
' publicly affix'd in the Libraries, Refectories, or  
' other fit Places, where they may be seen and read  
' of all.

' Lastly, We command and strictly injoin all  
' and singular the Readers, Tutors, Catechists, and  
' others to whom the Care and Trust of Institution  
' of Youth is committed, that they diligently in-  
' struct



‘struct and ground their Scholars in that most necessary Doctrine, which in a Manner is the Badge and Character of the Church of *England*; Of submitting to every Ordinance of Man for the Lord’s Sake; whether it be to the King as Supreme, or unto Governors as unto them that are sent by him, for the Punishment of evil Doers, and for the Praise of them that do well. Teaching that this Submission and Obedience is to be clear, absolute, and without Exception of any State or Order of Men. Also that they, according to the Apostle’s Precept, exhort, That first of all, Supplications, Prayers, Intercessions, and giving of Thanks be made for all Men, for the King, and all that are in Authority; that we may lead a quiet and peaceable Life, in all Godliness and Honesty; for this is good and acceptable in the Sight of God our Saviour. And in especial Manner, that they press and oblige them humbly to offer their most ardent and daily Prayers at the Throne of Grace, for the Preservation of our Sovereign Lord King *Charles*, from the Attempts of open Violence, and secret Machinations of perfidious Traitors; that the Defender of the Faith, being safe under the Defence of the Most High, may continue his Reign on Earth, till he exchange it for that of a late and happy Immortality.

Mr. *Phipps*. My Lords, To shew that this was like wise at the same Time Archbishop *Tillotson*’s Opinion, we desire to read his Letter which he wrote to my Lord *Ruffel*, when he was under his Condemnation in *Newgate*, July 20, 1683.

*Clerk reads.*] ‘My Lord, I was heartily glad to see your Lordship this Morning in that calm and devout Temper at receiving of the blessed Sacrament; but Peace of Mind, unless it be well grounded, will avail little: And because transient Discourse many Times hath little Effect, for want of Time to weigh and consider it; therefore, in tender Compassion of your Lordship’s Case, and from all the good Will that one Man can bear to another, I do humbly offer to your Lordship’s deliberate Thoughts these following Considerations concerning the Points of Resistance, if our Religion and Rights should be invaded, as your Lordship puts the Case; concerning which, I understand by Dr. *B.* that your Lordship had once received Satisfaction, and am sorry to find a Change.

First, ‘That the Christian Religion doth plainly forbid the Resistance of Authority.

Secondly ‘That tho’ our Religion be establish’d by Law, (which your Lordship urges as a Difference between our Case and that of the Primitive Christians) yet in the same Law which establishes our Religion, it is declar’d, That it is not lawful upon any Pretence whatsoever to take up Arms, &c. Besides that there is a particular Law, declaring the Power of the Militia to be solely in the King; and that ties the Hands of Subjects, tho’ the Law of Nature, and the general Rules of Scripture had left us at Liberty, which I believe they do not, because the Government and Peace of Human Society could not well subsist upon these Terms.

Thirdly, ‘Your Lordship’s Opinion is contrary to the declared Doctrine of all Protestant Churches; and tho’ some particular Persons have taught other-

wise, yet they have been contradicted herein, and condemn’d for it, by the Generality of Protestants. I beg your Lordship to consider, how it will agree with an avow’d asserting of the Protestant Religion, to go contrary to the general Doctrine of Protestants. My End in this is, to convince your Lordship that you are in a very great and dangerous Mistake; and being so convinc’d, that which was before a Sin of Ignorance, will appear of much more heinous Nature, as in Truth it is, and call for a very particular and deep Repentance; which if your Lordship sincerely exercise upon the Sight of your Error, by a penitent Acknowledgment of it to God and Men, you will not only obtain Forgiveness of God, but prevent a mighty Scandal to the Reform’d Religion. I am very loth to give your Lordship any Disquiet in the Distress you are in, which I commiserate from my Heart, but am much more concern’d that you do not leave the World in a Delusion and false Peace, to the Hindrance of your eternal Happiness. I heartily pray for you; and beseech your Lordship to believe that I am, with the greatest Sincerity and Compassion in the World,

*My Lord,*

*Your Lordship’s most faithful*

*and afflicted Servant,*

J. TILLOTSON.

Mr. *Phipps*. My Lords, We next offer the Opinion of Bishop *Stillingfleet*.

*Clerk reads.*] ‘A Vindication of the Answer to some late Papers, concerning the Unity and Authority of the Catholick Church, and the Reformation of the Church of *England*.

‘But it hath been said by Somebody, That we had our Government and Ceremonies from his Lond. 1687. Church, our Doctrine from Luther and Calvin; and that we had nothing peculiar to our Church, but our Doctrine of Non-Resistance, and much good may it do us; and we hope we shall never fare the worse for it. This might give Occasion to inquire, Whether the Church, which pretends to be infallible, doth teach it so orthodoxly, or not? Or whether those who do think themselves obliged to believe what she teaches, are thereby oblig’d to the strictest Principles of Loyalty? But I forbear. It is sufficient to my Purpose, to shew that our Church doth not only teach them, as her own Doctrine, but (which is far more effectual) as the Doctrine of Christ and his Apostles, and of the Primitive Church.

Mr. *Phipps*. My Lords, the same Bishop, in a Discourse of the Unreasonableness of a new Separation, takes Notice of some Objections made by those who are Friends to the Government, as if Non-Resistance were not consistent with the Revolution.

Lord Chancellor. There is no Name of an Author to these Books which you now produce.

Mr. *Dodd*. The Book is generally known by all learned Men to be Bishop *Stillingfleet*’s. Mr. *Chiswell*, who printed it, attended here three Days to prove it, but is ill now; but he has left a Certificate that he printed it, and all learned Men know it to be his.



*Clerk reads.]* ‘ I come to the particular Examination of the Difficulties which relate to the present Oaths [to King *William* and Queen *Mary*]; and because we are charg’d with Apostacy from the Principles of the Church of *England*, and that is made the main Ground of the design’d Separation, I would fain know what this Charge is built upon, with respect to the Oaths, for that is all we are concern’d in. If any particular Persons have advanc’d new Hypothesis of Government, contrary to the Sense of our Church, let them answer for themselves. The Case of the Oath is quite of another Nature; here is no renouncing the Doctrine of Passive Obedience, or asserting the Lawfulness of Resistance.

Mr. *Phipps*. Your Lordships observe, that since the Revolution that general Doctrine of Obedience is asserted by him.

Mr. *Dodd*. My Lords, The next we offer is Dr. *Sherlock* in his *Case of Allegiance stated*.

*Clerk reads.]* ‘ And Bishop *Overall’s* Convocation-Book, which is lately publish’d, the principal Design of which is to assert the irresistable Authority of Sovereign Princes, does as plainly assert this too, that all settled Governments, whatever their Beginnings were, have God’s Authority, and must be obey’d; of which more above: For those wise Men who sat in that Convocation, plainly saw the necessary Connexion between Non-Resistance, and Obedience to the present Powers; both which were equally resolv’d into the Authority of God, in removing Kings and setting up Kings: So that Obedience and Allegiance to the present Powers, when they are once well settled among us, is so far from being a renouncing of the Doctrine of Non-Resistance and Passive Obedience, that those who refuse to comply, must renounce the only Principle whereon that Doctrine is reasonably founded, and consequently renounce the Doctrine itself.

Mr. *Phipps*. My Lords, We now offer a Book publish’d by the late Bishop *Beveridge*, which was publish’d by her Majesty’s License, counterfeign’d by the Earl of *Sunderland*.

*Clerk reads.]*

ANNE R.

‘ Whereas our Trusty and Well-beloved *Richard Smith*, of our City of *London*, Bookseller, hath humbly represented unto us, that he has with great Labour and Expence, prepar’d for the Press, a new Edition of the Sermons and other Works, written in *English* by the Right Reverend Father in God, Dr. *William Beveridge*, Bishop of *St. Asaph*, deceased: And has therefore humbly besought us to grant him our Royal Privilege of License for the sole Printing and Publishing thereof, for the Term of fourteen Years: We being willing to give all due Encouragement to Works of this Nature, tending to the Advancement of Piety and Learning, are graciously pleas’d to condescend to his Request; and do therefore, by these Presents, grant to him the said *Richard Smith*, his Executors, Administrators, and Assigns, our Royal License for the sole Printing and Publishing the *English* Works of the said late Bishop of *St. Asaph* for the Term of fourteen Years, from the Date hereof; strictly forbidding all our

Subjects, within our Kingdoms and Dominions, to reprint the same, either in Whole or in Part, or to import, buy, vend, utter or distribute any Copies thereof reprinted beyond Seas, during the aforesaid Term of fourteen Years, without the Consent and Approbation of the said *Richard Smith*, his Heirs, Executors and Assigns, under his, or their Hands and Seals, first had and obtain’d, as they will answer the contrary at their Peril; whereof the Master, Wardens and Company of Stationers are to take Notice, that the same may be enter’d in their Register, and that due Obedience be render’d thereunto. Given at our Court at *Kensington*, the fifth Day of *June* 1708, in the seventh Year of our Reign.

By her Majesty’s Command, SUNDERLAND.

*Private Thoughts upon Religion, digested into twelve Articles, with practical Resolutions form’d thereupon.* By the Right Reverend Father in God, *William Beveridge, D. D.* late Lord Bishop of *St. Asaph*.

#### RESOLUTION I.

‘ I am resolv’d, by the Grace of God, to honour and obey the King, or Prince, whom God is pleas’d to set over me; as well as to expect he should safeguard and protect me, whom God is pleas’d to set under him.

‘ The King of Kings, and Lord of Lords, the great and glorious Monarch of all the World, having enacted many gracious Laws, is pleas’d to set over every Kingdom and Nation, such Persons as may put them in Execution: So that I cannot but look upon a lawful King as truly a Representative of the most high God, as a Parliament is of the People. And am therefore persuas’d that whosoever rebels against him, rebels against God himself; not only in that he rebels against the Ordinance of God, and so against the God of that Ordinance; but because he rebels against him whom God hath set up as his Vicegerent, to represent his Person and execute his Laws, in such a Part of his Dominions.

‘ Hence it is, that these two Precepts, *Fear God, and Honour the King*, are so often join’d together in Holy Writ; for he that fears God’s Power, cannot but honour his Authority; and he that honours not the King that represents God, cannot be said to fear God, who is represented by him. And hence likewise it is, that God hath been as strict and express in injoining us Obedience to our Governors, as to himself: For, thus saith the Lord of Hosts, *Rom. xiii. 1. Let every Soul be subject to the higher Powers.* Why? Because there is no Power but of God; the Powers that be, are ordain’d of God.

‘ And he hath denounced as great a Judgment against such as rebel against the Magistrate he hath ordain’d, as against those that rebel against himself: For, *Whosoever resisteth the Power, resisteth the Ordinance of God; and they that resist shall receive to themselves Damnation*, ver. 2. So that the Wrath of God shall as certainly fall upon those that rise up against the King, as upon those that fight against God. And no wonder, that the Punishment should be the same, when the Fault is the same. For he that fights against the King, fights against God himself, who hath invested him

‘ with



with that Power and Authority to govern his People, representing his own Glorious Majesty before them.

Upon this Ground it is, that I believe the Wickedness of a Prince cannot be a sufficient Plea for the Disobedience of his Subjects; for it is not the Holiness, but the Authority of God that he represents, which the most wicked, as well as the most holy Person may be endowed with. And therefore, when the Gospel first began to spread itself over the Earth, tho' there was no Christian King, or Supreme Magistrate, of what Title soever, to cherish and protect it; nay, tho' the Civil Powers were then the greatest Enemies to it, yet, even then, were the Disciples of Christ enjoined to submit themselves to every Ordinance of Man, for the Lord's sake.

Inasmuch, that did I live among the Turks, I should look upon it as my Duty to obey the Grand Signior, in all his lawful Edicts, as well as the most Christian and pious King in the World. For, suppose a Prince be never so wicked, and never so negligent in his Duty of protecting me, it doth not follow, that I must neglect mine of obeying him. In such a Case, I have another Duty added to this, and that is, to pray for him, and to intercede with God for his Conversion: For, thus hath the King of Kings commanded, that Prayers, Supplications, Intercessions, and giving of Thanks be made, as for all Men, so more especially for Kings, and those that are in Authority, that we may live a quiet and peaceable Life, in all Godliness and Honesty. 1 Tim. ii. 1, 2. So that whensoever I address to the Court of Heaven, I must be sure to remember my Sovereign on Earth, as himself doth in Heaven, in Righteousness and Mercy. But especially, in case of any seeming or real Default or Defect; tho' I do not think it a Subject's Duty to judge or censure his Sovereign's Actions: I am to be the more earnest in my Prayers and Intercessions for him; but upon no Account to fight and rebel against him.

Mr. Dodd. My Lords, the next Book we offer is his Grace the Archbishop of Canterbury's Treatise, intituled, *The Creed of Mr. Hobbs examined.*

*Clerk reads.]* There is no Tie so strong as that of Religion, which eternally bindeth a conscientious Subject in Allegiance to his Sovereign.

Wo to all the Princes upon Earth, if this Doctrine be true, and becometh popular. If the Multitude believe this, the Prince not arm'd with the Scales of the Leviathan, that is, with irresistible Power, can never be safe from the Spears, and barbed Irons, which their Ambition and presumed Interest will provide, and their Malice will sharpen, and their passionate Violence throw against him. If the Beast we spoke of come but to know its own Strength, it will never be manag'd. Wherefore such as own these pernicious Doctrines, destructive to all Societies of Men, may be said to have Wolves Heads, as the Laws of old were wont to speak concerning excommunicated Persons; and are like those ravenous Beasts, so far from deserving our Love and Care, that they ought to be destroyed at the common Charge.

Mr. Phipps. My Lords, there is a further Account of the Opinion of the same Archbishop of Canterbury, in a printed Paper, intituled, *An Account of what passed at the Execution of the late Duke of Monmouth, on Wednesday the 15th of July, 1685, on Tower Hill.*

*Clerk reads.]* The late Duke of Monmouth came from the Tower to the Scaffold, attended by the Bishop of Ely, the Bishop of Bath and Wells, Doctor Tenison, and Doctor Hooper; which four the King was graciously pleased to send him, as his Assistants to prepare him for Death; and the late Duke himself intreated all four of them to accompany him to the Place of Execution, and to continue with him to the last. The two Bishops going in the Lieutenant's Coach with him to the Bars, made seasonable and devout Applications to him all the way; and one of them desired him not to be surpriz'd, if they to the very last upon the Scaffold renewed those Exhortations to a particular Repentance, which they had so often repeated before.

At his first coming upon the Scaffold, he look'd for the Executioner; and seeing him, said, *Is this the Man to do the Business? Do your Work well.*

Then the late Duke of Monmouth began to speak, some one or other of the Assistants, during the whole Time, applying themselves to him.

Mon. I shall say but very little; I come to die; I die a Protestant of the Church of England.

Assist. My Lord, if you be of the Church of England, you must acknowledge the Doctrine of Non-Resistance to be true.

Mon. If I acknowledge the Doctrine of the Church of England in general, that includes all.

Assist. Sir, it is fit to own that Doctrine particularly, with respect to your Case. Here he was much urg'd about that Doctrine of Non-Resistance; but he repeated in Effect his first Answer.

Assist. My Lord, it is fit to be particular; and considering the publick Evil you have done, you ought to do as much Good now as possibly you can, by a publick Acknowledgment.

Mon. What I have thought fit to say of publick Affairs, is in a Paper which I have sign'd; I refer to my Paper.

Assist. My Lord, there is nothing in that Paper about Resistance, and you ought to be particular in your Repentance, and to have it well grounded. God give you true Repentance.

Mon. I die very penitent, and die with great Chearfulness, for I know I shall go to God.

Assist. My Lord, you must go to God in his own Way: Sir, be sure you be truly penitent, and ask Forgiveness of God for the many you have wronged.

Mon. I am sorry for every one I have wronged; I forgive every Body; I have had many Enemies, I forgive them all.

Assist. Sir, your Acknowledgment ought to be publick and particular.

Mon. I am to die; pray, my Lord—I refer to my Paper.

Assist. They are but a few Words that we desire: We only desire an Answer to this Point.

Mon. I can bless God that he hath given me so much Grace, that for these two Years last past I have led a Life unlike to my former Course, and in which I have been happy.

Assist.



‘ *Assist.* Sir, Was there no Ill in these two Years?  
 ‘ In these Years these great Evils have happen’d;  
 ‘ and the giving publick Satisfaction is a necessary  
 ‘ Part of Repentance; be pleased to own a Detesta-  
 ‘ tion of your Rebellion.

‘ *Mon.* I beg your Lordships that you will stick to  
 ‘ my Paper.

‘ *Assist.* My Lord, as I said before, there is no-  
 ‘ thing in your Paper about the Doctrine of Non-  
 ‘ Resistance.

‘ *Mon.* I repent of all Things that a true Christian  
 ‘ ought to repent of. I am to die; pray, my  
 ‘ Lord. —

‘ *Assist.* Then, my Lord, we can only recom-  
 ‘ mend you to the Mercy of God; but we cannot  
 ‘ pray with that Chearfulness and Encouragement  
 ‘ as we should, if you had made a particular Ac-  
 ‘ knowledgment.

This is a true Account, Witness our Hands.

Francis Ely.

Thomas Bath and Wells.

Thomas Tenison,

George Hooper.

William Gostlin,

Peter Vandeput,

} Sheriffs.

Mr. Phipps. My Lords, We pray we may read  
 the Sermon of his Grace the present Archbishop of  
 York, preached before your Lordships on the 30th  
 of January 1700.

*Clerk reads.]* ‘ And in case it ever hap-  
 ‘ pen that we cannot with a safe Consci-  
 ‘ ence obey, there we are patiently to  
 ‘ suffer the Penalties of our Disobedience; but by  
 ‘ no means either to affront their Persons, or to di-  
 ‘ sturb their Government, by raising or partaking in  
 ‘ any Tumult, or Insurrection, or Rebellion.

‘ That there is such a Submission  
*Ibid. p. 19, 20.* ‘ due from all Subjects to the Su-  
 ‘ preme Authority of the Place  
 ‘ where they live, as shall tie up their Hands from  
 ‘ opposing or resisting it by Force, is evident from  
 ‘ the very Nature and Ends of Political Society.  
 ‘ And I dare say, there is not that Country upon  
 ‘ Earth, let the Form of their Government be what  
 ‘ it will (Absolute Monarchy, Legal Monarchy,  
 ‘ Aristocracy, or Commonwealth) where this is not  
 ‘ a Part of the Constitution. Subjects must obey  
 ‘ passively, where they cannot obey actively: Other-  
 ‘ wise the Government would be precarious, and the  
 ‘ publick Peace at the Mercy of every Malecontent,  
 ‘ and a Door would be set open to all the Insur-  
 ‘ rections, Rebellions and Treasons in the World.  
 ‘ Nor is this only a State Doctrine, but the Do-  
 ‘ ctrine also of Jesus Christ, and that a necessary,  
 ‘ indispensable one too; as sufficiently appears from  
 ‘ those famous Words of St. Paul, *Rom. xiii. 1, 2.*  
 ‘ which are so plain, that they need no Comment:  
 ‘ *Let every Soul (saith he) be subject to the higher*  
 ‘ *Powers, for there is no Power but of God, and the*  
 ‘ *Powers that be are ordained of God; whosoever*  
 ‘ *therefore resisteth the Power, resisteth the Ordinance*  
 ‘ *of God; and they that resist shall receive to them-*  
 ‘ *selves Damnation.* So that so long as this Text  
 ‘ stands in our Bible, the Doctrine of Non-Re-  
 ‘ sistance and Passive Obedience must be of Obliga-  
 ‘ tion to all Christians.

Mr. Dodd. Pray see whether there is any Thing  
 purporting the Thanks of the House to be given to  
 the Archbishop for his Sermon.

*Clerk reads.]* ‘ *Die Jovis 1 Februarii 1699.*  
 ‘ It is ordered by the Lords Spiritual and Temporal  
 ‘ in Parliament assembled, That the Thanks of this  
 ‘ House be and are hereby given to his Grace the  
 ‘ Lord Archbishop of York, for his Sermon preach’d  
 ‘ before this House the thirtieth of January last;  
 ‘ and he is hereby desired to print and publish the  
 ‘ same.

Matth. Johnson, Cl<sup>r</sup> Parliamentor.

Mr. Walpole. My Lords, I presume the Counsel  
 have offered all they think proper to offer out of this  
 Sermon: But that your Lordships may have a Spe-  
 cimen of the Candor of the Doctor’s Quotations, I  
 pray the Clerk may read the two next Paragraphs of  
 that Sermon, and that he may read them as distinctly  
 as he did the others.

*Clerk reads.]* ‘ But then, after I have  
 ‘ said this, Care must be taken, that this *Fol. 20.*  
 ‘ general Doctrine be not misapplied in  
 ‘ particular Countries. Tho’ Non-Resistance, or  
 ‘ Passive Obedience, be a Duty to all Subjects, and  
 ‘ under all Governments; yet it is not expressed  
 ‘ the same Way in all Places, but both the Objects  
 ‘ and the Instances of it do vary in different Na-  
 ‘ tions, according to the different Models of their  
 ‘ Government.

‘ To speak this as plainly as I can: As the Laws  
 ‘ of the Land are the Measures of our Active Obe-  
 ‘ dience, so are also the same Laws the Measures of  
 ‘ our Submission; and as we are not bound to obey,  
 ‘ but where the Laws and Constitution require our  
 ‘ Obedience, so neither are we bound to submit,  
 ‘ but as the Laws and Constitution do require our  
 ‘ Submission.

Mr. Walpole. Before we part with that Sermon,  
 I desire one Paragraph more may be read; it be-  
 gins with these Words, *If indeed a Preacher.*

*Clerk reads.]* ‘ If indeed a Preach-  
 ‘ er should in the Pulpit presume to *Fol. 6.*  
 ‘ give his Judgment about the Ma-  
 ‘ nagement of publick Affairs, or to lay down Do-  
 ‘ ctrines as from Christ about the Forms and Mo-  
 ‘ dels of Kingdoms or Commonwealths, or to ad-  
 ‘ just the Limits of the Prerogative of the Prince,  
 ‘ or of the Liberties of the Subject in our present  
 ‘ Government; I say, if a Divine should meddle  
 ‘ with such Matters as these in his Sermons, I do  
 ‘ not know how he can be excused from the just  
 ‘ Censure of meddling with Things that nothing  
 ‘ concern him: This is indeed a *practising in State*  
 ‘ *Matters*, and is usurping an Office that belongs to  
 ‘ another *Profession*, and to Men of another *Chara-*  
 ‘ *cter*; and I should account it every whit as un-  
 ‘ decent in a Clergyman to take upon him to deal  
 ‘ in these Points, as it would be for him to deter-  
 ‘ mine *Titles of Land* in the Pulpit, which are in  
 ‘ dispute in *Westminster Hall*.

Mr. Phipps. My Lords, If your Lordships please,  
 as to the two Paragraphs read next after what we  
 read, we intirely concur in what is laid down in  
 them; and if we shew that this Doctrine is agree-  
 able to the Laws of the Land, then it is agreeable  
 to what is there laid down: As to the other Part,  
 if he has taken upon him to treat of the Model of  
 Government, he will be under the Censure of the  
 Archbishop; but we desire to read a little before  
 the beginning of that Paragraph.

*Clerk*



Clerk reads.] ' Titus iii. 1. Put them in mind to be subject to Principalities and Powers, to obey Magistrates.

' You all know what kind of Argument this Day calls for: For by the Design of keeping it, the Business that the Preacher hath to do, is to press Obedience and Subjection to the Government we live under; and to preach against Faction, and Rebellion; and accordingly it is prescrib'd, in the Rubrick of this Day's Service, that if there be a Sermon at all, and not a Homily, it shall be upon this Argument.

' It is very well that Authority hath taken care that at some solemn Times we should preach upon this Subject in a more solemn Manner; because, tho' it be as needful as any, yet there are some among us think it a very improper Theme for the Pulpit. I must confess I had an Eye to this Suggestion, when I pitch'd upon these Words which I have now read to you: Because I think there is something to be observed in them which will effectually confute it.

' St. Paul here lays his Charge upon Titus, that he should put the People that were under his Care in mind, to be subject to Principalities and Powers, and to obey Magistrates.

' Two Things I would here consider, First, the Person that is order'd thus to put the People in mind: And Secondly, the Thing that he is to put them in mind of, which is Subjection and Obedience to Principalities, and Powers, and Magistrates.

' I begin with the first thing, the Person to whom St. Paul writes this Epistle, and to whom he gives it in charge, that he should put the People in mind to be subject.

' Who was this Person? Why, it was Titus, an Ecclesiastick, Bishop, a Preacher of the Gospel, not a Layman, not a Magistrate, but a pure Churchman. What can be more plainly gathered from hence than this, That it is not Foreign to a Clergyman's Office to preach Obedience and Subjection to the Government; but on the contrary a Part of his Function, a necessary Duty incumbent upon him to do it? If any Man affirm otherwise, he must either say that St. Paul did not rightly instruct Titus in his Office, but injoin'd him to do that which he had nothing to do with; or he must shew that the Case of Titus was different from that of the Ministers of the Gospel at this Day: Neither of which things can, I believe, be easily made out.

' And yet into such Times are we fallen, that it is taken ill by many, that Ministers should in their Pulpit-Discourses meddle with these Matters: I must confess, I think, that of all Men it most concerns a Minister of Religion not to be a Busy-Body, or a Meddler in other Mens Matters; for in Truth he hath Work enough to do of his own, and such kind of Work too, as, let him behave himself as inoffensively as he can, will create him Difficulties and Enemies enough. And therefore it would be very imprudent in him to usurp other Mens Provinces, and to burn his Finger where he needs not, especially considering that the Success of his Labours and Endeavours among the People doth in a great measure depend upon the good liking they have of him.

' But what is it that gives Offence? Or what is it that renders this Argument we are speaking of so improper a Subject for a Clergyman to treat of? Why, several Things are pretended, and I shall name some of them.

First, It is said, That the Work of a Clergyman is to instruct Men in Christ's Religion, to preach against Vice and Sin, and to preach up Holiness and Good Life, and mutual Love and Charity; but what hath he to do with State-Affairs, as Matters of Government are?

' I answer, He hath nothing indeed to do with them: But his only Work is to make Men good Christians, by endeavouring to possess them with a hearty Belief of our Saviour's Doctrines and Promises, and perswading them to a Conformity in their Lives to his Precepts. This is our proper Work, and this is what we ought to attend to all the Days of our Life; and with Government and State-Affairs we ought not to meddle, in our Sermons especially.

' But then, after all this, it doth not follow but that we are all bound, as we have Occasion, to preach up Loyalty, and Obedience to our Governors; for this is no State-Affair, but an Affair of the Gospel. We cannot instruct Men in Christ's Religion, without instructing them in this.

' If, indeed, it was an indifferent Thing to a Man's Christianity, or to his Salvation, whether he was a good or a bad Subject, then indeed it would be as indifferent to a Preacher, whether he insisted on these Things to the People; but it is not so.

' One great Branch of Christian Holiness, as it is declared in the New Testament, is, That every Man demean himself quietly and peaceably, and obedient to the Government he lives under; and that not only for Wrath, or Fear of Punishment, but also for Conscience-sake: And this is made as necessary a Condition of going to Heaven, as any other particular Virtue is. And therefore, if we will instruct Men in Christ's Religion, and in the indispensable Points of Holiness requir'd thereby, we must instruct them in this also.

' One great Vice and damnable Sin that the Religion of our Lord has caution'd against, is the Sin of Factionousness and Rebellion; and therefore if it be our Duty to declare against the Sins and Vices that are contrary to Christianity, it is our Duty to declare and caution against this also.

' Lastly, We do readily grant that a great Part of our Office consists in most affectionately recommending and pressing the Necessity of mutual Love and Charity; but if this be necessary, is it not more so to recommend and press Obedience to Authority, without which, mutual Love and Charity cannot possibly subsist? That being the common Ligament of them; and take away that, we should be no better than Bears and Tygers one to another.

' But it is said in the Second place, That Preachers ought not to meddle with these Points, because they are not competent Judges of them: They do not know the Measures and Limits of Loyalty and Disloyalty, of being a good and a bad Subject; these depending altogether upon the Constitution of the Government we live under, and the determining of them belongs to the Civil Courts, and not to their Profession.

' To this I answer, That in all those Instances wherein this Argument falls under the Cognizance and Determination of Parliament, or Judges, or Lawyers, we do not pretend to meddle with it; and if any Man do, let him answer for himself: All that we pretend to, is to press the plain, general, indispensable Duties of Obedience to Laws, and of Peaceableness and Subjection to the Higher Powers,



‘ Powers, which Christ and his Apostles have every where taught in the Bible.

Mr. Phipps. My Lords, We do not desire to read any more; we think we have justified our Quotations, and shew’d that it is the Opinion of that Great and Learned Archbishop, That the Doctrine of Passive Obedience and Non-Resistance is the Doctrine of our Church; and that it is a Duty incumbent upon the Clergy to preach it to the People.

Mr. Dodd. The next we offer to your Lordships, is the Opinion of the present Bishop of Worcester, in a Sermon preached before the late Queen the 29th of May 1692, when he was Bishop of St. Asaph.

Clerk reads.] ‘ They had brought Page 18, 19. ‘ Things to that pass, that our Laws ‘ signify’d nothing but what they ‘ pleased; our Religion was held at the Courtesy of ‘ them that were the bloody Enemies of it. Our ‘ Obedience was made use of as a perfect Snare to ‘ us; we must not resist; that our Religion would ‘ not allow. ——— It was God that infatuated our ‘ Oppressors, to join the Injuries of a People that ‘ could not lawfully Resist, with those of a Prince ‘ that could not lawfully pass them by without Resistance.

Mr. Phipps. We shall now offer to your Lordships a Sermon preach’d by the Bishop of Rochester before the Artillery-Company, upon the 29th of May 1692.

Clerk reads.] Put up thy Sword, Page 5. ‘ says he; O Peter, submit with Patience. Oppose not Authority. Do ‘ not then break the Laws of thy Country, tho’ for ‘ Kindness and Love of me. Put up thy Sword. He ‘ that uses the Sword unlawfully, tho’ on a Pretence ‘ never so pious, shall perish by the Sword; shall either ‘ be destroy’d by it here, or punish’d hereafter by ‘ God himself for having so used it.

‘ Wherefore we are not to conclude, that our ‘ Blessed Lord by his Check given to St. Peter ‘ did absolutely prohibit all manner of using the ‘ Sword among Christians, but only that he taught ‘ us the great Duty of Christian Submission. For if ‘ St. Peter was, then certainly all other Christian ‘ Subjects are forbidden to unsheath the Sword ‘ against their Lawful Sovereign, or his Ministers, ‘ as they are commission’d by him, tho’ they do it ‘ on a Pretext so Spiritual, as the Cause of Christ ‘ himself.

‘ Tho’ they could not be induced Ib. 25, 26. ‘ by Fear or Favour to rank their ‘ Princes equal with their God, yet ‘ they preserv’d them in the next Place: Tho’ they ‘ would never worship them as Gods upon Earth, ‘ yet they religiously obey’d them as God’s Deputies and Representatives. They judg’d those who ‘ rebell’d against them worthy of Death, as if they ‘ had actually rebell’d against God himself. What ‘ else means St. Paul, when in so many Words he ‘ declares, *That whosoever resisteth the Power, resisteth the Ordinance of God; and they that resist shall receive to themselves Damnation?* Rom. xiii. 2. ‘ Out of all doubt he there speaks of the Temporal Power, and of Eternal Damnation to ensue ‘ upon resisting it; than which, what more grievous ‘ Punishment could have been inflicted, had they ‘ immediately resisted God himself?

‘ And recollect, I intreat you, the Time when ‘ this was so positively pronounced by St. Paul. It

‘ must have been writ under the Reign of Claudius ‘ or Nero. So that ’tis evident, all that resisted ‘ them were, without Repentance, in a damnable ‘ State. Can there be then any Colour so specious, ‘ any Cause so just, in which, instead of Damnation, a Christian Subject may justly expect to ‘ receive to himself Salvation, on the Account of ‘ Resisting?

Mr. Phipps. We shall next offer to your Lordships Consideration the Authority of the Lord Bishop of Sarum; where he shews, that this is ‘ not only the Doctrine of the Church of England, ‘ but of the Church of Scotland, and of all Christian ‘ Churches.’

Clerk reads.] *A Vindication of the Authority, Constitution, and Laws of the Church and State of Scotland, &c.* By Gilbert Burnet.

‘ But these Words of St. Paul, being as at first address’d to the Romans, so also designed by the Holy Ghost to be a Part of the Rule of all Christians, do prove, that whoever hath the Supreme Power, is to be submitted to, and never resisted.

‘ Isot. If you were not in too great a haste, you would not be so forward; consider therefore the Reason St. Paul gives for Submission to Superior Rulers, is, *because they are the Ministers of God for good.* If then they swerve from this, they forsake the End for which they are raised up, and so fall from their Power and Right to our Obedience.

‘ Basil. Truly what you have said makes me ‘ not repent of any haste I seem’d to make; for ‘ what you have alledged proves indeed that the ‘ Sovereign is a Minister of God for good, so that ‘ he corrupts his Power grossly when he pursues not ‘ that Design: But in that he is only accountable to ‘ God, whose Minister he is. And this must hold ‘ good, except you give us good Ground to believe, ‘ that God hath given Authority to the Subjects ‘ to call him to account for his Trust; but if that ‘ be not made appear, then he must be left to God, ‘ who did empower him, and therefore can only ‘ coerce him. As one having his Power from a ‘ King, is countable to none for the Administration ‘ of it, but to the King, or those on whom the ‘ King shall devolve it: So except it be proved, ‘ that God hath warranted Subjects to call their ‘ Sovereigns to account, they being his Ministers, must ‘ only be answerable to him. And according to ‘ these Principles of yours, the Magistrates Authority shall be so enervated, that he shall no more ‘ be able to serve these Designs, for which God hath ‘ vested him with Power: Every one being thus ‘ taught to shake off his Yoke when they think he ‘ acts in Prejudice of Religion. And here I shall ‘ add one thing, which all *Casuists* hold a safe Rule ‘ in Matters that are doubtful, That we ought to ‘ follow that Side of the Doubt which is freeest of ‘ hazard. Here then Damnation is at least the seeming Hazard of Resistance; therefore except upon ‘ as clear Evidence you prove the Danger of absolute ‘ Submission to be of the same Nature that it may ‘ balance the other, then absolute Submission, as ‘ being the securest, is to be followed.

Mr. Phipps. There is another Sermon, preach’d by the Bishop of Salisbury, intitled, *Subjection for Conscience Sake asserted, in a Sermon preach’d at Guildhall 1689.*



*Clerk reads.]* ' Blessed be God, our  
*Printed at* ' Church hates and condemns this Do-  
 London, ' strine from what Hand soever it  
*Page 30.* ' comes, and hath established the  
 ' Rights and Authority of Princes,  
 ' on sure and unalterable Foundations; injoining an  
 ' entire Obedience to all the lawful Commands of  
 ' Authority, and an absolute Submission to that Su-  
 ' preme Power God hath put into our Sovereign's  
 ' Hands. This Doctrine we justly glory in; and  
 ' if any that had their Baptism, and Education in  
 ' our Church, have turn'd Renegades from this,  
 ' they prov'd no less Enemies to the Church herself,  
 ' than to the Civil Authority: So that their Apo-  
 ' stacy leaves no Blame on our Church, which  
 ' glories in nothing more than a well-temper'd  
 ' Reformation from the later Corruption which  
 ' the dark Ages brought into the Pure and Primi-  
 ' tive Doctrines which our Saviour and his Apo-  
 ' stles taught, and the first Christians retain'd, and  
 ' practis'd for many Ages.

Mr. *Phipps*. My Lords, I only observe, That  
 the absolute Submission to the Supreme Power, are  
 the Words in the Doctor's Sermon.

Sir *Peter King*. My Lords, Before your Lord-  
 ships go on to any other, I pray the 17th Page of  
 the Book which they read, intitled, *The Vindication*  
*of the Authority, Constitution and Laws of the Church*  
*and State of Scotland*, may be read.

*Page 17.* ' The Case varies very much when  
 ' the Abuse is such that it tends to a  
 ' total Subversion, which may be call'd  
 ' justly a *Phrensy*, since no Man is capable of it,  
 ' till he be under some Lesion of his Mind; in  
 ' which case, the Power is to be administr'd by  
 ' others, for the Prince and his People's Safety:  
 ' But this will never prove that a Magistrate go-  
 ' vernaing by Law, though there be great Errors in  
 ' Government, ought to be coerced: Otherwise  
 ' you must open a Door to perpetual Broils, since  
 ' every one by these Maxims becomes Judge; and  
 ' where he is both Judge and Party, is not like  
 ' to be cast in his Pretensions; And even few  
 ' Malefactors die, but they think hard measure is  
 ' given them. If then forcible Self-defence be to  
 ' be followed, none of these should yield up their  
 ' Lives without using all Attempts for rescuing  
 ' them.

Mr. *Dee*. My Lords, the next we offer is a  
 Sermon preached by the Bishop of *Ely* before the  
 Lord Mayor and Aldermen at *Guildhall*, the 26th  
 of *January* 1648.

*Clerk reads.* ' The patient Chri-  
*Page 19.* ' stian cannot but condemn those, who  
 ' under the Pretence of defending their  
 ' Rights or Religion, resist lawful Authority. It  
 ' being a Blasphemy against the Divine Wisdom  
 ' and Power, to suppose God can ever stand in need  
 ' of our Sins to bring to pass his most glorious  
 ' Designs. He then in whom this Virtue of Pati-  
 ' ence dwells, keeps a due Regard to the Commands  
 ' laid upon him, to submit himself to the Supreme  
 ' Powers; and he dares not lift up his Hand against  
 ' the Lord's Anointed, or levy War upon the most  
 ' plausible Account whatsoever; nay, to him it can-  
 ' not but seem a Wonder that the Doctrine of Re-  
 ' sistance should have gone down so glibly with any

' who have read the New Testament, and are bap-  
 ' tiz'd into the Christian Faith.

' There is an universal absolute  
 ' Command in the Holy Scripture *Ib. P. 20, 21.*  
 ' laid upon all Christians, to be sub-  
 ' ject to the Supreme Powers in all Cases. Now  
 ' nothing is plainer, than that if we be required  
 ' to be subject in all Cases, Resistance in any will  
 ' be sinful. *Let every Soul be subject to the Higher*  
 ' *Power*; to which Christian Precept there is no  
 ' Exception to be found for any Person, in any  
 ' Instance, from one End of the Christian Institu-  
 ' tion to the other. — Subjection is a Duty, than  
 ' which there is hardly any oftner repeated in the  
 ' Christian Law, so as we cannot plead Ignorance of  
 ' it; it is press'd with such Evidence of Reason, that  
 ' cuts off all Pretences of evading it; it is set down  
 ' in such plain, easy, and full Expressions, as that  
 ' there can be no Colour to doubt about the right  
 ' Understanding of it. The Holy Scripture gives  
 ' Permission no more to the People collected into  
 ' one Body to rebel, than it does to each of them,  
 ' by himself singly considered. Every Christian,  
 ' in all Circumstances, is requir'd to conform to the  
 ' Laws of the Supreme Authority, if they have no  
 ' Repugnancy to God's Laws, and to suffer patient-  
 ' ly where Obedience would be a Sin.

Mr. *Dee*. My Lords, the next we beg Leave to  
 offer, is a Sermon of the Bishop of *Bath and Wells*,  
 preached before the King at *Whitehall* the 5th of  
*November* 1681.

*Clerk reads.]* ' Is he not the Vice-  
 ' gerent of God? Where-ever therefore *Page 11.*  
 ' his Sovereign the Almighty has not  
 ' prevented him by any precedent Commands, there  
 ' he has a Right and Liberty to put forth his; in  
 ' these Cases to expect an active chearful Obedience,  
 ' and that we should in no Case, and for no Reason  
 ' resist.

*Ib. Pa. 19.* ' The Church, of which we have  
 ' the Blessing to be Members, where she can't obey,  
 ' is ready to endure, expecting her Reward in Hea-  
 ' ven. Not ignorant how much she suffers now  
 ' from the Contradiction of disloyal Men, for the  
 ' Truth of this Doctrine, and how much (for its  
 ' Meekness) she stands expos'd to future Persecu-  
 ' tion.

Mr. *Dee*. The next we offer to your Lordships,  
 is a Sermon preached by the Bishop of *Lincoln* be-  
 fore your Lordships, on the 30th of *January* 1708.  
 which was published by your Lordships Com-  
 mands.

*Clerk reads.]* ' *Die Sabbati, 31 Januarii, 1708.*  
 ' Order'd by the Lords Spiritual and Tempo-  
 ' ral in Parliament assembled, That the Thanks  
 ' of this House be, and are hereby given to  
 ' the Lord Bishop of *Lincoln*, for his Sermon  
 ' preach'd before this House Yesterday, in the  
 ' Abby Church in *Westminster*; and that he  
 ' be desir'd to Print and Publish the same.

*Matth. Johnson, Cler' Parliamentor.'*

*Page 15, 16, 17, 18.* ' And if neither the *Malice*  
 ' of the *Jews*, nor the *Innocence* of our *Lord*;  
 ' if neither the *Truth* of our *Religion* persecuted in  
 ' its *Founder*, nor the apparent Marks of *Malice*  
 ' and *Envy*, of *Violence* and *Oppression*, which ap-  
 ' peared in the whole Course of their Prosecution  
 ' of Him; were sufficient to warrant *St. Peter* to  
 ' draw the *Sword* in his *Defence*, against that *Legal*  
 ' *Autho-*



Authority by which they acted; We must conclude, that neither will any of these Pretences suffice to justify any other Christians, in the like Circumstances, now. But if it shall please God at any time to permit the *Lawful Powers* to be against Us, and make them that hate us, to rule over us; We must follow the Example of our Blessed *Master*, and submit patiently to their *Authority*; and not, with this warm *Apostle*, take the *Sword* against those, to whom God has committed the *Power of the Sword*.

Let this then suffice to shew, what the true Christian Doctrine, of *Submission* to the *Civil Magistrate*, is. I shall not here inquire, whether some may not possibly have misapplied these *Principles*, or have stretched them further than they ought to have done, and by that means have led both themselves and others into great Mistakes, and no less Inconveniencies. What that *Authority* in every *State* or *Country* is, to which such a *Subjection* (as I have now been speaking of) is due, and against which no *Resistance* (no not to defend the *Best Cause*, or the most *Innocent Person* in the World) may be used by any of the *Community*, is a Point which the *Municipal Laws* and *Constitution* of every *State* and *Country* must determine: But that wherever that *Supreme Power* and *Authority* is lodged, or in whomsoever it resides, to which God has commanded us to be *subject not only for Wrath*, but also for *Conscience Sake*; concerning which *St. Paul* has laid down this Rule, *Let every Soul be subject to the Higher Powers*; and *St. Peter* himself declared, that we must *submit to it for the Lord's Sake*: We are bound to pay either an *Active*, or *Passive Obedience* to it; must either do what it requires, or suffer what it inflicts: This is without Controversy the standing *Doctrine of Christianity*, and has been confirmed by the *Practice* of the best *Christians* in all Ages of the *Church*.

Which being so, let us go on finally (upon these *Principles*) to consider,

III. What we are to judge of Those, who, notwithstanding so plain an Admonition, not only took the *Sword*, (tho' that had been too much) but cut off with it that *Royal Person*, who alone had the *Rightful Power* of it.

And here I cannot follow either a plainer or a surer Guide, than our *Laws* themselves, which speak not only with *Authority*, but *Approbation* too; and tell us, in effect, what the *Sense* of the whole *Nation* is, or at least ought to be, both of *Them* and their *Proceedings*. The *Fact* it self they call a *Horrid, Execrable, Detestable Murder*; an *impious Fact*, an *unparalleled Treason*: The *Court*, which decreed it, a *Traiterous Assembly*, a *prodigious* and *unheard-of Tribunal*. The *Persons* who thus unwarrantably drew the *Sword* against their own *Sovereign*, they brand as a *Parcel of wretched Men, desperately wicked, hardened in their Impiety*. And lastly, As to the *Principles* upon which they proceeded, the same *Laws* declare, "That by the *Undoubted and Fundamental Laws* of this *Kingdom*, neither the *Peers* of this *Realm*, nor the *Commons*, nor both together in *Parliament*, or out of *Parliament*, Collectively or *Representatively*, nor any other *Persons* whatsoever, ever had, have, hath, or ought to have, any *Coercive Power* over the *Persons* of the *Kings* of this *Realm*."

*Clerk reads on by Direction of the Managers.*

Such is the *Censure* which our *Laws* have passed upon the *Murder* of our *Royal Sovereign*, and the *Persons* who committed it: And the same is the *Sense* which both the *Word of God*, and the *Laws* of all other *Nations*, teach us to have of both.

For to allow that some Things had been done under the *Authority* of that *Unfortunate Prince* less regularly than were to have been wish'd; That the *Prerogative* had been strained to an *Exorbitant Height*, and the *Subject* too much provoked to complain, if not of the *King* himself, yet of those who were about him, and should have advised, and acted more moderately than they did. To grant that when the *Parliament* met, with which our *Troubles* began, it was excusable, or even fitting for it to have redressed those *Grievances*, and reduced the *Prerogative* within its just *Bounds*; and that those therefore who entered upon the proper *Methods* of doing this in a *Parliamentary* way, without any ill *Designs*, either against the *Person* or *Government* of the *King*, were not to be blamed. Yet certainly, when this was done, and thereupon such *Acts* were passed, as not only abundantly repair'd whatever the *Subject* had suffered before, but sufficiently secured him against any more *Invasions*, either of his *Liberty* or *Property*, for the *Time* to come; for *Men* to proceed farther still, and without any *lawful Authority*, or evident *Necessity*, enter into a *War* against their *Sovereign*, who had so far condescended to all their just *Desires*, must needs have been as illegal as it was unreasonable, and bespeak those who did it, to have taken the *Sword* in that *Sense* which our *Saviour* here forbid, and all good *Men* have ever condemned.

Had that *Excellent Prince* indeed never called his last *Parliament* at all, nor given any *Opportunity* to his *People* to redress their *Grievances* by the proper *Methods* of it; had he not only continued to insist upon those *Pretensions* which some had set up under the *Shelter* of his *Authority*, but so far improved them as utterly to set aside the *Laws* of the *Realm*, and to act arbitrarily, not only without *Law*, but against it; and when nothing else would do, had he chose rather to desert the *Government*, than to rule according to his own *Oath*, and the *Fundamental Laws* and *Limitations* of it; this might have warranted an oppressed *People* to take the *Sword* for the necessary *Defence* of their *Laws* and *Constitution*, and their *Religion* and *Liberties* founded thereupon. But to take up *Arms* against a *King*, whose *Excesses* had been moderate, and whose *Necessities* pressed him, contrary to his own *Inclinations*, to run into the most of them; but especially, who had already, without *Force*, not only freely redressed the *Grievances* of his *People*, but abundantly repaired them, and secured them against the like *Attempts* for the future: This must needs have been an unwarrantable *Enterprize*; a *War* as unjustifiable in its *Rise*, as it proved fatal in its *Consequences*.

Mr. *Dodd*. The next we shall offer to your *Lordships*, is the *Bishop of Exeter's* *Sermon* preached before her *Majesty*, on her *Majesty's* *Accession* to the *Throne*.

*Clerk reads.*] Page 13, 14. 'Nay, though the *Laws* of our *Earthly* *Governors* should in some *Instances* be contrary to the *Divine* *Laws*, (upon which



‘ which Supposition the Magistrate does certainly  
 ‘ exceed the Bounds of his Commission) yet this  
 ‘ does not void their Authority, they are the Mini-  
 ‘ sters of God for all this; or else there were none  
 ‘ that were so, there were none that could be call’d  
 ‘ so, when the Apostle wrote this Epistle: And  
 ‘ there is a Duty lying on Subjects even in this  
 ‘ Case, viz. not to oppose, nor resist the Power,  
 ‘ but quietly and patiently to suffer the Penalty of  
 ‘ those Laws, which they cannot, without sinning  
 ‘ against God, yield an active Obedience to.

Mr. Dodd. The next we shall offer to your Lord-  
 ships, is the Bishop of St. Asaph’s Sermon, preach’d  
 before the Lord Mayor, on the Thirtieth of Ja-  
 nuary 1699.

Clerk reads.]

CHILD MAYOR.

*Jovis nono Die Februarii 1698. Annoque  
 Reg. Regis Willielmi Tertii, Angliæ, &c.  
 decimo.*

‘ This Court doth desire Mr. Fleetwood to Print  
 ‘ his Sermon, preach’d at the Cathedral-  
 ‘ Church of St. Paul, the Thirtieth of January  
 ‘ last, before the Lord Mayor, Aldermen,  
 ‘ and Citizens of this City.

Goodfellow.

Page 18. ‘ It is plain, that a Government can’t  
 ‘ possibly subsist for any Time, where any Kind of  
 ‘ Violence is allowed against the Magistrate. We  
 ‘ see what wicked Work is made in some unhappy  
 ‘ States, where private Executions of Revenge be-  
 ‘ twixt Particulars are induig’d, or frequently con-  
 ‘ nived at. But Government is at an end, where  
 ‘ Rulers are expos’d to popular Assaults.

Mr. Phipps. My Lords, We shall now produce  
 ‘ a Sermon, preach’d by the Bishop of Carlisle before  
 your Lordships, upon the Thirtieth of January,  
 1702.

Clerk reads.] ‘ Die Luna, 1 Februarii 1702.

‘ It is order’d by the Lords Spiritual and Tem-  
 ‘ poral, in Parliament assembled, That the  
 ‘ Thanks of this House shall be (and are here-  
 ‘ by) given to the Lord Bishop of Carlisle, for  
 ‘ his Sermon preach’d before this House on  
 ‘ the Thirtieth of January last, in the Abby  
 ‘ Church at Westminster: And he is hereby  
 ‘ desired to Print and Publish the same.

Matth. Johnson, Cler<sup>r</sup> Parliamentor.’

Page 31. ‘ Our Foundations, ’tis to be hoped,  
 ‘ are not shaken by the Weight of those many  
 ‘ great and extraordinary Revolutions that have  
 ‘ pass’d upon us. The All-wise Providence of God  
 ‘ has frequently of late (and as some of us always  
 ‘ thought very graciously) exchanged our Gover-  
 ‘ nors: But if we ungratefully alter our Notions of  
 ‘ the Divine Right of Government, and throw off  
 ‘ our Antient and Primitive Rules of Obedience,  
 ‘ we shall make an unworthy Return for the Mer-  
 ‘ cies we have received.

Mr. Phipps. We beg Leave to offer to your  
 Lordships Three Sermons, preach’d before the  
 House of Commons; one preach’d before them by  
 Doctor Eyre, upon January 30, 1707.

Clerk reads.] Sabbat. 31 Die Jan. 1707. Or-

‘ dered, That the Thanks of this House be  
 ‘ given to Dr. Eyre, for the Excellent Ser-  
 ‘ mon by him preach’d before this House at  
 ‘ St. Margaret’s Westminster, Yesterday, being

‘ The Day appointed for a Solemn Fast and  
 ‘ Humiliation, for the Murder of King Charles  
 ‘ the First: And that he be desir’d to Print the  
 ‘ the same; and that Mr. Bridges, Mr. Chand-  
 ‘ ler, the Lord William Powlett, and Mr. Eyre,  
 ‘ do acquaint him therewith.

Paul Joddrell, Cl. Dom. Com.

‘ Let no Seditious and Antimonarchical Princi-  
 ‘ ples be so much as once named among us, as be-  
 ‘ cometh good Subjects, and good Christians: Let  
 ‘ no sly Insinuations of Male-Administration be  
 ‘ suggested, no new Doctrines advanced, nor any  
 ‘ old ones revived, whereby to lessen the Security  
 ‘ of the Crown, under the specious Pretence of  
 ‘ maintaining the Rights and Liberties of the  
 ‘ People.

Mr. Dee. The next is Dr. Kennet’s Sermon,  
 preach’d before the Commons the 30th of January  
 1705.

Clerk reads.] ‘ Jovis 31 Die Januarii 1705.

‘ Ordered, That the Thanks of this House be  
 ‘ given to Dr. Kennet, Archdeacon of Hun-  
 ‘ tington, for the Sermon by him preach’d  
 ‘ before this House Yesterday, at St. Marga-  
 ‘ ret’s Westminster: And that he be desired to  
 ‘ Print the same. And that Sir Thomas Little-  
 ‘ ton, Mr. Worsley, and Mr. King, do acquaint  
 ‘ him therewith.

Paul Joddrell, Cl. Dom. Com.

‘ This is the true Foundation of that common  
 ‘ Axiom, *The King can do no wrong*; because  
 ‘ there is no Right nor Remedy against his Royal  
 ‘ Person.

‘ It was declarative of our Original Constitution,  
 ‘ that our Legislature, upon Occasion of this Day,  
 ‘ would have it express’d, “ That by the Undoubt-  
 ‘ ed and Fundamental Laws of this Kingdom,  
 ‘ neither the Peers of this Realm, nor the Com-  
 ‘ mons, nor both together, in Parliament, or out  
 ‘ of Parliament, nor the People Collectively, or  
 ‘ Representatively, nor any other Persons what-  
 ‘ soever, ever had, have, or ought to have, any  
 ‘ Coercive Power over the Persons of the Kings of  
 ‘ this Realm.

Mr. Dee. My Lords, The next is Dr. Delaune’s  
 Sermon, preach’d before the House of Commons,  
 upon the 30th of January 1702.

Clerk reads.] ‘ Luna, 1 die Feb. 1702. Ordered,

‘ That the Thanks of this House be given  
 ‘ to Dr. Delaune, Vice-Chancellor of the Uni-  
 ‘ versity of Oxford, for the Sermon by him  
 ‘ preach’d before this House on Saturday last,  
 ‘ at St. Margaret’s Westminster: And that he  
 ‘ be desir’d to Print the same. And that Mr.  
 ‘ Bridges, Mr. Bromley, and Mr. Rowney, do  
 acquaint him therewith.

Paul Joddrell, Cl. Dom. Com.

Page 10. ‘ The Civil Laws of a Country are in  
 ‘ the Nature of Articles of Agreement between the  
 ‘ Rulers and their Subjects; Duty and Obedience  
 ‘ are secured on one Hand, and on the other, Pro-  
 ‘ tection in Civil Rights. If the Subject breaks  
 ‘ his Part of the Covenant, (as I may call it) his  
 ‘ Punishment is at Hand; and if the Supreme Power  
 ‘ breaks his, his Punishment is no less certain, tho’  
 ‘ more remote; for he is guilty before God, who  
 ‘ is his Ruler; tho’ it is impossible he should be  
 ‘ accountable for it in his own Dominions, for that



‘ would infer a Power Superior to the Supreme,  
‘ which is a flat Contradiction.

Mr. *Dodd*. Your Lordships observe by all these Sermons, how generally this Point is laid down, without making any Exception; and yet I don’t doubt, but that there is an Exception included in every one of these; yet it is always laid down in general Terms: And we desire that the same Exception may be allowed to the Doctor, as is to all these: And if he has erred, he can only be said *Errare cum Patribus*.

Mr. *Phipps*. My Lords, We have thus far made good our Defence, That this is the Doctrine of the Church of *England*; That the Fathers of the Church have always avow’d it; That it has been preach’d in the same Terms in which the Doctor has preach’d it, ever since her Majesty’s Accession to the Throne, and no Objection has been made to it till now; and that it has been approv’d by both Houses of Parliament, and by her Majesty. We will now proceed to shew, that it is confirm’d by several Acts of Parliament: The first is in the 12th of *Charles II. cap. 30*.

Clerk reads.] ‘ And be it hereby declared, That  
‘ by the Undoubted and Fundamental Laws of this  
‘ Kingdom, neither the Peers of this Realm, nor  
‘ the Commons, nor both together, in Parliament,  
‘ or out of Parliament, nor the People Collectively  
‘ or Representatively, nor any other Persons what-  
‘ soever, ever had, have, hath, or ought to have,  
‘ any Coercive Power over the Persons of the Kings  
‘ of this Realm.

Mr. *Dodd*. The next Act of Parliament we shall read to your Lordships, is the Corporation-Act, 13 *Car. II. Stat. 2. §. 5*.

Clerk reads.] ‘ I A. B. do declare and believe,  
‘ That it is not Lawful, upon any Pretence whatso-  
‘ ever, to take up Arms against the King; and that  
‘ I do abhor that Traiterous Position, of taking Arms  
‘ by his Authority against his Person, or against those  
‘ that are commissioned by him. So help me GOD.

Mr. *Dodd*. This is a General Oath, to be taken by all the Officers of Corporations.

Sir *Jos. Jekyll*. I can’t but observe, my Lords, that it is a little extraordinary, the Doctor’s Counsel should open this Act of Parliament, and offer it to be read, and not inform your Lordships that it is repealed.

Mr. *Dodd*. My Lords, We did open it that it is repealed; but we did insist, That as this Oath had been taken by all Officers of Corporations so many Years, so it was then a true Proposition, and still remains so, altho’ it be repealed: That Repeal don’t make the Proposition false.

Mr. *Phipps*. We admit, my Lords, that in the Act for abrogating the Oaths, and appointing others, this Paragraph was omitted. But what we offer it for, is to shew that this Doctrine has been sworn to by most of the Great Men, and all the Great Officers of *England*, for so many Years together.

Mr. *Dodd*. My Lords, The next is the *Militia* Act, 13 & 14 *Car. 2. cap. 3*. We desire to read the Preamble of that Act, and then the Oath appointed to be taken.

Clerk reads.] ‘ Forasmuch as within all his Ma-  
‘ jesty’s Realms and Dominions, the Sole and Su-  
‘ preme Power, Government, Command and Dis-  
‘ position of the *Militia*, and of all Forces by Sea  
‘ and Land, and of all Forts and Places of Strength,

‘ is, and (by the Laws of *England*) ever was the un-  
‘ doubted Right of his Majesty, and his Royal  
‘ Predecessors, Kings and Queens of *England*; And  
‘ that both, or either of the Houses of Parlia-  
‘ ment, cannot, nor ought to pretend to the same;  
‘ nor can, nor lawfully may, raise or levy any  
‘ War, Offensive or Defensive, against his Ma-  
‘ jesty, his Heirs, or Lawful Successors: And yet  
‘ the contrary thereof hath of late Years been  
‘ practised, almost to the Ruin and Destruction of  
‘ this Kingdom: And during the late Usurped  
‘ Governments, many evil and rebellious Principles  
‘ have been instilled into the Minds of the People  
‘ of this Kingdom, which may break forth, unless  
‘ prevented, to the Disturbance of the Peace and  
‘ Quiet thereof.

§. 18. ‘ I A. B. do declare and believe, That it  
‘ is not lawful, upon any Pretence whatsoever, to take  
‘ up Arms against the King: And that I do abhor  
‘ that Traiterous Position, That Arms may be taken  
‘ by his Authority against his Person; or against those  
‘ that are commissioned by him, in Pursuance of such  
‘ Military Commissions. So help me GOD.

Mr. *Dee*. My Lords, The next is the Act of Uniformity, 13 & 14 *Car. II. cap. 4*.

Clerk reads.] ‘ And be it further enacted by the  
‘ Authority aforesaid, That every Dean, Canon,  
‘ and Prebendary of every Cathedral or Collegiate  
‘ Church, and all Masters and other Heads, Fel-  
‘ lows, Chaplains, and Tutors of or in any College,  
‘ Hall, House of Learning, Hospital, and every  
‘ Publick Professor and Reader in either of the Uni-  
‘ versities, and in every College elsewhere, and  
‘ every Parson, Vicar, Curate, Lecturer, and every  
‘ other Person in Holy Orders, and every School-  
‘ master keeping any publick or private School, and  
‘ every Person instructing or teaching any Youth in  
‘ any House or private Family as a Schoolmaster,  
‘ who upon the First Day of *May*, which shall be  
‘ in the Year of our Lord God 1662, or at any  
‘ Time thereafter, shall be incumbent, or have Pos-  
‘ session of any Deanry, Canonry, Prebend, Ma-  
‘ sterhip, Headship, Fellowship, Professor’s Place,  
‘ or Reader’s Place, Parsonage, Vicarage, or any  
‘ other Ecclesiastical Dignity or Promotion, or any  
‘ Curate’s Place, Lecture or School, or shall in-  
‘ struct or teach any Youth as Tutor or School-  
‘ master, shall before the Feast-Day of *St. Bartho-  
‘ lomew*, which shall be in the Year of our Lord  
‘ 1662, or at or before his or their respective Ad-  
‘ mission to be Incumbent, or have Possession afore-  
‘ said, subscribe the Declaration or Acknowledg-  
‘ ment following; (*scilicet*)

‘ I A. B. do declare, That it is not lawful, upon  
‘ any Pretence whatsoever, to take Arms against the  
‘ King; and that I do abhor that Traiterous Position,  
‘ of taking Arms by his Authority against his Person,  
‘ or against those that are commissioned by him: And  
‘ that I will Conform to the Liturgy of the Church of  
‘ *England*, as it is now by Law established. And I do  
‘ declare, That I hold there lies no Obligation upon  
‘ me, or any other Person, from the Oath commonly  
‘ call’d The Solemn League and Covenant, to en-  
‘ deavour any Change or Alteration of Government  
‘ either in Church or State; and the same was in it  
‘ self an unlawful Oath, and imposed upon the Sub-  
‘ jects of this Realm, against the known Laws and  
‘ Liberties of this Kingdom.

Mr. *Phipps*. The Reason of our Reading this, is to let your Lordships see, what Obligations were  
on



on all Clergymen to subscribe this Declaration; and then we submit it to your Lordships Judgment, whether the Doctor is Criminal for Preaching that which all Parsons were (before that Act was repeal'd) oblig'd to Subscribe, in order to qualify themselves for Preaching. And I beg Leave just to observe to your Lordships, That by 16 *Car. II.* the Act for Select Vestries, all Vestrymen were oblig'd to Subscribe the same Declaration.

Mr. *Dodd.* My Lords, There are Two other Acts, but I think we need not read them, because they were so lately made: The one is for the Association, the other for the Abjuration, which is taken almost every Day in *Westminster-Hall.*

Mr. *Phipps.* If your Lordships please, we shall offer nothing more on this Article, but only some Part of his late Majesty's Declaration, to shew that there was some Reason for what the Doctor said of his late Majesty's disclaiming all manner of Resistance.

Sir *Joseph Jekyll.* My Lords, I perceive they are going to read some Part of his late Majesty's Declaration: We should have offered some Part of that Declaration, as a material Proof against the Doctor; but we would not produce any Papers as Evidence, which are not so; tho' we allow that to the Doctor. But since it is produced as Evidence for the Doctor, I desire it may be read quite through.

Clerk reads.] *The Declaration of his Highness, William Henry, by the Grace of God Prince of Orange, &c. of the Reasons inducing him to appear in Arms in the Kingdom of England, for preserving of the Protestant Religion, and for restoring the Laws and Liberties of England, Scotland, and Ireland.*

1. **I**T is both certain and evident to all Men, That the Publick Peace and Happiness of any State or Kingdom cannot be preserv'd, where the Laws, Liberties, and Customs Established by the Lawful Authority in it, are openly transgressed and annulled: More especially, where the Alteration of *Religion* is endeavour'd, and that a *Religion* which is contrary to Law, is endeavour'd to be introduced: Upon which those who are most immediately concerned in it, are indispensibly bound to endeavour to preserve and maintain the Establish'd Laws, Liberties and Customs, and above all, the Religion and Worship of God that is established among them; and to take such an effectual Care, that the Inhabitants of the said State or Kingdom, may neither be depriv'd of their Religion, nor of their Civil Rights. Which is so much the more necessary, because the Greatness and Security, both of Kings, Royal Families, and of all such as are in Authority, as well as the Happiness of their Subjects and People, depend in a most especial manner upon the exact Observation and Maintenance of these their Laws, Liberties and Customs.

2. Upon these Grounds it is, that we cannot any longer forbear to declare, That to our great Regret, we see that those Counsellors, who have now the Chief Credit with the King, have overturned the Religion, Laws and Liberties of those Realms, and subjected them in all Things relating to their Consciences, Liberties and Properties, to Arbitrary Government; and that not only by secret and indirect Ways, but in an open and undisguis'd manner.

VOL. V.

3. Those Evil Counsellors, for the advancing and colouring this with some plausible Pretences, did invent and set on foot the King's *Dispensing Power*; by virtue of which, they pretend, that, according to Law, he can *suspend* and *dispense* with the Execution of the Laws that have been enacted by the Authority of the King and Parliament, for the Security and Happiness of the Subject, and so have rendered those Laws of no Effect: Tho' there is nothing more certain, than that as no Laws can be made, but by the joint Concurrence of King and Parliament; so likewise Laws so enacted, which secure the Publick Peace and Safety of the Nation, and the Lives and Liberties of every Subject in it, cannot be repealed or suspended but by the same Authority.

4. For tho' the King may pardon the Punishment that a Transgressor has incurred, and to which he is condemned, (as in the Cases of *Treason* or *Felony*) yet it cannot be with any Colour of Reason infer'd from thence, that the King can intirely suspend the Execution of those Laws relating to *Treason* or *Felony*; unless it is pretended, that he is clothed with a Despotick and Arbitrary Power; and that the Lives, Liberties, Honours and Estates of the Subjects, depend wholly on his good Will and Pleasure, and are intirely subject to him; which must infallibly follow, on the Kings having a Power to *suspend* the Execution of the Laws, and to *dispense* with them.

5. Those Evil Counsellors, in order to the giving some Credit to this strange and execrable Maxim, have so conducted the Matter, that they have obtained a Sentence from the Judges, declaring, That this *Dispensing Power* is a Right belonging to the *Crown*: As if it were in the Power of the Twelve Judges to offer up the Laws, Rights, and Liberties of the whole Nation to the King, to be disposed of by him arbitrarily, and at his Pleasure; and expressly contrary to Laws enacted for the Security of the Subjects. In order to the obtaining this Judgment, those Evil Counsellors did before-hand examine secretly the Opinion of the Judges, and procur'd such of them as could not in Conscience concur in so pernicious a Sentence, to be turned out, and others to be substituted in their rooms, 'till by the Changes which were made in the Courts of Judicature, they at last obtained that Judgment. And they have rais'd some to those Trusts, who make open Profession of the *Popish Religion*, tho' those are by Law rendred incapable of all such Employments.

6. It is also manifest and notorious, That as his Majesty was, upon his coming to the Crown, received and acknowledged by all the Subjects of *England, Scotland, and Ireland*, as their King, without the least Opposition, tho' he made then open Profession of the *Popish Religion*; so he did then promise, and solemnly swear at his Coronation, That he would maintain his Subjects in the free Enjoyment of their Laws and Liberties; and in particular, that he would maintain the *Church of England as it was establish'd by Law*. It is likewise certain, that there have been at divers and sundry Times several Laws enacted for the Preservation of those Rights and Liberties, and of the Protestant Religion; and among other Securities, it has been enacted, That all Persons whatsoever, that are advanced to any Ecclesiastical Dignity, or to bear Office in either University, as likewise all other that should be put in any Employment, Civil or Military, should declare that they were not

Papists,