THE WORKS OF JOHN MILTON
IN EIGHT VOLUMES

VOL. IV.

PROSE WORKS. VOL. II.
THE WORKS OF

John Milton

IN VERSE AND PROSE

PRINTED FROM THE ORIGINAL EDITIONS

WITH A LIFE OF THE AUTHOR BY

THE REV. JOHN MITFORD

VOL. IV.

LONDON
BICKERS AND BUSH
1863
PROSE WORKS.

CONTENTS OF VOL. II.

The Doctrine and Discipline of Divorce: Restored to the good of both Sexes, from the bondage of Canon Law, and other mistakes, to the true meaning of Scripture in the Law and Gospel compared, &c. ................................................. 1

Tetrachordon: Exploitations upon the four chief places in Scripture, which treat of Marriage, or nullities in Marriage, &c. ................................................. 133

The Judgment of Martin Bucer, concerning Divorce: Writ'tn to Edward the Sixth, in his Second Book of the Kingdom of Christ: &c. ................................................. 287

Colaterion: A Reply to a Nameless Answer against the Doctrine and Discipline of Divorce. Wherein the trivial Author of that Answer is discover'd, the Licencer confer'd with, and the Opinion which they traduce defended ................................................. 343

Of Education. To Master Samuel Hartlib .......................... 379

Areopagitica; A Speech for the Liberty of Unlicenc'd Printing .......................... 395

The Tenure of Kings and Magistrates: Proving that it is Lawful, and hath been held so through all Ages, for any, who have the Power, to call to account a Tyrant, or wicked King, and after due conviction, to depose, and put him to death; if the ordinary Magistrate have neglected, or deny'd to doe it, &c. ................................................. 450

Observations on the Articles of Peace between James Earl of Ormond for King Charles the First on the one hand, and the Irish Rebels and Papists on the other hand. And on a Letter sent by Ormond to Colonel Jones Governour of Dublin. And a Representation of the Scots Presbytery at Belfast in Ireland. To which the said Articles, Letter, with Colonel Jones's Answer to it, and Representation, &c. are prefix'd ................................................. 502
The Doctrine and Discipline of Divorce:

Restor'd to the good of both Sexes,
From the Bondage of Canon Law, and other mistakes,
to the true meaning of Scripture in the Law and
Gospel compar'd.

Wherin also are set down the bad consequences of
abolishing or condemning of Sin, that which
the Law of God allowes, and Christ
abolisht not.

Now the second time revis'd and much augmented,
In Two BOOKS:
To the Parlament of England with
the Assembly.
Matth. 13. 52.

Every Scribe instructed to the Kingdom of Heav'n, is like the Master of a house which bringeth out of his treasury things new and old.

Prov. 18. 13.

He that answereth a matter before he heareth it, it is folly and shame unto him.
To the Parlament of ENGLAND, with the Assembly.

If it were seriously askt, and it would be no untimely question, Renowned Parlament, select Assembly, who of all Teachers and Masters that ever have taught, hath drawn the most Disciples after him, both in Religion, and in manners, it might be not untruly answer'd, Custome. Though vertue be commended for the most persuasive in her Theory; and Conscience in the plain demonstration of the spirit, finds most evincing, yet whether it be the secret of divine wil, or the original blindness we are born in, so it happen's for the most part, that Custome still is silently receiv'd for the best instructer. Except it be, because her method is so glib and easie, in some manner like to that vision of Ezekiel, rowling up her sudden book of implicit knowledge, for him that will, to take and swallow down at pleasure; which proving but of bad nourishment in the concoction, as it was heedlesse in the devouring, puffs up unhealthily, a certain big face of pretended learning, mistaken among credulous men, for the wholesome habit of soundnesse and good constitution; but is indeed no other, then that swoln visage of counterfeit knowledge and literature, which not onely in private marrs our education, but also in publick is the common climer into every chaire, where either Religion is preach't, or Law reported: filling each estate of life and profession, with abject and servil principles; de-
To the Parliament of England,
pressing the high and Heaven-born spirit of Man, far beneath the condition wherein either God created him, or sin hath junke him. To persue the Allegory, Custome being but a meer face, as Eccho is a meer voice, rests not in her unaccomplishment, untill by secret inclination, she incorporat her self with error, who being a blind and Serpentine body without a head, willingly accepts what he wants, and supplies what her incompleatnesse went seeking. Hence it is, that Error supports Custome, Custome countenances Error. And these two between them would persecute and chase away all truth and solid wisdome out of humane life, were it not that God, rather then man, once in many ages, called together the prudent and Religious counfels of Men, deputed to represse the encroachments, and to work off the invete-rate blots and obscurities wrought upon our minds by the sullte insinuating of Error and Custome: Who with the numerous and vulgar train of their followers, make it their chief designe to envie and cry-down the industry of free reasoning, under the terms of humor, and innovation; as if the womb of teeming Truth were to be clos'd up, if she presume to bring forth ought, that sorts not with their unchew'd notions and suppositions. Against which notorious injury and abuse of mans free soul to testify and oppose the utmost that study and true labour can attain, heretofore the incitement of men reputed grave hath led me among others; and now the duty and the right of an instruced Christian calls me through the chance of good or evil report, to be the sole advocate of a discount'nance truth: a high enterprife Lords and Commons, a high enterprife and a bard, and such as every seventh Son of a seventh Son does not venture on. Nor have I amidst the clamor of so much envie and impertinence, whether to appeal, but to the concourse of so much piety and wisdom hear assembled. Bringing in my hands an ancient and most necessary, most charitable, and yet most injur'd Statute of Moses: not repeal'd
ever by him who only had the authority, but thrown aside with much inconsiderat neglect, under the rubbish of Canonicall ignorance: as once the whole law was by some such like conveyance in Josias's time. And be who shall indeavour the amendment of any old neglected grievance in Church or State, or in the daily course of life, if be be gifted with abilities of mind that may raise him to so high an undertaking, I grant he hath already much wherof not to repent him; yet let me arreed him, not to be the foreman of any mis-judgd opinion, unlejfe his resolutions be firmly seated in a square and constant mind, not conscious to it self of any deserved blame, and regardlesse of ungrounded suspicions. For this let him be sure he shall be boarded presently by the ruder sort, but not by discreet and well nurtur'd men, with a thousand idle descants and surmises. Who when they cannot confute the least joynt or sinew of any passage in the book; yet God forbid that truth should be truth, because they have a boistrous conceit of some pretences in the Writer. But were they not more busie and inquisitive then the Apostle commends, they would hear him at least, rejoicing, so the truth be preacht, whether of envie or other pretence whatsoever: For Truth is as impossible to be foil'd by any outward touch, as the Sun beam. Though this ill hap wait on her nativity, that she never comes into the world, but like a Bastard, to the ignominy of him that brought her forth: till Time the Midwife rather then the mother of Truth, have washt and salted the Infant, declar'd her legitimat, and Churcht the father of his young Minerva, from the needless causes of his purgation. Your selves can best witnesse this, worthy Patriots, and better will, no doubt, hereafter: for who among ye of the formost that have travaill'd in her behalf to the good of Church, or State, hath not been often traduc't to be the agent of his own by-ends, under pretext of Reformation. So much the more I shall not be unjust to hope, that however Infamy, or Envy may work in
To the Parliament of England,

other men to do her fretfull will against this discourse, yet that the experience of your own uprightnes mis-interpreted, will put ye in mind to give it free audience and generous construction. What though the brood of Belial, the draffe of men, to whom no liberty is pleasing, but unbridl'd and vagabond luft without pale or partition, will laugh broad perhaps, to see so great a strength of Scripture mustering up in favour, as they suppose, of their debaucheries; they will know better, when they shall hence learn, that honest liberty is the greatest foe to dishonest licence. And what though others out of a waterish and queasy conscience because ever crasty and never yet found, will rail and fancy to themselves, that injury and licence is the best of this Book? Did not the distemper of their own stomacks affect them with a dizzy megrim, they would soon tie up their tongues, and discern themselves like that Assyrian blaspheomer all this while reproaching not man but the Almighty, the holy one of Israel, whom they do not deny to have belawgiv'n his own sacred people with this very allowance, which they now call injury and licence, and dare cry shame on, and will do yet a while, till they get a little cordiall sobriety to settle their qualming zeal. But this question concerns not us perhaps: Indeed mans disposition though prone to search after vain curiosities, yet when points of difficulty are to be discusst, appertaining to the removal of unreasonable wrong and burden from the perplexed life of our brother, it is incredible how cold, how dull, and far from all fellow feeling we are, without the spur of self-concernment. Yet if the wisdome, the justice, the purity of God be to be clearer'd from foulest imputations which are not yet avoided, if charity be not to be degraded and trodd'n down under a civill Ordinance, if Matrimony be not to be advanced like that exalted perdiction, writ'tn of to the Theflalonians, above all that is called God, or goodness, nay, against them both, then
I dare affirm there will be found in the Contents of this Book, that which may concern us all. You it concerns chiefly, Worthies in Parliament, on whom, as on our deliverers, all our grievances and cares, by the merit of your eminence and fortitude are devolv'd: Me it concerns next, having with much labour and faithfull diligence first found out, or at least with a fearlesse and communicative candor first published to the manifest good of Christendome, that which calling to witness every thing mortall and immortall, I believe unfainedly to be true. Let not other men think their conscience bound to search continually after truth, to pray for enlightning from above, to publish what they think they have so obtain'd, and debar me from conceiving myself ty'd by the same duties. Ye have now, doubtlesse by the favour and appointment of God, ye have now in your hands a great and populous Nation to Reform; from what corruption, what blindnes in Religion ye know well; in what a degenerat and fal'n spirit from the apprehension of native liberty, and true manliness, I am sure ye find: with what unbounded licence rushing to whordoms and adulteries needs not long enquiry: insomuch that the fears which men have of too strict a discipline, perhaps exceed the hopes that can be in others, of ever introducing it with any great success. What if I should tell ye now of dispensations and indulgences, to give a little the rains, to let them play and nibble with the bait a while; a people as hard of heart as that Egyptian Colony that went to Canaan. This is the common doctrine that adulterous and injurious divorces were not conniv'd only, but with eye open allow'd of old for hardnesse of heart. But that opinion, I trust, by then this following argument hath been well read, will be left for one of the mysteries of an indulgent Antichrist, to farm out incest by, and those his other tributary pollutions. What middle way can be tak'n then, may some interrupt, if we must neither
To the Parliament of England,

turn to the right nor to the left, and that the people hate to be reform'd: Mark then, Judges and Lawgivers, and ye whose Office it is to be our teachers, for I will utter now a doctrine, if ever any other, though neglected or not understood, yet of great and powerful importance to the governing of mankind. He who wisely would restrain the reasonable Soul of man within due bounds, must first himself know perfectly, how far the territory and dominion extends of just and honest liberty. As little must he offer to bind that which God hath loos'n'd, as to loos'n that which he hath bound. The ignorance and mistake of this high point, hath heaped up one huge half of all the misery that hath bin since Adam. In the Gospel we shall read a supercilious crew of masters, whose holiness, or rather whose evil eye, grieving that God should be so facil to man, was to set straiter limits to obedience, then God had set; to enslave the dignity of man, to put a garrison upon his neck of empty and over digni'd precepts: And we shall read our Saviour never more griev'd and troubl'd, then to meet with such a peevish madness among men against their own freedome. How can we expect him to be lesse offended with us, when much of the same folly shall be found yet remaining where it left ought, to the perishing of thousands. The greatest burden in the world is superstition; not only of Ceremonies in the Church, but of imaginary and shadowy crow sins at home. What greater weakening, what more suttle stratagem against our Christian warfare, when besides the grosse body of real transgressions to encounter; we shall be terrifi'd by a vain and shadowy menacing of faults that are not: When things indifferent shall be set to over-front us, under the banners of sin, what wonder if we be routed, and by this art of our Adversary, fall into the subjection of worst and deadliest offences. The superstition of the Papist is, touch not, taste not, when God bids both: and ours is, part not, separat not,
when God and charity both permits and commands. Let all your things be done with charity, faith St. Paul: and his Master faith, She is the fulfilling of the Law. Yet now a civil, an indifferent, a sometime disswwaded Law of marriage, must be forct upon us to fulfill, not only without charity, but against her. No place in Heav'n or Earth, except Hell, where charity may not enter: yet marriage the Ordinance of our solace and contentment, the remedy of our loneliness will not admit now either of charity or mercy to come in and mediate or pacifie the fiercenes of this gentle Ordinance, the unremedied loneliness of this remedy. Advise ye well, supreme Senat, if charity be thus excluded and expul'd, how ye will defend the untainted honour of your own actions and proceedings: He who maries, intends as little to conspire his own ruine, as he that swears Allegiance: and as a whole people is in proportion to an ill Government, so is one man to an ill marriage. If they against any authority, Covenant, or Statute, may by the sovereign edict of charity, save not only their lives, but honest liberties from unworthy bondage, as well may be against any private Cov'nant, which he never enter'd to his mischief, redeem himself from unsupportable disturbances to honest peace, and just contentment: And much the rather, for that to resift the highest Magistrat though tyrannizing, God never gave us expresse allowance, only he gave us reason, charity, nature and good example to bear us out; but in this economicall misfortune, thus to demean our selves, besides the warrant of those foure great directors, which doth as justly belong hither, we have an expresse law of God, and such a law, as wherof our Saviour with a solemn threat forbids the abrogating. For no effect of tyranny can fit more heavy on the Common-wealth, then this household unhappines on the family. And farewell all hope of true Reformation in the State, while such an evil as this lies undiscern'd or unregarded
To the Parlament of England,

in the house. On the redress whereof depends, not only the spiritfull and orderly life of our grown men, but the willing, and carefull education of our children. Let this therefor be new examin'd, this tenure and free-hold of mankind, this native and domestick Charter giv'n us by a greater Lord then that Saxon King the Confessor. Let the statutes of God be turn'd over, be scan'd a new, and consider'd; not altogether by the narrow intellectuals of quotationists and common placers, but (as was the ancient right of Counsels) by men of what liberall profession soever, of eminent spirit and breeding joyn'd with a diffuse and various knowledge of divine and human things; able to balance and define good and evil, right and wrong, throughout every state of life; able to shew us the waies of the Lord, frail and faithfull as they are, not full of cranks and contradictions, and pit falling dispenses, but with divine insight and benignity measur'd out to the proportion of each mind and spirit, each temper and disposition, created so different each from other, and yet by the skill of wise conducting, all to become uniform in vertue. To expedite these knots were worthy a learned and memorable Synod; while our enemies expect to see the expectation of the Church tir'd out with dependencies and independencies how they will compound, and in what Calends. Doubt not, worthy Senators, to vindicate the sacred honour and judgement of Moses your predecessor, from the shallow commenting of Scholasticks and Canonists. Doubt not after him to reach out your freedly hands to the misinform'd and wearied life of man; to restore this his lost heritage, into the household state; wherewith be sure that peace and love, the best subsistence of a Christian family will return home from whence they are now banished; places of prostitution will be lesse haunted, the neighbors bed lesse attempted, the yoke of prudent and manly discipline will be generally submitted to, sober and well order'd living will soon spring up in the Common-wealth. Ye have an
author great beyond exception, Moses; and one yet greater, he who hedg'd in from abolishing, every smallest jot and tittle of precious equity contain'd in that Law, with a more accurat and lasting Masoreth, then either the Synagogue of Ezra, or the Galilean School at Tiberias hath left us. Whatever else ye can enact, will scarce concern a third part of the Britifh name: but the benefit and good of this your magnanimous example, will easily spread far beyond the banks of Tweed and the Norman Isles. It would not be the firft, or second time, since our ancient Druides, by whom this Iland was the Cathedral of Philosophy to France, left off their pagan rites, that England hath had this honour vouchfaft from Heav'n, to give out reformation to the world. Who was it but our English Conftantine, that baptiz'd the Roman Empire? who but the Northumbrian Willibrode, and Winifride of Devon with their followers, were the firft Apostles of Germany? who but Alcuin and Wicklef our Country men open'd the eyes of Europe, the one in arts, the other in Religion. Let not England, forget her pre- cedence of teaching nations how to live. Know, Worthies, know and exercise the privilege of your honour'd Country. A greater title I heer bring ye, then is either in the power or in the policy of Rome to give her Monarchs; this glorious act will stile ye the defenders of Charity. Nor is this yet the highest in scription that wil adorn fo religious and fo holy a de fence as this; behold heer the pure and sacred Law of God, and his yet purer and more sacred name offering themselves to you firft, of all Christian reformers to be acquitted from the long suffer'd ungodly attribute of patronizing Adultery. Defer not to wipe off instantly these imputative blurs and stains cast by rude fancies upon the throne and beauty it self of inviolable holines: left some other people more devout and wise then we, be reau us this offer'd immortal glory, our wonted proro-
To the Parliament of England,
gative, of being the first assarters in every great vindica-
tion. For me, as far as my part leads me, I have al-
ready my greatest gain, assurance and inward satisfac-
tion to have don in this nothing unworthy of an honest
life, and studyes wel employ’d. With what event among
the wise and right understanding handfull of men, I am
secure. But how among the drove of Custom and Pre-
judice this will be reliſht, by such whose capacity, since
their youth run ahead into the easie creek of a System or
a Medulla, fails there at will under the blown physio-
gonomy of their unlabour’d rudiments, for them, what their
task will be, I have also surety sufficient, from the entire
league that hath bin ever between formal ignorance and
grave obstinacie. Yet when I remember the little that
our Saviour could prevail about this doctrine of Charity
against the crabbed texuifts of his time, I make no wonder,
but rest confident that whoſo preferrs either Matrimony,
or other Ordinance before the good of man and the plain
exigence of Charity, let him profefs Papiſt, or Protef-
tant, or what he will, he is no better then a Pharife,
And understands not the Gospel: whom as a miſinter-
preter of Chriſt I openly proteſt againſt; and provoke him
to the triall of this truth before all the world: and let
him bethink him withall how he will foder up the shifting
flaws of his ungirt permiſſions, his venial and unvenial
difpences, wherewith the Law of God pardoning and un-
pardoning hath bin shamefully branded, for want of heed
in glossing, to have eluded and baff’d out all Faith and
chafity from the marriagebed of that holy feed, with po-
litick and judiciall adulteries. I ſeek not to ſeduce the
ſimple and illiterat; my errand is to find out the choiſeſt
and the learnedſt, who have this high gift of wisdom to
answer solidly, or to be convinc’t. I crave it from the
piety, the learning and the prudence which is hous’d in
this place. It might perhaps more fitly have bin writ’n
in another tongue; and I had don fo, but that the efteem
I have of my Countries judgement, and the love I bear to my native language to serv it first with what I endea-
vour, made me speak it thus, ere I aßay the verdit of out-
landish readers. And perhaps alfo heer I might have ended nameles, but that the addresse of these lines chiefly to the Parlament of England might have seem'd ingrate-
full not to acknowledge by whose Religious care, unwear-
ried watchfulnes, couragious and heroick resolutions, I enjoy the peace and studious leisure to remain,

The Honourer and Attendant of their

Noble worth and vertues,

JOHN MILTON.
The Doctrine and Discipline of Divorce; Restor'd to the good of both Sexes.

THE FIRST BOOKE.

THE PREFACE.

That Man is the occasion of his owne miseries, in most of those evills which hee imputes to Gods inflicting. The absurdity of our canonifts in their decrees about divorce. The Christia[n] imperiall Lawes framed with more Equity. The opinion of Hugo Grotius, and Paulus Fagius: And the purpose in generall of this Discourse.

Any men, whether it be their fate, or fond opinion, easily perswade themselves, if God would but be pleas'd a while to withdraw his just punishments from us, and to restrain what power either the devill, or any earthly enemy hath to work us woe, that then mans nature would find immediate rest and releafement from all evils. But verily they who think so, if they be such as have a mind large enough to take into their thoughts a generall survey of humane things, would soon prove themselves in that opinion farre deceiv'd. For though it were granted us by divine indulgence to be exempt from all that can be harmfull to us from without, yet the perversenesse of
our folly is so bent, that we should never hammering out of our owne hearts, as it were out of a flint, the seeds and sparkles of new misery to our selves, till all were in a blaze againe. And no marvell if out of our own hearts, for they are evill; but even out of those things which God meant us, either for a principall good, or a pure contentment, we are still hatching and contriving upon our selves matter of continuall sorrow and perplexitie. What greater good to man then that revealed rule, whereby God vouchsafes to shew us how he would be worshipt? And yet that not rightly understood, became the cause that once a famous man in Israel could not but oblige his conscience to be the sacrificer, or if not, the jaylor of his innocent and onely daughter. And was the cause oftetimes that Armies of valiant men have given up their throats to a heathenish enemy on the Sabbath day: fondly thinking their defensive resistance to be as then a thing unlawfull. What thing more instituted to the solace and delight of man then marriage? and yet the mis-interpreting of some Scripture directed mainly against the abusers of the Law for divorce giv'n by Moses, hath chang'd the blessing of marriagm not feldomne into a familiar and co-inhabiting mischiefe; at leaft into a drooping and disconsolate household captivity, without refuge or redemption. So ungovern'd and so wild a race doth superstition run us from one extreame of abused liberty into the other of unmercifull restraint. For although God in the first ordaining of marriag, taught us to what end he did it, in words expressly implying the apt and cheerfull conversation of man with woman, to comfort and refresh him of the evill and solitary life, not mentioning the purpose of generation till afterwards, as being but a secondary end in dignity, though not in necessiti: yet now, if any two be but once handed in the Church, and have tasted
in any sort the nuptiall bed, let them find themselves never so mistak'n in their dispositions through any error, concealment, or misadventure, that through their different tempers, thoughts, and constitutions, they can neither be to one another a remedy against lonelines, nor live in any union or contentment all their dayes, yet they shall, so they be but found suitably weapon'd to the least possibility of sensuall joyment, be made, spight of antipathy to fadge together, and combine as they may to their unspeakable wearifomnes and despair of all sociable delight in the ordinance which God establisht to that very end. What a calamity is this, and as the wise-man if he were alive, would shew out in his owne Phrafe, what a fore evill is this under the Sunne! All which we can referre justly to no other author then the Canon Law and her adherents, not consulting with charitie, the interpreter and guide of our faith, but resting in the meere element of the Text; doubtles by the policy of the devill to make that gracious ordinance become unsupportable, that what with men not staving to venture upon wedlock, and what with men wearied out of it, all inordinate licence might abound. It was for many ages that mariage lay in disgrace with most of the ancient Doctors, as a work of the flesh, almost a defilement, wholly deny'd to Priestes, and the second time dissuaded to all, as he that reads Tertullian or Jerom may see at large. Afterwards it was brought so Sacramentall, that no adultery or desertion could dissolve it; and this is the fence of our Canon Courts in England to this day, but in no other reformed Church els: yet there remains in them also a burden on it as heavie as the other two were disgracefull or Superstitious, and of as much iniquity, crossing a Law not onely writ'tn by Moses, but character'd in us by nature, of more antiquity and deeper ground then mariage it selfe; which Law
is to force nothing against the faultles proprietys of nature: yet that this may be colourably done, our Saviours words touching divorce, are as it were congeal'd into a stony rigor, inconsistent both with his Doctrine and his office, and that which he preacht only to the conscience, is by Canonickal tyranny snatcht into the compulsive censur of a judiciall Court; where Laws are impos'd even against the venerable and secret power of natures impression, to love what ever cause be found to loath. Which is a hainous barbarisme both against the honour of marriage, the dignity of man and his soule, the goodnes of Christianitie, and all the humane respects of civilitie. Notwithstanding that some the wisest and graveft among the Christian Emperours, who had about them, to consult with, those of the Fathers then living, who for their learning and holines of life are still with us in great renowne, have made their statutes and edicts concerning this debate farre more easie and relenting in many necessary cases, wherein the Canon is inflexible. And Hugo Grotius, a man of these times, one of the best learned; seems not obscurely to adhere in his perswasion to the equity of those Imperiall decrees, in his notes upon the Evangelists, much allaying the outward roughnesse of the Text, which hath for the most part been too immoderately expounded; and excites the diligence of others to inquire further into this question, as containing many points that have not yet been explain'd. Which ever likely to remain intricate and hopelesse upon the suppositions commonly stuck to the autority of Paulus Fagius, one so learned and so eminent in England once, if it might perswade, would strait acquaint us with a solution of these differences, no lesse prudent then compendious. He in his comment on the Pentateuch doubted not to maintain that divorces might bee as lawfully permitted by the Magistrate
to Christians, as they were to the Jewes. But because he is but briefe, and these things of great consequence not to be kept obscure, I shall conceive it nothing above my duty either for the difficulty or the censure that may passe thereon, to communicate such thoughts as I also have had, and do offer them now in this generall labour of reformation, to the candid view both of Church and Magistrate; especially because I see it the hope of good men, that those irregular and unspirituall Courts have spun their utmost date in this Land; and some better course must now be constituted. This therefore shall be the task and period of this discourse to prove, first that other reasons of divorce besides adultery, were by the Law of Moses, and are yet to be allow'd by the Christian Magistrate as a piece of justice, and that the words of Christ are not hereby contraried. Next, that to prohibit absolutely any divorce whatsoever except those which Moses excepted, is against the reason of Law, as in due place I shall shew out of Fagius with many additions. He therefore who by adventuring, shall be so happy as with successfull to light the way of such an expedient liberty and truth as this, shall restore the much wrong'd and over-sorrow'd state of matrimony, not onely to those mercifull and life-giving remedies of Moses, but, as much as may be, to that serene and blissfull condition it was in at the beginning; and shall deserve of all apprehensive men (considering the troubles and distempers which for want of this insight have bin so oft in Kingdomes, in States and Families) shall deserve to be reckon'd among the publick benefactors of civill and humane life; above the inventors of wine and oyle; for this is a far dearer, far nobler, and more desirous cherishing to mans life, unworthily expos'd to sadness and mistake, which he shall vindicate. Not that licence and levety and unconsentted
breach of faith should herein be countenanc't, but that some conscionable and tender pity might be had of those who have unwarily in a thing they never practiz'd before, made themselves the bondmen of a luckless and helpless matrimony. In which Argument he whose courage can serve him to give the first on-set, must look for two several oppositions: the one from them who have sworn themselves to long custome and the letter of the Text, will not out of the road: the other from those whose grosse and vulgar apprehensions conceit but low of matrimoniall purpofes, and in the work of male and female thinke they have all. Neverthelesse, it shall be here sought by due ways to be made appeare, that those words of God in the institution, promising a meet help againft lonelines; and those words of Chrifl, That his yoke is easie and his burden light, were not spoken in vain; for if the knot of mariage may in no case be dissolv'd but for adultery, all the burd'ns and services of the Law are not so intolerable. This onely is desir'd of them who are minded to judge hardly of thus mantaining, that they would be still and heare all out, nor thinke it equall to anwer de-liberate reason with sudden heat and noise; remem-bring this, that many truths now of reverend esteeme and credit, had their birth and beginning once from singular and private thoughts; while the most of men were otherwise poss'd; and had the fave at first to be generally exploded and exclaim'd on by many violent opposers; yet I may erre perhaps in soothing my felfe that this present truth reviv'd, will deserve on all hands to be not finifterly receiv'd, in that it un-dertakes the cure of an inveterate disease crept into the beft part of humane societie: and to doe this with no smarting corrosive, but with a smooth and pleasing leffen, which receiv'd hath the vertue to soften and dispell rooted and knotty sorrowes: and
without enchantment if that be fear’d, or spell us’d, hath regard at once both to serious pity, and upright honesty; that tends to the redeeming and restoring of none but such as are the object of compassion, having in an ill hour hampered themselves to the utter dispatch of all their most beloved comforts and repose for this lives term. But if we shall obstinately dislike this new overture of unexpected ease and recovery, what remains but to deplore the forwardness of our hopeless condition, which neither can endure the estate we are in, nor admit of remedy either sharp or sweet. Sharp we our selves distast; and sweet, under whose hands we are, is scrup’d and suspected as too lusious. In such a posture Christ found the Jews, who were neither won with the austerity of John the Baptist, and thought it too much licence to follow freely the charming pipe of him who founded and proclaim’d liberty and relief to all distresses: yet Truth in some age or other will find her witnes, and shall be justify’d at last by her own children.

CHAP. I.

The Position. Prov’d by the Law of Moses. That Law expounded and asserted to a morall and charitable use, first by Paulus Fagius, next with other additions.

O remove therefore if it be possible, this great and sad oppression which through the strictnes of a literall interpreting hath invaded and disturb’d the dearest and most peaceable estate of household society, to the over-burdening, if not the over-whelming of many Christians better worth then to be so deserted of the
Churches considerate care, this position shall be laid
down, first proving, then answering what may be
objected either from Scripture or light of reason.

That indisposition, unfitness, or contrariety of mind,
 arising from a cause in nature unchangeable, hindering
and ever likely to hinder the main benefits of conjugal
society, which are solace and peace, is a greater reason
of divorce then natural frigidity, especially if there be
no children, and that there be mutuall consent.

This I gather from the Law in Deut. 24. 1. When
a man hath tak'n a wife and married her, and it come
to passe that she find no favour in his eyes, because he
hath found some uncleanness in her, let him write her a
bill of divorcement, and give it in her hand, and send her
out of his house, &c. This Law, if the words of
Christ may be admitted into our beleef, shall never
while the world stands, for him be abrogated. First
therefore I here set down what learned Fagius hath
observ'd on this Law; The Law of God, faith he, per-
mitted divorce for the help of human weaknes. For every
one that of necessity seperats, cannot live single. That
Christ deny'd divorce to his own, hinders not; for what
is that to the unregenerate, who hath not attain'd such
perfection? Let not the remedy be despis'd which was
giv'n to weaknes. And when Christ faith, who maries
the divorc't commits adultery, it is to be understood if he
had any plot in the divorce. The rest I reserve untill
it be disputed, how the Magistrate is to doe herein.
From hence we may plainly discern a twofold con-
deration in this Law. First the end of the Lawgiver,
and the proper act of the Law to command or to
allow something just and honest, or indifferent. Se-
condly, his sufferance from some accidental result of
evill by this allowance, which the Law cannot re-
medy. For if this Law have no other end or act
but onely the allowance of a sin, though never to so
good intention, that Law is no Law but sin mull'd
in the robe of Law, or Law disguis’d in the loose garment of sin. Both which are too foule Hypotheses to save the Phænomenon of our Saviours answer to the Pharifes about this matter. And I trust anon by the help of an infallible guide to perfect such Prutenick tables as shall mend the Astronomy of our wide expositors.

The cause of divorce mention’d in the Law is translated some uncleanness; but in the Hebrew it sounds nakednes of ought, or any reall nakednes: which by all the learned interpreters is refer’d to the mind, as well as to the body. And what greater nakednes or unfitness of mind then that which hinders ever the solace and peacefull society of the married couple, and what hinders that more then the unfitness and defectiveness of an unconjugall mind. The cause therefore of divorce expres’t in the position cannot but agree with that describ’d in the best and equallest fence of Moses Law. Which being a matter of pure charity, is plainly morall, and more now in force then ever: therefore surely lawfull. For if under the Law such was Gods gracious indulgence, as not to suffer the ordinance of his goodness and favour, through any error to be fer’d and stigmatiz’d upon his servants to their misery and thraldome, much lesse will he suffer it now under the covenant of grace, by abrogating his former grant of remedy and relief. But the first institution will be objected to have ordain’d marriage unseperable. To that a little patience untill this first part have amply discours’t the grave and pious reasons of this divorsive Law; and then I doubt not but with one gentle stroking to wipe away ten thousand teares out of the life of man. Yet thus much I shall now insist on, that what ever the institution were, it could not be so enormous, nor so rebellious against both nature and reason as to exalt it selfe above the end and person for whom it was instituted.
CHAP. II.

The first reason of this Law grounded on the prime reason of matrimony. That no cov'nant whatsoever obliges against the main end both of it self and of the parties cov'nanting.

Or all fence and equity reclaims that any Law or Cov'nant how solemne or strait soever, either between God and man, or man and man, though of Gods joyning, should bind against a prime and principall scope of its own institution, and of both or either Party, cov'nanting: neither can it be of force to ingage a blameless creature to his owne perpetuall sorrow, miiftak'n for his expected solace, without suffering charity to step in and doe a confest good work of parting those whom nothing holds together, but this of Gods joyn-ing, falsly suppos'd against the expresse end of his own ordinance. And what his chiefe end was of creating woman to be joyn'd with man, his own in-stituting words declare, and are infallible to informe us what is marriage and what is no marriage: un-leffe we can think them set there to no purpose: It is not good, faith he, that man should be alone; I will make him a help meet for him. From which words so plain, leffe cannot be concluded, nor is by any learned Interpreter, then that in Gods intention a meet and happy conversation is the chiefeft and the nobleft end of marriage: for we find here no ex-pression so necessarily implying carnall knowledge, as this prevention of loneliness to the mind and spirit of man. To this, Fagius, Calvin, Pareus, Rivetus, as willingly and largely affent as can be wiht. And indeed it is a greater blessing from God, more worthy so excellent a creature as man is, and a higher end
to honour and sanctifie the league of marriage, when as the solace and satisfaction of the mind is regarded and provided for before the sensitive pleasing of the body. And with all generous persons married thus it is; that where the mind and person pleases aptly, there some unaccomplishment of the bodies delight may be better born with, then when the mind hangs off in an unclosing disproportion, though the body be as it ought; for there all corporall delight will soone become unfavoury and contemptible. And the solitarines of man, which God had namely and principally order'd to prevent by marriage, hath no remedy, but lies under a worse condition then the loneliest single life; for in single life the absence and remotenes of a helper might inure him to expect his own comforts out of himselfe or to seeke with hope; but here the continuall sight of his deluded thoughts without cure, must needs be to him, if especially his complexion incline him to melancholy, a dayly trouble and paine of losse in some degree like that which Reprobats feele. Left therefore so noble a creature as man should be shut up incurably under a worse evill by an easie mistake in that ordinance which God gave him to remedy a lesse evill, reaping to himselfe sorrow while he went to rid away solitariness, it cannot avoid to be concluded, that if the woman be naturally so of disposition, as will not help to remove, but help to increafe that fame God forbidd'n lonelines which will in time draw on with it a generall discomfort and dejection of mind, not be seeming either Christian profession or morall conversation, unprofitable and dangerous to the Common-wealth, when the household estate, out of which must flourish forth the vigor and spirit of all publicke enterprizes is so ill contented and procur'd at home, and cannot be supported; such a mariage can be no mariage whereto the most honest end is wanting:
and the aggrieved person shall doe more manly, to be extraordinary and singular in claimyng the due right whereof he is frustrated, then to piece up his lost contentment by visiting the Stews, or stepping to his neighbours bed, which is the common shift in this mis-fortune; or els by suffering his usefull life to waft away, and be lost under a secret affliction of an unconscionable size to humane strength. Against all which evills the mercy of this Mofaick Law was graciously exhibited.

CHAP. III.

The ignorance and iniquity of Canon Law, providing for the right of the body in mariage, but nothing for the wrongs and griefs of the mind. An objection, that the mind should be better lookt to before contract, answer'd.

Ow vaine therefore is it, and how preposterous in the Canon Law to have made such carefull provision against the impediment of carnall performance, and to have had no care about the unconversing inability of mind, so defective to the purest and most sacred end of matrimony: and that the vessell of voluptuous enjoyment must be made good on him that has taken it upon trust without any caution, when as the mind from whence must fow the acts of peace and love, a farre more pretious mixture then the quintesence of an excrement, though it be found never so deficient and unable to performe the best duty of mariage in a cheerfull and agreeable conversation, shall be thought good enough, however flat and melancholious it be, and must serve, though to the eternall disturbance and languishing of him that complains.
him. Yet wisdome and charity weighing Gods owne institution, would thinke that the pining of a sad spirit wedded to lonelines should deserve to be free'd, aswell as the impatience of a sensuall desire so providently reliev'd. Tis read to us in the Liturgy, that *we must not marry to satisfy the fleshly appetite, like brute beasts that have no understanding*; but the Canon so runs, as if it dreamt of no other matter then such an appetite to be satisfy'd; for if it happen that nature hath stoppt or extinguisht the veins of sensuality, that mariage was annulld. But though all the faculties of the understanding and convering part after triall appeare to be so ill and so averflly met through natures unalterable working, as that neither peace, nor any sociable contentment can follow, 'tis as nothing, the contract shall stand as firme as ever, betide what will. What is this, but secretly to instruct us, that however many grave reasons are pretended to the maried life, yet that nothing indeed is thought worth regard therein, but the prescrib'd satisfaction of an irrational heat; which cannot be but ignominious to the state of mariage, dishonourable to the undervalued soule of man, and even to Christian Doctrine it selve. While it seems more mov'd at the disappointing of an impetuus nerve, then at the ingenuous grievance of a mind unreasonably yoakt; and to place more of mariage in the channell of concupiscence, then in the pure influence of peace and love, whereof the soules lawfull contentment is the one onely fountain.

But some are ready to object, that the disposition ought seriously to be consider'd before. But let them know againe, that for all the warinesse can be us'd, it may yet befall a discreet man to be mistak'n in his choice, and we have plenty of examples. The sobrest and best govern'd men are least practiz'd in these affairs; and who knowes not that the bashfull
muteness of a virgin may oft-times hide all the un-
livelyness and naturall sloth which is really unfit for
conversation; nor is there that freedom of access granted or presum'd, as may suffice to a perfect dif-
cerning till too late: and where any disposition is
suspected, what more usuall then the persuasion of
friends, that acquaintance, as it increases, will amend
all. And lastly, it is not strange though many who
have spent their youth chastly, are in some things
not so quick-sighted, while they hast so eagerly to
light the nuptiall torch; nor is it therefore that for
a modest error a man should forfeit so great a hap-
piness, and no charritable means to release him.
Since they who have liv'd most loosely by reason of
their bold accustoming, prove most successfull in their
matches, because their wild affections unsettling at
will, have been as so many divorces to teach them
experience. When as the sober man honouring the
appearance of modesty, and hoping well of every
sociall vertue under the veile, may easily chance to
meet, if not with a body impenetrable, yet often
with a mind to all other due conversation inaccesible,
and to all the more estimable and superior purposes
of matrimony uselesse and almost livelesse: and what
a solace, what a fit helpe such a confort would be
through the whole life of a man, is lesse pain to con-
jecture then to have experience.
The Second Reason of this Law, because without it, marriage as it happen's oft is not a remedy of that which it promises, as any rationall creature would expect. That marriage, if we pattern from the beginning as our Saviour bids, was not properly the remedy of lust, but the fulfilling of conjugal love and helpfulness.

And that we may further see what a violent cruell thing it is to force the continuing of those together, whom God and nature in the gentlest end of marriage never joyn'd, divers evils and extremities that follow upon such a compulsion, shall here be set in view. Of evils the first and greatest is, that hereby a most absurd and rash imputation is fixt upon God and his holy Laws, of conniving and dispensing with open and common adultery among his chosen people; a thing which the rankest politician would thinke it shame and dis-worship, that his Laws should countenance; how and in what manner this comes to passe, I shall reserve, till the course of method brings on the unfolding of many Scriptures. Next the Law and Gospell are hereby made liable to more then one contradiction, which I referre also thither. Lastly, the supreme dictate of charitie is hereby many ways neglected and violated. Which I shall forthwith addresse to prove. First we know St. Paul faith, It is better to marry then to burn. Mariage therefore was giv'n as a remedy of that trouble: but what might this burning meane? Certainly not the meere motion of carnall lust, not the meer goad of a sensitive desire; God does not principally take care for such cattell. What is it then but that desire which God put into Adam in Paradise before he knew the sin of incon-
Ch. 4. Discipline of Divorce.


discipline of divorce. 29

tinence; that desire which God saw it was not good that man should be left alone to burne in; the desire and longing to put off an unkindly solitariness by uniting another body, but not without a fit soule to his in the cheerfull society of wedlock. Which if it were so needfull before the fall, when man was much more perfect in himselfe, how much more is it needfull now against all the sorrows and casualties of this life to have an intimate and speaking helpe, a ready and reviving associate in marriage: whereof who misse by chancing on a mute and spiritleffe mate, remaines more alone then before, and in a burning lesse to be contain'd then that which is fleshly and more to be consider'd; as being more deeply rooted even in the faulties innocence of nature. As for that other burning, which is but as it were the venom of a lusty and overabounding concoctio, strict life and labour, with the abatement of a full diet may keep that low and obedient enough: but this pure and more inbred desire of joyning to it selfe in conjugall fellowship a fit conversing soule (which desire is properly call'd love) is stronger then death, as the spouse of Christ thought, many waters cannot quench it, neither can the floods drown it. This is that rationall burning that mariage is to remedy, not to be allay'd with fasting, nor with any penance to be subdu'd, which how can he asswage who by mis-hap hath met the most unmeetestl and unsutable mind? Who hath the power to struggle with an intelligible flame, not in paradise to be refisted, become now more ardent by being fail'd of what in reason it lookt for; and even then most unquencht, when the importunity of a provender burning is well anough appeas'd; and yet the soul hath obtained nothing of what it justly desires. Certainly such a one forbidd'n to divorce, is in effect forbidd'n to marry, and compell'd to greater difficulties then in a single life; for
if there be not a more humane burning which marriage must satisfy, or els may be dissolv'd, then that of copulation, marriage cannot be honourable for the meet reducing and terminating lust between two: seeing many beasts in voluntary and chosen couples, live together as unadulterously, and are as truly married in that respect. But all ingenious men will see that the dignity and blessing of marriage is plac't rather in the mutuall enjoyment of that which the wanting soul needfully seek's, then of that which the plenteous body would joyfully give away. Hence it is that Plato in his festival discourse brings in Socrates relating what he fain'd to have learnt from the Prophetess Diotima, how Love was the sonne of Penury, begot of Plenty in the garden of Jupiter. Which divinely sorts with that which in effect Mofes tells us, that Love was the son of Lonelines, begot in Paradice by that sociable and helpfull aptitude which God implanted between man and woman toward each other. The same also is that burning mention'd by S. Paul, whereof marriage ought to be the remedy; the Flesh hath other mutuall and easie curbs which are in the power of any temperate man. When therefore this originall and finles Penury or Lonelines of the soule cannot lay it selfe downe by the side of such a meet and acceptable union as God ordain'd in marriage, at least in some proportion, it cannot conceive and bring forth Love, but remains utterly unmarried under a formall wedlock and still burns in the proper meaning of S. Paul. Then enters Hate, not that Hate that sins, but that which onely is naturall dissatisfaction and the turning aside from a mistaken object: if that mistake have done injury, it fails not to dismisfe with recompence; for to retain still, and not be able to love, is to heap up more injury. Thence this wise and pious Law of dismission now defended tooke beginning: He therefore
who lacking of his due in the most native and humane end of marriage, thinks it better to part then to live sadly and injuriously to that cheerefull cov'nant (for not to be belov'd and yet retain'd is the greatest injury to a gentle spirit) he I say who therefore seeks to part, is one who highly honours the married life and would not stayn it: and the reasons which now move him to divorce, are equall to the best of those that could first warrant him to marry; for, as was plainly shewn, both the hate which now diverts him and the lonelinesse which leads him still powerfully to seeke a fit helpe, hath not the least grain of a sin in it, if he be worthy to understand himselfe.

CHAP. V.

The third reason of this Law, because without it, he who has happned where he finds nothing but remedies offences and discontents, is in more and greater temptations then ever before.

Hirdly, Yet it is next to be fear'd, if he must be still bound without reason by a deafe rigor, that when he perceives the just expectance of his mind defeated, he will begin even against Law to cast about where he may find his satisfaction more compleat, unless he be a thing heroically vertuous, and that are not the common lump of men for whom chiefly the Laws ought to be made, though not to their sins yet to their unfinning weaknesses, it being above their strength to endure the lonely estate, which while they shun'd, they are fal'n into. And yet there follows upon this a worse temptation; for if he be such as hath spent his youth unblamably and layd up his chiefest earthly comforts in the enjoyment of a contented marriage,
nor did neglect that furderance which was to be obtain'd therein by constant prayers, when he shall find himselfe bound fast to an uncomplying discord of nature, or, as it oft happens, to an image of earth and sisme, with whom he lookt to be the copartner of a sweet and gladsome society and sees withall that his bondage is now inevitable, though he be almost the strongest Christian, he will be ready to dispaire in vertue, and mutin against divine providence: and this doubtles is the reason of those lapses and that melancholly despaire which we see in many wedded persons, though they understand it not, or pretend other causes, because they know no remedy and is of extreme danger; therefore when human frailty surcharg'd, is at such a losse, charity ought to venture much, and use bold physick, left an over-toft faith indanger to shipwrack.

CHAP. VI.

The Fourth Reason of this Law, that God regards Love and Peace in the family, more then a compulsive performance of mariaage, which is more broke by a grievous continuance, then by a needfull divorce.

Ourthly, Maritage is a cov'nant the very beeing whereof consists, not in a forc't cohabitation, and counterfet performance of duties, but in unfained love and peace. And of matrimoniall love no doubt but that was chiefly meant, which by the ancient Sages was thus parabl'd, That Love, if he be not twin-born, yet hath a brother wondrous like him, call'd Anteros: whom while he seeketh all about, his chance is to meet with many fals and faining Desires that wander singly up and down in her likenes. By them in their borrow'd
garb, Love though not wholly blind, as Poets wrong him, yet having but one eye, as being born an Archer aiming, and that eye not the quickest in this dark region here below, which is not Loves proper sphere, partly out of the simplicity, and credulity which is native to him, often deceiv'd, imbraces and conforts him with these obvious and subborned striplings, as if they were his Mothers own Sons, for so he thinks them, while they futtly keepe themselves moft on his blind side. But after a while, as his manner is, when soaring up into the high Tower of his Apogæum, above the shadow of the earth, he darts out the direct rayes of his then most piercing eyesight upon the impos- tures, and trim disguises that were us'd with him, and discerns that this is not his genuin brother, as he imagin'd, he has no longer the power to hold fellowship with such a personal mate. For strait his arrows loofe their golden heads, and shed their purple feathers, his filk'n breades untwine, and flip their knots, and that originall and fire vertue giv'n him by Fate, all on a sudden goes out and leaves him undeifi'd and despoil'd of all his force: till finding Aneres at laft, he kindles and repairs the almost faded ammunition of his Deity by the reflection of a co- equal and homogeneal fire. Thus mine author sung it to me; and by the leave of those who would be counted the only grave ones; this is no meer amatorious novel (though to be wise and skilful in these matters, men heretofore of greatest name in vertue, have esteemed it one of the highest arks that human contemplation circling upwards, can make from the glaffy see whereon she stands) but this is a deep and serious verity, shewing us that Love in mairiage cannot live nor subsist unlesse it be mutual; and where love cannot be, there can be left of wedlock nothing, but the empty husk of an outside matrimony; as un-delightfull and unpleasing to God, as any other kind
of hypocrisy. So farre is his command from tying men to the observance of duties which there is no help for, but they must be dissembl'd. If Salomon's advice be not over frolick, Love joyfully, faith he, with the wife whom thou lovest, all thy dayes, for that is thy portion. How then, where we finde it impossible to rejoice or to love, can we obey this precept? how miserably do we defraud our selves of that comfortable portion which God gives us, by striving vainly to glue an error together which God and nature will not joyn; adding but more vexation and violence to that blissfull society by our importunate superstition, that will not hearken to St. Paul, 1 Cor. 7. who speaking of mariage and divorce, determines plain enough in generall, that God therein hath call'd us to peace and not to bondage. Yea God himself commands in his Law more then once, and by his Prophet Malachy, as Calvin and the best translations read, that he who hates let him divorce; that is he who cannot love: hence is it that the Rabbins and Maimonides famous among the rest in a Book of his set forth by Buxtorfius, tells us, that Divorce was permitted by Moses to preserve peace in mariage, and quiet in the family. Surely the Jews had their saving peace about them, aswell as we, yet care was tak'n that this wholesome provision for houfhoudl peace should also be allow'd them; and must this be deny'd to Christians? O perversnes! that the Law should be made more provident of peace-making then the Gospell! that the Gospel should be put to beg a most necessary help of mercy from the Law, but must not have it: and that to grind in the mill of an undelighted and servil copulation, must be the only force work of a Christian mariage, oft times with such a yokesfellow, from whom both love and peace, both nature and Religion mourns to be separated. I cannot therefore be so diffident, as not securely to conclude, that he who
can receive nothing of the most important helps in marriage, being thereby disnabl’d to returne that duty which is his, with a cleare and hearty countenance; and thus continues to grieve whom he would not, and is no leffe griev’d, that man ought even for loves fake and peace to move Divorce upon good and liberall conditions to the divorc’t. And it is a leffe breach of wedlock to part with wise and quiet content betimes, then still to foile and profane that mystery of joy and union with a polluting sadnesse and perpetuall distemper; for it is not the outward continuing of mariage that keepes whole that cov’nant, but whosoever does moft according to peace and love, whether in mariage or in divorce, he it is that breaks mariage least; it being so often written, that Love only is the fullfilling of every Commandement.

CHAP. VII.
The Fift Reason, that nothing more hinders and disturbs the whole life of a Christian, then a matrimony found to be uncurably unfit, and doth the fame in effect that an Idolatrous match.

Ifthly, as those Priests of old were not to be long in sorrow, or if they were, they could not rightly execute their function; so every true Christian in a higher order of Priesthood is a person dedicate to joy and peace, offering himselfe a lively sacrifice of praise and thanksgiving, and there is no Christian duty that is not to be season’d and set off with cheerfulnesse; which in a thousand outward and intermitting crosses may yet be done well, as in this vale of teares, but in such a bosome affliction as this, crushing the very foundation of his inmost nature when he shall be forc’t to
love against a possibility, and to use a dissimulation against his soul in the perpetuall and ceaseless duties of a husband doublest his whole duty of serving God must needs be blurr'd and tainted with a sad unpreparedness and dejection of spirit, wherein God has no delight. Who sees not therefore how much more Christianitity it would be to breake by divorce that which is more broken by undue and forcible keeping, rather then to cover the Altar of the Lord with continuall tears so that he regardeth not the offering any more, rather then that the whole worship of a Christian mans life should languish and fade away beneath the weight of an immeasurable grief and discouragement. And because some think the childr'n of a second matrimony succeeding a divorce would not be a holy seed 'tis hinder'd not the Jews from being so, and why should we not thinke them more holy then the off-spring of a former ill-twisted wedlock, begott'n only out of a bestiall necessitie without any true love or contentment, or joy to their parents, so that in some sense we may call them the children of wrath and anguish, which will as little conduce to their sanctifying, as if they had been bastards; for nothing more then disturbance of mind suspends us from approaching to God. Such a disturbance especially as both assaults our faith and trust in Gods providence, and ends, if there be not a miracle of vertue on either side, not onely in bitternes and wrath, the canker of devotion, but in a desperate and vitious carelessnesse; when he sees himself without fault of his, train'd by a deceitfull bait into a snare of misery, betrai'd by an alluring ordinance, and then made the thrall of heavines and discomfort by an undivorcing Law of God, as he erroneously thinks, but of mans iniquitie, as the truth is; for that God preferres the free and cheerfull worship of a Christian, before the grievous and exacted observance of an unhappy mar-
riage, besides that the generall maximes of Religion assure us, will be more manifest by drawing a parallel argument from the ground of divorcing an Idolatresse, which was, left he should alienate his heart from the true worship of God: and what difference is there whether she pervert him to superstition by her inticing sorcery, or definable him in the whole service of God through the disturbance of her unhelpfull and unfit society; and so drive him at last through murmuring and despair to thoughts of Atheisme; neither doth it lessen the cause of separating in that the one willingly allures him from the faith, the other perhaps unwillingly drives him; for in the account of God it comes all to one that the wife looses him a servant; and therefore by all the united force of the Decalogue she ought to be disbanded, unless we must set marriage above God and charity, which is a doctrine of divels no leffe then foridding to marry.

CHAP. VIII.

That an idolatrous Heretick ought to be divorc't after a convenient space giv'n to hope of conversion. That place of Corinth. 7. restor'd from a twofold erroneous exposition, and that the common expositers flatly contradict the morall Law.

And here by the way to illustrate the whole question of divorce, ere this treatise end, I shall not be loath to spend a few lines in hope to give a full resolve of that which is yet so much controverted, whether an idolatrous heretick ought to be divorc't. To the resolving whereof we must first know that the Jews were commanded to divorce an unbelieving Gentile for
two causes: first, because all other Nations, especially the Canaanites were to them unclean. Secondly, to avoid seducement. That other Nations were to the Jews impure, even to the separating of marriage, will appear out of Exod. 34. 16. Deut. 7. 3. 6. compar'd with Ezra 9. 2. also Chap. 10. 10, 11. Nehem. 13. 30. This was the ground of that doubt rais'd among the Corinthians by some of the Circumcision; Whether an unbeliever were not still to be counted an unclean thing, so as that they ought to divorce from such a person. This doubt of theirs S. Paul removes by an Evangelicall reason, having respect to that vision of S. Peter, wherein the distinction of clean and unclean being abolished, all living creatures were sanctified to a pure and Christian use, and mankind especially, now invited by a general call to the cov'nant of grace. Therefore saith S. Paul, The unbelieving wife is sanctify'd by the husband; that is, made pure and lawfull to his use; so that he need not put her away for fear left her unbeliever should defile him; but that if he found her love still towards him, he might rather hope to win her. The second reason of that divorce was to avoid seducement, as is prov'd by comparing those places of the Law, to that which Ezra and Nehemiah did by divine warrant in compelling the Jews to forgo their wives. And this reason is moral and perpetuall in the rule of Christian faith without evasion. Therefore saith the Apostle 2 Cor. 6. Mif-yoke not together with infidels, which is interpreted of marriage in the first place. And although the former legall pollution be now don off, yet there is a spiritual contagion in Idolatry as much to be shun'd; and though seducement were not to be fear'd, yet where there is no hope of converting, there always ought to be a certain religious aversion and abhorring, which can no way fort with marriage. Therefore saith S. Paul, What fellowship hath righte-
Ch. 8. Discipline of Divorce.

Difcipline of Divorce. 39

oufneffe with unrighteousneffe? what communion hath light with darknes? what concord hath Christ with Belial? what part hath he that believeth with an infidel? And in the next verse but one he moralizes and makes us liable to that command of Isaiah, Wherefore come out from among them, and be ye separate, faith the Lord, touch not the unclean thing, and I will receive ye. And this command thus Gospeliz'd to us, hath the same force with that wheron Ezra grounded the pious necessity of divorcing. Neither had he other commission for what he did, then such a generall command in Deut. as this, nay not so direct as this; for he is bid there not to marry, but not bid to divorce, and yet we see with what a zeal and confidence he was the author of a generall divorce between the faithfull and unfaithfull seed. The Gospel is more plainly on his side according to three of the Evangelists, then the words of the Law; for where the case of divorce is handled with such a severity as was fittest to aggravate the fault of unbounded licence; yet still in the same chapter when it comes into question afterwards whether any civill respect, or naturall relation which is dearest, may be our plea to divide, or hinder, or but delay our duty to religion, we hear it determin'd that father and mother, and wife also is not only to be hated, but forsak'n, if we mean to inherit the great reward there promis'd. Nor will it suffice to be put off by saying we must forfake them only by not consenting or not complying with them, for that were to be don, and roundly too, though being of the same faith they should but seek, out of a fleshly tendernes to weak'n our Christian fortitude with worldly persuasions, or but to unsettle our constancie with timorous and softning suggestions: as we may read with what a vehemence Job the patientest of men, rejected the desperate counsels of his wife; and Moses the meekest
being throughly offended with the prophane speeches of Zippora, sent her back to her father. But if they shall perpetually at our elbow seduce us from the true worship of God, or defile and daily scandalize our conscience by their hoples continuance in misbe-
lief, then ev'n in the due progress of reason, and that ever-equall proportion which justice proceeds by, it cannot be imagin'd that this cited place, com-
mands less then a total and final separation from such an adherent; at least that no force should be us'd to keep them together: while we remember that God commanded Abraham to send away his irre-
ligious wife and her son for the offences which they gave in a pious family. And it may be guest that David for the like cause dispos'd of Michael in such a sort, as little differ'd from a dismissal. Therfore against reiterated scandals and seducements which never cease, much more can no other remedie or re-
tirement be found but absolute departure. For what kind of matrimony can that remain to be, what one dutie between such can be perform'd as it should be from the heart, when their thoughts and spirits flie asunder as farre as heaven from hell; especially if the time that hope should send forth her expected blossoms be past in vain. It will easily be true that a father or brother may be hated zealously, and lov'd civilly or naturally; for those duties may be perform'd at distance, and do admit of any long absence: but how the peace and perpetuall cohabitation of mar-
riage can be kept, how that benevolent and intimate communion of body can be held with one that must be hated with a most operative hatred, must be for-
sak'n and yet continually dwelt with and accompa-
nied, he who can distinguish, hath the gift of an affection very odly divided and contriv'd: while others both just and wise, and Solomon among the
rest, if they may not hate and forfake as Moses enjoyns, and the Gospel imports, will find it impossible not to love otherwise then will fort with the love of God, whose jealousie brooks no corrivall. And whether is more likely, that Christ bidding to forfake wife for religion, meant it by divorce as Moses meant it, whose Law grounded on morall reason, was both his office and his essence to maintain, or that he should bring a new morality into religion, not only new, but contrary to an unchangeable command, and dangerously derogating from our love and worship of God. As if when Moses had bid divorce absolutely, and Christ had said, hate and forfake, and his Apostle had said, no communion with Christ and Belial, yet that Christ after all this could be understood to say, divorce not, no not for religion, seduce, or seduce not. What mighty and invisible Remora is this in matrimony able to demur, and to contemne all the divorcive engines in heaven or earth. Both which may now passe away if this be true, for more then many jots or tittles, a whole morall Law is abolish'd. But if we dare beleve it is not, then in the method of religion, and to Save the honour and dignity of our faith, we are to retreat, and gather up our selves from the observance of an inferior and civill ordinance, to the strict maintaining of a general and religious command, which is written, Thou shalt make no cov'nant with them, Deut. 7. 2. 3. and that cov'nant which cannot be lawfully made, we have directions and examples lawfully to dissolve. Also Chron. 2. 19. Shouldst thou love them that hate the Lord? No doubtlesse: for there is a certain scale of duties, there is a certain Hierarchy of upper and lower commands, which for want of studying in right order, all the world is in confusion.

Upon these principles I answer, that a right be-
leever ought to divorce an idolatrous heretick, unless
upon better hopes: however that it is in the beleevers
choice to divorce or not.

The former part will be manifest thus; first, an
apostate idolater whether husband or wife seducing
was to die by the decree of God, Deut. 13. 6. 9. that
marriage therefore God himselfe dif-joyns: for others
born idolaters the morall reaion of their dangerous
keeping, and the incommunicable antagony that is
between Chrift and Belial, will be sufficient to en-
force the commandment of those two inspir'd re-
formers, Ezra and Nehemiah, to put an Idolater away
as well under the Gospel.

The latter part, that although there be no seduce-
ment fear'd, yet if there be no hope giv'n, the divorce
is lawful, will appear by this, that idolatrous marriage
is still hatefull to God, therefore still it may be divorc't
by the patern of that warrant that Ezra had; and by
the fame everlafting reaion: Neither can any man
give an account wherfore, if those whom God joyns,
no man may separate, it should not follow, that, whom
he joyns not, but hates to joyn, those man
ought to separate. But faith the Lawyer, that which
ought not have been don, once don, avails. I an-
swer, this is but a crotchet of the Law, but that
brought againft it, is plain Scripture. As for what
Chrift spake concerning divorce, tis confess by all
knowing men, he meant onely between them of the
fame faith. But what shall we say then to S. Paul,
who seems to bid us not divorce an Infidell willing
to ftay? We may safely say thus; that wrong col-
lections have been hitherto made out of those words
by modern Divines. His drift, as was heard before,
is plain: not to command our ftay in mariage with
an Infidell, that had been a flat renouncing of the re-
ligious and morall Law; but to inform the Corin-
thians that the body of an unbeleever was not defiling,
if his desire to live in Christian wedlock shewed any likelihood that his heart was opening to the faith: and therefore advises to forbear departure so long, till nothing have been neglected to set forward a conversion: this I say he advises, and that with certain cautions; not commands: If we can take up so much credit for him, as to get him beleev’d upon his own word; for what is this els but his counsell in a thing indifferent, to the rest speak I, not the Lord; for though it be true that the Lord never spake it, yet from S. Pauls mouth we should have took it as a command, had not himself forewarn’d us, and disclaim’d ; which, notwithstanding if we shall still avouch to be a command, he palpably denying it, this is not to expound S. Paul, but to out-face him. Neither doth it follow, but that the Apostle may interpose his judgement in a case of Christian liberty without the guilt of adding to Gods word. How do we know marriage or single life to be of choice, but by such like words as these, I speak this by permission, not of commandment, I have no command of the Lord, yet I give my judgement. Why shall not the like words have leave to signifie a freedom in this our present question, though Beza deny. Neither is the Scripture hereby lesse inspir’d because S. Paul confesses to have writ’n therein what he had not of command; for we grant that the Spirit of God led him thus to expresse himself to Christian prudence in a matter which God thought best to leave uncommanded. Beza therefore must be warily read when he taxes S. Augustine of blasphemy for holding that S. Paul spake heer as of a thing indifferent. But if it must be a command, I shall yet the more evince it to be a command that we should herein be left free: and that out of the Greek word us’d in the 12. v. which instructs us plainly, there must be a joynt assent and good liking on both sides; he that will not deprave the Text,
must thus render it; If a brother have an unbelieving wife, and she joyn in consent to dwell with him (which cannot utter lesse to us then a mutuall agreement) let him not put her away for the meer surmise of Judaicall uncleannes: and the reason follows, for the body of an infidell is not polluted, neither to benevolence, nor to procreation. Moreover, this note of mutuall complacencie forbids all offer of seducement; which to a person of zeal cannot be attempted without great offence: if therefore seducement be fear'd, this place hiders not divorce. Another caution was put in this supposed command, of not bringing the beleever into bondage hereby, which doubtles might prove extreme, if Christian liberty and conscience were left to the humor of a pagan staying at pleasure to play with, and to vex and wound with a thousand scandals and burdens, above strength to bear: If therfore the conceived hope of gaining a soul, come to nothing, then charity commands that the beleever be not wearied out with endlesse waiting under many grievances fore to his spirit; but that respect be had rather to the present suffering of a true Christian, then the uncertain winning of an obdur'd heretick. The counsell we have from S. Paul to hope, cannot countermand the morall and Evangelick charge we have from God to fear seducement, to separete from the misbeleever, the unclean, the obdurate. The Apostle wishest us to hope, but does not send us a wooll-gathering after vain hope: he faith, How knowest thou, O man, whether thou shalt save thy wife, that is, till he try all due means, and set some reasonable time to himself after which he may give over washing an Ethiope, if he will hear the advice of the Gospel, Cast not pearls before swine, faith Christ himself. Let him be to thee as a heathen. Shake the dust off thy feet. If this be not anough, hate and forfake, what relation forewer. And this also
that follows, must appertain to the precept. *Let every man wherein he is call'd therein abide with God.* v. 24. that is, so walking in his inferior calling of marriage, as not by dangerous subjection to that ordinance, to hinder and disturb the higher calling of his Christianity. Last, and never too oft remembred, whether this be a command or an advice, we must look that it be so understood, as not to contradict the least point of morall religion that God hath formerly commanded, otherwise what do we but set the morall Law and the Gospel at civill war together: and who then shall be able to serve those two masters?

**CHAP. IX.**

*That adultery is not the greatest breach of matrimony, that there may be other violations as great.*

Ow whether Idolatry or Adultery be the greatest violation of marriage, if any demand, let him thus consider, that among Christian Writers touching matrimony, there be three chief ends thereof agreed on; Godly society, next civill, and thirdly, that of the marriage-bed. Of these the first in name to be the highest and most excellent, no baptiz'd man can deny; nor that Idolatry smites directly against this prime end, nor that such as the violated end is, such is the violation: but he who affirms adultery to be the highest breach, affirms the bed to be the highest of marriage, which is in truth a grosse and borish opinion, how common soever; as far from the countenance of Scripture, as from the light of all clean philosophy, or civill nature. And out of question the cheerfull help that may be in marriage toward sanctity of life, is the purest, and so the noblest end of that contrâ ct:
but if the particular of each person be consider'd, then of those three ends which God appointed, that to him is greatest which is most necessary: and marriage is then most brok'n to him, when he utterly wants the fruition of that which he most sought therein, whether it were religious, civill, or corporall society. Of which wants to do him right by divorce onely for the last and meanest, is a perverse injury, and the pretended reason of it as frigid as frigidity it self, which the Code and Canon are only sensible of. Thus much of this controversy. I now return to the former argument. And having shewn that disproportion, contrariety, or numness of mind may justly be divorc't, by proving already that the prohibition therof opposes the expresse end of Gods institution, suffers not marriage to satisfie that intellectual and innocent desire which God himself kindl'd in man to be the bond of wedlock, but only to remedy a sublunary and bestiall burning, which frugall diet without marriage would easily chaft'n. Next that it drives many to transgress the conjugall bed, while the soul wanders after that satisfaction which it had hope to find at home, but hath mis't. Or els it sits repining even to Atheism; finding it self hardly dealt with, but misdeeming the cause to be in Gods Law, which is in mans unrighteous ignorance. I have shew'n also how it unties the inward knot of marriage, which is peace and love (if that can be untied which was never knit) while it aimes to keep fast the outward formalitie; how it lets perish the Christian man, to compell imposibly the married man.
CHAP. X.

The Sixth Reason of this Law, that to prohibit divorce fought for natural causes is against nature.

He sixth place declares this prohibition to be as respectlesse of humane nature as it is of religion, and therefore is not of God. He teaches that an unlawfull mariage may be lawfully divorc't. And that those who having throughly discern'd each others disposition which oft-times cannot be till after matrimony, shall then find a powerfull reluctance and recoile of nature on either side blasting all the content of their mutuall society, that such persons are not lawfully maried (to use the Apostles words) Say I these things as a man, or faith not the Law also the same? for it is writ't, Deut. 22. Thou shalt not sowe thy vineyard with divers seeds, lest thou defile both. Thou shalt not plow with an Ox and an Asse together, and the like. I follow the pattern of S. Pauls reasoning; Doth God care for asse's and oxen, how ill they yoke together, or is it not said altogether for our sakes? for our sakes no doubt this is writ't. Yea the Apostle himself in the fore-cited 2 Corinth. 6. 14. alludes from that place of Deut. to forbid mis-yoking mariage; as by the Greek word is evident, though he instance but in one ex- ample of mis-matching with an Infidell: yet next to that what can be a fouler incongruitie, a greater violence to the reverend secret of nature, then to force a mixture of minds that cannot unite, and to sowe the furrow of mans nativity with seed of two inco-herent and uncombining dispositions; which act being kindly and voluntarie, as it ought, the Apostle in the language he wrote call'd Eunoia, and the La- tines Benevolence, intimating the originall thereof to
be in the understanding and the will: if not, surely there is nothing which might more properly be call'd a malevolence rather; and is the most injurious and unnaturall tribute that can be extorted from a person endew'd with reason, to be made pay out the best substance of his body, and of his soul too, as some think, when either for just and powerfull causes he cannot like, or from unequall causes finds not recom- pence. And that there is a hidden efficacie of love and hatred in man as well as in other kinds, not morall, but naturall, which though not alwaies in the choice, yet in the successe of mariage will ever be most predominant, besides daily experience, the au- thor of Ecclesiasticus, whose wisedom hath set him next the Bible, acknowledges, 13. 16. A man, faith he, will cleave to his like. But what might be the cause, whether each ones allotted Genius or proper Star, or whether the supernall influence of Schemes and angular aspects or this elementall Craft here below, whether all these joyntly or singly meeting friendly, or unfriendly in either party, I dare not, with the men I am likeft to clath, appear so much a Philosopher as to conjecture. The ancient Proverb in Homer leffe obstrufe entitles this work of leading each like perfon to his like, peculiarly to God him- self: which is plain enough also by his naming of a meet or like help in the first espoufall instituted; and that every woman is meet for every man, none so ab- surd as to affirm. Seeing then there is indeed a two- fold Seminary or flock in nature, from whence are deriv'd the issues of love and hatred distinctly flowing through the whole masse of created things, and that Gods doing ever is to bring the due likenesses and harmonies of his works together, except when out of two contrarys met to their own destruction, he moulds a third exisistence, and that it is error, or some evil Angel which either blindly or maliciously hath
Ch. 10. Discipline of Divorce.

drawn together in two persons ill imbarkeit in wedlock the sleeping discords and enmities of nature lull'd on purpose with some false bait, that they may wake to agony and strife, later then prevention could have wisht, if from the bent of just and honest intentions beginning what was begun, and so continuing, all that is equall, all that is fair and possible hath been tri'd, and no accommodation likely to succeed; what folly is it still to stand combating and battering against invincible causes and effects, with evill upon evill, till either the best of our dayes be linger'd out, or ended with some speeding sorrow. The wise Ecclesiasticus advises rather, 37. 27. My son, prove thy soul in thy life, see what is evill for it, and give not that unto it. Reason he had to say so; for if the noisomenesse or disfigurement of body can soon destroy the sympathy of mind to wedlock duties, much more will the annoyance and trouble of mind infuse it self into all the faculties and acts of the body, to render them invalid, unkindly, and even unholy against the fundamentall law book of nature, which Moses never thwarts, but reverences: therefore he commands us to force nothing against sympathy or naturall order, no not upon the most abject creatures; to shew that such an indignity cannot be offer'd to man without an impious crime. And certainly those divine meditating words of finding out a meet and like help to man, have in them a consideration of more then the indefinite likenesse of womanhood; nor are they to be made waste paper on, for the dulnesse of Canon divinity: no nor those other allegorick precepts of beneficence fetcht out of the closet of nature to teach us goodnes and compassion in not compelling together unmatchable societies, or if they meet through mischance, by all consequence to disjoyn them, as God and nature signifies, and lectures to us not only by those recited decrees, but ev'n by
the first and last of all his visible works; when by his divorcing command the world first rose out of Chaos, nor can be renewed again out of confusion but by the separating of unmeet consorts.

CHAP. XI.

The seventh Reason, That sometimes continuance in marriage may be evidently the shortning or endangering of life to either party, both Law and Divinity concluding, that life is to be prefer’d before marriage the intended solace of life.

Eventhly, The Canon Law and Divines consent, that if either party be found contriving against another’s life, they may be sever’d by divorce; for a sin against the life of marriage, is greater then a sin against the bed: the one destroys, the other but defiles: The same may be said touching those persons who being of a penive nature and cours of life, have sum’d up all their solace in that free and lightsome conversation which God and man intends in marriage: wherof when they see themselves depriv’d by meeting an unsociable comfort, they oft-times resent one another’s mistake so deeply, that long it is not ere griefe end one of them. When therefore this danger is foreseen, that the life is in perill by living together, what matter is it whether helpless grief, or wilfull practice be the cause; This is certain, that the preservation of life is more worth then the compulsory keeping of marriage; and it is no lesse then crueltie to force a man to remain in that state as the solace of his life, which he and his friends know will be either the undoing or the disheartning of his life. And what is life without the vigor and spiritfull exercise of
life? how can it be useful either to private or publick employment? shall it therefore be quite dejected, though never so valuable, and left to moulder away in heaviness for the superstitious and impossible performance of an ill-driv'n bargain? Nothing more inviolable than vows made to God, yet we read in Numbers that if a wife had made such a vow, the mere will and authoritie of her husband might break it; how much more may he break the error of his own bonds with an unfit and mistak'n wife, to the saving of his welfare, his life, yea his faith and virtue from the hazard of over-strong temptations; for if man be Lord of the Sabbath, to the curing of a Fevor, can he be lesse then Lord of marriage in such important causes as these?

CHAP. XII.

The eighth Reason, It is probable, or rather certain, that every one who happ'ns to marry, hath not the calling, and therefore upon unsuitnesse found and consider'd, force ought not to be us'd.

Ighthly, It is most sure that some even of those who are not plainly defective in body, yet are destitute of all other mariageable gifts, and consequently have not the calling to marry; unless nothing be requisite thereto but a meer instrumentall body; which to affirm, is to that unanimous Covenant a reproach: yet it is as sure that many such, not of their own desire, but by the perswasion of friends, or not knowing themselves, do often enter into wedlock; where finding the difference at length between the duties of a married life, and the gifts of a single life; what unsuitnes of mind, what wearisomenesse, what scruples and doubts to an
incredible offence and displeasure are like to follow between, may be soon imagined: whom thus to shut up and immure and shut up together, the one with a mischoven mate, the other in a mistaken calling, is not a cours that Christian wisdom and tenderness ought to use. As for the custome that some parents and guardians have of forcing mariages, it will be better to say nothing of such a savage inhumanity, but onely thus, that the Law which gives not all freedom of divorce to any creature endued with reason so assassinated, is next in cruelty.

CHAP. XIII.

The ninth Reason, Because mariage is not a meer carnall coition, but a humane Society, where that cannot reasonably be had, there can be no true matrimony. Mariage compar'd with all other cov'nants and vows warrantably broken for the good of man. Mariage the Papis Sacrament, and unfit mariage the Protestants Idol.

Inthly, I suppose it will be allow'd us that mariage is a human Society, and that all human society must proceed from the mind rather then the body, els it would be but a kind of animall or beastish meeting; if the mind therefore cannot have that due company by mariage, that it may reasonably and humanly desire, that mariiage can be no human society, but a certain formality; or guilding over of little better then a brutish congrefle, and so in very wisdome and pureneffe to be disfolv'd.

But mariage is more then human, the Covenant of God, Prov. 2. 17. therefore man cannot disfolve it. I answer, if it be more then human, so much the more
it argues the chief society thereof to be in the soul rather than in the body, and the greatest breach thereof to be unfitness of mind rather than defect of body: for the body can have least affinity in a cov'nant more then human, so that the reason of dissolving holds good the rather. Again, I answer, that the Sabbath is a higher institution, a command of the first Table, for the breach whereof God hath far more and oftner testified his anger, then for divorces, which from Moses to Malachi he never took displeasure at, nor then neither, if we mark the Text; and yet as oft as the good of man is concern'd, he not only permits, but commands to break the Sabbath. What cov'nant more contracted with God, and lesse in mans power, then the vow which hath once past his lips? yet if it be found rash, if offensive, if unfruitfull either to Gods glory or the good of man, our doctrine forces not error and unwillingnes irksomly to keep it, but counsels wisdom and better thoughts boldly to break it; thersfore to enjoyn the indissoluble keeping of a mariage found unfit against the good of man both soul and body, as hath been evidenc't is to make an Idol of mariage, to advance it above the worship of God and the good of man, to make it a transcendent command, above both the second and the first Table, which is a most prodigious doctrine.

Next, wheras they cite out of the Proverbs, that it is the Cov'nant of God, and thersfore more then human, that consequence is manifeftly false: for so the cov'nant which Zedechiah made with the Infidell King of Babel, is call'd the Covnant of God. Ezek. 17. 19. which would be strange to hear counted more then a human cov'nant. So every cov'nant between man and man, bound by oath, may be call'd the cov'nant of God, because God therein is attested. So of mariage he is the author and the witnes; yet hence will not follow any divine afftriction more then what is
The Doctrine and

subordinate to the glory of God and the main good of either party; for as the glory of God and their esteemed fitness one for the other, was the motive which led them both at first to think without other revelation that God had joined them together, so when it shall be found by their apparent unfitness, that their continuing to be man and wife is against the glory of God and their mutual happiness, it may assure them that God never joined them; who hath revealed his gracious will not to set the ordinance above the man for whom it was ordained: not to canonize marriage either as a tyrannity or a godliness over the enfranchised life and soul of man: for wherein can God delight, wherein be worship, wherein be glorify'd by the forcible continuing of an improper and ill-yoking couple? He that lov'd not to see the disparity of several cattle at the plow, cannot be pleased with any vast unfitness in marriage. Where can be the peace and love which must invite God to such a house, may it not be feared that the not divorcing of such a helpless disagreement, will be the divorcing of God finally from such a place? But it is a trial of our patience they say: I grant it: but which of Job's afflictions were sent him with that law, that he might not use means to remove any of them if he could? And what if it subvert our patience and our faith too? Who shall answer for the perishing of all those souls perishing by stubborn expositions of particular and inferior precepts against the general and supreme rule of charity? They dare not affirm that marriage is either a Sacrament, or a mystery, though all those sacred things give place to man, and yet they invest it with such an awfull sanctity, and give it such adamantine chains to bind with, as if it were to be worship like some Indian deity, when it can conferre no blessing upon us, but works more and more to our misery. To such teachers the saying of S. Peter at
the Councell of Jerusalem will do well to be applied: *Why tempt ye God to put a yoke upon the necks of Christian men, which neither the Jews, Gods ancient people, nor we are able to bear:* and nothing but unwary expounding hath brought upon us.

CHAP. XIV.

Considerations concerning Familisme, Antinomianisme, and why it may be thought that such opinions may proceed from the undue restraint of some just liberty, then which no greater cause to contemne discipline.

O these considerations this also may be added as no improbable conjecture; seeing that sort of men who follow Anabaptism, Familism, Antinomianism, and other fanatick dreams, (if we understand them not amissle) be such most commonly as are by nature addicted to Religion, of life also not debaucht, and that their opinions having full swinge, do end in satisfaction of the flesh, it may be come with reason into the thoughts of a wise man, whether all this proceed not partly, if not chiefly, from the restraint of some lawfull liberty, which ought to be giv'n men, and is deny'd them. As by Physick we learn in menstruous bodies, where natures current hath been stopt, that the suffocation and upward forcing of some lower part, affects the head and inward sense with dotage and idle fancies. And on the other hand, whether the rest of vulgar men not so religiously proffessing do not give themselves much the more to whoredom and adulteries, loving the corrupt and venial discipline of clergie Courts, but hating to hear of perfect reformation: when as they foresee that then fornication shall be austerely cenfur'd, adultery punisht, and mariage the
appointed refuge of nature, though it hap to be never
so incongruous and displeasing, must yet of force be
worn out, when it can be to no other purpose but of
strife and hatred, a thing odious to God. This may
be worth the study of skilfull men in Theology, and
the reason of things: and lastly to examine whether
some undue and ill grounded strictnesse upon the
blamelesse nature of man, be not the cause in those
places where already reformation is, that the disci-
pline of the Church so often and so unavoidably
brok’n, is brought into contempt and derision. And
if it be thus, let those who are still bent to hold this
obstinate literality, so prepare themselves as to share
in the account for all these transgressions, when it
shall be demanded at the last day by one who will
scan and sift things with more then a literall wisdom
of equity; for if these reasons be duly ponder’d, and
that the Gospel is more jealous of laying on excessive
burdens then ever the Law was, left the soul of a
Christian which is inestimable, should be over-tempted
and cast away, considering also that many properties
of nature, which the power of regeneration it self
never alters, may cause dislike, of conversing even be-
tween the most sanctify’d, which continually grating
in harsh tune together, may breed some jarre and
discord, and that end in rancor and strife, a thing so
opposite both to marriage and to Christianity, it would
perhaps be leffe scandall to divorce a naturall dispa-
rity, then to link violently together an unchristian dif-
fention, committing two ensnared souls inevitably to
kindle one another, not with the fire of love, but
with a hatred inconcileable, who were they dissevered,
would be straight friends in any other relation. But
if an alphabeticall servility must be still urged, it may
so fall out, that the true Church may unwittingly use
as much cruelty in forbidding to divorce, as the Church
of Antichrist doth wilfully in forbidding to marry.
The second Book.

CHAP. I.

The Ordinance of Sabbath and marriage compar'd. Hyperbole no unfrequent figure in the Gospel. Excesscur'd by contrary excess. Christ neither did, nor could abrogate the Law of divorce, but onely reprove the abuse therof.

Itherto the Position undertaken hath been declar'd, and proved by a Law of God, that Law proved to be morall, and unabolishable for many reasons equall, honest, charitable, just, annext therto. It follows now that those places of Scripture which have a seeming to revoke the prudence of Moyses, or rather that merciful decree of God, be forthwith explain'd and reconcil'd. For what are all these reasonings worth wil some reply, when as the words of Christ are plainly against all divorce, except in case of fornication. To whom he whose mind were to answer no more but this, except also in case of charity, might safely appeal to the more plain words of Christ in defence of so excepting. Thou shalt do no manner of work faith the commandment of the Sabbath. Yes faith Christ works of charity. And shal we be more severe in paraphrasing the considerat and tender Gospel, then he was in expounding the rigid and peremptory Law? What was ever in all appearance lesse made for man, and more for God alone then the Sabbath? yet when the good of man comes into the scales, we hear that voice of infinite good-
The Doctrine and Bk. 2.

neffe and benignity that Sabbath was made for man, not man for Sabbath. What thing ever was more made for man alone and leffe for God then marriage? And shall we load it with a cruell and fencelss bond-age utterly against both the good of man and the glory of God? Let who so will now listen, I want neither pall nor mitre, I stay neither for ordination nor induction, but in the firm faith of a knowing Christian, which is the beft and trueft endowment of the keyes, I pronounce, the man who shall bind so cruelly a good and gracious ordinance of God, hath not in that the Spirit of Christ. Yet that every text of Scripture seeming oppofite may be attended with a due exposition, this other part ensues, and makes account to find no flender arguments for this affertion out of those very Scriptures, which are commonly urg'd againft it.

First therefore let us remember as a thing not to be deny'd, that all places of Scripture wherein juft reafon of doubts arises from the letter, are to be expounded by considering upon what occasion every thing is set down: and by comparing other Texts. The occasion which induc't our Saviour to speak of divorce, was either to convince the extravagance of the Pharifes in that point, or to give a sharp and vehement answer to a tempting question. And in such cases that we are not to repofe all upon the li-terall terms of fo many words, many inftances will teach us: Wherin we may plainly discover how Christ meant not to be tak'n word for word, but like a wife Phyfician, administering one exceffe againft another to reduce us to a perfect mean: Where the Pharifes were strict, there Christ seems remiffe; where they were too remiffe, he saw it needfull to feem most severe: in one place he censures an unchaft look to be adultery already committed: another time he paffes over actuall adultery with leffe reproof then for an
unchaft look; not so heavily condemning secret weaknesses, as open malice: So heer he may be justly thought to have giv'n this rigid sentence against divorce, not to cut off all remedy from a good man who finds himself consuming away in a disconsolate and uninjoy'd matrimony, but to lay a bridle upon the bold abuses of those over-weening Rabbies; which he could not more effectually do, then by a countersway of restraint curbing their wild exorbitance almost into the other extreme; as when we bow things the contrary way, to make them come to their naturall straitnesse.

And that this was the only intention of Christ is most evident; if we attend but to his own words and protestation made in the same Sermon, not many verses before he treats of divorcing, that he came not to abrogate from the Law one jot or tittle, and denounces against them that shall so teach.

But S. Luke, the verse immediately before going that of divorce inserts the same caveat, as if the latter could not be understood without the former; and as a witnesse to produce against this our wilfull mistake of abrogating, which must needs confirm us that what ever els in the political law of more special relation to the Jewes might cease to us, yet that of those precepts concerning divorce, not one of them was repeal'd by the Doctrine of Christ, unless we have vow'd not to beleive his own cautious and immediat profession; for if these our Saviours words inveigh against all divorce, and condemn it as adultery, except it be for adultery, and be not rather understood against the abuse of those divorces permitted in the Law, then is that Law of Moës, Deut. 24. 1. not onely repeal'd and wholly annul'd against the promise of Christ and his known profession, not to meddle in matters Judicial, but that which is more strange, the very substance and purpose of that Law is contradicted and convinc't both of injustice and impu-
rity, as having authoriz'd and maintain'd legall adultery by statute. Moses also cannot scape to be guilty of unequall and unwise decrees, punishing one act of secret adultery by death, and permitting a whole life of open adultery by Law. And albeit Lawyers write that some politicall edicts, though not approv'd, are yet allow'd to the scum of the people and the necessity of the times; these excuses have but a weake pulse: for first, we read, not that the scoundrel people, but the choicest, the wisest, the holiest of that nation have frequently us'd these lawes, or such as these in the best and holiest times. Secondly, be it yeelded, that in matters not very bad or impure, a human law giver may flacken something of that which is exactly good, to the disposition of the people and the times: but if the perfect, the pure, the righteous law of God, for so are all his statutes and his judgements, be found to have allow'd smoothly without any certain reprehension, that which Christ afterward declares to be adultery, how can we free this Law from the horrible endightment of being both impure, unjust, and fallacious.

CHAP. II.

How divorce was permitted for hardnesse of heart, cannot be understood by the common exposition. That the Law cannot permit, much lesse enact a permission of sin.

Either will it serve to say this was permitted for the hardnesse of their hearts, in that sense, as it is usually explain'd, for the Law were then but a corrupt and erroneous School-master, teaching us to dash against a vitall
maxim of religion, by doing foul evil in hope of some uncertain good.

This onely Text not to be match't again through-out the whole Scripture, whereby God in his perfect Law should seeme to have granted to the hard hearts of his holy people under his owne hand, a civill immunity and free charter to live and die in a long successive adultery, under a covenant of works, till the Messiah, and then that indulgent permission to be strictly deny'd by a cov'nant of grace; besides the incoherence of such a doctrine, cannot, must not be thus interpreted, to the raising of a paradox never known till then, onely hanging by the twin'd thred of one doubtsfull Scripture, against so many other rules and leading principles of religion, of justice, and purity of life. For what could be granted more either to the feare, or to the luft of any tyrant, or explicitciat, then this authority of Moses thus expounded; which opens him a way at will to damme up justice, and not onely to admit of any Romijh or Austrian dispences, but to enact a statute of that which he dares not seeme to approve, ev'n to the legitimate vices, to make sinne it selfe, the ever alien and vassal sin, a free Citizen of the Common-wealth, pretending onely these or these plausible reaons. And well he might, all the while that Moses shall be alledged to have done as much without shewing any reason at all. Yet this could not enter into the heart of David, Psal. 94. 20. how any such authority as endeavours to fashion wickednes by a law, should derive it selfe from God. And Isaiah layes woe upon them that decree unrighteous decrees 10. 1. Now which of these two is the better Lawgiver, and which deserves moft a woe, he that gives out an edict singly unjust, or he that confirmes to generations a fixt and unmolested impunity of that which is not onely held to be unjust, but also unclean, and both in a high
degree, not only as they themselves affirm, an injuri-
ous expulsion of one wife, but also an unclean free-
dome by more then a patent to wed another adul-
terously? How can we therefore with safety thus
dangerously confine the free simplicity of our Saviours
meaning to that which meerly amounts from so many
letters, when as it can consist neither with his for-
mer and cautionary word, nor with other more pure
and holy principles, nor finally with the scope of
charity, commanding by his expresse commission in
a higher grain. But all rather of necessity must be
understood as onely against the abuse of that wise and
ingenuous liberty which Moses gave, and to terrifie a
roving conscience from finning under that pretext.

CHAP. III.

That to allow sin by Law, is against the nature of Law,
the end of the law-giver and the good of the people.
Impossible therefore in the Law of God. That it
makes God the author of sin more then any thing ob-
jected by the Jesuits or Arminians against Predesti-
nation.

But let us yet further examine upon what
consideration a Law of licence could be
thus giv'n to a holy people for the hard-
nesse of heart. I suppose all will answer,
that for some good end or other. But here the con-
trary shall be prov'd. First, that many ill effects,
but no good end of such a sufferance can be shewn;
next, that a thing unlawful can for no good end
whatever be either don or allow'd by a positive law.
If there were any good end aim'd at, that end was
then good, either to the Law, or to the lawgiver li-
cencing; or as to the person licenc't. That it could
not be the end of the Law, whether Morall or Judiciall to licence a sin, I prove easily out of Rom. 5. 20. The Law enter'd that the offence might abound, that is, that sin might be made abundantly manifest to be hainous and displeasing to God, that so his offer'd grace might be the more esteem'd. Now if the Law in stead of aggravating and terrifying sin, shall give out licence, it foils it selfe, and turns recreant from its owne end: it forestalls the pure grace of Christ which is through righteousness, with impure indulgences which are through sin. And in stead of discovering sinne, for by the Law is the knowledge thereof faith S. Paul, and that by certain and true light for men to walk in safety, it holds out fals and dazzling fires to stumble men: or like those miserable flies to run into with delight, and be burnt: for how many soules might easily think that to be lawfull, which the Law and Magistrate allow'd them? Again we read, 1 Tim. 1. 5. The end of the Commandment is charity out of a pure hart, and of a good conscience, and of faith unfained. But never could that be charity to allow a people what they could not use with a pure heart, but with conscience and faith both deceiv'd, or els despis'd. The more particular end of the Judiciall Law is set forth to us clearly Rom. 13. that God hath giv'n to that Law a Sword not in vain, but to be a terror to evil works, a revenge to execute wrath upon him that doth evil. If this terrible commissiion shou'd but forbear to punish wickedness, were it other to be accounted then partiall and unjust? but if it begin to write indulgence to vulgar uncleanness; can it doe more to corrupt and shame the end of its own being? Lastly, if the Law allow sin, it enters into a kind of covnant with sin, and if it doe, there is not a greater sinner in the world then the Law it selfe. The Law, to use an allegory somthing different from that in Philo Judæus con-
cerning Amaleck, though haply more significant, the Law is the Israelite, and hath this absolute charge given it, Deut. 25. To blot out the memory of sin the Amalekite from under heav'n, not to forget it. Again, the Law is the Israelite, and hath this express repeated command to make no cov'nant with sin the Canaanite, but to expell him, lest he prove a snare. And to say truth it were too rigid and reasonlesse to pro-claine such an enmity between man and man, were it not the type of a greater enmity between law and sin. I speake ev'n now, as if sin were condemn'd in a perpetuall villonage never to be free by law, never to be manumitted: but sure sin can have no tenure by law at all but is rather an eternall outlaw, and in hostility with Law past all attonement: both diagonal contraries, as much allowing one another, as day and night together both in one hemisphere. Or if it be possible, that sin with his darkness may come to composition, it cannot be without a foul eclipse, and twylight to the law, whose brightness ought to surpass the noon. Thus we see how this unclean permittance defeats the sacred and glorious end both of the Moral and Judicial Law.

As little good can the lawgiver propose to equity by such a lavish remissnes as this: if to remedy hardnesse of heart, Paræus and other divines confesse, it more encreasês by this liberty, then is leffin'd: and how is it probable that their hearts were more hard in this that it should be yeelded to, then in any other crime? Their hearts were set upon usury, and are to this day, no Nation more; yet that which was the endammaging onely of their estates, was narrowly forbid; this which is thought the extreame injury and dishonour of their Wives and daughters with the defilement also of themselves, is bounteously allow'd. Their hearts were as hard under their best Kings to offer in high places, though to the true God; yet
that but a small thing is strictly forwarn'd; this accounted a high offence against one of the greatest moral duties, is calmly permitted and establisht. How can it be evaded but that the heavie censure of Christ should fall worfe upon this lawgiver of theirs, then upon all the Scribes and Pharifes? For they did but omit Judgment and Mercy to trifle in Mint and Cummin, yet all according to Law; but this their Lawgiver altogether as punctuall in such niceties, goes marching on to adulteries, through the violence of divorce by Law against Law. If it were such a cursed act of Pilat a subordinate Judge to Cæsar, overswayed by those hard hearts with much a doe to suffer one transgression of Law but once, what is it then with lesse a doe to publish a Law of transgression for many ages? Did God for this come down and cover the Mount of Sinai with his glory, uttering in thunder those his sacred Ordinances out of the bottomlesse treasures of his wisdome and infinite purenes to patch up an ulcerous and rot't'n common-wealth with strict and stern injunctions, to wash the skin and garments for every unclean touch, and such easie permission giv'n to pollute the soule with adulteries by publick authority, without disgrace, or question? No it had bin better that man had never known Law or matrimony, then that such foul iniquity should be fast'nd upon the holy One of Israel, the Judge of all the earth, and such a piece of folly as Belzebub would not commit, to divide against himself and pervert his own ends; or if he to compasse more certain mischief, might yeild perhaps to fain some good deed, yet that God should enact a licence of certain evil for uncertain good against His owne glory and purenes, is abominable to conceive. And as it is destructive to the end of Law, and blasphemous to the honour of the lawgiver licenc'ing, so is it as pernicious to the person licenc't. If a private
friend admonish not, the Scripture faith he hates his brother and lets him perish; but if he sooth him, and allow him in his faults, the Proverbs teach us he spreads a net for his neighbours feet, and worketh ruin. If the Magistrate or Prince forget to administer due justice and restrain not sin, Eli himself could say it made the Lord's people to transgrieve. But if he countenance them against law by his owne example, what havock it makes both in Religion and vertue among the people, may be gueft by the anger it brought upon Hophni and Phineas not to be appeas'd with sacrifice nor offering for ever. If the Law be filent to declare sin, the people must needs generally goe astray, for the Apostle himself faith, he had not known lust but by the Law: and surely such a Nation seems not to be under the illuminating guidance of Gods law, but under the horrible doom rather of such as despife the Gospel, he that is filthy let him be filthy still. But where the Law it self gives a warrant for sin, I know not what condition of misery to imagine miserable enough for such a people, unleffe that portion of the wicked, or rather of the damned, on whom God threatens in 11. Psalm, to rain snares: but that questionless cannot be by any Law, which the Apostle faith is a miniftrey ordain'd of God unto our good, and not so many waies and in so high a degree to our destruction, as we have now bin graduating. And this is all the good can come to the person lienc't in his hardness of heart.

I am next to mention that which because it is a ground in divinity, Rom. 3. will save the labour of demonstrating, unleffe her giv'n axioms be more doubted then in other Arts (although it be no leffe firme in the precepts of Philosophy) that a thing unlawfull can for no good whatsoever be done, much unleffe allow'd by a positive law. And this is the matter why Interpreters upon that passage in Hosea will
not consent it to be a true story, that the Prophet tooke a Harlot to wife, because God being a pure Spirit could not command a thing repugnant to his own nature, no not for so good an end as to exhibit more to the life a wholesome and perhaps a converting parable to many an Israelite. Yet that he commanded the allowance of adulterous and injurious divorces for hardnesse of heart, a reason obscure and in a wrong sense, they can very favourily persuade themselves; so tenacious is the leaven of an old conceit. But they shift it, he permitted only. Yet silence in the Law is consent, and consent is accessory; why then is not the Law being silent, or not active against a crime, accessory to its own conviction, it selfe judging? For though we should grant; that it approves not, yet it wills; and the Lawyers maxim is, that the will compell'd is yet the will. And though Aristotle in his Ethicks call this a mixt action, yet he concludes it to be voluntary and inexcusable, if it be evill. How justly then might human law and Philosophy rise up against the righteousnesse of Moses, if this be true which our vulgar Divinity fathers upon him, yea upon God himselfe; not silently and only negatively to permit, but in his law to divulge a written and generall priviledge to commit and persist in unlawfull divorces with a high hand, with security and no ill fame: for this is more then permitting and contriving, this is maintaining; this is warranting, this is protecting, yea this is doing evill, and such an evil as that reprobate lawgiver did, whose lasting infamy is ingrav'n upon him like a surname he who made Israel to sin. This is the lowest pitch contrary to God that publick fraud and injustice can descend.

If it be affirm'd that God as being Lord may doe what he will; yet we must know that God hath not two wills, but one will, much lesse two contrary. If
he once will'd adultery should be sinfull, and to be punisht by death, all his omnipotence will not allow him to will the allowance that his holieft people might as it were by his own Antinomie, or counter-statute live unreprou'd in the fame fact as he himself esteem'd it, according to our common explainers. The hidden wayes of his providence we adore and search not; but the law is his revealed will, his compleat, his evident and certain will; herein he appears to us as it were in human shape, enters into cov'nant with us, swears to keep it, binds himselfe like a just lawgiver to his own prescriptions, gives himselfe to be understood by men, judges and is judg'd, measures and is commensurat to the right reason; cannot require less of us in one cantle of his Law then in another, his legall justice cannot be so fickle and so variable, sometimes like a devouring fire, and by and by connivent in the embers, or, if I may so say, oscitant and supine. The vigor of his Law could no more remit, then the hallowed fire upon his altar could be let go out. The Lamps that burnt before him might need snuffing, but the light of his Law never. Of this also more beneath, in discussing a solution of Rivetus.

The Jesuits and that sect among us which is nam'd of Arminius, are wont to charge us of making God the author of sinne in two degrees especially, not to speake of his permission. 1. Because we hold that he hath decreed some to damnation, and consequently to sinne, say they: Next, because those meanes which are of saving knowledge to others, he makes to them an occasion of greater sinne. Yet considering the perfection wherein man was created, and might have flood, no decree necessitating his free will, but subsequent though not in time yet in order to causes which were in his own power, they might, me thinks be perswaded to absolve both God and us. When
as the doctrine of *Plato* and *Chrysippus* with their followers the *Academics* and the *Stoics*, who knew not what a consummat and moft adorned *Pandora* was beftow'd upon *Adam* to be the nurse and guide of his arbitrary happinesse and perseverance, I mean his native innocence and perfection, which might have kept him from being our true *Epimetheus*, and though they taught of vertue and vice to be both the gift of *divine destiny*, they could yet find reaons not invalid, to justifie the councells of God and Fate from the insufficieny of mortall tongues: That mans own free will felfe corrupted is the adequat and sufficient caufe of his disobedience besides Fate; as *Homer* alfo wanted not to exprefse both in his *Ilead* and *Odiffei*. And *Manilius* the Poet although in his fourth book he tells of some created both to finne and punishment; yet without murmuring and with an induftrious cheerfulnes acquits the Deity. They were not ignorant in their heathen lore, that it is moft God-like to punish those who of his creatures became his enemies with the greateft punishment; and they could attain alfo to think that the greateft, when God himfelfe throws a man furtheft from him; which then they held hee did, when he blinded, hard'n'd, and stirr'd up his offendors to finish, and pile up their desperate worke since they had undertak'n it. To banifh for ever into a locall hell, whether in the aire or in the center, or in that uttermoft and bottomlesse gulph of *Chaos*, deeper from holy bliffe then the worlds diameter multiply'd, they thought not a punishing fo proper and proportionate for God to inflicte, as to punish finne with finne. Thus were the common fort of Gentiles wont to thinke, without any wry thoughts caft upon divine governance. And therefore *Cicero* not in his *Tusculan* or *Campanian* retirements among the learned wits of that age; but ev'n in the *Senat* to a mixt auditory
(though he were sparing otherwise to broach his Philosophy among Statists and Lawyers) yet as to this point both in his oration against *Pisifo*, and in that which is about the answers of the soothsayers against *Clodius*, he declares it publicly as no paradox to common ears, that God cannot punish man more, nor make him more miserable: then still by making him more sinfull. Thus we see how in this controversy the justice of God stood upright ev'n among heathen disputers. But if any one be truly, and not pretendedly zealous for God's honour, here I call him forth before men and Angels, to use his best and most advised skille, lest God more unavoidably then ever yet, and in the guiltiest manner be made the author of sin: if he shall not onely deliver over and incite his enemies by rebuke to sin as a punishment, but shall by patent under his own broad seale allow his friend whom he would sanctify and save, whom he would unite to himselfe and not dis-joyne, whom he would correct by wholesome chastning, and not punish as hee doth the damned by lewd sinning, if he shall allow these in his Law the perfect rule of his own purest will, and our most edify'd conscience, the perpetrating of an odious and manifold sin without the left contesting. Tis wonderd how there can be in God a secret, and a reveal'd will; and yet what wonder, if there be in man two answerable causes. But here there must be two revealed wills grappling in a fraternall warre with one another without any reasonable cause apprehended. This cannot be leste then to ingraft sin into the substance of the law, which law is to provoke sin by crossing and forbidding, not by complying with it. Nay this is, which I tremble in uttering, to incarnat sin into the unpunifhing and well pleas'd will of God. To avoid these dreadful consequences that tread upon the heels of those allowances to sin, will be a task of far more
difficulty then to appease those minds which perhaps out of a vigilant and wary conscience except against predestination. Thus finally we may conclude, that a Law wholly giving licence cannot upon any good consideration be giv'n to a holy people for hardness of heart in the vulgar sense.

CHAP. IV.

That if divorce be no command, no more is marriage. That divorce could be no dispensation if it were lawful. The Solution of Rivetus, that God dispens'd by some unknown way, ought not to satisfie a Christian mind.

Thers think to evade the matter by not granting any Law of divorce, but onely a dispensation, which is contrary to the words of Christ, who himselfe calls it a Law, Mark. 10. 5. or if we speak of a command in the strictest definition, then marriage itself is no more a command then divorce, but only a free permission to him who cannot contain. But as to dispensation I affirm, the same as before of the Law, that it can never be giv'n to the allowance of sin, God cannot give it neither in respect of himself, nor in respect of man: not in respect of himself, being a most pure essence, the just avenger of sin; neither can he make that cease to be a sin, which is in it self unjust and impure, as all divorces they say were which were not for adultery. Not in respect of man; for then it must be either to his good or to his evil: Not to his good; for how can that be imagin'd any good to a sinner whom nothing but rebuke and due correction can save, to hear the determinate oracle of divine Law louder then any reproof dispensing and pro-
viding for the impunity and convenience of sin; to make that doubtfull, or rather lawfull, which the end of the law was to make most evidently hatefull. Nor to the evil of man can a dispence be given; for if the Law were ordain'd unto life, Rom. 7. 10. how can the same God publish dispences against that Law, which must needs be unto death? Absurd and monstrous would that dispence be, if any Judge or Law should give it a man to cut his own throat, or to damne himself. Dispence therefore presupposes full pardon, or els it is not a dispence, but a most baneful and bloody snare. And why should God enter cov'enant with a people to be holy, as the Command is holy, and just, and good, Rom. 7. 12. and yet suffer an impure and treacherous dispence to mislead and betray them under the vizard of Law to a legitimate practice of uncleanness. God is no cov'nant breaker, he cannot do this.

Rivetus, a diligent and learned Writer, having well weighed what hath been written by those founders of dispence, and finding the small agreement among them, would fain work himself aloof these rocks and quicksands, and thinks it best to conclude that God certainly did dispence, but by some way to us unknown, and so to leave it. But to this I oppose, that a Christian by no means ought rest himself in such an ignorance; whereby so many absurdities will strait reflect both against the purity, justice, and wisdom of God, the end also both of Law and Gospel, and the comparison of them both together. God indeed in some wayes of his providence, is high and secret past finding out: but in the delivery and execution of his Law, especially in the managing of a duty so daily and so familiar as this is wherof we reason, hath plain enough reveal'd himself, and requires the observance therof not otherwise then to the law of nature and of equity imprinted in us seems
correspondent. And he hath taught us to love and to extoll his Laws, not onely as they are his, but as they are just and good to every wise and sober understanding. Therefore Abraham even to the face of God himself, seemed to doubt of divine justice, if it should swerve from that irradiation wherewith it had enlightened the mind of man, and bound it self to observe its own rule. Wilt thou destroy the righteous with the wicked? That be far from thee; Shall not the Judge of the earth do right? Therby declaring that God hath created a righteousnesse in right it self, against which he cannot do. So David, Psal. 119. The testimonies which thou hast commanded are righteous and very faithful; thy word is very pure, therefore thy servant loveth it. Not only then for the authors sake, but for its own purity. He is faithful, faith S. Paul, he cannot deny himself, that is, cannot deny his own promises, cannot but be true to his own rules. He often pleads with men the uprightness of his ways by their own principles. How should we imitate him els to be perfect as he is perfect. If at pleasure he can dispence with golden Poetick ages of such pleasing licence, as in the fabled reign of old Saturn. And this perhaps before the Law might have some covert; but under such an undispening covenant as Moses made with them, and not to tell us why and wherefore indulgence, cannot give quiet to the breast of any intelligent man. We must be resolved how the Law can be pure and perspicuous, and yet throw a polluted skirt over these Eleusinian mysteries, that no man can utter what they mean: worse in this then the worst obscenities of heathen superstitution; for their filthines was hid, but the mystick reason thereof known to their Sages: But this Jewish imputed filthinesse was daily and open, but the reason of it is not known to our Divines. We know of no designe the Gospel can have to impose
new righteousness upon works, but to remit the old by faith without works, if we mean justifying works: we know no mystery our Saviour could have to lay new bonds upon marriage in the covenant of grace which himself had loosed to the severity of Law. So that Rivotus may pardon us if we cannot be contented with his non-solution to remain in such a peck of incertainties and doubts so dangerous and glistly to the fundamentals of our faith.

CHAP. V.

*What a Dispensation is.*

Herfore to get some better satisfaction, we must proceed to enquire as diligently as we can, what a dispensation is, which I find to be either properly so call'd, or improperly. Improperly so call'd, is rather a particular and exceptive law absolving and disobliging from a more general command for some just and reasonable cause. As Num. 9. they who were unclean, or in a journey, had leave to keep the passover, in the second moneth, but otherwise ever in the first. As for that in Leviticus of marrying the brothers wife, it was a penall statute rather then a dispence; and commands nothing injurious or in it self unclean, only prefers a speciall reason of charitie, before an instittutive decencie, and perhaps is meant for life time only, as is express beneath in the prohibition of taking two sisters. What other edict of Moses, carrying, but the semblance of a Law in any other kind, may bear the name of a dispence, I have not readily to instance. But a dispensation most properly is some particular accident rarely hapning, and therafore not specify'd in the Law, but left to the decision of charitie, ev'n
under the bondage of Jewish rites, much more under the liberty of the Gospel. Thus did David enter into the house of God, and did eat the Shew bread, he and his followers, which was ceremonially unlawful. Of such dispenses as these it was that Verdune the French Divine so gravely disputed in the Councell of Trent against Friar Adrian, who held that the Pope might dispence with any thing. It is a fond perswasion, faith Verdune, that dispensing is a favour, nay it is as good distributive justice, as what is most, and the Priest sins if he give it not: for it is nothing else but a right interpretation of Law. Thus farre that I can learn touching this matter wholesomly decreed. But that God who is the giver of every good and perfect gift, Jam. 1. should give out a rule and directory to sin by, should enact a dispensation as long liv'd as a law wherby to live in priviledg'd adultery for hardnes of heart, and yet this obdurat disease cannot be conceiv'd how it was the more amended by this unclean remedy, is the most deadly and Scorpion like gift that the enemy of mankind could have given to any miserable sinner, and is rather such a dispensance as that was which the Serpent gave to our first parents. God gave Quails in his wrath, and Kings in his wrath, yet neither of these things evill in themselves, but that he whose eyes cannot behold impurity, should in the book of his holy cov'nant, his most unpassionat law, give licence, and statute for uncontroul'd adultery, although it go for the receiv'd opinion, I shall ever dissipade my soul from such a creed, such an indulgence as the shop of Antichrift never forg'd a bafer.
CHAP. VI.

That the Jew had no more right to this supposed dispence, then the Christian hath, and rather not so much.

But if we must needs dispence, let us for a while so farre dispence with truth, as to grant that sin may be dispenc't: yet there will be copious reason found to prove that the Jew had no more right to such a suppos'd indulgence, then the Christian, whether we look at the clear knowledge wherein he liv'd, or the strict performance of works wherto he was bound. Besides visions and prophesies they had the Law of God, which in the Psalms and Proverbs is chiefly prais'd for sureness and certaintie both easie and perfect to the enlightning of the simple. How could it be so obscure then, or they so sottishly blind in this plain morall and household duty? They had the same precepts about marriage, Christ added nothing to their clearness, for that had argu'd them imperfect; he opens not the Law, but removes the Pharisaick mists rais'd between the law and the peoples eyes: the only sentence which he addes, What God hath joyn'd let no man put asunder, is as obscure as any clausè fetcht out of Genesis, and hath encreaft a yet undecided controversy of Clandestine mariages. If we examine over all his sayings, we shall find him not so much interpreting the Law with his words, as referring his own words to be interpreted by the Law, and oftner obscures his mind in short, and vehement, and compact sentences, to blind and puzzle them the more who would not understand the Law. The Jews therfore were as little to be dispenc't with for lack of morall knowledge, as we.
Next, none I think will deny, but that they were as much bound to perform the Law as any Christian. That severe and rigorous knife not sparing the tender fore-skim of any male infant, to carve into his flesh the mark of that strict and pure cov'nant wherinto he enter'd, might give us to understand anough against the fancie of dispencing. S. Paul testifies that every circumcis'd man is a debtor to the whole Law, Gal. 5. or els circumcision is in vain, Rom. 2. 25. How vain then, and how preposterous must it need be to exact a circumcision of the flesh from an infant unto an outward signe of purity, and to dispence an uncircumcision in the soul of a grown man to an inward and real impurity? How vain again was that law to impose tedious expiations for every slight sin of ignorance and error, and to priviledge without penance or disturbance an odious crime whether of ignorance or obstinacie? How unjust also inflicting death and extirpation for the mark of circumstantial purenes omitted, and proclaiming all honest and liberall indemnity to the act of a substantiall impurenesse committed, making void the cov'nant that was made against it. Thus if we consider the tenor of the Law, to be circumcis'd and to perform all, not pardoning so much as the escapes of error and ignorance, and compare this with the condition of the Gospel, beleevce and be baptiz'd; I suppose it cannot be long ere we grant that the Jew was bound as strictly to the performance of every duty as was possible, and therfore could not be dispenc't with more then the Christians, perhaps not so much.
That the Gospel is apter to dispence then the Law: Paræus answered.

If then the Law will afford no reason why the Jew should be more gently dealt with than the Christian, then surely the Gospel can afford as little why the Christian should be lesse gently dealt with then the Jew. The Gospel indeed exhorts to highest perfection, but bears with weakest infirmity more then the Law. Hence those indulgencies, All cannot receive this saying. Every man hath his proper gift, with express charges not to lay on yokes which our fathers could not bear. The nature of man still is as weak and yet as hard, and that weaknes and hardnesse as unfit and as unteachable to be harshly used as ever. I but faith Paræus, there is a greater portion of Spirit powred upon the Gospel, which requires from us perfecter obedience. I answer, This does not prove that the Law therefore might give allowance to sin more then the Gospel; and if it were no sin, we know it the work of the Spirit to mortifie our corrupt desires and evill concupiscence; but not to root up our naturall affections and disaffections moving to and fro even in wiseft men upon just and necessary reasons which were the true ground of that Mosaick dispence, and is the utmost extent of our pleading. What is more or lesse perfect we dispute not, but what is sin or no sin; and in that I still affirm the Law required as perfect obedience as the Gospel: besides that the prime end of the Gospel is not so much to exact our obedience, as to reveal grace and the satisfaction of our disobedience. What is now exacted from us it is the accusing Law that does it even yet under the
Gospel; but cannot be more extreme to us now, then to the Jews of old: for the Law ever was of works, and the Gospel ever was of grace.

Either then the Law by harmlesse and needfull dispences which the Gospel is now made to deny, must have anticipated and exceeded the grace of the Gospel, or els must be found to have given politick and superficial graces without real pardon, saying in generall do this and live, and yet deceiving and damaging under hand, with unsound and hollow permissions, which is utterly abhorring from the end of all Law, as hath bin shewed. But if those indulgences were safe and finles out of tendernes and compassion, as indeed they were, and yet shall be abrogated by the Gospel, then the Law, whose end is by rigor to magnifie grace, shall it self give grace, and pluck a fair plume from the Gospel, instead of haftning us thither, alluring us from it. And wheras the terror of the Law was as a servant to amplifie and illustrat the mildnesse of grace; now the unmildnesse of Evangelick grace shall turn servant to declare the grace and mildnesse of the rigorous Law. The Law was harsh to extoll the grace of the Gospel, and now the Gospel by a new affected strictnes of her own, shall extenuate the grace which her self offers. For by exacting a duty which the Law dispenc't, if we perform it, then is grace diminisht, by how much performance advances, unlese the Apostle argue wrong: if we perform it not, and perish for not performing, then are the conditions of grace harder then those of rigor. If through Faith and Repentance we perish not, yet grace still remains the lesse, by requiring that which rigor did not require, or at least not so strictly. Thus much therefore to Paræus, that if the Gospel require perfecter obedience then the Law as a duty, it exalts the Law and debases it self, which is dishonourable to the work of our Redemp-
tion. Seeing therefore that all the causes of any allowance that the Jews might have, remain as well to the Christians, this is a certain rule, that so long as the causes remain the allowance ought. And having thus at length enquired the truth concerning Law and dispensé, their ends, their uses, their limits, and in what manner both Jew and Christian stands liable to the one, or capable of the other, we may safely conclude, that to affirm the giving of any law, or law-like dispensé to sin for hardnes of heart, is a doctrine of that extravagance from the sage principles of piety, that whofo considers throughly, cannot but admire, how this hath been digested all this while.

CHAP. VIII.

The true sense how Moses suffered divorce for hardnesse of heart.

What may we do then to salve this seeming inconsistence? I must not dissemble that I am confident it can be done no other way then this.

*Moses* Deut. 24. 1. establisht a grave and prudent Law, full of moral equity, full of due consideration towards nature, that cannot be resisted; a Law consenting with the Laws of wisest men and civilest Nations. That when a man hath married a wife, if it come to passe he cannot love her by reason of some displeasing natural quality or unsuitness in her, let him write her a bill of divorce. The intent of which law undoubtedly was this, that if any good and peaceable man should discover some helples disagreement or dislike either of mind or body, wherby he could not cheerfully perform the duty of a husband, without the perpetuall dissembling of offence and disturbance
to his spirit, rather then to live uncomfortably and unhappily both to himself and to his wife, rather then to continue undertaking a duty which he could not possibly discharge, he might dismiss her whom he could not tolerably and so not conscionably retain. And this law the Spirit of God by the mouth of Solomon, Pro. 30. 21. 23. testifies to be a good and a necessary Law; by granting it that a hated woman (for so the Hebrew word signifies, rather then odious though it come all to one) that a hated woman when she is married, is a thing that the earth cannot bear. What follows then but that the charitable Law must remedy what nature cannot undergo. Now that many licentious and hard hearted men took hold of this Law to cloak their bad purposes, is nothing strange to believe. And these were they, not for whom Moses made the Law, God forbid, but whose hardnes of heart taking ill advantage by this Law he held it better to suffer as by accident, where it could not be detected, rather then good men should loose their just and lawfull priviledge of remedy: Christ therefore having to answer these tempting Pharises, according as his custom was, not meaning to inform their proud ignorance what Moses did in the true intent of the Law, which they had ill cited, suppressing the true cause for which Moses gave it, and extending it to every flight matter, tells them their own, what Moses was forc't to suffer by their abuse of his Law. Which is yet more plain if we mark that our Saviour in Matth. 5. cites not the Law of Moses, but the Pharisaical tradition fallly grounded upon that law. And in those other places, Chap. 19. and Mark 10. the Pharisees cite the Law, but conceal the wife and human reason there express; which our Saviour corrects not in them, whose pride deserv'd not his instruction, only returns them what is proper to them; Moses for the hardneffe
of your heart suffer'd you, that is, such as you to put away your wives; and to you he wrote this precept for that caufe, which (to you) must be read with an impression, and understood limitedly of such as cover'd ill purposes under that Law: and it was reasonable that they should hear their own unbounded licence rebuk'd, but not reasonable for them to hear a good man's requifit liberty explain'd. But us he hath taught better, if we have ears to hear. He himself acknowledg'd it to be a Law, Mark 10. and being a law of God, it must have an undoubted end of charity, which may be us'd with a pure heart, a good conscience, and faith unfeigned, as was heard: it cannot allow sin, but is purposely to refift sin, as by the same chap. to Timothy appears. There we learn also that the Law is good, if a man use it lawfully. Out of doubt then there must be a certain good in this Law which Mofes willingly allow'd, and there might be an unlawfull use made therof by hypocrites; and that was it which Mofes unwillingly suffer'd; foreseeing it in general, but not able to discern it in particulars. Christ therefor mentions not here what Mofes and the Law intended: for good men might know that by many other rules: and the scornfull Pharifês were not fit to be told, untill they could imploy that knowledge they had, leffe abusively. Only he acquaints them with what Mofes by them was put to suffer.
And to entertain a little their overweening arrogance as beft befitted, and to amaze them yet further, because they thought it no hard matter to fulfill the Law, he draws them up to that unseparable institution which God ordain'd in the beginning before the fall, when man and woman were both perfect, and could have no cause to separate: just as in the same Chap. he stands not to contend with the arrogant young man who boasted his observance of the whole Law, whether indeed he had kept it or not, but skues him up higher to a task of that perfection, which no man is bound to imitate. And in like manner that pattern of the first institution he set before the opinionative Pharises to dazzle them and not to bind us. For this is a solid rule, that every command giv'n with a reason, binds our obedience no otherwise then that reason holds. Of this sort was that command in Eden; Therefore shall a man cleave to his wife, and they shall be one flesh: which we see is no absolute command, but with an inference, Therefore: the reason then must be first consider'd, that our obedience be not mis-obedience. The first is, for it is not single, because the wife is to the husband flesh of his flesh, as in the verse going before. But this reason cannot be sufficient of itself; for why then should he for his wife leave his father and mother, with whom he is farre more flesh of flesh and bone of bone as being made of their substance. And besides it can be but a sorry and ignoble society of life, whose unseparable injunction depends meerly upon
flesh and bones. Therefore we must look higher, since Christ himself recalls us to the beginning, and we shall finde that the primitive reason of never divorcing, was that sacred and not vain promise of God to remedy mans lonelines by making him a meet help for him, though not now in perfection, as at first; yet still in proportion as things now are. And this is repeated ver. 20. when all other creatures were fitly associated and brought to Adam, as if the divine power had bin in some care and deep thought, because there was not yet found a help meet for man. And can we so slightly depreffe the all-wise purpose of a deliberating God, as if his consultation had produc't no other good for man but to joyn him with an accidentall companion of propagation, which his sudden word had already made for every beast? nay a farre lesse good to man it will be found, if she must at all aventure be fastaen'd upon him individually. And therefore even plain fence and equity, and, which is above them both, the all-interpreting voice of Charity her selfe cries loud that this primitive reason, this consulted promise of God to make meet help, is the onely cause that gives authority to this command of not divorcing, to be a command. And it might be further added, that if the true definition of a wife were askt in good earnest, this clause being a meet help would shew it selfe so necessary, and so essential in that demonstrative argument, that it might be logically concluded: therefore she who naturally and perpetually is no meet help, can be no wife; which clearly takes away the difficulty of dismissing such a one. If this be not thought anough, I answer yet furder, that mariage, unlesse it mean a fit and tolerable mariage, is not inseparable neither by nature nor institution. Not by nature for then those Mosiack divorces had bin against nature, if separable and inseparable be contraries, as who doubts they
be: and what is againſt nature is againſt Law, if foundeſt Phyloſophy abuse us not: by this reckoning Moſes ſhould be moſt unmofaick, that is, moſt ille-gall, not to say moſt unnaturall. Nor is it insepa-rable by the first inſtitution: for then no second in-ſtitution in the ſame Law for fo many cauſes could diſsolve it: it being moſt unworthy a human (as Plato's judgment is in the fourth booke of his Lawes) much more a divine Law-giver to write two feveral decrees upon the ſame thing. But what would Plato have deem'd if the one of these were good, the other evill to be done? Laſtly, ſuppoſe it bee insepa-rable by inſtitution, yet in competition with higher things, as religion and charity in maineft matters, and when the chiefe end is frustrate for which it was ordain'd, as hath been ſhown, if ſtill it muſt remain inseparable it holds a ſtrange and lawleſſe propriety from all other works of God under heaven. From these many conſiderations we may ſafely gather, that fo much of the first inſtitution as our Ŝaviour men-tions, for he mentions not all, was but to quell and put to non-plus the tempting Pharifes; and to lay open their ignorance and ſhallow understanding of the Ŝcriptures. For, faith he, have ye not reađ that he which made them at the beginning, made them male and female, and ſaid, for this cauſe ſhall a man cleave to his wife? which these blind uſurpers of Moſes chaire could not gainſay: as if this ſingle reſpect of male and female were ſufficient againſt a thousand inconveniences and mischieſes, to clogge a rationall creature to his endlessſe sorrow unrelinquishably, un-der the guilefulſe superſcription of his intended solace and comfort. What if they had thus anſwer'd, Maſter, if thou meane to make wedlock as insepa-rable as it was from the beginning, let it be made also a fit society, as God meant it, which we ſhall ſoon understand it ought to be, if thou recite the
whole reason of the law. Doubtlesse our Saviour had applauded their just answer. For then they had expounded this command of Paradise, even as Moses himselfe expounds it by his lawes of divorce, that is, with due and wise regard had to the premises and reasons of the first command, according to which, without unclean and temporizing permissions he instructs us in this imperfect state what we may lawfully doe about divorce.

But if it be thought that the Disciples offended at the rigour of Christ's answer, could yet obtain no mitigation of the former sentence pronounc't to the Pharises, it may be fully answer'd, that our Saviour continues the same reply to his Disciples, as men leaven'd with the same customary licence, which the Pharises maintain'd, and displeas'd at the removing of a traditionall abuse whereto they had so long not unwillingly bin us'd: it was no time then to contend with their slow and prejudicial belief, in a thing wherein an ordinary measure of light in Scripture, with some attention might afterwards informe them well enough. And yet ere Christ had finisht this argument, they might have pickt out of his own concluding words, an answer more to their minds, and in effect the same with that which hath been all this while entreating audience. All men, said he, cannot receive this saying save they to whom it is given, he that is able to receive it let him receive it. What saying is this which is left to a mans choice to receive or not receive? What but the married life. Was our Saviour so mild and so favourable to the weaknesse of a sngle man, and is he turn'd on the sudden so rigorous and inexorable to the distressees and extremities of an ill wedded man? Did hee so gracioufly give leave to change the better sngle life for the worse married life? Did he open so to us this hazardous and accidentall doore of marriage
to shut upon us like the gate of death without retracting or returning, without permitting to change the worst, most insupportable, most unchristian mischance of marriage for all the mischiefs and sorrowes that can ensue, being an ordinance which was especially giv’n as a cordiall and exhilarating cup of solace the better to beare our other croses and afflictions? questionlesse this were a hardheartednesse of undivorcing, worse then that in the Jewes which they say extorted the allowance from Moses, and is utterly dissonant from all the Doctrine of our Saviour. After these considerations therefore to take a law out of Paradise giv’n in time of originall perfection, and to take it barely without those just and equall inferences and reasons which mainly establishe it, nor so much as admitting those needfull and safe allowances wherewith Moses himselfe interprets it to the faln condition of man, argues nothing in us but rashnesse and contempt of those means that God left us in his pure and chast Law, without which it will not be possible for us to performe the strict imposition of this command: or if we strive beyond our strength, we shall strive to obay it otherwife then God commands it. And lamented experience daily teaches the bitter and vain fruits of this our presumption, forcing men in a thing wherein we are not able to judge either of their strength, or of their sufferance. Whom neither one vice or other by naturall addiction, but onely marriage ruins, which doubtlesse is not the fault of that ordinance, for God gave it as a blessing, nor alwayes, of mans mis-choosing; it being an error above wisdome to prevent, as examples of wiser men so mistaken manifest: it is the fault therefore of a perverse opinion that will have it continu’d in despite of nature and reason, when indeed it was never truly joyn’d. All those exposters upon the fifth of Mathew confessed the Law of Moses to be
the Law of the Lord, wherein no addition or diminution hath place; yet comming to the point of divorce; as if they fear'd not to be call'd leaf in the Kingdom of heav'n, any flight evasien will content them to reconcile those contradictions which they make betweene Christ and Moses, between Christ and Christ.

CHAP. X.

The vain shif of those who make the law of divorce to be onely the premises of a succeeding law.

Some will have it no Law, but the granted premises of another Law following, contrary to the words of Christ, Mark 10. 5. and all other translations of graveft authority, who render it in form of a Law; agreeable to Malach. 2. 16. as it is moft ancient and modernly expounded. Besides the bill of divorce and the particular occasion therein mention'd, declares it to bee orderly and legall. And what avails this to make the matter more righteous, if such an adulterous condition shall be mention'd to build a law upon without either punishment, or so much as forbidding; they pretend it is implicitly reprovd in these words Deut. 24. 4. after she is defi'd; but who sees not that this defilement is onely in respect of returning to her former husband after an intermixt marriage; els why was not the desiling condition firft forbidd'n, which would have sav'd the labour of this after law; nor is it seemly or piously attributed to the justice of God and his known hatred of sinne, that such a hainous fault as this through all the Law, should be onely wip't with an implicit and oblique touch (which yet is falsly suppos'd) and that his peculiar people should be let wallow in adulterous marriages almost
two thousand yeares for want of a direct Law to prohibit them; 'tis rather to be confidently assum'd that this was granted to apparent necessitates, as being of unquestionable right and reason in the Law of nature, in that it still passes without inhibition ev'n when greatest cause is giv'n us to expect it should be directly forbidd'n.

CHAP. XI.

The other shift of saying divorce was permitted by Law, but not approv'd. More of the institution.

But it was not approv'd. So much the worse that it was allow'd, as if sin had overmasterd the word of God, to conform her steadly and strait rule to sins crookedness, which is impossible. Besides, what needed a positive grant of that which was not approv'd? it re-strain'd no liberty to him that could but use a little fraud, it had bin better silenc't, unlefs it were approv'd in some case or other. But still it was not approv'd. Miserable excuses! He who doth evil that good may come thereby, approves not what he doth, and yet the grand rule forbids him, and counts his damnation just, if hee doe it. The Sorcereffe Medea did not approve her owne evill doings, yet lookt not to be excus'd for that; and it is the constant opinion of Plato Protagoras and other of his dialogues agreeing with that proverbial sentence among the Greekes, that no man is wicked willingly: which also the Peripateticks do rather distinguish then deny. What great thanke then if any man reputed wise and constant, will neither doe nor permit others under his charge to doe that which hee approves not, especially in matter of sinne. But for a Judge, but
for a Magistrate and Shepheard of his people to surrender up his approbation against law and his own judgement to the obstinacie of his heard, what more un-Judge-like, more un-Magistrate-like, and in warre more un-commander-like? Twice in a short time it was the undoing of the Roman State, first when Pompey, next when Marcus Brutus had not magnanimity enough but to make so poore a resignation of what they approv'd, to what the boisterous Tribunes and Souldiers bawl'd for. Twice it was the saving of two the greatest Common-wealths in the world, of Athens by Themístocles at the Sea fight of Salamis; of Rome by Fabius Maximus in the Punic warre, for that these two matchlesse Generalls had the fortitude at home against the rashnes and the clamours of their own Captaines and confederates to withstand the doing or permitting of what they could not approve in the duty of their great command. Thus farre of civill prudence. But when we speake of sinne, let us look again upon the old reverend Eli; who in his heavie punishment found no difference betwene the doing and permitting of what he did not approve. If hardnesse of heart in the people may be any excuse, why then is Pilat branded through all memory? Hee approv'd not what he did, he openly protested, he waift his hands and laboured not a little, ere he would yeeld to the hard hearts of a whole people, both Princes and plebeians importuning and tumulting ev'n to the feare of a revolt, Yet is there any will undertake his cause? If therefore Pilat for suffering but one act of cruelty against law, though with much unwillingnesse testify'd, at the violent demand of a whole Nation; shall stand so black upon record to all posterity? Alas for Moses! what shall we say for him, while we are taught to beleive he suffer'd not one act onely both of cruelty and uncleannesse in one divorce, but made
it a plain and lafting law against law whereby ten thousand acts accounted both cruell and uncleane, might be dayly committed, and this without the leaff suit or petition of the people that wee can read of.

And can we conceive without vile thoughts, that the Majesty and holines of God could endure fo many ages to gratifie a ftubborne people in the practice of a foul polluting sin, and could he expect they should abftaine, he not signifying his mind in a plaine command, as such time especially when he was framing their laws and them to all possible perfection? But they were to look back to the firft institution, nay rather why was not that individuall institution brought out of Paradife, as was that of the Sabbath, and re-peated in the body of the Law, that men might have understood it to be a command? for that any sentence that beares the reffemblance of a precept, let there fo out of place in another world at fuch a distance from the whole Law, and not once mention'd there, should be an obliging command to us, is very dif-putable, and perhaps it might be deny'd to be a command without further dispute: however, it com-mands not absolutely, as hath bin clear'd, but onely with reference to that precedent promife of God, which is the very ground of his institution; if that appeare not in some tolerable fort, how can wee af-firm fuch a matrimony to be the fame which God instituted. In fuch an accident it will beft behove our soberneffe to follow rather what moral Sinai pre-fcribes equal to our strength, then fondly to think within our strength all that loft Paradife relates.
The third shift of them who esteem it a meere judicial Law. Prov'd again to be a Law of moral equity.

Nother while it shall suffice them, that it was not a moral but a judicial Law, and so was abrogated. Nay rather not abrogated, because judicial: which Law the minisfery of Christ came not to deal with. And who put it in mans power to exempt, where Christ speaks in generall of not abrogating *the least jot or tittle*, and in special not that of divorce, because it followes among those Laws, which he promis'd expressly not to abrogate, but to vindicate from abusive traditions: which is most evidently to be seen in the 16 of Luke, where this caution of not abrogating is inferted immediatly, and not otherwise then purposely, when no other point of Law is toucht, but that of divorce. And if we mark the 31. verse of Mat. the 5. he there cites not the Law of Moses, but the licencious Gloffe which traduc't the Law: that therefore which he cited, that he abrogated, and not only abrogated but disallow'd and flatly condemn'd, which could not be the Law of Moses; for that had bin foulely to the rebuke of his great servant. To abrogate a Law made with Gods allowance, had bin to tell us onely that such a Law was now to cease: but to refute it with an ignominious note of civilizing adultery, casts the reproof, which was meant onely to the Pharifees, ev'n upon him what made the Law. But yet if that be judicial which belongs to a civill Court, this law is lesse judicial then nine of the ten Commandements; for antiquaries affirme that divorces proceeded among the Jews without knowledge of the Magistrate, only with
hands and seales under the testimony of some Rab-
bies to be then present. Perkins in a Treatise of
Conscience grants, that what in the judicial Law is of
common equity, binds also the Christian. And how
to judge of this, prescribes 2 ways. If wise Na-
tions have enacted the like decree. Or if it main-
tain the good of family, Church or Common-wealth.
This therefore is a pure moral economical Law, too
haftily imputed of tolerating sin; being rather fo
cleere in nature and reason, that it was left to a mans
own arbitrement to be determin'd between God and
his own conscience; not only among the Jews, but
in every wise nation; the restraint wherof, who is not
too thick sighted, may see how hurtfull and distrac-
tive it is to the house, the Church and Common-
wealth. And that power which Christ never tooke
from the master of family, but rectify'd onely to a
right and wary use at home; that power the undif-
cerning Canonist hath improperly usurpt into his
Court-leet, and bescribbl'd with a thousand trifling
impertinencies, which yet have fill'd the life of man
with serious trouble and calamity. Yet grant it
were of old a judicall Law, it need not be the leffe
morall for that, being conversant, as it is, about ver-
tue or vice. And our Saviour disputes not heer the
judicature, for that was not his office, but the mor-
tality of divorce, whether it be adultery or no; if
therefore he touch the law of Moses at all, he touches
the moral part thereof, which is absurd to imagine
that the cov'nant of grace should reforme the exact
and perfect law of works, eternall and immutable; or
if he touch not the Law at all, then is not the al-
lowance thereof disallow'd to us:
The ridiculous opinion that divorce was permitted from the custom in Ægypt. That Moses gave not this Law unwillingly. Perkins confesses this Law was not abrogated.

Thers are so ridiculous as to allege that this licence of divorcing was giv’n them because they were so accustom’d in Egypt. As if an ill custom were to be kept to all posterity; for the dispensation is both universal and of time unlimited, and so indeed no dispensation at all; for the over-dated dispensation of a thing unlawful, serves for nothing but to increase hardness of heart, and makes men but wax more incorrigible, which were a great reproch to be said of any Law or allowance that God should give us. In these opinions it would be more Religion to advise well, lest we make our selves juester then God, by censuring rashly that for sin which his unspotted Law without rebukes allowes, and his people without being conscious of displeasing him have us’d. And if we can thinke so of Moses, as that the Jewish obstinacy could compell him to write such impure permissions against the word of God and his owne judgement, doubtles it was his part to have protested publickly what straits he was driv’n to, and to have declar’d his conscience when he gave any Law against his mind; for the Law is the touch-stone of sinne and of conscience, must not be intermixt with corrupt indulgences; for then it looses the greatest praise it has, of being certain and infallible, not leading into error, as the Jewes were led by this connivence of Moses if it were a connivence. But still they fly back to the primitive institution, and
would have us re-enter Paradise against the sword that guards it. Whom I again thus reply to, that the place in Genesis contains the description of a fit and perfect marriage, with an interdict of ever divorcing such a union; but where nature is discover'd to have never joyn'd indeed, but vehemently seeks to part, it cannot be there conceiv'd that God forbids it; nay he commands it both in the Law and in the Prophet Malachy, which is to be our rule. And Perkins upon this chap. of Matth. deals plainly, that our Saviour heer confutes not Moses Law, but the false glosses that deprav'd the Law; which being true, Perkins must needs grant, that something then is left to that law which Christ found no fault with; and what can that be but the conscionable use of such liberty as the plain words import? So that by his own inference, Christ did not absolutely intend to restrain all divorces to the onely cause of adultery. This therefore is the true scope of our Saviours will, that he who looks upon the law concerning divorce, should look also back upon the first institution, that he may endeavour what is perfectest: and he that looks upon the institution should not refuse as sinfull and unlawfull those allowances which God affords him in his following Law, left he make himself purer then his maker; and presuming above strength, slip into temptations irrecoverably. For this is wonderfull, that in all those decrees concerning marriage, God should never once mention the prime institution to disswade them from divorcing; and that he should forbid smaller sins as opposite to the hardnesse of their hearts, and let this adulterous matter of divorce passe ever unreproved.

This is also to be marvelled, that seeing Christ did not condemn whatever it was that Moses suffer'd, and that therupon the Christian Magistrate permits usury and open stews, and here with us adultery to
be so slightly punifh, which was punifh by death to these hard hearted Jews, why we should strain thus at the matter of divorce, which may stand so much with charity to permit, and make no scruple to allow usury esteem'd to be so much against cha-

rity. But this it is to embroil our selves against the righteous and all-wise Judgements and Statutes of God; which are not variable and contrarious, as we would make them, one while permitting and another while forbidding, but are most constant and most harmonious each to other. For how can the uncorrupt and majeftick Law of God, bearing in her hand the wages of life and death, harbour such a re-
pugnance within her self, as to require an unexempted and impartiall obedience to all her decrees, either from us or from our Mediator, and yet debafe her self to faulter so many ages with circumcis'd adulteries, by unclean and flubbering permissions.

CHAP. XIV.

That Beza's opinion of regulating fin by apostolick law, cannot be found.

Et Beza's opinion is that a politick Law, but what politick Law I know not, un-
lesse one of Matchiavel's, may regulate fin; may bear indeed, I grant, with im-
perfection for a time, as those Canons of the Apofcles did in ceremoniall things: but as for fin, the effence of it cannot consist with rule; and if the law fall to regulate fin, and not to take it utterly away, it ne-
cessarily confirms and eftablishes fin. To make a regularity of fin by law, either the law must straiten fin into no fin, or fin must crook the law into no law. The Judiciall law can serve to no other end then
to be the protector and champion of Religion and honest civility, as is set down plainly, Rom. 13. and is but the arm of morall law, which can no more be separate from justice then justice from vertue: their office also in a different manner steers the same cours; the one teaches what is good by precept, the other unteaches what is bad by punishment. But if we give way to politick dispensations of lewd uncleanness, the first good consequence of such a relaxe will be the justifying of Papal stews, joyn'd with a toleration of epidemick whordom. Justice must revolt from the end of her authority, and become the patron of that wherof she was created the punisher. The example of usury which is commonly alleg'd, makes against the allegation which it brings, as I touch'd before. Besides that usury, so much as is permitted by the Magistrate, and demanded with common equity, is neither against the word of God, nor the rule of charity, as hath bin often discus't by men of eminent learning and judgement. There must be therefore some other example found out to shew us wherein civil policie may with warrant from God settle wickednes by law, and make that lawful which is lawlesse. Although I doubt not but upon deeper consideration, that which is true in Phÿsick, will be found as true in policie: that as, of bad pulses those that beat most in order, are much worse then those that keep the most inordinat circuit, so of popular vices those that may be committed legally, will be more pernicious then those that are left to their own cours at perill, not under a stinted privilege to sin orderly and regularly, which is an implicit contradiction, but under due and fearlesse execution of punishment.

The politcall law, since it cannot regulate vice, is to restrain it, by using all means to root it out: but if it suffer the weed to grow up to any pleasurab
or contented height upon what pretext soever, it fastens the root, it prunes and dresses vice, as if it were a good plant. Let no man doubt therefore to affirm that it is not so hurtfull or dishonourable to a Common-wealth, nor so much to the hardning of hearts, when those worse faults pretended to be feared are committed, by who so dares under strict and executed penalty, as when those lefse faults tolerated for fear of greater harden their faces, not their hearts only, under the protection of publick authority. For what lefse indignity were this, then as if Justice her self the Queen of vertues, descending from her scepter'd royalty, instead of conquering, should compound and treat with sin her eternall adversary and rebell, upon ignoble terms. Or as if the judicall Law were like that untrustie steward in the Gospel, and instead of calling in the debts of his morall master, should give out subtle and fly acquittances to keep himself from begging. Or let us person him like some wretched itinerary Judge, who to gratifie his delinquents before him, would let them basely break his head, lest they should pull him from the bench, and throw him over the barre. Unlesse we had rather think both morall and judiciall full of malice and deadly purpose conspir'd to let the debtor Israelite the seed of Abraham run on upon a banckrout score, flattered with insufficient and insnaring discharges, that so he might be haled to a more cruell forfeit for all the indulgent arrears which those judicall acquitments had ingaged him in. No no, this cannot be, that the Law whose integritie and faithfulnesse is next to God, should be either the shamelesse broker of our impunities, or the intended instrument of our destrucution. The method of holy correction such as became the Common-wealth of Israel, is not to bribe sin with sin, to capitulate and hire out one crime with another: but with more noble and gracefull
severity then Popilius the Roman legal used with Antiocus, to limit and levell out the direct way from vice to vertue, with straiteſt and exacteſt lines on either side, not winding, or indenting so much as to the right hand of fair pretences. Violence indeed and insurrection may force the Law to suffer what it cannot mend: but to write a decree in allowance of sin, as soon can the hand of Justice rot off. Let this be ever concluded as a truth that will outlive the faith of those that seek to bear it down.

CHAP. XV.

That divorce was not giv'n for wives only, as Beza and Parasus write. More of the Institution.

Aftly, if divorce were granted, as Beza and others say, not for men but to release affliected wives; certainly it is not only a dispensation, but a most mercifull Law: and why it should not yet be in force, being wholly as needfull, I know not what can be in cause but senseleſſe cruelty. But yet to say, divorce was granted for relief of wives, rather then of husbands, is but weakly conjectur'd, and is manifest the extreme shift of a huddl'd exposition. Whenas it could not be found how hardnesſe of heart should be leff'en'd by liberty of divorce, a fancy was devis'd to hide the flaw by commenting that divorce was permitted only for the help of wives. Palpaply uxorious! Who can be ignorant that woman was created for man, and not man for woman; and that a husband may be injur'd as insufferably in marriage as a wife. What an injury is it after wedlock not to be belov'd, what to be slighted, what to be contended with in point of house-rule who shall be the head, not for any
parity of wisdome, for that were something reasonable, but out of a female pride. *I suffer not faith S. Paul, the woman to usurp authority over the man.* If the Apostle could not suffer it, into what mould is he mortify’d that can? *Solomon faith that a bad wife is to her husband, as rott’nness to his bones, a continuall dropping: better dwell in a corner of the house top, or in the wildernes then with such a one. Who so hideth her hideth the wind, and one of the foure mischiefs that the earth cannot bear.* If the Spirit of God wrote such aggravations as these, and as may be guest by these similitudes, counsels the man rather to divorce then to live with such a colleague, and yet on the other side expresses nothing of the wives suffering with a bad husband; is it not most likely that God in his Law had more pitty towards man thus wedlockt, then towards the woman that was created for another. The same Spirit relates to us the cours which the Medes and Persians took by occasion of *Vashti,* whose meer deniall to come at her husbands sending lost her the being Queen any longer, and set up a wholesome Law, *that every man should bear rule in his own house.* And the divine relater shews us not the least signe of disliking what was done; how should he? if *Moses* long before was nothing leffe mindfull of the honour and preeminence due to man. So that to say divorce was granted for woman rather then man, was but fondly invented. Esteeming therfore to have asserted thus an injur’d law of *Moses* from the unwarranted and guilty name of a dispensation, to be again a most equall and requisite law, we have the word of Christ himself, that he came not to alter the least tittle of it; and signifies no small displeasure against him that shall teach to do so. On which relying, I shall not much waver to affirm, that those words which are made to intimate, as if they forbade all divorce but for adultery
Ch. 15. Discipline of Divorce.

(though Mosés have constituted otherwise) those words tak'n circumscriptly, without regard to any prece-
dent law of Mosés or attestation of Christ himself, or
without care to preserve those his fundamentall and
superior laws of nature and charity, to which all other
ordinances give up their seal, are as much against
plain equity, and the mercy of religion, as those
words of Take, eat, this is my body, elementally un-
derstood, are against nature and sense.

And surely the restoring of this degraded law, hath well recompenc't the diligence was us'd, by
enlightning us further to find out wherfore Christ
took off the Pharifes from alleging the law, and re-
ferr'd them to the first institution, not condemning,
altering, or abolishing this precept of divorce, which
is plainly moral, for that were against his truth, his
promise, and his prophetick office; but knowing
how fallacioufly they had cited, and conceal'd the
particular and naturall reason of the Law, that they
might justifie any froward reason of their own, he lets
go that sophistry unconvinc't, for that had bin to
teach them else, which his purpose was not. And
since they had tak'n a liberty which the law gave
not, he amuses and repels their tempting pride with
a perfection of Paradise, which the law requir'd not;
not therby to oblige our performance to that wherto
the law never enjoyn'd the fal'n estate of man; for
if the first institution must make wedlock what ever
happen, inseparable to us, it must make it also as
perfect, as meetly helpfull, and as comfortable, as
God promis'd it should be, at leaft in some degree;
otherwise it is not equall or proportionable to the
strength of man, that he should be reduc't into
such indissoluble bonds to his assured misery, if all
the other conditions of that cov'nant be manifestly
alter'd.
How to be understood that they must be one flesh: and how that these whom God hath joyn'd man should not sunder.

Ext he faith, they must be one flesh, which, when all conjecturing is don, will be found to import no more but to make legitimate and good the carnall act, which els might seem to have somthing of pollution in it: And inferrs thus much over, that the fit union of their souls be such as may even incorporate them to love and amity; but that can never be where no correspontence is of the minde; nay instead of being one flesh, they will be rather two carkasles chain'd unnaturally together; or as it may happ'n, a living soul bound to a dead corps, a punishmment too like that inflicted by the tyrant Mezentius; so little worthy to be receiv'd as that remedy of lonelinesse which God meant us. Since we know it is not the joyning of another body will remove lonelinesse, but the uniting of another compliable mind, and that it is no bleffing but a torment, nay a base and brutifh condition to be one flesh, unleffe where nature can in some nature fix a unity of disposition. The meaning therefore of these words, For this caufe shall a man leave his father and his mother and shall cleave to his wife, was first to shew us the deer affection which naturally grows in every not unnaturall mariage, ev'n to the leaving of parents, or other familiarity whatsoever: next, it justifies a man in so doing, that nothing is done undutifully to father or mother. But he that should be here sternly commanded to cleave to his error, a disposition which to his he finds will never ciment a quotidian of sorrow and discontent in his house, let us be excus'd to
paufe a little and bethink us every way round ere we lay such a flat solecisme upon the gracious, and cer-
tainly not inexorable, not ruthlesse and flinty ordi-
nance of marriage. For if the meaning of these
words must be thus blockt up within their own
letters from all equity and fair deduction, they will
serve then well indeed their turn, who affirm divorce
to have been granted only for wives; whenas we
see no word of this text binds women, but men only,
what it binds. No marvell then if Salomith sifter to
Herod, sent a writ of eafe to Costobarus her husband;
which, as Josephus there attests, was lawfull only to
men. No marvell though Placidia the sifter of Ho-
norius threatn’d the like to Earl Constantius, for a
triviall cause as Photius relates from Olympiodorus.
No marvell any thing if letters must be turn’d into
calisadoes to shake out all requisite sense from entring
to their due enlargement.

Lastly, Christ himself tells who should not be put
asunder, namely, those whom God hath joyn’d. A
plain solution of this great controversie, if men would
but use their eyes; for when is it that God may be
said to joyn, when the parties and their friends con-
sent? No surely, for that may concur to lewdest
ends. Or is it when Churches rites are finisht? Neither;
for the efficacie of those depends upon the
presupposed fitnesse of either party. Perhaps, after
carnall knowledge? Leaft of all; for that may joyn
persons whom neither law nor nature dares joyn:
tis left, that only then, when the minds are fitly dis-
pos’d, and enabl’d to maintain a cheerfull conver-
sation, to the solace and love of each other, according
as God intended and promis’d in the very first foun-
dation of matrimony, I will make him a help meet for
him; for surely what God intended and promis’d,
that only can be thought to be his joyning, and not
the contrary. So likewise the Apostle witnesseth,
The Doctrine and

Bk. 2.

1 Cor. 7. 15. that in marriage God hath call’d us to peace. And doubtelese in what respect he hath call’d us to marriage, in that also he hath joyn’d us. The rest whom either disproportion or deadnesse of spirit, or somthing distaftfull and averse in the immutable bent of nature renders conjugall, error may have joyn’d, but God never joyn’d against the meaning of his own ordinance. And if he joynd them not, then is there no power above their own consent to hinder them from unjoyning, when they cannot reap the sobrest ends of being together in any tolerable sort. Neither can it be said properly that such twain were ever divorc’t, but onely parted from each other, as two persons unconjunctive and unmariable together. But if, whom God hath made a fit help, forwardnesse or private injuries hath made unfit, that being the secret of marriage God can better judge then man, neither is man indeed fit or able to decide this matter; however it be, undoubtedly a peacefull divorce is leffe evil, and leffe in scandall then a hateful hard-hearted and destructive continuance of marriage in the judgement of Moses and of Christ, that justifies him in chusing the leffe evil, which if it were an honest and civill prudence in the law, what is there in the Gospel forbidding such a kind of legall wisdom, though we should admit the common Expositors.

CHAP. XVII.

The sentence of Christ concerning divorce how to be expounded. What Grotius hath observ’d. Other additions.

Aving thus unfolded those ambiguous reasons, wherewith Christ, as his wont was, gave to the Pharifes that came to found him, such an answer as they deserv’d, it
will be not uneafie to explain the sentence it self now that follows; *Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery.* First therfore I will set down what is observ'd by Grotius upon this point, a man of general learning. Next I produce what mine own thoughts gave me, before I had seen his annotations. Origen, faith he, notes that Christ nam'd adultery rather as one example of other like cases, then as one only exception. And that it is frequent, not only in human but in divine Laws, to express one kind of fact, whereby other causes of like nature may have the like plea: as Exod. 21. 18, 19, 20. 26. Deut. 19. 5. And from the maxims of civil Law he shews that ev'n in sharpest penal laws, the same reason hath the same right: and in gentler Laws, that from like causes to like the Law interprets rightly. But it may be objected, faith he, that nothing destroys the end of wedlock so much as adultery. To which he answers, that marriage was not ordain'd only for copulation, but for mutuall help and comfort of life; and if we mark diligently the nature of our Saviours commands, we shall find that both their beginning and their end consists in charity: whose will is that we should so be good to others, as that we be not cruel to our selves. And hence it appears why Marke, and Luke, and S. Paul to the Corin. mentioning this precept of Christ, adde no exception: because exceptions that arise from natural equity, are included silently under generall terms: it would be consider'd therfore whether the same equity may not have place in other cases lesse frequent. Thus farre he. From hence, is what I adde: first, that this saying of Christ, as it is usually expounded, can be no law at all, that a man for no cause should separate but for adultery, except it be a supernaturall law, not binding us as
we now are had it bin the law of nature, either the Jews, or some other wife and civill nation would have preft it; or let it be fo; yet that law Deut. 24. 1. whereby a man hath leave to part, when as for just and naturall cause discover'd he cannot love, is a law ancicnter, and deeper ingrav'n in blameles nature then the other: therfore the inspired Law-giver Moſes took care that this should be specified and allowed: the other he let vanifh in silence, not once repeated in the volume of his law, even as the reason of it vanifht with Paradise. Secondly, this can be no new command, for the Gofpel enjoyns no new morality, save only the infinit enlargemen of charity, which in this respect is called the new Commandement by S. John; as being the accomplishment of every command. Thirdly, It is no command of perfection further then it partakes of charity, which is the bond of perfection. Thofe commands therefor which compell us to felf cruelty above our strength, so hardly will help forward to perfection, that they hinder and fet backward in all the common rudiments of Christianity, as was prov'd. It being thus clear, that the words of Chrifl can be no kind of command, as they are vulgarly tak'n, we fhall now fee in what fence they may be a command, and that an excellent one, the fame with that of Moſes, and no other. Moſes had granted that onely for a natural annoyance, defect, or dislike, whether in body or mind (for fo the Hebrew words plainly note) which a man could not force himfelfe to live with, he might give a bill of divorce, therby forbidding any other cause wherein amendment or reconciliation might have place. This Law the Pharifes depraving, extended to any flight contentious cause whatsoever. Chrifl therefore seeing where they halted, urges the negative part of that law, which is necessarily underftood (for the determinate permission of Moſes
binds them from further licence) and checking their supercilious drift, declares that no accidental, temporary, or reconcileable offence except fornication, can justify a divorce: he touches not here those natural and perpetual hinderances of society, whether in body or in mind, which are not to be remov'd: for such, as they are aptest to cause an unchangeable offence, so are they not capable of reconcilement because not of amendment; they do not break indeed, but they annihilate the bands of marriage more then adultery. For that fault committed argues not always a hatred either natural or incidental against whom it is committed; neither does it inferre a disability of future helpfulnesse, or loyalty, or loving agreement, being once past, and pardon'd, where it can be pardon'd: but that which naturally distafts and findes no favour in the eyes of matrimony, can never be conceal'd, never appeas'd, never intermitted but proves a perpetuall nullity of love and contentment, a solitude, and dead vacation of all acceptable conversing. Moses therefore permits divorce, but in cases onely that have no hands to joyn, and more need separating then adultery. Christ forbids it, but in matters onely that may accord, and those lesse then fornication. Thus is Moses Law here plainly confirm'd, and those causes which he permitted, not a jot gainsaid. And that this is the true meaning of this place, I prove by no other an author then S. Paul himselfe, 1. Cor. 7. 10, 11. upon which text Interpreters agree that the Apostle onely repeats the precept of Christ: where while he speaks of the wives reconcilement to her husband he puts it out of controversy that our Saviour meant chiefly matters of strife and reconcilement: of which sort he would not that any difference should be the occasion of divorce, except fornication. And that we may learn better how to value a grave and prudent Law of Moses, and
how unadvisedly we smatter with our lips, when we talk of Christ's abolishing any Judicial law of his great Father, except in some circumstances which are Judaicall rather then Judicial, and need no abolishing but cease of themselves, I say again that this recited law of Moses contains a cause of divorce greater beyond compare then that for adultery; and who so cannot so conceive it, errs and wrongs exceedingly a law of deep wisdome for want of well fadoming. For let him mark no man urges the just divorcing of adultery, as it is a sin, but as it is an injury to marriage; and though it be but once committed, and that without malice; whether through importunity or opportunity, the Gospel does not therefore disswade him who would therefore divorce; but that natural hatred when ever it arises, is a greater evil in marriage, then the accident of adultery, a greater defrauding, a greater injustice, and yet not blamable, he who understands not after all this representing, I doubt his will like a hard spleen draws faster then his understanding can well fanguisfe. Nor did that man ever know or feel what it is to love truly, nor ever yet comprehend in his thoughts what the true intent of marriage is. And this also will be somewhat above his reach, but yet no lesse a truth for lack of his perspeftive, that as no man apprehends what vice is, so well as he who is truly vertuous, no man knows he'll like him who converses most in heav'n, so there is none that can estimate the evil and the affliction of a natural hatred in matrimony, unleffe he have a soul gentle anough and spacious anough to contemplate what is true love.

And the reason why men so disesteeme this wise judging Law of God, and count hate, or the not finding of favour, as it is there term'd, a humorous, a dishonest, and slight cause of divorce, is because themselves apprehend so little of what true concord
means: for if they did, they would be jufier in their ballancing between natural hatred and casuall adultery; this being but a transient injury, and foone amended, I mean as to the party againft whom the trespass is: but that other being an unspeakable and unremitting sorrow and offence whereof no amends can be made, no cure, no ceasing but by divorce, which like a divine touch in one moment heals all; and like the word of God, in one instant hushes outrageous tempest into a sudden ftilnesse and peacefull calm. Yet all this so great a good of Gods own enlarging to us, is by the hard rains of them that fit us, wholly diverted and imbezzl'd from us. Maligners of mankind! But who hath taught you to mangle thus, and make more gashes in the miseries of a blameleffe creature, with the leaden daggers of your literall decrees, to whose ease you cannot adde the tithe of one small atome, but by letting alone your unhelppfull Surgery. As for such as thinke wandring concupiscence to bee here newly and more precisely forbidd'n, then it was before, if the Apostle can convince them; we know that we are to know lust by the law, and not by any new discovery of the Gospel. The Law of Mojes knew what it permitted, and the Gospel knew what it forbid; hee that under a peevish conceit of debarring concupiscence, shall goe about to make a novice of Mojes, (not to lay a worse thing for reverence fake) and such a one of God himzelfe, as is a horror to think, to bind our Saviour in the default of a down-right promise breaking, and to bind the disunions of complaining nature in chains together, and curb them with a canon bit, tis he that commits all the whooredome and adultery, which himzelfe adjudges, besides the former guilt so manifold that lies upon him. And if none of these considerations with all their wait and gravity, can avail to the disposleffing him of his preitious literallism, let
some one or other entreat him but to read on in the same 19 of Math. till he come to that place that says Some make themselves Eunuchs for the Kingdom of heavens sake. And if then he please to make use of Origens knife, he may doe well to be his own carver.

CHAP. XVIII.

Whether the word of our Saviour be rightly expounded only of actual fornication to be the cause of divorce. The opinion of Grotius with other reasons.

Ut because we know that Christ never gave a Judicial Law, and that the word fornication is variously significant in Scripture, it will be much right done to our Saviours words, to consider diligently, whether it be meant heere that nothing but actual fornication, prov'd by wistnes, can warrant a divorce, for so our canon law judges. Nevertheless as I find that Grotius on this place hath observ'd, the Christian Emperours, Theodosius the second, and Justinian, men of high wisdome and reputed piety, decreed it to be a divorcive fornication, if the wife attempted either against the knowledge, or obstinately against the will of her husband, such things as gave open suspicion of adulterizing: as the wilfull haunting of feast, and invitations with men not of her neer kindred, the lying forth of her house without probable cause, the frequenting of Theaters against her husbands mind, her endeavour to prevent or destroy conception. Hence that of Jerom, Where fornication is suspected, the wife may lawfully be divorc't, not that every motion of a jealous mind should be regarded, but that it should not be exacted to prove all things by the visibility of Law witnessing, or els to hood-wink the mind:
for the law is not able to judge of these things but by the rule of equity, and by permitting a wise man to walke the middle way of prudent circumspection, neither wretchedly jealous, nor stupidly and tamely patient. To this purpose hath Grotius in his notes. He shews also that fornication is tak'n in Scripture for such a continual headstrong behaviour, as tends to plain contempt of the husband: and proves it out of Judges 19. 2. where the Levites' wife is said to have plaid the whoore against him; which Josephus and the Septuagint, with the Chaldean, interpret onely of stubbornesse and rebellion against her husband: and to this I adde that Kimchi and the two other Rabbies who glosse the text, are in the same opinion. Ben Gerfom reasons, that had it bin whoordome, a Jew and a Levite would have disdain'd to fetch her again. And this I shall contribute, that had it beene whoordome, she would have chosen any other place to run to, then to her father's house, it being so infamous for an Hebrew woman to play the harlot, and so opprobrious to the parents. Fornication then in this place of the Judges is understood for stubborn disobedience against the husband and not for adultery. A sin of that sudden activity as to be already committed, when no more is done, but onely lookt unchoastly: which yet I would be loath to judge worthy a divorce, though in our Saviours language it be call'd adultery. Neverthelesse when palpable and frequent signes are giv'n, the law of God, Numb. 5, so far gave way to the jealoufy of a man, as that the woman set before the sanctuary with her head uncover'd, was adjur'd by the Priest to swear whether she were falfe or no; and constrain'd to drink that bitter water with an undoubted curse of rottenneffe and tympany to follow, unlesse she were innocent. And the jealous man had not bin guiltlesse before God, as seems by the
last verse, if having such a suspicion in his head, hee should neglect his trial, which if to this day it be not to be us'd, or be thought as uncertaine of effect, as our antiquated law of Ordamium, yet all equity will judge that many adulterous demeanours which are of lewd suspicion and example, may be held sufficient to incurre a divorce, though the act it selfe hath not been prov'd. And seeing the generosity of our Nation is so, as to account no reproach more abominable, then to bee nick-nam'd the husband of an adultrefle, that our law should not be as ample as the Law of God to vindicate a man from that ignoble sufferance, is our barbarous unskilfulness, not considering that the law should be exasperated according to our estimation of the injury. And if it must be suffer'd till the act be visibly prov'd, Salomon himselfe whose judgement will be granted to surpass the acutenesse of any Canonist, confessest, Pro. 30. 19. 20. that for the act of adultery it is as difficult to be found as the track of an Eagle in the aire, or the way of a ship in the Sea: so that a man may be put to unmanly indignities, ere it be found out. This therefore may bee enough to inform us, that divorcive adultery is not limited by our Saviour to the utmost act, and that to be attested always by eye witnesse, but may bee extended also to divers obvious actions, which either plainly lead to adultery, or give such presumption, whereby sensible men may suspect the deed to be already done. And this the rather may bee thought, in that our Saviour chose to use the word Fornication, which word is found to signify other matrimoniall transgressions of main breach to that cov'nant besides actuall adultery. For that sinne needed not the riddance of divorce, but of death by the Law, which was active ev'n till then by the example of the woman tak'n in adultery; or if the Law had been dormant, our Saviour was more likely to
have told them of their neglect, then to have let a capital crime silently escape into a divorce: or if it be said his business was not to tell them what was criminal in the civil Courts, but what was sinful at the barre of conscience, how dare they then having no other ground then these our Saviour's words, draw that into triall of Law, which both Moses and our Saviour have left to the jurisdiction of conscience? But we take from our Saviour, say they, onely that it was adultery and our Law of it selfe applies the punishment. But by their leave that so argue, the great Law-giver of all the world who knew best what was adultery both to the Jew and to the Gentile appointed no such applying, and never likes when mortal men will be vainly presuming to outstrip his justice.

CHAP. XIX.

Christ's manner of teaching. S. Paul addes to this matter of divorce without command to shew the matter to be of equity, not of rigor. That the bondage of a Christian may be as much, and in peace as little in some other marriages besides idolatrous: If those arguments th therefore be good in that one case, why not in those other: th therefore the Apostle himself adds, ev tois tois.

Hus at length wee see both by this and by other places, that there is scarce any one saying in the Gospel, but must bee read with limitations and distinctions, to bee rightly understood; for Christ gives no full comments or continued discourses, but as Demetrius the Rhetoritian phraseth it, speaks oft in Monosyllables, like a master scattering the heavenly grain of his doctrine like pearl here and there, which requires
a skilfull and laborious gatherer, who must compare the words he findes, with other precepts, with the end of every ordinance, and with the generall analogie of Evangelick doctrine: otherwife many particular sayings would bee but strange repugnant riddles; and the Church would offend in granting divorce for frigidity, which is not here accepted with adultery, but by them added. And this was it undoubtedly which gave reason to S. Paul of his own authority, as hee professestes, and without command from the Lord, to enlarge the seeming construction of those places in the Gospell; by adding a case wherein a person deserted, which is somthing lesse then divorc't, may lawfully marry again. And having declar'd his opinion in one case, he leaves a further liberty for Christian prudence to determine in cases of like importance; using words so plain as are not to be shifted off, *that a brother or a sister is not under bondage in such cases*, adding also, that *God hath call'd us to peace* in marriage.

Now if it be plain that a Christian may be brought into unworthy bondage, and his religious peace not onely interrupted now and then, but perpetually and finally hinder'd in wedlock by mis-yoking with a diversity of nature as well as of religion the reasons of S. Paul cannot be made speciall to that one case of infidelity, but are, of equal moment to a divorce, where ever Christian liberty and peace are without fault equally obstructed. That the ordinance which God gave to our comfort, may not be pinn'd upon us to our undeserved thraldom, to be coopt up as it were in mockery of wedlock, to a perpetual betrothed lonelines and discontent, if nothing worse ensue. There being nought els of marriage left between such, but a displeasing and forc't remedy against the sting of a bruit desire: which fleshly accustomed without the souls union and commixture
of intellectual delight, as it is rather a foiling then a fulfilling of marriage-rites, so is it anough to abase the mettle of a generous Spirit, and sinks him to a low and vulgar pitch of endeavour in all his actions, or, which is worfe, leaves him in a dispairing plight of object and hardn'd thoughts: which condition rather then a good man should fall into, a man usefull in the service of God and mankind, Christ himselfe hath taught us to dispence with the most sacred ordinance of his worship, even for a bodily healing to dispence with that holy and speculative rest of Sabbath, much more then with the erroneous observance of an ill knotted mariage, for the sustaining of an overcharg'd faith and perseverance.

**CHAP. XX.**

_The meaning of S. Paul, that Charity beleeveth all things._ What is to be said to the licence which is vainly fear'd will grow hereby. What to those who never have don prescribing patience in that case. The Papist most severe against divorce: yet most easy to all licence. Of all the miseries in mariage God is to be clear'd, and the fault to be laid on mans unjust laws.

And though bad causes would take licence by this pretext, if that cannot be remedied, upon their conscience be it, who shall so doe. This was that hardnese of heart, and abuse of a good law which Moses was content to suffer, rather then good men should not have it at all to use needfully. And he who to run after one lost sheep, left ninety nine of his own flock at randome in the wildernes, would little perplex his thought for the obduring of nine hunder'd and ninety
such as will daily take worse liberties, whether they have permission or not. To conclude, as without charity God hath giv'n no commandment to men, so without it, neither can men rightly believe any commandment giv'n. For every act of true faith, as well that whereby we believe the law, as that whereby wee endeavour the law, is wrought in us by charity, according to that in the divine hymne of St. Paul, 1 Cor. 13. Charity believeth all things: not as if she were so credulous, which is the exposition hitherto current, for that were a trivial praise, but to teach us that charity is the high governesse of our beleefe, and that we cannot safely assent to any precept writ'tn in the Bible, but as charity commends it to us. Which agrees with that of the same Apostle to the Ephes. 4. 14. 15. where he tells us that the way to get a sure undoubted knowledge of things, is to hold that for truth, which accords most with charity. Whose unerring guidance and conduct having follow'd as a load-starre with all diligence and fidelity in this question, I trust, through the help of that illuminating Spirit which hath favour'd me, to have done no every dayes worke: in ascerting after many ages the words of Christ with other Scriptures of great concernment from burdensome and remorseles obscurity, tangl'd with manifold repugnances, to their native lustre and consent betwene each other: hereby also dissolving tedious and Gordian difficulties, which have hitherto molested the Church of God, and are now decided not with the sword of Alexander, but with the immaculate hands of charity, to the unspeakable good of Christ-endome. And let the extreme literalift sit down now and revolve whether this in all necessity be not the due result of our Saviours words: or if he persist to be otherwise opinion'd, let him well advise, lest thinking to gripe fast the Gospel, he be found
in stead with the canon law in his fist: whose boisterous edicts tyrannizing the blessed ordinance of marriage into the quality of a most unnatural and unchristianly yoke, have giv'n the flesh this advantage to hate it, and turn aside, oft times unwillingly, to all dissolute uncleanness, even till punishment it selfe is weary, and overcome by the incredible frequency of trading lust, and uncontroull'd adulteries. Yet men whose Creed is custome, I doubt not but will be still endeavouring to hide the floth of their own meritorious capacities with this pretext, that for all this 'tis better to indure with patience and silence this affliction which God hath sent. And I agree tis true; if this be exhorted and not enjoyn'd; but withall it will be wisely done to be as sure as may be, that what mans iniquity hath laid on, be not imputed to God's sending, least under the colour of an affected patience we detaine our selves at the gulphs mouth of many hideous temptations, not to be withstood without proper gifts, which, as Perkins well notes, God gives not ordinarily, no not to most earnest prayers. Therefore we pray, Lead us not into temptation, a vain prayer, if having led ourselves thither, we love to stay in that perilous condition. God sends remedies, as well as evills; under which he who lies and groans, that may lawfully acquit himselfe, is accessary to his own ruin: nor will it excuse him, though he suffer through a sluggish fearfulnesse to search throughly what is lawfull, for feare of disquieting of a secure falsity of an old opinion. Who doubts not but that it may be piously said, to him who would dismisse frigidity, bear your trial, take it, as if God would have you live this life of continence: if he exhort this, I heare him as an Angell, though he speak without warrant: but if he would compell me, I know him for Satan. To him who divorces an adulteresse, Piety might say; Pardon
her; you may shew much mercy, you may win a soul: yet the law both of God and man leaves it freely to him. For God loves not to plow out the heart of our endeavours with over-hard and sad tasks. God delights not to make a drudge of vertue, whose actions must be all elective and uncontraind. For the vertue is as a bolt overshot it goes neither forward nor backward, and does no good as it stands. Seeing therefore that neither Scripture nor reason hath laid this unjust austeritv upon divorce, we may resolve that nothing else hath wrought it, but that letter-bound servility of the Canon Doctors, supposing marriage to be a Sacrament, and out of the art they have to lay unnecessary burdens upon all men, to make a fair shew in the fleshly observance of matrimony, though peace and love with all other conjugall respects fare never so ill. And indeed the Papists who are the strictest forbidders of divorce, are the easiest libertines to admit of grossest uncleanness; as if they had a designe by making wedlock a supportless yoke, to violate it most, under colour of preserving it most inviolable: and withall delighting, as their mystery is, to make men the day-labourers of their own afflictions, as if there were such a scarcity of miseries from abroad, that we should be made to melt our choicest home blessings, and coin them into croffes, for want whereby to hold commerce with patience. If any therefore who shall hap to read this discourse, hath been through misadventure ill ingag'd in this contracted evil here complain'd of, and finds the fits and workings of a high impatience frequently upon him, of all those wild words which men in misery think to eafe themselves by uttering, let him not op'n his lips against the providence of heav'n, or tax the wayes of God and his divine truth: for they are equall, easie, and not burdensome; nor do they ever croffe the just and reasonable desires of
men, nor involve this our portion of mortall life, into a necessity of sadness and malecontent, by laws commanding over the unreducible antipathies of nature sooner or later found: but allow us to remedy and shake off those evils into which human error hath led us through the midst of our best intentions; and to support our incident extremities by that authentick precept of soveran charity; whose grand commission is to do and to dispose over all the ordinances of God to man; that love and truth may advance each other to everlasting. While we literally superstitious through customary faintness of heart, not venturing to pierce with our free thoughts into the full latitude of nature and religion, abandon our selves to serve under the tyranny of usurpt opinions, suffering those ordinances which were allotted to our solace and reviving, to trample over us and hale us into a multitude of sorrows which God never meant us. And where he set us in a fair allowance of way, with honest liberty and prudence to our guard, we never leave subtilizing and casuisting till we have strain'd and par'd that liberal path into a rafors edge to walk on, between a precipice of unnecessary mischief on either side: and starting at every false Alarum, we do not know which way to set a foot forward with manly confidence and Christian resolution, through the confused ringing in our eares of panic scruples and amazements.
CHAP. XXI.

That the matter of divorce is not to be try'd by Law, but by Conscience, as many other sins are. The Magistrate can only see that the condition of divorce be just and equal. The opinion of Fagius, and the reasons of this assertion.

Another act of papall encroachment it was, to pluck the power and arbitrement of divorce from the master of family, into whose hands God and the Law of all Nations had put it, and Christ so left it, preaching onely to the conscience, and not authorizing a judicall Court to toss about and divulge the unaccountable and secret reasons of disaffection between man and wife, as a thing most improperly answerable to any such kind of triall. But the Popes of Rome perceiving the great revenue and high authority it would give them ev'n over Princes, to have the judging and deciding of such a main consequence in the life of man as was divorce, wrought so upon the superstition of those ages, as to divest them of that right which God from the beginning had entrusted to the husband: by which means they subjected that ancient and naturally domestick prerogative to an externall and unbefitting Judicature. For although differences in divorce about Dowries, Jointures, and the like, besides the punishing of adultery, ought not to passe without referring, if need be, to the Magistrate, yet that the absolute and finall hindring of divorce cannot belong to any civill or earthly power, against the will and consent of both parties, or of the husband alone, some reasons will be here urg'd as shall not need to decline the touch. But first I shal recite what hath bin already yeilded by others in favour of this opinion. Grotius
and many more agree that notwithstanding what Christ spake therin to the conscience, the Magistrate is not therby enjoyn'd ought against the preservation of civill peace, of equity, and of convenience. Among these Fagius is most remarkable, and gives the same liberty of pronouncing divorce to the Christian Magistrate, as the Mosaick had. For whatever, faith he, Christ spake to the regenerate, the Judge hath to deal with the vulgar: if therefore any through hardness of heart will not be a tolerable wife or husband, it will be lawfull as well now as of old to passe the bill of divorce, not by privat, but by publick authority. Nor doth man separate them then, but God by his law of divorce giv'n by Moses. What can hinder the Magistrate from so doing, to whose government all outward things are subject, to separate and remove from perpetuall vexation and no small danger, those bodies whose minds are already separate: it being his office to procure peaceable and convenient living in the Common-wealth; and being as certain also, that they so necessarily separated, cannot all receive a single life. And this I observe that our Divines do generally condemn separation of bed and board, without the liberty of second choice; if that therefore in some cases be most purely necessary, as who so blockish to deny, then is this also as needfull. Thus far by others is already well stept, to inform us that divorce is not a matter of Law but of Charity: if there remain a furlong yet to end the question, these following reasons may serve to gain it with any apprehension not too unlearned, or too wayward. First because ofttimes the causes of seeking divorce reside so deeply in the radicall and innocent affections of nature, as is not within the diocese of Law to tamper with. Other relations may aptly anough be held together by a civil and vertuous love. But the duties of man and wife are such as are chiefly conversant in that love, which is most ancient and meerly naturall;
whose two prime statutes are to joyn it self to that which is good and acceptable and friendly; and to turn aside and depart from what is disagreeable, displeasing and unlike: of the two this latter is the strongest, and most equall to be regarded: for although a man may often be unjust in seeking that which he loves, yet he can never be unjust or blamable in retiring from his endless trouble and distaft, whenas his tarrying can redound to no true content on either side. Hate is of all things the mightiest divider, nay, is division it self. To couple hatred therfore, though wedlock try all her golden links, and borrow to her aid all the iron manacles and fettors of Law, it does but seek to twist a rope of sand, which was a task, they say, that pos'd the divell. And that sluggifh feind in hell Ocnus, whom the Poems tell of, brought his idle cordage to as good effect, which never serv'd to bind, but to feed the Asfè that stood at his elbow. And that the restrictive Law against divorce, attains as little to bind any thing truly in a disjoyned mariage, or to keep it bound, but serves only to feed the ignorance, and definitive impertinence of a doltish Canon, were no absurd allusion. To hinder therfore those deep and serious regresses of nature in a reasonable soul parting from that mistak'n help which he justly seeks in a person created for him, recollecting himself from an unmeet help which was never meant, and to detain him by compulsion in such an unpredeftin'd misery as this, is in diameter against both nature and institution: but to interpose a jurisdiction power over the inward and irremediable disposition of man, to command love and sympathy, to forbid dislike against the guiltles instinct of nature, is not within the Province of any Law to reach, and were indeed an uncommodious rudenesse, not a just power: for that Law may bandy with nature, and traverse her sage motions,
was an error in *Callicles* the Rhetorician, whom *Socrates* from high principles confutes in *Plato's Gorgias*. If therefore divorce may be so naturall, and that Law and Nature are not to go contrary, then to forbid divorce compulsively, is not onely against na-
ture, but against law.

Next it must be remember'd that all law is for
some good that may be frequently attain'd, without
the admixture of a worse inconvenience; and ther-
fore many grosse faults, as ingratitude and the like,
which are too far within the soul, to be cur'd by con-
straint of law, are left only to be wrought on by con-
science and perswasion. Which made *Aristotle* in
the 10th of his *Ethicks* to *Nichomachus*, aim at a kind
of division of law into private or perswasive, and pub-
lick or compulsive. Hence it is that the law forbid-
ding divorce, never attains to any good end of such
prohibition, but rather multiplies evil. For if na-
tures resistlesse sway in love or hate be once compell'd,
it grows carelesse of it self, vitious, uselesse to friend,
unserviceable and spiritless to the Common-wealth.
Which *Moses* rightly foresaw, and all wise Law-givers
that ever knew man, what kind of creature he was.
The Parliament also and Clergy of England were not
ignorant of this, when they consented that *Harry* the
8th might put away his Queen *Anne of Cleve*, whom
he could not like after he had been wedded half a
year; unlesse it were that contrary to the proverb,
they made a necessity of that which might have been
a vertue in them to do. For ev'n the freedome and
eminence of mans creation gives him to be a Law in
this matter to himself, being the head of the other
Sex which was made for him: whom therefore though
he ought not to injure, yet neither shoulde he be forc't
to retain in society to his own overthrow, nor to hear
any judge therin above himself. It being also an un-
seemly affront to the sequestr'd and vail'd modesty of
that sex, to have her unpleasingness and other concealments bandied up and down, and aggravated in open Court by those hir'd masters of tongue-fence. Such uncomely exigences it befell no lefse a Majesty then Henry the eighth to be reduc't to; who finding just reason in his conscience to forgo his brothers wife, after many indignities of being deluded, and made a boy of by those his two Cardinall Judges, was constrain'd at laft for want of other proof that she had been carnally known by Prince Arthur, ev'n to uncover the nakedness of that virtuous Lady, and to recite openly the obscene evidence of his brothers Chamberlain. Yet it pleas'd God to make him fee all the tyranny of Rome, by discovering this which they exercis'd over divorce; and to make him the beginner of a reformation to this whole Kingdom by firft asserting into his familiar power the right of just divorce. Tis true, an adulteress cannot be sham'd anough by any publick proceeding: but that woman whose honour is not appeach't, is lefse injur'd by a silent dismission, being otherwise not illiberally dealt with, then to endure a clamouring debate of utter-lefse things, in a busines of that civill secrecy and difficult discerning, as not to be over-much question'd by neereft friends. Which drew that answer from the greatest and worthieft Roman of his time Paulus Emilius, being demanded why he would put away his wife for no visible reason, This Shoo, said he, and held it out on his foot, is a neat shoo, a new shoo, and yet none of you know where it wrings me: much lefse by the unfamiliar cognisance of a fee'd gamester can such a private difference be examin'd, neither ought it.

Again, if Law aim at the firm establishment and preservation of matrimonial faith, we know that cannot thrive under violent means, but is the more violat. It is not when two unfortunately met are by
the Canon forc't to draw in that yoke an unmercifull dayes work of sorrow till death unharness'd em, that then the Law keeps mariage most unviolated and unbrok'n: but when the Law takes order that mariage be accountant and responsible to perform that society, whether it be religious, civill, or corporall, which may be conscionably requir'd and claim'd therin, or else to be dissolv'd if it cannot be undergone: This is to make mariage most indissoluble, by making it a just and equall dealer, a performer of those due helps which instituted the covnant, being otherwise a most unjust contract, and no more to be maintain'd under tuition of law, then the vilest fraud, or cheat, or theft that may be committed. But because this is such a secret kind of fraud or theft, as cannot be discern'd by law, but only by the plaintife himself, therefore to divorce was never counted a politcall or civill offence neither to Jew nor Gentile, nor by any judiccall intendment of Christ, further then could be discern'd to transgresse the allowance of Moses, which was of necessity so large, that it doth all one as if it sent back the matter undeterminable at law, and intractable by rough-dealing, to have instructions and admonitions bestow'd about it by them whose spirituall office is to adjure and to denounce, and so left to the conscience. The Law can only appoint the just and equall conditions of divorce, and is to look how it is an injury to the divorc't, which in truth it can be none, as a meer separation; for if she consent, wherein has the Law to right her? or consent not; then is it either just, and so deservd; or if unjust, such in all likelihood was the divorcer, and to part from an unjust man is a happinesse, and no injury to be lamented. But suppose it be an injury, the Law is not able to amend it, unless she think it other then a miserable redress to return back from whence she was expelled, or but intreated to be gone, or else to live apart still maried
without marriage, a married widow. Last, if it be to chasten the divorcer, what Law punishes a deed which is not morall, but natural, a deed which cannot certainly be found to be an injury, or how can it be punished by prohibiting the divorce, but that the innocent must equally partake both in the shame and in the smart. So that which way soever we look the Law can to no rationall purpose forbid divorce, it can only take care that the conditions of divorce be not injurious. Thus then we see the triall of law how impertinent it is to this question of divorce, how helplesse next, and then how hurtfull.

CHAP. XXII.

The last Reason, why divorce is not to be restrained by Law, it being against the Law of nature and of Nations. The larger proof wherof reffered to Mr. Seldens Book De jure naturali et gentium. An objection of Paræus answered. How it ought to be ordered by the Church. That this will not breed any worse inconvenience nor so bad as is now suffered.

Therefore the last Reason why it should not be, is the example we have, not only from the noblest and wisest Common-wealths, guided by the clearest light of human knowledge, but also from the divine testimonies of God himself, lawgiving in person to a sanctify'd people. That all this is true, who so desires to know at large with least pains, and expects not heer over-long rehearsals of that which is by others already so judiciously gather'd, let him haften to be acquainted with that noble volume written by our learned Sel- den, Of the Law of nature and of Nations, a work more usefull and more worthy to be perus'd, who-
foever studies to be a great man in wisdom, equity, and justice, then all those decretales, and sumles sums, which the Pontificall Clerks have doted on, ever since that unfortunat mother famously finn'd thrice, and di'd impenitent of her bringing into the world those two misbegotten infants, and for ever infants Lombard and Gratian; him the compiler of Canon iniquity, tother the Tubalcaim of scholastick Sophistry, whose overspreading barbarism hath not only infus'd their own bastardy upon the fruitfullest part of human learning; not only dissipated and dejected the clear light of nature in us, and of Nations, but hath tainted also the fountains of divine Doctrine, and render'd the pure and solid Law of God unbenefficial to us by their calumnious dunceries. Yet this Law which their unskilfulness hath made liable to all ignominy, the purity and wisdom of this Law shall be the buckler of our dispute. Liberty of divorce we claim not, we think not but from this Law; the dignity, the faith, the authority thereof is now grown among Christians, O astonishment! a labour of no mean difficulty and envy to defend. That it should not be counted a faltring dispence, a flattering permission of sin, the bill of adultery, a snare, is the expence of all this apology. And all that we solicite is, that it may be suffer'd to stand in the place where God set it amidst the firmament of his holy Laws to shine, as it was wont, upon the weaknesses and errors of men perishing els in the sincerity of their honest purposes: for certain there is no memory of whordoms and adulteries left among us now, when this warranted freedom of Gods own giving is made dangerous and discarded for a scrowle of licence. It must be your suffrages and Votes, O Englishmen, that this exploded decree of God and Moses may scape, and come off fair without the cenfure of a shamefull abrogating: which, if yonder Sun ride
sure, and mean not to break word with us to morrow, was never yet abrogated by our Saviour. Give sentence, if you please, that the frivolous Canon may reverse the infallible judgement of Mofes and his great director. Or if it be the reformed writers, whose doctrine prevails this rather, their reasons I dare affirm are all silenced, unless it be only this. Paraæus on the Corinthians would prove that hardness of heart in divorce is no more now to be permitted, but to be amended with fine and imprisonment. I am not willing to discover the forgettings of reverend men, yet here I must. What article or clause of the whole new Cov’nant can Paraæus bring to exasperate the judicall Law, upon any infirmity under the Gospel? (I say infirmity, for if it were the high hand of sin, the Law as little would have endured it as the Gospel) it would not stretch to the dividing of an inheritance; it refused to condemn adultery, not that these things should not be done at Law, but to shew that the Gospel hath not the least influence upon judicall Courts, much less to make them sharper, and more heavy; left of all to arraine before a temporall Judge that which the Law without summons acquitted. But faith he, the law was the time of youth, under violent affections, the Gospel in us is mature age, and ought to subdue affections. True, and so ought the Law too, if they be found disorderly, and not merely natural and blameless. Next I distinguish that the time of the Law is compared to youth, and pupillage in respect of the ceremoniall part, which led the Jews as children through corporal and garish rudiments, until the fulness of time should reveal to them the higher lessons of faith and redemption. This is not meant of the moral part, therein it soberly concern’d them not to be babies, but to be men in good earnest: the sad and awful majesty of that Law was not to be jested with, to
bring a bearded nonage with lascivious dispensations before that throne, had bin a leud affront, as it is now a grosse mistake. But what discipline is this, Paræus, to nourish violent affections in youth, by cockring and wanton indulgences, and to chastise them in mature age with a boyish rod of correction. How much more coherent is it to Scripture, that the Law as a strict Schoolmaster should have punished every trespass without indulgence so baneful to youth, and that the Gospel should now correct that by admonition and reproof only, in free and mature age, which was punished with stripes in the childhood and bondage of the Law. What therefore it allowst then so fairly, much lesse is to be whipt now, especially in penall Courts: and if it ought now to trouble the conscience, why did that angry accuser and condemning Law reprehend it? So then, neither from Moses nor from Christ hath the Magistrate any authority to proceed against it. But what? Shall then the disposall of that power return again to the master of family? Wherefore not? Since God there put it, and the presumptuous Canon thence bereft it. This only must be provided, that the ancient manner be observed in presence of the Minister and other grave selected Elders; who after they shall have admonished and pressed upon him the words of our Saviour, and he shall have protested in the faith of the eternal Gospel, and the hope he has of happy resurrection, that otherwise then thus he cannot do, and thinks himself, and this his case not contain'd in that prohibition of divorce which Christ pronounc'd, the matter not being of malice, but of nature, and so not capable of reconciling, to constrain him further were to unchristen him, to unman him, to throw the mountain of Sinai upon him, with the weight of the whole Law to boot, flat against the liberty and essence of the Gospel, and yet nothing available either
The Doctrine and

Bk. 2.

to the sanctity of marriage, the good of husband, wife, or children, nothing profitable either to Church or Common-wealth; but hurtfull and pernicious to all these respects. But this will bring in confusion. Yet those cautious mistrusters might consider, that what they thus object, lights not upon this book, but upon that which I engage against them, the book of God, and of Moses, with all the wisdome and providence which had fore-caft the worst of confusion that could succeed, and yet thought fit of such a permission. But let them be of good cheer, it wrought so little disororder among the Jews, that from Moses till after the captivity, not one of the Prophets thought it worth rebuking; for that of Malachy well lookt into, will appeare to be, not against divorcing, but rather against keeping strange Concubines, to the vexation of their Hebrew wives. If therefore wee Christians may be thought as good and tractable as the Jewes were, and certainly the prohibitors of divorce presume us to be better, then lesse confusion is to be fear'd for this among us, then was among them. If wee be worse, or but as bad, which lamentable examples confirme we are, then have we more, or at leaft as much need of this permitted law, as they to whom God therefore gave it (as they say) under a harsher cov'rant. Let not threfore the frailty of man goe on thus inventing needless troubles to it self, to groan under the fallæ imagination of a stringnes never imposed from above; enjoying that for duty which is an impossible and vain supererogating. Be not righteous overmuch, is the counsell of Ecclesiastes, why shouldst thou destroy thy selfe? Let us not be thus over-curious to strain at atoms, and yet to stop every vent and cranny of permisive liberty, left nature wanting those needfull pores, and breathing places which God hath not debarr'd our weaknesse, either suddenly break out into some wide rupture of
open vice, and frantick heresie, or else inwardly fetter with repining and blasphemous thoughts, under an unreasonable and fruitlesse rigor of unwarranted law. Against which evills nothing can more be feeme the religion of the Church, or the wisedome of the State, then to consider timely and provide. And in so doing, let them not doubt but they shall vindicate the misreputed honour of God and his great Lawgiver, by suffering him to give his own laws according to the condition of mans nature best known to him, without the unsufferable imputation of dispensing legally with many ages of ratify'd adultery. They shall recover the misattended words of Christ to the sincerity of their true sense from manifold contradictions, and shall open them with the key of charity. Many helplesse Christians they shall raise from the depth of sadnes and distresse, utterly unfitted, as they are, to serve God or man: many they shall re-claime from obscure and giddy sects, many regain from dissolute and brutish licence, many from desperate hardnes, if ever that were justly pleaded. They shall set free many daughters of Israel, not wanting much of her sad plight whom Satan had bound eighteen yeares. Man they shall restore to his just dignity, and prerogative in nature, preferring the souls free peace before the promiscuous draining of a carnall rage. Marriage from a perilous hazard and snare, they shall reduce to bee a more certain hav'n and retirement of happy society; when they shall judge according to God and Moses, and how not then according to Christ? when they shall judge it more wisdome and goodnes to break that cov'nant seemingly and keep it really, then compulsion of law to keep it seemingly, and by compulsion of blameles nature to break it really, at least if it were ever truly joyn'd. The vigor of discipline they may then turne with better sucesse upon the prostitute loosenes of the
times, when men finding in themselves the infirmities of former ages, shall not be constrain'd above the gift of God in them, to unprofitable and impossible observances never requir'd from the civilest, the wisest, the holiest Nations, whose other excellencies in morall vertue they never yet could equal. Last of all, to those whose mind still is to maintain textuall restriction, whereof the bare sound cannot consist sometimes with humanity, much lesse with charity, I would ever answer by putting them in remembrance of a command above all commands, which they feeme to have forgot, and who spake it; in comparison whereof this which they so exalt, is but a petty and subordinate precept. Let them goe therefore with whom I am loath to couple them, yet they will needs run into the fame blindnes with the Pharifes, let them goe therefore and consider well what this lesdon means, I will have mercy and not sacrafice; for on that saying all the Law and Prophets depend, much more the Gospel whose end and excellence is mercy and peace: Or if they cannot learn that, how will they heare this, which yet I shall not doubt to leave with them as a conclusion: That God the Sonne hath put all other things under his own feet; but his Commandements hee hath left all under the feet of Charity.
Tetrachordon:

Expositions upon the foure chief places in Scripture, which treat of Mariage, or nullities in Mariage.

On

\[
\begin{align*}
& \text{Gen. i. 27. 28. compar'd and explain'd by Gen. ii. 18. 23. 24.} \\
& \text{Deut. 24. i. 2.} \\
& \text{Matth. 5. 31. 32. with Matth. 19. from the 3d. v. to the 11th.} \\
& \text{i Cor. 7. from the 10th to the 16th.}
\end{align*}
\]

Wherin the Doctrine and Discipline of Divorce, as was lately publish'd, is confirm'd by explanation of Scripture, by testimony of ancient Fathers, of civill lawes in the Primitive Church, of famouseth Reformed Di-vines,

And lastly, by an intended Act of the Parlament and Church of England in the last yeare of Edward the sixth.
Σκαλιόσι καίνα προσφέρων σοφᾶ
Δόξεις ἀξιέως, κ' οὗ σοφὸς περικέναι;
Τάν δ' αὐτοκόντων εἰδέναι τι ποιήλον,
Κρείσσων νομισθεὶς ἐν πόλει, λυπρὸς φανῇ.
Euripid. Medea.
To the Parliament.

Hat which I knew to be the part of a good Magistrate, aiming at true liberty through the right information of religious and civil life, and that which I saw, and was partaker of, your Vows and solemn Cov'nants, Parliament of England, your actions also manifestly tending to exalt the truth, and to depress the tyranny of error, and ill custome, with more constancy and prowess then ever yet any, since that Parliament which put the first Scepter of this Kingdom into his hand whom God and extraordinary vertue made thir Monarch, were the causes that mov'd me, one else not placing much in the eminence of a dedication, to present your high notice with a Discourse, conscious to it self of nothing more then of diligence, and firm affection to the publick good. And that ye took it so as wise and impartial men, obtaining so great power and dignitie, are wont to accept, in matters both doubtfull and important, what they think offer'd them well meant, and from a rational ability, I had no lesse then to perswade me. And on that perswasion am return'd, as to a famous and free Port, my self also bound by more then a maritime Law, to expose as freely what fraught-age I conceave to bring of no trifles. For although it be generally known, how and by whom ye have been instigated to a hard censure of that former book entitl'd, The Doctrine, and Discipline of Divorce, an opinion held by some of the best among reformed Writers without scandal or consutement, though now thought new and
To the Parliament.

dangerous by some of our severe Gnostics, whose little reading, and less meditating holds ever with hardest obstinacy that which it took up with easiest credulity, I do not find yet that ought, for the furious incitements which have been us'd, hath issu'd by your appointment, that might give the least interruption or disrepute either to the Author, or to the Book. Which he who will be better advis'd then to call your neglect, or connivence at a thing imagin'd so perilous, can attribute it to nothing more justly, then to the deep and quiet streame of your direct and calm deliberations; that gave not way either to the fervent rashness, or the immaterial gravity of those who cease'd not to exasperate without cause. For which uprightness and incorrupt refusal of what ye were incens'd to, Lords and Commons, (though it were don to justice, not to me, and was a peculiar demonstration how farre your wai's are different from the rash vulgar) besides those allegiances of oath and duty, which are my public debt to your public labours, I have yet a store of gratitude laid up, which cannot be exhausted; and such thanks perhaps they may live to be, as shall more then whisper to the next ages. Yet that the Author may be known to ground himself upon his own innocence, and the merit of his cause, not upon the favour of a diversion, or a delay to any just censure, but wishes rather he might see those his detractors at any fair meeting, as learned debatements are privileg'd with a due freedome under equall Moderators, I shall here briefly single one of them (because he hath oblig'd me to it) who I perswade me having scarce read the book, nor knowing him who writ it, or at least faining the latter, hath not forborn to scandalize him, unconferr'd with, unadmonisht, undealt with by any Pastorly or brotherly convincement, in the most open and invective manner, and at the most bitter opportunity that drift or set designe could have invented. And this, when as the Canon Law, though commonly most favouring the boldnesse
of their Priests, punishes the naming or traducing of any person in the Pulpit, was by him made no scruple. If I shall therefore take licence by the right of nature, and that liberty wherein I was born, to defend my self publicly against a printed Calumny, and do willingly appeal to those Judges to whom I am accused, it can be no immoderate, or unallowable course of seeking so just and needfull reparations. Which I had done long since, had not these employments, which are now visible, de-
ferr'd me. It was preach'd before ye, Lords and Com-
mons, in August last upon a special day of humiliation, that there was a wicked Book abroad, and ye were taxt of sin that it was yet uncensur'd, the book de-
serving to be burnt, and impudence also was charg'd upon the Author, who durst set his name to it, and dedicate it to your selves. First, Lords and Com-
mons, I pray to that God, before whom ye then were prostrate, so to forgive ye those omissions and trespasses, which ye desire most should find forgivenes, as I shall soon shew to the world how easily ye absolve your selves of that which this man calls your sin, and is indeed your wisdome, and your Noblenesf, whereof to this day ye have don well not to repent. He terms it a wicked book, and why but for allowing other causes of Di-
vorce, then Christ and his Apostles mention; and with the same censurc condemns of wickednesse not onely Martin Bucer that eleft Instrument of Reformation, highly honour'd and had in reverence by Edward the sixtb, and his whole Parlament, whom also I had pub-
lish'd in English by a good providence, about a week be-
fore this calumnious digression was preach'd; so that if he knew not Bucer then, as he ought to have known, he might at leaft have known him some months after, ere the Sermon came in print, wherein notwithstanding he perfists in his former sentence, and condemns again of wickednesse, either ignorantly or wilfully, not onely Martin Bucer, and all the choifeft and holieft of our
Reformers, but the whole Parliament and Church of England in those best and purest times of Edward the sixth. All which I shall prove with good evidence, at the end of these Explanations. And then let it be judged and seriously consider'd with what hope the affairs of our Religion are committed to one among others, who hath now only left him which of the twain he will choose, whether this shall be his palpable ignorance, or the same wickedness of his own book, which he so lavishly imputes to the writings of other men: and whether this of his, that thus peremptorily defames and attains of wickedness unpotted Churches, unblemish'd Parliaments, and the most eminent restorers of Christian Doctrine, deserve not to be burnt first. And if his heat had burst out only against the opinion, his wonted passion had no doubt bin silently born with wonted patience. But since against the charity of that solemn place and meeting, it serv'd him further to inveigh opprobriously against the person, branding him with no lesse then impudence, only for setting his name to what he had writ'n, I must be excus'd not to be so wanting to the defence of an honest name, or to the reputation of those good men who afford me their society, but to be sensible of such a foule endeavour'd disgrace: not knowing ought either in mine own deserts, or the Laws of this Land, why I should be subject, in such a notorious and illegal manner, to the intemperancies of this mans preaching choler. And indeed to be so prompt and ready in the midst of his humbleness, to tosse reproaches of this bulk and size, argues as if they were the weapons of his exercise, I am sure not of his Ministry, or of that dayes work. Certainly to subscribe my name at what I was to own, was what the State bad order'd and requires. And he who lifts not to be malicious, would call it ingenuity, clear conscience, willingness to avouch what might be question'd, or to be better instructed. And if God were so displeas'd with
To the Parlament.

those, Is. 58. who on the solemn fast were wont to smite with the fist of wickedness, it could be no signe of his own humiliation accepted, which dispos'd him to smite so keenly with a reviling tongue. But if only to have writ my name must be counted impudence, how doth this but justifie another, who might affirm with as good warrant, that the late Discourse of Scripture and Reason, which is certain to be chiefly his own draught, was publish't without a name, out of base fear, and the sly avoidance of what might follow to his detriment, if the party at Court should hap to reach him. And I, to have set my name, where he accuses me to have set it, am so far from recanting, that I offer my hand also if need be, to make good the same opinion which I there maintain, by inevitable consequences drawn parallel from his own principal arguments in that of Scripture and Reason; which I shall pardon him, if he can deny, without foaking his own composition to pieces. The impudence therefore, since he weigh'd so little what a grosse revile that was to give his equall, I send him back again for a phylacter to stitch upon his arrogance, that censures not only before conviction so bitterly without so much as one reason giv'n, but censures the Congregation of his Governors to their faces, for not being so hasty as himself to censure.

And whereas my other crime is, that I address'd the Dedication of what I had studied, to the Parlament, how could I better declare the loyalty which I owe to that supreme and majestick Tribunal, and the opinion which I have of the high-entrusted judgement, and personall worth assembl'd in that place. With the same affections therefore, and the same addicted fidelity, Parlament of England, I here again have brought to your perusal on the same argument these following Expositions of Scripture. The former book, as pleas'd some to think, who were thought judicious, had of reason in
To the Parlament.

it to a sufficiencie; what they requir'd, was that the Scriptures there alleg'd, might be discuss'd more fully. To their desires, thus much furder hath been labour'd in the Scriptures. Another sort also who wanted more authorities, and citations, have not been here unthought of. If all this attain not to satisfie them, as I am confident that none of those our great controversys at this day, hath had a more demonstrative explaining, I must confesse to admire what it is, for doubtlesse it is not reason now adayes that satisfyes, or suborns the common credence of men, to yeeld so easily, and grow so vehement in matters much more disputable, and farre lesse conducing to the daily good and peace of life. Some whose necessary shifts have long enur'd them to cloak the defects of their unstudied yeers, and hatred now to learn, under the appearance of a grave solidity, which estimation they have gain'd among weak perceivers, find the ease of flighting what they cannot refute, and are determin'd, as I hear, to hold it not worth the answering. In which number I must be forc'd to reck'n that Doctor, who in a late equivocating Treatise plausibly set afloat against the Dippers, diving the while himself with a more deep prelatical malignance against the present state, and Church-government, mentions with ignominy the Tractate of Divorce; yet answers nothing, but instead thereof (for which I do not commend his marshalling) sets Moses also among the crew of his Anabaptists; as one who to a holy Nation, the Common-wealth of Israel, gave Laws breaking the bonds of marriage to inordinate lust. These are no mean surges of blasphemy, not onely dipping Moses the divine Law-giver, but dashing with a high hand against the justice and purity of God himself; as these ensuing Scriptures plainly and freely hand'd shall verifie to the launcing of that old apostemated error. Him therefore I leave now to his repentance.

Others, which is their courtesie, confesse that wit
To the Parliament.

and parts may do much to make that seem true which is not (as was objected to Socrates by them who could not resist his efficacy, that he ever made the worse cause seem the better) and thus thinking themselves discharg'd of the difficulty, love not to wade further into the fear of a convenciment. These will be their excuses to decline the full examining of this serious point. So much the more I press it and repeat it, Lords and Commons, that ye beware while time is, ere this grand secret, and only art of ignorance affecting tyranny, grow powerfull and rule among us. For if found argument and reason shall be thus put off, either by an undervaluing silence, or the maifterly censure of a rayling word or two in the Pulpit, or by rejecting the force of truth, as the meer cunning of eloquence, and Sophistry, what can be the end of this, but that all good learning and knowledge will suddenly decay: Ignorance, and illiterate presumptio-

nion, which is yet but our disease, will turn at length into our very constitution, and prove the hectic evil of this age: worse to be fear'd, if it get once to reign over us, then any sftt Monarchy. If this shall be the course, that what was wont to be a chief commendation, and the ground of other mens confidence in an Author, his diligence, his learning, his elocution whether by right, or by ill meaning granted him, shall be turn'd now to a disadvantage and suspicion against him, that what he writes though unconfuted, must therefore be mistrusted, therefore not receiv'd for the industry, the exactnesse, the labour in it, confess'd to be more then ordinary; as if wisdome had now forsaken the thirstie and laborious inquirer to dwell against her nature with the arrogant and shallow babler, to what purpose all those pains and that continual searching requir'd of us by Solomon to the attainment of understanding; why are men bred up with such care and expence to a life of perpetual stud-

ies, why do your selves with such endeavour seek to wipe off the imputation of intending to discourage the pro-
To the Parlament.

gress and advance of learning? He therefore whose heart can bear him to the high pitch of your noble enterprises, may easily assure himself that the prudence and farre-judging circumspection of so grave a Magistracy sitting in Parlament, who have before them the prepar'd and purpos'd Act of their most religious predecessors to imitate in this question, cannot reject the clearness of these reasons, and these allegations both here and formerly offer'd them; nor can over-look the necessity of ordaining more wholesomely and more humanly in the casualties of Divorce, then our Laws have yet establisht: if the most urgent and excessive grievances happing in domestick life, be worth the laying to heart, which, unless charity be farre from us, cannot be neglected. And that these things both in the right constitution, and in the right reformation of a Common-wealth call for speediest redresse, and ought to be the first consider'd, anough was urg'd in what was prefac'd to that monument of Bucer which I brought to your remembrance, and the other time before. Hence forth, except new cause be giv'n, I shall say leffe and leffe. For if the Law make not timely provision, let the Law, as reason is, bear the censure of those consequences, which her own default now more evidently produces. And if men want manliness to expostulate the right of their due ransom, and to second their own occasions, they may sit hereafter and bemoan themselves to have neglected through faintness the onely remedy of their sufferings, which a seasonable and well grounded speaking might have purchased them. And perhaps in time to come, others will know how to esteem what is not every day put into their hands, when they have markt events, and better weigh'd how hurtfull and unwise it is, to hide a secret and pernicious rupture under the ill counsel of a bashfull silence. But who would distrust ought, or not be ample in his hopes of your wife and Christian determinations? who have the prudence to consider,
To the Parlament.

and should have the goodnesse like gods, as ye are call’d, to find out readily, and by just Law to administer those redresses which have of old, not without God ordaining, bin granted to the adversities of mankind, ere they who needed, were put to ask. Certainly, if any other have enlarg’d his thoughts to expect from this government so justly undertak’n, and by frequent assistances from heaven so apparently upheld, glorious changes and renovations both in Church and State, he among the formost might be nam’d, who prays that the fate of England may tarry for no other Deliverers.

John Milton.
Tetrachordon:

Expositions upon the foure chiefe places in Scripture which treat of Mariage, or nullities in Mariage.

Gen. 1. 27.
So God created man in his owne image, in the image of God created he him; male and female created he them.
28. And God blessed them, and God said unto them be fruitfull, &c.

Gen. 2. 18.
And the Lord God said, It is not good that man should be alone, I will make him a helpe meet for him.
23. And Adam said, This is now bone of my bones, and flesh of my flesh; she shall be called Woman, because she was taken out of Man.
24. Therefore shall a man leave his father and his mother, and shall cleave unto his wife, and they shall be one flesh.

Gen. 1. 27.
O God created man in his owne image.] To be inform'd aright in the whole History of Mariage, that we may know for certain, not by a forc't yoke, but by an impartial definition, what Mariage is, and what is not Mariage; it will undoubtedly be safest, fairest, and most with our obedience, to enquire, as our Saviours direction is, how it was in the beginning. And that we begin so high as man created after Gods owne
Image, there want not earnest causes. For nothing now adayes is more degenerately forgott’n, then the true dignity of man, almost in every respect, but especially in this prime institution of Matrimony, wherein his native pre-eminence ought most to shine. Although if we consider that just and naturall privileges men neither can rightly seek, nor dare fully claime, unlesse they be ally’d to inward goodnesse, and stedfast knowledge, and that the want of this quells them to a servile sense of their own conscious unworthinesse, it may save the wondring why in this age many are so opposite both to human and to Christian liberty, either while they understand not, or envy others that do; contenting, or rather priding themselves in a specious humility and strictnesse bred out of low ignorance that never yet conceiv’d the freedome of the Gospel; and is therefore by the Apostle to the Colossians rankt with no better company, then Will-worship and the meer shew of wise-
dome. And how injurious herein they are, if not to themselves, yet to their neighbours, and not to them only, but to the all-wise and bounteous grace offer’d us in our redemption, will orderly appear.

In the Image of God created he him.] It is anough determin’d, that this Image of God wherin man was created, is meant Wisdow, Purity, Justice, and rule over all creatures. All which being lost in Adam, was recover’d with gain by the merits of Christ. For albeit our first parent had lordship over sea, and land, and aire, yet there was a law without him, as a guard set over him. But Christ having cancell’d the hand writing of ordinances which was against us, Coloss. 2. 14. and interpreted the fulfilling of all through charity, hath in that respect set us over law, in the free custody of his love, and left us victorious under the guidance of his living Spirit, not under the dead letter; to follow that which most
edifies, most aides and furders a religious life, makes us holieft and likeft to his immortall Image, not that which makes us moft conformable and captive to civill and subordinat precepts; whereof the stricteft observance may oftimes prove the destruction not only of many innocent persons and families, but of whole Nations. Although indeed no ordinance hu- man or from heav'n can binde against the good of man; so that to keep them strictly against that end, is all one with to breake them. Men of moft re- nowned vertu have sometimes by transgressing, most truly kept the law; and wisest Magiftrates have permitted and dispenc't it; while they lookt not pee- vishly at the letter, but with a greater spirit at the good of mankinde, if always not writ'tn in the cha- racters of law, yet engrav'n in the heart of man by a divine impression. This Heathens could see, as the well-read in story can recount of Solon and Epa- minondas, whom Cicero in his first booke of inven- tion nobly defends. All law, faith he, we ought re- ferr to the common good, and interpret by that, not by the scrowl of letters. No man observes law for laws fake, but for the good of them for whom it was made. The reft might ferv well to lecture these times, de- luded through belly-doctrines into a devout slavery. The Scripture also affords us David in the shew- bread, Hezecbiah in the passlover found and safe transgressors of the literall command, which also dis- penc'd not seldom with it self; and taught us on what just occasions to doe so: untill our Saviour for whom that great and God-like work was reserv'd, redeem'd us to a state above prescriptions by dis- solving the whole law into charity. And have we not the soul to understand this, and must we against this glory of Gods transcendent love towards us be still the servants of a literall indightment?
It might be doubted why he faith, *In the Image of God created he him*, not them, as well as *male and female* them; especially since that Image might be common to them both, but *male and female* could not, however the Jewes fable, and please themselves with the accidentall concurrence of Plato's wit, as if man at first had bin created *Hermaphrodite*: but then it must have bin male and female created he him. So had the Image of God bin equally common to them both, it had no doubt bin said, *In the image of God created he them*. But St. Paul ends the controversie by explaining that the woman is not primarily and immediatly the image of God, but in reference to the man. *The head of the woman*, faith he, *1 Cor. 11. is the man: he the image and glory of God, she the glory of the man*: he not for her, but she for him. Therefore his precept is, *Wives be subject to your husbands as is fit in the Lord, Coloss. 3. 18.* *In every thing, Eph. 5. 24.* Nevertheless man is not to hold her as a servant, but receives her into a part of that empire which God proclaims him to, though not equally, yet largely, as his own image and glory: for it is no small glory to him, that a creature so like him, should be made subject to him. Not but that particular exceptions may have place, if she exceed her husband in prudence and dexterity, and he contentedly yeeld, for then a superior and more naturall law comes in, that the wiser should govern the lefse wife, whether male or female. But that which far more easily and obediently follows from this verse, is that, seeing woman was purposely made for man, and he her head, it cannot stand before the breath of this divine utterance, that man the portraiture of God, joyning to himself for his intended good and solace an inferiour sexe, should so becom her thrall, whose
wilfulnes or inability to be a wife frustrates the occasionall end of her creation, but that he may acquitt himself to freedom by his naturall birth-right, and that indeleble character of priority which God crown'd him with. If it be urg'd that sin hath lost him this, the answer is not far to seek, that from her the sin first proceeded, which keeps her justly in the same proportion still beneath. She is not to gain by being first in the transgression, that man should furder loose to her, because already he hath lost by her means. Oft it happens that in this matter he is without fault; so that his punishment herein is causeles: and God hath the praize in our speeches of him, to fort his punishment in the same kind with the offence. Suppose he err'd; it is not the intent of God or man, to hunt an error so to the death with a revenge beyond all measure and proportion. But if we argue thus, this affliction is befalln him for his sin, therefore he must bear it, without seeking the only remedy, first it will be false that all affliction comes for sin, as in the case of Job, and of the man born blind, Job. 9. 3, was evident: next by that reason, all miseries comming for sin, we must let them all lye upon us like the vermin of an Indian Catharist, which his fond religion forbids him to molest. Were it a particular punishment inflicted through the anger of God upon a person, or upon a land, no law hinders us in that regard, no law but bidds us remove it if we can: much more if it be a dangerous temptation withall, much more yet, if it be certainly a temptation, and not certainly a punishment, though a pain. As for what they say we must bear with patience, to bear with patience, and to seek effectuall remedies, implies no contradiction. It may no less be for our disobedience, our unfaithfulnes, and other sins against God, that wives become adulterous to the bed, and questionles we ought to take
the affliction as patiently, as Christian prudence would wish; yet hereby is not lost the right of divorcing for adultery. No you say, because our Saviour excepted that only. But why, if he were so bent to punish our sins, and try our patience in binding on us a disastrous marriage, why did he except adultery? Certainly to have bin bound from divorce in that case also had bin as plentiful a punishment to our sins, and not too little work for the patientest. Nay perhaps they will say it was too great a sufferance: And with as slight a reason, for no wise man but would sooner pardon the act of adultery once and again committed by a person worth pity and forgiveness, then to lead a wearisome life of unloving and unquiet conversation with one who neither affects nor is affected, much less with one who exercises all bitterness, and would commit adultery too, but for envy left the persecuted condition should thereby get the benefit of his freedom. 'Tis plain therefore that God enjoyns not this supposed strictnes of not divorcing either to punish us, or to try our patience.

Moreover, if man be the image of God, which consists in holiness, and woman ought in the same respect to be the image and companion of man, in such wise to be lov'd, as the Church is lov'd of Christ, and if, as God is the head of Christ, and Christ the head of man, so man is the head of woman; I cannot see by this golden dependance of headship and subjection, but that Piety and Religion is the main tye of Christian Matrimony: So as if there be found between the pair a notorious disparity either of wickednes or herefie, the husband by all manner of right is disingag'd from a creature, not made and inflicted on him to the vexation of his righteousnes; the wife also, as her subjection is terminated in the Lord, being her self the redeem'd of Christ, is not still bound to be the vassall of him,
who is the bondslave of Satan: he being now neither the image nor the glory of such a person, nor made for him, nor left in bondage to him; but hath recours to the wing of charity, and protection of the Church, unless there be a hope on either side; yet such a hope must be meant, as may be a rationall hope, and not an endles servitude. Of which hereafter.

But usually it is objected, that if it be thus, then there can be no true marriage between misbelievers and irreligious persons? I might answer, let them see to that who are such; the Church hath no commission to judge those without, 1 Cor. 5. But this they will say perhaps, is but penuriously to resolv a doubt. I answer therefore, that where they are both irreligious, the marriage may be yet true enough to them in a civill relation. For there are left som remains of Gods image in man, as he is meerly man; which reason God gives against the shedding of mans bloud, Gen. 9. as being made in Gods image, without expression whether he were a good man or a bad, to exempt the slayer from punishment. So that in those marriages where the parties are alike void of Religion, the wife owes a civill homage and subjection, the husband owes a civill loyalty. But where the yoke is mis-yok't, heretick with faithfull, godly with ungodly, to the grievance and manifest endangering of a brother or sister, reasons of a higher strain then matrimoniall bear sway; unless the Gospel instead of freeing us, debase it self to make us bondmen, and suffer evill to controule good.

Male and female created he them.] This contains another end of matching man and woman, being the right, and lawfulnes of the marriage bed; though much inferior to the former end of her being his image and helpe in religious society. And who of weakest insight may not see that this creating of them male and female, cannot in any order of reason, or
Christianity, be of such moment against the better and higher purposes of their creation, as to enthrall husband or wife to duties or to sufferings, unworthy and unbecoming the image of God in them? Now when as not only men, but good men doe stand upon their right, their estimation, their dignity in all other actions and deportments with warrant anough and good conscience, as having the image of God in them, it will not be difficult to determin what is unworthy and unseemly for a man to do or suffer in wedlock; and the like proportionally may be found for woman: if we love not to stand disputing below the principles of humanity. He that said, Male and female created he them, immediatly before that said also in the same verse, In the Image of God created be him, and redoubl'd it, that our thoughts might not be so full of dregs as to urge this poor consideration of male and female, without remembring the noblenes of that former repetition; left when God sends a wise eye to examin our triviall glosses, they be found extremly to creep upon the ground: especially since they confesse that what here concerns mariage is but a brief touch, only preparative to the institution which follows more expressly in the next Chapter: and that Christ so took it, as desiring to be briefest with them who came to tempt him, account shall be given in due place.

V. 28. And God blessed them, and God said unto them, be fruitful, and multiply, and replenish the earth, &c.

This declares another end of Matrimony, the propagation of mankind; and is again repeated to Noah and his sons. Many things might be noted on this place not ordinary, nor unworthy the noting; but I undertook not a generall Comment. Hence therefore we see the desire of children is honest and pious;
if we be not less zealous in our Christianity, then Plato was in his heathenism; who in the first of his laws, counts off-spring therefore desirable, that we may leave in our stead sons of our sons, continuall servants of God: a religious and prudent desire, if people knew as well what were requir’d to breeding as to begetting; which desire perhaps was a cause why the Jews hardly could endure a barren wedlock: and Philo in his book of speciall laws esteems him only worth pardon that sends not barrennes away. Carvilius the first recorded in Rome to have sought divorce, had it granted him for the barrennes of his wife, upon his oath that he married to the end he might have children; as Dionysius and Gellius are authors. But to dismiss a wife only for barrennes, is hard: and yet in som the desire of children is so great, and so just, yea sometime so necessary, that to condemn such a one to a childles age, the fault apparently not being in him, might seem perhaps more strict than needed. Somtimes inheritances, crowns, and dignities are so interested and annexed in their common peace and good to such or such lineall descent, that it may prove a great moment both in the affairs of men and of religion, to consider throughly what might be don heerin, notwithstanding the waywardnes of our School Doctors.

Gen. 2. 18.

And the Lord said, It is not good that man should be alone; I will make him a help meet for him.

V. 23. And Adam said, &c. V. 24. Therefore shall a man leave, &c.

This second Chapter is granted to be a Commentary on the first; and these verses granted to be an exposition of that former verse, Male and female
created he them, and yet when this male and female is by the explicite words of God himselfe heer declar'd to be not meant other then a fit help, and meet society; som who would ingroffe to themselves the whole trade of interpreting, will not suffer the cleer text of God to doe the office of explaining it self.

And the Lord God said it is not good.] A man would think that the consideration of who spake, should raise up the attention of our minds to enquire better, and obey the purpos of so great a Speaker: for as we order the busines of Mariage, that which he heer speaks is all made vain; and in the decision of matrimony, or not matrimony, nothing at all regarded. Our presumption, hath utterly chang'd the state and condition of this ordinance: God ordain'd it in love and helpfulnes to be indissoluble, and we in outward act and formality to be a forc't bondage; so that being subject to a thousand errors in the best men, if it prove a blessing to any, it is of meer accident, as mans law hath handl'd it, and not of institution.

It is not good for man to be alone.] Hitherto all things that have bin nam'd, were approv'd of God to be very good: lonelines is the first thing which Gods eye nam'd not good: whether it be a thing, or the want of somthing, I labour not; let it be their tendance, who have the art to be industriously idle. And heer alone is meant alone without woman; otherwise Adam had the company of God himself, and Angels to convers with; all creatures to delight him seriously, or to make him sport. God could have created him out of the same mould a thousand friends and brother Adams to have bin his consorts, yet for all this till Eve was giv'n him, God reckn'd him to be alone.

It is not good.] God heer presents himself like to
a man deliberating; both to shew us that the matter is of high consequence, and that he intended to found it according to natural reason, not impulsive command, but that the duty should arise from the reason of it, not the reason be swallow’d up in a reasonless duty. Not good, was as much to Adam before his fall, as not pleasing, not expedient; but since the coming of sin into the world, to him who hath not receiv’d the continence, it is not only not expedient to be alone, but plainly sinfull. And therefore he who wilfully abstains from marriage, not being supernaturally gifted, and he who by making the yoke of marriage unjust and intolerable, causes men to abhor it, are both in a diabolical sin, equall to that of Antichrist who forbids to marry. For what difference at all whether he abstain men from marrying, or restrain them in a marriage happening totally discommodious, distastfull, dishonest and pernicious to him without the appearance of his fault? For God does not heer precisely say, I make a female to this male, as he did briefly before, but expounding himselfe heer on purpos, he faith, because it is not good for man to be alone, I make him therefore a meet help. God supplies the privation of not good, with the perfect gift of a reall and positive good; it is mans pervers cooking who hath turn’d this bounty of God into a Scorpion, either by weak and shallow constructions, or by proud arrogance and cruelty to them who neither in their purposes nor in their actions have offended against the due honour of wedlock.

Now whereas the Apostle speaking in the Spirit, 1 Cor. 7. pronounces quite contrary to this word of God, It is good for a man not to touch a woman, and God cannot contradict himself, it instructs us that his commands and words, especially such as bear the manifest title of som good to man, are not to be so strictly wrung, as to command without regard to
The most natural and miserable necessities of mankind. Therefore the Apostle adds a limitation in the 26 v. of that chap. for the present necessity it is good; which he gives us doubtlesse as a pattern how to reconcile other places by the generall rule of charity.

For man to be alone.] Some would have the sense heerof to be in respect of procreation only: and Austin contests that manly friendship in all other regards had bin a more becomming solace for Adam, then to spend so many secret years in an empty world with one woman. But our Writers deservedly reject this crabbed opinion; and defend that there is a peculiar comfort in the married state besides the genial bed, which no other society affords. No mortal nature can endure either in the actions of Religion, or study of wisdome, without somtime slackning the cords of intense thought and labour: which left we should think faulty, God himself conceals us not his own recreations before the world was built; I was, faith the eternall wisdome, dayly his delight, playing alwayes before him. And to him indeed wisdome is as a high towr of pleasure, but to us a steep hill, and we toyling ever about the bottom: he executes with ease the exploits of his omnipotence, as easie as with us it is to will: but no worthy enterprise can be don by us without continuall plodding and wearisomnes to our faint and senfitive abilities. We cannot therefore alwayes be contemplative, or pragmaticall abroad, but have need of som delightfull intermissions, wherin the enlarg'd soul may leav off a while her severe schooling; and like a glad youth in wandring vacancy, may keep her hollidaies to joy and harmles pastime: which as she cannot well doe without company, so in no company so well as where the different sexe in most resembling unlikenes, and most unlike resemblance cannot but
please best and be pleas'd in the aptitude of that va-
riety. Whereof left we should be too timorous, in
the aw that our flat fages would form us and dresse
us, wifest Salomon among his graveft Proverbs coun-
tenances a kinde of ravifhment and erring fondnes
in the entertainment of wedded leifures; and in the
Song of Songs, which is generally beleev'd, even in
the jolliest expressions to figure the spousals of the
Church with Christ, sings of a thousand raptures be-
tween those two lovely ones farre on the hither side
of carnall enjoyment. By these ifftances, and more
which might be brought, we may imagine how in-
dulgently God provided against mans lonelines; that
he approv'd it not, as by himself declar'd not good;
that he approv'd the remedy therof, as of his own
ordaining, consequently good; and as he ordain'd it,
so doubtles proportionably to our fal'n estate he gives
it; els were his ordinance at leaft in vain, and we for
all his gift still empty handed. Nay such an un-
bounteous giver we should make him, as in the fa-
bles Jupiter was to Ixion, giving him a cloud instead
of Juno, giving him a monftrous iflue by her, the
breed of Centaures a neglected and unlov'd race, the
fruits of a delusive marriage, and laftly giving him her
with a damnation to that wheele in hell, from a life
thrown into the midst of temptations and disorders.
But God is no deceitfull giver, to bestow that on us
for a remedy of lonelines, which if it bring not a fo-
ciable minde as well as a conjunctive body, leaves us
no leffe alone then before; and if it bring a minde
perpetually avers and disagreeable, betraies us to a
wors condition then the moft deserted lonelines.
God cannot in the justice of his own promife and
inftitution fo unexpectedly mock us by forcing that
upon us as the remedy of solitude, which wraps us
in a misery worfe then any wildernes, as the Spirit
of God himself judges, Prov. 19. especially knowing
that the best and wisest men amidst the sincere and most cordial designs of their heart do daily erre in choosing. We may conclude therefore seeing orthodoxall Expositors confesse to our hands, that by lonelines is not only meant the want of copulation, and that man is not lesse alone by turning in a body to him, unless there be within it a minde answerable, that it is a work more worthy the care and consultation of God to provide for the worthiest part of man which is his minde, and not unnaturally to set it beneath the formalities and respects of the body, to make it a servant of its owne vassall, I say we may conclude that such a mariage, wherein the minde is so disgrac't and vilify'd below the bodies interest, and can have no just or tolerable contentment, is not of Gods institution, and therefore no mariage. Nay in concluding this, I say we conclude no more then what the common Expositers themselves give us, both in that which I have recited and much more hereafter. But the truth is, they give us in such a manner, as they who leav their own mature positions like the eggs of an Ostrich in the dust; I do but lay them in the sun; their own pregnancies hatch the truth; and I am taxt of novelties and strange producements, while they, like that incon siderat bird, know not that these are their own natural breed.

*I will make him a help meet for him.*] Heer the heavnly instituter, as if he labour'd, not to be mistak'n by the supercilious hypocriue of those that love to maister their brethren, and to make us sure that he gave us not now a servil yoke, but an amiable knot; contents not himself to say, I will make him a wife, but resolving to give us firft the meaning before the name of a wife, faith graciously, *I will make him a help meet for him.* And heer again, as before; I doe not require more full and fair deductions then
Tetrachordon. Gen. 2.

the whole consent of our Divines usually raise from this text, that in matrimony there must be first a mutuall help to piety, next to civill fellowship of love and amity, then to generation, so to household affairs, lastly the remedy of incontinence. And commonly they reck'n them in such order, as leaves generation and incontinence to be last consider'd. This I amaze me at, that though all the superior and nobler ends both of mariage and of the maried persons be absolutely frustrat, the matrimony stirs not, looses no hold, remains as rooted as the center: but if the body bring but in a complaint of frigidity, by that cold application only, this adamantine Alpe of wedlock has leav to dissolve; which els all the machinations of religious or civill reason at the suit of a distressed mind, either for divine worship or humane conversation violated, cannot unfaften. What courts of concupiscence are these, wherein fleshly appetite is heard before right reason, lust before love or devotion? They may be pious Christians together, they may be loving and friendy, they may be helpfull to each other in the family, but they cannot couple; that shall divorce them though either party would not. They can neither serv God together, nor one be at peace with the other, nor be good in the family one to other, but live as they were dead, or live as they were deadly enemies in a cage together; tis all one, they can couple, they shall not divorce till death, no though this sentence be their death. What is this, besides tyranny, but to turn nature upside down, to make both religion, and the minde of man wait upon the flavish errands of the body, and not the body to follow either the sanctity, or the sovranty of the mind un-speakably wrong'd, and with all equity complaining? what is this but to abuse the sacred and misterious bed of mariage to be the compulsive ftie of an in-
grateful and malignant luft, stirr’d up only from a carnall acrimony, without either love or peace, or regard to any other thing holy or human. This I admire how possibly it should inhabit thus long in the sense of so many disputing Theologians, unless it be the lowest lees of a canonick infection liver-grown to their sides; which perhaps will never un-cling, without the strong abstinence of some heroick magistrate, whose mind equall to his high office dares lead him both to know and to do without their frivolous case-putting. For certain he shall have God and this institution plainly on his side. And if it be true both in divinity and law, that consent alone, though copulation never follow, makes a marriage, how can they dissolv it for the want of that which made it not, and not dissolv it for that not continuing which made it, and should preserve it in love and reason, and difference it from a brute conjugality.

Meet for him.] The originall heer is more expressive then other languages word for word can render it; but all agree effectuall conformity of disposition and affection to be herby signify’d; which God as it were not satisfy’d with the naming of a help, goes on describing another self, a second self, a very self it self. Yet now there is nothing in the life of man through our misconstruction, made more uncertain, more hazardous and full of chance then this divine blessing with such favorable significance heer conferr’d upon us, which if we do but erre in our choice the most unblamable error that can be, erre but one minute, one moment after those mighty syllables pronounc’ct which take upon them to joyn heavn and hell together unpardonably till death pardon, this divine blessing that looke but now with such a human smile upon us, and spoke such gentle reason, strait vanishes like a fair skie and brings on
such a scene of cloud and tempest, as turns all to shipwrack without havn or shooar but to a ransomles captivity. And then they tell us it is our sin; but let them be told again, that sin through the mercy of God hath not made such waft upon us, as to make utterly void to our use any temporall benefit, much leffe any to much availing to a peacefull and sanctify’d life, meerly for a most incident error which no warines can certainly shun. And wher-fore serves our happy redemption, and the liberty we have in Christ, but to deliver us from calamitous yokes not to be liv’d under without the endanger-ment of our souls, and to restore us in som competent measure to a right in every good thing both of this life, and the other. Thus we see how treatably and distinctly God hath heer taught us what the prime ends of mariage are, mutuall solace and help. That we are now, upon the moft irreprehensible mistake in choosing, defeated and defrauded of all this originall benignity, was begun firft through the snare of Antichristian canons long since obtruded upon the Church of Rome, and not yet scour’d off by reformation, out of a lingering vain-glory that abides among us to make fair shews in formall ordinances, and to enjoyn continence and bearing of crosses in such a garb as no Scripture binds us, under the thickeft arrows of temptation, where we need not stand. Now we shall see with what acknowledgement and assent Adam receiv’d this new associat, which God brought him.

V. 23. And Adam said this is now bone of my bones, and flesh of my flesh, she shall be called Woman, because she was tak’n out of Man.

That there was a neerer alliance between Adam and Eve, then could be ever after between man and
wife, is visible to any. For no other woman was ever moulded out of her husbands rib, but of meer strangers for the most part they com to have that confanguinity which they have by wedlock. And if we look neerly upon the matter, though mariage be most agreeable to holines, to purity and justice, yet it is not a naturall, but a civill and ordain'd relation. For if it were in nature, no law or crime could disanull it, to make a wife, or husband, other-wise then still a wife or husband, but only death: as nothing but that can make a father no father, or a son no son. But divorce for adultery or defertion, as all our Churches agree but England, not only se-parats, but nullifies and extinguiuhes the relation it self of matrimony, so that they are no more man and wife; otherwise the innocent party could not marry else-where, without the guilt of adultery; next were it meerly naturall why was it heer ordain'd more then the rest of morall law to man in his originall rectitude, in whose brest all that was naturall or morall was engrav'n without externall constitutions and edicts. Adam therfore in these words does not establissh an indissoluble bond of mariage in the carnall ligaments of flesh and bones, for if he did, it would belong only to himself in the literall sense; every one of us being neerer in flesh of flesh, and bone of bones to our parents then to a wife; they therfore were not to be left for her in that res-pect. But Adam who had the wisdom giv'n him to know all creatures, and to name them according to their properties, no doubt but had the gift to dis-cern perfectly, that which concern'd him much more; and to apprehend at first sight the true fitnes of that con福特 which God provided him. And therfore spake in reference to those words which God pronounc't before; as if he had said, this is she by whose meet help and society I shall no more be
alone; this is the who was made my image, ev'n as I the Image of God; not so much in body, as in unity of mind and heart. And he might as easily know what were the words of God, as he knew so readily what had bin done with his rib, while he slept so soundly. He might well know, if God took a rib out of his inside, to form of it a double good to him, he would far sooner dis-joyn it from his outside, to prevent a treble mischief to him: and far sooner cut it quite off from all relation for his undoubted ease, then nail it into his body again, to stick for ever there a thorn in his heart. When as nature teaches us to divide any limb from the body to the saving of his fellows, though it be the maiming and deformity of the whole; how much more is it her doctrin to sever by incision, not a true limb so much, though that be lawfull, but an adherent, a fore, the gangreene of a limb, to the recovery of a whole man. But if in these words we shall make Adam to erect a new establishment of mariage in the meer flesh, which God so lately had instituted, and founded in the sweet and mild familiarity of love and solace and mutuall fitnes, what do we but use the mouth of our generall parent, the first time it opens, to an arrogant opposition, and correcting of Gods wiser ordinance. These words therfore cannot import any thing new in mariage, but either that which belongs to Adam only, or to us in reference only to the instituting words of God which made a meet help against lonelines. Adam spake like Adam the words of flesh and bones, the shell and rinde of matrimony; but God spake like God, of love and solace and meet help, the soul both of Adams words and of matrimony.
V. 24. Therefore shall a man leave his father and his mother, and shall cleave unto his wife; and they shall be one flesh.

This vers, as our common heed expounds it, is the great knot tier, which hath undone by tying, and by tangling, millions of guiles consciences: this is that greily Porter, who having drawn men and wiseft men by futtle allurement within the train of unhappy matrimony, claps the dungeon gate upon them, as irrecoverable as the grave. But if we view him well, and hear him with not too hafty and prejudicant ears, we fhall finde no fuch terror in him. For first, it is not heer said absolutely without all reason he fhall cleave to his wife, be it to his weal or to his distruction as it happens, but he fhall doe this upon the premises and considerations of that meet help and society before mention'd, Therefore he fhall cleave to his wife, no otherwise a wife, then a fit help. He is not bid to leave the dear cohabitation of his father, mother, brothers and fisters, to link himself inseparably with the meer carcas of a Ma-riage, perhaps an enemy. This joyning particle Therefore, is in all equity, nay in all necessity of con-struction to comprehend firft and moft principally what God spake concerning the inward effence of Mariage in his institution; that we may learn how far to attend what Adam spake of the outward materials therof in his approbation. For if we fhall bind these words of Adam only to a corporall mean-ing, and that the force of this injunction upon all us his fons to live individually with any woman which hath befaln us in the moft miftak'n wedlock, fhall confift not in those morall and relative caufes of Eves creation, but in the meer anatomy of a rib, and that Adams infight concerning wedlock reache no furder, we fhall make him as very an idiot as the
Socinians make him; which would not be reverently done of us. Let us be content to allow our great forefather so much wisdom, as to take the instituting words of God along with him into this sentence, which if they be well minded, will assure us that flesh and ribs are but of a weak and dead efficacy to keep Mariage united where there is no other fitness. The rib of Mariage, to all since Adam, is a relation much rather then a bone; the nerves and sinews therof are love and meet help, they knit not every couple that maries, and where they knit they seldom break, but where they break, which for the most part is where they never truly joyn’d, to such at the same instant both flesh and rib cease to be in common; so that here they argue nothing to the continuance of a false or violated Mariage, but must be led back to receive their meaning from those insti-tutive words of God which give them all the life and vigor they have.

There fore shall a man leav his father, &c.] What to a mans thinking more plain by this appointment, that the fatherly power should give place to conjugal prerogative? yet it is generally held by reformed writers against the Papist, that though in persons at discretion the Mariage in it self be never so fit, though it be fully accomplisht with benediction, board and bed, yet the father not consenting, his main will without dispute shall dissipolv all. And this they affirm only from collective reason, not any direct law: for that in Exod. 22. 17. which is most particular, speaks that a father may refuse to marry his daughter to one who hath deflour’d her, not that he may take her away from one who hath soberly married her. Yet because the generall honor due to parents is great, they hold he may, and perhaps hold not amiss. But again when the question is of harsh and rugged parents who deferr to bestow their chil-
dren seasonably, they agree joynedly that the Church or Magistrat may beflow them, though without the Fathers consent: and for this they have no express authority in Scripture. So that they may see by thir own handling of this very place, that it is not the stubborn letter must govern us, but the divine and softning breath of charity which turns and windes the dictat of every positive command, and shapes it to the good of mankind. Shall the outward accessory of a Fathers will wanting, rend the fitteft and most affectionat mariage in twain, after all nuptial consummations, and shall not the want of love and the privation of all civil and religious concord, which is the inward essence of wedlock, doe as much to part those who were never truly wedded? shall a Father have this power to vindicate his own wilfull honour and authority to the utter breach of a most dearly-united mariage, and shall not a man in his own power have the permisson to free his soul, his life, and all his comfort of life from the disastre of a no-mariage. Shall fatherhood, which is but man, for his own pleasure dissolve matrimony, and shall not matrimony, which is Gods Ordinance, for its own honour and better conservation, dissolv it self, when it is wrong, and not fitted to any of the cheif ends which it owes us?

*And they shall bee one flesh.*] These words also inferre that there ought to be an individuality in Marriage; but without all question pre-suppose the joyning causes. Not a rule yet that we have met with, so univerfall in this whole institution, but hath admitted limitations and conditions according to human necessity. The very foundation of matrimony, though God laid it so deliberatly, *that it is not good for man to bee alone* holds not always, if the Apostle can secure us. Soon after wee are bid leav Father and Mother, and cleav to a Wife, but must under-
stand the Fathers consent withall, els not. *Cleav to a Wife*, but let her bee a wife, let her be a meet help, a solace, not a nothing, not an adversary, not a desertrice; can any law or command be so unreason-able as to make men cleav to calamity, to ruin, to perdition? In like manner heer, *They shall be one flesh*; but let the causes hold, and be made really good, which only have the possiblity to make them one flesh. Wee know that flesh can neither joyn, nor keep together two bodies of it self; what is it then must make them one flesh, but likenes, but fitnes of mind and disposition, which may breed the Spirit of concord, and union between them? If that be not in the nature of either, and that there has bin a remediles mistake, as vain wee goe about to compell them into one flesh, as if wee undertook to weav a garment of drie sand. It were more easy to compell the vegetable and nutritive power of na-ture to assimilations and mixtures which are not alterable each by other; or force the concoctive stomach to turn that into flesh which is so totally unlike that substance, as not to be wrought on. For as the unity of minde is neerer and greater then the union of bodies, so doubts, is the dislimilitude greater, and more indivi-duall, as that which makes between bodies all difference and distinction. Esp-epecially when as besides the singular and substantial differences of every Soul, there is an intimat quality of good or evil, through the whol progeny of *Adam*, which like a radical heat, or mortal chilnes joyns them, or disjoyns them irrefistibly. In whom there-fore either the will, or the faculty is found to have never joyn’d, or now not to continue so, ’tis not to say, they shall be one flesh, for they cannot be one flesh. God commands not impossibilities; and all the Ecclesiaftical glue, that Liturgy, or Laymen can compound, is not able to foder up two such incon-
gruous natures into the one flesh of a true beseeming Marriage. Why did Moses then set down their uniting into one flesh? And I again ask, why the Gospel so oft repeats the eating of our Saviours flesh, the drinking of his blood? That we are one body with him, the members of his body, flesh of his flesh and bone of his bone. Ephes. 5. Yet lest we should be Capernaitans, as we are told there that the flesh profiteth nothing, so we are told heer, if we be not as deaf as adders, that this union of the flesh proceeds from the union of a fit help and solace. Wee know that there was never a more spiritual mystery then this Gospel taught us under the terms of body and flesh; yet nothing less intended then that wee should stick there. What a stupidnes then is it, that in Mariage, which is the neereft resemblance of our union with Christ, we should deject our selvs to such a sluggifh and underfoot Philosophy, as to esteem the validity of Mariage meerly by the flesh; though never so brokn and disjoynted from love and peace, which only can give a human qualification to that act of the flesh, and distinguish it from bestial. The text therefore uses this phrase, that they shall be one flesh, to justify and make legitimat the rites of Marriage bed; which was not unneedfull, if for all this warrant, they were suspected of pollution by some sects of Philosophy and Religions of old, and latelier among the Papists, and other heretics elder then they. Som think there is a high mystery in those words, from that which Paul faith of them, Ephes. 5. This is a great mystery, but I speak of Christ and the Church: and thence they would conclude mariage to be inseparable. For me I dispute not now whether matrimony bee a mystery or no; if it bee of Christ and his Church, certainly it is not meant of every ungodly and miswedded mariage, but then only mysterious, when it is a holy, happy,
and peacefull match. But when a Saint is joyn'd with a reprobate, or both alike, wicked with wicked, fool with fool, a hee drunkard with a she, when the bed hath bin nothing els for twenty yeares or more, but an old haunt of lust and malice mixt together, no love, no goodnes, no loyalty, but counterplotting, and secret wishing one anothers dissolution, this is to me the greatest mystery in the world, if such a marriage as this, can be the mystery of ought, unless it bee the mystery of iniquity: According to that which Paræus cites out of Chrysostom, that a bad wife is a help for the devill, and the like may be said of a bad husband. Since therefore none but a fit and pious matrimonie can signifie the union of Christ and his Church, ther cannot hence be any hindrance of divorce to that wedlock wherein ther can be no good mystery. Rather it might to a Christian Conscience bee matter of finding it self so much les satisfys'd then before, in the continuance of an unhappy yoke, wherein there can be no representation either of Christ, or of his Church.

Thus having enquir'd the institution how it was in the beginning, both from the 1 Chap. of Gen. where it was only mention'd in part, and from the second, where it was plainly and evidently instituted, and having attended each clause and word necessary, with a diligence not drousy, wee shall now fix with som advantage; and by a short view backward gather up the ground wee have gon; and summ up the strength wee have, into one argumentative head, with that organic force that logic proffers us. All arts acknowledge that then only we know certainly, when we can define; for definition is that which refines the pure essence of things from the circumstance. If therefore we can attain in this our Controversy to define exactlty what marriage is, wee shall soon lern, when there is a nullity thereof, and when a divorce.
The part therefore of this Chapter which hath bin heer treated, doth orderly and readily resolv it self into a definition of mariage, and a consectary from thence. To the definition these words cheifly contribute. *It is not good, &c. I will make, &c.* Where the consectary begins this connexion *Therefore* informs us, *Therefore shall a man, &c.* Definition is decreed by Logicians to confift only of caufes constituting the essence of a thing, What is not therefore among the caufes constituting mariage, muft not stay in the definition. Those caufes are concluded to be *matter*, and, as the Artift calls it, *Form.* But inasmuch as the fame thing may be a caufe more waies then one, and that in relations and institutions which have no corporal subsiftence, but only a respective beeing, the *Form* by which the thing is what it is, is oft so flender and undistinguifhable, that it would soon confuse, were it not fustain'd by the efficient and final caufes, which concurre to make up the form invalid other-wise of it self, it will bee needfull to take in all the fowr caufes into the definition. Firtst therefore the material caufe of matrimony is man and woman; the Author and efficient, God and their consent, the internal *Form* and fowl of this relation, is conjugal love arising from a mutual fitnes to the final caufes of wedlock, help and society in Religious, Civil and Domestic converfation, which includes as an inferior end the fulfilling of natural desire, and specifical increase; these are the final caufes both moving the efficient, and perfeting the form. And although co-pulation be consider'd among the ends of mariage, yet the act therof in a right esteem can no longer be matrimonial, then it is an effect of conjugal love. When love findes it self utterly unmatcht, and justly vanifhes, nay rather cannot but vanish, the fleshly act indeed may continue, but not holy, not pure, not be-feming the sacred bond of mariage; beeing at beft
but an animal excretion, but more truly wors and more ignoble then that mute kindlyness among the heards and flocks: in that proceeding as it ought from intellecctive principles, it participates of nothing rational, but that which the feild and the fould equalls. For in human actions the soule is the agent, the body in a manner passive. If then the body doe out of sensitive force, what the soul complies not with, how can man, and not rather somthing beneath man be thought the doer.

But to proceed in the perfute of an accurat definition, it will avail us somthing, and whet our thoughts, to examin what fabric heerof others have already reard. Paræus on Gen. defines Mariage to be an indissoluble conjunction of one man and one woman to an individual and intimat conversation, and mutual benevolence, &c. Wherin is to be markt his placing of intimat conversation before bodily benevolence; for bodily is meant, though indeed benevolence rather sounds will then body. Why then shall divorce be granted for want of bodily performance, and not for want of fitnes to intimat conversation, when as corporal benevolence cannot in any human fashion bee without this? Thus his definition places the ends of Mariage in one order, and esteems them in another. His Tautology also of indissoluble and individual is not to be imitated; especially since neither indissoluble, nor individual hath ought to doe in the exact definition, beeing but a conseftary flowing from thence, as appears by plain Scripture, Therefore shall a man leav, &c. For Mariage is not true mariage by beeing individual, but therfore individual, if it be true Mariage. No argument but causes enter the definition; a Conseftary is but the effect of those causes. Befides, that Mariage is indissoluble, is not Catholickly true; wee know it dissoluble for Adultery, and for defertion by the verdit of all Reformed
Churches. Dr. Ames defines it an individual conjunction of one man and one woman, to communion of body and mutual society of life; But this perverts the order of God, who in the institution places meet help and society of life before communion of body. And vulgar estimation undervalues beyond comparison all society of life and communion of minde beneath the communion of body; granting no divorce, but to the want, or miscommunicating of that. Hemingius, an approved Author, Melanchton's Scholler, and who next to Bucer and Erasimus writes of divorce most like a Divine, thus comprises, Marriage is a conjunction of one man and one woman lawfully consenting, into one flesh, for mutual helps sake, ordain'd of God. And in his explanation stands punctually upon the conditions of consent, that it be not in any main matter deluded, as beeing the life of wedlock, and no true marriage without a true consent. Into one flesh he expounds into one minde, as well as one body, and makes it the formal cause: Heerin only missing, while he puts the effect into his definition instead of the cause which the Text affords him. For one flesh is not the formal essence of wedlock, but one end, or one effect of a meet help; The end oft times beeing the effect and fruit of the form, as Logic teaches: Els many aged and holy matrimonyes, and more eminently that of Joseph and Mary, would bee no true mariage. And that maxim generally receiv'd, would be fals, that consent alone, though copulation never follow, makes the mariage. Therefore to consent lawfully into one flesh, is not the formal cause of Matrimony, but only one of the effects. The Civil Lawyers, and first Justinian or Tribonian defines Matrimony a conjunction of man and woman containing individual accustom of life. Wherin first, individual is not so bad as indissoluble put in by others: And although much cavil might be made in the distinguishing between indivisible, and individual,
yet the one tak'n for possible, the other for actuall, neither the one nor the other can belong to the essence of marriage; especially when a Civilian defines; by which Law marriage is actually divorc't for many causes, and with good leav, by mutual consent. Therefore where conjunction is said, they who comment the Institutes, agree that conjunction of minde is by the Law meant, not necessarily conjunction of body. That Law then had good reason attending to its own definition, that divorce should be granted for the breaking of that conjunction which it holds necessary, sooner then for the want of that conjunction which it holds not necessary. And whereas Tuningus a famous Lawyer excuses individual as the purpos of Mariage, not always the success, it suffices not. Purpos is not able to constitute the essence of a thing. Nature her self the universal Mother intends nothing but her own perfection and preserivation; yet is not the more indissoluble for that. The Pandects out of Modestinus, though not define, yet well describe Mariage, the conjunction of male and female, the society of all life, the communion of divine and human right: which Bucer also imitates on the fifth to the Ephesians. But it seems rather to comprehend the several ends of Mariage, then to contain the more constituting cause that makes it what it is.

That I therefore among others (for who sings not Hylas) may give as well as take matter to be judg'd on, it will be lookt I should produce another definition then these which have not stood the tryal. Thus then I suppose that Mariage by the natural and plain order of Gods institution in the Text may be more demonstratively and essentially defin'd. Mariage is a divine institution joyning man and woman in a love fitly dispos'd to the helps and comforts of domestic life. A divine institution. This contains the prime efficient cause of Mariage; as for consent of Parents and Guar-
dians, it seems rather a concurrence then a cause; for as many, that marry are in their own power as not; and where they are not their own, yet are they not subjected beyond reason. Now though efficient causes are not requisite in a definition, yet divine institution hath such influence upon the Form, and is so a conserving cause of it, that without it the Form is not sufficient to distinguish matrimony from other conjunctions of male and female, which are not to be counted marriage. Joyning man and woman in a love, &c. This brings in the parties consent; until which be, the marriage hath no true being. When I say consent, I mean not error, for error is not properly consent: And why should not consent be here understood with equity and good to either part, as in all other freindly covnants, and not be strain’d and cruelly urg’d to the mischeif and destruction of both? Neither doe I mean that singular act of consent which made the contract, for that may remain, and yet the marriage not true nor lawful; and that may cease, and yet the marriage both true and lawful, to their sin that break it. So that either as no efficient at all, or but a transitory, it comes not into the definition. That consent I mean which is a love fitly dispos’d to mutual help and comfort of life; this is that happy Form of marriage naturally arising from the very heart of divine institution in the Text, in all the former definitions either obscurely, and under mislak’n terms express’d, or not at all. This gives marriage all her due, all her benefits, all her being, all her distinct and proper being. This makes a marriage not a bondage, a blessing not a curse, a gift of God not a snare. Unless ther be a love, and that love born of fitnes, how can it last? unless it last how can the best and sweetest purposes of marriage be attain’d, and they not attain’d, which are the chief ends, and with a lawful love constitute the formal cause it self of marriage,
how can the essence thereof subsist, how can it bee
indeed what it goes for? Conclude therefore by all
the power of reason, that where this essence of mar-
riage is not, there can bee no true marriage; and the
parties either one of them, or both are free, and with-
our fault rather by a nullity, then by a divorce may
betake them to a second choys; if this present con-
dition be not tolerable to them. If any shall ask, why
domestic in the definition? I answer, that because both
in the Scriptures, and in the gravelest Poets and Philo-
sophers I finde the properties and excellencies of a
wife set out only from domestic vertues; if they ex-
tend furder, it diffuses them into the notion of som
more common duty then matrimonial.

Thus farre of the definition; the Confectary which
flows from thence, and altogether depends theron, is
manifoldly brought in by this connexive particle Ther-
fore; and branches it self into a double consequence;
First individual Society, therefore shall a man leav father
and mother: Secondly conjugal benevolence, and they
shall bee one flesh. Which as was shewn, is not without
cause herer mention'd, to prevent and to abolish the
suspect of pollution in that natural and undefiled act.
These consequences therfore cannot either in Reli-
gion, Law, or Reason bee bound, and posted upon
mankind to his sorrow and misery, but receiv what
force they have from the meetnes of help and solace,
which is the formal cause and end of that definition
that sustains them. And although it be not for the
Majesty of Scripture to humble her self in artificial
theorems, and definitions, and Corollaries, like a pro-
fessor in the Schools, but looks to be analys'd, and in-
terpreted by the logical induftry of her Disciples and
followers, and to bee reduc't by them, as oft as need
is, into those Scientific rules, which are the imple-
ments of instruction, yet Moses, as if foreseeing the
miserable work that mans ignorance and pusillanimity
would make in this matrimonious busines, and ende- 
vouring his utmost to prevent it, condescends in this 
place to such a methodical and School-like way of 
defining, and consequencing, as in no place of the 
whole Law more.

Thus wee have seen, and if wee be not contentious, 
may know what was Mariage in the beginning, to 
which in the Gospel wee are referr’d; and what from 
hence to judge of nullity, or divorce. Heer I esteem 
the work don; in this field the controversy decided; 
but because other places of Scripture seem to look 
averily upon this our decision, although indeed they 
keep all harmony with it, and because it is a better 
work to reconcile the seeming diversities of Scripture, 
then the reall differencions of neerest friends, I shall 
assay in three following Discourses to perform that 
Office.

Deut. 24. 1, 2.

V. 1. When a man hath taken a Wife, and married 
her, and it come to pass that she find no favour in his 
eyes, because he hath found som uncleannes in her, then 
let him write her a bill of divorcement, and give it in 
her hand, and send her out of his house.

V. 2. And when she is departed out of his house, she may 
goe and be another mans wife.

That which is the only discommodity of speaking 
in a cleer matter, the abundance of argument 
that presses to bee utter’d, and the suspence of judg- 
ment what to choose, and how in the multitude of 
reason, to be not tedious, is the greatest difficulty 
which I expect heer to meet with. Yet much hath 
bin said formerly concerning this Law in the Doctrine 
of divorce; Wherof I shall repeat no more then what 
is necessary. Two things are heer doubted: First, 
and that but of late, whether this bee a Law or no,
next what this reason of uncleannes might mean for which the Law is granted; That it is a plain Law no man ever question'd, till Vatablus within these hunder'd years profess'd Hebrew at Paris, a man of no Religion, as Beza deciphers him. Yet som there be who follow him, not only against the current of all antiquity, both Jewish and Christian, but the evidence of Scripture also, Malach. 2. 16. Let him who hateth put away faith the Lord God of Israel. Although this place also hath bin tamper'd with, as if it were to be thus render'd, The Lord God faith, that hee hateth putting away. But this new interpretation rests only in the authority of Junius; for neither Calvin, nor Vatablus himself, nor any other known Divine so interpreted before. And they of best note who have translated the Scripture since, and Diodati for one, follow not his reading. And perhaps they might reject it, if for nothing els, for these two reasons: First, it introduces in a new manner the person of God speaking less Majestick then he is ever wont; When God speaks by his Profet, he ever speaks in the first person; thereby signifying his Majesty and omnipreience. Hee would have said, I hate putting away, faith the Lord: and not sent word by Malachi in a sudden faln stile, The Lord God faith that hee hateth putting away: that were a phrase to shrink the glorious omnipreience of God speaking, into a kind of circumscriptive absence. And were as if a Herald in the Atcheivment of a King, should commit the indecorum to set his helmet sideways and close, not full fac't and open in the posture of direction and command. Wee cannot think thersore that this laft Profet would thus in a new fashion absent the person of God from his own words as if he came not along with them. For it would also be wide from the proper scope of this place: hee that reads attentively will soon perceav, that God blames not heer the Jews for
putting away thir wives, but for keeping strange Concubines, to the profaning of Juda's holines, and the vexation of thir Hebrew wives, v. 11. and 14. Judah hath maried the daughter of a strange God: And exhorts them rather to put thir wives away whom they hate, as the Law permitted, then to keep them under such affronts. And it is receiv'd that this Profet livd in those times of Ezra and Nehemiah (nay by som is thought to bee Ezra himself) when the people were forc't by these two Worthies to put thir strange wives away. So that what the story of those times, and the plain context of the 11 verse, from whence this re-buke begins, can give us to conjecture of the obscure and curt Ebraisms that follow, this Profet does not forbid putting away, but forbids keeping, and commands putting away according to Gods Law, which is the plainest interpreter both of what God will, and what he can best suffer. Thus much evinces that God there commanded divorce by Malachi, and this confirmes that he commands it also heer by Moses.

I may the less doubt to mention by the way an Author, though counted Apocryphal, yet of no small account for piety and wisdom, the Author of Ecclesiasticus. Which Book begun by the Grand-father of that Jesus who is call'd the Son of Sirach, might have bin writ'tn in part, not much after the time when Malachi livd; if wee compute by the Reigne of Ptolemaeus Euergetes. It profes'ses to explain the Law and the Profets; and yet exhorts us to divorce for incurable causes, and to cut off from the flesh those whom it there describes, Ecclesiastic. 25. 26. Which doubt-les that wise and ancient Writer would never have advis'd, had either Malachi so lately forbidd'n it, or the Law by a full precept not left it lawful; But I urge not this for want of better prooff; our Saviour himself allows divorce to be a command, Mark 10. 3. 5. Neither doe they weak'n this assertion, who
say it was only a sufferance, as shall be prov'd at large in that place of Matthew. But suppose it were not a writ'tn Law, they never can deny it was a custom, and so effect nothing. For the same reasons that induce them why it should not bee a law, will strait'n them as hard why it should bee allow'd a custom. All custom is either evil or not evil; if it be evil, this is the very end of Lawgiving, to abolish evil customs by wholsom Laws; unless wee imagin Mo-ses weaker then every negligent and startling Politician. If it be, as they make this of divorce to be, a custom against nature, against justice, against chastity, how, upon this moft impure custom tolerated, could the God of purenes erect a nice and precise Law, that the wife married after divorce could not return to her former husband, as beeing defil'd? What was all this following nicenes worth, built upon the leud foundation of a wicked thing allow'd? In few words then, this custom of divorce either was allow-able, or not allow-able; if not allow-able, how could it be allow'd? if it were allow-able, all who understand Law will consent, that a tolerated custom hath the force of a Law, and is indeed no other but an unwritt'n Law, as Justinian calls it, and is as prevalent as any writ'tn statute. So that thir shift of turning this Law into a custom wheels about, and gives the onset upon thir own flanks; not disproving, but concluding it to be the more firm law, because it was without controversly a granted custom; as cleer in the reason of common life, as those giv'n rules wheron Euclides builds his propositions.

Thus beeing every way a Law of God, who can without blasphemy doubt it to be a just and pure Law. Mo-ses continually disfavows the giving them any statute, or judgement, but what hee learnt of God; of whom alfo in his Song hee faith, Deut. 32. Hee is the rock, his work is perfet, all his waies are
judgement, a God of truth and without iniquity, just and	right is hee. And David testifies, the judgements of
the Lord are true and righteous altogether. Not partly
right and partly wrong, much less wrong altogether,
as Divines of now adayes dare censure them. Moses
again of that people to whom hee gave this Law faith,
Deut. 14. Yee are the children of the Lord your God,
the Lord hath chosen thee to bee a peculiar people to him-
self above all the nations upon the earth, that thou shouldst
keep all his Commandements; and be high in praise, in
name, and in honour, holy to the Lord, Chap. 26. And
in the fourth, Behold I have taught you statutes and
judgements, even as the Lord my God commanded mee,
keep therefore and doe them. For this is your wisdom
and your understanding in the sight of Nations that shall
hear all these Statutes and say, surely this great Nation
is a wise and understanding people. For what Nation
is ther so great, who hath God so nigh to them? and what
Nation that hath Statutes and Judgements so righteous
as all this Law which I set before you this day? Thus
whether wee look at the purity and justice of God
himself, the jealousy of his honour among other Na-
tions, the holines and moral perfection which hee
intended by his Law to teach this people, wee can-
not possibly think how he could indure to let them
flugg and grow inveteratly wicked, under base allow-
ances, and whole adulterous lives by dispensation.
They might not eat, they might not touch an unclean
thing; to what hypocryfy then were they train'd up,
if by prescription of the same Law, they might be
unjust, they might be adulterous for term of life? for-
bid to soile thir garments with a coy imaginary pol-
lution, but not forbid, but countnanc't and animated
by Law to soile thir soules with deepest defilements.
What more unlike to God, what more like that God
should hate, then that his Law should bee so curious
to wash vessels, and vestures, and so careles to leav
unwashed, unregarded, so foul a scab of Egypt in thir Soules? what would wee more? the Statutes of the Lord are all pure and just: and if all, then this of Divorce.

Because bee hath found som uncleannes in her. That wee may not esteem this law to bee a meer authorizing of licence, as the Pharifes took it, Moses adds the reason, for som uncleanness found. Som heerfoore have bin so ignorant, as to have thought, that this uncleanness means adultery. But Erasimus, who for having writ an excellent Treatise of Divorce, was wrote against by som burly standard Divine, perhaps of Cullen, or of Lovain, who calls himself Phimo-asmus, shews learnedly out of the Fathers with other Testimonies and Reasons, that uncleannes is not heer so understood; defends his former work, though new to that age, and perhaps counted licentious, and fears not to ingage all his fame on the Argument. Afterward, when Expositers began to understand the Hebrew Text, which they had not done of many ages before, they translated word for word not uncleanness, but the nakednes of any thing; and considering that nakednes is usually referr’d in Scripture to the minde as well as to the body, they constantly expound it any defect, annoyance, or ill quality in nature, which to bee joyn’d with, makes life tedious, and such company wors then solitude. So that heer will be no cause to vary from the generall consent of exposition, which gives us freely that God permitted divorce, for whatever was unalterably distastful, whether in body or mind. But with this admonishment, that if the Roman law especially in contracts and dowries, left many things to equity with these cautions, ex fide bonâ, quod æquius melius erit, ut inter bonos bene agitur, wee will not grudge to think that God intended not licence heer to every humor, but to such remedies greevances as might move a good, and honest, and
faithfull man then to divorce, when it can no more bee peace or comfort to either of them continuing thus joyn'd. And although it could not be avoided, but that men of hard hearts would abuse this liberty, yet doubtles it was intended as all other privileges in Law are, to good men principally, to bad only by accident. So that the sin was not in the permission, nor simply in the action of divorce (for then the permitting also had bin sin) but only in the abuse. But that this Law should, as it were, bee wrung from God and Moses, only to serve the hard heartednes, and the lust of injurious men, how remote it is from all sense, and law, and honesty, and therfore surely from the meaning of Christ, shall abundantly be manifest in due order.

Now although Moses needed not to adde other reason of this law then that one there express, yet to these ages wherein Canons, and Scotisms, and Lumbard Laws, have dull'd, and almost obliterated the lively Sculpture of ancient reason, and humanity, it will be requisit to heap reason upon reason, and all little enough to vindicat the whitenes and the innocence of this divine Law, from the calumny it findes at this day, of beeing a dore to licence and confusion. When as indeed there is not a judicial point in all Moses, consisting of more true equity, high wisdom, and God-like pity then this Law; not derogating, but preserving the honour and peace of Mariage, and exactly agreeing with the sense and mind of that institution in Genesis.

For first, if Mariage be but an ordain'd relation, as it seems not more, it cannot take place above the prime dictats of nature; and if it bee of natural right, yet it must yeeld to that which is more natural, and before it by eldership and precedence in nature. Now it is not natural that Hugh marries Beatrice, or Thomas Rebecca, beeing only a civill contract, and full of
many chances, but that these men seek them meet helps, that only is natural; and that they espouse them such, that only is marriage. But if they find them neither fit helps, nor tolerable society, what thing more natural, more original and first in nature then to depart from that which is irksome, greevous, actively hateful, and injurious even to hostility, especially in a conjugal respect, wherein antipathies are invincible, and wher the forc’t abiding of the one, can bee no true good, no real comfort to the other. For if hee find no contentment from the other, how can he return it from himself, or no acceptance, how can hee mutually accept? what more equal, more pious then to untie a civil knot for a natural enmity held by violence from parting, to dissolv an accidental conjunction of this or that man and woman, for the most natural and most necessary disagreement of meet from unmeet, guilty from guiltles, contrary from contrary? It being certain that the mystical and blessed unity of marriage can bee no way more unhallow’d and profan’d, then by the forcible uniting of such disunions and separations. Which if wee see oft times they cannot joyn or piece up to a common friendship, or to a willing conversation in the same house, how should they possibly agree to the most familiar and united amity of wedlock? Abraham and Lot, though dear friends and brethren in a strange Country, chose rather to part asunder, then to infect thir friendship with the strife of thir servants: Paul and Barnabas joyn’d together by the Holy Ghost to a Spiritual work, thought it better to separate when once they grew at variance. If these great Saints joynd by nature, friendship, religion, high providence, and revelation, could not to govern a casual difference, a sudden passion, but must in wisdom divide from the outward duties of a friendship, or a Collegueship in the same family, or in the same journey, left it should
grow to a worse division, can any thing bee more absurd and barbarous then that they whom only error, casualty, art or plot hath joynd, should be compell'd, not against a sudden passion but against the permanent and radical discords of nature, to the most intimitat and incorporating duties of love and embrace, therin only rational and human, as they are free and voluntary; being els an abject and servile yoke, scars not brutifh. And that there is in man such a peculiar way of liking, or disliking in the affairs of matrimony is evidently seen before marriage among those who can bee freindly, can respect each other, yet to marry each other would not for any persuasion. If then this unfitness and disparity bee not till after marriage discover'd, through many causes, and colours, and concealements, that may overshadow; undoubtedly it will produce the same effects and perhaps with more vehemence, that such a mistaken pair, would give the world to be unmarried again. And thir condition Solomon to the plain justification of divorce expresses, Prov. 30. 21. 23. Where hee tells us of his own accord, that a hated, or a hatefull woman, when shee is married, is a thing for which the earth is disquieted and cannot bear it; thus giving divine testimony to this divine Law, which bids us nothing more then is the first and most innocent lesson of nature, to turn away peaceably from what afflicts and hazards our destruction; especially when our staying can doe no good, and is expos'd to all evil.

Secondly, It is unjust that any Ordinance ordain'd to the good and comfort of man, where that end is missing, without his fault, should be forc't upon him to an unsufferable misery and discomfort, if not commonly ruin. All Ordinances are establisht in thir end; the end of Law is the vertu, is the righteousnes of Law. And thersore him wee count an ill Expounder who urges Law against the intention

The general end of every Ordinance, of every severest, every divinest, eevn of Sabbath is the good of man, yea his temporal good not excluded. But marriage is one of the benigneft ordinances of God to man, wherof both the general and particular end is the peace and contentment of mans mind, as the institution declares. Contentment of body they grant, which if it bee defrauded, the plea of frigidity fhall divorce: But heer lies the fadomles ablurdity, that granting this for bodily defect, they will not grant it for any defect of the mind, any violation of religious or civil society. When as, if the argument of Christ bee firm againft the ruler of the Synagogue, Luk. 13. Thou hypocrite, doth not each of you on the Sabbath day loos'n his Oxe or his Asfe from the fhall, and lead him to watering, and fhould not I unbind a daughter of Abra-ham from this bond of Satan? it ftands as good heer, yee have regard in mariage to the greevance of body, fhould you not regard more the greevances of the mind, seeing the Soul as much excells the body, as the outward man excells the Afs and more; for that animal is yet a living creature, perfet in it self; but the body without the Soul is a meer feneles trunck. No ordinance therefore givn particularly to the good both fpiritual and temporal of man, can bee urg'd upon him to his mischeif, and if they yeeld this to the unworthier part, the body, wherabout are they in thir principles, that they yeeld it not to the more worthy, the mind of a good man?

Thirdly, As no Ordinance, fo no Covnant, no not between God and man, much lefs between man and man, beeing as all are, intended to the good of both parties, can hold to the deluding or making miserable of them both. For equity is understood in every Covnant, eevn between enemies, though the terms bee not expreft. If equity therefore made it, extre-mity may dissolv it. But Mariage, they use to say,
is the Covenant of God. Undoubted: and so is any covenant frequently call'd in Scripture, wherein God is call'd to witnes: the covenant of friendship between David and Jonathan, is call'd the Covenant of the Lord, 1 Sam. 20. The covenant of Zedechiah with the King of Babel, a Covenant to bee doubted whether lawfull or no, yet in respect of God invok't thereto, is call'd the Oath, and the Covenant of God, Ezech. 17. Marriage also is call'd the Covenant of God, Prov. 2. 17. Why, but as before, because God is the witnes therof, Malach. 2. 14. So that this denomination adds nothing to the Covenant of Marriage, above any other civil and solemn contract: nor is it more indissoluble for this reason then any other against the end of its own ordination, nor is any vow or Oath to God exacted with such a rigor, where superstitition reignes not. For look how much divine the Covenant is, so much the more equal; So much the more to bee expected that every article therof should bee fairly made good, no fals dealing, or unperforming should be thrust upon men without redress, if the covenant bee so divine. But faith they say must bee kept in Covenant, though to our damage. I answer, that only holds true, where the other side performs, which failing, hee is no longer bound. Again, this is true, when the keeping of faith can bee of any use, or benefit to the other. But in Marriage a league of love and willingnes, if faith bee not willingly kept, it scares is worth the keeping; nor can bee any delight to a generous minde, with whom it is forcibly kept: and the question still supposes the one brought to an impossibility of keeping it as hee ought, by the others default, and to keep it formally, not only with a thousand shifts and dissimulations, but with open anguish, perpetual sadnes and disturbance, no willingnes, no cheerfulnes, no contentment, cannot bee any good to a minde not basely poor and shallow, with whom the
contract of love is so kept. A Covnant therefore brought to that passe, is on the unfaulty side without injury dissolv'd.

Fourthly, The Law is not to neglect men under greatest sufferances, but to see Covnants of greatest moment faithfullest perform'd. And what injury comparable to that sustain'd in a frustrat and fals dealing Mariage, to loose, for anothers fault against him, the best portion of his temporal comforts, and of his spiritual too, as it may fall out. It was the Law, that for mans good and quiet, reduc't things to propriety, which were at first in common; how much more Law-like were it to assist nature in dis-appropriating that evil which by continuing proper becomes destructive. But hee might have beware'd. So hee might in any other covnант, wherein the Law does not constrain error to so dear a forfeit. And yet in these matters wherein the wisest are apt to erre, all the warines that can bee, oft times nothing avails. But the Law can compell the offending party to bee more duteous. Yes, if all these kind of offences were fit in public to bee complain'd on, or beeing compell'd were any satisfaction to a mate not sottish, or malicious. And these injuries work so vehemently, that if the Law remedy them not, by separating the cause when no way els will pacify, the person not releev'd betakes him either to such disorderly courses, or to such a dull dejection, as renders him either infamous, or useles to the service of God and his Country. Which the Law ought to prevent as a thing pernicious to the Common wealth; and what better prevention then this which Moses us'd?

Fifthly, The Law is to tender the liberty and the human dignity of them that live under the Law, whether it bee the mans right above the woman, or the womans just appeal against wrong, and servitude. But the duties of mariage contain in them a duty of
benevolence, which to doe by compulsion against the Soul, where ther can bee neither peace, nor joy, nor love, but an enthrallment to one who either cannot, or will not bee mutual in the godliest and the civilest ends of that society, is the ignoblest, and the lowest slavery that a human shape can bee put to. This Law therefor justly and piously provides against such an unmanly task of bondage as this. The civil Law, though it favour'd the setting free of a slave, yet if hee prov'd ungratefull to his Patron, reduc't him to a servil condition. If that Law did well to reduce from liberty to bondage for an ingratitude not the greatest, much more became it the Law of God to enact the restorament of a free born man from an unpurpos'd, and unworthy bondage to a rightfull liberty for the most unnatural fraud and ingratitude that can be committed against him. And if that Civilian Emperour in his title of Donations, permit the giver to recall his guift from him who proves unthankful towards him, yea, though hee had subscrib'd and sign'd in the deed of his guift, not to recall it though for this very cause of ingratitude, with much more equity doth Moses permit heer the giver to recall no petty guift, but the guift of himself from one who most injurioufly and deceitfully uses him against the main ends and conditions of his giving himself, exprest in Gods institution.

Sixthly, Although ther bee nothing in the plain words of this Law, that seems to regard the afflictions of a wife, how great so ever, yet Expofiters determin, and doubtles determin rightly, that God was not uncompasionat of them also in the framing of this Law. For shoule the relescript of Antoninus in the Civil Law give release to servants flying for refuge to the Emperours statute, by givin leav to change thir cruel Maifters, and shoule God who in his Law also is good to injur'd servants, by granting
them thir freedom in divers cases, not consider the wrongs and miseries of a wife which is no servant. Though heerin the counter sense of our Divines, to me, I must confesse seems admirable; who teach that God gave this as a merciful Law, not for man whom he heer names, and to whom by name hee gives this power, but for the wife whom hee names not, and to whom by name hee gives no power at all. For certainly if man be liable to injuries in marriage, as well as woman, and man be the worthier person, it were a preposterous law to respect only the les worthy; her whom God made for marriage, and not him at all for whom marriage was made.

Seventhly, The Law of marriage gives place to the power of Parents: for wee hold that consent of Parents not had may break the wedlock, though els accomplisht. It gives place to maisterly power, for the Maister might take away from an Hebrew servant the wife which hee gave him, Exod. 21. If it be anser’d that the marriage of servants is no matrimony: tis repli’d, that this in the ancient Roman Law is true, not in the Mosaic. If it bee added, the was a stranger not an Hebrew, therfore easily divorc’t, it will be anserwed that strangers not beeing Canaanites, and they also beeing Converts might bee lawfully maryed, as Rahab was. And her conver- sion is heer suppos’d; for an Hebrew maister could not lawfully give a heathen wife to an Hebrew servant. However, the divorcing of an Israelitish woman was as easy by the Law, as the divorcing of a stranger, and almost in the same words permitted, Deut. 24. and Deut. 21. Lastly, it gives place to the right of warr, for a captiv woman lawfully maryl, and afterward not belov’d, might bee dismish, only without ransom. Deut. 21. If marriage may bee dissolv’d by so many exterior powers, not supe-
rior, as wee think, why may not the power of marriage it self for its own peace and honour dissoolv it self, wher the persons wedded be free persons, why may not a greater and more natural power complain-ing dissoolv mariage? for the ends why matrimony was ordain'd, are certainly and by all Logic above the Ordinance it self, why may not that dissoolv mariage without which that institution hath no force at all? for the prime ends of mariage, are the whole strength and validity thereof, without which matrimony is like an Idol, nothing in the world. But those former allowances were all for hardnes of heart. Be that granted, untill we come where to understand it better: if the Law suffer thus farr the obstinacy of a bad man, is it not more righteous heer, to doe willingly what is but equal, to remove in seafon the extremi-
ties of a good man?

Eightly, If a man has deflower'd a Virgin, or brought an ill name on his wife that shee came not a Virgin to him, hee was amerc't in certain shekles of Silver, and bound never to divorce her all his daies, Deut. 22. which shews that the Law gave no liberty to divorce, wher the injury was palpable; and that the absolute forbidding to divorce, was in part the pun-
ishment of a deflowerer, and a defamer. Yet not so but that the wife questionles might depart when shee pleas'd. Otherwise this cours had not so much righted her, as deliverd her up to more spight and cruel usage. This Law, therfore doth justly dis-
tinguish the privilege of an honest and blameles man in the matter of divorce from the punishment of a notorious offender.

Ninthly, Suppose it might bee imputed to a man, that hee was too rash in his choyse and why took hee not better heed, let him now smart, and bear his folly as hee may; although the Law of God, that terrible law doe not thus upbraid the infirmities and
unwilling mistakes of man in his integrity: But suppose these and the like proud aggravations of stern hypocrite, more merciles in his mercies, then any literall Law in the vigor of severity, must be patiently heard; yet all Law and Gods Law especially grants every where to error easy remitments, eevn where the utmost penalty exacted were no undoing. With great reason therefore and mercy doth it heer not torment an error, if it be so, with the endurance of a whole life lost to all household comfort and society, a punishment of too vast and huge dimension for an error, and the more unreasonable for that the like objection may be oppos'd against the plea of divorcing for adultery; hee might have lookt better before to her breeding under religious Parents: why did hee not then more diligently inquire into her manners, into what company she kept? every glauce of her eye, every step of her gate would have propheci'd adultery, if the quick sent of these discerners had bin took along; they had the divination to have foretold you all this; as they have now the divinity to punish an error inhumanly. As good reason to be content, and forc't to be content with your adulterfs, if these objecters might be the judges of human fraîltie. But God more mild and good to man, then man to his brother, in all this liberty givn to divorcement, mentions not a word of our past errors and mistakes, if any were, which these men objecting from their own inventions prosecute with all violence and iniquity. For if the one bee to look so narrowly what hee takes, at the peril of ever keeping, why should not the other bee made as wary what is promis'd, by the peril of loo- ing? for without those promises the treaty of marriage had not proceeded. Why should his own error bind him, rather then the others fraud acquit him? Let the buyer beware, faith the old Law-
beaten termer. Belike then ther is no more honesty, nor ingenuity in the bargain of a wedloc, then in the buying of a colt: Wee must it feems drive it on as craftily with those whose affinity wee seek, as if they were a pack of fale men and complotters. But the deceiver deceivs himself in the unprosperous mariage, and therin is sufficiently puniſht. I answer, that the moſt of those who deceiv, are such as either understand not, or value not the true purposes of mariage; they have the prey they feek, not the punishment: yet say it prove to them som croſs, it is not equal that error and fraud should be linkt in the same degree of forſeture, but rather that error should be acquitted, and fraud bereav'd his morſel: if the mistake were not on both sides, for then on both sides the acquitment will be reaſonable, if the bondage be intolerable; which this Law graciously determins, not unmindful of the wife, as was granted willingly to the common Expositors, though beyond the letter of this law, yet not beyond the spirit of charity.

Tenthly, Mariage is a feſomn thing, som feay a holy, the reſemblance of Chrift and his Church; and fo indeed it is where the persons are truly religious; and wee know all Sacred things not perform'dſincerely as they ought, are no way acceptable to God in thir outward formality. And that wherin it differs from personal duties, if they be not truly don, the fault is in our felves; but mariage to be a true and pious mariage is not in the ſingle power of any person; the eſſence whereof, as of all other Covnants is in relation to another, the making and maintaining cauſes thereof are all mutual, and muſt be a communion of spiritual and temporal comports. If then either of them cannot, or obstinatly will not be anſwerable in these duties, sο as that the other can have no peaceful living, or enduring the
want of what he justly seeks, and sees no hope, then straight from that dwelling love, which is the soul of wedlock, takes his flight, leaving only some cold performances of civil and common respects, but the true bond of marriage, if there were ever any there, is already burst like a rott’n thred. Then follows dissimulation, suspicion, fals colours, fals pretences, and worse then these, disturbance, annoyance, vexation, sorrow, temtation even in the faultles person, weary of himself, and of all action public or domestic; then comes disorder, neglect, hatred, and perpetual strife, all these the enemies of holiness and christianity, and every one of these persisted in, a remediles violation to matrimony. Therfore God who hates all faining and formality, wher there should bee all faith and sincerenes, and abhorrs to see inevitable discord, wher there should be greatest concord, when through another’s default, faith and concord cannot bee, counts it neither just to punish the innocent with the transgressor, nor holy, nor honourable for the sanctity of marriage, that should bee the union of peace and love, to be made the commitment, and close fight of enmity and hate. And therfore doth in this Law, what best agrees with his goodnes, loofing a sacred thing to peace and charity, rather then binding it to hatred and contention; looshing only the outward and formal tie of that which is already inwardly, and really brokn, or els was really never joyn’d.

Eleventhly, One of the chief matrimonial ends is said to seek a holy feed; but where an unfit marriage administers continual cause of hatred and dis-temper, there, as was heard before, cannot choose but much unholines abide. Nothing more unhallows a man, more unprepares him to the service of God in any duty, then a habit of wrath and perturbation, arising from the importunity of troublous
causes never absent. And wher the household stands in this plight, what love can ther bee to the unfortunat issue, what care of thir breeding, which is of main conducement to thir beeing holy. God therefore knowing how unhappy it would bee for children to bee born in such a family, gives this Law either as a prevention, that beeing an unhappy pair, they should not adde to bee unhappy parents, or els as a remedy that if ther be childern, while they are fewest, they may follow either parent, as shall bee agreed, or judg’d, from the house of hatred and discord, to a place of more holy and peaceable education.

Twelfthly, All Law is available to som good end, but the final prohibition of divorce avails to no good end, causing only the endles aggravation of evil, and therfore this permission of divorce was givn to the Jews by the wisdom and fatherly providence of God; who knew that Law cannot command love, without which, matrimony hath no true beeing, no good, no solace, nothing of Gods instituting, nothing but so fordid and so low, as to bee disdain’d of any generous person. Law cannot inable natural inability either of body, or mind, which gives the greevance; it cannot make equal those inequalities, it cannot make fit those unfitnesses; and where there is malice more then defect of nature, it cannot hinder ten thousand injuries, and bitter actions of despight too subtle and too unapparent for Law to deal with. And while it seeks to remedy more outward wrongs, it exposes the injur’d person to other more inward and more cutting. All these evils unavoidably will redound upon the children, if any be, and the whole family. It degenerates and disorders the best spirits, leavs them to unsettl’d imaginations, and degraded hopes, careles of themselves, their household and their freinds, unactive to all public service, dead to the Common-wealth; wherin they
are by one mishapp, and no willing trespas of theirs, outlaw'd from all the benefits and comforts of married life and posterity. It conferrs as little to the honour and inviolable keeping of Matrimony, but sooner stirs up temptations, and occasions to secret adulteries, and unchaft roaming. But it maintains public honesty. Public folly rather, who shall judge of public honesty? the Law of God, and of ancient-est Christians, and all Civil Nations, or the illegiti-mat Law of Monks and Canonifts, the most malevolent, most unexperienc't, and incompetent judges of Matrimony?

These reasons, and many more that might bee al-legd, afford us plainly to perceav, both what good cause this Law had to doe for good men in mishances, and what necessity it had to suffer accidentally the hard heartednes of bad men, which it could not certainly discover, or discovering could not subdue, no nor indeavour to restrain without multiplying sorrow to them, for whom all was indeavour'd. The guiltles therfore were not depriv'd thir needful redresses, and the hard hearts of others unchaftisable in those judicial Courts, were so remitted there, as bound over to the higher Session of Conscience.

Notwithstanding all this, ther is a loud exception against this Law of God, nor can the holy Author save his Law from this exception, that it opens a dore to all licence and confusion. But this is the rudeft, I was almost saying the moft graceles objection, and with the leaft reverence to God and Moses, that could bee devis'd: This is to cite God before mans Tribunal, to arrogate a wisdom and holines above him. Did not God then foresee what event of licence or confusion could follow? did not hee know how to ponder these abuses with more prevailing respects, in the moft eevn ballance of his justice and purenes, till these correctors came up to
fhew him better? The Law is, if it stirre up sin any way, to stirre it up by forbidding, as one contrary excites another, Rom. 7. but if it once come to provoke sin, by granting licence to sin, according to Laws that have no other honest end, but only to permit the fulfilling of obstinat lust, how is God not made the contradictor of himself? No man denies that best things may bee abus’d: but it is a rule resulting from many pregnant experiences, that what doth most harm in the abusing, us’d rightly doth most good. And such a good to take away from honest men, for beeing abus’d by such as abuse all things, is the greatest abuse of all. That the whole Law is no further useful, then as a man useth it lawfully, St. Paul teaches i Tim. 1. And that Christian liberty may bee us’d for an occasion to the flesh, the same Apostle confesses, Galat. 5. yet thinks not of removing it for that, but bidds us rather Stand fast in the liberty wherewith Christ hath freed us, and not bee held again in the yoke of bondage. The very permission which Christ gave to divorce for adultery, may bee fouly abus’d, by any whose hardnes of heart can either fain adultery, or dares committ, that hee may divorce. And for this cause the Pope, and hitherto the Church of England, forbid all divorce from the bond of marriage, though for openest adultery. If then it bee righteous to hinder for the fear of abuse, that which Gods Law notwithstanding that caution, hath warranted to bee don, doth not our righteousnes come short of Anti- christ, or doe we not rather heerin conform our selvs to his unrighteousnes in this undue and unwise fear. For God regards more to releeve by this Law the just complaints of good men, then to curb the licence of wicked men, to the crushing withall, and the overwhelming of his afflicted servants. He loves more that his Law should look with pitty upon the
difficulties of his own, then with rigor upon the boundlesse riots of them who serv another Maifter, and hinder'd heer by strictnes, will break another way to wors enormities. If this Law therefore have many good reasons for which God gave it, and no intention of giving scope to leudnes, but as abuse by accident comes in with every good Law, and every good thing, it cannot be wisdom in us, while we can content us with Gods wisdom, nor can be purity, if his purity will suffice us, to except against this Law, as if it foster'd licence. But if they affirm this Law had no other end, but to permitt obdurat luft, because it would bee obdurat, making the Law of God intentionally to proclame and enact sin lawful, as if the will of God were becom sinfull, or sin stronger then his direct and Law-giving will, the men would bee admonisht to look well to it, that while they are so eager to shut the dore against licence, they doe not open a wors dore to blasphemy. And yet they shall bee heer furder shewn thir iniquity; what more foul and common sin among us then drunkennes, and who can bee ignorant, that if the importation of Wine, and the use of all strong drink were forbid, it would both clean ridde the possibility of committing that odious vice, and men might afterwards live happily and healthfully, without the use of those intoxicating licors. Yet who is ther the severest of them all, that ever propounded to loos his Sack, his Ale, toward the certain abolishing of so great a sin, who is ther of them, the holiest, that les loves his rich Canary at meals, though it bee fetcht from places that hazard the Religion of them who fetch it, and though it make his neighbour drunk out of the same Tunne? While they forbid not therfore the use of that liquid Marchandise, which forbidd'n would utterly remove a most loathsom sin, and not impair either the health, or
the refreshment of mankind, suppli'd many other ways, why doe they forbid a Law of God, the forbidding wherof brings into an excessive bondage, oft times the best of men, and betters not the wors? Hee to remove a Nationall vice, will not pardon his cupps, nor think it concerns him to forbear the quaffing of that outlandish Grape, in his unnecessary fullnes, though other men abuse it never so much, nor is hee so abstemious as to intercede with the Magistrate that all matter of drunkennes be banish't the Commonwealth, and yet for the fear of a less inconvenience unpardonably requires of his brethren, in thir extreme necessity to debarre themselves the use of Gods permisive Law, though it might bee thir saving, and no mans indangering the more. Thus this peremptory strictness we may discern of what fort it is, how unequal, and how unjust.

But it will breed confusion. What confusion it would breed, God himself took the care to prevent in the fourth verse of this Chapter, that the divorc't beeing maried to another, might not return to her former Husband. And Justinians law counsels the same in his Title of Nuptials. And what confusion els can ther bee in separation, to separat, upon extrem urgency, the Religious from the irreligious, the fit from the unfit, the willing from the wilfull, the abus'd from the abuser, such a separation is quite contrary to confusion. But to binde and mixe together holy with Atheist, hevnly with hellsish, fitnes with unfitnes, light with darknes, antipathy with antipathy, the injur'd with the injurer, and force them into the most inward neernes of a detested union, this doubtles is the most horrid, the most unnatural mixture, the greatest confusion that can be confus'd?

Thus by this plain and Christian Talmud vindicating the Law of God from irreverent and unwary
expositions, I trust, when it shall meet with intelligible perusers, som stay at least of mens thoughts will bee obtain’d, to consider these many prudent and righteous ends of this divorcing permission. That it may have, for the great Authors sake, heer-after som competent allowance to bee counted a little purer then the prerogative of a legal and public ribaldry, granted to that holy feed. So that from hence wee shall hope to finde the way still more open to the reconciling of those places which treat this matter in the Gospel. And thether now without interruption the cours of method brings us.

Tetrachordon.

Matt. 5. 31, 32.
31. It hath beene said whosoever shall put away his wife, let him give her a writing of divorcement.
32. But I say unto you that whosoever shall put away his wife, &c.

Matt. 19, 3, 4, &c.
3. And the Pharises also came unto him tempting him, &c.

[T hath beene said.] What hitherto hath beene spoke upon the law of God touching Matrimony or divorce, hee who will deny to have bin argu’d according to reason, and all equity of Scripture, I cannot edifie how, or by what rule of proportion that mans vertue calculates, what his elements are, nor what his analytics. Confidently to those who have read good bookees, and to those whose reason is not an illiterate booke to themselves I appeale, whether they would not confesse all this to bee the commentary of truth and justice, were it not for these recited words of our Sa-
viour. And if they take not backe that which they thus grant, nothing sooner might perswade them that Christ heer teaches no new precept, and nothing sooner might direct them to finde his meaning, then to compare and measure it by the rules of nature and eternall righteousnes, which no writ’n law extinguiishes, and the Gospel least of all. For what can be more opposite and disparaging to the cov’nant of love, of freedom, and of our manhood in grace, then to bee made the yoaking pedagogue of new severities, the scribe of syllables and rigid letters, not only greevous to the best of men, but different and strange from the light of reason in them, save only as they are fain to stretch and distort their apprehensions, for feare of displeasing the verbal straightsnesse of a text, which our owne servil feare gives us not the leisure to understand aright. If the law of Christ shall be writ’n in our hearts, as was promis’d to the Gospel, Jer. 31. how can this in the vulgar and superficiall sense be a law of Christ, so farre from being writ’n in our hearts, that it injures and disallowes not onely the free dictates of nature and morall law, but of charity also and religion in our hearts. Our Saviours doctrine is, that the end, and the fulfilling of every command is charity; no faith without it, no truth without it, no worship, no workes pleasing to God but as they partake of charity. He himselfe sets us an example, breaking the solemnest and the strictest ordinance of religious rest, and justify’d the breaking, not to cure a dying man, but such whose cure might without danger have beene defferr’d. And wherefore needes must the sick mans bed be carried home on that day by his appointment, and why were the Disciples who could not forbeare on that day to pluck the corne, so industriously defended, but to shew us that if he preferr’d the lightest occasions of mans good before the observing
of highest and severest ordinances, hee gave us much more easie leave to breake the intolerable yoake of a never well joyn'd wedlocke for the removing of our heaviest afflictions. Therefore it is that the most of evangelick precepts are given us in proverbiall formes, to drive us from the letter, though we love ever to be sticking there. For no other cause did Christ assure us that whatsoever things wee binde, or slacken on earth, are so in heaven, but to signifie that the christian arbitrement of charity is supreme decider of all controversie, and supreme resolver of all Scripture; not as the Pope determines for his owne tyranny, but as the Church ought to determine for its owne true liberty. Hence Eusebius not far from beginning his History, compares the state of Christians to that of Noah and the Patriarkes before the Law. And this indeede was the reason, why Apostolick tradition in the antient Church was counted nigh equall to the writtn word, though it carried them at length awry, for want of considering that tradition was not left to bee impos'd as law, but to be a patterne of that Christian prudence, and liberty which holy men by right assum'd of old, which truth was so evident, that it found entrance even into the Councell of Trent, when the point of tradition came to be discusst. And Marinaro a learned Carmelite for approaching too neere the true cause that gave esteeme to tradition, that is to say, the difference betweene the Old and New Testament, the one punctually prescribing writtn Law, the other guiding by the inward spirit, was reprehended by Cardinall Poole as one that had spoken more worthy a German Colloquie, then a generall councell. I omit many instancs, many proofes and arguments of this kind, which alone would compile a just volume, and shall content me heer to have shew'n breifly, that the great and almost only commandment of the Gospel,
is to command nothing against the good of man, and much more no civil command, against his civil good. If we understand not this, we are but crackt cim-bals, we do but tinckle, we know nothing, we doe nothing, all the sweat of our toilsomeſt obedience will but mock us. And what wee suffer superstition-ously returns us no thankes. Thus med'cining our eyes wee neede not doubt to see more into the meaning of these our Saviours words, then many who have gone before us.

It hath beene said, whosoever shall put away his wife.] Our Saviour was by the doctors of his time suspected of intending to dislolve the law. In this chapter he wipes off this aspersion upon his accusers, and shewes how they were the law breakers. In every common wealth when it decayes, corruption makes two maine steps; first when men ceaſe to doe according to the inward and uncompell'd actions of vertue, caring only to live by the outward constraint of law, and turne the Simplicity of reall good, into the craft of seeming so by law. To this hypocritical honesty was Rome declin'd in that age, wherein Horace liv'd and discover'd it to Quintius.

Whom doe we count a good man, whom but he
Who keepes the lawes and statutes of the Senate,
Who judges in great suits and controversyes,
Whose witnesſe and opinion winnes the caufe;
But his owne house, and the whole neighbourhood
Sees his foule inside through his whited skin.

The next declining is, when law becomes now too ftraight for the secular manners, and those too loose for the cincture of law. This brings in false and crooked interpretations to ecke out law, and in-vents the suttle encroachment of obscure traditions hard to be disprov'd. To both these descents the Pharifes themselves were fall'n. Our Saviour there-
fore shews them both where they broke the law in not marking the divine intent thereof, but onely the letter, and where they deprav'd the letter also with sophisticall expositions. This law of divorfe they had deprav'd both waies. First, by teaching that to give a bill of divorfe was all the duty which that law requir'd, what ever the cause were. Next by running to divorfe for any triviall, accidentall cause; whenas the law evidently stayes in the grave causes of naturall and immutable dislike. [It hath been saied faith he, Christ doth not put any contempt or disesteeeme upon the law of Moses, by citing it so briefly; for in the same manner God himselfe cites a law of greatest caution, Jer. 3. They say if a man put away his wife, shall he returne to her againe, &c. Nor doth hee more abolifh it then the law of swearing, cited next with the same brevity, and more appearance of contradicting. For divorce hath an exception left it, but we are charg'd there, as abolutely as words can charge us, not to sweare at all: yet who denies the lawfulnesse of an oath, though here it be in no case permitted? And what shall become of his solemn protestation not to abolifh one law, or one tittle of any law, especially of those which hee mentions in this chapter. And that hee meant more particularly the not abolifhing of Mosaic divorfe, is beyond all cavil manifest in Luke 16. 17, 18. where this clause against abrogating is inserted immediately before the sentence against divorfe, as if it were call'd thither on purpose to defend the equity of this particular law against the foreseen rashnesse of common textuaries, who abolifh lawes, as the rable demolifh images, in the zeale of their hammers oft violating the Sepulchers of good men, like Pentheus in the tragedies, they see that for Thebes which is not, and take that for superstitition, as these men in the heate of their annulling perceive not how
they abolish right, and equall, and justice under the appearance of judicial. And yet are confessing all the while, that these sayings of Christ stand not in contradiction to the law of Moses, but to the false doctrine of the Pharifes rais'd from thence; that the law of God is perfect, not liable to additions or diminutions, and Paræus accuses the Jesuite Maldo- natus of greatest falsity for limiting the perfection of that law only to the rudenes of the Jewes. He adds that the law promiseth life to the performers thereof; therefore needs not perfecter precepts, then such as bring to life; that if the corrections of Christ stand opposite, not to the corruptions of the Pharifes, but to the law it selfe of God, the heresie of Manes would follow, one God of the old Testament, and another of the New. That Christ faith not here except your righteousness exceede the righteousness of Moses law, but of the Scribes and Pharifes. That all this may be true, whether is common sense flown asquint, if we can maintaine that Christ forbid the Mosaic divorfe utterly, and yet abolisht not the law that permits it? For if the conscience onely were checkt, and the law not repeal'd, what means the fanatic boldnesse of this age that dares tutor Christ to be more strict then he thought fit? ye shall have the evasion, it was a judicial law. What could infancy and slumber have invented more childish? judiciall or not judiciall, it was one of those lawes expressly, which he forewarn'd us with protestation, that his minde was not to abrogate: and if we mark the stearage of his words, what course they hold, wee may perceive that what he protested not to dissolve (that he might faithfully and not deceitfully remove a suspition from himselfe) was principally concerning the judiciall law; for of that sort are all these here which he vindicates; except the last. Of the Ceremonial law he told them true, that nothing of it should passe untill all were
fullfill'd. Of the morall law he knew the Pharises did not suspect he meant to nullifie that: for so doing would soone have undone his authority, and advance'd theirs. Of the judicall law therefore chiefly this Apologie was meant: For how is that fullfill'd longer then the common equity thereof remains in force? And how is this our Saviour's defence of himselfe, not made fallacious, if the Pharises chiefe feare be, leaft he should abolish the judicall law, and he to satisfie them, protests his good intention to the Moral law. It is the generall grant of Divines, that what in the Judicial law is not meerely judaicall, but reaches to human equity in common, was never in the thought of being abrogated. If our Saviour tooke away ought of law, it was the burthensome of it, not the easfe of burden, it was the bondage, not the liberty of any divine law that he remov'd: this he often profeft to be the end of his comming. But what if the law of divorce be a morall law, as most certainly it is fundamentally, and hath been so prov'd in the reasons thereof. For though the giving of a bill may be judicall, yet the act of divorce is altogether conversant in good or evill, and so absolutely moral. So farr as it is good it never can be abolisht being morall; so farr as it is simply evil it never could be judicall, as hath beene shewen at large in the Doctrine of divorce, and will be reassum'd anon. Whence one of these two necessitites follow, that either it was never establisht, or never abolisht. Thus much may be enough to have said on this place. The following verse will be better unfolded in the 19. Chapter, where it meets us againe, after a large debatement on the question, between our Saviour and his adversaries.
And the Pharifes came unto him tempting him and saying unto him.

Tempting him.] The manner of these men coming to our Saviour, not to learne, but to tempt him, may give us to expect that their answer will bee such as is fittest for them, not so much a teaching, as an intangling. No man though never so willing or so well enabl’d to instruct, but if he diserne his willingness and candor made use of to intrapp him, will suddainly draw in himselfe, and laying aside the facil vein of perspicuity, will know his time to utter clouds and riddles; If he be not lesse wise then that noted Fish, when as he shou’d bee not unwiser then the Serpent. Our Saviour at no time express any great desire to teach the obstinate and unteachable Pharifes; but when they came to tempt him, then leaft of all. As now about the liberty of divorce, so another time about the punishment of adultery they came to found him, and what satisfaction got they from his answer, either to themselves or to us, that might direct a law under the Gospel, new from that of Moses, unleaſe we draw his abolution of adultery into an edict. So about the tribute, who is there can picke out a full solution, what and when we must give to Cæsar, by the answer which he gave the Pharifes? If we must give to Cæsar that which is Cæsars, and all be Cæsars, which hath his image, wee must either new stamp our Coine, or we may goe new stamp our Foreheads with the supercription of slaves in stead of freemen. Besides it is a generall precept, not only of Christ, but of all other Sages, not to instruct the unworthy and the conceited who love tradition more then truth, but to perplex and stumble them purposely with contriv’d obscurities. No
wonder then if they who would determine of divorce by this place, have ever found it difficult, and unsatisfying through all the ages of the Church, as **Austine** himselfe and other great writers confesse. Lastly it is manifest to be the principal scope of our Saviour both here, and in the 5. of **Mat.** to convince the Pharifes of what they being evill did licentioulsly, not to expaline what others being good and blamelesse men might be permitted to doe in case of extremity. Neither was it seasonable to talke of honest and conscientious liberty among them who had abused legall and civil liberty to uncivil licence. We doe not say to a servant what we say to a sonne; nor was it expedient to preach freedome to those who had transgrest in wantonnesse. When we rebuke a Prodigal, we admonish him of thrift, not of magnificence, or bounty. And to school a proud man we labour to make him humble, not magnanimous. So Chrift to retort these arrogant inquisitors their own, tooke the course to lay their hautinesse under a severity which they deserv'd; not to acquaint them, or to make them judges either of the just mans right and privilege, or of the afflicted mans necessity. And if wee may have leave to conjecture, there is a likelyhood offer'd us by **Tertullian** in his 4. against **Marcion**, whereby it may seeme very probable that the Pharises had a private drift of malice against our Saviours life in proposing this question; and our Saviour had a peculiar aim in the rigor of his answer, both to let them know the freedome of his spirit, and the sharpenesse of his discerning. *This I must now shew, faith Tertullian, Whence our Lord deduc'd this sentence, and which way he directed it, whereby it will more fully appeare that he intended not to dissolve Moses. And there upon tells us that the vehemence of this our Saviours speech was cheifly darted against Herod and Herodias. The story is out of **Josephus**: Herod had*
been a long time married to the daughter of Aretas King of Petra, til hapning on his jorney towards Rome to be entertain'd at his brother Philips house, he cast his eye unlawfully and unguestlike upon Herodias there, the wife of Philip, but daughter to Aristobulus their common brother, and durst make words of marrying her his Neece from his brothers bed. She assented upon agreement he should expell his former wife. All was accomplisht, and by the Baptist rebuk't with the losse of his head. Though doubtlesse that staid not the various discourses of men upon the fact, which while the Herodian flatterers, and not a few perhaps among the Pharises ende-vour'd to defend by wresting the law, it might be a meanes to bring the question of divorce into a hot agitation among the people, how farre Moses gave allowance. The Pharises therefore knowing our Saviour to be a friend of John the Baptist, and no doubt but having heard much of his Sermon in the Mount, wherin he spake rigidly against the licence of divorce, they put him this question both in hope to find him a contradicter of Moses, and a condemnner of Herod; so to insnare him within compasse of the same accusation which had ended his friend; and our Saviour so orders his answer, as that they might perceive Herod and his Adulteresse only not nam'd; so lively it concern'd them both what he spake. No wonder then if the sentence of our Saviour founded stricter then his custome was; which his conscious attempters doubtlesse apprehended sooner then his other auditors. Thus much we gaine from hence to informe us, that what Christ intends to speake here of divorce, will be rather the forbidding of what we may not doe herein passionately and abusively, as Herod and Herodias did, then the discussing of what herein we may doe reasonably and necessarily.

Is it lawfull for a man to put away his wife.] It
might be render'd more exactly from the Greeke, *to loosen or to set free*; which though it seeme to have a milder signification then the two Hebrew words commonly us'd for divorce, yet Interpreters have noted, that the Greeke also is read in the *Septuagint*, for an act which is not without constraint. As when Achish drove from his presence David counterfeiting madness. *Psal. 34.* the Greeke word is the same with this here, to put away. And *Erasmus* quotes Hilary rendering it by an expression, not so soft. Whence may be doubted, whether the Pharises did not state this question in the strict right of the man, not tarrying for the wives consent. And if our Saviour answer directly according to what was askt in the term of putting away, it may be questionable, whether the rigor of his sentence did not forbid only such putting away as is without mutuall consent, in a violent and harsh manner, or without any reason, but will, as the *Tetrarch* did. Which might be the cause that those Christian Emperours fear'd not in their constitutions to dissolve marriage by mutuall consent; In that our Saviour seemes here, as the case is most likely, not to condemn all divorce but all injury and violence in divorce. But no injury can be done to them who seeke it, as the *Ethics* of *Aristotle* sufficiently prove. True it is, that an unjust thing may be done to one though willing, and so may justly be forbid'n: But divorce being in it selfe no unjust or evill thing, but only as it is joyn'd with injury, or lust, injury it cannot be at law, if consent be, and *Aristotle* erre not. And lust it may as frequently not be, while charity hath the judging of so many private greevances in a misfortun'd Wedlock, which may pard'nably seeke a redemption. But whether it be or not, the law cannot discerne, or examine lust, so long as it walkes from one lawfull terme to another, from divorce to marriage both in themselves
indifferent. For if the law cannot take hold to punish many actions apparently covetous, ambitious, ingratefull, proud, how can it forbid and punish that for lust, which is but only surmis’d so, and can no more be certainly prov’d in the divorcing now, then before in the marrying. Whence if divorce be no unjust thing, but through lust, a cause not discernable by law, as law is wont to diserne in other cases, and can be no injury where consent is, there can be nothing in the equity of law, why divorce by consent may not be lawfull: leaving secrecies to conscience, the thing which our Saviour here aimes to rectifie, not to revoke the statutes of Moses. In the meane while the word To put away, being in the Greeke, to loose or dissolve, utterly takes away that vaine papistical distinction of divorce from bed, and divorce from bond, evincing plainly that both Christ and the Pharifes meant here that divorce which finally dissolves the bond and frees both parties to a second marriage.

For every cause.] This the Pharifes held, that for every cause they might divorce, for every accidentall cause, any quarrell or difference that might happ’n. So both Josephus and Philo, men who liv’d in the same age, explain; and the Syriac translator, whose antiquity is thought parallel to the Evangelists themselves, reads it conformably upon any occasion or pretence. Divines also generally agree that thus the Pharises meant. Cameron a late writer much applauded, commenting this place not undiligently, affirmes that the Greeke preposition ḫαρὰ translated unusually (For) hath a force in it implying the suddennesse of those Pharisaic divorces; and that their question was to this effect, whether for any cause, whatever it chanc’d to be, straight as it rose, the divorce might be lawfull. This he freely gives what ever mou’d him, and I as freely take, nor can deny his ob-
fervation to be acute and learned. If therefore we insist upon the word of putting away, that it imports a constraint without consent, as might be insinced, and may enjoy what Cameron beftowes on us, that for every cause is to be understood, according as any cause may happen, with a relation to the speediness of those divorces and that Herodian act especially, as is already brought us, the sentence of our Saviour will appeare nothing so strict a prohibition as hath beene long conceiv'd, forbidding only to divorce for casuall and temporary causes, that may be soon ended, or soone remedied; and likewise forbidding to divorce rashly, and on the sudden heat, except it be for adultery. If these qualifications may be admitted, as partly we offer them, partly are offer'd them by some of their own opinion, and that where nothing is repugnant why they should not bee admitted, nothing can wrest them from us, the severe sentence of our Saviour will straight unbend the seeming frowne into that gentlenesse and compassion which was so abundant in all his actions, his office and his doctrine, from all which otherwise it stands off at no meane distance.

V. 4. And he answered and said unto them, have ye not read that he which made them at the beginning, made them Male and Female?

V. 5. And said, for this cause shall a man leave Father and Mother, and shall cleave to his wife, and they twaine shall be one flesh?

V. 6. Wherefore they are no more twaine but one flesh, what therefore God hath joyned together, let no man put asunder.

4. and 5. Made them Male and Female, And said for this cause, &c.] We see it here undeniably, that the law which our Saviour cites to prove that divorce
was forbidd’n, is not an absolute and tyrannicall command without reason, as now adayes wee make it little better, but is grounded upon some rationall cause not difficult to be apprehended, being in a matter which equally concerns the meanest and the plainest sort of persons in a household life. Our next way then will be to inquire if there bee not more reasons then one, and if there be, whether this be the best and cheifeft. That we shall finde by turning to the first institution, to which Christ referrs our owne reading; He himfelfe having to deale with treacherous assailants, ufeth brevity, and lighting on the first place in Genesis that mentions any thing tending to Marriage in the first chapter, joynes it immediately to the 24 verse of the 2 chapter, omitting all the prime words between, which create the institution, and containe the nobleft and pureft ends of Matrimony, without which attain’d, that conjunction hath nothing in it above what is common to us with beasts. So likewise beneath in this very chapter, to the young man who came not tempting him, but to learne of him, asking him which commandments hee shou’d keepe, he neither repeates the first table, nor all the second, nor that in order which he repeates. If heere then being tempted, hee desire to bee the shorter, and the darker in his conference, and omit to cite that from the second of Genesis, which all Divines confesse is a commentary to what he cites out of the first, the making them Male and Female; what are we to doe, but to search the institution our selves; and we shall finde there his owne authority giving other manner of reasons why such firme union is to bee in matrimony, without which reasons their being male and female can be no cause of joyning them unseparably: for if it be, then no Adultery can sever. Therefore the prohibition of divorce depends not upon this reason heere expreft to the Pharifes, but upon the plainer
and more eminent causes omitted here and refer'd
to the institution; which causes not being found in
a particular and casual Matrimony, this sensitive and
materious cause alone can no more hinder a divorce
against those higher and more human reasons urging
it, then it can alone without them to warrant a co-
pulsion, but leaves it arbitrary to those who in their
chance of marriage finde not why divorce is forbidd
them, but why it is permitted them; and finde both
here and in Genesis, that the forbidding is not abso-
lute, but according to the reasons there taught us, not
here. And that our Saviour taught them no better,
but uses the most vulgar, most animal and corporal
argument to convince them, is first to shew us, that
as through their licentious divorces they made no
more of marriage then as if to marry, were no more
then to be male and female, so hee goes no higher
in his consutation, deeming them unworthy to be
talkt with in a higher straine, but to bee ty'd in mar-
riage by the meere material cause thereof, since their
owne licence testify'd that nothing matrimonial was
in their thought but to be male and female. Next
it might be don to discover the brute ignorance of
these carnall Doctors, who taking on them to dispute
of marriage and divorce, were put to silence with such
a slender opposition as this, and outing from their hold
with scarce one quarter of an argument. That we
may beleive this, his entertainment of the young
man soon after may perswade us. Whom, though
he came to preach eternall life by faith only, he dis-
misses with a salvation taught him by works only.
On which place Paræus notes. That this man was
to be convinc't by a false perswasion; and that Christ is
wont otherwise to answer hypocrites, otherwise those that
are docible. Much rather then may we thinke that
in handling these tempters, he forgot not so to frame
his prudent ambiguities and concealements, as was
to the troubling of those peremptory disputants most wholesome. When therefore we would know what right there may be, in ill accidents, to divorce, we must repair thither where God professes to teach his servants by the prime institution, and not where we see him intending to dazle sophists: Wee must not reade bee made them Male and Female, and not understand he made them more intendedly a meet helpe to remove the evil of being alone. We must take both these together, and then we may inferre compleatly as from the whole cause why a man shall cleave to his wife, and they twaine shall be one flesh: but if the full and cheife cause why we may not divorce, be wanting heer, this place may skirmish with the rabbies while it will, but to the true christian it prohibits nothing beyond the full reason of it's own prohibiting, which is best knowne by the institution.

V. 6. Wherefore they are no more twaine, but one flesh.] This is true in the generall right of marriage, but not in the chance medley of every particular match. For if they who were once undoubtedly one flesh, yet become twain by adultery, then sure they who were never one flesh rightly, never helps meete for each other according to the plain prescript of God, may with lesse adoe then a volume be concluded still twaine. And so long as we account a Magistrate no Magistrate, if there be but a flaw in his election, why should we not much rather count a Matrimony no Matrimony, if it cannot be in any reasonable manner according to the words of Gods institution.

What therefore God hath joyned, let no man put asunder.] But heare the christian prudence lies to consider what God hath joyn'd; shall wee say that God hath joyn'd error, fraud, unfitness, wrath, contention, perpetuall loneliness, perpetuall discord; what ever lust, or wine, or witchery, threat, or inticement,
avarice or ambition hath joyn'd together, faithfull with unfaithfull, christian with antichristian, hate with hate, or hate with love, shall we say this is Gods joyning?

*Let not man put asunder.*] That is to say, what God hath joyn'd; for if it be, as how oft we see it may be, not of Gods joyning, and his law tells us he joynes not unmatchable things but hates to joyn them, as an abominable confusion, then the divine law of Moses puts them asunder, his owne divine will in the institution puts them asunder, as oft as the reasons be not extant, for which only God ordain'd their joyning. Man only puts asunder when his inordinate desires, his passion, his violence, his injury makes the breach: not when the utter want of that which lawfully was the end of his joyning, when wrongs and extremities, and unsupportable greevances compell him to disjoyne: when such as Herod and the pharises divorce beside law, or against law, then only man separates, and to such only this prohibition belongs. In a word, if it be unlawful for man to put asunder that which God hath joyn'd, let man take heede it be not detestable to joyne that by compulsion which God hath put asunder.

V. 7. They say unto him, why did Moses then command, to give a writing of divorcement, and to put her away?

V. 8. He saith unto them, Moses because of the hardnesse of your hearts suffered you to put away your wives, but from the beginning it was not so.

*Moses because of the hardnesse of your hearts suffered you.*] Hence the divinity now current argues that this judicall Moses is abolisht. But suppose it were so, though it hath bin prov'd otherwise, the firmenesse of such right to divorce as here pleads, is fetcht from the prime institution, does not stand or fall with
the judiciall Jew, but is as morall as what is moraleft. Yet as I have shewn positively that this law cannot bee abrogated, both by the words of our Saviour pronouncing the contrary, and by that unabolifhable equity which it conveys to us, so I shall now bring to view those appearances of strength which are leaved from this text to maintaine the most grosse and maffy paradox that ever did violence to reason and religion, bred onely under the shadow of these words, to all other piety or philosophy strange and insolent, that God by act of law drew out a line of adultery almost two thousand yeares long: although to detect the prodigy of this surmise, the former booke set forth on this argument hath already beene copious. I shall not repeate much though I might borrow of mine own, but shall endeavour to adde something either yet untoucht, or not largely enough explain'd. First it shall be manifest that the common exposition cannot possibly consist with christian doctrine: next a truer meaning of this our Saviour's reply shall be left in the roome. The receiv'd exposition is, that God though not approving did enact a law to permit adultery by divorcement simply unlawfull. And this conceit they feede with fond supposals that have not the least footing in Scripture. As that the Jews learnt this custome of divorce in Egypt, and therefore God would not unteach it them till Christ came, but let it stick as a notorious botch of deformity in the midst of his most perfect and severe law. And yet he faith, Levit. the 18th, after the doings of Egypt ye shall not do. Another while they invent a slander (as what thing more bold then teaching Ignorance when he shifts to hide his nakednes) that the Jews were naturally to their wives the cruellest men in the world; would poison, braine, and doe I know not what, if they might not divorce. Certain, if it were a fault heavily punisht, to bring an evill report
upon the land which God gave, what is it to raise a groundles calumny against the people which God made choise of? But that this bold interpretament, how commonly so ever sided with, cannot stand a minute with any competent reverence to God or his law, or his people, nor with any other maxim of religion, or good manners, might bee prov'd through all the heads and Topics of argumentation: but I shall willingly bee as concise as possible. First the law, not onely the moral, but the judicial given by Moses is just and pure; for such is God who gave it. Harken O Israel, faith Moses, Deut. 4, unto the statutes and the judgements which I teach you, to doe them, that ye may live, &c. ye shall not add unto the word which I command you, neither shall ye diminish ought from it, that ye may keepe the commandements of the Lord your God which I command you. And onward in the chapter, Behold I have taught you statutes and judgements, even as the Lord my God commanded me. Keepe therefore and doe them, for this is your wisedome and your understanding. For what nation hath God so nigh unto them, and what nation hath statutes and judgements so righteous as all this law which I set before ye this day. Is it imaginable there should bee among these a law which God allow'd not, a law giving permissions laxative to unmarry a wife and marry a lust, a law to suffer a kind of tribunall adultery? Many other scriptures might be brought to affer the purity of this judicial law, and many I have alleg'd before; this law therefore is pure and just. But if it permit, if it teach, if it defend that which is both unjust and impure, as by the common doctrine it doth, what thinke we? The three generall doctrines of Justinians law, are To live in honesty, To hurt no man, To give every one his due. Shall the Roman civil law observe these three things, as the onely end of law, and shall a statute be found in the civil law of God,
enacted simply and totally against all these three precepts of nature and morality?

Secondly, the gifts of God are all perfect, and certainly the law is of all his other gifts one of the perfect. But if it give that outwardly which it takes away really, and give that seemingly, which, if a man take it, wraps him into sinne and damns him, what gift of an enemy can be more dangerous and destroying then this.

Thirdly, Moses every where commends his lawes, prefers them before all of other nations, and warrants them to be the way of life and safety to all that walke therein, Levit. 18. But if they containe statutes which God approves not, and traine men unweeting to committ injustice and adultery, under the shelter of law, if those things bee sin, and death sins wages, what is this law but the snare of death?

Fourthly, the statutes and judgements of the Lord, which without exception are often told us to be such, as doing wee may live by them, are doubtles to be counted the rule of knowledge and of conscience. For I had not known lust, faith the Apostle, but by the law. But if the law come downe from the state of her incorruptible majesty to grant lust his boon, palpably it darkns and confounds both knowledge and conscience; it goes against the common office of all goodnes and freindliness, which is at left to counsel and admonish; it subverts the rules of all sober education; and is it selfe a most negligent and debauching tutor.

Fiftly, if the law permit a thing unlawfull, it permitts that which elle where it hath forbid; so that hereby it contradicts it selfe, and transgresses it selfe. But if the law become a transgressor, it stands guilty to it selfe, and how then shall it save another? it makes a confederacy with sin, how then can it justly condemn a sinner? and thus reducing it selfe to the
state of neither saving nor condemning, it will not faile to expire solemnly ridiculous.

Sixthly, the Prophets in Scripture declare severely against the decreeing of that which is unjust, Psal. 94. 20. Isaiah the 10th. But it was done, they say, for hardnesse of heart; To which objection the Apostles rule, not to doe evill that good may come thereby, gives an invincible repuls; and here especially, where it cannot be shewn how any good came by doing this evil, how rather more evil did not hereon abound; for the giving way to hardnesse of heart hard'ns the more, and adds more to the number. God to an evil and adulterous generation would not grant a signe; much lesse would he for their hardnesse of heart pollute his law with an adulterous permission. Yea but to permit evil is not to doe evil. Yes, it is in a most eminent manner to doe evil: where else are all our grave and faithfull sayings, that he whose office is to forbid and forbids not, bids, exhorts, encourages. Why hath God denounc't his anger against parents, maisters, freinds, magistrates neglectfull of forbidding what they ought, if law the common father, maister, friend, and perpetuall magistrate shall not onely not forbidd, but enact, exhibit, and uphold with countnance and protection a deede every way dishonest, what ever the pretence be. If it were of those inward vices, which the law cannot by outward constraint remedy, but leaves to conscience and persuasion, it had bin guiltlesse in being silent: but to write a decree of that which can be no way lawfull, and might with ease be hinder'd, makes law by the doome of law it selfe accessory in the highest degree.

Seventhly, it makes God the direct author of sin, For although he bee not made the author of what he silently permitts in his providence, yet in his law, the image of his will, when in plaine expression he
v. 7, 8. Tetrachordon. 219

constitutes and ordaines a fact utterly unlawfull, what wants hee to authorize it, and what wants that to be the author?

Eightly, to eftablish by law a thing wholly unlawfull and dishonest, is an affirmation was never heard of before in any law, reason, philosophy, or religion, till it was rais'd by inconsiderat glossists from the mistake of this text. And though the Civilians have bin contented to chew this opinion, after the canon had subdu'd them, yet they never could bring example or authority either from divine writt, or human learning, or human practice in any nation, or well-form'd republikk, but only from the customary abuse of this text. Usually they allege the Epiftle of Cicero to Atticus; wherein Cato is blam'd for giving sentence to the scumme of Romulus, as if he were in Plato's common wealth. Cato would have call'd some great one into judgement for bribery, Cicero as the time stood, advis'd against it. Cato, not to endammage the public treasury, would not grant to the Roman Knights, that the Asian taxes might bee farm'd them at a leffe rate. Cicero wifht it grant-ed. Nothing in all this will bee like the eftablishing of a law to finne: here are no lawes made, here onely the execution of law is crav'd might be suspend'd: between which and our question is a broad difference. And what if human law givers have confefst they could not frame their lawes to that perfection which they defir'd, we heare of no such confefion from Mofes concerning the lawes of God, but rather all praiſe and high testimony of perfection given them. And although mans nature cannot beare exacteft lawes, yet still within the confines of good it may and muſt; so long as leffe good is far anough from altogether evil. As for what they instance of usury, let them firſt prove usury to be wholly unlawfull, as the law allowes it; which
learned men as numerous on the other side will deny them. Or if it be altogether unlawful, why is it tolerated more then divorce? he who said divorce not, said also lend hoping for nothing again, Luk. 6. 35. But then they put in, that trade could not stand. And so to serve the commodity of insatiable trading, usury shall be permitted, but divorce, the onely means oft times to right the innocent, and outrageously wrong'd, shall be utterly forbid. This is egregious doctrine, and for which one day charity will much thanke them. Beza not finding how to salve this perplexity, and Cameron since him, would secure us; although the latter confesses that to permit a wicked thing by law, is a wickednesse from which God abhors; yet to limit sin, and prescribe it a certaine measure, is good. First this evasion will not helpe here; for this law bounded no man; he might put away whatever found not favour in his eyes. And how could it forbid to divorce, whom it could not forbidd to dislike, or command to love. If these be the limits of law to restraine sinne, who so lame a sinner but may hoppe over them more easily then over those Romulean circumscriptions, not as Remus did with hard succes, but with all indemnity. Such a limiting as this were not worth the mischeif that accompanies it. This law therefore not bounding the supposed sinne, by permitting enlarges it, gives it enfranchisement. And never greater confusion, then when law and sin move their land markes, mixe their territories, and correspound, have intercourse and traffic together. When law contracts a kindred and hospitality with transgression, becomes the godfather of sinne and names it Lawfull; when sin revels and goffips within the arcenal of law, plaies, and dandles the artillery of justice that should be bent against her, this is a faire limitation indeede. Besides it is an absurdity to say that law can measure
fin, or moderate sin; sin is not in a predicament to be measur'd and modify'd, but is alwaies an excess.' The least sinne that is, exceeds the measure of the largest law that can bee good; and is as boundlesse as that vacuity beyond the world. If once it square to the measure of Law, it ceases to be an excess, and consequently ceases to be a sinne; or else law conforming it selfe to the obliquity of sin, betraies it selfe to be not strait, but crooked and so immediatly no law. And the improper conceit of moderating sin by law will appeare, if wee can imagin any law-giver so senselesse as to decree that so farre a man may steale, and thus farre bee drunk, that moderately he may cozen, and moderately committ adultery. To the same extent it would be as pithily absurd to publish that a man may moderately divorce, if to doe that be intirely naught. But to end this moot, the law of Moses is manifest to fixe no limit therein at all, or such at left as impeaches the fraudulent abuser no more then if it were not set; only requires the dismisive writing without other caution, leaves that to the inner man, and the barre of conscience. But it stopp other sins. This is as vaine as the rest, and dangerously uncertain: the contrary to be fear'd rather, that one sin admitted courteously by law, open'd the gate to another. However evil must not be don for good. And it were a fall to be lamented, an indignity unspeakable, if law should become tributary to sin her slave, and forct' to yeild up into his hands her awful minister Punishment, should buy out her peace with sinne for sinne, paying as it were her so many Philistian foreskins to the proud demand of Transgression. But suppose it any way possible to limit sinne, to put a girdle about that Chaos, suppose it also good; yet if to permitt sin by Law bee an abomination in the eyes of God, as Cameron acknowledges, the evil of permitting will
eate out the good of limiting. For though sin be not limited, there can but evil come out of evil; but if it be permitted and decreed lawfull by divine law, of force then sin must proceed from the infinit Good, which is a dreadfull thought. But if the restraining of sinne by this permission beeing good, as this author testifies, be more good then the permission of more sin by the restraint of divorce, and that God weighing both these like two ingots in the perfect scales of his justice and providence found them so, and others coming without authority from God, shall change this counterpoise, and judge it better to let sin multiply by setting a judicial restraint upon divorce, which Christ never set, then to limit sin by this permission, as God himselfe thought best to permit it, it will behoove them to consult betimes whether these their balances be not fals and abominable; and this their limiting that which God loosen'd, and their loosning the sinnes that he limited, which they confess was good to doe: and were it possible to doe by law, doubtlesse it would be most morally good; and they so beleeving, as we heare they doe, and yet abolishing a law so good and moral, the limiter of sin, what are they else but contrary to themselves? for they can never bring us to that time wherein it will not be good to limit sinne, and they can never limit it better then so as God prescrib'd in his law.

Others conceav it a more defensible retirement to say this permission to divorce sinfully for hardnesse of heart was a dispensation. But surely they either know not, or attend not what a dispensation meanes. A dispensation is for no long time, is particular to som persons rather then generall to a whole people; alwaies hath charity the end, is granted to necessities and infirmities, not to obstinat lust. This permission is another creature, hath all those evils and absurdi-
ties following the name of a dispensation, as when it was nam'd a law; and is the very antarctic pole against charity, nothing more advers, ensnaring and ruining those that truft in it, or use it; so loud and criminous as never durft enter into the head of any Politician, Jew, or Proselyte, till they became the apt Schollers of this canoniftic expofition. Ought in it, that can allude in the left manner to charity, or goodnes, belongs with more full right to the chriftian under grace and liberty, then to the Jew under law and bondage. To Jewish ignorance it could not be dispenc't, without a horrid imputation laid upon the law, to dispence fouly, in stead of teaching fairly; like that dispensation that firft polluted Chriftendom with Idolatry, permitting to lay men images in stead of bookes and preaching. Sloth or malice in the law would they have this calld? But what ignorance can be pretended for the Jewes, who had all the fame precepts about mariage, that we now: for Chrift referrs all to the institution. It was as reasonable for them to know then as for us now, and concern'd them alike: for wherein hath the gospel alter'd the nature of matrimony? All these considerations, or many of them have bin funder amplify'd in the doctrine of divorce. And what Rivetus and Paræus hath objected, or giv'n over as paft cure hath bin there discusft. Whereby it may be plain enough to men of eyes, that the vulgar expofition of a permittance by law to an entire sin, what ever the colour may be, is an opinion both un-godly, unpoltic, unverxious, and void of all honefty and civil fensc. It appertaines therefore to every zealous Chriftian both for the honour of Gods law, and the vindication of our Saviours words, that such an irreligious depravement no longer may be sooth'd and flatter'd through cuftome, but with all diligence and speed solidly refuted, and in the room
a better explanation giv'n; which is now our next endeavour.

_Moses suffer'd you to put away, &c._ Not commanded you, saies the common observer, and therefore car'd not how soon it were abolisht, being but suffer'd; heerin declaring his annotation to be flight and nothing law prudent. For in this place _commanded and suffer'd_ are interchangeably us'd in the same sense both by our Saviour and the Pharifes. Our Saviour who heer faith, _Moses suffer'd you_, in the 10th of _Marke_ faith, _Moses wrote you this command._ And the Pharifes who heer say, _Moses commanded_, and would mainly have it a command, in that place of _Marke_ say _Moses suffer'd_, which had made against them in their owne mouthes, if the word of suffering had weakn'd the command. So that _suffer'd_ and _commanded_ is heer taken for the same thing on both sides of the controversy: as _Cameron_ also and others on this place acknowledge. And Lawyers know that all the precepts of law are devided into obligatorie and permisive, containing either what we muft doe, or what wee may doe; and of this latter fort are as many precepts, as of the former, and all as lawfull. _Tutelage_, an ordainment then which nothing more just, being for the defence of Orfanes, the _Institutes of Justinian_ say is given and permitted by the civil law: and _to parents it is permitted to choose and appoint by will the guardians of their children_. What more equall, and yet the civil law calls this _permission_. So likewise to _manumife_, to adopt, to make a will, and to be made an heire is call'd _permission_ by law. _Marriage_ it selfe, and this which is already granted, to divorce for adultery, obliges no man, is but a permission by law, is but suffer'd. By this we may see how weakly it hath bin thought that all divorce is utterly unlawfull, because the law is said to suffer it: whenas to _suffer is
but the legall phrase denoting what by law a man may doe or not doe.

Because of the hardness of your hearts.] Hence they argue that therefore he allowd it not; and therefore it must be abolisht. But the contrary to this will sooner follow, that because he suffer'd it for a cause, therefore in relation to that cause he allow'd it. Next, if he in his wisedome, and in the midst of his severity allow'd it for hardness of heart, it can be nothing better than arrogance and presumption to take stricter courses against hardness of heart then God ever set an example, and that under the Gospel which warrants them to no judicial act of compulsion in this matter, much lesse to be more severe against hardness of extremity, then God thought good to bee against hardness of heart. He suffer'd it, rather then worse inconveniences; these men wiser as they make themselves, will suffer the worst and hainousest inconveniences to follow, rather then they will suffer what God suffer'd. Although they can know when they please, that Christ spake only to the conscience, did not judge on the civil bench, but alwaies disavow'd it. What can be more contrary to the waies of God then these their doings. If they bee such enemies to hardness of heart, although this groundlesse rigor proclaims it to be in themselves, they may yet learne, or consider that hardness of heart hath a twofould accception in the Gospel. One, when it is in a good man taken for infirmity, and imperfection, which was in all the Apostles, whose weaknesse only, not utter want of beleef is call'd hardness of heart, Marke 16. partly for this hardness of heart, the imperfection and decay of man from original righteousness, it was that God suffer'd not divorce onely, but all that which by Civilians is term'd the second law of nature and of nations. He suffer'd his owne people to waft and spoyle and slay by warre, to lead
captives, to be some masters, some servants, some to be princes, others to be subjects, hee suffer'd propriety to divide all things by several possession trade and commerce, not without usury; in his common wealth some to be undeservedly rich, others to be undeservingly poore. All which till hardenesse of heart came in, was most unjust; whenas prime Nature made us all equall, made us equall coheirs by common right and dominion over all creatures. In the same manner, and for the same cause hee suffer'd divorce as well as marriage, our imperfect and degenerate condition of necessity requiring this law among the rest, as a remedy against intolerable wrong and servitude above the patience of man to beare. Nor was it giv'n only because our infirmity, or if it must be so call'd, hardnesse of heart could not endure all things, but because the hardnes of another's heart might not inflict all things upon an innocent person, whom far other ends brought into a league of love and not of bondage and indignity. If therefore we abolish divorce as only suffer'd for hardnes of heart, we may as well abolish the whole law of nations, as only suffer'd for the same cause; it being shewn us by Saint Paul 1 Cor. 6. that the very seeking of a man's right by law, and at the hands of a worldly magistrate, is not without the hardnesse of our hearts. For why doe ye not rather take wrong, faith he, why suffer ye not rather your selves to be defrauded? If nothing now must be suffer'd for hardnes of heart, I say the very prosecution of our right by way of civil justice can no more bee suffer'd among Christians, for the hardnes of heart wherwith most men pursue it. And that would next remove all our judiciaall lawes, and this restraint of divorce also in the number; which would more then halfe end the controversy. But if it be plaine that the whole juridical law and civil power is only suffer'd under the Gospel,
for the hardnes of our hearts, then wherefore should not that which Moses suffer'd, be suffer'd still by the same reason?

In a second signification hardnes of heart is tak'n for a stubborne resolution to doe evil. And that God ever makes any law purposely to such, I deny; for he outsafes not to enter cov'nant with them, but as they fortune to be mixt with good men, and passe undiscover'd; much lesse that he should decree an unlawfull thing only to serve their licentiousnes. But that God suffers this reprobate hardnes of heart I affirm, not only in this law of divorce, but throughout all his best and purest commandements. He commands all to worship in singlenes of heart according to all his Ordinances; and yet suffers the wicked man to perfome all the rites of religion hypocritically and in the hardnes of his heart. He gives us generall statutes and privileges in all civil matters, just and good of themselves, yet suffers unworthiest men to use them, and by them to prosecute their own right, or any colour of right, though for the most part maliciously, covetously, rigorously, revengefully. He allow'd by law the discreet father and husband to forbidd, if he thought fit, the religious vows of his wife or daughter: Num. 30. and in the same law suffer'd the hard heartednes of impious and covetous fathers or husbands abusing this law to forbidd their wives or daughters in their offerings and devotions of greatest zeal. If then God suffer hardnes of heart equally in the best laws as in this of divorce, there can be no reason that for this cause this law should be abolisht. But other lawes, they object, may be well us'd, this never. How often shall I answer both from the institution of marriage, and from other general rules in Scripture, that this law of divorce hath many wise and charitable ends besides the being suffer'd for hardnes of heart;
which is indeed no end, but an accident happening through the whole law; which gives to good men right, and to bad men who abuse right under false pretences, gives only sufferance. Now although Christ express no other reasons here, but only what was suffer'd, it nothing followes that this law had no other reason to be permitted but for hardnes of heart. The Scripture seldom, or never in one place sets down all the reasons of what it grants or commands, especially when it talks to enemies and tempters. St. Paul permitting marriage, 1 Cor. 7, seems to permit even that also for hardnes of heart only, lest we should run into fornication; yet no intelligent man thence concludes marriage allow'd in the Gospel only to avoid an evil, because no other end is there express'd. Thus Moses of necessity suffer'd many to put away their wives for hardnesse of heart; but enacted the law of divorce doubtles for other good causes, not for this only sufferance. He permitted not divorce by law as an evil, for that was impossible to divine law, but permitted by accident the evil of them who divorc't against the lawes intention undiscoverably. This also may be thought not improbably, that Christ stirr'd up in his spirit against these tempting Pharifes, answer'd them in a certain forme of indignation usual among good authors; wherby the question, or the truth is not directly answer'd, but som thing which is fitter for them, who ask, to heare. So in the ecclesiastical stories one demanding how God imployle'd himself before the world was made, had answer; that he was making hel for curious questioners. Another (and Libanius the Sophist as I remember) asking in derision som Christian, what the Carpenter, meaning our Saviour, was doing, now that Julian so prevail'd, had it return'd him, that the Carpenter was making a coffin for the Apostat. So Christ being demanded maliciously why Moses made
the law of divorce, answers them in a vehement scheme, not telling them the cause why he made it, but what was fittest to be told them, that *for the hardnes of their hearts* he suffer'd them to abuse it. And allbeit *Mark* say not he suffer'd you, but *to you he wrote this precept*; *Mark* may be warrantably expounded by *Mathew* the larger. And whether he suffer'd, or gave precept, being all one as was heard, it changes not the trope of indignation, fittest account for such askers. Next for the hardnes of *your hearts to you he wrote this precept*, inferrs not therfore for this cause only he wrote it, as was parallell'd by other Scriptures. Lastly, It may be worth the observing, that Christ speaking to the Pharifes does not say in general that for hardnes of heart he gave this precept, but *you he suffer'd*, and *to you he gave this precept for your hardnes of heart*. It cannot be easily thought that Christ heer included all the children of Israel under the person of these tempting Pharifes but that he conceals wherefore he gave the better sort of them this law, and expresses by saying emphatically *To you how he gave it to the worser*, such as the Pharifes best reprefented, that is to say for the hardnes of your hearts: as indeed to wicked men and hard'n'd hearts he gives the whole law and the Gospel also, to hard'n them the more. Thus many waies it may orthodoxyally be understood how God or *Moses* suffer'd such as the demanders were, to divorce for hardnes of heart. Whereas the vulgar expotitor beftet with contradictions and absurdities round, and resolving at any peril to make an expofition of it, as there is nothing more violent and boifrous then a reverend ignorance in fear to be convicted, rushes brutally and impetuously againft all the principles both of nature, piety, and moral goodnes; and in the fury of his literal expounding overturns them all.
But from the beginning it was not so. Not how from the beginning do they suppose, that men might not divorce at all, not necessarily, not deliberately except for adultery, but that from law, like canon law presently attach them both before and after the flood, till stricter Moses came, and with law brought licence into the world? that were a fancy indeed to smile at. Undoubtedly as to point of judicial law, divorce was more permissive from the beginning before Moses then under Moses. But from the beginning, that is to say, by the institution in Paradise it was not intended that matrimony should dissolve for every trivial cause as you Pharifises accustome. But that it was not thus suffer'd from the beginning ever since the race of men corrupted, and laws were made, he who will affirme, must have found out other antiquities then are yet known. Besides we must consider now, what can be so as from the beginning, not only what should be so. In the beginning, had men continu'd perfect, it had bin just that all things should have remain'd, as they began to Adam and Eve. But after that the sons of men grew violent and injurious, it alter'd the lore of justice, and put the government of things into a new frame. While man and woman were both perfect each to other, there needed no divorce; but when they both degenerated to imperfection, and oft times grew to be an intolerable evil each to other, then law more justly did permitt the alienating of that evil which mistake made proper, then it did the appropriating of that good which Nature at first made common. For if the absence of outward good be not so bad as the presence of a close evil, and that propriety, whether by cov'nant or possession, be but the attainment of some outward good, it is more natural and righteous that the law should sever us from an intimat evil, then appropriate any outward
good to us from the community of nature. The Gospel indeed tending ever to that which is perfect, aimed at the restoration of all things, as they were in the beginning. And therefore all things were in common to those primitive Christians in the Acts, which Ananias and Sapphira dearly felt. That custom also continu'd more or less till the time of Justin Martyr, as may be read in his 2d Apology, which might be writ after that act of communion perhaps some 40. yeares above a hunder'd. But who will be the man shall introduce this kind of common wealth, as christianity now goes? If then marriage must be as in the beginning, the persons that marry must be such as then were, the institution must make good, in some tolerable sort, what it promises to either party. If not, it is but madness to drag this one ordinance back to the beginning, and draw down all other to the present necessity, and condition farre from the beginning even to the tolerating of extortions and oppressions. Christ only told us that from the beginning it was not so; that is to say, not so as the Pharifes manur'd the busines; did not command us that it should be forcibly so again in all points, as at the beginning; or so at least in our intentions and desires, but so in execution, as reason, and present nature can bear. Although we are not to seek, that the institution it selfe from the first beginning was never but conditional, as all cov'nants are: because thus and thus, therefore so and so; if not thus, then not so. Then moreover was perfectest to fulfill each law in itself; now is perfectest in this estate of things, to ask of charity how much law may be fulfill'd: els the fulfilling, oft times is the greatest breaking. If any therefore demand, which is now most perfection, to ease an extremity by divorce, or to enrage and feetter it by the greevous observance of a miserable wedloc, I am
not destitute to say which is most perfection (although some who believe they think favourably of divorce, esteem it only venial to infirmity.) Him I hold more in the way to perfection who forges an unfit ungodly and discordant wedlock, to live according to peace and love, and God's institution in a fitter choise, then he who debars himself the happy experience of all godly, which is peaceful conversation in his family, to live a contentious, and unchristian life not to be avoided, in temptations not to be liv'd in, only for the fals keeping of a most unreal nullity, a marriage that hath no affinity with God's intention, a daring phantasme, a meer toy of terror awing weak senses, to the lamentable superstition of ruining themselves; the remedy wherof God in his law voutsafes us. Which not to dare use, he warranting, is not our perfection, is our infirmity, our little faith, our timorous and low conceit of charity: and in them who force us, it is their masking pride and vanity, to seem holier and more circumspect then God. So far is it that we need impute to him infirmity, who thus divorces: since the rule of perfection is not so much that which was don in the beginning, as that which now is nearest to the rule of charity. This is the greatest, the perfectest, the highest commandment.

V. 9. And I say unto you, who so shall put away his wife, except it be for Fornication, and shall marry another, committeth adultery; and who so marrieth her which is put away, doth commit adultery.

And I say unto you.] That this restrictive denouncement of Christ contradicts and refutes that permisive precept of Moses, common expouters themselves disclaime: and that it does not traverse from the closet of conscience to the courts of civil or
canon law, with any Christian rightly commenc'\textit{t} requires not long evincing. If Christ then did not hear check permissive \textit{Mo\'ses}, nor did reduce matrimony to the beginning more then all other things, as the reason of mans condition could beare, we would know precisely what it was which he did, and what the end was of his declaring thus aufterely against divorce. For this is a confefst oracle in law, that he who lookes not at the intention of a precept, the more superstitious he is of the letter, the more he misinterprets. Was it to shame \textit{Mo\'ses}? that had beene monstrous: or all those purest ages of Israel, to whom the permission was granted? that were as incredible. Or was it that he who came to abrogate the burden of law, not the equity, should put this yoke upon a blamelesse perfon, to league himselfe in chaine with a begirting mischief, not to separat till death? hee who taught us that no man puts a piece of new cloth upon an old garment, nor new wine into old bottles, that he should sow this patch of stricnes upon the old apparel of our frailty, to make a rent more incurable, when as in all other amendments his doctrine still charges, that regard be had to the garment, and to the vessel, what it can endure; this were an irregular and single piece of rigor, not onely founding disproportion to the whole Gospel, but outstretcheing the most rigorous nervs of law and rigor it selfe. No other end therefore can bee left imaginable of this excessive restraint, but to bridle those erroneous and licentious postillers the Pharifes; not by telling them what may bee done in necessity, but what cenfure they deserve who divorce abusively, which their Tetrarch had done. And as the offence was in one extreme, so the rebuke, to bring more efficaciously to a rectitude and medio-

\textit{crity, stands not in the middle way of duty, but in the other extreme. Which art of powerfull re-}
claiming, wisest men have also taught in their ethical precepts and gnomologies; resembling it, as when we bend a crooked wand the contrary way; not that it should stand so bent, but that the overbending might reduce it to a straitness by its own reluctance. And as the Physician cures him who hath tak'n down poisons, not by the middling temper of nourishment, but by the other extreme of antidote, so Christ administers here a sharpe and corrosive sentence against a soul and putrid licence; not to eate into the flesh, but into the sore. And knowing that our divines through all their comments make no scruple, where they please, to soften the high and vehement speeches of our Saviour, which they call hyperbolies, why in this one text should they be such crabbed majorites of the Letter, as not to mollifie a transcendence of literal rigidity, which they confess to find often elsewhere in his manner of delivery, but must make their exposition here such an obdurat Cyclops, to have but one eye for this text, and that onely open to cruelty and enthralment, such as no divine, or human law before ever heard of. No, let the foppifh canonift with his fardel of matrimonial cases goe and be vendible where men bee so unhappy as to cheap'n him; the words of Christ shall be asserted from such elementall notaries, and resolv'd by the now-only lawgiving mouth of charity; which may be done undoubtedly by understanding them as followes.

Whosoever shall put away his wife.] That is to say, shall so put away as the propounders of this question, the Pharisees were wont to doe and covertly defended Herod for so doing; whom to rebuke, our Saviour heer mainly intends, and not to determine all the cases of divorce, as appeares by Saint Paul. Whosoever shall put away, either violently without mutuall consent for urgent reasons, or conspiringly
by plot of luft, or cunning malice, shall put away for any sudden mood, or contingency of disagree-
ment, which is not daily practice, but may blow soone over, and be reconcil'd, except it bee fornica-
tion; whosoever shall put away rashly, as his choler prompts him, without due time of deliberating, and
thinke his conscience discharg'd only by the bill of divorce giv'n, and the outward law satiﬁed'; who-
soever lastly shall put away his wife, that is a wife indeede, and not in name only, such a one who
both can and is willing to bee a meet helpe toward the cheif ends of mariage both civil, and fanctify'd,
except fornication be the cause, that man, or that pair commit adultery. Not he who puts away by
mutuall consent, with all the considerations and respects of humanity and gentlenesse without mali-
cious or luftfull drift. Not he who after sober and coole experience, and long debate within himself,
puts away whom though he cannot love or suffer as a wife, with that sincere affection that marriage re-
quires, yet loves at left with that civility and good-
nesse, as not to keepe her under a neglected and unwelcom residence, where nothing can be hearty,
and not beeing, it must needs bee both unjoyous and injurious to any perceaving person so detain'd, and
more injurious, then to be freely, and upon good terms dismift. Nor doth hee put away adultery-
rously who complains of causes rooted in immutable nature, utter unﬁtnesse, utter disconformity, not con-
cileable, because not to be amended without a mi-
racle. Nor hee who puts away an unquenchable vexation from his bosom, and ﬂies an evil then
which a greater cannot befall human society. Nor hee who puts away with the full suffrage and applause
of his conscience, not relying on the writ'n bill of law, but claiming by faith and fulnes of perfection
the rights and promises of Gods institution, of which
he finds himself in a mistake in wedlock defrauded. Doubtless this man hath baile enough to be no adulterer giving divorce for these causes. 

*His Wife.*] This word is not to be idle here, a mere word without a sense, much less a fallacious word signifying contrary to what it pretends; but faithfully signifies a wife, that is, a comfortable helpe and society, as God instituted; does not signify deceitfully under this name, an intolerable adversary, not a helpless, unaffectionate and sullen masse whose very company represents the visible and exactest figure of lonelines itself. Such an associate he who puts away, divorces not a wife, but disjoyns a nullity which God never joyn'd, if she be neither willing, nor to her proper and requisite duties sufficient, as the words of God institute her. And this also is Bucers explication of this place.

*Except it bee for fornication, or saving for the cause of fornication, as Matt. 5th.*] This declares what kind of causes our Saviour meant; fornication being no natural and perpetual cause, but onely accidental and temporary; therefore shewes that head of causes from whence it is excepted, to bee meant of the same sort. For exceptions are not logically deduc't from a divers kind, as to lay who so puts away for any natural cause except fornication, the exception would want salt. And if they understand it, who so for any cause what ever, they cast themselves; granting divorce for frigidity a natural cause of their own allowing, though not heer express't, and for desertion without infidelity when as he who marries, as they allow him for a desertion, deserts as well as is deserted, and finally puts away, for another cause besides adultery. It will with all due reason therefore be thus better understood, who so puts away for any accidental and temporary causes, except one of them, which is fornication. Thus this
exception finds out the causes from whence it is excepted, to be of the same kind, that is, casuall, not continuall.

_Saving for the cause of fornication._] The New Testament, though it be said originally writt in Greeke, yet hath nothing neer so many _Atticisms_ as _Hebraisms_, and _Syriacisms_ which was the Majesty of God, not filing the tongue of Scripture to a Gentilish _Idiom_, but in a princely manner offering to them as to Gentiles and Foreiners grace and mercy, though not in forein words, yet in a forein stile that might induce them to the fountaines; and though their calling were high and happy, yet still to acknowledge Gods ancient people their betters, and that language the _Metropolitan_ language. He therefore who thinks to _Scholiaze_ upon the Gospel, though Greek, according to his Greek _Analories_, and hath not bin Auditor to the oriental dialefts, shall want in the heat of his _Analysis_ no accomodation to stumble. In this place, as the 5th of _Matth._ reads it, _Saving for the cause of fornication_, the Greek, such as it is, founds it, except for the _word, report, speech, or proportion_ of fornication. In which regard with other inducements, many ancient and learned writers have understood this exception as comprehending any fault equivalent and proportional to fornication. But truth is, the Evangelist heer _Hebraizes_, taking the word or _speech_ for _cause_ or _matter_ in the common eastern phrase, meaning perhaps no more then if he had said for fornication, as in this 19th chapter. And yet the word is found in the 5th of _Exodus_ also signifying _Proportion_; where the Israelites are commanded to doe their tasks, _The matter of each day in his day_. A task we know is a proportion of work, not doing the same thing absolutely every day, but so much. Whereby it may be doubtfull yet, whether heer be not excepted not only fornication it self,
but other causes equipollent, and proportional to fornication. Which very word also to understand rightly, wee must of necessity have recours again to the Ebrew. For in the Greek and Latin sense by fornication is meant the common prostitution of body for sale. So that they who are so exact for the letter, shall be dealt with by the Lexicon, and the Etymologicon too if they please, and must be bound to forbidd divorce for adultery also, untill it come to open whoredom and trade, like that for which Claudius divorc't Messalina. Since therfore they take not heer the word fornication in the common signification, for an open exercise in the stews, but grant divorce for one single act of private adultery, notwithstanding that the word speaks a public and notorious frequency of fact, not without price, we may reason with as good leav, and as little straining to the text, that our Saviour on set purpose chose this word Fornication, improperly appli'd to the lapse of adultery, that we might not think our selvs bound from all divorce, except when that fault hath bin actually committed. For the language of Scripture signifies by fornication (and others beside St. Austin so expounded it) not only the trespass of body nor perhaps that between married persons, unlesse in a degree or quality as shameles as the Bordello, but signifies also any notable disobedience, or intractable carriage of the wife to the husband, as Judg. the 19. 2. Whereof at large in the Doctrin of Divorce, l. 2. c. 18. Secondly signifies the apparent alienation of mind not to idolatry, (which may seeme to answer the act of adultery) but farre on this side, to any point of will worship, though to the true God; some times it notes the love of earthly things, or worldly pleasures though in a right beleever, some times the least suspicion of unwitting idolatry. As Num. 15. 39. willfull disobedience to any the least
of Gods commandements is call'd fornication. *Psal. 73. 26. 27.* A distrust only in God, and withdrawing from that neernes of zeal and confidence which ought to be, is call'd fornication. We may be sure it could not import thus much less then Idolatry in the borrow'd metaphor between God and man, unlefe it signifi'd as much less then adultery in the ordinary acception between man and wife. Adde also that there was no need our Saviour should grant divorce for adultery, it being death by law, and law then in force. Which was the cause why *Joseph* sought to put away his betrothed wife privately, leaft he should make her an example of capitall punishment, as lernedest expounders affirm, *Herod* being a great zelot of the Mosaic law, and the Pharises great maifters of the text, as the woman tak'n in adultery doubtles had cause to fear. Or if they can prove it was neglected, which they cannot doe, why did our Saviour shape his answer to the corruption of that age, and not rather tell them of their neglect? If they lay he came not to meddle with their judicatures, much less then was it in his thought to make them new ones, or that divorce should be judicially restrain'd in a stricter manner by these his words, more then adultery, judicially acquitted by those his words to the adultres. His sentence doth no more by law forbidd divorce heer, then by law it doth absolve adultery there. To them therefore, who have drawn this yoke upon Christians from his words thus wrested, nothing remains but the guilt of a presumption and perversnes which will be hard for them to answer. Thus much that the word fornication is to be understood as the language of Christ understands it, for a constant alienation and disaffectiion of mind, or for the continual practife of disobedience and crosines from the duties of love and peace, that is in summ, when
to be a tolerable wife is either naturally not in their power, or obstinatly not in their will, and this opinion also is St. Aulfins, least it should hap to be suspected of novelty. Yet grant the thing heer meant were only adultery, the reason of things will afford more to our assertion, then did the reason of words. For why is divorce unlawfull but only for adultery? because, say they, that crime only breaks the matrimony. But this, I reply, the institution it selfe gainsaies: for that which is most contrary to the words and meaning of the institution, that most breaks the matrimony; but a perpetuall unmeetnes and unwillingnesse to all the duties of helpe, of love and tranquillity is most contrary to the words and meaning of the institution; that therefore much more breaks matrimony then the act of adultery though repeated. For this, as it is not felt, nor troubles him who perceaves it not, fo being perceav'd, may be soon repented, soon amended, soon, if it can be pardon'd may be redeem'd with the more ardent love and duty in her who hath the pardon. But this naturall unmeetnes both cannot be unknown long, and ever after cannot be amended, if it be naturall, and not, if it be farre gon obstinat. So that wanting ought in the instant to be as great a breach as adultery, it gains it in the perpetuity to be greater. Next adultery does not exclude her other fitnes, her other pleasingnes; she may be otherwise both loving and prevalent, as many adultresses be; but in this general unfitnes, or alienation she can be nothing to him that can please. In adultery nothing is given from the husband, which he misse, or enjoys the less, as it may be suttly giv'n: but this unfitnes defrauds him of the whole contentment which is sought in wedloc. And what benefit to him, though nothing be giv'n by the stealth of adultery to another, if that which there is to give, whether it be solace, or society, be not
such as may justly content him? and so not only de-
prives him of what it should give him, but gives
him sorrow and affliction, which it did not ow him.
Besides is adultery the greatest breach of matrimony
in respect of the offence to God, or of the injury to
man? if in the former, then other sins may offend
God more, and sooner cause him to disunite his ser-
vant from being one flesh with such an offender. If
in respect of the latter, other injuries are demon-
strated therein more heavy to mans nature then the
iterated act of adultery. God therefore in his wise-
dom would not so dispose his remedies, as to provide
them for the less injuries, and not allow them for
the greater. Thus is won both from the word for-
nication, and the reason of adultery, that the ex-
ception of divorce is not limited to that act, but
enlarg'd to the causes above specify'd.

And who so marieth her which is put away doth
commit adultery.

By this clause alone, if by nothing els, we may
assure us, that Christ intended not to deliver heer
the whole doctrin of divorce, but only to condemn
abuses. Otherwise to marry after desertion, which
the Apostle, and the reformed Churches at this day
permitt, is heer forbidd, as adultery. Be she never
so wrongfully deferted, or put away, as the law then
suffer'd, if thus forsak'n and expulst, she accept the
refuge and protection of any honefter man who would
love her better, and give her self in marriage to him,
by what the letter guides us, it shall be present adul-
tery to them both. This is either harsh and cruel,
or all the Churches teaching as they doe the con-
trary, are loos and remiss; besides that the Apostle
himselfe stands deeply fin'd in a contradiction against
our Saviour. What shall we make of this? what ra-
ther the common interpreter can make of it, for they
be his own markets, let him now trie; let him trie
which way he can wind in his *Vertumnian* distinctions and evasions, if his canonical gabardine of text and letter do not now fit too close about him, and pinch his activity; which if I erre not, hath heer hamper'd it selfe in a springe sitt for those who put their confidence in Alphabets. *Spanheim* a writer of Evangelic doubts comes now and confesses that our Saviours words are to be limited beyond the limitation there express; and excepted beyond their own exception, as not speaking of what happen'd rarely, but what most commonly. Is it so rare, *Spanheim*, to be deserted, or was it then so rare to put away injuriously, that a person so hatefully expell'd, should to the heaping of more injury be turn'd like an infectious thing out of all married fruition upon pain of adultery, as not considerable to the brevity of this halfe sentence? Of what then speakes our Saviour? of that collusion, faith he, which was then most frequent among the Jews of changing wives and husbands, through inconstancy and unchast desires. Colluders your selves, as violent to this law of God by your unmercifull binding, as the Pharifes by their unbounded loofing! Have thousands of Christian souls perisht as to this life, and God knows what hath betided their consciences, for want of this healing explanation, and is it now at last obscurely drawn forth, only to cure a scratch, and leave the main wound spouting? *Who so ever putteth away his wife except for fornication committeth adultery; That shall be spoke of all ages, and all men, though never so justly otherwise mov'd to divorce: in the very next breath, And who so marieth her which is put away committeth adultery, the men are new and miraculous, they tell you now you are to limit it to that age, when it was in fashion to chop matrimony; and must be meant of him who puts away with his wives consent through the lightnes, and leudnes of them both.* But what rule of Logic, or indeed of
reason is our commissiion to understand the Antecedent one way and the Consequent another; for in that habitude this whole vers may be consider'd: or at least to take the parts of a copulat axiom, both absolutely affirmative, and to say the first is absolutely true, the other not, but must be limited to a certain time and custome; which is no lesse then to say they are both fals. For in this compound axiom, be the parts never so many, if one of them doe but falter, and be not equally absolute and generall, the rest are all fals. If therefore, that he who marries her which is put away committs adultery, be not generally true, neither is it generally true that he committs adultery who puts away for other cause then fornication. And if the marrying her which is put away, must be understood limited, which they cannot but yeild it must, with the same limitation must be understood the putting away. Thus doth the common exposition confound it selfe, and justify this which is heer brought; that our Saviour as well in the first part of this sentence as in the second, prohibited onely such divorces as the Jewes then made through malice or through plotted licence, not those which are necessary and just causes; where charity and wisedome disjoyns, that which not God, but Error and Disastre joyn'd.

And there is yet to this our exposition, a stronger siding freind, then any can be an adversary, unlesse Saint Paul be doubted, who repeating a command concerning divorce, 1 Cor. 7. which is agreed by writers to be the same with this of our Saviour, and appointing that the wife remaine unmaried, or be reconcil'd to her husband, leavs it infallible that our Saviour spake cheifly against putting away for casual and choleric disagreeements, or any other cause which may with human patience and wisedom be reconcil'd, not hereby meaning to hale and dash together the
irreconcilable aversions of nature, nor to tie up a faultless person like a parricide, as it were into one sack with an enemy, to be his causeless tormenter and executioner the length of a long life. Lastly, let this sentence of Christ bee understood how it will, yet that it was never intended for a judicial law, to be inforc'd by the Magistrat, besides that the office of our Saviour had no such purpose in the Gospel, this latter part of the sentence may assure us, And who so marrieth her which is put away com-mitts adultery. Shall the exception for adultery belong to this clause or not? if not, it would be strange, that he who marries a woman really divorc't for adultery, as Christ permitted, should become an adulterer by marrying one who is now no other man's wife, himself being also free, who might by this means reclaim her from common whordom. And if the exception must belong hither, then it followes that he who marries an adulteress divorc'd, commits no adultery; which would soone discover to us what an absurd and senseless piece of injustice this would be, to make a civil statute of, in penal courts: whereby the adulteress put away may marry another safely, and without a crime to him that marries her: but the innocent and wrongfully divorc'd shall not marry again without the guilt of adultery both to her selfe and to her second husband. This saying of Christ therefore cannot be made a temporal law, were it but for this reason. Nor is it easie to say what coherence there is at all in it from the letter, to any perfect sense not obnoxious to some absurdity, and seems much less acceptable to what ever els of the Gospel is left us written; doubtles by our Saviour spok'n in that fiercenes and abstruse intricacy, first to amuse his tempters, and admonish in general the abusers of that Mosaic law; next to let Herod know a second knowere of his unlawfull act, though the
Baptist were beheaded; last that his Disciples and all good men might learne to expound him in this place, as in all other his precepts, not by the written letter, but by that unerring paraphrase of Christian love and Charity, which is the summe of all commands, and the perfection.

V. 10. *His Disciples say unto him, if the case of the man be so with his wife, it is not good to marry.*

This verse I adde, to leave no objection behind unanswer'd: for some may thinke, if this our Saviour's sentence be so faire, as not commanding ought that patience or nature cannot brook, why then did the Disciples murmur and say, *it is not good to marry.* I answer that the Disciples had bin longer bred up under the Pharisaean doctrin, then under that of Christ, and so no marvel though they yet retain'd the infection of loving old licentious customs; no marvel though they thought it hard they might not for any offence that thoroughly anger'd them, divorce a wife, as well as put away a servant; since it was but giving her a bill, as they were taught. Secondly, it was no unwonted thing with them not to understand our Saviour in matters farre easier. So that bee it granted their conceit of this text was the same which is now commonly conceiv'd, according to the usuall rate of their capacity then, it will not hurt a better interpretation. But why did not Christ seeing their error informe them? for good cause; it was his profest method not to teach them all things at all times, but each thing in due place and season. Christ said *Luke 22. that hee who had no sword should sell his garment and buy one:* the Disciples tooke it in a manifest wrong sense, yet our Saviour did not there informe them better. He told them *it was easier for a Camell to go through a needles eye,* then a rich man in at
heav'n gate. They were amaz'd exceedingly: he explain'd himselfe to meane of those who trust in riches, Mark 10. They were amaz'd then out of measure, for so Marke relates it; as if his explaining had increas'd their amazement, in such a plaine case, and which concern'd so neerely their calling to be inform'd in. Good reason therefore, if Christ at that time did not stand amplifying, to the thick prejudice and tradition wherein they were, this question of more difficulty, and lesse concernment to any perhaps of them in particular. Yet did he not omit to sow within them the seeds of a sufficient determining, agen the time that his promis'd spirit should bring all things to their memory. Hee had declar'd in their hearing not long before, how distant hee was from abolishing the law it selfe of divorce; hee had referr'd them to the institution; and after all this, gives them a set answer, from which they might collect what was cleer enough, that all men cannot receive all sayings, verse 11. If such regard bee had to each mans receiving of mariage or single life, what can arise, that the same christian regard should not bee had in most necessary divorce? All which instructed both them and us, that it beseem'd his Disciples to learne the deciding of this question, which hath nothing new in it, first by the institution, then by the generall grounds of religion, not by a particular sayying here or there, temper'd and level'd only to an incident occasion, the riddance of a tempting assault. For what can this bee but weake and shalow apprehension, to forfake the standard principles of institution, faith, and charity; then to be blanke and various at every occurrence in Scripture, and in a cold Spasm of scruple, to reare peculiar doctrines upon the place; that shall bid the gray authority of most unchangeable and sovrann rules to stand by and be contradicted. Thus to this Evangelic precept of famous difficulty, which
for these many ages weakly understood, and violently put in practice, hath made a shambles rather than an ordinance of matrimony, I am firme a truer exposition cannot be given. If this or that argument hear us'd, please not every one, there is no scarcity of arguments, any halfe of them will suffice. Or should they all faile, as Truth it selfe can faile as soon, I should content me with the institution alone to wage this controverse, and not disrupt to evince. If any need it not, the happier; yet Christians ought to study earnestly what may be anothers need. But if, as mortall mischances are, som hap to need it, let them be sure they abuse not, and give God his thanks, who hath reviv'd this remedy, not too late for them, and scowr'd off an inveterat misexposition from the Gospel: a work not to perish by the vaine breath or doome of this age. Our next industry shall bee, under the same guidance, to try with what fidelity that remaining paffage in the Epifles touching this matter, hath bin commented.

1 Cor. 7. 10, &c.

V. 10. And unto the married I command, &c.
V. 11. And let not the husband put away his wife.

This intimates but what our Saviour taught before, that divorce is not rashly to be made, but reconcilement to be persuaded and endevo'rd, as oft as the cause can have to doe with reconcilement, and is not under the dominion of blameles nature; which may have reason to depart though seldomest and laft from charitable love, yet somtimes from friendly, and familiar, and somthing oftner from conjugal love, which requires not only moral, but natural causes to the making and maintayning; and may be warrantably excus'd to retire from the deception of what it justly seeks, and the ill requitals which unjustly it
finds. For Nature hath her Zodiac also, keepes her great annual circuit over human things as truly as the Sun and Planets in the firmament; hath her anomalies, hath her obliquities in ascensions and declinations, accessaes and recessaes, as blamelesely as they in heaven. And sitting in her planetary Orb with two rains in each hand, one strait, the other loos, tempers the cours of minds as well as bodies to several conjunc-
tions and oppositions, freindly, or unfreindly aspects, consenting ofteft with reafon, but never contrary. This in the effect no man of meaneft reach but daily sees; and though to every one it appeare not in the cause, yet to a cleare capacity, well nurtur'd with good reading and observation, it cannot but be plaine and visible. Other exposition therefore then hath bin given to former places that give light to these two summary verses, will not be needfull: save onely that these precepts are meant to those maried who differ not in religion.

But to the reft speake I, not the Lord; if any bro-
ther hath a wife that beleeveth not, and fhe be pleased to dwell with him, let him not put her away.

Now followes what is to be done, if the persons wedded be of a different faith. The common be-
leef is, that a christin is heer commanded not to divorce, if the infidel please to fty, though it be but to vexe, or to deride, or to seduce the christian. This doctrin will be the easie worke of a refutation. The other opinion is, that a christin is heer conditionally permitted to hold wedloc with a misbeleever only upon hopes limited by christin prudence, which without much difficulty shall be defended. That this heer spoken by Paul, not by the Lord cannot be a command, these reavouch. First the law of Moses, Exod. 34. 16. Deut. 7. 3, 6. interpreted by Ezra and Nehemiah two infallible authors, commands to divorce an infidel not for the feare onely of a ceremonious
defilement, but of an irreligious seduction, fear'd both in respect of the beleeaver himselfe, and of his children in danger to bee perverted by the misbelieving parent. Nehem. 13. 24. 26 and Peter Martyr thought this a convincing reason. If therefore the legal pollution vanishing have abrogated the ceremony of this law, so that a christian may be permitted to retain an infidel without uncleannes, yet the moral reason of divorcing stands to eternity, which neither Apostle nor Angel from heaven can command. All that they reply to this, is their human warrant, that God will preserve us in our obedience to this command against the danger of seduction. And so undoubtedly he will, if we understand his commands aright; if we turn not this evangelic permission into a legal, and yet illegal command: if we turne not hope into bondage, the charitable and free hope of gaining another, into the forc't and servile temptation of loosing our selves; but more of this beneath. Thus these words of Paul by common doctrin made a command, are made a contradiction to the morall law.

Secondly, not the law only, but the Gospel from the law, and from it selfe requires even in the same chapter, where divorce between them of one religion is so narrowly forbidd, rather then our christian love should come into danger of backsliding, to forfake all relations how neer so ever, and the wife expressly, with promise of a high reward, Mat. 19. And he who hates not father or mother, wife, or children hindring his christian cours, much more, if they despise or assault it, cannot be a Disciple, Luke 14. How can the Apostle then command us, to love and continue in that matrimony, which our Saviour bids us hate, and forfake? They can as soon teach our faculty of respiration to contract and to dilate it selfe at once, to breath and to fetch breath in the same
instant, as teach our minds how to doe such contrary acts as these, towards the same object, and as they must be done in the same moment. For either the hatred of her religion, and her hatred to our religion will work powerfully against the love of her society, or the love of that will by degrees flatter out all our zealous hatred and forfaking and foone enfnare us to unchristianly compliances.

Thirdly, In marriage there ought not only to be a civil love, but such a love as Christ loves his Church; but where the religion is contrary without hope of conversion, there can be no love, no faith, no peace-ful society, (they of the other opinion confess it) nay there ought not to be, furder then in expectation of gaining a soul; when that ceases, we know God hath put enmity between the seed of the woman, and the seed of the Serpent. Neither should we love them that hate the Lord, as the Prophet told Jehoshaphat. 2 Chron. 19. And this Apostle himselfe in another place, warns us that we be not unequally yolk with In-fidels, 2 Cor. 6. for that there can be no fellowship, no communion, no concord between such. Outward commerce and civil intercours cannot perhaps be avoided; but true friendship and familiarity there can be none. How vainly therefore, not to say how impiously would the most inward and dear alliance of marriage or continuance in marriage be commanded, where true friendship is confest impossible. For say they, wee are forbidd heer to marry with an infidel, not bid to divorce. But to rob the words thus of their full sense will not be allow’d them: it is not said, enter not into yoke, but be not unequally yolk; which plainly forbids the thing in present act, as well as in purpose; and his manifest conclusion is, not only that we should not touch, but that having toucht, we should come out from among them, and be separat; with the promise of a blessing thereupon that God
will receive us, will be our father, and we his sons and daughters, v. 17. 18. Why we should stay with an Infidel after the expence of all our hopes, can be but for a civil relation; but why we should depart from a seducer, setting aside the misconstruction of this place, is from a religious necessity of departing. The worse cause therefore of staying (if it be any cause at all, for civil government forces it not) must not over-top the religious cause of separating, executed with such an urgent zeal, and such a prostrate humiliation by Ezra and Nehemiah. What God hates to join, certainly he cannot love should continue join’d: it being all one in matter of ill consequence, to marry, or to continue married with an Infidel, save only so long as we wait willingly, and with a safe hope. St. Paul therefore citing here a command of the Lord Almighty, for so he terms it, that we should separate, cannot have bound us with that which he calls his own whether command or counsel that we should not separate.

Which is the fourth reason, for he himself takes care lest we should mistake him, [But to the rest speak I, not the Lord.] If the Lord spake not, then man spake it and man hath no Lordship to command the conscience: yet modern interpreters will have it a command maugre St. Paul himself, they will make him a Prophet like Caiaphas to speak the word of the Lord not thinking, nay denying to think; though he disavow to have receav’d it from the Lord, his word shall not be tak’n, though an Apostle, he shall be born down in his own Epistle, by a race of expounders who presume to know from whom he spake, better then he himself. Paul depooses that the Lord speaks not this, they, that the Lord speaks it: can this be less then to brave him with a full fact contradiction? Certainly to such a violence as this, for I cannot call it an expounding, what a man
should answer I know not, unless that if it be their pleasure next to put a gag into the Apostles mouth, they are already furnish'd with a commodious audacity toward the attempt. Beza would seem to shun the contradictory by telling us that the Lord spake it not in person, as he did the former precept. But how many other doctrines doth St. Paul deliver which the Lord spake not in person, and yet never uses this preamble but in things indifferent? So long as we receave him for a messenger of God, for him to stand forting sentences what the Lord spake in person, and what he, not the Lord in person, would be but a chill trifling, and his readers might catch an ague the while. But if we shall supply the grammatical Ellipsis regularly, and as we must in the same tense, all will be then cleer, for we cannot supply it thus, to the rest I speake, the Lord spake not, but I speake, the Lord speaks not. If then the Lord neither spake in person, nor speaks it now, the Apostle testifying both, it follows duely, that this can be no command. Forsooth the fear is, least this not being a command, would prove an evangelic counsel, and so make way for supererogations. As if the Apostle could not speak his mind in things indifferent, as he doth in four or five several places of this chapter with the like preface of not commanding, but that the doubted inconvenience of supererogating must needs rush in. And how adds it to the word of the Lord, (for this also they object) when as the Apostle by his christian prudence guides us in the liberty which God hath left us to, without command? could not the spirit of God instruct us by him what was free, as well as what was not? But what need I more, when Cameron an ingenuous writer, and in high esteem, solidly confutes the surmise of a command heer, and among other words hath these. That when Paul speaks as an Apostle, he uses this forme, The Lord faith, not I,
v. 10. but as a privat man he faith, I speak, not the Lord. And thus also all the prime fathers, Auffin, Jerom, and the rest understood this place.

Fiftly, The very stating of the question declares this to be no command; If any brother hath an unbeleaving wife, and she be pleased to dwell with him, let him not put her away. For the Greek word συνευδοκεί does not imply only her being pleas’d to stay, but his being pleas’d to let her stay; it must be a consent of them both. Nor can the force of this word be render’d less, without either much negligence or iniquity of him that otherwise translates it. And thus the Greek Church also and their Synods understood it, who best knew what their own language meant, as appeares by Matthæus Monachus an author set forth by Leunclavius and of antiquity perhaps not inferior to Balsamon who writes upon the canons of the Apostles; this Author in his chap. that mariage is not to be made with heretics, thus recites the second canon of the 6. Synod, As to the Corinthians Paul determins, If the beleevning wife choos to live with the unbeleevving husband, or the beleevving husband with the unbeleevving wife. Mark faith he, how the Apostle becr condescends, if the beleever please to dwell with the unbeleever; so that if he please not, out of doubt the mariage is dissolv’d. And I am perswaded it was so in the beginning, and thus preach’t. And thereupon gives an example of one, who though not deferted, yet by the decree of Theodotus the Patriarch divorc’t an unbeleevving wife. What therefore depends in the plain state of this question on the consent and well liking of them both, must not be a command. Lay next the latter end of the 11. v, to the twelf, (for wherefore els is Logic taught us) in a discrete axiom, as it can be no other by the phrafe, The Lord faith, let not the husband put away his wife. But I say let him not put away a misbeleevving wife; this sounds
as if by the judgement of Paul, a man might put away any wife but the misbelieving, or els the parts are not discrete, or dissentancie, for both conclude not putting away, and consequently in such a form the proposition is ridiculous. Of necessity therefore the former part of this sentence must be conceav’d, as understood, and silently granted, that although the Lord command to divorce an infidel, yet I, not the Lord command you? No, but give my judgement, that for som evangelic reasons a christian may be permitted not to divorce her. Thus while we reduce the brevity of St. Paul to a plainer sense, by the needfull supply of that which was granted between him and the Corinthians, the very logic of his speech extracts him confessing that the Lords command lay in a seeming contrariety to this his counsel: and that he meant not to thrust out a command of the Lord by a new one of his own, as one nail drives another, but to release us from the rigor of it, by the right of the Gospel, so farre forth as a charitable cause leads us on in the hope of winning another soule without the peril of loosing our own. For this is the glory of the Gospel to teach us that the end of the commandment is charity, i Tim. i. not the drudging out a poore and worthlesse duty forc’t from us by the taxe, and taile of so many letters. This doctrine therefore can bee no command, but it must contradict the moral law, the Gospel, and the Apostle himselfe both else where, and heere also even in the act of speaking.

If then it be no command, it must remain to be a permission, and that not absolute, for so it would be still contrary to the law, but with such a caution as breaks not the law, but as the manner of the Gospel is, fulfills it through charity. The law had two reasons, the one was ceremonial, the pollution that all Gentiles were to the Jewes; this the vision of
Peter had abolished, Acts 10. and clens’d all creatures to the use of a Christian. The Corinthians understood not this, but fear’d left dwelling in matrimony with an unbeliever, they were desil’d. The Apostle discusses that scruple with an Evangelic reason, shewing them that although God heretofore under the law, not intending the conversion of the Gentiles, except some special ones, held them as polluted things to the Jew, yet now purposing to call them in, he hath purify’d them from that legal uncleanness wherein they stood, to use and to be us’d in a pure manner.

For faith he, The unbelieving husband is sanctified by the wife, and the unbelieving wife is sanctified by the husband, else were your children uncleane; but now they are holy. That is, they are sanctify’d to you, from that legal impurity which you so feare; and are brought into a neer capacity to be holy, if they beleeve, and to have free access to holy things. In the mean time, as being Gods creatures, a christian hath power to use them according to their proper use; in as much as now, all things to the pure are become pure, In this legal respect therefore ye need not doubt to continue in marriage with an unbeliever. Thus others also expound this place and Cameron especially. This reason warrants us onely what wee may doe without feare of pollution, does not binde us that we must. But the other reason of the law to divorce an infidel was moral, the avoiding of enticement from the true faith. This cannot shrink; but remains in as full force as ever, to save the actuall christian from the snare of a misbeliever. Yet if a Christian full of grace and spirituall gifts finding the misbeliever not frowardly affected, feares not a seducing, but hopes rather a gaining, who sees not that this morall reason is not violated by not divorcing, which the law commanded to doe, but better fulfill’d by the
excellence of the Gospel working through charity. For neither the faithfull is seduc't, and the unfaith-
full is either fav'd, or with all discharge of love, and evangelic duty sought to be fav'd. But contrarywise
if the infirme Christian shall bee commanded here against his minde, against his hope, and against his
strength, to dwell with all the scandals, the household persecutions, or alluring temptations of an infidel,
how is not the Gospel by this made harsher then the law, and more yoaking? Therefore the Apostle ere
he deliver this other reason why wee need not in all hast put away an infidel, his mind misgiving him
least he should seem to be the imposer of a new command, stáies not for method, but with an abrupt
speed inferts the declaration of their liberty in this matter.

But if the unbelieving depart, let him depart; a brother or a sister is not under bondage in such cases:
but God hath called us to peace.

But if the unbelieving depart.] This cannot be restrain'd to locall departure only; for who knows
not that an offensive society is worse then a forsaking. If his purpose of cohabitation be to endanger the
life, or the conscience, Beza himselfe is halfe per-
fwaded, that this may purchase to the faithfull per-
son the same freedome that a desertion may; and so
Gerard and others whom he cites. If therefore he
depart in affection, if hee depart from giving hope
of his conversion, if he disturb, or scoffe at religion,
seducre, or tempt, if he rage, doubtlese not the
weake only, but the strong may leave him, if not
for feare, yet for the dignities sake of religion, which
cannot be liable to all base affronts, meereely for the
worshiping of a civil mairage. I take therefore
departing to bee as large as the negative of being
well pleas'd: that is, if he be not pleas'd for the
present to live lovingly, quietly, inoffensively, so as
may give good hope; which appeares well by that which followes.

_\textit{A brother or a sister is not under bondage in such cases.}_] If Saint Paul provide seriously against the bondage of a christian, it is not the only bondage to live unmaried for a deserting infidel, but to endure his presence intolerably, to beare indignities against his religion in words or deedes, to be wearied with seducements, to have idolatries and superstitions ever before his eyes, to be tormented with impure and prophane conversation, this must needs be bondage to a christian; is this left all unprovided for, without remedy, or freedom granted? undoubtedly no, for, the Apostle leav's it furder to be consider'd with prudence, what bondage a brother or sister is not under, not onely in his case, but as hee speaks himselfe plurally, \textit{in such cases.}

_But God hath called us to peace.}_] To peace, not to bondage, not to brabbles and contentions with him who is not pleas'd to live peaceably, as mariage and christianity requires. And where strife arises from a cause hopelesse to be allayd, what better way to peace then by separating that which is ill joyn'd. It is not divorce, that first breaks the peace of family, as som fondly comment on this place, but it is peace already brok'n, which, when other cures fail, can only be restor'd to the faultles person by a necessary divorce. And Saint Paul heer warrants us to seeke peace, rather then to remain in bondage. If God hath call'd us to peace, why should we not follow him, why should we miserably stay in perpetual discord under a servitude not requir'd?

_For what knowest thou O wife, whether thou shalt save thy husband, \\&c._] St. Paul having thus clear'd himselfe, not to goe about the mining of our christian liberty, not to cast a snare upon us, which to doe hee so much hated, returns now to the second rea-
fon of that law to put away an infidel, for feare of seducement, which hee does not heer contradict with a command now to venture that; but if neither the infirmity of the Christian, nor the strength of the unbeleever be fear'd, but hopes appearing that he may be won, he judges it no breaking of that law, though the beleever be permitted to forbeare divorce, and can abide, without the peril of seducement, to offer the charity of a salvation to wife or husband, which is the fulfilling, not the transgressing of that law; and well worth the undertaking with much hazard and patience. For what knowest thou whether thou shalt save thy wife, that is, till all meanes convenient and possible with discretion and probability, as human things are, have bin us'd. For Christ himselfe sends not our hope on pilgrimage to the worlds end; but sets it bounds beyond which we need not wait on a brother, much lesse on an infidel. If after such a time we may count a professing Christian no better then a heathen, after less time perhaps wee may cease to hope of a heathen, that hee will turne christian. Otherwise, to binde us harder then the law, and tell us wee are not under bondage, is meere mockery. If till the unbeleever please to part, we may not stirre from the house of our bondage, then certain this our liberty is not grounded in the purchas of Christ, but in the pleasure of a miscreant. What knowes the loyal husband whether he may not save the adulteresse, he is not therefor bound to receive her. What knowes the wife but shee may reclaim her husband who hath deserted her? yet the reformed Churches doe not enjoyn her to wait longer then after the contempt of an Ecclesiastical Summons. Beza himselfe heer befriends us with a remarkable speech, what could be firmly constituted in human matters if under pretence of expeeting grace from above, it should be never lawfull for
us to seeke our right. And yet in other cases not lesse reasonable to obtain a most just and needfull remedy by divorce he turns the innocent party to a taske of prayers beyond the multitude of beads and rosaries, to beg the gift of chastity in recompence of an injurious mariage. But the Apostle is evident anough, we are not under bondage, trusting that he writes to those who are not ignorant what bondage is, to let supercilious determiners cheat them of their freedome. God hath call'd us to peace, and so doubtlesse hath left in our hands how to obtaine it seasonably; if it be not our own choise to fit ever like novices wretchedly servile.

Thus much the Apostle on this question between Christian and Pagan, to us now of little use; yet supposing it written for our instruction as it may be rightly apply'd, I doubt not but that the difference between a true beleever and a heretic, or any one truely religious either deserted or seeking divorce from any one grossly erroneous or profane may be referr'd hither. For St. Paul leaves us heir the solution not of this case only, which little concerns us, but of such like cases, which may occurr to us. For where the reasons directly square, who can forbid why the verdit shoule not be the same? But this the common writers allow us not. And yet from this text which in plaine words gives liberty to none unless deserted by an infidel, they collect the same freedom though the desertion bee not for religion, which, as I conceive, they neede not doe; but may without straining reduce it to the cause of fornication. For first they confesse that desertion is seldom without a just suspition of adultery: next it is a breach of mariage in the same kind, and in some sort worse: for adultery though it give to another, yet it bereaves not al; but the deserter wholly denies all right, and makes one flesh twain, which is counted
the absoltuteft breach of matrimony, and causes the other, as much as in him lies, to commit sin, by being so left. Nevertheless those reasons which they bring of establishing by this place the like liberty from any desertion, are faire and solid: and if the thing be lawfull, and can be prov'd so, more waies then one, so much the safer. Their arguments I shall here recite, and that they may not com idle, shall use them to make good the like freedome to divorce for other causes; and that we are no more under bondage to any hainous default against the main ends of matrimony, then to a desertion: First they allege that to Tim. 1. 5. 8. If any provide not for those of his own house, hee hath deny'd the faith, and is worse then an Infidel. But a deserter, say they, can have no care of them who are moxt his owne, therefore the deserted party is not leffe to bee righted against such a one then against an infidel. With the same evidence I argue, that man or wife who hates in wedloc, is perpetually unsociable, unpeacefull, or unduteous, either not being able, or not willing to performe what the maine ends of marriage demand in helpe and solace, cannot bee said to care for who should bee dearest in the house; therefore is worse then an infidel in both regards, either in undertaking a duty which he cannot performe, to the undeserved and unspeakable injury of the other party so defrauded and betray'd, or not performing what he hath undertaken, whenas he may or might have, to the perjury of himselfe more irreligious then heathenifme. The blamelesse person therefore hath as good a plea to sue out his delivery from this bondage, as from the desertion of an infidel. Since most writers cannot but grant that desertion is not only a local absence, but an intolerable society; or if they grant it not, the reasons of Saint Paul grant it, with all as much leave as they grant to enlarge a particu-
lar freedom from paganism, into a general freedom from any desertion. Secondly, they reason from the likeness of either fact, the same loss redounds to the deserted by a Christian, as by an infidel, the same peril of temptation. And I in like manner affirm that if honest and free persons may be allow'd to know what is most to their own loss, the same loss and discontent, but worse disquiet with continuall misery and temptation resides in the company, or better call'd the persecution of an unfit, or an unpeaceable comfort, then by his desertion. For then the deserted may enjoy himself at least. And he who deserts is more favourable to the party whom his presence afflicts, than that importunat thing which is and will be ever conversant before the eyes a loyal and individual vexation. As for those who still rudely urge it no loss to marriage, no desertion, so long as the flesh is present and offers a benevolence that hates, or is justly hated, I am not of that vulgar and low perswasion, to thinke such forced embraces as these worth the honour, or the humanity of marriage, but farre beneath the soul of a rational and freeborne man. Thirdly they say, it is not the infidelity of the deserter, but the desertion of the infidel from which the Apostle gives this freedom; and I joyne that the Apostle could as little require our subjection to an unfit and injurious bondage present, as to an infidel absent. To free us from that which is an evil by being distant, and not from that which is an inmate, and in the bosome evil, argues an improvident and careless deliverer. And thus all occasions, which way so ever they turn, are not unofficious to administer something which may conduce to explain, or to defend the assertion of this book touching divorce. I complain of nothing, but that it is indeed too copious to be the matter of a dispute, or a defence, rather to be yeelded, as in the best
ages, a thing of common reason, not of controversy. What have I left to say? I fear to be more elaborat in such a perspicuity as this; left I should seem not to teach, but to upbraid the dulnes of an age; not to commun with reason in men, but to deplore the loss of reason from among men: this only, and not the want of more to say, is the limit of my discours.

Who among the fathers have interpreted the words of Christ concerning divorce, as is heer interpreted; and what the civil law of Christian Emperors in the primitive Church determin'd.

Although testimony be in Logic an argument rightly call'd inartificial, and doth not solidly fetch the truth by multiplicity of Authors, nor argue a thing false by the few that hold so, yet seeing most men from their youth so accustom, as not to scanne reason, nor cleerly to apprehend it, but to trust for that the names and numbers of such, as have got, and many times undeservedly, the reputation among them to know much, and because there is a vulgar also of teachers, who are as blindly by whom they fancy led, as they lead the people, it will not be amiss for them who had rather lift themselves under this weaker fort, and follow authorities, to take notice that this opinion which I bring, hath bin favour'd, and by som of those affirm'd, who in their time were able to carry what they taught, had they urg'd it, through all Christendom; or to have left it such a credit with all good men, as they who could not bouldly use the opinion, would have fear'd to censure it. But since by his appointment on whom the times and seasons wait, every point of doctrin is not fatall to be thoroughly sifted out in every age, it will be enouhg for me to find, that the thoughts of wisest heads heertofore, and hearts no
les reverenc't for devotion have tended this way, and contributed their lot in some good measure towards this which hath bin heer attain'd. Others of them and modern especially, have bin as full in the affertenion, though not so full in the reason; so that either in this regard, or in the former, I shall be manifést in a middle fortune to meet the praise or dispraise of beeing somthing first. But I deferr not what I undertooke to shew, that in the Church both primitive and reformed, the words of Chrift have bin understood to grant divorce for other causes then adultery; and that the word *fornication* in mariage hath a larger sense then that commonly suppos'd.

*Justin Martyr* in his first Apology writ'tn within 50 yeares after St. John dy'd, relates a story which *Eusebius* transcribes, that a certain matron of Rome, the wife of a vitious husband, her selfe also formerly vitious, but converted to the faith, and persuading the same to her husband, at left the amendment of his wicked life, upon his not yeilding to her daily entreaties and persuafions in this behalf, procur'd by law to be divorc't from him. This was neither for adultery, nor desertion, but as the relation faies, *Esteeeming it an ungodly thing to be the conforst of bed with him, who against the law of nature and of right fought out voluptuous waies.* Suppose he endeavour'd from unnaturall abuse, as the Greek admits that meaning, it cannot yet be call'd adultery; it therefore could be thought worthy of divorce no other-wise then as equivalent, or wors; and other vices will appear in other respects as much divorsive. Next tis said her friends advis'd her to stay a while; and what reason gave they? not because they held unlawfull what shee purpos'd, but because they thought she might longer yet hope his repentance. She obey'd, till the man going to *Alexandria*, and from thence reported to grow still more imenent,
not for any adultery or desertion, wherof neither can be gather'd, but, faith the Martyr, and speaks it like one approving, left she should be partaker of his unrighteous and ungodly deeds, remaining in wedloc, the communion of bed and board with such a person, she left him by a lawfull divorce. This cannot but give us the judgement of the Church in those pure and next to Apoftolic times. For how els could the woman have bin permitted, or heer not reprehended; and if a wife might then doe this without reprooff, a husband certainly might no les, if not more.

Tertullian in the same age writing his 4. book against Marcion witnesses that Christ by his answer to the Pharifes protected the constitution of Moses as his own, and directed the institution of the creator, for I alter not his Carthaginian phrase; he excus'd rather then desiro'd the constitution of Moses; I say he forbidd conditionally, if any one therefore put away that he may marry another: so that if he prohibited conditionally, then not wholly; and what he forbadd not wholly, he permitted otherwise, where the cause ceaseth for which he prohibited: that is when a man makes it not the cause of his putting away, meerly that he may marry again. Christ teaches not contrary to Moses, the justice of divorce hath Christ the asserter: he would not have mariage separat, nor kept with ignominy, permitting then a divorce, and guesses that this vehemence of our Saviour's sentence was cheifly bent against Herod, as was cited before. Which leav's it evident how Tertullian interpreted this prohibition of our Saviour; for wheras the text is, Whosoever putteth away and marrieth another, wherfore should Tertullian explain it, Whosoever putteth away that he may marry another, but to signify his opinion that our Saviour did not forbidd divorce from an unworthy yoke, but forbidd the malice or the luft of a needles change and cheifly those plotted divorces then in use.
Origen in the next century testifies to have known certain who had the government of Churches in his time, who permitted som to marry, while yet their former husbands liv'd, and excuses the deed, as don not without cause, though without Scripture, which confirms that cause not to be adultery; for how then was it against Scripture that they married again. And a little beneath; for I cite his 7. homily on Matthew, faith he, To endure faults worse than adultery and fornication, seems a thing unreasonable, and disputes therefore that Christ did not speak by way of precept, but as it were expounding. By which and the like speeches Origen declares his mind farre from thinking that our Saviour confin'd all the causes of divorce to actual adultery.

La\textit{\textsc{stantius}} of the age that succeeded speaking of this matter in the 6. of his institutions, hath these words. But left any think he may circumscribe divine precepts, let this be added, that all misinterpreting, and occasion of fraud, or death may be remov'd, he commits adultery who marries the divorc'et wife, and, besides the crime of adultery, divorces a wife that he may marry another. To divorce and marry another, and to divorce that he may marry another, are two different things; and imply that La\textit{\textsc{stantius}} thought not this place the forbidding of all necessary divorce, but such only as proceeded from the wanton desire of a future chois, not from the burden of a present affliction.

About this time the Council of \textit{\textsc{Eliberis}} in Spain decreed the husband excommunicat, If he kept his wife—being an adultress; but if he left her, he might after ten yeares be receav'd into communion, if he retain'd her any while in his house after the adultery known. The council of \textit{\textsc{Neocaesar}}a in the year 314. decreed, that if the wife of any \textit{\textsc{Laic}} were convict'd of adultery, that man could not be admitted into the ministery; if after ordination it were committed, he
was to divorce her; if not, he could not hold his ministry. The council of Nantes condemn'd in 7. yeares penance the husband that would reconcile with an adultrefs. But how proves this that other causes may divorce? it proves thus; there can be but two causes why these council's enjoyn'd so strictly the divorcing of an adultrefs, either as an offender against God, or against the husband; in the latter respect they could not impose on him to divorce; for every man is the master of his own forgivenes; who shall hinder him to pardon the injuries don against himself? It follows therefore that the divorce of an adultrefs was commanded by these three council's, as it was a sin against God; and by all consequence they could not but believe that other sins as hainous might with equal justice be the ground of a divorce.

Basil in his 73. rule, as Chamier numbers it, thus determins, that divorce ought not to be, unless for adultery, or the hindrance to a godly life. What doth this but proclaime aloud more causes of divorce then adultery, if by other sins besides this, in wife or husband, the godlines of the better person may be certainly hinder'd, and endanger'd.

Epiphanius no less ancient, writing against Heretics, and therefore shou'd himself be orthodoxal above others, acquaints us in his second book Tom. 1, not that his private persuasion was, but that the whole Church in his time generally thought other causes of divorce lawful besides adultery, as comprehended under that name; If, faith he, a divorce happen for any cause either fornication, or adultery, or any hainous fault, the word of God blames not either the man or wife marrying again, nor cutts them off from the congregation, or from life, but beares with the infirmity; not that he may keep both wives, but that leaving the former he may be lawfully joyn'd to the
latter, the holy word, and the holy Church of God com- 
miserates this man, especially, if he be otherwise of good 
conversation, and live according to Gods law. This 
place is clearer then exposition, and needs no com-
ment.

Ambrose on the 16. of Luke, teaches that all wed-
loc is not Gods joyning and to the 19. of Pro. That a 
wife is prepar'd of the Lord, as the old latin translates 
it, he answers that the septuagint renders it, a wife 
is fitted by the Lord, and temper'd to a kind of harmony; 
and where that harmony is there God joyns; where it is 
not, there dissention reigns, which is not from God, for God 
is love. This he brings to prove the marrying of 
Christian with Gentile to be no marriage, and conse-
quently divorc't without sin: but he who sees not this 
argument how plainly it serves to divorce any untuna-
able, or unattonable matrimony, sees little. On the i 
to the Cor. 7, he grants a woman may leave her husband 
not for only fornication, but for Apostacy, and inver-
ing nature, though not marry again; but the man may: 
heer are causes of divorce assign'd other then adul-
tery. And going on he affirms, that the cause of 
God is greater then the cause of matrimony; that the 
reverence of wedloc is not due to him who hates the 
author thereof; that no matrimony is firm without devo-
tion to God; that dishonour don to God acquitts the other 
being deserte'd from the bond of matrimony; that the faith 
of marriage is not to be kept with such. If these con-
torted sentences be ought worth, it is not the deser-
tion that breaks what is broken, but the impiety; 
and who then may not for that cause better divorce, 
then tarry to be deserte'd? or these grave sayings of 
St. Ambrose are but knacks.

Jerom on the 19. of Matthew explains, that for 
the cause of fornication, or the suspicion thereof a man 
may freely divorce. What can breed that suspicion, 
but sundry faults leading that way? by Jeroms con-
sent therfore divorce is free not only for actuall adultery, but for any cause that may encline a wise man to the just suspicion thereof.

**Austin** also must be remember'd among those who hold that this instance of fornication gives equal inference to other faults equally hateful, for which to divorce: and therfore in his books to *Pollentius* he disputes that infidelity, as being a greater sin then adultery, ought so much the rather cause a divorce. And on the Sermon in the Mount, under the name of fornication will have idolatry, or any harmful superstition contain'd, which are not thought to disturb matrimony so directly as som other obstinacies and dissaffections, more against the daily duties of that cov'nant, and in the eastern tongues not unfrequently call'd fornication, as hath bin shew'n. *Hence is underlood, faith he, that not only for bodily fornication, but for that which draws the mind from Gods law, and fowly corrupts it, a man may without fault put away his wife, and a wife her husband, because the Lord excepts the cause of fornication, which fornication we are constrain'd to interpret in a general sense.* And in the first book of his retraétations chap. 16. he retracts not this his opinion, but commends it to serious consideration; and explains that he counted not there all sin to be fornication, but the more detestable sort of sins. The cause of fornication therefore is not in this discourse newly interpreted to signify other faults infringing the duties of wedloc, besides adultery.

Lastly the council of *Agatha* in the year 506. can. 25. decreed, that *if lay men who divorc't without some great fault, or giving no probable cause, therefore divorc't, that they might marry som unlawfull person, or som other mans, if before the provinciall Bishops were made acquainted, or judgement past, they presum'd this, excommunication was the penalty.* Whence it follows, that if the cause of divorce were som great of-
fence, or that they gave probable causes for what they did, and did not therefore divorce that they might presume with some unlawful person, or what was another man's, the censure of Church in those days did not touch them.

Thus having alleged enough to shew after what manner the primitive Church for above 500. years understood our Saviour's words touching divorce, I shall now with a labour less dispersed, and sooner dispatch, bring under view what the civil law of those times constituted about this matter: I say the civil law, which is the honour of every true Civilian to stand for, rather than to count that for law, which the pontifical Canon hath enthralled them to, and in stead of interpreting a generous and elegant law, made them the drudges of a blockish Rubric.

Theodorus and Valentinian, pious Emperors both, ordain'd that as by consent lawful marriages were made, so by consent, but not without the bill of divorce, they might be dissolved; and to dissolve was the more difficult, only in favour of the children. We see the wisdom and piety of that age one of the purest and learnedest since Christ, conceav'd no hindrance in the words of our Saviour, but that a divorce mutually consented, might be suffer'd by the law, especially if there were no children, or if there were, careful provision was made. And further faith that law (supposing there wanted the consent of either) were designe the causes of divorce by this most wholesome Law; for as we forbid the dissolving of marriage without just cause, so we desire that a husband or a wife distress'd by some adverse necessity, should be freed, though by an unhappy, yet a necessary releafe. What dramm of wisdom, or religion (for charity is truest religion) could there be in that knowing age, which is not virtually summed up in this most just law? As for those other Christian Emperours, from Constantine the first of them,
finding the Roman law in this point so answerable to the Mosaic, it might bee the likeliest cause why they alter'd nothing to restraint, but if ought, rather to liberty, for the helpe, and consideration of the weaker sexe, according as the Gospel seems to make the wife more equal to her husband in these conjugal respects then the law of Moses doth. Therefore if a man were absent from his wife foure yeares, and in that space not heard of, though gon to warre in the service of the Empire, she might divorce and mary another by the edict of Constantine to Dalmatius. Co. l. 5. tit. 17. And this was an age of the Church both antient, and cry'd up still for the most flourishing in knowledge and pious government since the Apostles. But to returne to this law of Theodofius, with this observation by the way, that still as the Church corrupted, as the Clergie grew more ignorant, and yet more usurping on the Magistrate, who also now declin'd, so still divorce grew more restrain'd; though certainly if better times permitted the thing that worse times restrain'd, it would not weakly argue that the permission was better, and the restraint worse. This law therefore of Theodofius wiser in this then the most of his successors, though not wiser then God and Moses, reduc't the causes of divorce to a certain number which by the judicall law of God, and all recorded humanitie were left before to the breast of each husband, provided that the dismisse was not without reasonable conditions to the wife. But this was a restraint not yet come to extreames. For besides adultery and that not only actual, but suspected by many signes there set down, any fault equally punishable with adultery, or equally infamous might bee the cause of a divorce. Which informes us how the wisest of those ages understood that place in the Gospel, whereby, not the pilfering of a benevolence was consider'd as the main and only breach of wed-
loc, as is now thought, but the breach of love and peace, a more holy union then that of the flesh; and the dignity of an honest person was regarded, not to bee held in bondage with one whose ignominy was infectious. To this purpose was constituted Cod. 1. 5. tit. 17. and Authent. collat. 4. tit. 1. Novell. 22. where Justinian added three causes more. In the 117. Novell. most of the same causes are allow'd, but the liberty of divorcing by consent is repeal'd: but by whom? by Justinian, not a wiser, not a more religious emperor then either of the former, but noted by judicious writers for his fickle head in making and unmaking lawes; and how Procopius a good historian, and a councilor of state then living decipheres him in his other actions, I willingly omit. Nor was the Church then in better case, but had the corruption of a 100. declining years swept on it, when the statute of consent was call'd in; which as I said, gives us every way more reason to suspect this restraint, more then that liberty: which therefore in the reign of Justin the succeeding Emperor was recall'd, Novel. 140. and establisht with a preface more wise and christiannly then for those times, declaring the necessity to restore that Theodosian law, if no other means of reconcilement could be found. And by whom this law was abrogated, or how long after, I doe not finde; but that those other causes remain'd in force, as long as the Greek empire subsisted, and were assented by that Church, is to bee read in the Canons and edicts compar'd by Photius the Patriarch, with the avertiments of Balsamon, and Matthæus Monachus thereon.

But long before those dayes Leo the son of Basilius Macedo reigning about the yeare 886, and for his excellent wisdome surnam'd the Philosopher, constituted that in case of madnesse the husband might divorce after three yeares, the wife after 5. Constitut. Leon. 111.
272. this declares how hee expounded our Saviour, and deriv'd his reasons from the institution, which in his preface with great eloquence are set downe; whereof a passage or two may give som proofe, though better not divided from the rest. There is not, faith he, a thing more necessary to preserve mankind, then the helpe giv'n him from his own rib; both God and nature jo teaching us: which being jo, it was requisite that the providence of law, or if any other care be to the good of man, should teach and ordaine those things which are to the helpe and comfort of married persons, and confirm the end of marriage purpos'd in the beginning, not those things which affliet and bring perpetuall misery to them. Then anfwers the objection that they are one flesh; if Matrimony had held so as God ordain'd it, he were wicked that would dissolve it. But if we reftect this in matrimony, that it be con- tracted to the good of both, how shall he, who for some great evill feared, perswades not to marry though con- tracted, not perswade to unmarry, if after marriage a calamity befal? should we bid beware leaft any fall into an evil, and leave him helplesse who by humane error is fall'n therein? This were as if we should use remedies to prevent a disease, but let the sick die without remedy. The rest will be worth reading in the au- thor.

And thus we have the judgement first of primitive fathers; next of the imperial law not disallow'd by the universal Church in ages of her best authority; and lastly of the whole Greeke Church and civil state, incorporating their Canons and edicts together, that divorce was lawfull for other causes equivalent to adultery, contain'd under the word fornication. So that the exposition of our saviours sentence heer alleg'd hath all these ancient and great asserterers, is therefore neither new nor licentious, as some now would perswade the commonalty; although it be
neerer truth that nothing is more new then those teachers themselves, and nothing more licentious then some known to be, whose hypocrisie yet shames not to take offence at this doctrine for licence; when as indeed they feare it would remove licence, and leave them but few companions.

That the Popes Canon law incroaching upon civil Magistracy abolisht all divorce even for adultery. What the reformed Divines have recover'd; and that the famousest of them have taught according to the asser-
tion of this booke.

But in these western parts of the empire it will appeare almost unquestionable that the cited law of Theodosius and Valentinian stood in force untill the blindest and corruptest times of Popedom displac't it. For that the volumes of Justinian never came into Italy, or beyond Illiricum, is the opinion of good Antiquaries. And that only manuscript thereof found in Apulia by Lotharius the Saxon, and giv'n to the state of Pisa for their aid at sea against the Normans of Sicily, was receav'd as a rarity not to bee matcht. And although the Gothes, and after them the Lombards and Franks who over-run the most of Europ. except this Island (unlesse wee make our Saxons and Normans a limm of them) brought in their owne customes, yet that they follow'd the Roman laws in their contracts and mariages, Agathias the historian is alleg'd. And other testimonies relate that Alaricus and Theodoric their Kings writ their statutes out of this Theodosian Code which hath the recited law of Divorce. Nevertheless while the Monarchs of Christendome were yet barbarous, and but halfe Christian, the Popes tooke this advantage of their weake superstitition, to raise a corpulent law out of the canons and decretals of audacious preists; and pre-
sum'd also to set this in the front; That the constitu-
tions of princes are not above the constitutions of clergy, but beneath them. Using this very instance of divorce as the first prop of their tyranny; by a false consequence drawn from a passage of Ambrose upon Luke where hee faith, though Mans law grant it, yet Gods law prohibits it. Whence Gregory the Pope writing to Theodosia inferrs that Ecclesiastical Courts cannot be disolv’d by the Magistrate. A faire conclusion from a double error. First in saying that the divine law prohibited divorce, for what will hee make of Mofes; next supposing that it did, how will it follow, that what ever Christ forbids in his Evangelic precepts, should be hal’d into a judicial constraint against the patterne of a divine law: Certainly the Gospel came not to enact such compulsions. In the meane while wee may note heere that the restraint of divorce was one of the first faire seeming pleas which the Pope had, to step into secular authority, and with his Antichristian rigor to abolishe the permissive law of Christian princes conforming to a sacred lawgiver. Which if we consider, this papal and unjust restriction of divorce need not be so deere to us, since the plausible restraining of that, was in a manner the first loosning of Antichrist; and as it were the substance of his eldest horn. Nor doe we les remarkably ow the first meanes of his fall heer in England to the contemning of that restraint by Henry 8. whose divorce he oppos’d. Yet was not that rigour executed anciently in spiritual Courts untill Alexander the third, who trod upon the neck of Frederic Barbarossa the Emperor, and summond our Henry 2. into Normandy about the death of Becket. He it was, that the worthy author may be known, who first actually repeal’d the imperial law of divorce, and decreed this tyrannous decree, that matrimony for no cause should be disolv’d, though for many causes it might separate; as may be seen decret. Gregor. l. 4. tit. 19. and
in other places of the Canonickal Tomes. The main
good of which invention, wherein it consists who can
tell? but that it hath one vertue incomparable, to
fill all christendom with whordomes, and adulteries
beyond the art of Balaams or of divells. Yet neither
can these, though so perverse, but acknowledge that
the words of Christ under the name of fornication
allow putting away for other causes then adultery
both from bed and bord, but not from the bond; their
only reason is, because marriage they believe to bee
a Sacrament. But our Divines who would seem
long since to have renounc't that reason, have so for-
got them selves, as yet to hold the absurdity, which
but for that reason, unless there be some mystery of
Satan in it, perhaps the Papist would not hold. Tis
true, we grant divorce for actual and prov'd adultery,
and not for lesse then many tedious and unreparable
yeares of desertion, wherein a man shall loose all his
hope of posterity, which great and holy men have
bewail'd, ere he can be righted; and then perhaps
on the confines of his old age, when all is not worth
the while. But grant this were seasonably don; what
are these two cases to many other, which afflict the
state of mariage as bad, and yet find no redresse?
What hath the soule of man deserv'd, if it be in the
way of salvation, that it should be morgag'd thus,
and may not redeem it selfe according to conscience
out of the hands of such ignorant and slothfull teach-
ers as these, who are neither able nor mindful to give
due tendance to that pretious cure which they rashly
undertake; nor have in them the noble goodnesse to
consider these distresses and accidents of mans life;
but are bent rather to fill their mouthes with Tithe
and oblation. Yet if they can learne to follow, as
well as they can seeke to be follow'd, I shall direct
them to a faire number of renowned men, worthy to
be their leaders, who will commend to them a doc-
trin in this point wiser then their own, and if they bee not impatient, it will be the same doctrin which this treatis hath defended.

Wicklef that Englishman honor'd of God to be the first preacher of a general reformation to all Europe, was not in this thing better taught of God, then to teach among his cheifest recoveries of truth, that divorce is lawfull to the christian for many other causes equall to adultery. This book indeed through the poverty of our Libraries I am forc'd to cite from Arnifaus of Halberfjad on the right of mariage, who cites it from Corafius of Toloufe, c. 4. Cent. Set. and he from Wicklef. l. 4. Dial. c. 21. So much the forrier, for that I never lookt into author cited by his adversary upon this occasion, but found him more conducible to the question, then his quotation render'd him.

Next Luther, how great a servant of God, in his book of conjugal life quoted by Gerard out of the Dutch, allowes divorce for the obstinate denial of conjugal duty; and that a man may send away a proud Vashti, and marry an Esther in her stead. It seemes, if this example shall not be impertinent, that Luther meant not onely the resfual of benevolence, but a stubborn denial of any main conjugal duty; or if he did not, it will be evinc't from what he allowes. For out of question, with men that are not barbarous, love and peace, and fitness will be yeelded as essential to mariage, as corporal benevolence. Though I give my body to be burnt, faith Saint Paul, and have not charity, it profits me nothing. So though the body prostitute it selfe to whom the mind affords no other love or peace, but constant malice and vexation, can this bodily benevolence deserv to be call'd a mariage between Christians and rationall creatures.

Melanchton, the third great luminary of reformation in his book concerning marriage grants divorce
for cruell usage, and danger of life, urging the authority of that Theodosian law, which he esteemes written with the grave deliberation of godly men; and that they who reject this law, and thinke it disagreeing from the Gospel, understand not the difference of law and Gospel; that the Magistrat ought not only to defend life, but to succour the weake conscience, left broke with greif and indignation it relinquish praier, and turn to som unlawful thing. What if this heavy plight of despaire arise from other discontentes in wedloc which may goe to the soule of a good man more then the danger of his life, or cruel using, which a man cannot bee liable to, suppose it be ingratefull usage, suppose it be perpetuall spight and disobedience, suppose a hatred, shall not the Magistrat free him from this disquiet which interrupts his prayers, and disturbs the cours of his service to God and his Country all as much, and brings him such a misery, as that he more desires to leave his life then feares to loose it: Shall not this equally concerne the office of civil protection, and much more the charity of a true Church to remedy?

Erasimus who for learning was the wonder of his age, both in his notes on Matthew, and on the first to the Corinthians in a large and eloquent discourse, and in his answer to Phimostomus a Papist, maintaines (and no protestant then living contradicted him) that the words of Christ comprehend many other causes of divorce under the name of fornication.

Bucer, whom our famous Dr. Rainolds was wont to preferr before Calvin, in his comment on Matthew, and in his second booke of the Kingdom of Christ, treats of divorce at large to the same effect, as is written in the doctrine and discipline of divorce lately publisht, and the translation is extant: whom left I should be thought to have wrested to mine own purpose, take somthing more out of his 49. Chap. which
I then for brevity omitted. It will be the duty of pious princes, and all who govern Church, or common wealth, if any, whether husband or wife, shall affirm their want of such who either will, or can tolerably performe the necessary duties of married life, to grant that they may seeke them such, and marry them; if they make it appeare that such they have not. This book he wrote here in England, where he liv'd the greatest admir'd man, and this he dedicated to Edward the sixth.

Fagius rankt among the famous divines of Germany, whom Frederic at that time the Palatine sent for to be the reformer of his Dominion, and whom afterwards England fought to, and obtain'd of him to come and teach her, differs not in this opinion from Bucer, as his notes on the Chaldey paraphrast well testify.

The whole Church of Strasburgh in her most flourishing time, when Zellius, Hedio, Capito, and other great Divines taught there, and those two renowned magistrates Farrerus and Sturmius govern'd that common wealth and Academy to the admiration of all Germany, hath thus in the 21. Article. We teach that if according to the word of God, yea or against it, divorces happen, to doe according to God's word, Deut. 24. 1. Mat. 19. 1 Cor. 7. and the observation of the primitive Church, and the Christian constitution of pious Cæsars.

Peter Martyr seems in word our easy adversary, but is in deed for us: toward which though it be somthing when he faith of this opinion, that it is not wicked, and can hardly be refuted, this which followes is much more, I speake not here faith he, of natural impediments which may so hap'n, that the matrimony can no longer hold: but adding, that he often wonder'd, how the antient and most christian Emperors establisht those lawes of divorce, and neither Ambroise,
who had such influence upon the laws of Theodosius, nor any of those holy fathers found fault, nor any of the Churches, why the Magistrats of this day should be so loth to constitute the same. Perhaps they feare an inundation of divorces, which is not likely, whenas we reade not either among the Ebrews, Greeks, or Romans that they were much frequent where they were most permitted. If they judge christian men worse then Jewes or Pagans, they both injure that name, and by this reason will bee constrain'd to grant divorces the rather; because it was permitted as a remedy of evil, for who would remove the medicin, while the diseafe is yet so rife? This being read both in his common places, and on the first to the Corinthians, with what we shall relate more of him yet ere the end, sets him absolutely on this side. Not to insist that in both these, and other places of his commentaries hee grants divorce not onely for desertion, but for the seducement and scandalous demeanour of a heretical comfort.

Musculus a divine of no obscure fame distinguishes betweene the religious and the civil determination of divorce; and leaving the civil wholly to the lawyers, pronounces a conscionable divorce for impotence not only natural, but accidental, if it be durable. His equity it seems, can enlarge the words of Christ to one cause more then adultery; why may not the reason of another man as wise, enlarge them to another cause.

Gualter of Zuric a well known judicious commentator in his Homilies on Matthew, allows divorce for Leprosie, or any other cause which renders unfit for wedloc, and calls this rather a nullity of marriage then a divorce, and who, that is not himselfe a meer body, can restrain all the unfitnes of mariage only to a corporal defect.

Hemingius an Author highly esteem'd, and his
works printed at Geneva, writing of divorce, confesses that lerned men vary in this question, some granting three causes thereof, some five, others many more; he himself gives us fixe, adultery, desertion, inability, error, evil use, and impiety, using argument that Christ under one special contains the whole kind, and under the name and example of fornication he includes other causes equipollent. This discourse he wrote at the request of many who had the judging of these causes in Denmark and Norway, who by all likelihood follow'd his advice.

Hunnius a Doctor of Wittenberg, well known both in Divinity and other arts, on the 19. of Matt. affirms that the exception of fornication express'd by our Saviour excludes not other causes equaling adultery, or destructive to the substantials of matrimony; but was oppos'd to the custom of the Jewes who made divorce for every light cause.

Felix Bidenbachius an eminent Divine in the Dutchy of Wirtemberg affirms that the obstinate refusal of conjugal due is a lawful cause of divorce, and gives an instance that the consistory of that state so judg'd.

Gerard cites Harbardus an author not unknown, and Arnifaeus cites Wigandus, both yeelding divorce in case of cruel usage; and another author who testifies to have seen in a dukedom of Germany marriages disjoynd for some implacable enmities arising.

Beza one of the stricteft against divorce, denies it not for danger of life from a Heretic, or importunate solicitation to doe ought against religion: and counts it all one whether the heretic desert, or would stay upon intolerable conditions. But this decision well examin'd will be found of no solidity. For Beza would be askt why, if God so strictly exact our stay in any kind of wedlock, wee had not better stay and hazard a murdering for Religion at the hand of a wife, or husband, as he and others enjoyn us to stay and ven-
ture it for all other causes but that? and why a man's life is not as well and warrantably fav'd by divorcing from an orthodox murderer, as a heretical? Againe, if desertion be confessed by him to consist not only in the forsaking, but in the unsufferable conditions of staying, a man may as well deduce the lawfulness of divorcing from any intolerable conditions (if his grant bee good that wee may divorce there- upon from a heretic) as he can deduce it lawfull to divorce from any deserter, by finding it lawful to divorce from a deserting infidel. For this is plaine, if Saint Pauls permission to divorce an infidel deserter, inferre it lawfull for any malicious desertion, then doth Beza's definition of a deserter transferr it selfe with like facility from the cause of religion to the cause of malice, and proves it as good to divorce from him who intolerably stays as from him who purposely departs; and leaves it as lawfull to depart from him who urgently requires a wicked thing, though professing the same religion, as from him who urges a heathenish or superstitious compliance in a different faith. For if there be such necessity of our abiding, wee ought rather to abide the utmost for religion then for any other cause; seeing both the cause of our stay is pretended our religion to marriage, and the cause of our suffering is suppos'd our constant marriage to religion. Beza therfore by his owne definition of a deserter justifies a divorce from any wicked or intolerable conditions rather in the same religion then in a different.

Aretius a famous Divine of Bern approves many causes of divorce in his Problemes, and adds that the lawes and consftories of Switzerland approve them also. As first, adultery, and that not actual only, but intentional, alleging Matthew the fifth, Whosoever looketh to luft, hath committed adultery already in his heart. Wherby faith he, our Saviour shewes that the breach
of matrimony may be not only by outward act, but by the heart and desire; when that hath once possessed, it renders the conversation intolerable, and commonly the fact followes. Other causes to the number of 9. or 10. consenting in most with the imperial lawes, may bee read in the author himselfe, who averrs them to be grave and weighty. All these are men of name in Divinity, and to these if need were, might be added more. Nor have the Civilians bin all so blinded by the Canon, as not to avouch the justice of those old permissons touching divorce.

Alciat of Millain, a man of extraordinary wisedome and learning, in the fixt book of his Parerga defends those imperial lawes, not repugnant to the Gospel, as the Church then interpreted. For faith hee, the antients understood him separat by man, whom passions and corrupt affections divorc't, not, if the provincial Bishops first heard the matter, and judg'd, as the councel of Agatha declares; and on some part of the Code he names Isidorus Hispalensis the first computer of Canons, to be in the same minde. And in the former place gives his opinion that divorce might be more lawfully permitted than usury.

Corajius recorded by Helvicus among the famous Lawyers hath been already cited of the same judgement.

Wesembechius a much nam'd Civilian in his comment on this law defends it, and affirms that our Saviour excluded not other faults equall to adultery; and that the word fornication signifies larger among the Hebrewes then with us, comprehending every fault which alienates from him to whom obedience is due, and that the primitive Church interpreted so.

Grotius yet living, and of prime note among learned men retires plainly from the Canon to the antient civility, yea to the Mosaic law, as being most just and undecevable. On the fifth of Matt. he faith, that
Christ made no civil lawes, but taught us how to use law: that the law sent not a husband to the judge about this matter of divorce, but left him to his owne conscience; that Christ therefore cannot be thought to send him; that adultery may be judg'd by a vehement suspension; that the exception of adultery seems an example of other like offences; proves it from the manner of speech, the maxims of law, the reason of charity, and common equity.

These authorities without long search I had to produce, all excellent men, some of them such as many ages had brought forth none greater: almost the meanest of them might deserve to obtain credit in a singularity; what might not then all of them joyn'd in an opinion so consonant to reason? For although some speak of this cause, others of that, why divorce may be, yet all agreeing in the necessary enlargement of that textual straitnes, leave the matter to equity, not to literal bondage, and so the opinion closes. Nor could I have wanted more testimonies, had the cause needed a more solicitous enquiry. But herein the satisfaction of others hath bin studied, not the gaining of more assurance to mine own persuasion: although authorities contributing reason with-all, bee a good confirmation and a welcom. But God, I solemnly attest him, withheld from my knowledge the consenting judgement of these men so late, untill they could not bee my instructors, but only my unexpected witnesses to partial men, that in this work I had not given the worst experiment of an industry joyn'd with integrity and the free utterance though of an unpopular truth. Which yet to the people of England may, if God so pleafe, prove a memorable informing; certainly a benefit which was intended them long since by men of highest repute for wisedome and piety Bucer and Erasmus. Only this one authority more, whether in place or out
of place, I am not to omitt; which if any can think a small one, I must be patient, it is no smaller then the whole assembl’d autority of England both Church and State; and in those times which are on record for the purest and sincerest that ever shon yet on the reformation of this Iland, the time of Edward the 6th. That worthy Prince having utterly abolisht the Canon Law out of his Dominions, as his Father did before him, appointed by full vote of Parlament, a Committy of two and thirty chozen men, Divines and Lawyers, of whom Cranmer the Archbishop, Peter Martyr, and Walter Haddon, (not without the aſſiſtance of Sir John Cheeke the Kings Tutor, a man at that time counted the learnedest of Englishmen, and for piety not inferior) were the cheif, to frame anew som Ecclesiastical Laws, that might be in stead of what was abrogated. The work with great diligence was finisht, and with as great approbation of that reforming age was receav’d; and had bin doubtlesse, as the learned Preface thereof testifies, eſtablifht by Act of Parlament, had not the good Kings death fo soon ensuing, arrested the furder growth of Religion also, from that season to this. Those laws, thus founded on the memorable wisedome and piety of that religious Parlament and Synod, allow divorce and second mariage not only for adultery or defertion, but for any capital enmity or plot laid againſt the others life, and likewise for evil and fierce usage: nay the 12. Chap. of that title by plaine conſequence declares, that leſser contenſions, if they be perpetual, may obta...
vorce whether the cause be naturall or wilfull. Wherby the warinesse and deliberation from which that discourse proceeded, will appeare, and that God hath aided us to make no bad conclusion of this point; seeing the opinion which of late hath undergon ill censures among the vulgar, hath now prov'd to have don no violence to Scripture, unless all these famous Authors alleg'd have done the like; nor hath affirm'd ought more then what indeed the most nominated Fathers of the Church both ancient and modern are unexpectedly found affirming, the lawes of Gods peculiar people, and of primitive Christendom found to have practis'd, reformed Churches and states to have imitated, and especially the most pious Church-times of this Kingdom to have fram'd and publisht, and, but for sad hindrances in the sudden change of religion, had enacted by Parliament. Hence forth let them who condemn the assertion of this book for new and licentious, be sorry; lest, while they think to be of the graver sort, and take on them to be teachers, they expose themselves rather to be pledg'd up and down by men who intimatly know them, to the discovery and contempt of their ignorance and presumption.
The
Judgment of Martin Bucer
concerning Divorce:
Writt'n to Edward the Sixt, in his Second
Book of the Kingdom of Christ:
And now Engliht.

Wherein a late Book, restoring the Doctrine and Discipline of Divorce, is here confirm'd and justify'd
by the Authority of Martin Bucer.

To the Parliament of England.

John 3. 10.
Art thou a Teacher of Israel, and know'st not these things?
Testimonies of the high Approbation which Learned Men have given of
Martin Bucer.

Symon Grynaeus, 1533.

Among all the Germans, I give the Palm to Bucer for Excellence in the Scriptures. Melanchton in human Learning is wondrous fluent; but greater Knowledge in the Scripture I attribute to Bucer, and speak it unfainedly.

John Calvin, 1539.

Martin Bucer, a most faithful Doctor of the Church of Christ, besides his rare Learning, and copious Knowledge of many things, besides his clearness of Wit, much Reading, and other many and various Virtues, wherein he is almost by none now living excell’d, hath few Equals, and excels most; hath this praise peculiar to himself, that none in this Age hath us’d exacter diligence in the Exposition of Scripture.

And a little beneath.

Bucer is more large then to be read by over-busied Men, and too high to be easily understood by unattentive Men, and of a low capacity.

Sir John Cheek, Tutor to K. Edward VI. 1551.

We have lost our Master, then whom the World scarce held a greater, whether we consider his know-
ledg of true Religion, or his integrity and innocence of life, or his incessant study of holy things, or his matchless labour of promoting piety, or his authority and amplitude of teaching, or whatever else was praiseworthy and glorious in him. *Script. Anglicana, pag. 864.*

**John Sturmius of Strasburgh.**

No man can be ignorant what a great and constant opinion and estimation of Bucer there is in Italy, France, and England. Whence the Saying of Quintilian hath oft come to my mind, that he hath well profited in Eloquence whom Cicero pleases. The same say I of Bucer, that he hath made no small progress in Divinity, whom Bucer pleaseth; for in his Volumes, which he wrote very many, there is the plain impression to be discern'd of many great Virtues, of Diligence, of Charity, of Truth, of Acuteness of Judgment, of Learning. Wherein he hath a certain proper kind of Writing, whereby he doth not only teach the Reader, but affects him with the sweetness of his Sentences, and with the manner of his Arguing, which is so teaching, and so logical, that it may be perceiv'd how learnedly he separates probable Reasons from necessary, how forcibly he confirms what he has to prove, how suttly he refutes, not with sharpness, but with truth.

**Theodore Beza on the Portraiture of M. Bucer.**

This is that count'nance of Bucer, the mirror of mildness, temper'd with gravity; to whom the City of Strasburgh owes the Reformation of her Church. Whose singular Learning, and eminent Zeal, joyn'd with excellent Wisdom, both his learned Books, and public Disputations in the general Diets of the Empire shall witness to all Ages. Him the German Persecution drove into England; where honourably
entertain'd by Edward the Sixt, he was for two years chief Professor of Divinity in Cambridge, with greatest frequency and applause of all learned and pious Men until his death, 1551. Bexae Icones.

Mr. Fox Book of Martyrs, Vol. 3. p. 763.

Bucer, what by writing, but chiefly by reading and preaching openly, wherein being painful in the Word of God, he never spar'd him'self, nor regarded his Health, brought all Men into such an admiration of him, that neither his Friends could sufficiently praise him, nor his Enemies in any point find fault with his singular Life, and sincere Doctrine. A most certain tok'n whereof may be his sumptuous Burial at Cambridge, solemniz'd with so great an assistance of all the University, that it was not possible to devise more to the setting out and amplifying of the same.

Dr. Pern the Popish Vice-Chancellor of Cambridge, his Adversary.

Cardinal Pool about the fourth year of Queen Mary, intending to reduce the University of Cambridge to Popery again, thought no way so effectual, as to cause the Bones of Martin Bucer and Paulus Fagius, which had been four years in the Grave, to be tak'n up and burnt openly with their Books, as knowing that those two worthy Men had bin of greatest moment to the Reformation of that place from Popery, and had left such powerful Seeds of their Doctrine behind them, as would never die, unless the men themselves were digg'd up, and openly condemn'd for Heretics by the University itself. This was put in execution, and Doctor Pern, Vice-Chancellor, appointed to preach against Bucer. Who, among other things, laid to his charge the Opinions which he held of the Marriage of Priests, of Divorcement, and of Usury. But immediately after his Sermon, or somewhat before,
as the Book of Martyrs for a truth relates, Vol. 3, p. 770. the said Doctor Pern smiting himself on the Breast, and in manner weeping, wisth with all his heart, that God would grant his Soul might then presently depart, and remain with Bucer's; for he knew his Life was such, that if any man's Soul were worthy of Heaven, he thought Bucers in special to be most worthy. *Histoi. de Combust. Buceri, et Fagii.*

**Acworth the University-Orator.**

Soon after that Queen Elizabeth came to the Crown, this Condemnation of Bucer and Fagius by the Cardinal and his Doctors, was solemnly repealed by the University; and the Memory of those two famous Men celebrated in an Oration by Acworth the University-Orator, which is yet extant in the Book of Martyrs, Vol. 3. p. 773. and in Latin, *Scripta Anglic. p. 936.*

*Nicolas Carre,* a learned Man; *Walter Haddon,* Master of the Requests to Queen Elizabeth; *Matthew Parker,* afterwards Primate of England, with other eminent Men, in their funeral Orations and Sermons, express abundantly how great a Man *Martin Bucer* was; what an incredible loss England sustaine'd in his Death; and that with him dy'd the hope of a perfet Reformation for that Age. *Ibid.***

*Jacobus Verheiden of Grave, in his Elogies of famous Divines.*

Though the Name of Martin Luther be famous, yet thou, Martin Bucer, for Piety, Learning, Labour, Care, Vigilance, and Writing, art not to be held inferior to Luther. Bucer was a singular instrument of God, so was Luther. By the Death of this most learned and most faithful Man, the Church of Christ sustaine'd a heavy loss, as Calvin wintesseth; and they
Teftimonies to Martin Bucer.

who are studious of Calvin, are not ignorant how much he ascribes to Bucer; for thus he writes in a Letter to Viretus: What a manifold loss befel the Church of God in the Death of Bucer, as oft as I call to mind, I feel my heart almost rent afunder.

Peter Martyr Epift. to Conradus Hubertus.

He is dead, who hath overcome in many Battels of the Lord. God lent us for a time this our Father, and our Teacher, never enough prais'd. Death hath divided me from a moft unanimous Friend, one truly according to mine own heart. My Mind is overpreft with Grief, insomuch that I have not power to write more. I bid thee in Chrift farewel, and wish thou maiſt be able to bear the loss of Bucer, better then I can bear it.

Teftimonies giv'n by learned Men to Paulus Fagius, who held the fame Opinion with Martin Bucer concerning Divorce.

Paulus Fagius, born in the Palatinate, became moſt skilful in the Hebrew Tongue. Being call'd to the Ministery at Ifna, he publifht many ancient and pro- fightable Hebrew Books, being aided in the expences by a Senator of that City, as Origen sometime was by a certain rich man call'd Ambrosius. At length invited to Strasburgh, he there famously discharg'd the office of a Teacher; until the fame Persecution drove him and Bucer into England, where he was preferr'd to a Profeffors place in Cambridge, and soon after died. Bezae Icones.

Melchior Adamus writes his Life among the famous German Divines.

Sleidan and Thuanus mention him with honour in their History. And Verheiden in his Elogies.
To the Parliament.

The Book, which among other great and high Points of Reformation, contains as a principal part thereof, this Treatise here presented, Supreme Court of Parliament, was by the famous Author Martin Bucer, dedicated to Edward the fixt: whose incomparable Youth doubtless had brought forth to the Church of England such a glorious Manhood, had his life reacht it, as would have left in the affairs of Religion, nothing without an excellent pattern for us now to follow. But since the secret purpose of divine Appointment hath referv'd no lefs perhaps then the just half of such a sacred Work to be accomplisht in this Age, and principally, as we truft, by your sucessful Wisdom and Authority, religious Lords and Commons, what wonder if I seek no other, to whose exactest judgment and review I may commend these laft and worthiest Labours of this renowned Teacher? whom living, all the pious Nobility of those reforming Times, your truest and best imitated Ancestors, reverenc'd and admir'd. Nor was he wanting to a recompence as great as was himself; when both at many times before, and especially among his laft Sighs and Prayers testifying his dear and fatherly affection to the Church and Realm of England, he sincerely wisht in the hearing of many devout Men, that what he had in this his laft Book written to King Edward concerning Discipline, might have place in this Kingdom. His hope was
then, that no calamity, no confusion, or deformity would happen to the Commonwealth; but otherwise he fear'd, left in the midst of all this ardency to know God, yet by the neglect of Discipline, our good Endeavours would not succeed.* These remarkable words of so godly and so eminent a Man at his death, as they are related by a sufficient and well-known witnes, who heard them, and inserted by Thuanus into his grave and serious History; so ought they to be chiefly consider'd by that Nation for whose sake they were utter'd, and more especially by that general Council which represents the Body of that Nation. If therefore the Book or this part therof, for necessary causes, be now reviv'd and recommended to the use of this undisciplin'd Age; it hence appears, that these Reasons have not err'd in the choice of a fit Patronage for a discourse of such importance. But why the whole Tractat is not here brought entire, but this matter of Divorceement selected in particular, to prevent the full speed of some mis-interpreter, I haften to disclose. First, it will be soon manifest to them who know what wise men should know, that the constitution and reformation of a Common-wealth, if Ezra and Nehemiah did not mis-reform, is, like a building, to begin orderly from the foundation ther-of, which is Marriage and the Family, to set right first what ever is amiss therein. How can there else grow up a Race of warrantable Men, while the house and home that breeds them, is troubl'd and disquieted under a bondage not of God's constraining with a natureless constraint (if his most righteous judgments may be our rule) but laid upon us imperiously in the worst and weakest Ages of Knowledge, by a canonical tyranny of stupid and malicious Monks: who having rashly vow'd themselves to a single life,

* Nicol. Car. de obitu Buceri.
which they could not undergo, invented new fetters to throw on Matrimony, that the World thereby waxing more dissolute, they also in a general loosenes might sin with more favour. Next, there being yet among many, such a strange iniquity and perversnes against all necessary Divorce, while they will needs expound the words of our Saviour not duly by comparing other places, as they must do in the resolving of a hunder'd other Scriptures, but by persisting deasly in the abrupt and Papistical way of a literal apprehension against the direct Analogy of Sense, Reason, Law and Gospel; it threfore may well seem more then time to apply the sound and holy Persuasions of this Apostolic Man, to that part in us, which is not yet fully dispossesed of an error as absurd, as moft that we deplore in our blindeft Adversaries; and to let his Authority and unanswerable Reasons be vulgarly known, that either either his Name, or the force of his Doctrine may work a wholesome effect. Lafi, I find it clear to be the Author's intention, that this point of Divorcement should be held and receiv'd as a moft necessary and prime part of Discipline in every Christian Government. And threfore having reduc'd his model of Reformation to 14 Heads, he bestows almost as much time about this one point of Divorce, as about all the rest; which also was the judgment of his Heirs and learned Friends in Germany, best acquainted with his meaning; who firth publishing this his Book by Oporinus at Basil (a City for Learning and Constancy in the true Faith, honorable among the firth) added a special note in the title, that there the Reader fould find the Doctrine of Divorce hand'd fo solidly, and fo fully, as scars the like in a Writer of that Age: and with this particular commendation they doubted not to dedicate the Book, as a moft profitable and exquifit Discours, to Christian the 3d, a worthy and pious King of Denmark, as the
To the Parlament.

Author himself had done before to our Edward the fixt. Yet did not Bucer in that Volume only declare what his constant opinion was herein, but also in his Comment upon Matthew, written at Strasburgh divers years before, he treats distinctly and copiously the same Argument in three several places; touches it also upon the 7th to the Romans, and promises the same Solution more largely upon the 1st to the Corinthians, omitting no occasion to weed out this last and deepest mischief of the Canon-law, sown into the Opinions of modern Men, against the Laws and Practice both of God's chosen People, and the best primitive Times. Wherin his faithfulnes and powerful evidence prevail'd so far with all the Church of Strasburg, that they publish'd this doctrine of Divorce, as an Article of their Confession, after they had taught so eight and twenty years, through all those times, when that City flourisht, and excell'd most, both in Religion, Learning, and good Government, under those first restorers of the Gospel there, Zelius, Hedio, Capito, Fagius, and those who incomparably then govern'd the Common-wealth, Farerus and Sturmius. If therefor God in the former Age found out a Servant, and by whom he had convert'd and reform'd many a City, by him thought good to restore the most needful Doctrine of Divorce from rigorous and harmful mistakes on the right hand, it can be no strange thing if in this age he stir up by whatsoever means whom it pleases him, to take in hand and maintain the same assertion. Certainly if it be in man's discerning to sever Providence from Chance, I could allege many instances, wherin there would appear cause to esteem of me no other then a passive instrument under some power and counsel higher and better then can be human, working to a general good in the whole cours of this matter. For that I owe no light, or leading receiv'd
To the Parlament.

from any man in the discovery of this truth, what
time I first undertook it in the doctrine and discipline
of Divorce, and had only the infallible grounds of
Scripture to be my guide; he who tries the inmost
heart, and saw with what severe industry and exam-
ination of my self, I set down every period, will be
my witnesses. When I had almost finish'd the first Edi-
tion, I chanc'd to read in the Notes of Hugo Grotius
upon the 5th of Matth. whom I strait understood in-
clining to reasonable terms in this Controversie: and
something he whisper'd rather then disputed about
the Law of Charity, and the true end of Wedloc.
Glad therefore of such an able Assistant, however at
much distance, I resolv'd at length to put off into
this wild and calumnious World. For God, it seems,
intended to prove me, whether I durst alone take up
a rightful Cause against a world of diseaseem, and
found I durst. My Name I did not publish, as not
willing it should sway the Reader either for me or
against me. But when I was told, that the stile,
which what it ails to be so soon distinguishable, I
cannot tell, was known by most Men, and that some
of the Clergy began to inveigh and exclaim on what
I was credibly inform'd they had not read; I took it
then for my proper season both to shew them a Name
that could easily contemn such an indiscreet kind of
Censure, and to reinforce the Question with a more
accurat diligence: that if any of them would be so
good as to leave railing, and to let us hear so much
of his Learning and Christian Wisdom, as will be
strictly demanded of him in his answering to this
Problem, care was had he should not spend his Pre-
parations against a nameless Pamphlet. By this time
I had learnt that Paulus Fagius, one of the chief Di-
vines in Germany, sent for by Frederic the Palatine,
to reform his Dominion, and after that invited hither
in King Edward's days to be Professor of Divinity in
To the Parliament.

Cambridge, was of the same Opinion touching Divorce, which these Men so lavishly traduc'd in me. What I found, I inserted where fittest place was, thinking sure they would respect so grave an Author, at last to the moderating of their odious Inferences. And having now perfected a second Edition, I re- ferr'd the judging therof to your high and impartial Sentence, honour'd Lords and Commons. For I was confident, if any thing generous, any thing noble, and above the Multitude, were left yet in the Spirit of England; it could be no where sooner found, and no where sooner understood, then in that House of Justice and true Liberty where ye sit in Council. Nor doth the Event hitherto, for some reasons which I shall not here deliver, fail me of what I conceiv'd so highly. Nevertheless, being far otherwise dealt with by some, of whose Profession and suppos'd Knowledg I had better hope, and esteem'd the de- viser of a new and pernicious Paradox, I felt no dif- ference within me from that peace and firmnes of Mind, which is of nearest kin to Patience and Con- tentment: both for that I knew I had divulg'd a truth linkt inseparably with the most fundamental Rules of Christianity, to stand or fall together, and was not un-inform'd that divers learned and judicious Men teftify'd their daily Approbation of the Book. Yet at length it hath pleas'd God, who had already giv'n me satisfaction in my self, to afford me now a means whereby I may be fully justify'd also in the eyes of Men. When the Book had bin now the second time set forth wel-nigh three Months, as I best remember, I then first came to hear that Martin Bucer had writt'n much concerning Divorce: whom earnestly turning over, I soon perceiv'd, but not without amazement, in the same Opinion, confirm'd with the same Reasons which in that publick Book, without the help or imitation of any precedent Wri-
To the Parlament.

I had labour'd out, and laid together. Not but that there is some difference in the Handling, in the Order, and the Number of Arguments, but still agreeing in the same Conclusion. So as I may justly gratulat mine own mind with due acknowledgment of assistance from above, which led me, not as a Learner, but as a collateral Teacher, to a sympathy of judgment with no less a man then Martin Bucer. And he, if our things here below arrive him where he is, does not repent him to see that point of Knowledge which he first, and with an uncheckt freedom preacht to those more knowing times of England, now found so necessary, though what he admonisht were lost out of our memory; yet that God doth now again create the same doctrine in another unwrit'tn Table, and raises it up immediately out of his pure Oracle to the convincement of a pervers Age, eager in the reformation of Names and Ceremonies, but in realities as traditional and as ignorant as their forefathers. I would ask now the formost of my profound Accusers, Whether they dare affirm that to be licentious, new and dangerous, which Martin Bucer so often, and so urgently avoucht to be most lawful, most necessary, and most Christian, without the least blemish to his good Name, among all the worthy Men of that Age, and since, who testified so highly of him? If they dare, they must then set up an Arrogance of their own against all those Churches and Saints who honour'd him without this exception: If they dare not, how can they now make that licentious Doctrine in another, which was never blam'd, or confuted in Bucer, or in Fagius? The truth is, there will be due to them for this their unadvised rashnes, the beft Donative that can be giv'n them, I mean a round Reproof; now that where they thought to be most Magisterial, they have display'd their own want, both of reading, and of judg-
ment. First, to be so unacquainted in the Writings of Bucer, which are so obvious and so useful in their own faculty; next to be so caught in a prejudicating weaknes, as to condemn that for lewd, which (whether they knew or not) these elect Servants of Christ commended for lawful; and for new, that which was taught by these almost the first and greatest Authors of Reformation, who were never taxt for so teaching; and dedicated without scruple to a royal Pair of the first reforming Kings in Christendom, and confess in the public Confession of a most Orthodoxal Church and State in Germany. This is also another fault which I must tell them; that they have stood now almost this whole year clamouring a far off, while the Book hath bin twice printed, twice bought up, and never once vouchsaft a friendly Conference with the Author, who would be glad and thankful to be shewn an Error, either by privat Dispute, or public Answer, and could retract, as well as wise men before him; might also be worth the gaining, as one who heretofore, hath done good service to the Church by their own confession. Or if he be obstinat, their Confutation would have render'd him without excuse, and reclaim'd others of no mean parts who incline to his Opinion. But now their work is more then doubl'd; and how they will hold up their heads against the sudden aspect of these two great and reverend Saints whom they have defam'd, how they will make good the cenfuring of that for a novelty of licence, which Bucer constantly taught to be a pure and holy Law of Christ's Kingdom, let them advise. For against these my Adversaries, who before the examining of a propounded truth in a fit time of Reformation, have had the conscience to oppose naught els but their blind reproaches and surmises, that a single innocence might not be oppreft and overborn by a crew of mouths for the restoring
To the Parlament,

of a Law and Doctrin falsely and unlearnedly reputed new and scandalous, God, that I may ever magnifie and record this his Goodnes, hath unexpectedly rais'd up as it were from the dead, more then one famous Light of the first Reformation to bear witnes with me, and to do me honour in that very thing, where-
in these men thought to have blotted me: And hath giv'n them the proof of a capacity which they de-
fpis'd, running equal, and authentic with some of their chiefest Masters unthought of, and in a point of sagest moment. However, if we know at all when to acribe the Occurrences of this life to the work of a special Providence, as nothing is more usual in the talk of good men, what can be more like to a special Providence of God, then in the first Reformation of England, that this question of Di-
orce, as a main thing to be restor'd to just freedom, was writ'n, and seriously commended to Edward the fixt, by a man call'd from another Country to be the instructor of our Nation; and now in this present renewing of the Church and Commonwealth, which we pray may be more lasting, that the same Question should be again treated and presented to this Parla-
ment, by one enabl'd to use the same reasons without the least sight or knowledg of what was done before. It were no trespas, Lords and Commons, though somethings of less note were attributed to the order-
ing of a heavenly Power; this question therefor of such prime concernment both to Christian and Civil welfare, in such an extraordinary manner, not reco-
ver'd, but plainly twice born to these latter Ages, as from a divine hand I tender to your Acceptance, and most considerate Thoughts. Think not that God rais'd up in vain a man of greatest authority in the Church to tell a trivial and licentious Tale in the ears of that good Prince, and to bequeath it as his last Will and Testament, nay rather as the Testament
To the Parlament.

and Royal Law of Christ to this Nation; or that it should of it self after so many years, as it were in a new Feild where it was never bow'n, grow up again as a vitious plant in the mind of another, who had spoke honestest things to the Nation; though he knew not that what his Youth then reason'd without a pattern, had bin heard already, and well allow'd from the Gravity and Worth of Martin Bucer: till meeting with the envy of men ignorant in their own undertak'n Calling, God directed him to the forgott'n Writings of this faithful Evangelist, to be his defence and warrant against the gross imputation of broaching Licence. Ye are now in the glorious way to high Vertue and matchless Deeds, trusted with a most inestimable Trust, the asserting of our just Liberties. Ye have a Nation that expects now, and from mighty sufferings aspires to be the example of all Christendom to a perfeft reforming. Dare to be as great, as ample, and as eminent in the fair progresse of your noble designs, as the full and goodly stature of Truth and Excellence it self; as unlimited by petty Precedents and Copies, as your unquestionable Calling from Heaven gives ye power to be. What are all our public Immunities and Privileges worth? and how shall it be judg'd that we fight for them with Minds worthy to enjoy them, if we suffer our selves in the mean while not to understand the most important freedom that God and Nature hath giv'n us in the family; which no wise Nation ever wanted, till the Popery and Superstition of some former Ages attempted to remove and alter divine and most prudent Laws for human and most imprudent Canons: whereby good men in the best portion of their lives, and in that Ordinance of God which entitles them from the beginning to most juft and requisite contentments, are compell'd to civil Indignities, which by the Law of Moyses bad men were not
To the Parliament.

compell'd to? Be not bound about, and straitn'd in the spacious Wisdom of your free Spirits, by the scanty and unadequate and inconsistent Principles of such as condemn others for adhering to Traditions, and are themselves the prostrat Worshippers of Custom; and of such a tradition as they can deduce from no antiquity, but from the rudest, and thickest Barbarism of Antichristian times. But why do I anticipate the more acceptable, and prevailing voice of learned Bucer himself, the Pastor of Nations? And O that I could set him living before ye in that Doctoral Chair, where once the learnedest of England thought it no disparagement to fit at his feet! He would be such a Pilot, and such a Father to ye, as ye would soon find the difference of his hand and skill upon the helm of Reformation. Nor do I forget that faithful Associate of his Labours, Paulus Fagius; for these their great Names and Merits, how preitious so ever, God hath now joyn'd with me necessarily, in the good or evil report of this doctrine which I leave with you. It was writ'n to a religious King of this Land; writ'tn earnestly, as a main matter wherein this Kingdom needed a reform, if it purpos'd to be the Kingdom of Christ: Writt'n by him, who if any since the days of Luther, merits to be counted the Apostle of our Church; whose unwearied pains and watching for our sakes, as they spent him quickly here among us, so did they, during the shortnes of his Life, incredibly promote the Gospel throughout this Realm. The Autority, the Learning, the Godliness of this Man consulted with, is able to out-ballance all that the lightnes of a vulgar opposition can bring to counterpoise. I leave him also as my complete Surety and Testimonial, if Truth be not the best witnes to it self, that what I formerly presented to your reading on this subject, was good, and just, and honest, not licentious. Not
To the Parliament.

that I have now more confidence by the addition of these great Authors to my party; for what I wrote was not my opinion, but my Knowledge; ev’n then when I could trace no footstep in the way I went: nor that I think to win upon your apprehensions with Numbers and with Names, rather then with Reasons, yet certainly the worst of my detractors will not except against so good a bail of my integrity and judgment, as now appears for me. They must els put in the Fame of Bucer and of Fagius, as my Accomplices and Confederats into the same Inditement; they must dig up the good Name of these prime Worthies (if their Names could be ever buried) they must dig them up and brand them as the Papists did their bodies; and those their pure unblamable Spirits, which live not only in Heaven, but in their Writings, they must attaint with new Attaintures which no Protestant ever before aspers’d them with. Or if perhaps we may obtain to get our Appearment new drawn, a Writ of Error, not of Libertism, that those two principal Leaders of Reformation may not now come to be su’d in a Bill of Licence, to the scandal of our Church; the brief result will be, that for the Error, if their own Works be not thought sufficient to defend them, there livs yet who will be ready, in a fair and christianly discursive way, to debate and sift this matter to the utmost ounce of Learning and Religion, in him that shall lay it as an error, either upon Martin Bucer, or any other of his Opinion. If this be not enough to qualifie my Tra- ducers, and that they think it more for the Wisdom of thir Virulence, not to recant the Injuries they have bespoke me, I shall not for much more disturbance then they can bring me, intermit the prosecution of those Thoughts which may render me best serviceable, either to this Age, or if it so happ’n, to Post- terity; following the fair path which your illustrious
To the Parlament.

Exploits, Honour'd Lords and Commons, against the brest of Tyranny have open'd; and depending so on your happy successes in the hopes that I have conceiv'd either of my self, or of the Nation, as must needs conclude me who most affectionately wish'd and awaits the prosperous issue of your noble and valorous Counsels.

JOHN MILTON.
The Judgment of Martin Bucer touching Divorce.

Taken out of the Second Book entitl’d Of the Kingdom of Christ; writ’n by Martin Bucer to Edward the Sixth, King of England.

CHAP. XV.

The 7th Law of the sanctifying and ordering of Marriage. That the ordering of Marriage belongs to the Civil Power. That the Popes have invaded by fraud and force the ordering of Marriage.

Besides these things, Christ our King, and his Churches require from your Sacred Majefty, that you would take upon you the just care of Marriages. For it is un-speakable how many good Consciences are hereby entangl’d, afflicted, and in danger, because there are no just Laws, no speedy way constituted according to God’s Word, touching this holy Society and Fountain of Mankind. For seeing Matrimony is a civil thing, Men, that they may rightly contract, inviolably keep, and not without extreme necessity dissolve Marriage, are not only to be taught by the Doctrine and Discipline of the Church, but also are to be acquitted, aided, and compell’d by Laws and
Judicature of the Common-wealth. Which thing pious Emperours acknowledging, and therin framing themselves to the Law of Nations, gave Laws both of contracting and preserving, and also where an unhappy need requir'd, of divorcing Marriages. As may be seen in the Code of Justinian, the 5th Book, from the beginning through 24 Titles. And in the Authentic of Justinian the 22d, and some others.

But the Antichrists of Rome, to get the Imperial Power into thir own hands, first by fraudulent persuasion, afterwards by force drew to themselves the whole authority of determining and judging as well in matrimonial causes, as in most other matters. Therefore it hath bin long believ'd, that the care and government thereof doth not belong to the Civil Magistrate. Yet where the Gospel of Christ is receiv'd, the Laws of Antichrist should be rejected. If therefore Kings and Governours take not this care, by the power of Law and Justice to provide that Marriages be piously contracted, religiously kept, and lawfully dissolv'd, if need require, who sees not what confusion and trouble is brought upon this holy Society; and what a rack is prepar'd, ev'n for many of the best Consciences, while they have no certain Laws to follow, no Justice to implore, if any intolerable thing happen. And how much it concerns the honour and safety of the Common-wealth, that Marriages, according to the Will of Christ, be made, maintain'd, and not without just cause dissolv'd, who understands not? For unless that first and holiest Society of Man and Woman be purely constituted, that household Discipline may be upheld by them according to God's Law, how can we expect a Race of good Men? Let your Majesty therfore know that this is your duty, and in the first place, to re-assume to your self the just ordering of Matrimony, and by firm Laws to establish and defend the Reli-
The two next Chapters, because they chiefly treat about the Degrees of Consanguinity and Affinity, I omit; only setting down a passage or two concerning the Judicial Laws of Moses, how fit they be for Christians to imitate rather than any other.

CHAP. XVII. toward the end.

I Confess that we being free in Christ, are not bound to the Civil Laws of Moses in every circumstance; yet seeing no Laws can be more honest, just, and wholesome, then those which God himself gave, who is eternal Wisdom and Goodness, I see not why Christians, in things which no less appertain to them, ought not to follow the Laws of God, rather then of any Men. We are not to use Circumcision, Sacrifice, and those bodily Washings prescrib'd to the Jews; yet by these things we may rightly learn, with what purity and devotion both Baptism and the Lord's Supper should be administer'd and receiv'd. How much more is it our duty to observe diligently what the Lord hath commanded, and taught by the Examples of his People concerning Marriage, wherof we have the use no less then they?

And because this same worthy Author hath another passage to this purpose in his Comment upon Matthew, Chap. 5. 19. I here insert it from p. 46.

Since we have need of Civil Laws and the power of punishing, it will be wisest not to contemn those giv'n by Moses; but seriously rather to consider what
the meaning of God was in them, what he chiefly requir’d, and how much it might be to the good of every Nation, if they would borrow thence thir manner of governing the Common-wealth; yet freely all things and with the Spirit of Christ. For what Solon, or Plato, or Aristotle, what Lawyers or Caesars could make better Laws then God? And it is no light argument, that many Magistrates at this day do not enough acknowledg the Kingdom of Christ, though they would seem most Christian, in that they govern their States by Laws so divers from those of Moses.

The 18th Chapter I only mention as determining a thing not here in question, that Marriage without consent of Parents ought not to be held good; yet with this qualification fit to be known.

That if Parents admit not the honest desires of thir Children, but shall persift to abuse the power they have over them; they are to be mollifi’d by Admonitions, Entreaties, and Persuasions, first of their Friends and Kindred, next of the Church-Elders. Whom if still the hard Parents refuse to hear, then ought the Magistrate to interpose his Power: left any by the evil mind of thir Parents be detain’d from Marriage longer then is meet, or forc’d to an unworthy match: in which case the Roman Laws also provided. C. de nupt. l. 11, 13, 26.

CHAP. XIX.

Whether it may be permitted to revoke the Promise of Marriage.

Here ariseth another Question concerning Contracts, when they ought to be unchangeable? for religious Emperours decreed that the Contract
The Judgment of Martin Bucer

was not indissoluble, until the Spouse were brought home, and the Solemnities perform'd. They thought it a thing unworthy of divine and human Equity, and the due consideration of man's infirmity in deliberating and determining, when space is giv'n to renounce other contracts of much less moment, which are not yet confirm'd before the Magistrate, to deny that to the most weighty contract of Marriage, which requires the greatest care and consultation. Yet lest such a Covenant should be brok'n for no just cause, and to the injury of that person to whom Marriage was promis'd, they decreed a Fine, that he who deny'd Marriage to whom he had promis'd, and for some cause not approv'd by the Judges, should pay the double of that pledg which was giv'n at making sure, or as much as the Judges should pronounce might satisfie the damage, or the hinderance of either party. It being most certain, that oft-times after contract, just and honest causes of departing from promise, come to be known and found out, it cannot be other then the duty of pious Princes to give men the same liberty of unpromising in these cases, as pious Emperours granted: especially where there is only a promise, and not carnal knowledg. And as there is no true Marriage between them, who agree not in true consent of mind; so it will be the part of godly Magistrates to procure that no Matrimony be among thir Subjects, but what is knit with love and consent. And though your Majesty be not bound to the Imperial Laws, yet it is the duty of a Christian King to embrace and follow whatever he knows to be any-where piously and justly constituted, and to be honest, just, and well-pleasing to his People. But why in God's Law and the Examples of his Saints, nothing hereof is read? no marvel, seeing his antient People had power, yea a precept, that who so could not bend his mind to the true love of his Wife,
touching Divorce.

should give her a Bill of Divorce, and send her from him, though after carnal knowledge and long dwelling together. This is enough to authorize a godly Prince in that indulgence which he gives to the changing of a Contract; both because it is certainly the invention of Antichrist, that the promise of Marriage de praesenti, as they call it, should be indissoluble, and because it should be a Prince’s care that Matrimony be so joyn’d, as God ordain’d; which is, that every one should love his Wife with such a love as Adam express to Eve: So as we may hope that they who marry may become one flesh, and one also in the Lord.

CHAP. XX.

Concerns only the Celebration of Marriage.

CHAP. XXI.

The means of preserving Marriage holy and pure.

NOW since there ought not to be less care that Marriage be religiously kept, then that it be piously and deliberately contracted, it will be meet that to every Church be ordain’d certain grave and godly Men, who may have this care upon them, to observe whether the Husband bear himself wisely toward the Wife, loving, and inciting her to all Piety, and the other duties of this life; and whether the Wife be subject to her Husband, and study to be truly a meet help to him, as first to all Godliness, so to every other use of life. And if they shall find each to other failing of their duty, or the one long absent from the other without just and urgent cause, or giving suspicion of irreligious and impure life, or of living in manifest Wickedness, let it be admonisht
them in time. And if their authority be contemn'd, let the names of such contemners be brought to the Magistrate, who may use punishment to compel such Violaters of Marriage to their duty, that they may abstain from all probable suspicion of transgressing; and if they admit of suspected company, the Magistrate is to forbid them; whom they not therin obeying, are to be punisht as Adulterers, according to the Law of Justinian, Authent. 117. For if holy Wedlock, the fountain and seminary of good Subjects, be not vigilantly preserv'd from all blots and disturbances, what can be hop'd, as I said before, of the springing up of good Men, and a right Reformation of the Common-wealth? We know it is not enough for Christians to abstain from foul deeds, but from the appearance and suspicion thereof.

CHAP. XXII.

Of lawful Divorce, what the ancient Churches have thought.

NOW we shall speak about that dissolving of Matrimony which may be approv'd in the sight of God, if any grievous necessity require. In which thing the Roman Antichrists have knit many a pernicious entanglement to distressed Consciences: for that they might here also exalt themselves above God, as if they would be wiser and chastier then God himself is, for no cause, honest or necessary, will they permit a final Divorce; in the mean while Whoredoms and Adulteries, and worse things then these, not only tolerating in themselves and others, but cherishing and throwing Men headlong into these evils. For although they also disjoyn married persons from Board and Bed, that is, from all conjugal Society and Communion, and this not only for Adul-
touching Divorce.

tery, but for ill Usage, and matrimonial Duties deni'd; yet they forbid those thus parted, to joyn in Wedlock with others, but, as I said before, any dishonest associating they permit. And they pronounce the Bond of Marriage to remain between those whom they have thus separated. As if the Bond of Marriage, God so teaching and pronouncing, were not such a league as binds the married couple to all society of life, and communion in divine and humane things; and so associated keeps them. Somthing indeed out of the later Fathers they may pretend for this their Tyranny, especially out of Austin and some others, who were much tak'n with a preposterous admiration of single life; yet though these Fathers, from the words of Christ not rightly understood, taught that it was unlawful to marry again, while the former Wife liv'd, whatever cause there had bin either of Desertion or Divorce, yet if we mark the custom of the Church, and the common judgment which both in thir times and afterward prevail'd, we shall perceive that neither these Fathers did ever cast out of the Church any one for marrying after a Divorce, approv'd by the Imperial Laws.

Nor only the first Christian Emperours, but the latter also, ev'n to Justinian, and after him, did grant for certain Causes approv'd by Judges, to make a true Divorce; which made and confirm'd by Law, it might be lawful to marry again: which if it could not have bin done without displeasing Christ and his Church, surely it would not have been granted by Christian Emperours, nor had the Fathers then winkt at those doings in the Emperours. Hence ye may see that Jerom also, though zealous of single life more then enough, and such a condemnor of second Marriage, though after the death of either party, yet forc'd by plain equity, defended Fabiola, a noble Matron of Rome, who having refus'd her
Husband for just Causes, was married to another. For that the sending of a Divorce to her Husband was not blame-worthy, he affirms, because the man was hainously vitious; and that if an adulterous Wife may be discarded, an adulterous Husband is not to be kept. But that she married again, while yet her Husband was alive; he defends in that the Apostle hath said, *It is better to marry then to burn,* and that young Widows should marry, for such was Fabiola, and could not remain in Widowhood.

But some one will object that Jerom there adds, *Neither did she know the vigor of the Gospel, wherein all cause of marrying is debarr'd from Women, while their Husbands live; and again, while she avoided many wounds of Satan, she receiv'd one ere she was aware.* But let the equal Reader mind also what went before; *Because, faith he soon after the beginning, there is a rock and storm of slanderers oppos'd against her, I will not praise her converted, unless I first absolve her guilty.* For why does he call them slanderers who accus'd Fabiola of marrying again, if he did not judg it a matter of Christian Equity and Charity, to pass by and pardon that fact, though in his own opinion he held it a fault? And what can this mean? *I will not praise her, unless I first absolve her.* For how could he absolve her, but by proving that Fabiola neither in rejecting her vitious Husband, nor in marrying another, had committed such a sin, as could be justly condemn'd? Nay, he proves both by evident reason, and clear testimonies of Scripture, that she avoided sin.

This also is hence understood, that Jerom by the vigour of the Gospel, meant that height and perfection of our Saviours precept, which might be remitted to those that burn; for he adds, *But if she be accus'd in that she remain'd not unmarried, I shall confess the fault, so I may relate the necessity.* If then he
touching Divorce.

acknowledg'd a necessity, as he did, because she was young, and could not live in Widowhood, certainly he could not impute her second Marriage to her much blame: but when he excuses her out of the Word of God, does he not openly declare his thoughts, that the second Marriage of Fabiola was permitted her by the Holy Ghost himself for the necessity which he suffer'd, and to shun the danger of fornication, though she went somewhat aside from the vigour of the Gospel? But if any urge that Fabiola did public penance for her second Marriage, which was not impos'd but for great faults: 'Tis answer'd, she was not enjoyn'd to this penance, but did it of her own accord, and not till after her second Husband's Death. As in the time of Cyprian we read that many were wont to do voluntary penance for small faults, which were not liable to excommunication.

CHAP. XXIII.

That Marriage was granted by the ancient Fathers, ev'n after the Vow of single life.

I omit his Testimonies out of Cyprian, Gelasius, Epiphanius, contented only to relate what he thence collect's to the present purpose.

Some will say perhaps, Wherfore all this concerning Marriage after vow of single life, when as the question was of Marriage after Divorce? For this reason, that they whom it so much moves, because some of the Fathers thought Marriage after any kind of Divorce, to be condemn'd of our Saviour, may see that this conclusion follows not. The Fathers thought all Marriage after Divorce to be forbidd'n of our Saviour, thersfore they thought such Marriage was not to be tolerated in a Christian. For
the fame Fathers judg'd it forbidd'n to marry after vow; yet such Marriages they neither dissolv'd nor excommunicated. For these words of our Saviour, and of the holy Ghost, flood in their way; All cannot receive this saying, but they to whom it is giv'n. Every one hath his proper gift from God, one after this manner, another after that. It is better to marry then to burn. I will that younger Widows marry, and the like.

So there are many Canons and Laws extant, whereby Priests, if they married, were remov'd from their office, yet is it not read that their Marriage was dissolv'd, as the Papists now-a-days do, or that they were excommunicated, nay expressly they might communicate as Laymen. If the consideration of human infirmity, and those testimonies of divine Scripture which grant Marriage to every one that wants it, persuaded those Fathers to bear themselves so humanly toward them who had married with breach of vow to God, as they believ'd, and with Divorce of that Marriage wherein they were in a manner joyn'd to God, who doubts but that the same Fathers held the like humanity was to be afforded to those who after Divorce and Faith broken with men, as they thought, enter'd into a second Marriage? for among such are also found no less weak, and no less burning.

CHAP. XXIV.

Who of the ancient Fathers have granted Marriage after Divorce?

This is clear both by what hath bin said, and by that which Origen relates of certain Bishops in his time, Homil. 7. in Matth. I know some, faith he, which are over Churches, who without Scripture have
permitted the Wife to marry while her former Husband liv'd. And did this against Scripture, which faith, The Wife is bound to her Husband so long as she lives; and she shall be called an adulteress, if, her Husband living, she take another Man; yet did they not permit this without cause, perhaps for the infirmity of such as had not continence, they permitted evil to avoid worse. Ye see Origen and the Doctors of his Age, not without all cause, permitted Women after Divorce to marry, though their former Husbands were living; yet writes that they permitted against Scripture. But what cause could they have to do so, unless they thought our Saviour in his precepts of Divorce had so forbid'n, as willing to remit such perfection to his weaker ones, cast into danger of worse faults?

The same thought Leo, Bishop of Rome, Ep. 85. to the African Bishops of Mauritania Caesariensis, wherein complaining of a certain Priest who divorcing his Wife, or being divorc'd by her, as other copies have it, had married another, neither dissolves the Matrimony, nor excommunicates him, only unpriests him. The Fathers therefore, as we see, did not simply and wholly condemn Marriage after Divorce.

But as for me, this remitting of our Saviour's precepts, which these Ancients allow to the infirm in marrying after Vow and Divorce, I can in no ways admit; for what so ever plainly consents not with the Commandment, cannot, I am certain, be permitted, or suffer'd in any Christian: for heav'n and earth shall pass away, but not a tittle from the Commands of God among them who expect life eternal. Let us therefore consider, and weigh the words of our Lord concerning Marriage and Divorce, which he pronounc't both by himself, and by his Apostle, and let us compare them with other Oracles of God;
The words of our Lord, and of the Holy Ghost, by the Apostle Paul concerning Divorce, are explain'd. The axiom that Christ could not condemn of Adultery that which he once commanded.

BUT the words of our Lord and of the Holy Ghost, out of which Austin and some others of the Fathers think it concluded that our Saviour forbids Marriage after any Divorce, are these; Mat. 5. 31, 32. It hath bin said, &c. And Mat. 19. 7. They say unto him, why did Moses then command? &c. And Mark 10. and Luke 16. Rom. 7. 1, 2, 3. 1 Cor. 7. 10, 11. Hence therefore they conclude that all Marriage after Divorce is call'd Adultery; which to commit, being no ways to be tolerated in any Christian, they think it follows that second marriage is in no case to be permitted either to the Divorcer, or to the Divorced.

But that it may be more fully and plainly perceived what force is in this kind of reasoning, it will be the best course to lay down certain grounds whereof no Christian can doubt the truth. First, it is a wickedness to suspect that our Saviour branded that for Adultery, which himself, in his own Law which he came to fulfill and not to dissolve, did not only permit, but also command; for by him the only Mediator, was the whole Law of God giv'n. But
touching Divorce.

that by this Law of God Marriage was permitted after any divorce, is certain by *Deut.* 24. 1.

**CHAP. XXVI.**

*That God in his Law did not only grant, but also command Divorce to certain men.*

*Deut.* 24. 1. *When a man hath taken a wife, &c.*

But in *Mal.* 2. 15, 16. is read the Lord's command to put her away whom a man hates, in these words: *Take heed to your spirit, and let none deal injuriously against the wife of his youth. If he hate, let him put away, saith the Lord God of Israel. And he shall hide thy violence with his garment, that marries her divorc't by thee, saith the Lord of hosts; but take heed to your spirit, and do no injury.* By these Testimonies of the divine Law, we see that the Lord did not only permit, but also expressly and earnestly commanded his people, by whom he would that all holiness and faith of Marriage-cov'nant should be observed, that he who could not induce his mind to love his wife with a true conjugal love, might dismiss her that she might marry to another.

**CHAP. XXVII.**

*That what the Lord permitted and commanded to his ancient people concerning Divorce, belongs also to Christians.*

*Now* what the Lord permitted to his first-born people, that certainly he could not forbid to his own among the Gentiles, whom he made co-heirs and into one body with his people; nor could he ever permit, much less command ought that was not good for them, at least so us'd as he commanded. For being God, he is not chang'd as Man. Which
thing who seriously considers, how can he imagine that God would make that wicked to them that believe, and serve him under Grace, which he granted and commanded to them that serve'd him under the Law? When as the same causes require the same permission. And who that knows but humane matters, and loves the truth, will deny that many Marriages hang as ill together now, as ever they did among the Jews? So that such Marriages are liker to torments than true Marriages. As therefore the Lord doth always succor and help the oppressed, so he would ever have it provided for injur'd husbands and wives, that under pretence of the marriage-bond, they be not sold to perpetual vexations, instead of the loving and comfortable marriage-duties. And lastly, as God doth always detest hypocrisy and fraud, so neither doth he approve that among his people, that should be counted marriage, wherein none of those duties remain, wherby the league of wedlock is chiefly preserv'd. What inconsiderate neglect then of God's Law is this, that I may not call it worse, to hold that Christ our Lord would not grant the same remedies both of divorce and second marriage to the weak, or to the evil, if they will needs have it so, but especially to the innocent and wronged, whenas the same urgent causes remain as before, when the discipline of the Church and Magistrate hath try'd what may be try'd.

**CHAP. XXVIII.**

*That our Lord Christ intended not to make new Laws of Marriage and Divorce, or of any civil matters.*

Axiom 2.

It is agreed by all who determin of the Kingdom and Offices of Christ by the holy Scriptures, as all godly men ought to do, that our Saviour upon
earth took not on him either to give new Laws in civil affairs, or to change the old. But it is certain that Matrimony and Divorce are civil things. Which the Christian Emperors knowing, gave conjugal Laws, and reserv'd the administration of them to thir own Courts; which no true ancient Bishop ever condem'n'd.

Our Saviour came to preach Repentance and Remission; seeing therfore those who put away thir wives without any just cause, were not toucht with conscience of the sin, through misunderstanding of the Law, he recall'd them to a right interpretation, and taught that the woman in the beginning was so joyn'd to the man, that there should be a perpetual union both in body and spirit: where this is not, the matrimony is already broke, before there be yet any divorce made or second marriage.

CHAP. XXIX.

That it is wicked to strain the words of Christ beyond thir purpose.

This is his third Axiom, wherof there needs no explication here.

CHAP. XXX.

That all places of Scripture about the same thing are to be joyn'd, and compar'd, to avoid Contradictions. Axiom 4.

This he demonstrates at large out of sundry places in the Gospel, and principally by that precept against swearing,* which compar'd with many places of the Law and Prophets, is a flat contradiction of them all, if we follow superstitiously the letter. Then having repeated briefly his four Axioms, he thus proceeds.

* Mat. 5. 34.
These things thus preadmonish, let us enquire what the undoubted meaning is of our Saviour's words, and enquire according to the rule which is observ'd by all learned and good men in thir expostitions; that praying first to God, who is the only opener of our hearts, we may first with fear and reverence consider well the words of our Saviour touching this question. Next, that we may compare them with all other places of Scripture treating of this matter, to see how they consent with our Saviour's words, and those of his Apostle.

CHAP. XXXI.

This Chapter disputes against Austin and the Papists, who deny second marriage ev'n to them who divorce in case of Adultery; which because it is not controverted among true Protestants, but that the innocent person is easily allow'd to marry, I spare the translating.

CHAP. XXXII.

That a manifest Adulteress ought to be divorc't, and cannot lawfully be retain'd in marriage by any true Christian.

This though he prove sufficiently, yet I let pass, because this question was not handled in the Doctrin and Discipline of Divorce; to which book I bring so much of this Treatise as runs parallel.

CHAP. XXXIII.

That Adultery is to be punish'd by death.

This Chapter also I omit for the reason last alleg'd.
touching Divorce.

CHAP. XXXIV.

That it is lawful for a Wife to leav an Adulterer, and to marry another Husband.

This is generally granted, and therefore excuses me the writing out.

CHAP. XXXV.

Places in the Writings of the Apostle Paul touching Divorce explain'd.

Let us consider the answers of the Lord giv'n by the Apostle severally. Concerning the first, which is Rom. 7. 1. Know ye not, brethren, for I speak to them that know the Law, &c. Ver. 2. The woman is bound by the law to her husband so long as he liveth. Here it is certain that the Holy Ghost had no purpose to determin ought of marriage, or divorce, but only to bring an example from the common and ordinary law of Wedloc, to shew that as no covenant holds either party being dead, so now that we are not bound to the law, but to Christ our Lord, seeing that through him we are dead to sin, and to the law; and so joyn'd to Christ that we may bring forth fruit in him from a willing godliness, and not by the compulsion of law, wherby our sins are more excited, and become more violent. What therefore the holy Spirit here speaks of matrimony, cannot be extended beyond the general rule.

Besides it is manifest, that the Apostle did allege the law of Wedloc, as it was deliver'd to the Jews; for, faith he, I speak to them that know the law. They knew no law of God but that of Moses, which plainly grants divorce for several reasons. It cannot therefore be said that the Apostle cited this general
example out of the law, to abolish the several exceptions of that law, which God himself granted by giving authority to divorce.

Next, when the Apostle brings an example out of God's law concerning man and wife, it must be necessary that we understand such for man and wife, as are so indeed according to the same law of God; that is, who are so dispos'd as that they are both willing and able to perform the necessary duties of marriage; not those who under a false title of marriage, keep themselves mutually bound to injuries and disgraces; for such twain are nothing less than lawful man and wife.

The like answer is to be giv'n to all the other places both of the Gospel and the Apostle, that whatever exception may be prov'd out of God's law, be not excluded from those places. For the Spirit of God doth not condemn things formerly granted and allowed, where there is like cause and reason. Hence Ambrose upon that place, 1 Cor. 7. 15. A brother or a sister is not under bondage in such cases, thus expounds; The reverence of marriage is not due to him who abhors the author of marriage; nor is that marriage ratify'd which is without devotion to God: he sins not therefore who is put away for God's cause, though he joyn himself to another. For the dishonour of the Creator dissolves the right of matrimony to him who is deserted, that he be not accus'd, though marrying to another. The faith of wedloc is not to be kept with him who departs, that he might not hear the God of Christians to be the author of wedloc. For if Ezra caus'd the misbelieving wives and husbands to be divorc't, that God might be appeas'd, and not offended, though they took others of thir own faith, how much more shall it be free, if the misbeliever depart to marry one of our own Religion. For this is not to be counted matrimony which is against the law of God.
touching Divorce.

Two things are here to be observ’d toward the following discourse, which truth it self, and the force of Gods word hath drawn from this holy man. For those words are very large, Matrimony is not ratify’d without devotion to God. And the dishonour of the Creator dissolvus the right of matrimony. For devotion is far off, and dishonour is done to God by all who persift in any wickednes and hainous crime.

**CHAP. XXXVI.**

That although it seem in the Gospel, as if our Saviour granted Divorce only for Adultery, yet in very deed he granted it for other causes also.

Now is to be dealt with this question, Whether it be lawful to divorce and marry again for other causes besides adultery, since our Saviour express that only? To this question, if we retain our principles already laid, and must acknowledg it to be a cursed blasphemy, if we say that the words of God do contradict one another, of necessity we must confess that our Lord did grant divorce, and marriage after that, for other causes besides adultery, notwithstanding what he said in Matthew. For first, they who consider but only that place, 1 Cor. 7. which treats of believers and misbelievers matcht together, must of force confess, That our Lord granted just divorce, and second marriage in the cause of desertion, which is other than the cause of fornication. And if there be one other cause found lawful, then is it most true that divorce was granted not only for fornication.

Next, it cannot be doubted, as I shew’d before, by them to whom it is giv’n to know God and his judgments out of his own word, but that, what means of peace and safety God ever granted and ordain’d
to his elected people, the same he grants and ordains to men of all ages who have equally need of the same remedies. And who, that is but a knowing man, dares say there be not husbands and wives now to be found in such a hardness of heart, that they will not perform either conjugal affection, or any requisite duty therof, though it be most deserv'd at thir hands?

Neither can any one defer to confess, but that God whose property it is to judg the cause of them that suffer injury, hath provided for innocent and honest persons wedded, how they might free themselves by lawful means of Divorce, from the bondage and iniquity of those who are fallly term'd thir husbands or thir wives. This is cleer out of Deut. 24. 1 Malach. 2. Matth. 19. 1 Cor. 7. and out of those principles which the Scripture every where teaches, That God changes not his mind, diśents not from himself, is no accepter of persons; but allows the same remedies to all men oppreſt with the same necessities and infirmities; yea, requires that we should use them. This he will easily perceive, who conſiders these things in the Spirit of the Lord.

Lastly, it is moſt certain, that the Lord hath commanded us to obey the civil Laws every one of his own Commonwealth, if they be not againſt the Laws of God.

CHAP. XXXVII.

For what causes Divorce is permitted by the civil Law ex 1. Consenſu Codic. de repudiis.

IT is also manifest that the Law of Theodosius and Valentinian, which begins Consenſu, &c. touching Divorce, and many other decrees of pious Emperours agreeing herewith, are not contrary to the word of God; and therfore may be recall'd into use by any
touching Divorce.

Christian Prince or Commonwealth, nay ought to be with due respect had to every nation. For whatsoever is equal and just, that in every thing is to be sought and us’d by Christians. Hence it is plain that Divorce is granted by divine approbation, both to husbands and to wives, if either party can convict the other of these following offences before the Magistrate.

If the husband can prove the wife to be an Adulteress, a Witch, a Murdres, to have bought or sold to slavery any one free born, to have violated Sepulchers, committed sacrilege, favor’d theevs and robbers, desirous of feasting with strangers, the husband not knowing, or not willing, if she lodg forth without a just and probable cause, or frequent theatres and fights, he forbidding, if she be privie with those that plot against the State, or if she deal falsely, or offer blows. And if the wife can prove her husband guilty of any those forenamed crimes, and frequent the company of lewd women in her sight; or if he beat her, she had the like liberty to quit her self; with this difference, that the man after Divorce might forthwith marry again; the woman not till a year after, lest she might chance to have conceav’d.

CHAP. XXXVIII.

An exposition of those places wherein God declares the nature of holy Wedloc.

NOW to the end it may be seen that this agrees with the divine law, the first institution of Marriage is to be consider’d, and those texts in which God establish’d the joyning of male and female, and describ’d the duties of them both. When God had determin’d to make woman, and give her as a wife to man, he spake thus, Gen. 2. 18. \textit{It is not good for}
man to be alone, I will make him a help meet for him. And Adam said, but in the Spirit of God, v. 23, 24. This is now bone of my bone, and flesh of my flesh. Therefore shall a man leave his father and mother, and shall cleave to his wife, and they shall be one flesh.

To this first institution did Christ recall his own; when answering the Pharisees, he condemn’d the licence of unlawful Divorce. He taught therefore by his example, that we, according to this first institution, and what God hath spok’n therof, ought to determin what kind of cov’nant Marriage is, how to be kept, and how far; and lastly, for what causes to be dissolv’d. To which decrees of God these also are to be joyn’d, which the holy Ghost hath taught by his Apostle, that neither the Husband nor the Wife hath power of thir own body, but mutually each of eithers. That the husband shall love the wife as his own body, yea as Christ loves his Church; and that the wife ought to be subject to her husband, as the Church is to Christ.

By these things the nature of holy Wedloc is certainly known; wherof if only one be wanting in both or either party, and that either by obstinate malevolence, or too deep inbred weaknes of mind, or lastly, through incurable impotence of Body, it cannot then be said that the cov’nant of matrimony holds good between such; if we mean that cov’nant which God instituted and call’d Marriage, and that wherof only it must be understood that our Saviour said, Those whom God hath joyn’d, let no man separate.

And hence is concluded, that matrimony requires continual cohabitation and living together, unless the calling of God be otherwise evident; which union if the parties themselves disjoin either by mutual consent, or one against the others will depart, the Marriage is then brok’n. Wherin the Papists, as in other things, oppose themselves against God; while they separate for many causes from bed and board,
and yet will have the bond of matrimony remain, as if this cov’nant could be other then the conjunction and communion not only of bed and board, but of all other loving and helpful duties. This we may see in these words; *I will make him a help meet for him; bone of his bones, and flesh of his flesh: for this cause shall he leave father and mother, and cleav to his wife, and they twain shall be one flesh.* By which words who discerns not, that God requires of them both to live together, and to be united not only in body but in mind also, with such an affection as none may be dearer and more ardent among all the relations of Mankind, nor of more efficacy to the mutual offices of love, and loyalty. They must communicate and consent in all things both divine and human, which have any moment to well and happy living. The wife must honour and obey her husband, as the Church honours and obeys Christ her head. The husband must love and cherish his wife, as Christ his Church. Thus they must be to each other, if they will be true man and wife in the sight of God, whom certainly the Churches ought to follow in thir judgment. Now the proper and ultimate end of Marriage is not copulation, or children, for then there was not true matrimony between *Joseph* and *Mary* the mother of Christ, nor between many holy persons more; but the full and proper and main end of Marriage, is the communicating of all duties, both divine and human, each to other with utmost benevolence and affection.
The properties of a true and Christian Marriage more distinctly repeated.

By which definition we may know that God esteems and reckons upon these four necessary properties to be in every true Marriage. 1. That they should live together, unless the calling of God require otherwise for a time. 2. That they should love one another to the height of dearness, and that in the Lord, and in the communion of true Religion. 3. That the husband bear himself as the head and preserver of his wife, instructing her to all godliness and integrity of life; that the wife also be to her husband a help, according to her place, especially furthering him in the true worship of God, and next in all the occasions of civil life. And 4. That they defraud not each other of conjugal benevolence, as the Apostle commands, 1 Cor. 7. Hence it follows, according to the sentence of God, which all Christians ought to be rul'd by, that between those who either through obstinacy, or helpless inability, cannot or will not perform these repeated duties, between those there can be no true matrimony, nor ought they to be counted man and wife.

CHAP XL.

Whether those Crimes recited Chap. 37. out of the Civil Law, dissolv Matrimony in God's account.

Now if a husband or wife be found guilty of any those crimes, which by the Law confessu are made causes of Divorce, 'tis manifest that such a man cannot be the head and preserver of his wife, nor such a woman be a meet help to her hus-

The Judgment of Martin Bucer
touching Divorce.

band, as the divine Law in true Wedloc requires; for these faults are punish'd either by death, or deportation, or extremn infamy, which are directly opposite to the cov'nant of Marriage. If they deserve death, as Adultery and the like, doubtless God would not that any should live in Wedloc with them whom he would not have to live at all. Or if it be not death, but the incurring of notorious infamy, certain it is neither just, nor expedient, nor meet that an honest man should be coupled with an infamous woman, nor an honest matron with an infamous man. The wife Roman Princes had so great regard to the equal honour of either wedded person, that they counted those Marriages of no force which were made between the one of good repute, and the other of evil note. How much more will all honest regard of Christian expedience and comlines be seem and concern those who are set free and dignify'd in Christ, then it could the Roman Senate, or their sons, for whom that Law was provided?

And this all godly men will soon apprehend, that he who ought to be the head and preserver not only of his wife, but also of his children and family, as Christ is of his Church, had need be one of honest name: so likewise the wife, which is to be the meet help of an honest and good man, the mother of an honest off-spring and family. The glory of the man, ev'n as the man is the glory of Christ, should not be tainted with ignominy; as neither of them can avoid to be, having bin justly appeacht of those forenamed crimes; and therefore cannot be worthy to hold thir place in a Christian family: yea they themselves turn out themselves and dissolv that holy covenant. And they who are true brethren and sisters in the Lord, are no more in bondage to such violaters of Marriage.

But heer the patrons of wickedness and dissolvers
of Christian discipline will object, that it is the part of man and wife to bear one another's cross, whether in calamity, or infamy, that they might gain each other, if not to a good name, yet to repentance and amendment. But they who thus object, seek the impunity of wickedness, and the favour of wicked men, not the duties of true charity; which prefers public honesty before private interest, and had rather the remedies of wholesome punishment appointed by God should be in use, then that by remission, the licence of evil doing should increase. For if they who by committing such offences, have made void the holy knot of Marriage, be capable of repentance, they will be sooner mov'd when due punishment is executed on them, then when it is remitted.

We must ever beware, lest in contriving what will be best for the souls health of Delinquents, we make our selves wiser and discreet than God. He that religiously weighs his Oracles concerning Marriage, cannot doubt that they who have committed the foresaid transgressions, have lost the right of Matrimony, and are unworthy to hold thir dignity in an honest and Christian family.

But if any husband or wife see such signs of repentance in thir transgressor, as that they doubt not to regain them by continuing with them, and partaking of thir miseries and attainitures, they may be left to thir own hopes, and thir own mind, saving ever the right of Church and Commonwealth, that it receive no scandal by the neglect of due severity, and thir children no harm by this invitation to licencen, and want of good education.

From all these considerations, if they be thought on, as in the presence of God, and out of his word, any one may perceav, who desires to determine of these things by the Scripture, that those causes of lawful divorce, which the most religious Emperors
Theodosius and Valentinian set forth in the forecited place, are according to the law of God, and the prime institution of Marriage. And were still more and more straitn’d, as the Church and State of the Empire still more and more corrupted and degenerated. Therfore pious Princes and Commonwealths both may and ought eestablish them again, if they have a mind to restore the honour, sanctity, and religion of holy wedloc to thir people, and disentangle many consciences from a miserable and perilous condition, to a chaste and honest life.

To those recited causes wherfore a wife might send a divorce to her husband, Justinian added four more, Const. 117. And four more, for which a man might put away his wife. Three other causes were added in the Code de repudiis, l. Jubemus. All which causes are so clearly contrary to the first intent of marriage, that they plainly dissolv it. I set them not down, being easie to be found in the body of the civil Law.

It was permitted also by Christian Emperors, that they who would divorce by mutual consent, might without impediment. Or if there were any difficulty at all in it, the law expresses the reason, that it was only in favour of the children; so that if there were none, the law of those godly Emperors made no other difficulty of a divorce by consent. Or if any were minded without consent of the other to divorce, and without those causes which have been nam’d, the Christian Emperors laid no other punishment upon them, then that the Husband wrongfully divorcing his Wife, should give back her dowry, and the use of that which was call’d Donatio propter nuptias; or if there were no dowry nor no donation, that he should then give her the fourth part of his goods. The like penalty was inflicted on the wife departing without just cause. But that they who were once married, should be
compell'd to remain so ever against thir wills, was not exacted. Wherein those pious Princes follow'd the Law of God in Deut. 24. 1. and his express charge by the Prophet Malachy to dismiss from him the wife whom he hates. For God never meant in marriage to give to man a perpetual torment instead of a meet help. Neither can God approve that to the violation of this holy league (which is violated as soon as true affection ceases and is lost) should be added murder, which is already committed by either of them who resolutely hates the other, as I shew'd out of 1 John 15. Whoso hateth his brother, is a murderer.

CHAP. XLI.

Whether the Husband or Wife deserted may marry to another.

The wives desertion of her husband the Christian Emperors plainly decreed to be a just cause of divorce, whenas they granted him the right therof, if she had but lain out one night against his will without probable cause. But of the man deserting his wife they did not so determin: Yet if we look into the word of God, we shall find, that he who though but for a year without just cause forsakes his wife, and neither provides for her maintenance, nor signifies his purpose of returning, and good will towards her, whenas he may, hath forfeited his right in her so forsak'n. For the Spirit of God speaks plainly, that both man and wife hath such power over one anothers person, as that they cannot deprive each other of living together, but by consent, and for a time.

Hither may be added that the holy Spirit grants desertion to be a cause of Divorce, in those answers giv'n to the Corinthians concerning a brother or sister
touching Divorce.

deferted by a mis-beleever. *If he depart, let him de-
part, a brother or a sister is not under bondage in such
cases.* In which words, who sees not that the Holy
Ghost openly pronounc't, that the party without
cause deferted, is not bound for anothers wilful de-
sertion?

But som will say, that this is spok'n of a mis-be-
leever departing. But I beseech ye, doth not he
reject the faith of Christ in his deeds, who rashly
breaks the holy Covnant of Wedloc instituted by
God? and besides this the holy Spirit does not make
the mis-beleeving of him who departs, but the de-
parting of him who mis-beleevs, to be the just cause
of freedom to the brother or sister.

Since therfore it will be agreed among Christians,
that they who depart from Wedloc without just cause,
do not only deny the faith of matrimony, but of
Christ also, what ever they profess with their mouths,
it is but reason to conclude, that the party deferted
is not bound in case of causless desertion, but that he
may lawfully seek another confort, if it be needful
to him, toward a pure and blameles conversation.

**CHAP. XLII.**

*That impotence of Body, Leprosie, Madnes, &c. are just
causes of Divorce.*

Of this, because it was not disputed in the doc-
trin and disciplin of Divorce, him that would
know furder I commend to the Latin original.
That to grant Divorce for all the causes which have bin hitherto brought, disagrees not from the words of Chrift naming only the cause of Adultery.

Now we must see how these things can stand with the words of our Saviour, who seems directly to forbid all Divorce except it be for Adultery. To the understanding wherof, we must ever remember this: That in the words of our Saviour there can be no contrariety: That his words and answers are not to be stretched beyond the question propos'd: That our Saviour did not there purpose to treat of all the causes for which it might be lawful to divorce and marry again; for then that in the Corinthians of marrying again without guilt of adultery could not be added. That it is not good for that man to be alone, who hath not the special gift from above. That it is good for every such one to be married, that he may shun Fornication.

With regard to these principles, let us see what our Lord answer'd to the tempting Pharifees about Divorce, and second Marriage, and how far his answer doth extend.

First, no man who is not very contentious will deny that the Pharifees askt our Lord whether it were lawful to put away such a wife, as was truly, and according to Gods law, to be counted a wife; that is, such a one as would dwell with her husband, and both would and could perform the necessary duties of Wedloc tolerably. But she who will not dwell with her husband, is not put away by him, but goes of her self: and she who denies to be a meet help, or to be so hath made her self unfit by open misdemeanours, or through incurable impo-
tencies cannot be able, is not by the Law of God to be esteem'd a wife; as hath bin shewn both from the first institution, and other places of Scripture. Neither certainly would the Pharisees propound a question concerning such an unconjugal wife; for thir depravation of the Law had brought them to that pass, as to think a man had right to put away his wife for any cause, though never so slight. Since therfore it is manifest that Christ answer'd the Pharisees concerning a fit and meet Wife according to the Law of God, whom he forbid to divorce for any cause but Fornication: Who sees not that it is a wickedness so to wrest and extend that answer of his, as if it forbad to divorce her who hath already forsak'n, or hath loft the place and dignity of a Wife by deserved infamy, or hath undertak'n to be that which she hath not natural ability to be?

This truth is so powerful, that it hath mov'd the Papists to grant thir kind of Divorce for other causes besides adultery, as for ill usage, and the not performing of conjugal duty; and to separate from bed and board for these causes, which is as much Divorce, as they grant for Adultery.

But som perhaps will object, that though it be yielded that our Lord granted Divorce not only for Adultery, yet it is not certain that he permitted Marriage after Divorce, unless for that only cause. I answer, first, That the sentence of Divorce, and second Marriage, is one and the same. So that when the right of Divorce is evinc'd to belong not only to the cause of Fornication, the power of second Marriage is also prov'd to be not limited to that cause only; and that most evidently, when as the Holy Ghost, 1 Cor. 7. so frees the deserted party from Bondage, as that he may not only send a just Divorce in case of Desertion, but may seek another Marriage.
Lastly, Seeing God will not that any should live in danger of Fornication and utter ruin for the default of another, and hath commanded the Husband to send away with a Bill of Divorce her whom he could not love; it is impossible that the charge of Adultery should belong to him who for lawful causes divorces and marries, or to her who marries after she hath bin unjustly rejected, or to him who receives her without all fraud to the former wedloc. For this were a horrid blasphemy against God, so to interpret his words, as to make him different from himself; for who sees not a flat contradiction in this, to enthrall blameless men and women to miseries and injuries, under a false and soothing title of Marriage, and yet to declare by his Apostle that a brother or sister is not under bondage in such cases? No less do these two things conflict with themselves, to enforce the innocent and faultless to endure the pain and misery of another's perversites, or else to live in unavoidable temptation; and to affirm elsewhere that he lays on no man the burden of another's sin, nor doth constrain any man to the endangering of his soul.

CHAP. XLIV.

That to those also who are justly divorc'd, second Marriage ought to be permitted.

This although it be well prov'd, yet because it concerns only the Offender, I leave him to search out his own Charter himself in the Author.
touching Divorce.

CHAP. XLV.

That some persons are so ordain'd to Marriage, as that they cannot obtain the gift of Continence, no not by earnest Prayer; and that therein every one is to be left to his own judgment and conscience, and not to have a burden laid upon him by any other.

CHAP. XLVI.

The Words of the Apostle concerning the praise of single life unfolded.

These two Chapters not so immediatly debating the right of Divorce, I chose rather not to insert.

CHAP. XLVII.

The Conclusion of this Treatise.

These things, most renowned King, I have brought together, both to explain for what causes the unhappy, but somtimes most necessary help of Divorce ought to be granted, according to God's Word, by Princes and Rulers: as also to explain how the words of Christ do consent with such a grant. I have bin large indeed both in handling those Oracles of God, and in laying down those certain principles, which he who will know what the mind of God is in this matter, must ever think on and remember. But if we consider what mist and obscurity hath bin pour'd out by Antichrist upon this question, and how deep this pernicious contempt of Wedloc, and admiration of single life, ev'n in those who are not call'd therto, hath funk into many mens
persuasions, I fear left all that hath bin said, be hardly enough to persuade such that they would cease at length to make themselves wiser and holier than God himself, in being so severe to grant lawful Marriage, and so easy to connive at all, not only whoredoms, but deflowerings, and adulteries. When as among the people of God, no whordom was to be tolerated.

Our Lord Jesus Christ, who came to destroy the works of Satan, send down his Spirit upon all Christians, and principally upon Christian Governours both in Church and Commonwealth (for of the clear judgment of your Royal Majesty I nothing doubt, revolving the Scripture so often as ye do) that they may acknowledg how much they provoke the anger of God against us, when as all kind of unchaftity is tolerated, fornications and adulteries winkt at: But holy and honourable Wedloc is oft withheld by the meer persuafoion of Antichrift, from such as without this remedy, cannot preserve themselves from damnation! For none who hath but a spark of honesty will deny that Princes and States ought to use diligence toward the maintaining of pure and honest life among all men, without which all Justice, all fear of God, and true Religion decays.

And who knows not that chastity and purenes of life can never be restor'd, or continu'd in the Common-wealth, unless it be first establisht in private houses, from whence the whole breed of men is to come forth? To effect this, no wise man can doubt that it is necessary for Princes and Magistrates first with severity to punish Whordom and Adultery; next to see that Marriages be lawfully contracted, and in the Lord, then that they be faithfully kept; and lastly, when that unhappines urges, that they be lawfully dissolv'd, and other Marriage granted, according as the law of God, and of nature, and Constitutions of pious Princes have decreed; as I have
touching Divorce.

341

shewn both by evident authorities of Scripture, togeth-er with the writings of the ancient Fathers, and other testimonies. Only the Lord grant that we may learn to prefer his ever just and saving Word, before the Comments of Antichrist, too deeply rooted in many, and the false and blasphemous exposition of our Saviour's words. Amen.

A Postscript.

Thus far Martin Bucer: Whom where I might without injury to either part of the cause, I deny not to have epitomiz'd; in the rest observing a well-warranted rule, not to give an Inventory of so many words, but to weigh thir force. I could have added that eloquent and right Christian discours, writ'n by Erasimus on this Argument, not disagree-ing in effect from Bucer. But this, I hope, will be anough to excuse me with the meer Englishman, to be no forger of new and loose opinions. Others may read him in his own phrase on the first to the Corinthians, and ease me who never could delight in long citations, much less in whole tradudions; Whether it be natural disposition or education in me, or that my mother bore me a speaker of what God made mine own, and not a translator. There be others also whom I could reck'n up, of no mean account in the Church (and Peter Martyr among the first) who are more then half our own in this controversy. But this is a providence not to be slighted, that as Bucer wrote this tractat of Divorce in England and for England, so Erasimus professes he begun here among us the same subject, especially out of compassion, for the need he saw this Nation had of some charitable redress herin; and seriofly exhorts others to use thir beft industry in the clear-
ing of this point, wherein custom hath a greater sway then verity. That therfore which came into the mind of these two admired strangers to do for England, and in a touch of highest prudence which they took to be not yet recover'd from monastic superstition, if I a native am found to have done for mine own Country, altogether suitably and conformly to thir so large and clear understanding, yet without the least help of thirs, I suppose that hence-forward among conscionable and judicious persons, it will no more be thought to my discredit, or at all to this Nations dishonour. And if these thir Books, the one shall be printed often with best allowance in most religious Cities, the other with express authority of Leo the tenth a Pope, shall for the propagating of truth be publisht and republisht, though against the receiv'd opinion of that Church, and mine containing but the same thing, shall in a time of reformation, a time of free speaking, free writing, not find a permission to the Presb; I refer me to wisest men, whether truth be suffer'd to be truth, or liberty to be liberty now among us, and be not again in danger of new fetters and captivity after all our hopes and labours loft: and whether Learning be not (which our enemies too profetically fear'd) in the way to be trodd'n down again by ignorance. Wherof while time is, out of the faith owing to God and my Country, I bid this Kingdom beware; and doubt not but God who hath dignify'd this Parliament already to so many glorious degrees, will also give them (which is a singular blessing) to inform themselves rightly in the midst of an unprincipil'd age; and to prevent this working mystery of ignorance and ecclesiastical thraldom, which under new shapes and disguises begins afresh to grow upon us.
Colafterion:

A Reply to a Nameles Answer against the

_Doctrine and Discipline of Divorce._

Wherein the trivial Author of that Answer is discovered, the Licencer conferr'd with, and the Opinion which they traduce defended.

_Prov. 26. 5._

_Answer a Fool according to his folly, left hee bee wise in his own conceit._

After many rumors of confutations and convictions forth comming against _The Doctrine and Discipline of Divorce_, and now and then a by-blow from the Pulpit, featherd with a censure strict indeed, but how true, more beholding to the authority of that devout place which it borrowd to bee uttered in, then to any found reason which it could oracle, while I still hop'd as for a blessing to see som piece of diligence, or lerned discretion come from them, it was my hap at length lighting on a certain parcel of _Queries_, that seek and finde not, to finde not seeking, at the taile of _Anabaptistical, Antinomian, Heretical, Atheistical_ epithets, a jolly flander, call'd _Divorce at pleasure:_ I stood a while and wonder'd, what wee might doe to a mans heart, or what anatomie use, to finde in it sincerity; for all our wonted marks every day fail
us, and where wee thought it was, wee see it is not, for alter and change residence it cannot sure. And yet I see no good of body or of minde secure to a man for all his past labours without perpetual watchfullnes, and perseverance. When as one above others who hath suffer'd much and long in the defence of Truth, shall after all this, give her cause to leav him so destitute and so vacant of her defence, as to yeild his mouth to bee the common road of Truth and Falshood, and such falshood as is joyn'd with the rash and heedles calumny of his neighbour. For what book hath hee ever met with, as his complaint is, Printed in the City, maintaining either in the title, or in the whole perfuance, Divorce at pleasure? 'Tis true, that to divorce upon extreme necessitie, when through the perversnes, or the apparent unfitnes of either, the continuance can bee to both no good at all, but an intolerable injury and temptation to the wronged and the defrauded, to divorce then, there is a book that writes it lawfull. And that this Law is a pure and wholsom national Law, not to be witheld from good men, because others likely enouh may abuse it to thir pleasure, can not bee charg'd upon that book, but must bee enterd a bold and impious accusation against God himself; who did not for this abuse withhold it from his own people. It will bee just therafore, and best for the reputation of him who in his Subitanes hath thus cenfur'd, to recall his sentence. And if, out of the abundance of his volumes, and the readiness of his quill, and the vastness of his other imploiments, especially in the great audit for accounts, hee can spare us ought to the better understanding of this point, hee shall bee thankt in public, and what hath offended in the book, shall willingly submitt to his correction. Provided he bee sure not to come with those old and stale suppositions, unlees hee can take away cleerly what that
discours hath urg’d against them, by one who will expect other arguments to bee perswaded the good health of a sound answer, then the gout and dropsy of a big margent, litter’d and overlaid with crude and hudd’d quotations. But as I still was waiting, when these light arm’d refuters would have don pelting at thir three lines utterd with a fage delivery of no reason, but an impotent and wors then Bonner-like censure to burn that which provokes them to a fair dispute, at length a book was brought to my hands, entitl’d An Answer to the Doctrine and Discipline of Divorce. Gladly I receiv’d it, and very attentively compos’d my self to read; hoping that now som good man had voutfaft the pains to instruct mee better, then I could yet learn out of all the volumes which for this purpos I had visited. Only this I marvel’d, and other men have since, when as I, in a Subject so new to this age, and so hazardous to please, conceal’d not my name, why this Author defending that part which is so creeded by the people, would conceal his? But ere I could enter three leaves into the Pamflet, (for I deferr the peasantly rudenes, which by the Licencers leav, I met with afterwards) my satisfaction came in abundantly, that it could bee nothing why hee durft not name himself, but the guilt of his own wretchednes. For first, not to speak of his abrupt and bald beginning, his very first page notoriously bewraies him an illiterat, and arrogant presumer in that which hee understands not; bearing us in hand as if hee knew both Greek and Ebrew, and is not able to spell it; which had hee bin, it had bin either writ’n as it ought, or scor’d upon the Printer. If it bee excus’d as the careulesnes of his deputy, bee it known, the lerned Author himself is inventoried, and summ’d up, to the utmoft value of his Livery cloak. Who ever hee bee, though this to som may seem a slight con-
test, I shall yet continue to think that man full of other secret injustice, and deceitfull pride, who shall offer in public to assume the skill, though it bee but of a tongue which hee hath not, and would catch his readers to beleive of his ability, that which is not in him. The Licencer indeed, as his authority now stands, may licence much; but if these Greek Orthographies were of his licencing; the boyes at School might reck'n with him at his Grammar. Nor did I finde this his want of the pretended Languages alone, but accompanied with such a low and home-spun expression of his Mother English all along, without joynt or frame, as made mee, ere I knew furder of him, often stop, and conclude, that this Author could for certain bee no other then som mechanic. Nor was the ftile flat and rude, and the matter grave and solid, for then ther had bin pardon, but so shallow and so unwary was that also, as gave sufficiently the character of a gros and sluggisfh, yet a contentious and overweening pretender. For firft, it behooving him to shew, as hee promises, what divorce is, and what the true doctrine and Discipline therof, and this beeing to doe by such principles and prooffs as are receav'd on both sides, hee performs neither of these; but shews it firft from the Judai- cal practice, which hee himself disallows, and next from the practice of Canon Law, which the Book hee would confute, utterly rejects, and all Laws depending theron; which this puny Clark calls The Laws of England, and yet pronounces them by an Ecclesiastical judge: as if that were to be accounted the Law of England, which depended on the Popery of England; or if it were, this Parlament hee might know hath now damn'd that judicature. So that whether his meaning were to inform his own party, or to confute his adverfary, instead of shewing us the true Doctrin and Discipline of Divorce, hee shews
us nothing but his own contemptible ignorance. For what is the Mosaic Law to his opinion, and what is the Canon utterly now antiquated, either to that or to mine? Yee see already what a faithfull definer we have. From such a wind-egg of definition as this, they who expect any of his other arguments to bee well hatcht, let them enjoy the vertu of their worthy Champion. But one thing more I observ'd, a singular note of his stupidity, and that his Trade is not to meddle with Books, much less with Confutations. When as the Doctrin of Divorce had now a whole year bin publishd the second time, with many Arguments added, and the former ones better'd and confirm'd, this idle pamflet comes reeling forth against the first Edition only; as may appear to any by the pages quoted. Which put me in minde of what by chance I had notice of to this purpos the last Summer, as nothing so serious, but happens oft times to bee attended with a ridiculous accident, it was then told mee that the Doctrin of divorce was answerd, and the answr half printed against the first Edition; not by one, but by a pack of heads; of whom the cheif, by circumstance, was intimated to mee, and since ratif'd to bee no other, if any can hold laughter, and I am sure none will guess him lower, then an actual Serving-man. This creature, for the Story muft on, (and what though hee bee the lowest person of an interlude, hee may deserv a canvasing,) transplanted himself, and to the improvement of his wages, and your better notice of his capacity, turn'd Solliciter. And having convers'd much with a stripling Divine or two of those newly fledge Probationers, that usually come scouting from the University, and ly heer no lame legers to pop into the Bethesda of som Knights Chaplainship, where they bring grace to his good cheer, but no peace or benediction els to his house; these made the
Colafterion.

Champarty, hee contributed the Law, and both joynd in the Divinity. Which made mee intend, following the advice also of freinds, to lay aside the thought of mis-spending a Reply to the buzze of such a Drones neft. But finding that it lay, what ever was the matter, half a year after unfinisht in the press, and hearing for certain that a Divine of note, out of his good will to the opinion, had takn it into his re-vise, and somthing had put out, somthing put in, and stuck it heer and there with a clove of his own Calligraphy, to keep it from tainting, and furder when I saw the stuff; though very cours and thred-bare, garnisht and trimly fac’t, with the commendations of a Licencer, I resolv’d, so soon as leisure granted mee the recreation, that my man of Law shoul not altogether loose his soliciting. Although I impute a share of the making to him whose name I find in the approbation, who may take, as his mind servs him, this Reply. In the mean while it shall bee seen, I refuse no occasion, and avoid no adver-sary, either to maintane what I have begun, or to give it up for better reasen.

To begin then with the Licencer and his censure. For a Licencer is not contented now to give his single Imprimatur, but brings his chair into the Title leaf; there fits and judges up or judges down what book hee pleases; if this bee suffer’d, what worthles Author, or what cunning Printer will not bee ambitious of such a Stale to put off the heaviest gear; which may in time bring in round fees to the Licencer, and wretched mis-leading to the People. But to the matter: he approves the publishing of this Book, to preserv the strength and honour of Mariage against those sad breaches and dangerous abuses of it. Belike then the wrongfull suffering of all those sad breaches and abuses in Mariage to a remediless thraldom, is
the strength and honour of Mariage; a boisterous and beastial strength, a dis-honourable honour, an infatuated Doctrine, wors then the *salvo jure* of tyrannizing, which wee all fight against. Next hee faith that common discontents make these breaches in unsettled minds, and men given to change. His words may be apprehended, as if they disallow’d only to divorce for common discontents in unsettled minds, having no cause, but a desire of change, and then wee agree. But if hee take all discontents on this side adultery, to bee common, that is to say, not difficult to endure, and to affect only unsettled minds, it might administer just cause to think him the unsittest man that could bee, to offer at a comment upon *Job*; as seeming by this to have no more true sense of a good man in his afflictions, then those Edomitish Freinds had, of whom *Job* complains, and against whom God testifies his anger. Shall a man of your own coat, who hath espous’d his flock; and represents Christ more, in being the true husband of his Congregation, then an ordinary man doth in being the husband of his wife, and yet this representment is thought a chief cause why Marigage must bee inseparable, shall this spiritual man ordinarily for the increase of his maintenance, or any slight cause forsake that wedded cure of souls, that should bee dearest to him, and marry another, and another, and shall not a person wrongfully afflicted, and persecuted even to extremity, forsake an unfit, injurious, and pestilent mate, ty’d only by a civil and fleshly covenant? If you bee a man so much hating change, hate that other change; if your self bee not guilty, counsel your brethren to hate it; and leav to bee the supercilious judge of other mens miseries and changes, that your own bee not juge’d. The reasons of your licent pamflet, you say are good; they must bee better then your own then.
Colasterion.

wonder els how such a trivial fellow was accepted and commended, to bee the confuter of so dangerous an opinion as yee give out mine.

Now therfore to your Atturney, since no worthier an adversary makes his appearance, nor this neither his appearance, but lurking under the safety of his nameles obscurity: such as yee turn him forth at the Postern, I must accept him; and in a better temper then Ajax, doe mean to scourge this Ramme for yee, till I meet with his Ulysses.

Hee begins with Law, and wee have it of him as good cheap, as any hucifter at Law, newly set up, can possibly afford, and as impertinent; but for that hee hath receiv’d his hanfels. Hee presumes also to cite the Civil Law, which, I perceav by his citing never came within his dormitory, yet what hee cites makes but against himself.

His second thing therfore is to refute the adverse position, and very methodically, three pages before hee sets it down; and sets his own in the place, that disagreement of minde or disposition, though shewing it self in much sharpnes is not by the Law of God, or man, a just cause of divorce.

To this position I answer, that it lays no battery against mine, no, nor so much as faces it, but tacks about, long ere it come neer, like a harmles and respectfull confutement. For I confess that disagreement of minde or disposition, though in much sharpnes, is not alwaies a just caufe of divorce; for much may bee endur’d. But what if the sharpnes bee much more then his much? To that point it is our mif-hap wee have not heer his grave decision. Hee that will contradict the positive which I alleg’d, must hold that no disagreement of minde, or disposition, can divorce, though shewn in most sharpnes; otherwise hee leaves a place for equity to appoint limits,
and so his following arguments will either not prove his own position, or not disprove mine.

His first Argument, all but what hobbles to no purpos is this. *When the Scripture commands a thing to bee done, it appoints when, how, and for what, as in the case of death or excommunication. But the Scripture directs not what measure of disagreement or contrariety may divorce; Therefore, the Scripture allows not any divorce for disagreement.*

*Answer; First I deny your major, the Scripture appoints many things, and yet leaves the circumstance to mans discretion, particularly, in your own examples; Excommunication is not taught when, and for what to bee, but left to the Church. How could the Licencer let pass this childish ignorance and call it good. Next, in matter of death, the Laws of England, wherof you have intruded to bee an opinionastrous Sub-advocate, and are bound to defend them, conceive it not enjoyn'd in Scripture, when or for what cause they shall put to death, as in adultery, theft, and the like; your minor also is fals, for the Scripture plainly sets down for what measure of disagreement a man may divorce, Deut. 24. 1. learn better what that phrase means, if she finde no favour in his eyes.*

Your second Argument, without more tedious fumbling is briefly thus. *If diversity in Religion, which breeds a greater dislike then any natural disagreement may not cause a divorce, then may not the lesser disagreement: but diversity of Religion may not; Ergo.*

*Answer, First, I deny in the major, that diversity of Religion, breeds a greater dislike to marriage duties, then natural disagreement. For between Israelite, or Christian and Infidel more often hath bin seen too much love: but between them who perpe-
tually clash in natural contrarieties, it is repugnant that there should bee ever any married love or concord.

Next, I deny your minor, that it is commanded not to divorce in diversity of Religion, if the Infidel will stay: for that place in St. Paul, commands nothing, as that book at large affirm'd, though you over-skipped it.

Secondly, if it doe command, it is but with condition, that the Infidel bee content, and well pleas'd to stay, which cuts off the supposal of any great hatred or disquiet between them; seeing the Infidel had liberty to depart at pleasure; and so this comparison avails nothing.

Your third Argument is from Deut. 22. If a man hate his wife, and raise an ill report, that hee found her no virgin, if this were fals, he might not put her away, though hated never so much.

Answer, This was a malicious hatred bent against her life, or to send her out of dores without her portion. Such a hater looses by due punishment that privilege, Deut. 24. 1. to divorce for a natural dislike, which though it could not love conjugally, yet sent away civilly, and with just conditions. But doubtless the Wife in that former case had liberty to depart from her fals accuser, lest his hatred should prove mortal; else that Law peculiarly made to right the woman, had turn'd to her greatest mischief.

Your fourth Argument, One Christian ought to bear the infirmities of another, but chiefly of his Wife.

Answer, I grant, infirmities, but not outrages, not perpetual defrauds of truest conjugal society, not injuries and vexations as importunat as fire. Yet to endure very much, might doe well an exhortation, but not a compulsive Law. For the Spirit of God himselfe by Solomon declares that such a confort the earth cannot bear, and better dwell in a corner on the house top, or in the Wildernes. Burdens may bee born, but still with consideration to the strength of
an honest man complaining. Charity indeed bids us forgive our enemies, yet doth not force us to continue friendship and familiarity with those friends who have bin fals or unworthy toward us; but is contented in our peace with them, at a fair distance. Charity commands not the husband to receav again into his bosom the adulterous Wife, but thinks it anough, if hee dismis her with a beneficent and peacefull dismifion. No more doth Charity command, nor can her rule compell, to retain in neerest union of wedloc, one whose other grossest faults, or disabilies to perform what was covnanted, are the just causes of as much greevance and dissention in a Family, as the private act of adultery. Let not therefore under the name of fulfilling Charity, such an unmercifull, and more than legal yoke, bee padlockt upon the neck of any Christian.

Your fifth Argument, if the husband ought love his Wife, as Christ his Church, then ought shee not to bee put away for contrariety of minde.

Answer, This similitude turns against him. For if the husband must bee as Christ to the Wife, then must the wife bee as the Church to her husband. If ther bee a perpetual contrariety of minde in the Church toward Christ, Christ himselfe threat'ns to divorce such a Spouse, and hath often don it. If they urge, this was no true Church, I urge again, that was no true Wife.

His sixth Argument is from the 5 of Matthew 32, which hee expounds after the old fashion, and never takes notice of what I brought against that expostition; Let him threfore seek his answer there. Yet can hee not leav this Argument, but hee must needs first shew us a curvett of his madnes, holding out an objection, and running himself upon the point. For, faith hee, if Christ except no cause but adultery, then all other causes as frigidity, incestuous mariage, &c. are
no causes of divorce; and answers that the speech of Christ holds universally, as hee intended it namely to condemn such divorce, as was groundlesly practiz'd among the Jews, for every cause which they thought sufficient; not checking the law of consanguinities or affinities, or forbidding other cause which makes marriage void, Ipso facto.

Answ. Look to it now you be not found taking fees on both sides, for if you once bring limitations to the universal words of Christ, another will doe as much with as good authority, and affirm, that neither did hee check the Law, Deut. 24. 1. nor forbid the causes that make marriage void actually; which if any thing in the world doth, unfitnes doth, and contrariety of minde; yea, more then adultery, for that makes not the marriage void, nor much more unfit, but for the time, if the offended party forgive; but unfitnes and contrariety frustrates and nullifies for ever, unless it bee a rare chance, all the good and peace of wedded conversaion; and leaves nothing between them enjoyable, but a prone and savage necessity, not worth the name of marriage, unaccompanied with love. Thus much his own objection hath don against himself.

Argu. 7. Hee insists, that man and wife are one flesh, therefore must not separate. But must bee sent to look again upon the 35. pag. of that book, where hee might have read an answer, which hee stirrs not. Yet can hee not abstain, but hee must doeus another pleasure ere hee goes; Although I call the Common Pleas to witness, I have not hir'd his tongue, whatever men may think by his arguing. For besides adultery, hee excepts other causes which dissolv the union of being one flesh, either directly, or by consequence. If only adultery bee excepted by our Saviour, and hee voluntarily can adde other exceptions that dissolv that union both directly and by consequence,
these words of Christ, the main obstacle of divorce, are open to us by his own invitation to include what ever causes dissolve that union of flesh, either directly or by consequence. Which, till hee name other causes more likely, I affirm to bee don sooneft by unfitness and contrariety of minde. For that induces hatred, which is the greatest dissolver, both of spiritual and corporal union, turning the minde and consequently the body to other objects. Thus our doubty adversary, either directly, or by consequence yeilds us the question with his own mouth, and the next thing hee does, recants it again.

His eighth Argument shivers in the uttering, and hee confesses to bee not over confident of it, but of the rest it may bee sworn hee is. St. Paul 1. Cor. 7. faith, that the married have trouble in the flesh, therefore wee must bear it, though never so intolerable.

I Answer, if this bee a true consequence, why are not all troubles to bee born alike? why are wee suffer’d to divorce adulteries, desertions, or frigidities? Who knows not that trouble and affliction is the decree of God upon every state of life? follows it therefore, that though they grow excessive, and insupportable, wee must not avoid them? if wee may in all other conditions, and not in mariage, the doom of our suffering ties us not by the trouble, but by the bond of mariage; and that must bee prov’d inseparable from other reasons, not from this place. And his own confession declares the weaknes of this Argument, yet his ungovern’d arrogance could not bee disswaded from venting it.

His ninth Argument is, That a husband must love his wife as himself, therefore hee may not divorce for any disagreement, no more then hee may separat his soul from his body.

I Answer, if hee love his wife as himself, hee must love her so farre as hee may preserv himself to her
in a cherfull and comfortable manner, and not so as to ruin himself by anguish and sorrow, without any benefit to her. Next, if the husband must love his wife as himself, shee must bee understood a wife in som reasonable measure, willing, and sufficient to perform the cheif duties of her Covnant, els by the hold of this argument, it would bee his great fin to divorce either for adultery, or desertion. The rest of this will run circuit with the union of one flesh, which was anwer'd before. And that to divorce a relative and _Metaphorical_ union of two bodies into one flesh, cannot bee likn'd in all things to the dividing of that natural union of soul and body into one person, is apparent of it self.

His laft Argument hee fetches _from the inconve-niences that would follow upon this freedom of divorce, to the corrupting of mens mindes, and the overturning of all human society._

But for mee, let God and _Moses_ answer this blasphemer, who dares bring in such a soul endightment against the divine Law. Why did God permit this to his people the Jewes, but that the right and good which came directly therby, was more in his esteem, then the wrong and evil which came by accident. And for those weak supposes of Infants that would be left in their mothers belly, (which must needs bee good news for Chamber-maids, to hear a Serv-ing-man grown so provident for great bellies) and portions, and joyntures likely to incurr imbezlement hearby, the ancient civil Law instructs us plentifully how to award, which our profound opposite knew not, for it was not in his Tenures.

His Arguments are spun, now follows the Chap-lain with his Antiquities, wiser if hee had refrain'd, for his very touching ought that is lerned; foiles it, and lays him still more and more open a conspicuous gull. There beeing both Fathers and Councils
more ancient, wherewith to have serv'd his purpos better then with what hee cites, how may we doe to know the suttle drift that mov'd him to begin firft with the twelfth Counsell of Toledo? I would not undervalue the depth of his notion, but perhaps he had heard that the men of Toledo had store of good blade-mettle, and were excellent at cuttling; who can tell but it might bee the reach of his policy, that these able men of decision, would doe best to have the prime stroke among his testimonies in deciding this cause. But all this craft avails him not; for seeing they allow no cause of divorce but fornication, what doe these keen Doctors heer but cut him over the sinews with thir Toledo's, for holding in the precedent page other causes of divorce besides, both directly, and by consequence. As evil doth that Saxon Counsell, next quoted, bestride him. For if it allow divorce precisely for no cause but fornication, it thwarts his own Exposition: and if it understand fornication largely, it sides with whom hee would confute. However the authority of that Synod can bee but small, beeing under Theodorus, the Canterbury Bishop, a Grecian Monk of Tarfus, revolted from his own Church to the Pope. What have wee next? The Civil Law stufft in between two Counsels, as if the Code had bin som Synod; for that hee understood himself in this quotation is incredible; where the Law, Cod. l. 3. tit. 38. leg. 11. speaks not of divorce, but against the dividing of posessions to divers heires, whereby the maried servants of a great family were divided perhaps into distant Countries, and Colonies, Father from Son, Wife from Husband, fore against thir will. Somwhat lower hee confesses, that the Civill Law allows many reasons of divorce, but the Cannon Law decrees otherwise. A fair credit to his Cause; and I amaze me, though the fancy of this doubt bee as obtuse and sad as any mallet, how the Licencer
could sleep out all this, and suffer him to uphold his opinion, by Canons, and Gregorian decretals a Law which not only his adversary, but the whole reformation of this Church and state hath branded and rejected. As ignorantly, and too ignorantly to deceive any Reader but an unlearned, hee talks of Justin Martyrs Apology, not telling us which of the twain; for that passage in the beginning of his first, which I have cited els-where, plainly makes against him: So doth Tertullian, cited next, and next Erasmus, the one against Marcion, the other in his Annotations on Matthew, and to the Corinthians. And thus yee have the Lift of his choice Antiquities, as pleasantly chosen as yee would wish from a man of his handy Vocation, puff up with no luck at all, above the stint of his capacity.

Now hee comes to the Position, which I sett down whole; and like an able text man flits it into fowr, that hee may the better come at it with his Barbar Surgery, and his fleevs turn’d up. Wherin first hee denies that any disposition, unfitness, or contrariety of minde is unchangeable in nature, but that by the help of diet and physic it may be alter’d.

I mean not to dispute Philosophy with this Pork, who never read any, But I appeal to all experience, though there bee many drugs to purge those redundant humors, and circulations that commonly impair health, and are not natural, whether any man can with the safety of his life bring a healthy constitution into physic with this designe, to alter his natural temperament, and disposition of minde. How much more vain, and ridiculous would it bee, by altering and rooting up the grounds of nature, which is most likely to produce death or madness, to hope the reducing of a minde to this or that fitness, or two disagreeing mindes to a mutual sympathy. Suppose they might, and that with great danger of thir lives
and right senses, alter one temperature, how can they know that the succeeding disposition will not bee as farre from fitnes and agreement? They would perhaps change Melancholy into Sanguin, but what if feam, and choler in as great a measure come instead, the unfitness will be still as difficult and troublesome. But lastly, whether these things bee changeable, or not, experience teacheth us, and our Position supposes that they seldom doe change in any time commensurable to the necessities of man, or convenient to the ends of marriage. And if the fault bee in the one, shall the other live all his daies in bondage and misery for anothers perversnes, or immedicable disaffection? To my freinds, of which may fewest bee so unhappy, I have a remedy, as they know, more wise and manly to prescribe: but for his freinds and followers (of which many may deserv justly to feel themselvs the unhappines which they consider not in others) I send them by his advice to sit upon the stool and strain, till their crofs dispositions and contrarieties of minde shall change to a better correspondence, and to a quicker apprehension of common sense, and thir own good.

His second Reason is as heedles, because that grace may change the disposition, therefore no indisposition may cause divorce.

Answ. First, it will not bee deniable that many persons, gracious both, may yet happen to bee very unfitly married, to the great disturbance of either. Secondly, what if one have grace, the other not, and will not alter, as the Scripture testifies ther bee of those, in whom wee may expect a change, when the Blackamore changes his colour, or the Leopard his spots, Jer. 13. 23. shall the gracious therfore dwell in torment all his life, for the ungracious? Wee see that holiest precepts, then which ther can no better physic bee administered to the minde of man, and set on
with powerfull preaching, cannot work this cure, no not in the family, not in the wife of him that Preaches day and night to her. What an unreasonable thing it is that men, and Clergy-men especially, should ex- act such wondrous changes in another mans house, and are seen to work so little in thir own?

To the second point of the position, that this unfitness hinders the main ends, and benefits of mariage, hee answers, **if I mean the unfitness of choler, or sullen disposition, that soft words according to Solomon, pacify wrath.**

But I reply, that the saying of Solomon, is a Pro-verb frequently true, not universally, as both the event shews, and many other sentences writtn by the same Author particularly of an evill woman, *Prov. 21. 9, 19. and in other Chapters, that shee is better shun'd then dwelt with, and a desert is preferr'd before her society. What need the Spirit of God put this chois into our heads, if soft words could alwaies take effect with her? How frivolous is, not only this disputer, but hee that taught him thus, and let him come abroad.

To his second answer I return this, that although there bee not easily found such an antipathy as to hate one another like a toad or poison, yet that there is oft such a dislike in both, or either, to conjugal love, as hinders all the comfort of Matrimony, scars any can bee so simple, as not to apprehend. And what can be that favour, found or not found in the eyes of the Husband, but a natural liking or disliking, wherof the Law of God, *Deut. 24. beares witness, as of an ordinary accident, and determines wisely, and divinely thereafter. And this disaffection happenning to bee in the one, not without the unspeakable discomfort of the other, muft hee bee left like a thing consecrated to calamity, and despair without redemption?

Against the third branch of the position hee denies
that solace, and peace, which is contrary to discord and variance, is the main end of marriage. What then? Hee will have it the solace of male, and female. Came this doctrin out of some School, or some stie? Who but one forsak'n of all sense and civil nature, and chiefly of Christianity, will deny that peace contrary to discord, is the calling and the general end of every Christian, and of all his actions, and more especially of marriage, which is the dearest league of love, and the dearest resemblance of that love which in Christ is dearest to his Church; how then can peace and comfort, as it is contrary to discord, which God hates to dwell with, not bee the main end of marriage? Discord then wee ought to fly, and to pursue peace, farre above the observance of a civil covnant, already brokn, and the breaking dayly iterated on the other side. And what better testimony then the words of the institution itself, to prove, that a conversing solace, and peacefull society is the prime end of marriage, without which no other help, or office can bee mutual, becoming the dignity of reasonable creatures, that such as they should be coupl'd in the rites of nature by the meer compulsion of lust, without love, or peace, worse then wild beasts. Nor was it half so wisely spokn, as some deem, though Austin spake it, that if God had intended other then copulation in Mariage, he would for Adam have created a freind, rather then a wife, to convers with; and our own writers blame him for this opinion; for which and the like passages, concerning Mariage, hee might bee justly taxt of rusticity in these affairs. For this cannot but bee with ease conceav'd, that there is one society of grave freindshipship, and another amiable and attractive society of conjugal love, besides the deed of procreation, which of it self soon closes, and is despis'd, unless it bee cherisht and re-incited with a pleasing conversation. Which if ig-
noble and swainish mindes cannot apprehend, shall such merit therefore to be the censurers of more generous and vertuous Spirits?

Against the last point of the position, to prove that contrariety of minde is not a greater caufe of divorce, then corporal frigidity, hee enters into such a tedious and drawing tale of burning, and burning, and lust and burning, that the dull argument it self burns to, for want of stirring; and yet all this burning is not able to expell the frigidity of his brain. So long therefore, as that cause in the position shall bee prov'd a sufficient cause of divorce, rather then spend words with this fleamy clodd of an Antagonist, more then of necessity, and a little merriment, I will not now contend whether it bee a greater cause then frigidity, or no.

His next attempt is upon the Arguments which I brought to prove the position. And for the first, not finding it of that structure, as to bee scal'd with his short ladder, hee retreats with a bravado, that it deserves no answr. And I as much wonder what the whole book deserv'd to bee thus troubl'd and sollicited by such a paltry Solliciter. I would hee had not cast the gracious eye of his duncery upon the small deserts of a pamphlet, whose every line meddl'd with, uncases him to scorn and laughter.

That which hee takes for the second Argument, if hee look better, is no argument, but an induction to those that follow. Then hee stumbles that I should say, the gentlest ends of Mariage, confessing that hee understands it not. And I beleev him heartily: for how should hee, a Servingman both by nature and by function, an Idiot by breeding, and a Solliciter by presumption, ever come to know, or feel within himself, what the meaning is of gentle? Hee blames it for a neat phrase, for nothing angers him more then his own proper contrary. Yet alto-
gether without art sure hee is not; for who could have devis'd to give us more breifly a better description of his own Servility?

But what will become now of the busines I know not; for the man is suddenly taken with a lunacy of Law, and speaks revelations out of the Attorneys Academy, only from a lying spirit: for hee saies that where a thing is void, ipso facto, there needs no legal proceeding to make it void. Which is fals, for marriage is void by adultery, or frigidity, yet not made void without legal proceeding. Then asks my opinion of John a Nokes, and John a Stiles; and I answer him, that I for my part think John Dory, was a better man then both of them: for certainly, they were the greatest wranglers that ever liv'd, and have fill'd all our Law-books with the obtunding story of thir suits and trials.

After this hee tells us a miraculous peecce of antiquity, how two Romans; Titus, and Sempronius made seoffments, at Rome sure, and levied Fines by the Common Law. But now his fit of Law past, yet hardly come to himself, hee maintains, that if Mariage bee void, as beeing neither of God nor nature, there needs no legal proceeding to part it, and I tell him, that of-fends not mee; Then, quoth hee, this is no thing to your book, beeing the Doctrin and Disciplin of Divorce. But that I deny him; for all Discipline is not legal, that is to say juridical, but som is personal, som Economical, and som Ecclesiaftical. Lastly, if I prove that contrary dispositions are joyn'd neither of God nor nature, and so the mariage void, hee will give mee the controvery. I have prov'd it in that book to any wise man, and without more a doe the Institution proves it.

Where I answer an Objection usually made, that the disposition ought to bee known before mariage, and shew how difficult it is to choose a fit confort,
and how easie to mistake, the Servitor would know what I mean by conversation, declaring his capacity nothing refin'd since his Law-puddering, but still the same it was in the Pantry, and at the Dresser. Shall I argue of conversation with this hoyd'n to goe and practice at his opportunities in the Larder? To men of quality I have said enough, and experience confirms by daily example, that wisest, sobrest, justest men are sometimes miserably mistak'n in thir chois. Whom to leav thus without remedy, tost and tempested in a most unquiet sea of afflictions and temptations, I say is most unchristianly.

But hee goes on to untrufs my Arguments, imagining them his Maisters points. Only in the passage following, I cannot but admire the ripenes, and the pregnance of his native trechery, endeavouring to bee more a Fox then his wit will suffer him. Wheras I breifly mention'd certain heads of Discours, which I referr'd to a place more proper according to my method, to bee treated there at full with all thir Reasons about them, this Brain-worm against all the Laws of Dispute, will needs deal with them heer. And as a Country Hinde somtimes ambitious to shew his betters that hee is not so simple as you take him, and that hee knows his advantages, will teach us a new trick to confute by. And would you think to what a pride hee swels in the contemplation of his rare stratagem, offering to carp at the language of a book, which yet hee confesses to bee generally commended; while himself will bee acknowledg'd by all that read him, the basest and the hungriest endighter, that could take the boldnes to look abroad. Observe now the arrogance of a groom, how it will mount. I had writ'tn, that common adultery is a thing which the rankest Politician would think it shame and disworship that his Law should countenance. First, it offends him that rankest
should signify ought, but his own smell; who, that knows English, would not understand mee, when I say a rank Serving-man, a rank petti-fogger, to mean a meer Servingman, a meer and arrant petti-fogger, who lately was so hardy, as to lay aside his buckram wallet, and make himself a fool in Print, with confuting books, which are above him. Next the word Politician is not us’d to his maw, and ther- upon he plaies the most notorious hobbihors, jest- ing and frieking in the luxury of his non-sense with such poor fetches to cog a laughter from us, that no antic hobnaile at a Morris, but is more hansomly facetious.

Concerning that place Deut. 24. 1. which hee faith to bee the main pillar of my opinion, though I rely more on the institution then on that. These two pillars I doe indeed confess are to mee as those two in the porch of the Temple, Jachin and Boaz, which names import establiment, and strength; nor doe I fear, who can shake them. The exposition of Deut. which I brought, is the receav’d Exposition both ancient and modern, by all lerned men, unless it bee a Monkish Papist heer and there: and the gloss which hee and his obscure assisstant would per- swade us to, is meerly new, and absurd, presuming out of his utter ignorance in the Ebrew, to interpret those words of the Text, firt in a mistaken sense of uncleanness, against all approved Writers. Secondly, in a limited sense, when as the original speaks with- out limitation, some uncleannes, or any; and it had bin a wise Law indeed to mean it self particular, and not to express the case which this acute Rabbie hath all this while bin hooking for. Wherby they who are most partial to him, may guess that somthing is in this doctrin which I allege, that forces the adver- sary to such a new and strain’d Exposition, wherein hee does nothing for above foure pages, but founder
himself to and fro in his own objections, one while denying that divorce was permitted, another while affirming, that it was permitted for the wives sake, and after all distrusts himself. And for his surest retirement, betakes him to those old suppositions, that Christ abolished the Mosaic Law of divorce; that the Jews had not sufficient knowledge in this point, through the darkness of the dispensation of heavenly things; that under the plenteous grace of the Gospel, we are ty'd by cruell'est compulsion, to live in marriage till death, with the wicked'est, the worst, the most persecuting mate. These ignorant and doting surmises, he might have read confuted at large, even in the first Edition; but found it safer to pass that part over in silence. So that they who see not the fottimnes of this his new and tedious Expofition, are worthy to love it dearly.

His Explanation don, hee charges mee with a wicked gloss, and almost blasphemy, for saying that Christ in teaching meant not always to bee tak'n word for word; but like a wise Physician administering one excess against another, to reduce us to a perfect mean. Certainly to teach thus, were no dishonest method: Christ himself hath often us'd hyperbolies in his teaching; and graveft Authors, both Aristotle in the second of his Ethics to Nichomachus, and Seneca in his seventh De Beneficiis, advise us to stretch out the line of precept oft times beyond measure, that while wee tend further, the mean might bee the easier attain'd. And who-ever comments that fifth of Matthew, when hee comes to the turning of cheek after cheek to blows, and the parting both with cloak and coat, if any please to bee the rifler, will bee forc't to recommend himself to the same Expofition, though this catering Law-monger bee bold to call it wicked. Now note another pretious peece of him; Christ, faith hee, doth not say that an unchaft look is adultery, but the lufting after her; as
if the looking unchaftly, could bee without lusting. This gear is Licenc't for good reason: Imprimatur.

Next hee would prove that the speech of Christ is not utter'd in excess against the Pharifes. First, Because hee speakes to his Disciples, Matth. 5. which is fals, for hee spake it to the multitude, as by the first verf. is evident, among which in all likelihood were many Pharifes, but out of doubt, all of them Pharifæan disciples, and bred up in their Doctrin; from which extremes of error and falfity, Christ throughout his whole Sermon labours to reclaim the people. Secondly, faith hee, Because Christ forbidds not only putting away, but marrying her who is put away. Acutely, as if the Pharifes might not have offended as much in marrying the divorc'd, as in divorcing the maried. The precept may bind all, rightly understood; and yet the vehement manner of giving it, may bee occasion'd only by the Pharifes.

Finally, hee windes up his Text with much doubt and trepidation; for it may bee his trenchers were not scrap't, and that which never yet afforded corn of favour to his noodle, the Salt-seller was not rubb'd: and therefore in this haft easily granting, that his answers fall foule upon each other, and praying, you would not think hee writes as a profet, but as a man, hee runns to the black jack, fills his flagon, spreds the table, and servs up dinner.

After waiting and voiding, hee thinks to void my second Argument, and the contradictions that will follow, both in the Law and Gospel, if the Mosaic Law were abrogated by our Saviour, and a compul-five prohibition fixt instead: and sings his old song, that the Gospel counts unlawfull that which the Law allow'd, instancing in Circumcision, Sacrifices, Wash-ings. But what are these Ceremonial things to the changing of a morall point in houfhold dutie, equally belonging to Jew and Gentile; divorce was then right,
now wrong, then permitted in the rigorous time of Law, now forbidd'n by Law eevn to the most extremely afflicted in the favourable time of grace and freedom. But this is not for an unbutton'd fellow to discourse in the Garret, at his trefle, and dimension of candle by the snuffe; which brought forth his cullionly paraphrase on St. Paul, whom he brings in, discoursing such idle stuff to the Maids, and Widows, as his own servile inurbaniety forbeares not to put into the Apostles mouth, of the soules conversing: and this hee presumes to doe beeing a bayard, who never had the soul to know, what conversing means, but as his provender, and the familiarity of the Kitchin school'd his conceptions.

Hee passeth to the third Argument, like a Boar in a Vinyard, doing nought els, but still as hee goes, champing and chewing over, what I could mean by this Chimera of a fit conversing Soul, notions and words never made for those chopps; but like a generous Wine, only by overworking the settl'd mudd of his fancy, to make him drunk, and disgorge his vilenesfs the more openly. All persons of gentle breeding (I say gentle, though this Barrow grunt at the word) I know will apprehend and bee satisfy'd in what I spake, how unpleasing and discontenting the society of body muft needs be between tho' whose mindes cannot bee sociable. But what should a man say more to a snout in this pickle, what language can be low and degenerat enough?

The fourth Argument which I had, was, that Marriage beeing a Covnant, the very beeing wherof consists in the performance of unfained love and peace, if that were not tolerably perform'd, the Covnant became broke and revocable. Which how can any in whose minde the principles of right reason and justice are not cancell'd, deny: for how can a thing subsist, when the true essence therof is dissolv'd?
yet this hee denies, and yet in such a manner as alters my assention, for hee puts in, *though the main end bee not attain’d in full measure*: but my position is, if it be not tolerably attain’d, as throughout the whole Discours is apparent.

Now for his Reasons; *Heman found not that peace and solace, which is the main end of communion with God, should bee therfore break off that communion?*

I answer, that if *Heman* found it not, the fault was certainly his own: but in Mariage it happns farre otherwise: Somtimes the fault is plainly not his who seeks Divorce: Somtimes it cannot bee discern’d, whose fault it is: and therfore cannot in reason or equity bee the matter of an absolute prohibition.

His other instance declares, what a right handcrafts man hee is of petty cases, and how unfitt to bee ought els at higheft, but a hacney of the Law. *I change houses with a man; it is suppos’d I doe it for mine own ends; I attain them not in this house; I shall not therefore goe from my bargain.* How without fear might the young *Charinus* in Andria now cry out, *what likenes can bee heer to a Mariage?* In this bargain was no capitulation, but the yeilding of possession to one another, wherein each of them had his several end apart: in Mariage there is a solemn vow of love and fidelity each to other: this bargain is fully accomplisht in the change; in Mariage the covnant still is in performing. If one of them perform nothing tolerably, but instead of love, abound in disaffection, disobedience, fraud, and hatred, what thing in the nature of a covnant shall bind the other to such a perdurable mischeif? Keep to your Problemes of ten groats, these matters are not for pragmatics, and folkmooters to babble in.

Concerning the place of *Paul*, that *God hath call’d us to peace*, 1 Cor. 7. and therfore certainly, if any
where in this world, wee have a right to claim it reasonably in marriage, tis plain enough in the sense which I gave, and confess'd by Paræus, and other Orthodox Divines, to bee a good sense, and this Answerer, doth not weak'n it. The other place, that hee who hateth, may put away, which, if I shew him, he promises to yeeld the whole controversy, is, besides, Deut. 24. 1. Deut. 21. 14. and before this, Exod. 21. 8. Of Malachy I have spok'n more in another place; and say again that the best interpreters, all the ancient, and most of the modern translate it, as I cited, and very few otherwise, wherof perhaps Junius is the chief.

Another thing troubles him, that marriage is call'd the mystery of Joy. Let it still trouble him; for what hath hee to doe either with joy, or with mystery? He thinks it frantic divinity to say, It is not the outward continuance of marriage, that keeps the covenant of marriage whole, but whosoever doth most according to peace and love, whether in marriage or divorce, hee breaks marriage left. If I shall spell it to him, Hee breaks marriage left, is to say, hee dishonours not marriage; for least is tak'n in the Bible, and other good Authors, for, not at all. And a particular marriage a man may break, if for a lawful cause, and yet not break, that is, not violate, or dishonour the Ordnance of Marriage. Hence those two questions that follow, are left ridiculous; and the Maids at Algate, whom hee flouts, are likely to have more witt then the Servingman at Addlegate.

Whereas hee taxes mee of adding to the Scripture in that I said, Love only is the fulfilling of every Commandment, I cited no particular Scripture, but spake a general sense, which might bee collected from many places. For seeing love includes Faith, what is ther that can fulfill every commandment but only love? And I meant, as any intelligent Reader
might apprehend, every positive, and civil commandment, wherof Christ hath taught us that man is the Lord. It is not the formal duty of worship, or the sitting still, that keeps the holy rest of Sabbath; but whosoever doth most according to charity, whether hee work, or work not; hee breaks the holy rest of Sabbath leaft. So Mariage beeing a civil Ordinance made for man, not man for it; hee who doth that which most accords with charity, first to himself, next to whom hee next ows it, whether in mariage or divorce, hee breaks the Ordinance of marriage leaft. And what in Religious prudence, can bee charity to himself, and what to his Wife, either in continuing, or in dissolving the mariage knot, hath bin already oft anough discours'd. So that what St. Paul faith of circumcision, the same I stick not to say of a civil ordinance, made to the good, and comfort of man, not to his ruin; mariage is nothing, and divorce is nothing, but faith, which worketh by love. And this I trust none can mistake.

Against the fifth Argument, That a Christian in a higher order of Preift-hood, then that Levitical, is a person dedicat to joy and peace; and therefore needs not in Subjection to a civil Ordinance, made to no other end but for his good (when without his fault hee findes it impossible to bee decently or tolerably observ'd) to plunge himself into immeasurabe distractions and temptations, above his strength; against this hee proves nothing, but gadds into silly conjectures of what abuses would follow, and with as good reason might declaim against the best things that are.

Against the sixt Argument, that to force the continuance of mariage between mindes found utterly unfit, and disproportional, is against nature, and seems forbidd under that allegorical precept of Moses, Not to sow a field with divers seeds, lest both bee defil'd, not to plough with an Oxe and an Ass together, which I
Colasterion.

deduc'd by the pattern of St. Pauls reasoning what was meant by not muzzling the Oxe, hee rambles over a long narration, to tell us that by the Oxen are meant the Preachers: which is not doubted. Then hee demands, if this my reasoning bee like St. Pauls, and I answer him, yes. Hee replies that sure St. Paul would bee ashamed to reason thus. And I tell him, No. Hee grants that place which I alleg'd, 2 Cor. 6. of unequal yoking, may allude to that of Moses, but saies, I cannot prove it makes to my purpos, and shews not firft, how hee can disprove it. Waigh, Gentlemen, and consider, whether my affirmations, backt with reason, may hold ballance against the bare denials of this ponderous confuter, elected by his ghostly Patrons to bee my copef-mate.

Proceeding on to speak of mysterous things in nature, I had occasion to fit the language therafter, matters not for the reading of this odious fool, who thus ever when hee meets with ought above the cogitation of his breeding, leaves the noysom stench of his rude slot behind him, maligning that any thing should bee spoke or understood, above his own genuine basenes; and gives sentence that his confuting hath bin imploy'd about a frothy, immitious and undeserving discours. Who could have beleev'd so much infolence durft vent it self from out the hide of a varlet, as thus to cenfure that which men of mature judgement have applauded to bee writ with good reason. But this contents him not, hee falls now to rave in his barbarous abusivenes; and why? a reason befitting such an Artificer, because he faith the Book is contrary to all human lerning; When as the world knows that all, both human and divine lerning, till the Canon Law, allow'd divorce by consent, andfor many causes without consent. Next he dooms it, as contrary to Truth; when as it hath bin disputable among lerned men, ever since it was prohibited: and
is by Peter Martyr thought an opinion not impious, but hard to be refuted; and by Erasmsus deem'd a Doctrin so charitable and pious, as, if it cannot be us'd, were to bee wifht it could; but is by Martin Bucer, a man of deareft and moft religious memory in the Church, taught and maintan'd to bee either moft lawfully us'd, or moft lawfully permitted. And for this, for I affirm no more then Bucer, what cenfure doe you think, Readers, he hath condem'n'd the book to? To a death no less infamous then to be burnt by the hangman. Mr. Licencer, for I deal not now with this caitif, never worth my earneft, and now not feasonable for my jest, you are reputed a man discreet enough, religious enough, honest enough, that is, to an ordinary competence in all thefe. But now your turn is, to hear what your own hand hath earn'd ye, that when you suffer'd this nameles hangman to cast into public such a despightfull con-tumely upon a name and person deferving of the Church and State equally to your self, and one who hath don more to the present advancement of your own Tribe, then you or many of them have don for themselves, you forgot to bee either honeft, Religious, or discreet. What ever the State might doe concerning it, suppos'd a matter to expect evill from, I shou'd not doubt to meet among them with wife, and honourable, and knowing men. But as to this brute Libel, so much the more impudent and lawless for the abus'd autority which it bears, I say again, that I abominat the cenfure of Rascalls and their Licencers.

With difficulty I return to what remains of this ignoble task, for the disdain I have to change a per-ioid more with the filth and venom of this gourmand, swell'd into a confuter. Yet for the satisfaction of others, I endure all this.

Against the seventh Argument, that if the Canon
Colaasterion.

Law and Divines allow divorce for conspiracy of death, they may as well allow it to avoid the same consequence from the likelihood of natural causes;

First, hee denies that the Canon so decrees.

I Answer, that it decrees for danger of life, as much as for adultery. Decret. Gregor. l. 4. tit. 19. and in other places: and the best Civilians who cite the Canon Law, so collect, as Schneiderewin in institut. tit. 10. p. 4. de divorc. and indeed who would have deny'd it, but one of a reprobate ignorance in all hee meddles with.

Secondly, hee faith, the case alters, for there the offender who seeks the life, doth implicitly at least act a divorce.

And I answer, that heer nature though no offender, doth the same. But if an offender by acting a divorce, shall release the offended, this is an ample grant against himself. Hee faith, nature teacheth to save life from one who seeks it. And I say hee teaches no less to save it from any other cause that endangers it. Hee faith, that heer they are both actors. Admit they were, it would not be uncharitable to part them; yet somtimes they are not both actors, but the one of them most lamentedly passive. So hee concludes, Wee must not take advantage of our own faults and corruptions to release us from our duties. But shall wee take no advantage to save our selvs from the faults of another, who hath anull'd his right to our duty? No, faith hee, Let them die of the fullens, and try who will pity them. Barbarian, the shame of all honest Attorneys, why doe they not hoifs him over the barre, and blanket him?

Against the eighth Argument, that they who are destitute of all marriageable guists, except a body not plainly unfit, have not the calling to marry, and consequently married and so found, may bee divorc'd, this, hee faith, is nothing to the purpose, and not fit
to bee answer'd. I leav it thersore to the judgement of his Maisters.

Against the ninth Argument, that marriage is a human society, and so cheifly feated in agreement and unity of minde: If thersore the minde cannot have that due society by marriage, that it may rea- fonably and humanly desire, it can bee no human society, and so not without reaon divorcible, heer hee falsifies, and turns what the position requir'd of a reasonable agreement in the main matters of so- ciety, into an agreement in all things, which makes the opinion not mine, and so hee leavs it.

At laft, and in good howr we are com to his fare- well, which is to bee a concluding taste of his jab- berment in Law, the flashieft and the fuftieft that ever corrupted in such an unswill'd hoghead.

Against my tenth Argument, as he calls it, but as I intended it, my other position, that Divorce is not a thing determinable by a compulsive Law, for that all Law is for som good that may be frequently at- tain'd without the admixture of a wors inconve- nience; but the Law forbidding divorce, never attains to any good end of such prohibition, but rather multiplies evill; thersore, the prohibition of divorce is no good Law. Now for his Attorneys prife: but first, like a right cunning and sturdy Logician, hee denies my Argument not mattering whether in the major or minor: and faith, there are many Laws made for good, and yet that good is not attain'd, through the defaults of the party, but a greater inconveience fol- lows.

But I reply that this Answer builds upon a shal- low foundation, and moft unjustly supposes every one in default, who seeks divorce from the moft in- jurious wedloc. The default thersore will bee found in the Law it self; which is neither able to punish the offender, but the innocent muft withall suffer;
nor can right the innocent, in what is chiefly fought, the obtainment of love or quietnes. His instances out of the Common Law, are all so quite beside the matter which hee would prove, as may bee a warning to all clients how they venture thir busines with such a cock-brained Solliciter. For being to shew som Law of England, attaining to no good end, and yet through no default of the party, who is therby debarr'd all remedy, hee shews us only how som doe los the benefit of good Laws through their own default. His first example faith, *It is a just Law that every one shall peaceably enjoy his estate in Lands or otherwise*. Does this Law attain to no good end? the Barr will blush at this moft incogitant woodcock. But see if a draft of Littleton will recover him to his senses. *If this man having Fee simple in his Lands, yet will take a Leas of his own Lands, from another, this shall bee an Essoppel to him in an Affise from the recovering of his own Land*. Mark now, and register him. How many are there of ten thousand who have such a Fee simple in their scone, as to take a Leas of their own Lands from another? So that this inconvenience lights upon scars one in an age, and by his own default; and the Law of enjoying each man his own, is good to all others. But on the contrary, this prohibition of divorce is good to none, and brings inconvenience to numbers, who lie under intolerable greevances, without thir own default, through the wickednes or folly of another; and all this iniquity the Law remedies not, but in a manner maintains? His other cases are directly to the same purpos, and might have bin spar'd, but that hee is a tradsman of the Law, and must be born with at his first setting up, to lay forth his best ware, which is only gibbrish.

I have now don that, which for many causes I might have thought, could not likely have bin my
Colaftterion.

fortune, to bee put to this under-work of scowring and unrubbishing the low and fordid ignorance of such a presumptuous lozel. Yet Hercules had the labour once impos'd upon him to carry dung out of the Augean stable. At any hand I would bee ridd of him: for I had rather, since the life of man is likn'd to a Scene, that all my entrances and exits might mixe with such persons only, whose worth erects them and their actions to a grave and tragic deportment, and not to have to doe with Clowns and Vices. But if a man cannot peaceably walk into the world, but muft bee infested, somtimes at his face, with dorrs and horsflies, somtimes beneath, with bauling whippets, and thin-barkers, and these to bee set on by plot and consultation with a Junto of Clergy men and Licencers, commended also and rejoyc't in by those whose partiality cannot yet forgoe old papisticall principles, have I not caufe to bee in such a manner defensive, as may procure mee freedom to pass more unmolefted heerafter by these incumbrances, not so much regarded for themselvs, as for those who incite them. And what defence can properly bee us'd in such a despicable encounter as this, but either the flap or the spurn? If they can afford mee none but a ridiculous adverfary, the blame belongs not to mee, though the whole Dispute bee strew'd and scatter'd with ridiculous. And if hee have such an ambition to know no better who are his mates, but among those needy thoughts, which though his two faculties of Serving-man and Solliciter, should compound into one mongrel, would bee but thin and meager, if in this penury of Soul hee can bee poiffible to have the luftines to think of fame, let him but fend mee how hee calls himself, and I may chance not fail to endorse him on the back-side of posterity, not a golden, but a brazen Asfe. Since my fate extorts from mee a
talent of sport, which I had thought to hide in a
napkin, hee shall bee my Batrachomuomachia, my
Bavius, my Calandrino, the common adagy of igno-
rance and over-weening. Nay perhaps, as the pro-
vocation may bee, I may bee driv'n to curle up this
gliding profe into a rough Sotadic, that shall rime
him into such a condition, as instead of judging good
Books to bee burnt by the executioner, hee shall be
readier to be his own hangman. Thus much to this
Nuisance.

But as for the Subject it self which I have writt,
and now defend, according as the opposition beares,
if any man equal to the matter shall think it apper-
tains him to take in hand this controversy, either
excepting against ought writt'n, or perswaded hee
can shew better how this question of such moment
to bee throughly known may receav a true determi-
 nation, not leaning on the old and rott'n suggestions
wheron it yet leans, if his intents bee sincere to the
public, and shall carry him on without bitternes to
the opinion, or to the person dissenting, let him not,
I entreate him, guess by the handling, which meri-
toriously hath bin bestowd on this object of con-
tempt and laughter, that I account it any displeasure
don mee to bee contradicted in Print: but as it leads
to the attainment of any thing more true, shall esteem
it a benefit; and shall know how to return his civility
and faire Argument in such a fort, as hee shall con-
fess that to doe so is my choife, and to have don thus
was my chance.
Of Education.

To Master Samuel Hartlib. Written above Twenty Years since.

Mr. Hartlib,

I AM long since perswaded, that to say, or do ought worth memory and imitation, no purpose or respect should sooner move us, then simply the love of God, and of mankind. Nevertheless to write now the reforming of Education, though it be one of the greatest and noblest designs that can be thought on, and for the want whereof this Nation perishes, I had not yet at this time been induc't, but by your earnest entreaties, and serious conjurements; as having my mind for the present half diverted in the pursuance of some other assertions, the knowledge and the use of which, cannot but be a great furtherance both to the enlargement of truth, and honest living, with much more peace. Nor should the laws of any private friendship have prevail'd with me to divide thus, or transpose my former thoughts, but that I see those aims, those actions which have won you with me the esteem of a person sent hither by some good providence from a far country to be the occasion and the incitement of great good to this Island. And, as I hear, you have obtain'd the same
repute with men of most approved wisdom, and some of highest authority among us. Not to mention the learned correspondence which you hold in foreign parts, and the extraordinary pains and diligence which you have us’d in this matter both here, and beyond the Seas; either by the definite will of God so ruling, or the peculiar sway of nature, which also is Gods working. Neither can I think that so reputed, and so valu’d as you are, you would to the forfeit of your own discerning ability, impose upon me an unfit and over-ponderous argument, but that the satisfaction which you profess to have receiv’d from those incidental Discourses which we have wander’d into, hath preft and almost constrain’d you into a perswasion, that what you require from me in this point, I neither ought, nor can in conscience deferre beyond this time both of so much need at once, and so much opportunity to try what God hath determin’d. I will not resist therefore, whatever it is either of divine, or humane obligement that you lay upon me; but will forthwith set down in writing, as you request me, that voluntary Idea, which hath long in silence presented itself to me, of a better Education, in extent and comprehension far more large, and yet of time far shorter, and of attain-ment far more certain, than hath been yet in practice. Brief I shall endeavour to be; for that which I have to say, assuredly this Nation hath extrem need should be done sooner then spoken. To tell you therefore what I have benefited herein among old renowned Authors, I shall spare; and to search what many modern Janua’s and Didactics more than ever I shall read, have projected, my inclination leads me not. But if you can accept of these few observ-ations which have flower’d off, and are, as it were, the burnishing of many studious and contemplative years altogether spent in the search of religious and
civil knowledge, and such as pleas’d you so well in
the relating, I here give you them to dispose of.

The end then of Learning is to repair the ruines
of our first Parents by regaining to know God aright,
and out of that knowledge to love him, to imitate
him, to be like him, as we may the neereft by pos-
sessing our souls of true vertue, which being united
to the heavenly grace of faith makes up the highest
perfection. But because our understanding cannot
in this body found it self but on sensible things, nor
arrive so clearly to the knowledge of God and things
invisible, as by orderly conning over the visible and
inferior creature, the same method is necessarily to
be follow’d in all discreet teaching. And seeing
every Nation affords not experience and tradition
enough for all kind of Learning, therefore we are
chiefly taught the Languages of those people who
have at any time been most industrious after Wisdom;
so that Language is but the Instrument conveying to
us things usefull to be known. And though a Lin-
guist should pride himself to have all the Tongues
that Babel cleft the world into, yet, if he have not
studied the solid things in them as well as the Words
and Lexicons, he were nothing so much to be esteem’d a learned man, as any Yeoman or Trades-
man competently wise in his Mother Dialect only.
Hence appear the many mistakes which have made
Learning generally so unpleasing and so unsuccessful;
first we do amiss to spend seven or eight years meerly
in scraping together so much miserable Latine and
Greek, as might be learnt otherwise easilly and de-
lightfully in one year. And that which casts our
proficiency therein so much behind, is our time lost
partly in too oft idle vacancies given both to Schools
and Universities, partly in a preposterous exaction,
forcing the empty wits of Children to compose
Theams, Verses and Orations, which are the acts of
ripest judgment and the final work of a head fill'd by long reading and observing, with elegant maxims, and copious invention. These are not matters to be wrung from poor striplings, like blood out of the Nose, or the plucking of untimely fruit: besides the ill habit which they get of wretched barbarizing against the Latin and Greek idiom, with their un tutor'd Anglicisms, odious to be read, yet not to be avoided without a well continu'd and judicious conversing among pure Authors digested, which they scarcestafe, whereas, if after some preparatory grounds of speech by their certain forms got into memory, they were led to the praxis thereof in some chosen short book lesson'd throughly to them, they might then forthwith proceed to learn the substance of good things, and Arts in due order, which would bring the whole language quickly into their power. This I take to be the most rational and most profitable way of learning Languages, and whereby we may best hope to give account to God of our youth spent herein: And for the usual method of teaching Arts, I deem it to be an old error of Universities not yet well recover'd from the Scholastic grossness of barbarous ages, that in stead of beginning with Arts most easie, and those be such as are most obvious to the sense, they present their young unmatriculated Novices at first comming with the most intellecutive abstractions of Logick and Metaphysicks: So that they having but newly left those Grammatick flats and shallows where they stuck unreasonably to learn a few words with lamentable construction, and now on the sudden transported under another climate to be tost and turmoil'd with their unballasted wits in fadomless and unquiet deeps of controversy, do for the most part grow into hatred and contempt of Learning, mockt and deluded all this while with ragged Notions and Babblements, while they ex-
pected worthy and delightful knowledge; till po-
verty or youthful years call them importunately their
several ways, and haften them with the sway of
friends either to an ambitious and mercenary, or
ignorantly zealous Divinity; Some allur’d to the
trade of Law, grounding their purposes not on the
prudent and heavenly contemplation of justice and
equity which was never taught them, but on the
promising and pleasing thoughts of litigious terms,
fat contentions, and flowing fees; others betake them
to State affairs, with souls so unprincip’d in vertue,
and true generous breeding, that flattery, and Court
shifts and tyrannous Aphorisms appear to them the
highest points of wisdom; instilling their barren
hearts with a conscientious slavery, if, as I rather
think, it be not fain’d. Others lastly of a more de-
licious and airie spirit, retire themselves knowing no
better, to the enjoyments of ease and luxury, living
out their daies in feast and jollity; which indeed is
the wifest and the safest course of all these, unless
they were with more integrity undertaken. And
these are the errors, and these are the fruits of
mispending our prime youth at the Schools and Uni-
versities as we do, either in learning meer words or
such things chiefly, as were better unlearnt.

I shall detain you no longer in the demonstration
of what we should not do, but strait conduct ye to
a hill side, where I will point ye out the right path
of a vertuous and noble Education; laborious indeed
at the first ascent, but else so smooth, so green, so
full of goodly prospect, and melodious sounds on
every side, that the Harp of Orpheus was not more
charming. I doubt not but ye shall have more adoe
to drive our dulleft and laziest youth, our flocks and
stubbs from the infinite desire of such a happy nur-
ture, then we have now to hale and drag our choiest
and hopefullest Wits to that asinine feast of sow-
thistles and brambles which is commonly set before them, as all the food and entertainment of their tenderest and most docile age. I call therefore a compleat and generous Education that which fits a man to perform justly, skilfully and magnanimously all the offices both private and publick of Peace and War. And how all this may be done between twelve, and one and twenty, less time then is now bestowed in pure trifling at Grammar and Sophistry, is to be thus order'd.

First to find out a spacious house and ground about it fit for an Academy, and big enough to lodge a hundred and fifty persons, whereof twenty or thereabout may be attendants, all under the government of one, who shall be thought of desert sufficient, and ability either to do all, or wisely to direct, and oversee it done. This place should be at once both School and University, not needing a remove to any other house of Schollership, except it be some peculiar Colledge of Law, or Physick, where they mean to be practitioners; but as for those general studies which take up all our time from Lilly to the commencing, as they term it, Master of Art, it should be absolute. After this pattern, as many Edifices may be converted to this use, as shall be needful in every City throughout this Land, which would tend much to the encrease of Learning and Civility every where. This number, less or more thus collected, to the convenience of a foot Company, or interchangeably two Troops of Cavalry, should divide their daies work into three parts, as it lies orderly. Their Studies, their Exercise, and their Diet.

For their Studies, First they should begin with the chief and necessary rules of some good Grammar, either that now us'd, or any better: and while this is doing, their speech is to be fashion'd to a distinct and clear pronuntiation, as near as may be to the
Italian, especially in the Vowels. For we Englishmen being far Northerly, do not open our mouths in the cold air, wide enough to grace a Southern Tongue; but are observ’d by all other Nations to speak exceeding close and inward: So that to smatter Latine with an English mouth, is as ill a hearing as Law-French. Next to make them expert in the usefullest points of Grammar, and withall to season them, and win them early to the love of vertue and true labour, ere any flattering seducement, or vain principle seize them wandering, some easie and delightful Book of Education would be read to them; whereof the Greeks have store, as Cebe, Plutarch, and other Socratic discourses. But in Latin we have none of classic authority extant, except the two or three first Books of Quintilian, and some select pieces elsewhere. But here the main skill and groundwork will be, to temper them such Lectures and Explanations upon every opportunity, as may lead and draw them in willing obedience, enflam’d with the study of Learning, and the admiration of Vertue; stirr’d up with high hopes of living to be brave men, and worthy Patriots, dear to God, and famous to all ages. That they may despise and scorn all their childish, and ill-taught qualities, to delight in manly, and liberal Exercises: which he who hath the Art, and proper Eloquence to catch them with, what with mild and efectual perfwasions, and what with the intimation of some fear, if need be, but chiefly by his own example, might in a short space gain them to an incredible diligence and courage: infusing into their young breasts such an ingenuous and noble ardor, as would not fail to make many of them renowned and matchless men. At the same time, some other hour of the day, might be taught them the rules of Arithmetick, and soon after the Elements of Geometry even playing, as the old manner was. After evening
repast, till bed-time their thoughts will be best taken up in the easiest grounds of Religion, and the story of Scripture. The next step would be to the Authors of Agriculture, Cato, Varro, and Columella, for the matter is most easy, and if the language be difficult, so much the better, it is not a difficulty above their years. And here will be an occasion of inciting and inabling them hereafter to improve the tillage of their Country, to recover the bad Soil, and to remedy the waste that is made of good: for this was one of Hercules praiseth. Ere half these Authors be read (which will soon be with plying hard, and daily) they cannot chuse but be masters of any ordinary prose. So that it will be then seasonable for them to learn in any modern Author, the use of the Globes, and all the Maps; first with the old names, and then with the new: or they might be then capable to read any compendious method of natural Philosophy. And at the same time might be entering into the Greek tongue, after the same manner as was before prescrib'd in the Latin; whereby the difficulties of Grammar being soon overcome, all the Historical Physiology of Aristotle and Theophrastus are open before them, and as I may say, under contribution. The like access will be to Vitruvius, to Seneca's natural questions, to Mela, Celsus, Pliny, or Solinus. And having thus past the principles of Arithmetick, Geometry, Astronomy, and Geography with a general compact of Physicks, they may descend in Mathematicks to the instrumental science of Trigonometry, and from thence to Fortification, Architecture, Engineering, or Navigation. And in natural Philosophy they may proceed leisurely from the History of Meteors, Minerals, plants and living Creatures as far as Anatomy. Then also in course might be read to them out of some not tedious Writer the Institution of Physick; that they may know the tempers, the
humours, the seasons, and how to manage a crudity: which he who can wisely and timely do, is not only a great Physitian to himself, and to his friends, but also may at some time or other, save an Army by this frugal and expenseless means only; and not let the healthy and stout bodies of young men rot away under him for want of this discipline; which is a great pity, and no less a shame to the Commander. To set forward all these proceedings in Nature and Mathematicks, what hinders, but that they may procure, as oft as shall be needful, the helpful experiences of Hunters, Fowlers, Fishermen, Shepherds, Gardeners, Apothecaries; and in the other sciences, Architects, Engineers, Mariners, Anatomists; who doubtless would be ready some for reward, and some to favour such a hopeful Seminary. And this will give them such a real tincture of natural knowledge, as they shall never forget, but daily augment with delight. Then also those Poets which are now counted most hard, will be both facill and pleasant, Orpheus, Hesiod, Theocritus, Aratus, Nicander, Oppian, Dionysius, and in Latin Lucretius, Manilius, and the rural part of Virgil.

By this time, years and good general precepts will have furnished them more distinctly with that act of reason which in Ethics is called Proairesis: that they may with some judgement contemplate upon moral good and evil. Then will be requir'd a special reinforcement of constant and sound endoctrinating to set them right and firm, instructing them more amply in the knowledge of Vertue and the hatred of Vice: while their young and pliant affections are led through all the moral works of Plato, Xenophon, Cicero, Plutarch, Laertius, and those Locrian remnants; but still to be reduc't in their nightward studies wherewith they close the dayes work, under the determinate sentence of David or Salomon, or the
Evanges and Apostolic Scriptures. Being perfect in the knowledge of personal duty, they may then begin the study of Economics. And either now, or before this, they may have easily learnt at any odd hour the Italian Tongue. And soon after, but with wariness and good antidote, it would be wholsome enough to let them taste some choice Comedies, Greek, Latin, or Italian: Those Tragedies also that treat of Household matters, as Trachinæ, Alcestis, and the like. The next remove must be to the study of Politicks; to know the beginning, end, and reasons of Political Societies; that they may not in a dangerous fit of the Common-wealth be such poor, shaken, uncertain Reeds, of such a tottering Con-science, as many of our great Counsellors have lately shewn themselves, but stedfaft pillars of the State. After this they are to dive into the grounds of Law, and legal Justice; deliver'd first, and with best warrant by Moses; and as far as humane prudence can be trusted, in those extoll'd remains of Grecian Law-givers, Licurgus, Solon, Zaleucus, Charondas, and thence to all the Roman Edicts and Tables with their Justinian; and so down to the Saxon and common Laws of England, and the Statutes. Sundayes also and every evening may be now understandingly spent in the highest matters of Theology, and Church History ancient and modern: and ere this time the Hebrew Tongue at a set hour might have been gain'd, that the Scriptures may be now read in their own original; whereto it would be no impossibility to add the Chaldey, and the Syrian Dialect. When all these employments are well conquer'd, then will the choie Histories, Heroic Poems, and Attic Tragedies of statelieft and most regal argument, with all the famous Political Orations offer themselves; which if they were not only read; but some of them got by memory, and solemnly pronounc't with right ac-
cent, and grace, as might be taught, would endue them even with the spirit and vigor of Demosthenes or Cicero, Euripides, or Sophocles. And now lastly will be the time to read with them those organic arts which enable men to discourse and write per-spicuously, elegantly, and according to the fittest style of lofty, mean, or lowly. Logic therefore so much as is useful, is to be referred to this due place with all her well couched Heads and Topics, until it be time to open her contracted palm into a graceful and ornate Rhetorick taught out of the rule of Plato, Aristotle, Phalereus, Cicero, Hermogenes, Longinus. To which Poetry would be made subsequent, or indeed rather precedent, as being less subtle and fine, but more simple, sensuous and passionate. I mean not here the prosody of a verse, which they could not but have hit on before among the rudiments of Grammar; but that sublime Art which in Aristotles Poetics, in Horace, and the Italian Commentaries of Castelvetro, Tasso, Mazzoni, and others, teaches what the laws are of a true Epic Poem, what of a Dramatic, what of a Lyric, what Decorum is, which is the grand master-piece to observe. This would make them soon perceive what despicable creatures our common Rimers and Play-writers be, and shew them, what religious, what glorious and magnificent use might be made of Poetry both in divine and humane things. From hence and not till now will be the right season of forming them to be able Writers and Composers in every excellent matter, when they shall be thus fraught with an universal insight into things. Or whether they be to speak in Parliament or Counsel, honour and attention would be waiting on their lips. There would then also appear in Pulpits other Visions, other gestures, and stuff otherwise wrought then what we now fit under, oft times to as great a trial of our patience as any other that they preach to
Of Education.

us. These are the Studies wherein our noble and our gentle Youth ought to bestow their time in a disciplinary way from twelve to one and twenty; unless they rely more upon their ancestors dead, then upon themselves living. In which methodical course it is so suppos’d they must proceed by the steadly pace of learning onward, as at convenient times for memories sake to retire back into the middle ward, and sometimes into the rear of what they have been taught, untill they have confirm’d, and solidly united the whole body of their perfeted knowledge, like the last embattelling of a Roman Legion. Now will be worth the seeing what Exercifes and Recreations may best agree, and become these Studies.

Their Exercise.

The course of Study hitherto briefly describ’d, is, what I can guess by reading, likest to those ancient and famous Schools of Pythagoras, Plato, Isocrates, Aristotle and such others, out of which were bred up such a number of renowned Philosophers, Orators, Historians, Poets and Princes all over Greece, Italy, and Asia, besides the flourishing Studies of Cyrene and Alexandria. But herein it shall exceed them, and supply a defect as great as that which Plato noted in the Common-wealth of Sparta; whereas that City train’d up their Youth most for War, and these in their Academies and Lyceum, all for the Gown, this institution of breeding which I here delineate, shall be equally good both for Peace and War. Therefore about an hour and a half ere they eat at Noon should be allow’d them for exercise and due rest afterwards: But the time for this may be enlarg’d at pleasure, according as their rising in the morning shall be early. The Exercise which I commend first, is the exact use of their Weapon, to guard
and to strike safely with edge, or point; this will keep them healthy, nimble, strong, and well in breath, is also the likeliest means to make them grow large and tall, and to inspire them with a gallant and fearless courage, which being temper'd with seasonable Lectures and Precepts to them of true Fortitude and Patience, will turn into a native and heroick valour, and make them hate the cowardise of doing wrong. They must be also practiz'd in all the Locks and Gripe of Wrestling, wherein English men were wont to excell, as need may often be in fight to tugg or grapple, and to close. And this perhaps will be enough, wherein to prove and heat their single strength. The interim of unsweating themselves regularly, and convenient rest before meat may both with profit and delight be taken up in recreating and composing their travail'd spirits with the solemn and divine harmonies of Musick heard or learnt; either while the skilful Organift plies his grave and fancied descant, in lofty fugues, or the whole Symphony with artful and unimaginable touches adorn and grace the well studied chords of some choice Composer; sometimes the Lute, or soft Organ stop waiting on elegant Voices either to Religious, martial, or civil Ditties; which if wise men and Prophets be not extremely out, have a great power over dispositions and manners, to smooth and make them gentle from rustick harshness and distemper'd passions. The like also would not be unexpedient after Meat to assist and cherish Nature in her first conception, and send their minds back to study in good tune and satisfaction. Where having follow'd it close under vigilant eyes till about two hours before supper, they are by a sudden alarum or watch word, to be call'd out to their military motions, under skie or covert, according to the season, as was the Roman wont; first on foot, then as their age permits, on Horseback, to all
the Art of Cavalry; That having in sport, but with much exactness, and daily muster, serv’d out the rudiments of their Souldiership in all the skill of Embattelling, Marching, Encamping, Fortifying, Be-sieging and Battering, with all the helps of ancient and modern stratagems, Tacticks and warlike maxims, they may as it were out of a long War come forth renowned and perfect Commanders in the service of their Country. They would not then, if they were trusted with fair and hopeful armies, suffer them for want of just and wise discipline to shed away from about them like sick feathers, though they be never so oft suppli’d: they would not suffer their empty and unrecrutable Colonels of twenty men in a Com-pany to quaff out, or convey into secret hoards, the wages of a delusive lift, and a miserable remnant: yet in the mean while to be over-master’d with a score or two of drunkards, the only souldery left about them, or else to comply with all rapines and violences. No certainly, if they knew ought of that knowledge that belongs to good men or good Go-vernours, they would not suffer these things: But to return to our own institute, besides these constant exercises at home, there is another opportunity of gaining experience to be won from pleasure it self abroad; In those vernal seasons of the year, when the air is calm and pleasant, it were an injury and fulleness against nature not to go out, and see her riches, and partake in her rejoicing with Heaven and Earth. I should not therefore be a persuader to them of studying much then, after two or three year that they have well laid their grounds, but to ride out in Companies with prudent and staid Guides, to all the quarters of the Land: learning and observing all places of strength, all commodities of building and of foil, for Towns and Tillage, Harbours and Ports for Trade. Sometimes taking Sea as far as to
our Navy, to learn there also what they can in the practical knowledge of sailing and of Sea-fight. These ways would try all their peculiar gifts of Nature, and if there were any secret excellence among them, would fetch it out, and give it fair opportunities to advance it self by, which could not but mightily redound to the good of this Nation, and bring into fashion again those old admired Vertues and Excellencies, with far more advantage now in this purity of Christian knowledge. Nor shall we then need the Monfieurs of Paris to take our hopefull Youth into their flight and prodigal custodies and send them over back again transform'd into Mimicks, Apes and Kicfoates. But if they desire to see other Countries at three or four and twenty years of age, not to learn Principles but to enlarge Experience, and make wise observation, they will by that time be such as shall deserve the regard and honour of all men where they pass, and the society and friendship of those in all places who are best and most eminent. And perhaps then other Nations will be glad to visit us for their Breeding, or else to imitate us in their own Country.

Now lastly for their Diet there cannot be much to say, save only that it would be best in the same House; for much time else would be lost abroad, and many ill habits got; and that it should be plain, healthful, and moderate I suppose is out of controversy. Thus Mr. Hartlib, you have a general view in writing, as your desire was, of that which at several times I had discours'd with you concerning the best and Noblest way of Education; not beginning as some have done from the Cradle, which yet might be worth many considerations, if brevity had not been my scope, many other circumstances also I could have mention'd, but this to such as have the worth in them to make trial, for light and direc-
tion may be enough. Only I believe that this is not a Bow for every man to shoot in that counts himself a Teacher; but will require sinews almost equal to those which Homer gave Ulysses; yet I am withall persuaded that it may prove much more easie in the assay, then it now seems at distance, and much more illustrious: howbeit not more difficult then I imagine, and that imagination presents me with nothing but very happy and very possible according to best wishes; if God have so decreed, and this age have spirit and capacity enough to apprehend.
Areopagitica;

A Speech for the Liberty of Unlicenc'd Printing,

To the Parliament of England.

This is true Liberty, when free-born men
Having to advise the public may speak free,
Which he who can, and will, defer's high praise,
Who neither can nor will, may hold his peace;
What can be juicer in a State then this?

Euripid. Hicetid.

Hey who to States and Governours of the Commonwealth direct their Speech,
High Court of Parliament, or wanting such accessse in a private condition, write
that which they foresee may advance the publick good; I suppose them as at the beginning of no meane
endeavour, not a little alter'd and mov'd inwardly in
their mindes: Some with doubt of what will be the
successe, others with feare of what will be the cen-
sure; some with hope, others with confidence of
what they have to speake. And me perhaps each
of these dispositions, as the subject was whereon I
enter'd, may have at other times variously affected;
and likely might in these formost expressions now
Areopagitica; a Speech for the
also disclose which of them sway'd most, but that
the very attempt of this address, thus made, and the
thought of whom it hath recourse to, hath got the
power within me to a passion, farre more welcome
then incidentall to a Preface. Which though I stay
not to confess ere any ask, I shall be blamelesse, if
it be no other, then the joy and gratulation which it
brings to all who wish and promote their Countries
liberty; whereof this whole Discourse propos'd will
be a certaine testimony, if not a Trophey. For this
is not the liberty which wee can hope, that no griev-
ance ever shou'd arise in the Commonwealth, that
let no man in this World expect; but when com-
plaints are freely heard, deeply consider'd, and
speedily reform'd, then is the utmost bound of civill
liberty attain'd, that wise men looke for. To which
if I now manifest by the very sound of this which I
shall utter, that wee are already in good part arriv'd,
and yet from such a steepe disadvantage of tyranny
and superstition grounded into our principles as was
beyond the manhood of a Roman recovery, it will bee
attributed first, as is most due, to the strong assistance
of God our deliverer, next to your faithfull guidance
and undaunted Wifdome, Lords and Commons of
England. Neither is it in Gods esteeme the dimi-
nution of his glory, when honourable things are
spoken of good men and worthy Magistrates; which
if I now first shou'd begin to doe, after so fair a pro-
gresse of your laudable deeds, and such a long oblige-
ment upon the whole Realme to your indefatigable
vertues, I might be justly reckn'd among the tardieft,
and the unwillingest of them that praise yee. Never-
theless there being three principall things, without
which all praising is but Courtship and flattery, First,
when that only is prais'd which is solidly worth
praise: next when greatest likelihoods are brought
that such things are truly and really in those persons
to whom they are ascrib'd, the other, when he who praises, by shewing that such his actual persuasion is of whom he writes, can demonstrate that he flatters not; the former two of these I have heretofore endeavour'd, rescuing the employment from him who went about to impair your merits with a trivial and malignant Encomium; the latter as belonging chiefly to mine owne acquittall, that whom I so extoll'd I did not flatter, hath been reserv'd opportunely to this occasion. For he who freely magnifies what hath been nobly done, and fears not to declare as freely what might be done better, gives ye the best cov'nant of his fidelity; and that his loyallest affection and his hope waits on your proceedings. His highest praising is not flattery, and his plainest advice is a kinde of praising; for though I should affirme and hold by argument, that it would fare better with truth, with learning, and the Commonwealth, if one of your publish'd Orders which I should name, were call'd in, yet at the same time it could not but much redound to the lustre of your milde and equall Government, when as private persons are hereby animated to thinke ye better pleas'd with publick advice, then other statists have been delighted heretofore with publicke flattery. And men will then see what difference there is between the magnanimity of a triennall Parliament, and that jealous hautinesse of Prelates and cabin Counsellours that usurpt of late, when as they shall observe yee in the midd'ft of your Victories and successes more gently brooking writ'tn exceptions against a voted Order, then other Courts, which had produc't nothing worth memory but the weake ostentation of wealth, would have endur'd the leaft signifi'd dislike at any sudden Proclamation. If I should thus farre presume upon the meek demeanour of your civill and gentle greatnesse, Lords and Com-
Areopagitica; a Speech for the mons, as what your publiht Order hath directly said, that to gainfay, I might defend my selfe with eafe, if any should accuse me of being new or insolent, did they but know how much better I find ye esteem it to imitate the old and elegant humanity of Greece, then the barbarick pride of a Hunnish and Norwegian ftraitelines. And out of those ages, to whose polite wisdom and letters we ow that we are not yet Gothes and Jutlanders, I could name him who from his private house wrote that discourse to the Parlament of Athens, that perswades them to change the forme of Democracy which was then establisht. Such honour was done in those dayes to men who professe the study of wisdome and eloquence, not only in their own Country, but in other Lands, that Cities and Sinories heard them gladly, and with great respect, if they had ought in publick to admonish the State. Thus did Dion Prufexus a stranger and a privat Ora
tor counsell the Rhodians againft a former Edict: and I abound with other like examples, which to set heer would be superfluous. But if from the in
dustry of a life wholly dedicated to studious labours, and those naturall endowments haply not the worst for two and fifty degrees of northern latitude, so much must be derogated, as to count me not equall to any of those who had this priviledge, I would obtain to be thought not so inferior, as your selves are superior to the most of them who receiv'd their counsell: and how farre you excell them, be assur'd, Lords and Commons, there can no greater testimony appear, then when your prudent spirit acknowledges and obeys the voice of reaon from what quarter soever it be heard speaking; and renders ye as willing to repeal any Act of your own setting forth, as any set forth by your Predecessors.

If ye be thus resolv'd, as it were injury to thinke ye were not, I know not what should withhold me
from presenting ye with a fit instance wherein to shew both that love of truth which ye eminently profess, and that uprightnesse of your judgement which is not wont to be partiall to your selves; by judging over again that Order which ye have ordain'd to regulate Printing. That no Book, pamphlet, or paper shall be henceforth Printed, unleffe the same be first approv'd and licenc't by such, or at least one of such as shall be thereto appointed. For that part which preserves justly every mans Copy to himselfe, or provides for the poor, I touch not, only wish they be not made pretenses to abuse and persecute honest and painfull Men, who offend not in either of these particulars. But that other clause of Licencing Books, which we thought had dy'd with his brother quadragesimal and matrimonial when the Prelats expir'd, I shall now attend with such a Homily, as shall lay before ye, first the inventors of it to bee those whom ye will be loath to own; next what is to be thought in generall of reading, what ever fort the Books be; and that this Order avails nothing to the suppresing of scandalous, seditious, and libellous Books, which were mainly intended to be suppreft. Last, that it will be primely to the discouragement of all learning, and the stop of Truth, not only by disexercising and blunting our abilities in what we know already, but by hindring and cropping the discovery that might bee yet further made both in religious and civill Wisdome.

I deny not, but that it is of greatest concernment in the Church and Commonwealth, to have a vigilant eye how Bookes demeane themselves, as well as men; and thereafter to confine, imprison, and do sharpest justice on them as malefactors: For Books are not absolutely dead things, but doe contain a potencie of life in them to be as active as that soule was whose progeny they are; nay they do preserve
Areopagitica; a Speech for the

as in a violl the pureft efficacie and extraction of that living intellect that bred them. I know they are as lively, and as vigorously productive, as those fabulous Dragons teeth; and being sown up and down, may chance to spring up armed men. And yet on the other hand unleffe warinesse be us'd, as good almost kill a Man as kill a good Book; who kills a Man kills a reasonable creature, Gods Image; but hee who destroys a good Booke, kills reason it selfe, kills the Image of God, as it were in the eye. Many a man lives a burden to the Earth; but a good Booke is the preitious life-blood of a master spirit, imbalm'd and treaur'd up on purpose to a life beyond life. 'Tis true, no age can restore a life, whereof perhaps there is no great losse; and revolutions of ages doe not oft recover the losse of a rejected truth, for the want of which whole Nations fare the worse. We should be wary therefore what persecution we raise against the living labours of publick men, how we spill that season'd life of man preserv'd and stor'd up in Books; since we see a kinde of homicide may be thus committed, sometimes a martyrdom, and if it extend to the whole impression, a kinde of massacre, whereof the execution ends not in the slaying of an elementall life, but strikes at that ethereall and first essence, the breath of reason it selfe, slays an immortality rather then a life. But lest I should be condemn'd of introducing licence, while I oppose Licencing, I refuse not the paines to be so much Historicall, as will serve to shew what hath been done by ancient and famous Commonwealths, against this disorder, till the very time that this project of licencing crept out of the Inquisition, was catcht up by our Prelates, and hath caught some of our Prefbyters.

In Athens where Books and Wits were ever busier then in any other part of Greece, I finde but only
two sorts of writings which the Magistrate car'd to take notice of; those either blasphemous and Atheistical, or Libellous. Thus the Books of Protagoras were by the Judges of Areopagus commanded to be burnt, and himselfe baniisht the territory for a discourse begun with his confessing not to know whether there were gods, or whether not: And against defaming, it was decreed that none should be traduc'd by name, as was the manner of Vetus Comedia, whereby we may guess how they censur'd libelling: And this course was quick enough, as Cicero writes, to quell both the desperate wits of other Atheists, and the open way of defaming, as the event shew'd. Of other sects and opinions though tending to voluptuousnesse, and the denying of divine providence they tooke no heed. Therefore we do not read that either Epicurus, or that libertine school of Cyrene, or what the Cynick impudence utter'd, was ever question'd by the Laws. Neither is it recorded that the writings of those old Comedians were suppress't, though the acting of them were forbid; and that Plato commended the reading of Aristophanes the loosest of them all, to his royall scholler Dionysius, is commonly known, and may be excus'd, if holy Chryfosthome, as is reported, nightly studied so much the fame Author and had the art to cleanse a scurilous vehemence into the stile of a rousing Sermon. That other leading City of Greece, Lacedaemon, considering that Lycurgus their Law-giver was so addicted to elegant learning, as to have been the first that brought out of Jonia the scatter'd workes of Homer, and sent the Poet Thales from Creet to prepare and mollifie the Spartan surflinesse with his smooth songs and odes, the better to plant among them law and civility, it is to be wonder'd how mufelesse and unbookish they were, minding nought but the seats of Warre. There needed no licencing
of Books among them for they dislik’d all, but their owne Laconick Apothegms, and took a slight occasion to chafe Archilochus out of their City, perhaps for composing in a higher straine then their owne souldierly ballats and roundels could reach to: Or if it were for his broad verses, they were not therein so cautious, but they were as dissoleute in their promiscuous conversing; whence Euripides affirmes in Andromache, that their women were all unchafte. Thus much may give us light after what sort Bookes were prohibited among the Greeks. The Romans also for many ages train’d up only to a military roughnes, resembling most the Lacedæmonian guise, knew of learning little but what their twelve Tables, and the Pontifick College with their Augurs and Flamins taught them in Religion and Law, so unacquainted with other learning; that when Carneades and Critolaus, with the Stoick Diogenes comming Embassadors to Rome, tooke thereby occasion to give the City a taft of their Philosophy, they were suspect for seducers by no lesse a man then Cato the Cenfor, who mov’d it in the Senat to dismisse them speedily, and to banish all such Attick bablers out of Italy. But Scipio and others of the noblest Senators withstood him and his old Sabin austerity; honour’d and admir’d the men; and the Cenfor himself at last in his old age fell to the study of that whereof before hee was so scrupulous. And yet at the same time Nævius and Plautus the first Latine comedians had fill’d the City with all the borrow’d Scenes of Menander and Philemon. Then began to be consider’d there also what was to be don to libellous books and Authors; for Nævius was quickly cast into prison for his unbridl’d pen, and releas’d by the Tribunes upon his recantation: We read also that libels were burnt, and the makers punisht by Augustus. The like severity no doubt was us’d if ought were impiously
writt'n against their esteemed gods. Except in these two points, how the world went in Books, the Magistrat kept no reckoning. And therefore Lucretius without impeachment versifies his Epicurism to Memmius, and had the honour to be set forth the second time by Cicero so great a father of the Commonweal; although himselfe disputes against that opinion in his own writings. Nor was the Satyricall sharpnesse, or naked plainnes of Lucilius, or Catullus, or Flaccus, by any order prohibited. And for matters of State, the story of Titus Livius, though it extoll'd that part which Pompey held, was not therefore suppress'd by Octavius Caesar of the other Faction. But that Nafo was by him banisht in his old age, for the wanton Poems of his youth, was but a meer covert of State over some secret cause: and besides, the Books were neither banisht nor call'd in. From hence we shall meet with little else but tyranny in the Roman Empire, that we may not marvell, if not so often bad, as good Books were silenc't. I shall therefore deem to have bin large enough in producing what among the ancients was punishable to write, save only which, all other arguments were free to treat on.

By this time the Emperors were become Christians, whose discipline in this point I doe not finde to have bin more severe then what was formerly in practice. The Books of those whom they took to be grand Hereticks were examin'd, refuted, and condemn'd in the generall Councils; and not till then were prohibited, or burnt by authority of the Emperor. As for the writings of Heathen authors, unlese they were plaine invectives against Christianity, as those of Porphyrius and Proclus, they met with no interdict that can be cited, till about the year 400, in a Carthaginian Council, wherein Bishops themselves were forbid to read the Books of Gentiles, but
Herefies they might read: while others long before them on the contrary scrupl’d more the Books of Hereticks, then of Gentiles. And that the primitive Counsels and Bishops were wont only to declare what Books were not commendable, passing no fur- der, but leaving it to each ones conscience to read or to lay by, till after the yeare 800, is observ’d already by Padre Paolo the great unmasker of the Trentine Council. After which time the Popes of Rome engrossing what they pleas’d of Politicall rule into their owne hands, extended their dominion over mens eyes, as they had before over their judgements, burning and prohibiting to be read, what they fancied not; yet sparing in their censures, and the Books not many which they so dealt with: till Martin the 5. by his Bull not only prohibited, but was the first that excommunicated the reading of heretickall Books; for about that time Wickelef and Hufle growing ter- rible, were they who first drove the Papall Court to a stricter policy of prohibiting. Which cours Leo the 10, and his successors follow’d, untill the Coun- cell of Trent, and the Spanifh Inquisition engen- dring together brought forth, or perfeted those Ca- talogues, and expurging Indexes that rake through the entralls of many an old good Author, with a violation wors then any could be offer’d to his tomb. Nor did they stay in matters Hereticall, but any subject that was not to their palat, they either con- demn’d in a prohibition, or had it strait into the new Purgatory of an Index. To fill up the mea- sure of encroachment, their last invention was to ordain that no Book, pamphlet, or paper shou’d be Printed (as if S. Peter had bequeath’d them the keys of the Presie also out of Paradife) unlesse it were approv’d and licenc’t under the hand of 2 or 3 glutton Friers. For example:
Liberty of Unlicenc'd Printing. 405

Let the Chancellor Cini be pleas'd to see if in this present work be contain'd ought that may withstand the Printing,

Vincent Rabatta Vicar of Florence.

I have seen this present work, and finde nothing athwart the Catholick faith and good manners: In witness whereof I have given, &c.

Nicolo Cini Chancellor of Florence.

Attending the precedent relation, it is allow'd that this present work of Davanzati may be Printed,

Vincent Rabatta, &c.

It may be Printed, July 15.

Friar Simon Mompei d' Amelia Chancellor of the holy office in Florence.

Sure they have a conceit, if he of the bottomlesse pit had not long since broke prifon, that this quadruple exorcism would barre him down. I feare their next designe will be to get into their custody the licencing of that which they say* Claudius intended, but went not through with. Voutsafe to see another of their forms the Roman stamp:

Imprimatur, If it seem good to the reverend Master of the holy Palace,

Belcastro Vicegerent.

Imprimatur

Friar Nicolo Rodolphi Master of the holy Palace.

Sometimes 5 Imprimaturs are seen together dialogue-wise in the Piatza of one Title page, complementing and ducking each to other with their shav'n reverences, whether the Author, who stands by in per-

* Quo veniam daret flatum crepitumque ventris in convivio emittendi. Sueton. in Claudio.
plexity at the foot of his Epistle, shall to the Preffe or to the spunge. These are the pretty responsories, these are the deare Antiphonies that so bewitcht of late our Prelats, and their Chaplaines with the goodly Eccho they made; and besotted us to the gay imitation of a lordly Imprimatur, one from Lambeth house, another from the West end of Pauls; so apiishly Romanizing, that the word of command still was set downe in Latine; as if the learned Grammaticall pen that wrote it, would cast no ink without Latine: or perhaps, as they thought, because no vulgar tongue was worthy to expresse the pure conceit of an Imprimatur; but rather, as I hope, for that our English, the language of men ever famous, and formost in the atchievements of liberty, will not easily finde servile letters anow to spell such a dictatorie presumption English. And thus ye have the Inventors and the originall of Book-licencing ript up, and drawn as lineally as any pedigree. We have it not, that can be heard of, from any ancient State, or polite, or Church, nor by any Statute left us by our Ancestors elder or later; nor from the moderne custom of any reformed Citty, or Church abroad; but from the most Antichristian Council, and the most tyrannous Inquisition that ever inquir'd. Till then Books were ever as freely admitted into the World as any other birth; the issue of the brain was no more stifl'd then the issue of the womb: no envious Juno fate crof-leg'd over the nativity of any mans intellectuall off-spring; but if it prov'd a Monster, who denies, but that it was justly burnt, or sunk into the Sea. But that a Book in wors condition then a peccant soul, should be to stand before a Jury ere it be borne to the World, and undergo yet in darknesse the judgement of Radamanth and his Collegues, ere it can passe the ferry backward into light, was never heard before, till that
mysterious iniquity provokt and troubl'd at the first entrance of Reformation, sough't out new limbo's and new hells wherein they might include our Books also within the number of their damned. And this was the rare morfell so officiously snatch't up, and so ilfavourdly imitated by our inquisiturient Bishops, and the attendant minorities their Chaplains. That ye like not now these most certain Authors of this licencing order, and that all sinifter intention was farre distant from your thoughts, when ye were importun'd the paffing it, all men who know the integrity of your actions, and how ye honour Truth, will clear yee readily.

But some will say, What though the Inventors were bad, the thing for all that may be good? It may so; yet if that thing be no such deep invention, but obvious, and easie for any man to light on, and yet best and wisest Commonwealths through all ages, and occasions have forborne to use it, and falsest seducers, and oppressors of men were the first who tooke it up, and to no other purpose but to obstruct and hinder the first approach of Reformation; I am of those who beleefe, it will be a harder alchymy then Lullius ever knew, to sublimat any good use out of such an invention. Yet this only is what I request to gain from this reason, that it may be held a dangerous and suspicious fruit, as certainly it deserves, for the tree that bore it, untill I can dissec't one by one the properties it has. But I have first to finish, as was propounded, what is to be thought in generall of reading Books, what ever fort they be, and whether be more the benefit, or the harm that thence proceeds?

Not to infist upon the examples of Moyses, Daniel and Paul, who were skilfull in all the learning of the Ægyptians, Caldeans, and Greeks, which could not probably be without reading their Books of all
Areopagitica; a Speech for the

forts, in Paul especially, who thought it no defile-
ment to insert into holy Scripture the sentences of
three Greek Poets, and one of them a Tragedian,
the question was, notwithstanding sometimes con-
troverted among the Primitive Doctors, but with
great odds on that side which affirm'd it both law-
full and profitable, as was then evidently perceiv'd,
when Julian the Apostat, and suttleft enemy to our
faith, made a decree forbidding Christians the study
of heathen learning: for, said he, they wound us
with our own weapons, and with our owne arts and
sciences they overcome us. And indeed the Chris-
tians were put so to their shifts by this crafty means,
and so much in danger to decline into all igno-
rance, that the two Apollinarii were fain as a man
may say, to coin all the seven liberall Sciences out
of the Bible, reducing it into divers forms of Ora-
tions, Poems, Dialogues, ev'n to the calculating of a
new Christian Grammar. But faith the Historian
Socrates, The providence of God provided better
then the industry of Apollinarius and his son, by
taking away that illiterat law with the life of him
who devis'd it. So great an injury they then held
it to be depriv'd of Hellenick learning; and thought
it a perfecution more undermining, and secretly de-
caying the Church, then the open cruelty of Decius
or Dioclesian. And perhaps it was the same poli-
tick drift that the Divell whipt St. ferom in a len-
ten dream, for reading Cicero; or else it was a fan-
tafm bred by the feaver which had then seis'd him.
For had an Angel bin his discipliner, unleffe it were
for dwelling too much upon Ciceronianisms, and had
chaftiz'd the reading, not the vanity, it had bin
plainly partiall; first to correct him for grave Cicero,
and not for scurrill Plautus whom he confesses to
have bin reading not long before; next to correct
him only, and let so many more ancient Fathers wax
old in those pleasant and florid studies without the lash of such a tutoring apparition; insomuch that Basil teaches how some good use may be made of Margites a sportfull Poem, not now extant, writ by Homer; and why not then of Morgante an Italian Romanze much to the same purpose. But if it be agreed we shall be try’d by visions, there is a vision recorded by Eusebius far ancieneter then this tale of Jerom to the Nun Eustochium, and besides has nothing of a seavor in it. Dionysius Alexandrinus was about the year 240, a person of great name in the Church for piety and learning, who had wont to avail himself much against hereticks by being conversant in their Books; untill a certain Presbyter laid it scrupulously to his conscience, how he durft venture himselfe among those defiling volumes. The worthy man loath to give offence fell into a new debate with himselfe what was to be thought; when suddenly a vision sent from God, it is his own Epistle that so averrs it, confirm’d him in these words: Read any books what ever come to thy hands, for thou art sufficient both to judge aright, and to examine each matter. To this revelation he assented the sooner, as he confesses, because it was answerable to that of the Apostle to the Theffalonians, Prove all things, hold fast that which is good. And he might have added another remarkable saying of the same Author; To the pure all things are pure, not only meats and drinks, but all kinde of knowledge whether of good or evill; the knowledge cannot defile, nor consequently the books, if the will and conscience be not defil’d. For books are as meats and viands are; some of good, some of evill substance; and yet God in that unapocryphall vision, said without exception, Rife, Peter, kill and eat, leaving the choice to each mans discretion. Wholesome meats to a vitiated stomack differ little or nothing from
unwholesome; and best books to a naughty mind are not unappliable to occasions of evill. Bad meats will scarce breed good nourishment in the healthiest concoction; but herein the difference is of bad books, that they to a discreet and judicious Reader serve in many respects to discover, to confute, to forewarn, and to illustrate. Wherof what better witnes can ye expect I should produce, then one of your own now sitting in Parlament, the chief of learned men reputed in this Land, Mr. Selden, whose volume of naturall and national laws proves, not only by great authorites brought together, but by exquisite reasons and theorems almost mathematically demonstrative, that all opinions, yea errors, known, read, and collated, are of main service and assistance toward the speedy attainment of what is truest. I conceive therefore, that when God did enlarge the universal diet of mans body, saving ever the rules of temperance, he then also, as before, left arbitrary the dyeting and repasting of our minds; as wherein every mature man might have to exercise his owne leading capacity. How great a vertue is temperance, how much of moment through the whole life of man? yet God committs the managing so great a trust, without particular Law or prescription, wholly to the demeanour of every grown man. And therefore when he himself tabl'd the Jews from heaven, that Omer which was every mans daily portion of Manna, is computed to have bin more then might have well suffic'd the heartiest feeder thrice as many meals. For those actions which enter into a man, rather then issue out of him, and therefore defile not, God uses not to captivat under a perpetual childhood of prescription, but trusts him with the gift of reason to be his own chooser; there were but little work left for preaching, if law and compulsion should grow so fast upon those things which
hertofore were govern'd only by exhortation. Salomon informs us that much reading is a wearines to the flesh; but neither he, nor other inspir'd author tells us that such, or such reading is unlawfull: yet certainly had God thought good to limit us herein, it had bin much more expedient to have told us what was unlawfull, then what was wearisome. As for the burning of those Ephesian books by St. Pauls converts, 'tis reply'd the books were magick, the Syriack so renders them. It was a privat act, a voluntary act, and leaves us to a voluntary imitation: the men in remorfe burnt those books which were their own; the Magistrat by this example is not ap- pointed: these men practiz'd the books, another might perhaps have read them in some sort usefully. Good and evill we know in the field of this World grow up together almost inseparably; and the knowledge of good is so involv'd and interwoven with the knowledge of evill, and in so many cunning resemblances hardly to be discern'd, that those confused seeds which were impos'd on Psyche as an incessant labour to cull out, and sort asunder, were not more intermixt. It was from out the rinde of one apple tasted, that the knowledge of good and evill as two twins cleaving together leapt forth into the World. And perhaps this is that doom which Adam fell into of knowing good and evill, that is to say of know- ing good by evill. As therefore the state of man now is; what wisdome can there be to choose, what continence to forbeare without the knowledge of evill? He that can apprehend and consider vice with all her baits and seeming pleasures, and yet ab- stain, and yet distinguish, and yet prefer that which is truly better, he is the true wayfaring Christian. I cannot praise a fugitive and cloister'd vertue, un- exercis'd and unbreath'd, that never sallies out and fees her adversary, but flinks out of the race, where
Areopagitica; a Speech for the
that immortall garland is to be run for, notwithstanding dust and heat. Assuredly we bring not innocence into the world, we bring impurity much rather: that which purifies us is triall, and triall is by what is contrary. That vertue therefore which is but a youngling in the contemplation of evill, and knows not the utmost that vice promises to her followers, and rejects it, is but a blank vertue, not a pure; her whitenesse is but an excrementall whitenesse; Which was the reason why our sage and serious Poet Spencer, whom I dare be known to think a better teacher then Scotus or Aquinas, describing true temperance under the person of Guion, brings him in with his palmer through the cave of Mammon, and the bowr of earthly blisse that he might see and know, and yet abstain. Since therefore the knowledge and survey of vice is in this world so necessary to the constituting of human vertue, and the scanning of error to the confirmation of truth, how can we more safely, and with lesse danger scout into the regions of sin and falsity then by reading all manner of tractats, and hearing all manner of reason? And this is the benefit which may be had of books promiscuously read. But of the harm that may result hence three kinds are usually reckn'd. First, is fear'd the infection that may spread; but then all human learning and controversie in religious points must remove out of the world, yea the Bible it selfe; for that oftimes relates blasphemy not nicely, it describes the carnall sense of wicked men not unelegantly, it brings in holiest men passionately murmuring against providence through all the arguments of Epicurus: in other great disputes it answers dubiously and darkly to the common reader: And ask a Talmudist what ails the modesty of his marginal Keri, that Moses and all the Prophets cannot perswade him to pronounce the textuall Chetiv. For
these causes we all know the Bible it selfe put by the Papift into the first rank of prohibited books. The ancienteft Fathers must be next remov'd, as Clé-
ment of Alexandria, and that Eusebian book of Evan-
gelick preparation, transmitting our ears through a
hoard of heathenish obscenities to receive the Gof-
pel. Who finds not that Irenæus, Epiphanius, Jerom,
and others discover more herefies then they well
confute, and that oft for herefie which is the truer
opinion. Nor boots it to say for these, and all the
heathen Writers of greatest infection, if it must be
thought so, with whom is bound up the life of hu-
man learning, that they writ in an unknown tongue,
so long as we are sure those languages are known as
well to the worst of men, who are both most able,
and most diligent to instill the poison they suck, first
into the Courts of Princes, acquainting them with
the choifeft delights, and criticisms of sin. As per-
haps did that Petronius whom Nero call'd his Arbi-
ter, the Master of his revels; and that notorious ri-
bald of Arezzo, dreaded, and yet dear to the Italian
Courtiers. I name not him for posterities sake,
whom Harry the 8. nam'd in merriment his Vicar
of hell. By which compendious way all the con-
tagion that foreigne books can infuse, will finde a pas-
sage to the people farre easier and shorter then an
Indian voyage, though it could be fail'd either by
the North of Cataio Eastward, or of Canada West-
ward, while our Spanish licencing gags the English
Presse never so severely. But on the other side that
infection which is from books of controversie in
Religion, is more doubtfull and dangerous to the
learned, then to the ignorant; and yet those books
must be permitted untoucht by the licencer. It will
be hard to instance where any ignorant man hath bin
ever seduc't by Papistical book in English, unlesse
it were commended and expounded to him by some
of that Clergy: and indeed all such tracts as whether false or true are as the Prophecy of Isaiah was to the Eunuch, not to be understood without a guide. But of our Priests and Doctors how many have been corrupted by studying the comments of Jesuits and Sorbonists, and how fast they could transmute that corruption into the people, our experience is both late and sad. It is not forgot, since the acute and distinct Arminius was perverted meerly by the perusing of a namelesse discours writ'n at Delf, which at first he took in hand to confute. Seeing therefore that those books, and those in great abundance which are like-liest to taint both life and doctrine, cannot be suppress without the fall of learning, and of all ability in disputation, and that these books of either sort are most and soonest catching to the learned, from whom to the common people what ever is heretical or dissolute may quickly be conveyed, and that evil manners are as perfectly learnt without books a thousand other ways which cannot be stopp'd, and evil doctrine not with books can propagate, except a teacher guide, which he might also doe without writing, and so beyond prohibiting, I am not able to unfold, how this cautelous enterprise of licencing can be exempted from the number of vain and impossible attempts. And he who were pleasantly dispos'd, could not well avoid to lik'n it to the exploit of that gallant man who thought to pound up the crows by shutting his Parkgate. Besides another inconvenience, if learned men be the first receivers out of books, and dispersers both of vice and error, how shall the licencers themselves be confided in, unless we can conferr upon them, or they assume to themselves above all others in the Land, the grace of infallibility, and uncorruptednesse? And again, if it be true, that a wise man like a good refiner can gather gold out of the drossiest volume, and that a fool
will be a fool with the best book, yea or without book, there is no reason that we should deprive a wise man of any advantage to his wisdom, while we seek to restrain from a fool, that which being restrain'd will be no hindrance to his folly. For if there should be so much exactness always us'd to keep that from him which is unfit for his reading, we should in the judgment of Aristotle not only, but of Solomon, and of our Saviour, not voutsafe him good precepts, and by consequence not willingly admit him to good books; as being certain that a wise man will make better use of an idle pamphlet, then a fool will do of sacred Scripture. 'Tis next alleg'd we must not expose our selves to temptations without necessity, and next to that, not employ our time in vain things. To both these objections one answer will serve, out of the grounds already laid, that to all men such books are not temptations, nor vanities; but useful drugs and materials wherewith to temper and compose effectual and strong medicines, which man's life cannot want. The rest, as children and childish men, who have not the art to qualify and prepare these working minerals, well may be exhorted to forbear, but hinder'd forcibly they cannot be by all the licencing that Sainted Inquisition could ever yet contrive; which is what I promis'd to deliver next, That this order of licencing conduces nothing to the end for which it was fram'd; and hath almost prevented me by being clear already while thus much hath bin explaining. See the ingenuity of Truth, who when she gets a free and willing hand, opens her self faster, then the pace of method and discours can overtake her. It was the task which I began with, To shew that no Nation, or well instituted State, if they valu'd books at all, did ever use this way of licencing; and it might be answer'd, that this is a piece of prudence lately dis-
Areopagitica; a Speech for the

cover'd. To which I return, that as it was a thing
flight and obvious to think on, so if it had bin diffi-
cult to finde out, there wanted not among them long
since, who suggested such a cours; which they not
following, leave us a pattern of their judgement,
that it was not the not knowing, but the not ap-
proving, which was the cause of their not using it.
Plato, a man of high autority indeed, but leaft of
all for his Commonwealth, in the book of his laws,
which no City ever yet receiv'd, fed his fancie with
making many edicts to his ayrie Burgomafters, which
they who otherwise admire him, with had bin rather
buried and excus'd in the genial cups of an Academ-
ick night-fitting. By which laws he seems to to-
lerat no kind of learning, but by unalterable decree,
confifting moft of practicall traditions, to the attain-
ment whereof a Library of smaller bulk then his
own dialogues would be abundant. And there also
enacts that no Poet fhou'd fo much as read to any
privat man, what he had writ'tn, untill the Judges
and Law-keepers had seen it, and allow'd it: But
that Plato meant this Law peculiarly to that Com-
monwealth which he had imagin'd, and to no other,
is evident. Why was he not else a Law-giver to
himself, but a transgresflor, and to be expell'd by his
own Magiftrats; both for the wanton epigrams and
dialogues which he made, and his perpetuall reading
of Sophron Mimus, and Ariflophanes, books of grossfel
infamy, and also for commending the latter of them
though he were the malicious libeller of his chief
friends, to be read by the Tyrant Dionyfius, who had
little need of fuch trash to fpend his time on? But
that he knew this licencing of Poems had reference
and dependence to many other provifo's there set
down in his fancied republic, which in this world
could have no place: and fo neither he himself, nor
any Magiftrat, or City ever imitated that cours,
which tak'n apart from those other collaterall in-
junctions must needs be vain and fruitlesse. For if
they fell upon one kind of strictnesse, unless their
care were equall to regulat all other things of like
aptnes to corrupt the mind, that single endeavour
they knew would be but a fond labour; to shut and
fortifie one gate against corruption, and be necessi-
tated to leave others round about wide open. If we
think to regulat Printing, thereby to rectifie man-
ners, we must regulat all recreations and pastimes,
all that is delightfull to man. No musick must be
heard, no song be set or sung, but what is grave and
Dorick. There must be licencing dancers, that no
gesture, motion, or deportment be taught our youth
but what by their allowance shall be thought honest;
for such Plato was provided of; It will ask more
then the work of twenty licencers to examin all the
lutes, the violins, and the ghittarrs in every house;
they must not be suffer'd to prattle as they doe, but
must be licenc'd what they may say. And who
shall silence all the airs and madrigalls, that whisper
softnes in chambers? The Windows also, and the
Balcone's must be thought on, there are shrewd books,
with dangerous Frontispieces set to sale; who shall
prohibit them, shall twenty licencers? The villages
also must have their visitors to enquire what lectures
the bagpipe, and the rebbeck reads ev'n to the ballat-
ry, and the gammuth of every municipal fidler, for
these are the Countrymans Arcadia's and his Monte
Mayors. Next, what more Nationall corruption,
for which England hears ill abroad, then houfhold
gluttony; who shall be the rectors of our daily riot-
ing? and what shall be done to inhibit the multi-
tudes that frequent those houses where drunk'nes is
fold and harbour'd? Our garments also should be
referr'd to the licencing of some more sober work-
masters to see them cut into a lesse wanton garb.
Areopagitica; a Speech for the

Who shall regulat all the mixt conversation of our youth, male and female together, as is the fashion of this Country, who shall still appoint what shall be discours'd, what presum'd, and no furder? Last-ly, who shall forbid and separat all idle ressort, all evil company? These things will be, and must be; but how they shall be left hurtfull, how left enticing, herein consists the grave and governing wisdom of a State. To sequester out of the world into Atlantick and Eutopian polities, which never can be drawn into use, will not mend our condition; but to ordain wisely as in this world of evill, in the midd'ft whereof God hath plac't us unavoidably. Nor is it Plato's licencing of books will doe this, which necessarily pulls along with it so many other kinds of licencing, as will make us all both ridiculous and weary, and yet frustrat; but those unwritt'n, or at least unconstraining laws of vertuous education, religious and civill nurture, which Plato there mentions, as the bonds and ligaments of the Commonwealth, the pillars and the sustainers of every writ'tn Statute; these they be which will bear chief sway in such matters as these, when all licencing will be easily eluded. Impunity and remiflenes, for certain are the bane of a Commonwealthe, but here the great art lyes to discern in what the law is to bid restraint and punishment, and in what things perswasion only is to work. If every action which is good, or evil in man at ripe years, were to be under pittance, and prescription, and compulsion, what were vertue but a name, what praise could be then due to well-doing, what grammery to be sober, just or continent? many there be that complain of divin Providence for suffer-ing Adam to transgresse, foolifh tongues! when God gave him reason, he gave him freedom to choose, for reason is but choosing; he had bin else a meer artificiall Adam, such an Adam as he is in the mo-
Liberty of Unlicenc'd Printing.

419

tions. We our selves esteem not of that obedience, or love, or gift, which is of force: God therefore left him free, yet before him a provoking object, ever almost in his eyes herein consisted his merit, herein the right of his reward, the praise of his abstinence. Wherefore did he creat passions within us, pleasures round about us, but that these rightly temper'd are the very ingredients of vertu? They are not skilfull considerers of human things, who imagin to remove sin by removing the matter of sin; for, besides that it is a huge heap increasing under the very act of diminishing, though some part of it may for a time be withdrawn from some persons, it cannot from all, in such a universal thing as books are; and when this is done, yet the sin remains entire. Though ye take from a covetous man all his treasure, he has yet one jewell left, ye cannot bereave him of his covetousness. Banish all objects of lust, shut up all youth into the severest discipline that can be exercis'd in any hermitage, ye cannot make them chaste, that came not thither so: such great care and wisdom is requir'd to the right managing of this point. Suppose we could expell sin by this means; look how much we thus expell of sin, so much we expell of vertue: for the matter of them both is the same; remove that, and ye remove them both alike. This justifies the high providence of God, who though he command us temperance, justice, continence, yet powrs out before us ev'n to a profuseness all desirable things, and gives us minds that can wander beyond all limit and satiety. Why should we then affect a rigor contrary to the manner of God and of nature, by abridging or scanting those means, which books freely permitted are, both to the triall of vertue, and the exercise of truth. It would be better done to learn that the law must needs be frivolous which goes to restrain things, uncertainly and yet equally work-
Areopagitica; a Speech for the

ing to good, and to evil. And were I the choos'er,
a dram of well-doing should be preferr'd before many
times as much the forcible hindrance of evil-doing.
For God sure esteems the growth and compleating
of one vertuous person, more then the restraint of ten
vicious. And albeit what ever thing we hear or see,
fitting, walking, travelling, or converfing may be
fitly call'd our book, and is of the same effect that
writings are, yet grant the thing to be prohibited
were only books, it appears that this order hitherto
is far insufficient to the end which it intends. Do
we not see, not once or oftner, but weekly that con-
tinu'd Court-libell againft the Parlament and City,
Printed, as the wet sheets can witnes, and dispers't
among us, for all that licencing can doe? yet this is
the prime service a man would think, wherein this
order should give proof of it self. If it were exe-
cuted, you'll say. But certain, if execution be re-
miße or blindfold now, and in this particular, what
will it be hereafter, and in other books. If then the
order shall not be vain and frustrat, behold a new
labour, Lords and Commons, ye must repeal and
proscribe all scandalous and unlicenc't books already
printed and divulg'd; after ye have drawn them up
into a lift, that all may know which are condemn'd,
and which not; and ordain that no forrein books be
deliver'd out of custody, till they have bin read over.
This office will require the whole time of not a few
overseers, and thos' no vulgar men. There be also
books which are partly uselfull and excellent, partly
culpable and pernicious; this work will ask as many
more officials, to make expurgations, and expunc-
tions, that the Commonwealth of learning be not
damnify'd. In fine, when the multitude of books
encrease upon their hands, ye must be fain to cata-
logue all thos' Printers who are found frequently
offending, and forbidd the importation of their whole
suspected typography. In a word, that this your order may be exact, and not deficient, ye must reform it perfectly according to the model of Trent and Sevil, which I know ye abhorre to doe. Yet though ye should condiscend to this, which God forbid, the order still would be but fruitlesse and defective to that end whereto ye meant it. If to prevent sects and schisms, who is so unread or so uncatechis’d in story, that hath not heard of many sects refusing books as a hindrance, and preserving their doctrine unmixt for many ages, only by unwritt’n traditions. The Christian faith, for that was once a schism, is not unknown to have spread all over Asia, ere any Gospel or Epistle was seen in writing. If the amendment of manners be aym’d at, look into Italy and Spain, whether those places be one scruple the better, the honefter, the wiser, the chafter, since all the inquisitionall rigor that hath bin executed upon books.

Another reason, whereby to make it plain that this order will misse the end it seeks, consider by the quality which ought to be in every licencer. It cannot be deny’d but that he who is made judge to sit upon the birth, or death of books whether they may be wafted into this world, or not, had need to be a man above the common measure, both studious, learned, and judicious; there may be else no mean mistakes in the censure of what is passable or not; which is also no mean injury. If he be of such worth as behoovs him, there cannot be a more tedious and unpleasing Journey-work, a greater loss of time levied upon his head, then to be made the perpetuall reader of unchosen books and pamphlets, oftimes huge volumes. There is no book that is acceptable unleas’e at certain seasons; but to be enjoyn’d the reading of that at all times, and in a hand scars legible, whereof three pages would not down at any time in the fairest Print, is an imposition which I
cannot believe how he that values time, and his own studies, or is but of a sensible nostrill should be able to endure. In this one thing I crave leave of the present licencers to be pardon'd for so thinking: who doubtlesse took this office up, looking on it through their obedience to the Parlament, whose command perhaps made all things seem easie and unlaborious to them; but that this short triall hath wearied them out already, their own expressions and excuses to them who make so many journeys to sollicit their licence, are testimony anough. Seeing therefore those who now possesse the imployment, by all evident signs with themselves well ridd of it, and that no man of worth, none that is not a plain unthrift of his own hours is ever likely to succeed them, except he mean to put himself to the salary of a Prefe-corrector, we may easily foresee what kind of licencers we are to expect hereafter, either ignorant, imperious, and remisfe, or basely pecuniary. This is what I had to shew wherein this order cannot conduce to that end, whereof it bears the intention.

I laftly proceed from the no good it can do, to the manifest hurt it causes, in being first the greatest discouragement and affront, that can be offer'd to learning and to learned men. It was the complaint and lamentation of Prelats, upon every least breath of a motion to remove pluralities, and distribute more equally Church revenu's, that then all learning would be for ever dash't and discourag'd. But as for that opinion, I never found cause to think that the tenth part of learning flood or fell with the Clergy: nor could I ever but hold it for a fordid and unworthy speech of any Churchman who had a competency left him. If therefore ye be loath to dishearten utterly and discontent, not the mercenary crew of false pretenders to learning, but the free and ingenuou s sort of such as evidently were born to study, and
love learning for it self, not for lucre, or any other end, but the service of God and of truth, and perhaps that lasting fame and perpetuity of praise which God and good men have consented shall be the reward of those whose publish'ht labours advance the good of mankind, then know, that so far to distrust the judgement and the honesty of one who hath but a common repute in learning, and never yet offended, as not to count him fit to print his mind without a tutor and examiner, lest he should drop a scism, or something of corruption, is the greatest displeasure and indignity to a free and knowing spirit that can be put upon him. What advantage is it to be a man over it is to be a boy at school, if we have only scapt the serular, to come under the fescu of an Impri-
matur? if serious and elaborat writings, as if they were no more then the them of a Grammar lad under his Pedagogue must not be uter'd without the cursory eyes of a temporizing and extemporizing licencer. He who is not trusted with his own actions, his drift not being known to be evill, and standing to the hazard of law and penalty, has no great argument to think himself reputed in the Commonwealth wherein he was born, for other then a fool or a foreiner. When a man writes to the world, he summons up all his reason and deliberation to assist him; he searches, meditat, is industrious, and likely consults and con-
ferrs with his judicious friends; after all which done he takes himself to be inform'd in what he writes, as well as any that writ before him; if in this the most consummatt act of his fidelity and ripeness, no years, no industry, no former proof of his abilities can bring him to that state of maturity, as not to be still mistrusted and suspected, unlesse he carry all his considerat diligence, all his midnight watchings, and expence of Palladian oyl, to the hafty view of an unleasur'd licencer, perhaps much his younger, per-
haps far his inferior in judgement, perhaps one who never knew the labour of book-writing, and if he be not repuls'd, or slighted, must appear in Print like a punic with his guardian, and his censors hand on the back of his title to be his bayl and surety, that he is no idiot, or seducer, it cannot be but a dishonor and derogation to the author, to the book, to the privilege and dignity of Learning. And what if the author shall be one so copious of fancie, as to have many things well worth the adding, come into his mind after licencing, while the book is yet under the Presse, which not seldom hap'ns to the best and diligentest writers; and that perhaps a dozen times in one book. The Printer dares not go beyond his licenc't copy; so often then must the author trudge to his leav-giver, that those his new insertions may be view'd; and many a jaunt will be made, ere that licencer, for it must be the same man, can either be found, or found at leisure; mean while either the Presse must stand still, which is no small damage, or the author loose his accuratest thoughts, and send the book forth wors then he had made it, which to a diligent writer is the greatest melancholy and vexation that can befall. And how can a man teach with authority, which is the life of teaching, how can he be a Doctor in his book as he ought to be, or else had better be silent, whenas all he teaches, all he delivers, is but under the tuition, under the correction of his patriarchal licencer to blot or alter what precisely accords not with the hidebound humor which he calls his judgement. When every acute reader upon the first sight of a pedantick licence, will be ready with these like words to ding the book a coits distance from him, I hate a pupil teacher, I endure not an instructer that comes to me under the wardship of an overseeing fist. I know nothing of the licencer, but that I have his own hand here for his
arrogance; who shall warrant me his judgement? The State, Sir, replies the Stationer, but has a quick return, The State shall be my governours, but not my criticks; they may be mistak'n in the choice of a licencer, as easily as this licencer may be mistak'n in an author: This is some common stuffe; and he might adde from Sir Francis Bacon, That such authouriz'd books are but the language of the times. For though a licencer should happ'n to be judicious more then ordinary, which will be a great jeopardy of the next succession, yet his very office, and his commission enjoyns him to let passe nothing but what is vulgarly receiv'd already. Nay, which is more lamentable, if the work of any deceased author, though never so famous in his life time, and even to this day, come to their hands for licence to be Printed, or Reprinted, if there be found in his book one sentence of a ventrous edge, utter'd in the height of zeal, and who knows whether it might not be the dictat of a divine Spirit, yet not suiting with every low decrepit humor of their own, though it were Knox himself, the Reformer of a Kingdom that spake it, they will not pardon him their daft, the sense of that great man shall to all posterity be lost, for the fearfulness, or the presumptuous rashnesse of a perfunctory licencer. And to what an author this violence hath bin lately done, and in what book of greatest consequence to be faithfully publish'd, I could now instance, but shall forbear till a more convenient season. Yet if these things be not resented seriously and timely by them who have the remedy in their power, but that such iron moulds as these shall have authority to knaw out the choicest periods of exquifitest books, and to commit such a treacherous fraud against the orphan remainders of worthiest men after death, the more sorrow will belong to that haples race of men, whose misfortune it is to have understanding.
Henceforth let no man care to learn, or care to be more than worldly wise; for certainly in higher matters to be ignorant and slothful, to be a common stedfast dunce will be the only pleasant life, and only in request.

And as it is a particular disesteem of every knowing person alive, and most injurious to the writ'n labours and monuments of the dead, so to me it seems an undervaluing and vilifying of the whole Nation. I cannot set so light by all the invention, the art, the wit, the grave and solid judgement which is in England, as that it can be comprehended in any twenty capacities how good soever, much lesse that it should not passe except their superintendence be over it, except it be sifted and strain'd with their strainers, that it should be uncurrent without their manuall stamp. Truth and understanding are not such wares as to be monopoliz'd and traded in by tickets and statutes, and standards. We must not think to make a staple commodity of all the knowledge in the Land, to mark and licence it like our broad cloath, and our wooll packs. What is it but a servitude like that impos'd by the Philistims, not to be allow'd the sharpening of our own axes and coulters, but we must repair from all quarters to twenty licencing forges. Had any one writ'n and divulg'd erroneous things and scandalous to honest life, misusing and forfeiting the esteem had of his reason among men, if after conviction this only censure were adjudg'd him, that he should never henceforth write, but what were first examin'd by an appointed officer, whose hand should be annexet to passe his credit for him, that now he might be safely read, it could not be apprehended lesse then a disgracefull punishment. Whence to include the whole Nation, and those that never yet thus offended, under such a diffident and suspectfull prohibition, may
plainly be understood what a disparagement it is. So much the more, when as dettors and delinquents may walk abroad without a keeper, but unoffensive books must not stirre forth without a visible jaylor in thir title. Nor is it to the common people leffe then a reproach; for if we be so jealous over them, as that we dare not trust them with an English pamphlet, what doe we but censure them for a giddy, vitious, and ungrounded people; in such a sick and weak estate of faith and discretion, as to be able to take nothing down but through the pipe of a licencer. That this is care or love of them, we cannot pretend, whenas in those Popifh places where the Laity are most hated and despis'd the same strictnes is us'd over them. Wisdom we cannot call it, because it stops but one breach of licence, nor that neither; whenas those corruptions which it seeks to prevent, break in faster at other doors which cannot be shut.

And in conclusion it reflects to the disrepute of our Ministers also, of whose labours we should hope better, and of the proficiencie which thir flock reaps by them, then that after all this light of the Gospel which is, and is to be, and all this continuall preaching, they shou'd be still frequented with such an unprincipl'd, unedify'd, and laick rabble, as that the whiffe of every new pamphlet shou'd stagger them out of thir catechism, and Christian walking. This may have much reason to discourage the Ministers when such a low conceit is had of all their exhortations, and the benefiting of their hearers, as that they are not thought fit to be turn'd loose to three sheets of paper without a licencer, that all the Sermons, all the Lectures preacht, printed, vented in such numbers, and such volumes, as have now wellnigh made all other books unsalable, shou'd not be armor anough against one single enchiridion, without the castle St. Angelo of an Imprimatur.
And lest som should perswade ye, Lords and Commons, that these arguments of lerned mens discouragement at this your order, are meer flourishes, and not reall, I could recount what I have seen and heard in other Countries, where this kind of inquisition tyrannizes; when I have sat among their lerned men, for that honor I had, and bin counted happy to be born in such a place of Philosophic freedom, as they suppos’d England was, while themselfs did nothing but bemoan the servil condition into which lerning amongst them was brought; that this was it which had damp’t the glory of Italian wits; that nothing had bin there writ’t n now these many years but flattery and fuftian. There it was that I found and visited the famous Galileo grown old, a prifner to the Inquisition, for thinking in Astronomy otherwise then the Francifcan and Dominican licencers thought. And though I knew that England then was groaning loudest under the Prelaticall yoak, nevertheless I took it as a pledge of future happines, that other Nations were so perswaded of her liberty. Yet was it beyond my hope that those Worthies were then breathing in her air, who should be her leaders to such a deliverance, as shall never be forgott’n by any revolution of time that this world hath to finish. When that was once begun, it was as little in my fear, that what words of complaint I heard among lerned men of other parts utter’d against the Inquisition, the same I should hear by as lerned men at home utterd in time of Parliament against an order of licencing; and that so generally, that when I had disclos’d my self a companion of their discontent, I might say, if without envy, that he whom an honest questorship had indear’d to the Sicilians, was not more by them importun’d against Verres, then the favour-able opinion which I had among many who honour ye, and are known and respected by ye, loaded me
with entreaties and persuasions, that I would not despair to lay together that which just reason should bring into my mind, toward the removal of an undeserved thraldom upon learning. That this is not therefore the disburdning of a particular fancy, but the common grievance of all those who had prepar'd their minds and studies above the vulgar pitch to advance truth in others, and from others to entertain it, thus much may satisfy. And in their name I shall for neither friend nor foe conceal what the generall murmur is; that if it come to inquisitioning again, and licencing, and that we are so timorous of our selvs, and so suspiscious of all men, as to fear each book, and the shaking of every leaf, before we know what the contents are, if some who but of late were little better then silenc't from preaching, shall come now to silence us from reading, except what they please, it cannot be guess what is intended by som but a second tyranny over learning: and will soon put it out of controversy that Bishops and Presbyters are the same to us both name and thing. That those evills of Prelaty which before from five or six and twenty Sees were distributivly charg'd upon the whole people, will now light wholly upon learning, is not obscure to us: whenas now the Pastor of a small unlearned Parish, on the sudden shall be exalted Archbishop over a large dioces of books, and yet not remove, but keep his other cure too, a mysticall pluralist. He who but of late cry'd down the sole ordination of every novice Batchelor of Art, and deny'd sole jurisdiction over the simplest Parishioner, shall now at home in his privat chair assume both these over worthiest and excellentest books and ablest authors that write them. This is not, Yee Covnants and Protestations that we have made, this is not to put down Prelaty, this is but to chop an Episcopacy, this is but to translate the Palace Metropolitan from
one kind of dominion into another, this is but an old canonicall flight of commuting our penance. To startle thus betimes at a meer unlicenc't pamphlet will after a while be afraid of every conventicle, and a while after will make a conventicle of every Christian meeting. But I am certain that a State govern'd by the rules of justice and fortitude, or a Church built and founded upon the rock of faith and true knowledge, cannot be so pusillannious. While things are yet not constituted in Religion, that freedom of writing should be restrain'd by a discipline imitated from the Prelats, and learnt by them from the Inquisition to shut us up all again into the breft of a licencer, must needs give cause of doubt and discouragement to all learned and religious men. Who cannot but discern the finenes of this politic drift, and who are the contrivers; that while Bishops were to be baited down, then all Presses might be open; it was the peoples birthright and priviledge in time of Parlament, it was the breaking forth of light. But now the Bishops abrogated and voided out of the Church, as if our Reformation sought no more, but to make room for others into their seats under another name, the Episcopall arts begin to bud again, the crufe of truth must run no more oyle; liberty of Printing must be enthralled again under a Prelaticall commission of twenty, the privilege of the people nullify'd, and which is wors, the freedom of learning must groan again, and to her old fetters; all this the Parlament yet fitting. Although their own late arguments and defences against the Prelats might remember them that this obstructing violence meets for the most part with an event utterly oppo-

te to the end which it drives at: instead of suppressing sects and schisms, it raises them and invests them with a reputation: The punishing of wits en-

haunces their authority, faith the Vicount St. Albans,
and a forbidd’n writing is thought to be a certain spark of truth that flies up in the faces of them who seek to tread it out. This order therefore may prove a nursing mother to sects, but I shall easily shew how it will be a step-dame to Truth: and first by disabling us to the maintenance of what is known already.

Well knows he who uses to consider, that our faith and knowledge thrives by exercise, as well as our limbs and complexion. Truth is compar’d in Scripture to a streaming fountain; if her waters flow not in a perpetuall progression, they sick’n into a muddy pool of conformity and tradition. A man may be a heretick in the truth; and if he beleive things only because his Pastor sayes so, or the Assembly so determines, without knowing other reason, though his belief be true, yet the very truth he holds, becomes his heresie. There is not any burden that som would gladlier post off to another, then the charge and care of their Religion. There be, who knows not that there be of Protestants and professors who live and dye in as arrant an implicit faith, as any lay Papist of Loretto. A wealthy man addicted to his pleasure and to his profits, finds Religion to be a traffick so entangl’d, and of so many piddling accounts, that of all mysteries he cannot skill to keep a flock going upon that trade. What should he doe? fain he would have the name to be religious, fain he would bear up with his neighbours in that. What does he therefore, but resolvs to give over toyling, and to find himself out som factor, to whose care and credit he may commit the whole managing of his religious affairs; som Divine of note and estimation that must be. To him he adheres, resigns the whole ware-house of his religion, with all the locks and keyes into his custody; and indeed makes the very person of that man his religion; esteems his associating with him a sufficient
evidence and commendatory of his own piety. So that a man may say his religion is now no more within himself, but is become a dividuall movable, and goes and comes neer him, according as that good man frequents the house. He entertains him, gives him gifts, feasts him, lodges him; his religion comes home at night, praiies, is liberally supt, and sumptuously laid to sleep, rises, is saluted, and after the malmsey, or some well spic’t bruage, and better breakfasted then he whose morning appetite would have gladly fed on green figs between Bethany and Jerusalem, his Religion walks abroad at eight, and leavs his kind entertainer in the shop trading all day without his religion.

Another sort there be who when they hear that all things shall be order’d, all things regulated and setl’d; nothing writ’n but what passes through the custom-house of certain Publicans that have the tun-aging and the poundaging of all free spok’n truth, will straight give themselves up into your hands, mak’em, and cut’em out what religion ye please; there be delights, there be recreations, and jolly pastimes that will fetch the day about from fun to fun, and rock the tedious year as in a delightfull dream. What need they torture their heads with that which others have tak’n so strictly, and so unalterably into their own pourveying. These are the fruits which a dull ease and cessation of our knowledge will bring forth among the people. How goodly, and how to be wisht were such an obedient unanimity as this, what a fine conformity would it stretch us all into? doubtles a stanch and solid piece of frame-work, as any January could freeze together.

Nor much better will be the consequence ev’n among the Clergy themselves; it is no new thing never heard of before, for a parochiall Minister, who has his reward, and is at his Hercules pillars in a warm
benefice, to be easily inclinable, if he have nothing else that may rouse up his studies, to finish his circuit in an English concordance and a *topic folio*, the gatherings and savings of a sober graduatship, a *Harmony* and a *Catena*, treading the constant round of certain common doctrinall heads, attended with their uses, motives, marks and means, out of which as out of an alphabet or sol fa by forming and transforming, joyning and dis-joyning variously a little book-craft, and two hours meditation might furnish him unspeakably to the performance of more than a weekly charge of sermoning: not to reck’n up the infinit helps of interlinearies, breviaries, *synopses*, and other loitering gear. But as for the multitude of Sermons ready printed and pil’d up, on every text that is not difficult, our London trading St. *Thomas* in his vestry, and adde to boot St. *Martin*, and St. *Hugh*, have not within their hallow’d limits more vendible ware of all sorts ready made: so that penury he never need fear of Pulpit provision, having where so plenteously to refresh his magazin. But if his rear and flanks be not impal’d, if his back dore be not secur’d by the rigid licencer, but that a bold book may now and then issue forth, and give the assault to some of his old collections in their trenches, it will concern him then to keep waking, to stand in watch, to set good guards and sentinells about his receiv’d opinions, to walk the round and counter-round with his fellow inspectors, fearing left any of his flock be seduct, who also then would be better instructed, better exercis’d and disciplin’d. And God send that the fear of this diligence which must then be us’d, doe not make us affect the laziness of a licencing Church.

For if we be sure we are in the right, and doe not hold the truth guiltily, which becomes not, if we our selves condemn not our own weak and frivolous teaching, and the people for an untaught and irreli-
gious gadding rout, what can be more fair, then when a man judicious, learned, and of a conscience, for ought we know, as good as theirs that taught us what we know, shall not privily from house to house, which is more dangerous, but openly by writing publish to the world what his opinion is, what his reasons, and wherefore that which is now thought cannot be found. Christ urg'd it as wherewith to justifie himself, that he preach'd in publick; yet writing is more publick then preaching; and more easie to refutation, if need be, there being so many whose business and profession meerly it is, to be the champions of Truth; which if they neglect, what can be imputed but their sloth, or inability?

Thus much we are hinder'd and dis-inur'd by this cours of licencing toward the true knowledge of what we seem to know. For how much it hurts and hinders the licencers themselves in the calling of their Ministry, more then any secular employment, if they will discharge that office as they ought, so that of necessity they must neglect either the one duty or the other, I insist not, because it is a particular, but leave it to their own conscience, how they will decide it there.

There is yet behind of what I purpos'd to lay open, the incredible losse, and detriment that this plot of licencing puts us to, more then if som enemy at sea should stop up all our hav'n's and ports, and creeks, it hinders and retards the importation of our richest Marchandize, Truth: nay it was first established and put in practice by Antichristian malice and mystery on set purpose to extinguih, if it were possible, the light of Reformation, and to settle falsehood; little differing from that policie wherewith the Turk upholds his Alcoran, by the prohibition of Printing. 'Tis not deny'd, but gladly confess, we are to send our thanks and vows to heav'n, louder then most of
Nations, for that great measure of truth which we enjoy, especially in those main points between us and the Pope, with his appertinences the Prelats: but he who thinks we are to pitch our tent here, and have attain'd the utmost prospect of reformation, that the mortall glasse wherein we contemplate, can shew us, till we come to beatific vision, that man by this very opinion declares, that he is yet farre short of Truth.

Truth indeed came once into the world with her divine Master, and was a perfect shape most glorious to look on: but when he ascended, and his Apostles after him were laid asleep, then strait arose a wicked race of deceivers, who as that story goes of the _Egyptian Typhon_ with his conspirators, how they dealt with the good _Osiris_, took the Virgin Truth, hewed her lovely form into a thousand pieces, and scatter'd them to the four winds. From that time ever since, the sad friends of Truth, such as durst appear, imitating the carefull search that _Isis_ made for the mangl'd body of _Osiris_, went up and down gathering up limb by limb still as they could find them. We have not yet found them all, Lords and Commons, nor ever shall doe, till her Masters second comming; he shall bring together every joynt and member, and shall mould them into an immortall feature of love-lines and perfection. Suffer not these licencing prohibitions to stand at every place of opportunity forbidding and disturbing them that continue seeking, that continue to do our obsequies to the torn body of our martyr'd Saint. We boast our light; but if we look not wisely on the Sun it self, it smites us into darknes. Who can discern those planets that are oft _Combus_, and those stars of brightest magnitude that rise and set with the Sun, untill the opposite motion of their orbs bring them to such a place in the firmament, where they may be seen evning or
The light which we have gain'd, was giv'n us, not to be ever flaring on, but by it to discover onward things more remote from our knowledge. It is not the unfrocking of a Priest, the unmitring of a Bishop, and the removing him from off the Presbyterian shoulders that will make us a happy Nation, no, if other things as great in the Church, and in the rule of life both economicall and politickall be not lookt into and reform'd, we have lookt for long upon the blaze that Zuinglius and Calvin hath beacon'd up to us, that we are stark blind. There be who perpetually complain of schisms and sects, and make it such a calamity that any man differs from their maxims. 'Tis their own pride and ignorance which causes the disturbing, who neither will hear with meeknes, nor can convince, yet all must be suppressd which is not found in their Synagma. They are the troublers, they are the dividers of unity, who negligence and permit not others to unite those different'd pieces which are yet wanting to the body of Truth. To be still searching what we know not, by what we know, still closing up truth to truth as we find it (for all her body is homogeneal, and proportionall) this is the golden rule in Theology as well as in Arithmetick, and makes up the best harmony in a Church; not the forc't and outward union of cold, and neutrall, and inwardly divided minds.

Lords and Commons of England, consider what Nation it is wherof ye are, and wherof ye are the governours: a Nation not flow and dull, but of a quick, ingenious, and piercing spirit, acute to invent, subtle and finewy to discours, not beneath the reach of any point the highest that human capacity can soar to. Therefore the studies of learning in her deepest Sciences have bin so ancient, and so eminent among us, that Writers of good antiquity, and ablest judgement have bin perswaded that ev'n the school
of Pythagoras and the Persian wisdom took beginning from the old Philosophy of this Island. And that wife and civill Roman, Julius Agricola, who govern'd once here for Caesar, preferr'd the naturall wits of Britain, before the labour'd studies of the French. Nor is it for nothing that the grave and frugal Transylvanian sends out yearly from as farre as the mountainous borders of Russia, and beyond the Hercynian wildernes, not their youth, but their stay'd men, to learn our language, and our theologic arts. Yet that which is above all this, the favour and the love of heav'n we have great argument to think in a peculiar manner propitious and propending towards us. Why else was this Nation chos'n before any other, that out of her as out of Sion should be proclaim'd and founded forth the first tidings and trumpet of Reformation to all Europ. And had it not bin the obstinat perverf-nes of our Prelats against the divine and admirable spirit of Wicklef, to suppress him as a schismatic and innovator, perhaps neither the Bohemian Hufse and Jerom, no nor the name of Luther, or of Calvin had bin ever known: the glory of reforming all our neighbours had bin compleatly ours. But now, as our obdurat Clergy have with violence demean'd the matter, we are become hitherto the latest and the backwardest Schollers, of whom God offer'd to have made us the teachers. Now once again by all concurrence of signs, and by the generall instinct of holy and devout men, as they daily and solemnly expresse their thoughts, God is decreeing to begin some new and great period in his Church, ev'n to the reforming of Reformation it self: what does he then but reveal Himself to his servants, and as his manner is, first to his English-men; I say as his manner is, first to us, though we mark not the method of his counsels, and are unworthy. Behold now this vaft City; a City of refuge, the mansion house of liberty, en-
compact and surrounded with his protection; the
shop of warre hath not there more anvils and ham-
mers waking, to fashion out the plates and instru-
ments of armed Justice in defence of beleaguer'd
Truth, then there be pens and heads there, fitting
by their studious lamps, musing, searching, revolving
new notions and idea's wherwith to present, as with
their homage and their fealty the approaching Re-
formation: others as faft reading, trying all things,
affenting to the force of reason and convincement.
What could a man require more from a Nation so
pliant and so prone to seek after knowledge. What
wants there to such a towardsly and pregnant foile,
but wise and faithfull labourers, to make a knowing
people, a Nation of Prophets, of Sages, and of Wor-
thies. We reck'n more than five months yet to
harvest; there need not be five weeks, had we but
eyes to lift up, the fields are white already. Where
there is much desire to learn, there of necessity will
be much arguing, much writing, many opinions;
for opinion in good men is but knowledge in the
making. Under these fantastic terrors of sect and
schism, we wrong the earnest and zealous thirst after
knowledge and understanding which God hath stirr'd
up in this City. What some lament of, we rather
should rejoice at, should rather praise this pious for-
wardnes among men, to reassume the ill deputed care
of their Religion into their own hands again. A
little generous prudence, a little forbearance of one
another, and som grain of charity might win all these
diligences to joyn, and unite into one generall and
brotherly search after Truth; could we but forgoe
this Prelaticall tradition of crowding free consciences
and Christian liberties into canons and precepts of
men. I doubt not, if some great and worthy stranger
should come among us, wise to discern the mould and
temper of a people, and how to govern it, observing
the high hopes and aims, the diligent alacrity of our extended thoughts and reasonings in the pursuance of truth and freedom, but that he would cry out as Pirrhus did, admiring the Roman docility and courage, if such were my Epirots, I would not despair the greatest design that could be attempted to make a Church or Kingdom happy. Yet these are the men cry’d out against for schismaticks and sectaries; as if, while the Temple of the Lord was building, some cutting, some squaring the marble, others hewing the cedars, there should be a sort of irrationall men who could not consider there must be many schisms and many dissections made in the quarry and in the timber, ere the house of God can be built. And when every stone is laid artfully together, it cannot be united into a continuity, it can but be contiguous in this world; neither can every piece of the building be of one form; nay rather the perfection consists in this, that out of many moderat varieties and brotherly dissimilitudes that are not vaithly disproportionall arises the goodly and the gracefull symmetry that commends the whole pile and structure. Let us therefore be more considerat builders, more wise in spirituall architecture, when great reformation is expected. For now the time seems come, wherein Moses the great Prophet may sit in heav’n rejoicing to see that memorable and glorious wifh of his fulfill’d, when not only our sev’nty Elders, but all the Lords people are become Prophets. No marvell then though some men, and some good men too perhaps, but young in goodnesse, as Joshua then was, envy them. They fret, and out of their own weaknes are in agony, left these divisions and subdivisions will undoe us. The adverfarie again applauds, and waits the hour, when they have brancht themselves out, faith he, small anough into parties and partitions, then will be our time. Fool! he sees not the firm
Areopagitica; a Speech for the

root out of which we all grow, though into branches: nor will beware untill he see our small divided ma-
niples cutting through at every angle of his ill united
and unwieldy brigade. And that we are to hope
better of all these supposed sects and schisms, and
that we shall not need that solicitude honest perhaps
though over timorous of them that vex in this behalf,
but shall laugh in the end, at those malicious ap-
plauders of our differences, I, have these reasons to
perswade me.

First, when a City shall be as it were besieged and
blockt about, her navigable river infested, inrodes
and incursions round, defiance and battell oft rumor'd
to be marching up ev'n to her walls, and suburb
trenches, that then the people, or the greater part,
more then at other times, wholly tak'n up with the
study of highest and most important matters to be
reform'd, should be disputing, reasoning, reading, in-
venting, discoursing, ev'n to a rarity, and admiration,
things not before discours'd or writ'tn of, argues first
a singular good will, contentednesse and confidence
in your prudent foresight, and safe government, Lords
and Commons; and from thence derives it self to a
gallant bravery and well grounded contempt of their
enemies, as if there were no small number of as great
spirits among us, as his was, who when Rome was
nigh besieged by Hannibal, being in the City, bought
that piece of ground at no cheap rate, whereon Han-
nibal himself encampt his own regiment. Next it
is a lively and cherfull presage of our happy succeffe
and victory. For as in a body, when the blood is
fresh, the spirits pure and vigorous, not only to vital,
but to rationall faculties, and those in the acuteft,
and the perteft operations of wit and futtlety, it ar-
gues in what good plight and constitition the body
is, so when the cherfulnesse of the people is so sprightly
up, as that it has, not only wherewith to guard well
its own freedom and safety, but to spare, and to bestow upon the solideft and sublimeft points of controversy, and new invention, it betok'ns us not degenerated, nor drooping to a fatall decay, but casting off the old and winclel'd skin of corruption to outlive these pangs and wax. young again, entring the glorious waies of Truth and prosperous vertue deftin'd to become great and honourable in these latter ages. Methinks I see in my mind a noble and puiffant Nation rousing herself like a strong man after sleep, and shaking her invincible locks: Methinks I see her as an Eagle muing her mighty youth, and kindling her undazl'd eyes at the full midday beam; purging and unscaling her long abused sight at the fountain it self of heav'ly radiance; while the whole noise of timorous and flocking birds, with those also that love the twilight, flutter about, amaz'd at what she means, and in their envious gabble would prognosticat a year of sects and schisms.

What should ye doe then, should ye suppress all this flowry crop of knowledge and new light sprung up and yet springing daily in this City, should ye fet an Oligarchy of twenty ingrossers over it, to bring a famin upon our minds again, when we shall know nothing but what is measur'd to us by their bushel? Beleeve it, Lords and Commons, they who counfell ye to such a suppressing, doe as good as bid ye suppress your selves; and I will soon shew how. If it be desir'd to know the immediat caufe of all this free writing and free speaking, there cannot be assign'd a truer then your own mild, and free, and human government; it is the liberty, Lords and Commons, which your own valorous and happy counfels have purcaft us, liberty which is the nurse of all great wits; this is that which hath rarify'd and enlightn'd our spirits like the influence of heav'n; this is that which hath enfranchis'd, enlarg'd and lifted up our
apprehensions degrees above themselves. Ye cannot make us now less capable, less knowing, less eagerly pursuing of the truth, unless ye first make your selves, that made us so, less the lovers, less the founders of our true liberty. We can grow ignorant again, brutish, formall, and slavish, as ye found us; but you then must first become that which ye cannot be, oppressive, arbitrary, and tyrannous, as they were from whom ye have free'd us. That our hearts are now more capacious, our thoughts more erected to the search and expectation of greatest and exactest things, is the issue of your owne vertu propagated in us; ye cannot suppress that unless ye reinforce an abrogated and merciless law, that fathers may dispatch at will their own children. And who shall then stick closest to ye, and excite others? not he who takes up armes for cote and conduct, and his four nobles of Danegelt. Although I dispraise not the defence of just immunities, yet love my peace better, if that were all. Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties.

What would be best advis'd then, if it be found so hurtfull and so unequall to suppress opinions for the newnes, or the unsutablenes to a customary acceptance, will not be my task to say; I only shall repeat what I have learnt from one of your own honourable number, a right noble and pious Lord, who had he not sacrific'd his life and fortunes to the Church and Commonwealth, we had not now mist and bewayl'd a worthy and undoubted patron of this argument. Ye know him I am sure; yet I for honours sake, and may it be eternall to him, shall name him, the Lord Brook. He writing of Episcopacy, and by the way treating of sects and schisms, left Ye his vote, or rather now the last words of his dying charge, which I know will ever be of dear and honour'd re-
gard with Ye, so full of meeknes and breathing charity, that next to his last testament, who bequeath'd love and peace to his Disciples, I cannot call to mind where I have read or heard words more mild and peacefull. He there exhorts us to hear with patience and humility those, however they be miscall'd, that desire to live purely, in such a use of Gods Ordinances, as the best guidance of their conscience gives them, and to tolerat them, though in some disconformity to our selves. The book it self will tell us more at large being publiht to the world, and dedicated to the Parlament by him who both for his life and for his death deserves, that what advice he left be not laid by without perusall.

And now the time in speciall is, by priviledge to write and speak what may help to the furder discussing of matters in agitation. The Temple of Janus with his two controversial faces might now not unsignificantly be set open. And though all the windes of doctrin were let loose to play upon the earth, so Truth be in the field, we do injuriously by licencing and prohibiting to misdoubt her strength. Let her and Falshood grapple; who ever knew Truth put to the wors, in a free and open encounter. Her confuting is the best and surest suppressing. He who hears what praying there is for light and clearer knowledge to be sent down among us, would think of other matters to be constituted beyond the discipline of Geneva, fram'd and fabric't already to our hands. Yet when the new light which we beg for shines in upon us, there be who envy, and oppose, if it come not first in at their casements. What a collusion is this, whenas we are exhorted by the wise man to use diligence, to seek for wisdom as for hid'dn treasures early and late, that another order shall enjoy us to know nothing but by statute. When a man hath bin labouring the hardest labour in the
Areopagitica; a Speech for the deep mines of knowledge, hath furnish'd out his findings in all their equipage, drawn forth his reasons as it were a battell raung'd, scatter'd and defeated all objections in his way, calls out his adversary into the plain, offers him the advantage of wind and sun, if he please; only that he may try the matter by dint of argument, for his opponents then to sculk, to lay ambushments, to keep a narrow bridge of licencing where the challenger should passe, though it be valour enough in souldiership, is but weakness and cowardise in the wars of Truth. For who knows not that Truth is strong next to the Almighty; she needs no policies, nor stratagems, nor licencings to make her victorious, those are the shifts and the defences that error uses against her power: give her but room, and do not bind her when she sleeps, for then she speaks not true, as the old Proteus did, who spake oracles only when he was caught and bound, but then rather she turns herself into all shapes, except her own, and perhaps tunes her voice according to the time, as Micaiah did before Ahab, untill she be adjur'd into her own likeness. Yet is it not impossible that she may have more shapes then one. What else is all that rank of things indifferent, wherein Truth may be on this side, or on the other, without being unlike her self. What but a vain shadow else is the abolition of those ordinances, that handwriting nayl'd to the croffe, what great purchase is this Christian liberty which Paul so often boast's of. His doctrine is, that he who eats or eats not, regards a day, or regards it not, may doe either to the Lord. How many other things might be tolerated in peace, and left to conscience, had we but charity, and were it not the chief strong hold of our hypocrisie to be ever judging one another. I fear yet this iron yoke of outward conformity hath left a flavish print upon our necks; the ghost of a linnen decency
yet haunts us. We stumble and are impatient at the least dividing of one visible congregation from another, though it be not in fundamentalls; and through our forwardnes to suppress, and our backwardnes to recover any enthrall’d piece of truth out of the gripe of custom, we care not to keep truth separated from truth, which is the fiercest rent and disunion of all. We doe not see that while we still affect by all means a rigid externall formality, we may as soon fall again into a grosse conforming stupidity, a stark and dead congealment of wood and hay and stubble forc’t and frozen together, which is more to the sudden degenerating of a Church then many subdichotomies of petty schisms. Not that I can think well of every light separation, or that all in a Church is to be expected gold and silver and precious stones: it is not possible for man to sever the wheat from the tares, the good fish from the other fine; that must be the Angels Ministry at the end of mortall things. Yet if all cannot be of one mind, as who looks they should be? this doubtles is more wholesome, more prudent, and more Christian that many be tolerated, rather then all compell’d. I mean not tolerated Popery, and open superstition, which as it extirpats all religious and civill supremacies, so it self should be extirpat, provided first that all charitable and compassionat means be us’d to win and regain the weak and the misled: that also which is impious or evil absolutely either against faith or maners no law can possibly permit, that intends not to unlaw it self: but those neighboring differences, or rather indifferences, are what I speak of, whether in some point of doctrine or of discipline, which though they may be many, yet need not interrupt the unity of Spirit, if we could but find among us the bond of peace. In the mean while if any one would write, and bring his helpfull hand to the slow-moving Reformation
Areopagitica; a Speech for the

which we labour under, if Truth have spok'n to him before others, or but seem'd at least to speak, who hath so bejesuited us that we should trouble that man with asking licence to doe so worthy a deed? and not consider this, that if it come to prohibiting, there is not ought more likely to be prohibited then truth it self; whose first appearance to our eyes blear'd and dimm'd with prejudice and custom, is more un-fightly and unpleasable then many errors, ev'n as the person is of many a great man flight and contemptible to see to. And what doe they tell us vainly of new opinions, when this very opinion of theirs, that none must be heard, but whom they like, is the worst and newest opinion of all others; and is the chief cause why sects and schisms doe so much abound, and true knowledge is kept at distance from us; besides yet a greater danger which is in it. For when God shakes a Kingdome with strong and healthfull commotions to a generall reforming, 'tis not untrue that many sectaries and false teachers are then busieft in seduc-ing; but yet more true it is, that God then raises to his own work men of rare abilities, and more then common industry not only to look back and revise what hath bin taught heretofore, but to gain furder and goe on, some new enlightn'd steps in the discovery of truth. For such is the order of Gods enlightning his Church, to dispense and deal out by degrees his beam, so as our earthly eyes may best sustain it. Neither is God appointed and confin'd, where and out of what place these his chosen shall be first heard to speak; for he sees not as man sees, chooses not as man chooses, left we should devote our selves again to set places, and assemblies, and outward callings of men; planting our faith one while in the old Convocation house, and another while in the Chappell at Westminster; when all the faith and religion that shall be there canoniz'd, is not sufficient
without plain conviction, and the charity of patient instruction to supple the least bruise of conscience, to edifie the meanest Christian, who desires to walk in the Spirit, and not in the letter of human trust, for all the number of voices that can be there made; no though *Harry* the 7. himself there, with all his leige tombs about him, should lend them voices from the dead, to swell their number. And if the men be erroneous who appear to be the leading schismatics, what withholds us but our sloth, our self-will, and distrust in the right cause, that we doe not give them gentle meetings and gentle dismissions, that we debate not and examin the matter throughly with liberall and frequent audience; if not for their sakes, yet for our own? seeing no man who hath tasted learning, but will confess the many waies of profiting by those who not contented with stale receits are able to manage, and set forth new positions to the world. And were they but as the dust and cinders of our feet, so long as in that notion they may yet serve to polish and brighten the armoury of Truth, ev'n for that respect they were not utterly to be cast away. But if they be of those whom God hath fitted for the speciall use of these times with eminent and ample gifts, and those perhaps neither among the Priests, nor among the Pharifees, and we in the haft of a precipitant zeal shal make no distinction, but resolve to stop their mouths, because we fear they come with new and dangerous opinions, as we commonly forejudge them ere we understand them, no lesse then woe to us, while thinking thus to defend the Gospel, we are found the persecutors.

There have bin not a few since the beginning of this Parlament, both of the Presbytery and others who by their unlicen't books to the contempt of an *Imprimatur* first broke that triple ice clung about our hearts, and taught the people to see day: I hope that
none of those were the persuaders to renew upon us this bondage which they themselves have wrought so much good by contemning. But if neither the check that Moses gave to young Joshua, nor the countermand which our Saviour gave to young John, who was so ready to prohibit those whom he thought un-licenc't, be not enough to admonish our Elders how unacceptable to God their tefty mood of prohibiting is, if neither their own remembrance what evil hath abounded in the Church by this lett of licencing, and what good they themselves have begun by transgressing it, be not enough, but that they will persuade, and execute the most Dominican part of the Inquisition over us, and are already with one foot in the stirrup so active at suppressing, it would be no unequal distribution in the first place to suppress the suppressors themselves; whom the change of their condition hath put up, more then their late experience of harder times hath made wise.

And as for regulating the Press, let no man think to have the honour of advising ye better then your selves have done in that Order publisht next before this, that no book be Printed, unless the Printers and the Authors name, or at least the Printers be register'd. Those which otherwise come forth, if they be found mischievous and libellous, the fire and the executioner will be the timeliest and the moft effectual remedy, that mans prevention can use. For this authentic Spanish policy of licencing books, if I have said ought, will prove the moft unlicenc't book it self within a short while; and was the immediat image of a Star-chamber decree to that purpose made in those very times when that Court did the rest of those her pious works, for which she is now fall'n from the Starres with Lucifer. Whereby ye may guesse what kinde of State prudence, what love of the people, what care of Religion, or good manners
there was at the contriving, although with singular hypocrisy it pretended to bind books to their good behaviour. And how it got the upper hand of your precedent Order so well constituted before, if we may believe those men whose profession gives them cause to enquire most, it may be doubted there was in it the fraud of some old patentees and monopolizers in the trade of book-selling; who under pretence of the poor in their Company not to be defrauded, and the just retaining of each man his severall copy, which God forbid should be gainsaid, brought divers glosing colours to the House, which were indeed but colours, and serving to no end except it be to exercise a superiority over their neighbours, men who doe not therefore labour in an honest profession to which learning is indetted, that they should be made other mens falls. Another end is thought was aym'd at by some of them in procuring by petition this Order, that having power in their hands, malignant books might the easier scape abroad, as the event shews. But of these Sophisms and Elenchs of marchandize I skill not: This I know, that errors in a good government and in a bad are equally almost incident; for what Magistrate may not be mis-inform'd, and much the sooner, if liberty of Printing be reduc't into the power of a few; but to redresse willingly and speedily what hath bin err'd, and in highest authority to esteem a plain advertisement more then others have done a sumptuous bribe, is a vertue (honour'd Lords and Commons) answerable to Your highest actions, and whereof none can participat but greatest and wisest men.
The Tenure of Kings and Magistrates:

Proving that it is Lawfull, and hath been held so through all Ages, for any, who have the Power, to call to account a Tyrant, or wicked King, and after due conviction, to depose, and put him to death; if the ordinary Magistrate have neglected, or deny'd to doe it. And that they, who of late so much blame Deposing, are the Men that did it themselves.

Published now the second time with some additions, and many Testimonies also added out of the best and learned among Protestant Divines asserting the position of this book.

If men within themselves would be govern'd by reason, and not generally give up their understanding to a double tyranny, of Custom from without, and blind affections within, they would discerne better, what it is to favour and uphold the Tyrant of a Nation. But being slaves within doors, no wonder that they strive so much to have the public State conformably govern'd to the inward vicious rule, by which they govern themselves. For indeed none can love freedom heartilie, but good men; the rest love not
Tenure of Kings and Magistrates.

freedom, but licence; which never hath more scope or more indulgence then under Tyrants. Hence is it that Tyrants are not oft offended, nor stand much in doubt of bad men, as being all naturally servile; but in whom vertue and true worth most is eminent, them they feare in earnest, as by right thir Maifters, against them lies all thir hatred and suspension. Consequentlie neither doe bad men hate Tyrants, but have been always readiest with the falsifi'd names of Loyalty, and Obedience, to colour over thir base compliances. And although somtimes for shame, and when it comes to thir owne grievances, of purfe especially, they would seeme good Patriots, and fide with the better cause, yet when others for the deliverance of thir Countrie, endu’d with fortitude and Heroick vertue to feare nothing but the curse writt’n against those That doe the worke of the Lord negligently,* would goe on to remove, not only the calamities and thraldoms of a People, but the roots and causes whence they spring, ftreight these men, and fure helpers at need, as if they hated only the miseries but not the mischiefs, after they have juggl’d and palter’d with the world, bandied and born armes against thir King, devefted him, disannointed him, nay curs’d him all over in thir Pulpits and thir Pamphlets, to the ingaging of sincere and real men, beyond what is possible or honest to retreat from, not only turne revolters from those principles, which only could at first move them, but lay the staine of disloyaltie, and worse, on thos proceedings, which are the necessary consequences of thir own former actions; nor dislik’d by themselves, were they manag’d to the intire advantages of thir own Faction; not considering the while that he toward whom they boasted thir new fidelitie, counted them accessory; and by thos Sta-

* Jer. 48. 19.
tutes and Lawes which they so impotently brandish against others, would have doom'd them to a Traytors death, for what they have don alreadie. 'Tis true, that most men are apt enough to civill Wars and commotions as a noveltie, and for a flash hot and active; but through sloth or inconstancie, and weakness of spirit either fainting, ere thir own pretences, though never so just, be half attain'd, or through an inbred falshood and wickednes, betray oft times to destruction with themselves, men of noblest temper joyn'd with them for causes, whereof they in their rash undertakings were not capable.

If God and a good cause give them Victory, the prosecution wherof for the most part, inevitably draws after it the alteration of Lawes, change of Goverment, downfal of Princes with thir families; then comes the task to those Worthies which are the soule of that enterprize, to be swett and labour'd out amidst the throng and noises of Vulgar and irrational men. Some contesting for privileges, cuftoms, forms, and that old entanglement of Iniquity, thir gibrith Lawes, though the badge of thir ancient slavery. Others who have beene fiercest against thir Prince, under the notion of a Tyrant, and no mean incendiaries of the Warr against him, when God out of his providence and high disposal hath deliver'd him into the hand of thir brethren, on a suddain and in a new garbe of Allegiance, which thir doings have long since cancell'd; they plead for him, pity him, extoll him, protest against those that talk of bringing him to the tryall of Justice, which is the Sword of God, superior to all mortal things, in whose hand soever by apparent signes his testified will is to put it. But certainly if we consider who and what they are, on a suddain grown so pitifull, wee may conclude, thir pity can be no true, and Christian commiseration, but either levitie and shallowness of minde, or else
and Magistrates.

a carnal admiring of that worldly pomp and great-
ness, from whence they see him fall'n; or rather
lastly a dissembl'd and seditious pity, fain'd of indus-
try to begett new discord. As for mercy, if it be to
a Tyrant, under which Name they themselves have
cited him so oft in the hearing of God, of Angels,
and the holy Church assemb'ld, and there charg'd
him with the spilling of more innocent blood by farr,
them ever Nero did, undoubtedly the mercy which
they pretend, is the mercy of wicked men; and their
mercies, wee read* are cruelties; hazarding the wel-
fare of a whole Nation, to have fav'd one, whom so
oft they have tear'm'd Agag; and vilifying the blood
of many Jonathans, that have fav'd Israël; insifting
with much niceness on the unnecessary clause of
thir Covnant wrested, wherein the feare of change,
and the absurd contradiction of a flattering hostilitie
had hamper'd them, but not scrupling to give away
for complements, to an implacable revenge, the heads
of many thousand Christians more.

Another folt there is, who comming in the cours
of these affaires, to have thir share in great actions,
above the form of Law or Cuftom, at leaft to give
thir voice and approbation, begin to swerve, and al-
most shiver at the Majesty and grandeur of som noble
deed, as if they were newly enter'd into a great sin;
disputing precedents, forms, and circumstances, when
the Common-wealth nigh perishes for want of deeds
in substance, don with just and faithfull expedition.
To these I wish better instruction, and vertue equal
to thir calling; the former of which, that is to say
Instruction, I shall indeavour, as my dutie is, to be-
flow on them; and exhort them not to startle from
the juft and pious resolution of adhering with all thir
strength and assistance to the present Parlament and

* Prov. 12. 10.
Army, in the glorious way wherein Justice and Victory hath set them; the only warrants through all ages, next under immediat Revelation, to excercise supreme power, in those proceedings which hitherto appeare equal to what hath been don in any age or Nation heretofore, justly or magnanimouslie. Nor let them be discourag'd or deterr'd by any new Apo- tate Scarcrowes, who under shew of giving counsel, send out their barking monitories and memento's, empty of ought else but the spleene of a frustrated Faction. For how can that pretended counsel bee either sound or faithfull, when they that give it, see not for madness and vexation of thir ends lost, that those Statutes and Scriptures which both fallly and scandalously, they wrest against thir Friends and Associates, would by sentence of the common adver- sarie, fall first and heavieft upon thir own heads. Neither let milde and tender dispositions be foolishly softn'd from thir duty and perseverance, with the un- maskuline Rhetorick of any puling Priest or Chap- lain, sent as a friendly Letter of advice, for fashion fake in privat, and forthwith publish'd by the Sender himself, that wee may know how much of friend there was in it, to cast an odious envie upon them, to whom it was pretended to be sent in charitie. Nor let any man be deluded by either the ignorance or the notorious hypocritisie and self-repugnance of our dancing Divines, who have the conscience and the boldness, to come with Scripture in thir mouthes, gloss'd and fitted for thir tunes with a double contraditory sense, transforming the sacred verity of God, to an Idol with two Faces, looking at once two seve- ral ways; and with the same quotations to charge others, which in the same case they made serve to justify themselves. For while the hope to bee made Classick and Provincial Lords led them on, while plu- ralities greas'd them thick and deep, to the shame
and scandal of Religion, more then all the Sects and Heresies they exclaim against, then to fight against the Kings person, and no less a Party of his Lords and Commons, or to put force upon both the Houses, was good, was lawful, was no resisting of Superior powers; they onely were powers not to be resisted, who countenanced the good, and punish't the evil. But now that thir censorious domineering is not suffer'd to be universal, truth and conscience to be freed, Tithes and Pluralities to be no more, though competent allowance provided, and the warme experience of large gifts, and they so good at taking them; yet now to exclude and seize upon impeach't Members, to bring Delinquents without exemption to a faire Tribunal by the common National Law against murder, is now to be no less then Corah, Dathan, and Abiram. He who but erewhile in the Pulpits was a cursed Tyrant, an enemie to God and Saints, lad'n with all the innocent blood spilt in three Kingdoms, and so to be fought against, is now, though nothing penitent or alter'd from his first principles, a lawful Magistrate, a Sovran Lord, the Lords anointed, not to be touch'd, though by themselves imprison'd. As if this onely were obedience, to preserve the meere useles bulke of his person, and that onely in prison, not in the field, and to disobey his commands, deny him his dignity and office, every where to resist his power but where they thinke it onely surviving in their own faction.

But who in particular is a Tyrant cannot be determin'd in a general discours, otherwise then by supposition; his particular charge, and the sufficient proof of it must determin that: which I leave to Magistrates, at least to the uprighter sort of them, and of the people, though in number less by many, in whom faction least hath prevail'd above the Law of nature and right reason, to judge as they find cause.
The Tenure of Kings

But this I dare owne as part of my faith, that if such a one there be, by whose Commission, whole massac- chers have been committed on his faithfull Subjects, his Provinces offer'd to pawn or alienation, as the hire of those whom he had sollicited to come in and destroy whole Citties and Countries; be he King, or Tyrant, or Emperour, the Sword of Justice is above him; in whose hand soever is found sufficient power to avenge the effusion, and so great a deluge of innocent blood. For if all human power to execute, not accidentally but intendedly, the wrath of God upon evil doers without exception, be of God; then that power, whether ordinary, or if that fail, extra- ordinary so executing that intent of God, is lawfull, and not to be resifted. But to unfold more at large this whole Question, though with all expedient bre- vity, I shall here set downe from first beginning, the originall of Kings; how and wherfore exalted to that dignitie above thir Brethren; and from thence shall prove, that turning to Tyranny they may bee as law- fully depos'd and punish'd as they were at first elected: This I shall doe by authorities and reasons, not learnt in corners among Scifims and Herefies, as our doub- ling Divines are ready to calumniate, but fetch't out of the midst of choicest and most authentic learning, and no prohibited Authors, nor many Heathen, but Mofaical, Christian, Orthodoxal, and which must needs be more convincing to our Adversaries, Pres-byterial.

No man who knows ought, can be so stupid to deny that all men naturally were borne free, being the image and resemblance of God himself, and were by privilege above all the creatures, born to command and not to obey: and that they liv'd so. Till from the root of Adams transgression, falling among them- selves to doe wrong and violence, and foreseeing that such courses must needs tend to the destruction of
and Magistrates. 457

them all, they agreed by common league to bind each other from mutual injury, and joyntly to defend themselves against any that gave disturbance or opposition to such agreement. Hence came Citties, Townes and Common-wealths. And because no faith in all was found sufficiently binding, they saw it needfull to ordaine some authoritie, that might restrain by force and punishment what was violated against peace and common right. This authoritie and power of self-defence and preservation being originally and naturally in every one of them, and unitedly in them all, for case, for order, and least each man should be his own partial Judge, they communicated and deriv'd either to one, whom for the eminence of his wisdom and integritie they chose above the rest, or to more then one whom they thought of equal deserving: the first was call'd a King; the other Magistrates. Not to be thir Lords and Masters (though afterward those names in som places were giv'n voluntarily to such as had been Authors of ineffimable good to the people) but, to be thir Deputies and Commissioners, to execute, by vertue of thir intrusted power, that justice which else every man by the bond of nature and of Cov'nant must have executed for himself, and for one another. And to him that shall consider well why among free Persons, one man by civil right should beare authoritie and jurisdiction over another, no other end or reason can be imaginable. These for a while govern'd well, and with much equity decided all things at thir own arbitrement: till the temptation of such a power left absolute in thir hands, perverted them at length to injustice and partialitie. Then did they who now by tryal had found the danger and inconveniences of committing arbitrary power to any, invent Laws either fram'd, or consented to by all, that should confine and limit the authoritie of whom they chose
to govern them: that so man, of whose failing they had proof, might no more rule over them, but law and reason abstracted as much as might be from personal errors and frailties. While as the Magistrate was set above the people, so the Law was set above the Magistrate. When this would not serve, but that the Law was either not executed, or misapply'd, they were constrain'd from that time, the onely remedy left them, to put conditions and take Oaths from all Kings and Magistrates at thir first instalment to doe impartial justice by Law: who upon those termes and no other, receav'd Allegiance from the people, that is to say, bond or Covnant to obey them in execution of thofe Lawes which they the people had themselves made, or assented to. And this oft-times with express warning, that if the King or Magistrate prov'd unfaithfull to his truft, the people would be disingag'd. They added also Counselors and Parlaments, nor to be onely at his beck, but with him or without him, at fet times, or at all times, when any danger threatn'd to have care of the public safety. Therefore faith Claudius Sefell a French Statesman, The Parliament was set as a bridle to the King; which I instance rather, not because our English Lawyers have not said the same long before, but because that French Monarchy is granted by all to be a farr more absolute then ours. That this and the rest of what hath hitherto been spok'n is most true, might be copiously made appeare throughout all Stories Heathen and Christian; ev'n of thofe Nations where Kings and Emperours have sought meanes to abolish all ancient memory of the Peoples right by thir encroachments and usurpations. But I spare long insertions, appealing to the known constitutions of both the latest Christian Empires in Europe, the Greek and German, besides the French, Italian, Aragonian, English, and not leaft the Scottifh Histo-
and Magistrates. 459

ries: not forgetting this onely by the way, that William the Norman though a Conqueror, and not unsworn at his Coronation, was compell'd the second time to take oath at S. Albanes, ere the people would be brought to yeild obedience.

It being thus manifest that the power of Kings and Magistrates is nothing else, but what is only derivative, transferr'd and committed to them in trust from the People, to the Common good of them all, in whom the power yet remaines fundamentally, and cannot be tak'n from them, without a violation of thir natural birthright, and seeing that from hence Aristotle and the best of Political writers have defin'd a King, him who governs to the good and profit of his People, and not for his own ends, it follows from necessary causes, that the Titles of Sov'ran Lord, natural Lord, and the like, are either arrogancies, or flatteries, not admitted by Emperours and Kings of best note, and dislikt by the Church both of Jews, Isai. 26. 13. and ancient Christians, as appears by Tertullian and others. Although generally the people of Asia, and with them the Jews also, especially since the time they chose a King against the advice and counsel of God, are noted by wise Authors much inclinable to slavery.

Secondly, that to say, as is usual, the King hath as good right to his Crown and dignitie, as any man to his inheritance, is to make the Subject no better then the Kings slave, his chattell, or his possession that may be bought and sold. And doubtless if hereditary title were sufficiently inquir'd, the best foundation of it would be found either but in courtesie or convenience. But suppose it to be of right hereditarie, what can be more just and legal, if a subject for certain crimes be to forfeit by Law from himself, and posterity, all his inheritance to the King, then that a King for crimes proportional, should for-
fet all his title and inheritance to the people: unless the people must be thought created all for him, he not for them, and they all in one body inferior to him single, which were a kinde of treason against the dignitie of mankind to affirm.

Thirdly it follows, that to say Kings are accountable to none but God, is the overturning of all Law and government. For if they may refuse to give account, then all cov'nants made with them at Coronation; all Oathes are in vaine, and meer mockeries, all Lawes which they sweare to keep, made to no purpose; for if the King feare not God, as how many of them doe not? we hold then our lives and eftates, by the tenure of his meer grace and mercy, as from a God, not a mortal Magiftrate, a position that none but Court Parasites or men befotted would maintain. *Aristotle* therefore, whom we commonly allow for one of the best interpreters of nature and morality, writes in the fourth of his politics chap. 10. that Monarchy unaccountable, is the worst sort of Tyranny; and leaft of all to be endur'd by free born men. And surely no Christian Prince, not drunk with high mind, and prouder then those Pagan Caesars that deifi'd themselves, would arrogate so unreasonably above human condition, or derogate so basely from a whole Nation of men his Brethren, as if for him only subsisting, and to serve his glory; valuing them in comparison of his owne brute will and pleasure, no more then so many beasts, or vermin under his Feet, not to be reafond with, but to be trod on; among whom there might be found so many thousand Men for wisdom, vertue, noblenes of mind, and all other respects, but the fortune of his dignity, farr above him. Yet some would perswade us, that this absurd opinion was King Davids; because in the 51 Psalm he cries out to God, *Against thee onely have I sinn'd*; as if David had imagin'd that to murder Uriah...
and adulterate his Wife, had bin no sin against his Neighbour, when as that Law of Moses was to the King expressly, Deut. 17. not to think so highly of himself above his Brethren. David therefore by those words could mean no other, then either that the depth of his guiltiness was known to God onely, or to so few as had not the will or power to question him, or that the sin against God was greater beyond compare then against Uriah. What ever his meaning were, any wise man will see that the pathetical words of a Psalme can be no certaine decision to a poynt that hath abundantly more certain rules to goe by. How much more rationally spake the Heathen King Demophoon in a Tragedy of Euripides then these Interpreters would put upon King David, I rule not my people by Tyranny, as if they were Barbarians, but am my self liable, if I doe unjustly, to suffer justly. Not unlike was the speech of Trajan the worthy Emperor, to one whom he made General of his Praetorian Forces. Take this drawne sword, saith he, to use for me, if I reigne well, if not, to use against me. Thus Dion relates. And not Trajan onely, but Theodosius the yonger, a Christian Emperor and one of the best, caufd it to be enacted as a rule undeniable and fit to be acknowledg'd by all Kings and Emperors, that a Prince is bound to the Laws; that on the authority of Law the authority of a Prince depends, and to the Laws ought submit. Which Edict of his remains yet in the Code of Justinian. l. 1. tit. 24. as a sacred constitution to all the succeeding Emperors. How then can any King in Europe maintain and write himself accountable to none but God, when Emperors in thir own imperial Statutes have writ'tn and decreed themselves accountable to Law. And indeed where such account is not fear'd, he that bids a man reigne over him above Law, may bid as well a savage Beast.
It follows lastly, that since the King or Magistrate holds his authoritie of the people, both originaly and naturally for their good in the first place, and not his own, then may the people as oft as they shall judge it for the best, either choose him or reject him, retain him or depose him though no Tyrant, meerly by the liberty and right of free born Men, to be govern'd as seems to them best. This, though it cannot but stand with plain reason, shall be made good also by Scripture. Deut. 17. 14. When thou art come into the Land which the Lord thy God giveth thee, and shalt say I will set a King over mee, like as all the Nations about mee. These words confirme us that the right of choosing, yea of changing thir own Government is by the grant of God himself in the People. And therfore when they desir'd a King, though then under another form of goverment, and though thir changing displeas'd him, yet he that was himself thir King, and rejected by them, would not be a hindrance to what they intended, furder then by perswasion, but that they might doe therein as they saw good, 1 Sam. 8. onely he reserv'd to himself the nomination of who mould reigne over them. Neither did that exempt the King, as if he were to God onely accountable, though by his especial command anointed. Therfore David first made a Covnant with the Elders of Israel, and so was by them anointed King, 2 Sam. 5. 3. 1 Chron. 11. And Jehoiada the Priest making Jehoash King, made a Cov'nant between him and the People, 2 Kings 11. 17. Therfore when Roboam at his comming to the Crown, rejected those conditions which the Israelites brought him, heare what they answer him, What portion have we in David, or Inheritance in the son of Jesse? See to thine own House David. And for the like conditions not perform'd, all Israel before that time depos'd Samuel; not for his own default, but for the misgoverment
of his Sons. But som will say to both these examples, it was evilly don. I answer, that not the latter, because it was expressly allow'd them in the Law to set up a King if they pleas'd; and God himself joyn'd with them in the work; though in som fort it was at that time displeasing to him, in respect of old Samuel who had govern'd them uprightly. As Livy praises the Romans who took occasion from Tarquinius a wicked Prince to gaine thir libertie, which to have extorted, faith hee, from Numa, or any of the good Kings before, had not bin seasonable. Nor was it in the former example don unlawfully; for when Roboam had prepar'd a huge Army to reduce the Israelites, he was forbidd'n by the Prophet, 1 Kings 12. 24. Thus faith the Lord yee shall not goe up, nor fight against your brethren, for this thing is from me. He calls them thir Brethren, not Rebels, and forbidds to be proceeded against them, owning the thing himself, not by single providence, but by approbation, and that not onely of the act, as in the former example, but of the fit season also; he had not otherwise forbidd to molest them. And those grave and wise Counsellors whom Rehoboam first advis'd with, spake no such thing, as our old gray headed Flatterers now are wont, stand upon your birth-right, scorn to capitulate, you hold of God, not of them; for they knew no such matter, unles conditionally, but gave him politic counsel, as in a civil transaction. Therfore Kingdom and Magistracy, whether supreme or subordinat, is without difference, call'd a human ordinance, 1 Pet. 2. 13. &c. which we are there taught is the will of God wee should alike submitt to, so farr as for the punishment of evil doers, and the encouragement of them that doe well. Submitt faith hee, as free men. But to any civil power unaccountable, unquestionable, and not to be resisted, no not in wickedness, and violent actions, how can
we submitt as free men? There is no power but of God, faith Paul, Rom. 13. as much as to say, God put it into mans heart to find out that way at first for common peace and preservation, approving the exercise thereof; els it contradicts Peter who calls the same authority an Ordinance of man. It must be also understood of lawfull and just power, els we read of great power in the affaires and Kingdoms of the World permitted to the Devil: for faith he to Christ, Luke 4. 6. All this power will I give thee and the glory of them, for it is deliver’d to me, and to whomsoever I will, I give it: neither did he ly, or Christ gainlay what he affirm’d; for in the thirteenth of the Revelation wee read how the Dragon gave to the beast his power, his feate, and great authority: which beast so autoriz’d most expound to be the tyrannical powers and Kingdoms of the earth. Therfore Saint Paul in the forecited Chapter tells us that such Magistrates he means, as are, not a terror to the good but to the evil; such as beare not the sword in vaine, but to punish offenders, and to encourage the good. If such onely be mentiond here as powers to be obeyd, and our submission to them onely requir’d, then doubtles those powers that doe the contrary, are no powers ordain’d of God, and by consequence no obligation laid upon us to obey or not to refist them. And it may bee well observd that both these Apostles, whenever they give this precept, express it in termes not concrete but abstract, as Logicians are wont to speake, that is, they mention the ordinance, the power, the autoritie before the persons that execute it; and what that power is, leaft we should be deceav’d, they describe exactly. So that if the power be not such, or the person execute not such power, neither the one nor the other is of God, but of the Devil, and by consequence to bee refistted. From this exposition Chrysostome also on the same place
and Magistrates.

465
diffents not; explaining that these words were not writ’n in behalf of a tyrant. An this is verify’d by David, himself a King, and likeliest to bee Author of the Psalm 94. 20. which faith Shall the throne of iniquity have fellowship with thee? And it were worth the knowing, since Kings in these dayes, and that by Scripture, boast the juftness of thir title, by holding it immediately of God, yet cannot show the time when God ever set on the throne them or thir foresathers, but onely when the people chose them, why by the same reason, since God ascribes as oft to himself the casting down of Princes from the throne, it should not be thought as lawful, and as much from God, when none are seen to do it but the people, and that for just causes. For if it needs must be a sin in them to depose, it may as likely be a sin to have elected. And contrary if the peoples act in election be pleaded by a King, as the act of God, and the most just title to enthrone him, why may not the peoples act of rejection, bee as well pleaded by the people as the act of God, and the most just reason to depose him? So that we see the title and just right of raigning or depoſing, in reference to God, is found in Scripture to be all one; visible onely in the people, and depending meerly upon justice and demerit. Thus farr hath bin considerd briefly the power of Kings and Magistrates; how it was and is originally the peoples, and by them conferr’d in truſt onely to bee imployd to the common peace and benefit; with liberty therfore and right remaining in them to reaſſume it to themselves, if by Kings or Magistrates it be abus’d; or to dispose of it by any alteration, as they shall judge moſt conducing to the public good.

Wee may from hence with more eafe, and force of argument determin what a Tyrant is, and what the people may doe againſt him. A Tyrant whether
The Tenure of Kings

by wrong or by right coming to the Crown, is he who regarding neither Law nor the common good, reigns only for himself and his faction: Thus St. Basil among others defines him. And because his power is great, his will boundless and exorbitant, the fulfilling whereof is for the most part accompanied with innumerable wrongs and oppressions of the people, murders, massacres, rapes, adulteries, desolation, and subversion of Cities and whole Provinces, look how great a good and happiness a just King is, so great a mischief is a Tyrant; as he the public father of his Country, so this the common enemy. Against whom what the people lawfully may doe, as against a common pest, and destroyer of mankind, I suppose no man of clear judgement need goe further to be guided then by the very principles of nature in him. But because it is the vulgar folly of men to desert their own reason, and shutting their eyes to think they see best with other mens, I shall shew by such examples as ought to have most weight with us, what hath been done in this case heretofore. The Greeks and Romans, as their prime Authors witness, held it not only lawfull, but a glorious and Heroic deed, rewarded publicly with Statues and Garlands, to kill an infamous Tyrant at any time without tryal: and but reason, that he who trod down all Law, should not be voutsaf'd the benefit of Law. Infomuch that Seneca the Tragedian brings in Hercules the grand suppressor of Tyrants, thus speaking,

——— Victim a haud ulla amplior
Poteft, magisque opima maclari Jovi
Quam Rex iniquus

——— There can be slaine
No sacrifice to God more acceptable
Then an unjust and wicked King ———
But of these I name no more, left it be objected they were Heathen; and come to produce another sort of men that had the knowledge of true Religion. Among the Jews this custom of tyrant-killing was not unusual. First *Ehud*, a man whom God had ray'd to deliver Israel from *Eglon* King of *Moab*, who had conquer'd and rul'd over them eighteen years, being sent to him as an Ambassador with a present, flew him in his own house. But hee was a forren Prince, an enemie, and *Ehud* besides had special warrant from God. To the first I answer, it imports not whether forren or native: For no Prince so native but professes to hold by Law; which when he himself overturns, breaking all the Covnants and Oaths that gave him title to his dignity, and were the bond and alliance between him and his people, what differs he from an outlandish King, or from an enemie? For look how much right the King of *Spaine* hath to govern us at all, so much right hath the King of *England* to govern us tyrannically. If he, though not bound to us by any League, comming from *Spaine* in person to subdue us or to destroy us, might lawfully by the people of *England* either bee slaine in fight, or put to death in captivity, what hath a native King to plead, bound by so many Covnants, benefits and honours to the welfare of his people, why he through the contempt of all Laws and Parla-
ments, the onely tie of our obedience to him, for his own wills sake, and a boasted prerogative unaccountable, after sev'n years warring and destroy'ing of his best Subjects, overcom, and yeilded prisoner, should think to scape unquestionable, as a thing divine, in respect of whom so many thousand Christians destroy'd, should lie unaccounted for, polluting with their slaughter'd carcases all the Land over, and cry-
ing for vengeance against the living that should have righted them. Who knows not that there is a mu-
tual bond of amity and brother-hood between man and man over all the World, neither is it the Eng-
lish Sea that can sever us from that duty and relation: a straiter bond yet there is between fellow-subjects, neighbours, and friends; But when any of these doe one to another so as hostility could doe no worse, what doth the Law decree less against them, then op'n enemies and invaders? or if the Law be not present, or too weake, what doth it warrant us to less then single defence, or civil warr? and from that time forward the Law of civil defensive warr differs nothing from the Law of forren hostility. Nor is it distance of place that makes enmitie, but enmity that makes distance. He threfore that keeps peace with me, neer or remote, of whatsoever Nation, is to mee as farr as all civil and human offices an Englishman and a neighbour: but if an Englishman forgetting all Laws, human, civil and religious, offend against life and liberty, to him offended and to the Law in his behalf, though born in the same womb, he is no better then a Turk, a Sarasin, a Heathen. This is Gospel, and this was ever Law among equals; how much rather then in force against any King whatever, who in respect of the people is confessed inferior and not equal: to distinguish threfore of a Tyrant by outlandish, or domestic is a weak evasion. To the second that he was an enemie, I answer, what Tyrant is not? yet Eglon by the Jewes had bin acknowledgd as thir Sovran; they had serv'd him eighteen yeares, as long almost as we our William the Conqueror, in all which time he could not be so unwise a Statesman but to have tak'n of them Oaths of Fealty and Allegiance, by which they made themselves his proper subjects, as thir homage and present sent by Ehud testify'd. To the third, that he had special warrant to kill Eglon in that manner, it cannot bee granted, because not express'd; tis plain
that he was rayed by God to be a Deliverer, and went on just principles, such as were then and ever held allowable, to deale so by a Tyrant that could no otherwise be dealt with. Neither did Samuel though a Prophet, with his own hand abstain from Agag; a forren enemie no doubt; but mark the reason. As thy Sword hath made women childless; a cause that by the sentence of Law it self nullifies all relations. And as the Law is between Brother and Brother, Father and Son, Master and Servant, wherefore not between King or rather Tyrant and People? And wher as Jehu had special command to slay Jehoram a successive and hereditary Tyrant, it seems not the less imitable for that; for where a thing grounded so much on natural reason hath the addition of a command from God, what does it but establish the lawfulness of such an act. Nor is it likely that God who had so many ways of punishing the house of Ahab would have sent a subject against his Prince, if the fact in it self, as don to a Tyrant, had bin of bad example. And if David refus'd to lift his hand against the Lords anointed, the matter between them was not tyranny, but privat enmity, and David as a privat person had bin his own revenger, not so much the peoples. But when any tyrant at this day can shew to be the Lords anointed, the onely mention'd reason why David withheld his hand, he may then but not till then presume on the same privilege.

Wee may pass ththerefore hence to Christian times. And first our Saviour himself, how much he favour Tyrants, and how much intended they should be found or honourd among Christians, declares his mind not obscurely; accounting this absolute authority no better then Gentilism, yea though they flourish'd it over with the splendid name of Benefactors; charging those that would be his Disciples to usurp no such dominion;
The Tenure of Kings

but that they who were to bee of most autoritie among them, should esteem themselves Ministers and Servants to the public. Matt. 20. 25. The Princes of the Gentiles exercise Lordship over them, and Mark 10. 42. They that seem to rule, faith he, either slighting or accounting them no lawful rulers, but yee shall not be so, but the greatest among you shall be your Servant. And although hee himselfe were the meekest, and came on earth to be so, yet to a Tyrant we hear him not voutsafe an humble word: but Tell that Fox, Luc. 13. So farr we ought to be from thinking that Christ and his Gospel should be made a Sanctuary for Tyrants from justice, to whom his Law before never gave such protection. And wherfore did his Mother the Virgin Mary give such praise to God in her pro-fetic song, that he had now by the comming of Christ Cut down Dynaspha's or proud Monarchs from the throne, if the Church, when God manifests his power in them to doe so, should rather choose all miserie and vassalage to serve them, and let them stil sit on thir potent seats to bee ador'd for doing mischief. Surely it is not for nothing that tyrants by a kind of natural in-stinct both hate and feare none more then the true Church and Saints of God, as the most dangerous enemies and subverters of Monarchy, though indeed of tyranny; hath not this bin the perpetual cry of Courtiers, and Court Prelats? whereof no likelier caufe can be alleg'd, but that they well discern'd the mind and principles of most devout and zealous men, and indeed the very discipline of Church, tending to the dissolusion of all tyranny. No marvel then if since the faith of Christ receav'd, in purer or impurer times, to depose a King and put him to death for Tyranny, hath bin accounted so just and requisite, that neighbour Kings have both upheld and tak'n part with subjects in the action. And Ludovicus Pius, himself an Emperor, and Son of Charles the
and Magistrates.

great, being made Judge, Du Haillan is my author, between Milegast King of the Vultzes and his Subjects who had depos'd him, gave his verdit for the Subjects, and for him whom they had chos'n in his room. Note here that the right of electing whom they please is by the impartial testimony of an Emperor in the people. For, said he, Ajust Prince ought to be prefer'd before an unjust, and the end of government before the prerogative. And Constantinus Leo, another Emperor, in the Byzantine Laws faith, that the end of a King is for the general good, which he not performing is but the counterfet of a King. And to prove that som of our own Monarchs have acknowledg'd that thir high office exempted them not from punishment, they had the Sword of St. Edward born before them by an officer who was call'd Earle of the Palace, eev'n at the times of thir highest pomp and solemnities, to mind them, faith Matthew Paris, the best of our Historians, that if they errd, the Sword had power to restraine them. And what restraint the Sword comes to at length, having both edge and point, if any Sceptic will doubt, let him feel. It is also affirm'd from diligent search made in our ancient books of Law, that the Peers and Barons of England had a legal right to judge the King: which was the cause most likely, for it could be no slight cause, that they were call'd his Peers, or equals. This however may stand immovable, so long as man hath to deale with no better then man; that if our Law judge all men to the lowest by thir Peers, it should in all equity ascend also, and judge the highest. And so much I find both in our own and forren Storie, that Dukes, Earles, and Marqueses were at first not hereditary, not empty and vain titles, but names of trust and office, and with the office ceasing, as induces me to be of opinion, that every worthy man in Parlament, for the word Baron imports no
more, might for the public good be thought a fit Peer and judge of the King; without regard had to petty caveats, and circumstances, the chief impediment in high affairs, and ever stood upon most by circumstantial men. Whence doubtless our Ancestors who were not ignorant with what rights either Nature or ancient Constitution had endow'd them, when Oaths both at Coronation, and renew'd in Parliament would not serve, thought it no way illegal to depose and put to death their tyrannous Kings. Insomuch that the Parliament drew up a charge against Richard the Second, and the Commons requested to have judgement decree'd against him, that the realm might not bee endanger'd. And Peter Martyr a Divine of formost rank, on the third of Judges approves their doings. Sir Thomas Smith also a Protestant and a Statesman, in his Commonwealth of England, putting the question whether it be lawfull to rise against a Tyrant, answers that the vulgar judge of it according to the event, and the lerned according to the purpose of them that do it. But far before these days, Gildas the most ancient of all our Historians, speaking of those times wherein the Roman Empire decaying quitted and relinquish'd what right they had by Conquest to this Island, and resign'd it all into the people's hands, testifies that the people thus re-invested with their own original right, about the year 446, both elected them Kings, whom they thought best (the first Christian Britsh Kings that ever reign'd here since the Romans) and by the same right, when they apprehended cause, usually depos'd and put them to death. This is the most fundamental and ancient tenure that any King of England can produce or pretend to; in comparison of which, all other titles and pleas are but of yesterday. If any object that Gildas condemns the Britans for so doing, the answer is as ready; that he condemns them no more for so doing,
then hee did before for choosing such, for faith he, They anointed them kings, not of God, but such as were more bloody then the rest. Next hee condemns them not at all for deposing or putting them to death, but for doing it over hastily, without tryal or well examining the cause, and for electing others wors in thir room. Thus we have heer both domestic and most ancient examples that the people of Britaine have depos'd and put to death thir Kings in those primitive Christian times. And to couple reason with example, if the Church in all ages, Primitive, Romish, or Protestant, held it ever no lefs thir duty then the power of thir Keyes, though without express warrant of Scripture, to bring indifferently both King and Peasant under the utmost rigor of thir Canons and Censures Ecclesiastical, eev'n to the smiting him with a final excommunion, if he persist impenitent, what hinders but that the temporal Law both may and ought, though without a special Text or precedent, extend with like indifference the civil Sword, to the cutting off without exemption him that capitaly offends. Seeing that justice and Religion are from the same God, and works of justice oftentimes more acceptable. Yet because that some lately, with the tongues and arguments of Malignant backsliders, have writ'n that the proceedings now in Parliament against the King, are without precedent from any Protestant State or Kingdom, the examples which follow shall be all Protestant and chiefly Presbyterian.

In the yeare 1546. The Duke of Saxonie, Lantgrave of Hessen, and the whole Protestant league rayd op'n Warr against Charles the fift thir Emperor, sent him a defiance, renounce'd all faith and allegiance towards him, and debated long in Councel whither they should give him so much as the title of Caesar. Sleidan. l. 17. Let all men judge what this wanted of deposing or of killing, but the power to doe it.
In the yeare 1559. The Scotch Protestants claiming promise of thir Queen Regent for libertie of conscience, she answering that promises were not to be claim'd of Princes beyond what was commodious for them to grant, told her to her face in the Parliament then at Sterling, that if it were so, they renonc'd thir obedience; and soon after betook them to Armes.

Buchanan Hist. l. 16. certainly when allegiance is renounc'd, that very hour the King or Queen is in effect depos'd.

In the yeare 1564. John Knox a moft famous Divine and the reformer of Scotland to the Presbyterian discipline, at a general Assembly, maintaينd op'ny in a dispute against Lethington the Secretary of State, that Subjects might and ought execute Gods judgements upon thir King; that the fact of Jehu and others against thir King having the ground of Gods ordinary command to put such and such offenders to death was not extraordinary, but to bee imitated of all that preferr'd the honour of God to the affection of flesh and wicked Princes; that Kings, if they offend, have no privilege to be exempted from the punishments of Law more then any other subject; so that if the King be a Murderer, Adulterer, or Idolater, he should suffer, not as a King, but as an offender; and this position he repeats again and again before them. Answerable was the opinion of John Craig another learned Divine, and that Lawes made by the tyranny of Princes, or the negligence of people, thir posterity might abrogate, and reform all things according to the original institution of Common-welths. And Knox being commanded by the Nobilitie to write to Calvin and other lerned men for thir judgement in that question, refus'd; alleging that both himself was fully resolv'd in conscience, and had heard thir judgements, and had the same opinion under hand-writing of many the most godly and
moft lerned that he knew in Europe; that if he should move the question to them againe, what should he doe but shew his own forgetfulness or inconstancy. All this is farr more largely in the Eccleliaftic History of Scotland, l. 4. with many other passages to this effect all the Book over; set out with diligence by Scotchmen of beft repute among them at the beginning of these troubles, as if they labourd to inform us what wee were to doe, and what they intended upon the like occasion.

And to let the world know that the whole Church and Protestant State of Scotland in those pureft times of reformation were of the fame beleif, three years after, they met in the feild Mary thir lawful and hereditary Queen, took her prisoner yeilding before fight, kept her in prison, and the fame yeare depos’d her. Buchan. Hift. l. 18.

And four years after that, the Scots in justification of thir deposing Queen Mary, sent Ambassadors to Queen Elizabeth, and in a writ’n Declaration alleg’d that they had us’d toward her more lenity then shee deserv’d, that thir Ancestors had heretofore punish’d thir Kings by death or banishment; that the Scots were a free Nation, made King whom they freely chose, and with the same freedom unkingd him if they saw cause, by right of ancient laws and Ceremonies yet remaining, and old customs yet among the High-landers in choofing the head of thir Clanns, or Families; all which with many other arguments bore witnefs that regal power was nothing else but a mutual Covnant or stipulation between King and people. Buch. Hift. l. 20. These were Scotchmen and Presbyterians; but what measure then have they lately offer’d, to think such liberty less beseeming us then thmelves, presuming to put him upon us for a Maifter whom thir law scarce allows to be thir own equal? If now then we heare them in another
strain then heretofore in the purest times of their Church, we may be confident it is the voice of Faction speaking in them, not of truth and Reformation. Which no less in England then in Scotland, by the mouthes of those faithful witnesses commonly call'd Puritans, and Nonconformists, spake as clearly for the putting down, yea the utmost punishing of Kings, as in their several Treatises may be read; e'en from the first raigne of Elizabeth to these times. Informuch that one of them, whose name was Gibson, foretold K. James, he should be rooted out, and conclude his race, if he persisted to uphold Bishops. And that very inscription stampt upon the first Coines at his Coronation, a naked Sword in a hand with these words, Si mereor in me, Against me, if I deserve, not only manifested the judgement of that State, but seem'd also to preface the sentence of Divine justice in this event upon his Son.

In the yeare 1581, the States of Holland in a general Assembly at the Hague, abjur'd all obedience and subjection to Philip King of Spaine; and in a Declaration justify thir so doing; for that by his tyrannous government against faith so many times giv'n and brok'n he had lost his right to all the Belgic Provinces; that threfore they depos'd him and declar'd it lawful to choose another in his stead. Thuan. l. 74. From that time, to this, no State or Kingdom in the world hath equally prosperd: But let them remember not to look with an evil and prejudicial eye upon thir Neighbours walking by the same rule.

But what need these examples to Presbyterians, I mean to those who now of late would seem so much to abhor depositing, when as they to all Christendom have giv'n the latest and liveliest example of doing it themselves. I question not the lawfulness of raising Warr against a Tyrant in defence of
Religion, or civil libertie; for no Protestant Church from the first Waldenses of Lyons, and Languedoc to this day but have don it round, and maintain'd it lawful. But this I doubt not to affirme, that the Presbyterians, who now so much condemn deposing, were the men themselves that depos'd the King, and cannot with all thir shifting and relapsing, wash off the guiltines from thir own hands. For they themselves, by these thir late doings have made it guiltines, and turn'd thir own warrantable actions into Rebellion.

There is nothing that so actually makes a King of England, as rightful possession and Supremacy in all causes both civil and Ecclesiastical: and nothing that so actually makes a Subject of England, as those two Oaths of Allegiance and Supremacy observ'd without equivocating, or any mental reservation. Out of doubt then when the King shall command things already constituted in Church, or State, obedience is the true essence of a Subject, either to doe, if it be lawful, or if he hold the thing unlawful, to submitt to that penalty which the Law imposes, so long as he intends to remaine a Subject. Therefore when the people or any part of them shall rise against the King and his authority executing the Law in any thing establish'd civil or Ecclesiastical, I doe not say it is rebellion, if the thing commanded though establish'd be unlawful, and that they fought first all due means of redress (and no man is further bound to Law) but I say it is an absolute renouncing both of Supremacy and Allegiance, which in one word is an actual and total deposing of the King, and the setting up of another supreme authority over them. And whether the Presbyterians have not don all this and much more, they will not put mee, I suppose, to reck'n up a seven years story fresh in the memory of all men. Have they not utterly broke the Oath of Allegiance, re-
jecting the Kings command and authority sent them from any part of the Kingdom whether in things lawful or unlawful? Have they not abjur’d the Oath of Supremacy by setting up the Parlament without the King, supreme to all thir obedience, and though thir Vow and Covnant bound them in general to the Parlament, yet sometimes adhering to the lesfer part of Lords and Commons that remaind faithful, as they terme it, and eev’n of them, one while to the Commons without the Lords, another while to the Lords without the Commons? Have they not still declar’d thir meaning, whatever thir Oath were, to hold them onely for supreme whom they found at any time most yeilding to what they petition’d? Both these Oaths which were the straighest bond of an English subject in reference to the King, being thus broke and made voide, it follows undenyably that the King from that time was by them in fact absolutely de-pos’d, and they no longer in reality to be thought his subjects, notwithstanding thir fine clause in the Covnant to preserve his person, Crown, and dignity, set there by som dodging Cafuift with more craft then sincerity to mitigate the matter in case of ill suces and not tak’n I suppose by any honest man, but as a condition subordinat to every the leaft particle that might more concerne Religion, liberty, or the public peace. To prove it yet more plainly that they are the men who have depos’d the King, I thus argue. We know that King and Subject are relatives, and relatives have no longer being then in the relation; the relation between King and Subject can be no other then regal autority and subjection. Hence I inferr past their defending, that if the Subject who is one relative, take away the relation, of force he takes away also the other relative; but the Presbyterians who were one relative, that is to say Subjects, have for this sev’n years tak’n away the relation, that is to
say the King's authority, and thir subjection to it, threfore the Presbyterians for these sev'n years have remov'd and extinguisht the other relative, that is to say the King, or to speak more in brief have depos'd him; not onely by depriving him the execution of his autoritie, but by conferring it upon others. If then thir Oaths of subjection brok'n, new Supremacy obey'd, new Oaths and Covnants tak'n, notwithstanding frivolous evasions, have in plaine termes unking'd the King, much more then hath thir sev'n years Warr not depos'd him onely, but outlaw'd him, and defi'd him as an alien, a rebell to Law, and enemie to the State. It muft needs be clear to any man not avers from reason, that hostilitie and subjection are two direct and positive contraries; and can no more in one subject stand together in respect of the fame King, then one person at the fame time can be in two remote places. Against whom threfore the Subject is in act of hostility we may be confident that to him he is in no subjection: and in whom hostility takes place of subjection, for they can by no meanes confift together, to him the King can be not onely no King, but an enemie. So that from hence we shall not need dispute whether they have depos'd him, or what they have defaulted towards him as no King, but shew manifestly how much they have don toward the killing him. Have they not levied all these Warrs against him whether offensive or defensive (for defence in Warr equally offends, and most prudently before hand) and giv'n Commission to slay where they knew his person could not be exempt from danger? And if chance or flight had not fav'd him, how oft'n had they killd him, directing thir Artillery without blame or prohibition to the very place where they saw him stand? Have they not Sequester'd him, judg'd or unjudg'd, and converted his revenew to other uses, detaining from him as a
grand Delinquent, all means of livelyhood, so that
for them long since he might have perisht, or have
starv'd? Have they not hunted and pursu'd him
round about the Kingdom with sword and fire?
Have they not formerly deny'd to Treat with him,
and thir now recanting Ministers preach'd against
him, as a reprobate incurable, an enemy to God and
his Church market for destruction, and therefore not
to be treated with? Have they not besieg'd him,
and to thir power forbidd him Water and Fire, gave
what they shot against him to the hazard of his life?
Yet while they thus assaulted and endangerd it with
hostile deeds, they swore in words to defend it with
his Crown and dignity; not in order, as it seems now,
to a firm and lasting peace, or to his repentance after
all this blood; but simply, without regard, without
remorse, or any comparable value of all the miseries
and calamities suffer'd by the poore people, or to suf-
fer hereafter through his obstinacy or impenitence.
No understanding man can bee ignorant that Cov-
nants are ever made according to the present state of
persons and of things; and have ever the more gene-
ral laws of nature and of reason included in them,
though not express'd. If I make a voluntary Cov-
nant as with a man, to doe him good, and he prove
afterward a monster to me, I should conceive a dis-
obligement. If I covnant, not to hurt an enemie,
in favour of him and forbearance, and hope of his
amendment, and he, after that, shall doe me tensould
injury and mischief, to what he had don when I so
Covnanted, and still be plotting what may tend to my
destruction, I question not but that his after actions
release me; nor know I Covnant so sacred that with-
holds me from demanding justice on him. Howbeit,
had not thir distrust in a good cause, and the fast and
loos of our prevaricating Divines oversway'd, it had
bin doubtles better not to have inserted in a Covnant
unnecessary obligations, and words not works of a
supererogating Allegiance to thir enemy; no way
advantageous to themselves, had the King prevail’d,
as to thir coft many would have felt; but full of snare
and distraction to our friends, usefull onely, as we now
find, to our adversaries, who under such a latitude
and shelter of ambiguous interpretation have ever
since been plotting and contriving new opportunities
to trouble all again. How much better had it bin,
and more becomming an undaunted vertue, to have
declar’d op’nly and boldly whom and what power the
people were to hold Supreme; as on the like occasion
Protestants have don before, and many conscientious
men now in these times have more then once be-
fought the Parlament to doe, that they might goe on
upon a sure foundation, and not with a ridling Cov-
nant in thir mouths, seeming to sweare counter almost
in the same breath Allegiance and no Allegiance;
which doubtless had drawn off all the minds of sin-
cere men from siding with them, had they not dis-
cern’d thir actions farr more deposing him then thir
words upholding him; which words made now the
subject of cavillous interpretations, flood ever in the
Covnant, by judgement of the more discerning fort,
an evidence of thir feare, not of thir fidelity. What
should I return to speake on, of those attempts for
which the King himself hath oft’n charg’d the Pres-
byterians of seeking his life, when as in the due esti-
mation of things, they might without a fallacy be
sayd to have don the deed outright. Who knows not
that the King is a name of dignity and office, not of
person: Who therfore kills a King, must kill him
while he is a King. Then they certainly who by
deposing him have long since tak’n from him the life
of a King, his office and his dignity, they in the truest
fence may be said to have killd the King: nor onely
by thir deposing and waging Warr against him,
which besides the danger to his personal life, sett him in the farthest opposite point from any vital function of a King, but by thir holding him in prison, vanquished and yeilded into thir absolute and despotic power, which brought him to the lowest degrade-
ment and incapacity of the regal name. I say not by whose matchless valour next under God, left the story of thir ingratitude thereupon carry me from the purpose in hand, which is to convince them that they, which I repeat againe, were the men who in the truest sense killeth the King, not only as is prov’d before, but by depressing him thir King sarr below the rank of a subject to the condition of a Captive, without intention to restore him, as the Chauncellour of Scotland in a speech told him plainly at Newcastle, unless hee granted fully all thir demands, which they knew he never meant. Nor did they Treat or think of Treating with him, till thir hatred to the Army that deliverd them, not thir love or duty to the King, joyn’d them secretly with men sentence’d so oft for Reprobats in thir own mouthes, by whose subtle inspiring they grew madd upon a most tardy and improper Treaty. Whereas if the whole bent of thir actions had not bin against the King himself, but only against his evil counselors, as they faidunt, and publish’d, wherfore did they not restore him all that while to the true life of a King, his office, Crown, and Dignity, when he was in thir power, and they themselves his neerest Counselers. The truth therefore is, both that they would not, and that indeed they could not without thir own certain destruction; having reduc’d him to such a final pass, as was the very death and burial of all in him that was regal, and from whence never King of England yet reviv’d, but by the new re-inforcement of his own party, which was a kind of resurrection to him. Thus having quite extinguish’d all that could be in him of
a King, and from a total privation clad him over, like another specifical thing, with formes and habi-
tudes destructive to the former, they left in his per-
son, dead as to Law, and all the civil right either of
King or Subject, the life onely of a Prisoner, a Cap-
tive and a Malefactor. Whom the equal and impar-
tial hand of justice finding, was no more to spare
then another ordinary man; not onely made obnoxious
to the doom of Law by a charge more then once
drawn up against him, and his own confession to the
first Article at Newport, but summond and arraign’d in
the sight of God and his people, curs’d and devoted
to perdition worse then any Ahab, or Antiochus, with
exhortation to curse all those in the name of God that
made not Warr against him, as bitterly as Meroz was
to be curs’d, that went not out against a Canaanitish
King, almost in all the Sermons, Prayers, and Ful-
minations that have bin utterd this sev’n yeares by
those clov’n tongues of falshood and dissention; who
now, to the stirring up of new discord, acquitt him;
and against thir own discriplin, which they boast to
be the throne and scepter of Christ, absolve him, un-
confound him, though unconverted, unrepentant, unsensible of all thir preious Saints and Martyrs
whose blood they have so oft laid upon his head: and
now againe with a new sovran anointment can wash
it all off, as if it were as vile, and no more to be reckn’d for, then the blood of so many Dogs in a
time of Pestilence: giving the most opprobrious lye
to all the acted zeale that for these many yeares hath filld thir bellies, and fed them fatt upon the foolish
people. Ministers of sedition, not of the Gospel, who while thay saw it manifestly tend to civil Warr
and blood shed, never caed exasperating the people
against him; and now that they see it likely to breed
new commotion, cease not to incite others against the
people that have sav’d them from him, as if sedition
were thir onely aime, whether against him or for him. But God, as we have cause to trust, will put other thoughts into the people, and turn them from giving care or heed to these Mercenary noisemakers, of whose fury, and fals prophecies we have enough experience; and from the murmurs of new discord will incline them to heark'n rather with erected minds to the voice of our Supreme Magistracy, calling us to liberty and the flourishing deeds of a reformed Common-wealth; with this hope that as God was heretofore angry with the Jews who rejected him and his forme of Government to choose a King, so that he will bless us, and be propitious to us who reject a King to make him onely our leader and supreme governour in the conformity as neer as may be of his own ancient government; if we have at least but so much worth in us to entertaine the sense of our future happiness, and the courage to receave what God voutfæs us: wherein we have the honour to precede other Nations who are now labouring to be our followers. For as to this question in hand what the people by thir just right may doe in change of goverment, or of governour, we see it cleerd suffi-ciently; besides other ample autority eev'n from the mouths of Princes themselves. And surely they that shall boaft, as we doe, to be a free Nation, and not have in themselves the power to remove, or to abo-lisb any governour supreme, or subordinat, with the goverment it self upon urgent causes, may please thir fancy with a ridiculous and painted freedom, fit to coz'n babies; but are indeed under tyranny and servitude; as wanting that power, which is the root and source of all liberty, to dispose and economize in the Land which God hath giv'n them, as Masters of Family in thir own house and free inheritance. Without which natural and essental power of a free Nation, though bearing high thir heads, they can in
due esteem be thought no better then slaves and vaflals born, in the tenure and occupation of another inheriting Lord. Whose governement, though not illegal, or intolerable, hangs over them as a Lordly scourge, not as a free governement; and threfore to be abrogated. How much more justly then may they fling off tyranny, or tyrants; who being once depo'd can be no more than privat men, as subject to the reach of Justice and arraignment as any other transgressors. And certainly if men, not to speak of Heathen, both wise and Religious have don justice upon Tyrants what way they could foonest, how much more milde and human then is it, to give them faire and op'n tryal? To teach lawlefs Kings, and all who so much adore them, that not mortal man, or his imperious will, but Justice is the onely true sovr'an and supreme Majefty upon earth. Let men ceafe threfore out of faction and hypocrisie to make out-cries and horrid things of things fo just and honorable. Though perhaps till now no protestant State or kingdom can be alleg'd to have op'ny put to death thir King, which lately some have writ't'n, and imputed to thir great glory; much mistaking the matter. It is not, neither ought to be the glory of a Protestant State, never to have put thir King to death; It is the glory of a Protestant King never to have deserv'd death. And if the Parlament and Military Counsell doe what they doe without precedent, if it appeare thir duty, it argues the more wisdom, vertue, and magnanimity, that they know themselves able to be a precedent to others. Who perhaps in future ages, if they prove not too degenerat, will look up with honour, and aspire toward these exemplary, and matchlesse deeds of thir Ancestors, as to the highest top of thir civil glory and emulation. Which heretofore, in the perseverance of fame and forren dominion, spent it self vain-glori-
oufly abroad; but henceforth may learn a better for-
titude, to dare execute highest Justice on them that
shall by force of Armes endeavour the oppressing and
bereaving of Religion and thir liberty at home: that
no unbridl’d Potentate or Tyrant, but to his forrow
for the future, may presume such high and irrespon-
sible licence over mankinde, to havock and turn
upside-down whole Kingdoms of men, as though
they were no more in respect of his perverse will
then a Nation of Pifmires. As for the party calld
Presbyterian, of whom I believe very many to be
good and faithfull Christians, though misledd by som
of turbulent spirit, I wish them earnestly and calmly
not to fall off from thir first principles; nor to affect
rigor and superiority over men not under them; not
to compell unforcible things, in Religion especially,
which if not voluntary, becomes a sin; nor to affift
the clamor and malicious drifts of men whom they
themselves have judg’d to be the worst of men, the
obdurat enemies of God and his Church: nor to dart
against the actions of thir brethren, for want of other
argument, those wrested Lawes and Scriptures thrown
by Prelats and Malignants against thir own sides,
which though they hurt not otherwise, yet tak’n up
by them to the condemnation of thir own doings,
give scandal to all men, and discove in themselves
either extreame passion, or apostacy. Let them not
oppose thir best friends and associats, who molest
them not at all, infringe not the least of thir liberties;
unless they call it thir liberty to bind other mens con-
sciences, but are still seeking to live at peace with
them and brotherly accord. Let them beware an old
and perfet enemy, who though he hope by sowing
discord to make them his instrumunts, yet cannot for-
beare a minute the op’n threatning of his destrind
revenge upon them, when they have servd his pur-
poses. Let them feare therefor, if they be wise, rather what they have don already, then what remains to doe, and be warn'd in time they put no confidence in Princes whom they have provok'd, left they be added to the examples of those that miserably have tafted the event. Stories can informe them how *Christiern* the second, King of *Denmark* not much above a hundred years paft, driv'n out by his Subjects, and receav'd againe upon new Oaths and conditions, broke through them all to his most bloody revenge; slaying his chief opposers when he saw his time, both them and thir children invited to a feast for that purpose. How *Maximilian* dealt with those of *Bruges*, though by mediation of the German Princes reconcil'd to them by solem and public writings drawn and seald. How the massacre at *Paris* was the effect of that credulous peace which the French Protestants made with *Charles* the ninth thir King: and that the main visible cause which to this day hath sav'd the *Netherlands* from utter ruin, was thir final not beleiving the perfidious cruelty which, as a constant maxim of State, hath bin us'd by the Spanish Kings on thir Subjects that have tak'n Armes and after trusted them; as no later age but can testifie, heretofore in *Belgia* it self, and this very yeare in *Naples*. And to conclude with one past exception, though farr more ancient, *David*, whose sanctify'd prudence might be alone sufficient, not to warrant us only, but to instruct us, when once he had tak'n Armes, never after that trusted *Saul*, though with tears, and much relenting he twife promis'd not to hurt him. These instancies, few of many, might admonish them both English and Scotch not to let their own ends, and the driving on of a faction betray them blindly into the snare of those enemies whose revenge looks on them as the men who first begun,
fomented and carri’d on beyond the cure of any found or safe accommodation, all the evil which hath since unavoidably befall’n them and thir King.

I have somthing also to the Divines, though brief to what were needfull; not to be disturbers of the civil affairs, being in hands better able and more belonging to manage them; but to study harder, and to attend the office of good Pastors, knowing that he whose flock is leaft among them hath a dreadfull charge, not performd by mounting twice into the chair with a formal preachment huddl’d up at the odd hours of a whole lazy week, but by incessant pains and watching in season and out of season, from house to house over the soules of whom they have to feed. Which if they ever well considerd, how little leasure would they find to be the most pragmatically Sidesmen of every popular tumult and Sedition? And all this while are to learn what the true end and reason is of the Gospel which they teach; and what a world it differs from the censorious and supercilious lording over conscience. It would be good also they liv’d so as might perswade the people they hated covetousness, which worse then heresie, is idolatry; hated pluralities and all kind of Simony; left rambling from Benefice to Benefice, like rav’nous Wolves seeking where they may devour the biggest. Of which if som, well and warmly seated from the beginning, be not guilty, twere good they held not conversation with such as are: let them be sorry that being call’d to assemble about reforming the Church, they fell to proging and soliciting the Parlament, though they had renounc’d the name of Priests, for a new setling of thir Tithes and Oblations; and double lin’d themselves with spiritual places of commoditie beyond the possible discharge of thir duty. Let them assemble in Consistory with thir Elders and Deacons, according to ancient Ecclesiasticall rule, to the pre-
serving of Church-discipline, each in his several charge, and not a pack of Clergiemen by themselves to belly-cheare in thir presumptuous Sion, or to promote designes, abuse and gull the simple Laity, and stirr up tumult, as the Prelats did, for the maintenance of thir pride and avarice. These things if they observe, and waite with patience, no doubt but all things will goe well without their importunities or exclamations: and the Printed letters which they send subscrib'd with the ostentation of great Characters and little moment, would be more considerable then now they are. But if they be the Ministers of Mammon in stead of Christ, and scandalize his Church with the filthy love of gaine, aspiring also to fit the closest and the heaviest of all Tyrants, upon the conscience, and fall notoriously into the same sins, wherof so lately and so loud they accus'd the Prelates, as God rooted out those wicked ones immediately before, so will he root out them thir imitators: and to vindicate his own glory and Religion, will uncover thir hypocrisy to the op'n world; and visit upon thir own heads that curse ye Meroz, the very Motto of thir Pulpits, wherwith so frequently, not as Meroz, but more like Atheists they have blasphe'm'd the vengeance of God, and traduc'd the zeale of his people. And that they be not what they goe for, true Ministers of the Protestant doctrine, taught by those abroad, famous and religious men, who first reformd the Church, or by those no lesz zealous, who withstood corruption and the Bishops here at home, branded with the name of Puritans and Nonconformists, wee shall abound with testimonies to make appeare: that men may yet more fully know the difference between Protestant Divines, and these Pulpit-firebrands.
490 The Tenure of Kings

Luther.

Lib. contra Rusticos apud Sleidan. l. 5.

Is eft hodie rerum status, &c. Such is the state of things at this day, that men neither can, nor will, nor indeed ought to endure longer the domination of you Princes.

Neque vero Caesar, &c. Neither is Caesar to make Warr as head of Christ's dominion, Protector of the Church, Defender of the Faith; these Titles being fals and Windie, and most Kings being the greatest Enemies to Religion. Lib. De bello contra Turcas, apud Sleid. l. 14. What hinders then, but that we may depoſe or punish them?

These also are recited by Coclæus in his Miscellanies to be the words of Luther, or some other eminent Divine, then in Germany, when the Protestants there entred into solemn Covnant at Smalcaldia. Ut ora iis obturem, &c. That I may stop thir mouthes, the Pope and Emperor are not born but elected, and may also be depoſed as hath bin oft'n don. If Luther, or whoever els thought so, he could not stay there; for the right of birth or succession can be no privilege in nature to let a Tyrant fit irremoveable over a Nation free born, without transforming that Nation from the nature and condition of men born free, into natural, hereditary, and successive slaves. Therefore he faith furder; To displace and throw down this Exactor, this Phalaris, this Nero, is a work well pleasing to God; Namely, for being such a one: which is a moral reason. Shall then so slight a consideration as his happ to be not elective simply, but by birth, which was a meer accident, overthrow that which is moral, and make unpleasing to God that which otherwise had so well pleas'd him? certainly not: for if the matter be rightly argu'd, Election much rather then chance, bindes a man to content
himself with what he suffers by his own bad Election. Though indeed neither the one nor other bindes any man, much less any people to a necessary sufferance of those wrongs and evils, which they have abilitie and strength anough giv'n them to remove.

Zwinglius. tom. 1. articul. 42.

Quando vero perfide, &c. When Kings raigne per-

fidiously, and against the rule of Christ, they may ac-
cording to the word of God be depos'd.

Mihi ergo compertum non est, &c. I know not

how it comes to pass that Kings raigne by success-ion,

unless it be with consent of the whole people. ibid.

Quum vero consenfu, &c: But when by suffrage

and consent of the whole people, or the better part of

them, a Tyrant is depos'd or put to death, God is the

chief leader in that action. ibid.

Nunc cum tam tepidi sumus, &c. Now that we

are so luke warm in upholding public justice, we indure

the vices of Tyrants to raigne now a dayes with impu-
nitly; justly therefore by them we are trod underfoot, and

shall at length with them be punisht. Yet ways are not

wanting by which Tyrants may be remov'd, but there

wants public justice. ibid.

Cavete vobis o tyranni. Beware yee Tyrants for

now the Gospell of Jesus Christ spreading farr and

wide, will renew the lives of many to love innocence and

justice; which if yee also shall doe, yee shall be honour'd.
But if yee shall goe on to rage and doe violence, yee

shall be tramp'd on by all men. ibid.

Romanum imperium imo quodq; &c. When the

Roman Empire or any other shall begin to oppress Re-

ligion, and wee negligently suffer it, wee are as much

guilty of Religion so violated, as the Oppressors them-

The Tenure of Kings

Calvin on Daniel. c. 4. v. 25.

Hodie Monarchae semper in suis titulis, &c. Now adays Monarchs pretend always in thir Titles, to be Kings by the grace of God: but how many of them to this end onely pretend it, that they may raigne without controule; for to what purpose is the grace of God mentiond in the Title of Kings, but that they may acknowledge no Superiour? In the meane while God, whose name they use, to support themselves, they willingly would tread under thir feet. It is therefor a meer cheat when they boast to raigne by the grace of God.

Abdicant se terreni principes, &c. Earthly Princes depose themselves while they rife against God, yea they are unworthy to be numbered among men: rather it behooves us to spitt upon thir heads then to obey them. On Dan: c. 6. v. 22.

Bucer on Matth. c. 5.

Si princeps superior, &c. If a Sovran Prince en-deavour by armes to defend transgressors, to subvert those things which are taught in the word of God, they who are in authority under him, ought first to dissuade him; if they prevaile not, and that he now beares himself not as a Prince, but as an enemie, and seekes to violate privileges and rights granted to inferior Magistrates or commonalities, it is the part of pious Magistrates, imploring first the assistance of God, rather to try all ways and means, then to betray the flock of Christ, to such an enemie of God: for they also are to this end ordain'd, that they may defend the people of God, and maintain those things which are good and just. For to have supreme power lessens not the evil committed by that power, but makes it the less tolerable, by how much the more generally hurtful. Then certainly the less tolerable, the more unpardonably to be punish'd.

Of Peter Martyr we have spoke before.
Quorum est constitutere Magistratus, &c. They whose part it is to set up Magistrates, may restrain them also from outrageous deeds, or pull them down; but all Magistrates are set up either by Parliament, or by Electors, or by other Magistrates; They therefore who exalted them, may lawfully degrade and punish them.

Of the Scotch Divines I need not mention others than the famousest among them, Knox, and his fellow Labourers in the reformation of Scotland; whose large Treatises on this subject, defend the same Opinion. To cite them sufficiently, were to insert their whole Books, writ’n purposely on this argument. Knox Appeal; and to the Reader; where he promises in a Postscript that the Book which he intended to set forth, call’d, The second blast of the Trumpet, should maintain more at large, that the same men most justly may depose, and punish him whom unadvisedly they have elected, notwithstanding birth, succession, or any Oath of Allegiance. Among our own Divines, Cartwright and Fenner, two of the Lernedest, may in reason satisfy us what was held by the rest. Fenner in his Book of Theologie maintaining, That they who have power, that is to say a Parliament, may either by faire means or by force depose a Tyrant, whom he defines to be him, that wilfully breaks all, or the principal conditions made between him and the Common-wealth. Fen. Sac: Theolog. c. 13. and Cartwright in a prefix’d Epistle testifies his approbation of the whole Book.

Gilby de obedientiâ. p. 25. and 105.

Kings have thir autoritie of the people, who may upon occasion reassume it to themselves.

Englands Complaint against the Canons.
The people may kill wicked Princes as Monsters and cruel beasts.
When Kings or Rulers become blasphemers of God, oppressors and murderers of thir Subjects, they ought no more to be accounted Kings or lawfull Magistrates, but as privat men to be examind, accus’d, condemn’d and punish’d by the Law of God, and being convicted and punish’d by that law, it is not mans but Gods doing, C. 10. p. 139.

By the civil laws a foole or Idiot born, and so prov’d shall loose the lands and inheritance wherto he is born, because he is not able to use them aright. And especially ought in no case be suffer’d to have the government of a whole Nation; But there is no such evil can come to the Common-wealth by fools and idiots as doth by the rage and fury of ungodly Rulers; Such therfore being without God ought to have no authority over Gods people, who by his Word requireth the contrary. C. 11. p. 143, 144.

No person is exempt by any Law of God from this punishment, be he King, Queene, or Emperor, he must dy the death, for God hath not plac’d them above others, to transgress his laws as they lift, but to be subject to them as well as others, and if they be subject to his laws, then to the punishment also, so much the more as thir example is more dangerous. C. 13. p. 184.

When Magistrates cease to doe thir Duty, the people are as it were without Magistrates, yea worse, and then God giveth the sword into the peoples hand, and he himself is become immediatly thir head. p. 185.

If Princes doe right and keep promise with you, then doe you owe to them all humble obedience: if not, yee are discharg’d, and your study ought to be in this case how ye may depose and punish accord-
and Magistrates.

ing to the Law such Rebels against God and oppre-
sors of thir Country. p. 190.

This Goodman was a Minister of the English Church at Geneva, as Dudley Fenner was at Middle-burrough, or some other place in that Country. These were the Pastors of those Saints and Confessors who flying from the bloudy persecution of Queen Mary, gather'd up at length thir scatterd members into many Congregations; wherof som in upper, some in lower Germany, part of them settl'd at Geneva; where this Author having preach'd on this subject to the great liking of certain lerned and godly men who heard him, was by them sundry times and with much in-
stance requir'd to write more fully on that point. Who therupon took it in hand, and conferring with the best lerned in those parts (among whom Calvin was then living in the same City) with their special approbation he publish't this treatise, aiming princip-
ally, as is testify'd by Whittingham in the Preface, that his Brethren of England, the Protestants, might be perswaded in the truth of that Doctrine concerning obedience to Magistrates. Whittingham in Prefat.

These were the true Protestant Divines of Eng-
land, our fathers in the faith we hold; this was their sense, who for so many yeares labouring under Prelacy, through all stormes and perfections kept Religion from extinguishing; and deliverd it pure to us, till there arose a covetous and ambitious genera-
tion of Divines (for Divines they call themselves) who feining on a sudden to be new converts and pro-
felytes from Episcopacy, under which they had long temporiz'd, op'nd thir mouthes at length, in shew against Pluralities and Prelacy, but with intent to swallow them down both; gorging themselves like Harpy's on those simonious places and preferments of thir outed predecessors, as the quarry for which
they hunted, not to pluralitie onely but to multiplicitie: for possesseing which they had accus'd them thir Brethren, and aspiring under another title to the same authoritie and usurpation over the consciences of all men.

Of this faction diverse reverend and lerned Divines, as they are stil'd in the Phylacterie of thir own Title page, pleaing the lawfullnes of defensive Armes against this King, in a Treatise call'd Scripture and Reason, seem in words to disclame utterly the deposing of a King; but both the Scripture and the reasons which they use, draw conclusions after them, which without their bidding, conclude it lawfull. For if by Scripture, and by that especially to the Romans, which they most insist upon, Kings, doing that which is contrary to Saint Pauls definition of a Magiftrat, may be resisted, they may altogether with as much force of consequence be depos'd or punishd. And if by reason the unjust authoritie of Kings may be forfeted in part, and his power be reafsum'd in part, either by the Parlament or People, for the case in hazard and the present necessitie, as they affirm p. 34, there can no Scripture be alleg'd, no imaginable reason giv'n, that necessity continuing, as it may always, and they in all prudence and thir duty may take upon them to foresee it, why in such a case they may not finally amerce him with the loss of his Kingdom, of whose amendment they have no hope. And if one wicked action persisted in against Religion, Laws, and liberties may warrant us to thus much in part, why may not forty times as many tyrannies, by him committed, warrant us to proceed on restraining him, till the restraint become total. For the ways of justice are exactest proportion; if for one trespass of a King it require so much remedie or satisfaction, then for twenty more as hainous crimes, it requires of him twenty-fold; and so proportionably, till it com to
what is utmost among men. If in these proceedings against thir King they may not finish by the usual cours of justice what they have begun, they could not lawfully begin at all. For this golden rule of justice and moralitie, as well as of Arithmetic, out of three termes which they admitt, will as certainly and unavoydably bring out the fourth, as any Probleme that ever Euclid, or Apollonius made good by demonstration.

And if the Parlament, being undepefable but by themselves, as is affirm'd, p. 37, 38, might for his whole life, if they saw cause, take all power, authority, and the sword out of his hand, which in effect is to unmagiftrate him, why might they not, being then themselves the sole Magiftrates in force, proceed to punish him who being lawfully depriv'd of all things that define a Magiftrate, can be now no Magiftrate to be degraded lower, but an offender to be punifht. Laftly, whom they may defie, and meet in battell, why may they not as well prosecute by justice? For lawfull warr is but the execution of justice against them who refuse Law. Among whom if it be lawfull (as they deny not, p. 19, 20.) to flay the King himself comming in front at his own peril, wherfore may not justice doe that intendedly, which the chance of a defensive warr might without blame have don casually, nay purposely, if there it finde him among the rest. They aske p. 19. By what rule of Conscience or God, a State is bound to sacrifice Religion, Laws and liberties, rather then a Prince defend- ing such as subvert them, should com in hazard of his life. And I ask by what conscience, or divinity, or Law, or reason, a State is bound to leave all these sacred concernments under a perpetual hazard and extremity of danger, rather then cutt off a wicked Prince, who fitts plotting day and night to subvert them: They tell us that the Law of nature justifies
any man to defend himself, eev'n against the King in Person: let them shew us then why the same Law, may not justifie much more a State or whole people, to doe justice upon him, against whom each privat man may lawfully defend himself; seing all kind of justice don, is a defence to good men, as well as a punishment to bad; and justice don upon a Tyrant is no more but the necessary self-defence of a whole Common wealth. To Warr upon a King, that his instruments may be brought to condigne punishment, and therafter to punish them the instruments, and not to spare onely, but to defend and honour him the Author, is the strangest peece of justice to be call'd Christian, and the strangest peece of reason to becall'd human, that by men of reverence and learning, as thir stile imports them, ever yet was vented. They maintain in the third and fourth Section, that a judge or inferior Magistrate, is anointed of God, is his Mi-

nister, hath the Sword in his hand, is to be obey'd by St. Peters rule, as well as the Supreme, and without difference any where express: and yet will have us fight against the Supreme till he remove and pu-

nish the inferior Magistrate (for such were greatest Delinquents) when as by Scripture, and by reason, there can no more autority be shown to resist the one then the other; and altogether as much, to punish or depose the Supreme himself, as to make Warr upon him, till he punish or deliver up his inferior Magistrates, whom in the same terms we are com-
manded to obey, and not to resist. Thus while they, in a cautious line or two here and there stufft in, are onely verbal against the pulling down or punishing of Tyrants, all the Scripture and the reason which they bring, is in every leafe direct and rational to in-
ferr it altogether as lawful, as to resist them. And yet in all thir Sermons, as hath by others bin well noted, they went much furder. For Divines, if ye
and Magistrates.

observe them, have thir postures, and thir motions no less expertly, and with no less variety then they that practice feats in the Artillery-ground. Sometimes they seem furiously to march on, and presently march counter; by and by they stand, and then retreat; or if need be can face about, or wheele in a whole body, with that cunning and dexterity as is almost unperceavable; to winde themselves by shifting ground into places of more advantage. And Providence onely must be the drumm, Providence the word of command, that calls them from above, but always to som larger Benefice, or acts them into such or such figures, and promotions. At thir turnes and doublings no men readier; to the right, or to the left; for it is thir turnes which they serve cheifly; heerin only singular; that with them there is no certain hand right or left; but as thir own commodity thinks best to call it. But if there come a truth to be defended, which to them, and thir interest of this world feemes not so profitable, strait these nimble motionists can finde no eev'n leggs to stand upon: and are no more of use to reformation throughly performed, and not superficially, or to the advancement of Truth (which among mortal men is alwaies in her progress) then if on a sudden they were strook maime, and crippl'd. Which the better to conceale, or the more to countnance by a general conformity to thir own limping, they would have Scripture, they would have reason also made to halt with them for company; and would putt us off with impotent conclu-
sions, lame and shorter then the premises. In this posture they seem to stand with great zeale and confidence on the wall of Sion; but like Jebusites, not like Israelties, or Levites: blinde also as well as lame, they discern not David from Adonibezeck: but cry him up for the Lords anointed, whose thumbs and great toes not long before they had cut off upon thir Pul-
pit cushions. Therfore he who is our only King, the root of David, and whose Kingdom is eternal righteousness, with all those that Warr under him, whose happiness and final hopes are laid up in that only just and rightful kingdom (which we pray incessantly may com soone, and in so praying with hasty ruin and destruction to all Tyrants) eev'n he our immortal King, and all that love him, must of necessity have in abomination these blind and lame Defenders of Jerusalem; as the soule of David hated them, and forbid them entrance into Gods House, and his own. But as to those before them, which I cited first (and with an easie search, for many more might be added) as they there stand, without more in number, being the best and chief of Protestant Divines, we may follow them for faithful Guides, and without doubting may receive them, as Witnesses abundant of what wee heer affirm concerning Tyrants. And indeed I find it generally the cleere and positive determination of them all, (not prelatical, or of this late faction subprelatical) who have writ'n on this argument; that to doe justice on a lawles King, is to a privat man unlawful, to an inferior Magistrate lawfull: or if they were divided in opinion, yet greater then these here alleg'd, or of more authority in the Church, there can be none produc'd. If any one shall goe about by bringing other testimonies to disable these, or by bringing these against themselves in other cited passages of thir Books, he will not only faile to make good that fals and impudent assertion of those mutinous Ministers, that the depoing and punishing of a King or Tyrant, is against the constant Judgement of all Protestant Divines, it being quite the contrary, but will prove rather, what perhaps he intended not, that the judgement of Divines, if it be so various and inconstant to it self, is not considerable, or to be esteem'd at all. Ere which be yeilded, as
I hope it never will, these ignorant assertors in their own art will have prov'd themselves more and more, not to be Protestant Divines, whose constant judgement in this point they have so audaciously bely'd, but rather to be a pack of hungric Church-wolves, who in the steps of Simon Magus thir Father, following the hot sent of double Livings and Pluralities, advocousons, donatives, inductions, and augmentations, though uncall'd to the Flock of Christ, but by the meer suggestion of thir Bellies, like those Priests of Bel, whole pranks Daniel found out; have got possession, or rather seis'd upon the Pulpit, as the strong hold and fortress of thir sedition and rebellion against the civil Magistrate. Whose friendly and victorious hand having rescou'd them from the Bishops thir insulting Lords, fed them plenteously, both in public and in privat, rais'd them to be high and rich of poore and base; onely suffer'd not thir covetousness and fierce ambition, which as the pitt that sent out thir fellow locusts, hath bin ever bottomless and boundless, to interpose in all things, and over all persons, thir impetuous ignorance and importunity.
Observations on the Articles of Peace

Between James Earl of Ormond for King Charles the First on the one hand, and the Irish Rebels and Papists on the other hand.

And on a Letter sent by Ormond to Colonel Jones Governour of Dublin.

And a Representation of the Scots Presbytery at Belfast in Ireland.

To which the said Articles, Letter, with Colonel Jones’s Answer to it, and Representation, &c. are prefix’d.

A Proclamation.

ORMOND,

WHEREAS Articles of Peace are made, concluded, accorded and agreed upon, by and between Us, James Lord Marquess of Ormond, Lord Lieut. General, and General Governour of His Majesties Kingdom of Ireland, by Virtue of the Authority wherewith We are intrusted, for, and on the behalf of His Most Excellent Majesty of the one Part, and the General Assembly of the Roman Catholics of the said Kingdom, for and on the behalf of His Majesties Roman Catholic Subjects of the same, on the other Part; a true Copy of which Articles of Peace is hereunto annexed. We the Lord Lieut. do by this Proclamation, in His Majesties Name publish the same, and do in His Ma-
A Proclamation.

jefties Name strictly Charge and Command all His Majesties Subjects, and all others inhabiting or residing within His Majesties said Kingdom of Ireland to take notice thereof, and to render due Obedience to the same in all the Parts thereof.

And as his Majesty hath been induced to this Peace, out of a deep sense of the Miseries and Calamities brought upon this his Kingdom and People, and out of a Hope conceived by His Majesty, that it may prevent the further Effusion of His Subjects Blood, redeem them out of all the Miseries and Calamities under which they now suffer, restore them to all Quietness and Happiness under His Majesties most Gracious Government, deliver the Kingdom in general from those Slaughters, Depredations, Rapines and Spoils which always accompany a War, encourage the Subjects and others with Comfort to betake themselves to Trade, Traffic, Commerce, Manufacture and all other things, which uninterrupted, may increase the Wealth and Strength of the Kingdom, beget in all His Majesties Subjects of this Kingdom a perfect Unity amongst themselves, after the too long continued Division amongst them: So his Majesty assures himself that all His Subjects of this His Kingdom (duly considering the great and inestimable Benefits which they may find in this Peace) will with all Duty render due Obedience thereunto. And We in His Majesties Name, do hereby declare, That all Persons so rendering due Obedience to the said Peace, shall be protected, cherished, countenanced and supported by His Majesty, and his Royal Authority, according to the true Intent and Meaning of the said Articles of Peace.

GOD SAVE THE KING.

Given at our Castle of Kilkenny,
January 17. 1648.
Articles of Peace,

Made, concluded, accorded and agreed upon, by and between His Excellency James Lord Marquess of ORMOND, Lord Lieutenant General, and General of His Majesties Kingdom of Ireland, for, and on the behalf of His Most Excellent Majesty, by Virtue of the Authority wherewith the said Lord Lieutenant is intrusted, on the one Part: And the General Assembly of the Roman Catholics of the said Kingdom, for, and on the behalf of His Majesties Roman Catholic Subjects of the same, on the other Part.

His Majesties Roman Catholic Subjects, as thereunto bound by Allegiance, Duty and Nature, do most humbly and freely Acknowledg and Recognize their Soveraign Lord King Charles to be lawful and undoubted King of this Kingdom of Ireland, and other His Highness's Realms and Dominions: And His Majesties said Roman Catholic Subjects, apprehending with a deep sense the sad Condition whereunto His Majesty is reduced, as a further Testimony of their Loyalty, do declare, that they and their Posterity for ever, to the utmost of their Power, even to the Expence of their Blood and Fortunes, will maintain and uphold His Majesty, His Heirs and lawful Successors, their Rights, Prerogatives, Government and Authority, and thereunto freely and heartily will render all due Obedience.

Of which faithful and Loyal Recognition and Declaration so seasonably made by the said Roman Catholics,
Articles of Peace, &c. 505

His Majesty is graciously pleas'd to accept, and accordingly to own them His loyal and dutiful Subjects: And is further graciously pleas'd to extend unto them the following Graces and Securities.

I.

MPRIMIS, It is concluded, accorded and agreed upon, by and between the said Lord Lieutenant, for, and on the behalf of His Most Excellent Majesty, and the said General Assembly, for, and on the behalf of the said Roman Catholic Subjects; and His Majesty is graciously pleas'd, That it shall be enacted by ACT to be passed in the next Parliament to be held in this Kingdom, that all and every the Professors of the Roman Catholic Religion within the said Kingdom, shall be free and exempt from all Mulcts, Penalties, Restraint and Inhibitions, that are or may be imposed upon them by any Law, Statute, Usage or Custom whatsoever, for, or concerning, the free exercise of the Roman Catholic Religion: And that it shall be likewise Enacted, that the said Roman Catholics or any of them, shall not be question'd or molested in their Persons, Goods or Estates, for any Matter or Cause whatsoever, for, or concerning, or by reason of the free Exercise of their Religion, by Virtue of any Power, Authority, Statute, Law or Usage whatsoever: And that it shall be further Enacted, that no Roman Catholic in this Kingdom shall be compelled to exercise any Religion, Form of Devotion, or Divine Service, other than such as shall be agreeable to their Conscience; and that they shall not be prejudiced or molested in their Persons, Goods or Estates for not observing, using or hearing the Book of Common-Prayer, or any other Form of Devotion or Divine Service by Virtue of any Colour or Statute made in the second year of Queen Elizabeth, or by Virtue or
Articles of Peace between the

Colour of any other Law, Declaration of Law, Statute, Custom, or Usage whatsoever, made or declared, or to be made or declared: And that it shall be further Enacted, that the Professors of the Roman Catholic Religion, or any of them, be not bound or obliged to take the Oath commonly call'd the Oath of Supremacy expressed in the Statute of 2 Elizabeth, c. 1. or in any other Statute or Statutes: And that the said Oath shall not be tendered unto them, and that the Refusal of the said Oath shall not redound to the Prejudice of them, or any of them, they taking the Oath of Allegiance in hæc verba, viz. I A. B. Do hereby acknowledg, profess, testify and declare in my Conscience, before God and the World, that our Soveraign Lord King CHARLES is Lawful and Rightful King of this Realm, and of other his Majesties Dominions and Countries; and I will bear Faith and true Allegiance to His Majesty, and His Heirs and Successors, and Him and them will defend to the uttermost of my power against all Conspiracies and attempts whatsoever which shall be made against His or their Crown and Dignity; and do my best endeavour to disclose and make known to His Majesty, His Heirs and Successors, or to the Lord Deputy, or other His Majesties Chief Governour or Governours for the time being, all Treason or traiterous Conspiracies which I shall know or hear to be intended against His Majesty, or any of them: and I do make this Recognition and Acknowledgment, heartily, willingly and truly, upon the true Faith of a Christian; so help me God, &c. Nevertheless, the said Lord Lieutenant doth not hereby intend that any thing in these Concessions contain'd shall extend, or be construed to extend to the granting of Churches, Church-Livings, or the exercise of Jurisdiction, the Authority of the said Lord Lieutenant not extending so far; yet the said Lord Lieutenant is authoriz'd to give the said Roman Catholics full Assurance, as hereby the said Lord Lieu-
Earl of Ormond and the Irish. 507

tenant doth give unto the said Roman Catholics full Assurance, that they or any of them shall not be molested in the Possession which they have at present of the Churches and Church-Livings, or of the Exercise of their respective Jurisdictions, as they now exercise the same, until such time as His Majesty upon a full Consideration of the Desires of the said Roman Catholics in a free Parliament to be held in this Kingdom shall declare His further Pleasure.

II. Item, It is concluded, accorded and agreed upon by and between the said Parties, and His Majesty is further graciously pleas'd that a free Parliament shall be held in this Kingdom within six Months after the Date of these Articles of PEACE, or as soon after as Thomas Lord Viscount Dillon of Coxtologh Lord President of Connaught, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, Alexander Mac Donnel Esquire, Sir Lucas Dillon Knight, Sir Richard Barnwall Baronet, Jeffery Brown, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily and Gerrald Fennell, Esquires, or the major part of them will desire the same, so that by possibility it may be held; and that in the mean time, and until the Articles of these Presents, agreed to be pass'd in Parliament be accordingly pass'd, the same shall be inviolably observ'd as to the Matters therein contain'd, as if they were enacted in Parliament: And that in case a Parliament be not call'd and held in this Kingdom within two years next after the Date of these Articles of Peace, then His Majesties Lord Lieutenent, or other His Majesties chief Governour or Governours of this Kingdom for the time being, will at the request of the said Thomas Lord Viscount Dillon of Coxtologh Lord President of Connaught, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, Alexander Mac Donnel Esquire, Sir Lucas Dillon Knight, Sir Nicholas Plunket Knight, Sir Ri-
Articles of Peace between the

cbard Barnwall, Baronet, Jeffery Brown, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily and Gerrald Fennell, Esquires, or the major part of them, call a
General Assembly of the Lords and Commons of this
Kingdom, to attend upon the said Lord Lieutenant
or other His Majesties chief Governour or Gover-
nours of this Kingdom for the time being, in some
convenient Place, for the better settling of the Affairs
of the Kingdom. And it is further concluded, ac-
corded, and agreed by and between the said Parties,
that all Matters that by these Articles are agreed upon
to be pass'd in Parliament, shall be tranmitted into
ENGLAND, according to the usual Form, to be
pass'd in the said Parliament, and that the said Acts
so agreed upon, and so to be pass'd, shall receive no
Disjunction or Alteration here or in England; pro-
vided that nothing shall be concluded by both or
either of the said Houses of Parliament, which may
bring prejudice to any of His Majesties Protestant
Party, or their Adherents, or to his Majesties Roman
Catholic Subjects or their Adherents, other then such
things as upon this Treaty are concluded to be done,
or such things as may be proper for the Committee
of Privileges of either or both Houses, to take Cog-
nizance of, as in such Cases heretofore hath been ac-
cuflom'd and other then such Matters as His Ma-
jesty will be graciously pleas'd to declare His further
pleasure in, to be pass'd in Parliament for the Satisf-
faction of his Subjects, and other then such things as
shall be propounded to either or both Houses by his
Majesties Lord Lieutenant or other chief Governour
or Governours of this Kingdom for the time being,
during the said Parliament, for the Advancement of
his Majesties Service, and the Peace of the Kingdom;
which Clause is to admit no Construction which may
trench upon the Articles of Peace or any of them;
and that both Houses of Parliament may consider
what they shall think convenient touching the Re-
peal or Suspension of the Statute commonly call’d, 
Poyning Act, Entitled, An ACT that no Parlia-
ment be holden in that Land, until the ACTS be 
certifyd in ENGLAND.

III. Item, It is further concluded, accorded and 
agreed upon, by and between the said Parties, and 
his Majesty is graciously pleas’d, that all Acts, Ordi-
nances and Orders made by both or either Houses of 
Parliament, to the blemish, dishonour or prejudice of 
his Majesties Roman Catholic Subjects of this King-
dom, or any of them since the 7th of August 1641, 
shall be vacated; and that the same and all Exempli-
fications and other Acts which continue the memory 
of them be made void by Act to be pass’d in the next 
Parliament to be held in this Kingdom; and that in 
the mean time the said Acts or Ordinances, or any 
of them, shall be no Prejudice to the said Roman Ca-
tholics, or any of them.

IV. Item, It is also concluded, and agreed upon, 
and his Majesty is likewise graciously pleas’d, that all 
Indictments, Attainders, Outlawries in this Kingdom, 
and all the Processes and other Proceedings there-
upon, and all Letters, Patents, Grants, Leafes, Cus-
toms, Bonds, Recognizances, and all Records, Act or 
Acts, Office or Offices, Inquisitions, and all other 
things depending upon, or taken by reason of the 
said Indictments, Attainders or Outlawries, since the 
7th day of August, 1641. in prejudice of the said 
Catholics, their Heirs, Executors, Administrators or 
Assigns, or any of them, or the Widows of them, or 
any of them, shall be vacated and made void in such 
sort as no Memory shall remain thereof, to the blem-
ish, dishonour or prejudice of the said Catholics, 
their Heirs, Executors, Administrators or Assigns, or 
any of them, or the Widows of them, or any of them; 
and that to be done when the said Thomas Lord Vi-
510 Articles of Peace between the

count Dillon of Coitologh Lord President of Connaght, Donogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, Alexander Mac Donnel Esquire, Sir Lucas Dillon Knight, Sir Nicholas Plunket Knight, Sir Richard Barnwall Baronet, Jeffery Brown, Donogh O Callaghan, Tyrlah O Neal, Miles Reilie and Gerrald Fennell Esquires, or the major part of them shall desire the same, so that by possibility it may be done; and in the mean time that no such Indictments, Attainders, Outlawries, Proceses or any other Proceedings thereupon, or any Letters Patents, Grants, Leafes, Custodiums, Bonds, Recognizances, or any Record or Acts, Office or Offices, Inquisitions, or any other thing depending upon, or by reason of the said Indictments, Attainders or Outlawries, shall in any sort prejudice the said Roman Catholics, or any of them, but that they and every of them shall be forthwith upon Perfection of these Articles, restor'd to their respective Possessions and Hereditaments respectively; provided, that no Man shall be question'd by reason hereof, for Measne Rates or Waftes, saving wilful Waftes committed after the first day of May last past.

V. Item, It is likewise concluded, accorded and agreed, and his Majesty is graciously pleased, that as soon as possible may be, all Impediments which may hinder the said Roman Catholics, to sit or vote in the next intended Parliament, or to choose, or to be chosen Knights and Burgessses, to sit or vote there, shall be removed, and that before the said Parliament.

VI. Item, It is concluded, accorded and agreed upon, and his Majesty is further graciously pleased, that all Debts shall remain as they were upon the 23d of October, 1641. Notwithstanding any Disposition made, or to be made, by Virtue or Colour of any Attainder, Outlawry, Fugacy, or other Forfei-
Earl of Ormond and the Irish.

ture; and that no Disposition or Grant made, or to be made of any such Debts, by Virtue of any Attainder, Outlawry, Fugacy, or other Forfeiture, shall be of force; and this to be passed as an Act in the next Parliament.

VII. Item, It is further concluded, accorded and agreed upon, and his Majesty is graciously pleased, that for the securing of the Estates or reputed Estates of the Lords, Knights, Gentlemen and Freeholders, or reputed Freeholders, as well of Connaght, and County of Clare, or Country of Thomond, as of the Counties of Limerick and Tipperary, the same to be secured by Act of Parliament, according to the Intent of the 25th Article of the Graces granted in the fourth year of his Majesties Reign, the Tenor whereof for so much as concerneth the same, doth ensue in these words, viz. We are graciously pleased, that for the Inhabitants of Connaght and Country of Thomond and County of Clare, that their several Estates shall be confirmed unto them and their Heirs against us, and our Heirs and Successors, by Act to be passed in the next Parliament to be holden in Ireland, to the end the same may never hereafter be brought into any further Question by Us, or our Heirs and Successors. In which Act of Parliament so to be passed, you are to take care that all Tenures in Capite, and all Rents and Services as are now due, or which ought to be answered unto us out of the said Lands and Premises, by any Letters Patents past thereof since the first year of King HENRY the Eight, or found by any Office taken from the said first year of King HENRY the VIII. until the 21st of July 1645. whereby our late dear Father, or any his Predecessors actually received any Profit by Wardship, Liveries, Primer-seisins, Measne Rates, Oustremains or Fines of Alienations without Licence, be again reserved unto us, our Heirs and Successors, and
Articles of Peace between the

all the rest of the Premises to be holden of our Castle of Athlone by Knights Service, according to our said late Fathers Letters, notwithstanding any Tenures in Capite found for Us by Office, since the 21st of July 1615. and not appearing in any such Letters Patents, or Offices; within which Rule His Majesty is likewise graciously pleased, That the said Lands in the Counties of Limerick and Tipperary be included, but to be held by such Rents and Tenures only, as they were in the fourth year of his Majesties Reign; provided always, that the said Lords, Knights, Gentle- men and Freeholders of the said Province of Con- naght, County of Clare, and Country of Thomond, and Counties of Tipperary and Limerick, shall have and enjoy the full Benefit of such Composition and Agreement which shall be made with his most Excellent Majesty, for the Court of Wards, Tenures, Respits and Issues of Homage, any Clause in this Article to the contrary notwithstanding. And as for the Lands within the Counties of Kilkenny and Wic- kloe, unto which his Majesty was intituled by Offices, taken or found in the time of the Earl of Strafford's Government in this Kingdom, His Majesty is further graciously pleased, That the State thereof shall be considered in the next intended Parliament, where his Majesty will assent unto that which shall be just and honourable; and that the like Act of Limita- tion of his Majesties Titles, for the Security of the Estates of his Subjects of this Kingdom be passed in the said Parliament as was Enacted in the 21st year of his late Majesty King JAMES his Reign in ENGLAND.

VIII. Item, It is further concluded, accorded and agreed upon, and his Majesty is further graciously pleased, that all Incapacities imposed upon the Na- tives of this Kingdom or any of them, as Natives, by any Act of Parliament, Provisos in Patents or other-
Earl of Ormond and the Irish. 513

wife, be taken away by Act to be passed in the said Parliament; and that they may be enabled to erect one or more Inns of Court in or near the City of Dublin or elsewhere, as shall be thought fit by his Majesties Lord Lieutenant, or other Chief Governor or Governors of this Kingdom for the time being; and in case the said Inns of Court shall be erected before the first day of the next Parliament, then the same shall be in such Place as his Majesties Lord Lieutenant, or other Chief Governor or Governors of this Kingdom for the time being, by and with the Advice and Consent of the said Thomas Lord Viscount Dillon of Costologh Lord President of Connacht, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, Alexander Mac Donnel Esquire, Sir Lucas Dillon Knight, Sir Nicholas Plunket Knight, Sir Richard Barnwall Baronet, Jeffery Brown, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily, Gerrald Fennel Esquires, or any seven or more of them shall think fit; and that such Students, Natives of this Kingdom, as shall be therein, may take and receive the usual Degrees accustomed in any Inns of Court, they taking the ensuing Oath; viz. I A. B. Do hereby acknowledge, profess, testify and declare in my Conscience before God and the World, that our Sovereign Lord King Charles is Lawful and Rightful King of this Realm, and of other his Majesties Dominions and Countries; and I will bear Faith and true Allegiance to his Majesty, and his Heirs and Successors, and him and them will defend to the utmost of my Power against all Conspiracies and Attempts whatsoever, which shall be made against his or their Crown and Dignity; and do my best endeavour to disclose and make known to his Majesty, his Heirs and Successors, or to the Lord Deputy, or other his Majesties Chief Governour or Governors for the time being, all Treason or traiterous Conspiracies which I shall know or hear to be intended.
Articles of Peace between the

against his Majesty or any of them. And I do make this
Recognition and Acknowledgment heartily, willingly
and truly, upon the true Faith of a Christian; so help
me God, &c. And his Majesty is further graciously
pleased, that his Majesties Roman Catholic Subjects
may erect and keep free Schools for Education of
Youths in this Kingdom, any Law or Statute to the
contrary notwithstanding; and that all the matters
assented unto in this Article be passed as Acts of Par-
liament in the said next Parliament.

IX. Item, It is further concluded, accorded, and
agreed upon, by and between the said Parties, and
his Majesty is graciously pleased, that Places of Com-
mand, Honour, Profit and Trust in his Majesties
Armies in this Kingdom shall be upon Perfection of
these Articles actually and by particular Instances con-
ferred upon his Roman Catholic Subjects of this King-
dom; and that upon the distribution, conferring and
disposing of the Places of Command, Honour, Profit
and Trust in his Majesties Armies in this Kingdom,
for the future no Difference shall be made between
the said Roman Catholics, and other his Majesties Sub-
jects; but that such Distribution shall be made with
equal Indifference according to their respective Me-
rts and Abilities: and that all his Majesties Sub-
jects of this Kingdom, as well Roman Catholics as
others, may for his Majesties Service and their own
Security, arm themselves the best they may, wherein
they shall have all fitting Incouragement. And it is
further concluded, accorded and agreed upon, by and
between the said Parties, and his Majesty is further
graciously pleas'd; That Places of Command, Ho-
nour, Profit and Trust in the Civil Government in
this Kingdom, shall be upon passing of the Bills in
these Articles mentioned in the next Parliament,
actually and by particular Instances conferred upon
his Majesties Roman Catholic Subjects of this King-
Earl of Ormond and the Irish. 515
dom; and that in the distribution, conferring and
disposal of the Places of Command, Honour, Profit
and Trust in the Civil Government, for the future
no Difference shall be made between the said Roman
Catholics, and other his Majesties Subjects, but that
such Distribution shall be made with equal Indiffer-
ence, according to their respective Merits and Abili-
ties; and that in the Distribution of Ministerial
Offices or Places, which now are, or hereafter shall
be void in this Kingdom, equality shall be us’d to the
Roman Catholic Natives of this Kingdom, as to other
his Majesties Subjects; and that the Command of
Forts, Castles, Garison-Towns, and other Places of
Importance of this Kingdom, shall be conferred upon
His Majesties Roman Catholic Subjects of this King-
dom upon Perfection of these Articles actually and
by particular Instances; and that in the distribution,
conferring and disposal of the Forts, Castles, Garison-
Towns, and other Places of Importance in this King-
dom, no difference shall be made between his Majes-
ties Roman Catholic Subjects of this Kingdom, and
other his Majesties Subjects, but that such distribution
shall be made with equal Indifference, according to
their respective Merits and Abilities; and that until
full Settlement in Parliament fifteen thousand Foot,
and two thousand and five hundred Horse of the Ro-
man Catholics of this Kingdom shall be of the Stand-
ing Army of this Kingdom: And that until full Set-
tlement in Parliament as aforesaid, the said Lord
Lieutenant or other Chief Governour or Governours
of this Kingdom for the time being, and the said
Thomas Lord Visc. Dillon of Costologh Lord President
of Connaght, Donnoth Lord Visc. Muskerry, Francis
Lord Baron of Athunry, Alexander Mac Donnell Esq;
Sir Lucas Dillon Kt. Sir Nicholas Plunket Kt. Sir
Richard Barnwall Bar. Jeftery Brown, Donnoth O Cal-
laghan, Tyrlah O Neile, Miles Reily and Gerrald Fen-
Articles of Peace between the

nels Esq.; or any seven or more of them, the said Thomas Lord Viscount Dillon of Costologh Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, Alexander Mac Donnel, Esq. Sir Lucas Dillon Kt. Sir Nicholas Plunket Kt. Sir Richard Barnwall Baronet, Jeffery Brown, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily and Gerald Fennell, Esquires, shall diminish or add unto the said Number, as they shall see cause from time to time.

X. Item, It is further concluded, accorded and agreed upon, by and between the said Parties, and his Majesty is further graciously pleased, that his Majesty will accept of the yearly Rent, or annual Sum of twelve thousand pounds Sterling, to be apportioned with Indifference and Equality, and consented to be paid to his Majesty, his Heirs and Successors in Parliament, for and in lieu of the Court of Wards in this Kingdom, Tenures in Capite, Common Knights-Service, and all other Tenures within the Cognizance of that Court, and for, and in lieu of all Wardships, Primer-seizins, Fines, Ousterlemains, Liveries, Intrusions, Alienations, Meanfe Rates, Releaves and all other Profits within the Cognizance of the said Court, or incident to the said Tenures, or any of them, or Fines to accrue to his Majesty by reason of the said Tenures or any of them, and for and in lieu of Repsits and Issues of Homage and Fines for the same. And the said yearly Rent being so apportioned and consented unto in Parliament as aforesaid, then a Bill is to be agreed on in the said Parliament to be passed as an Act for the securing of the said yearly Rent, or annual Sum of twelve thousand Pounds to be apportioned as aforesaid, and for the Extinction and taking away of the said Court, and other Matters aforesaid in this Article contained. And it is further agreed, that reasonable Compositions shall be accepted for
Earl of Ormond and the Irish. 517

Wardships fallen since the 23d of October 1641, and already granted, and that no Wardships fallen and not granted, or that shall fall, shall be passed until the Success of this Article shall appear; and if his Majesty be secured as aforesaid, then all Wardships fallen since the said 23d of October, are to be included in the Agreement aforesaid, upon Composition to be made with such as have Grants as aforesaid; which Composition to be made with the Grantees since the time aforesaid, is to be left to indifferent Persons, and the Umpirage to the said Lord Lieutenant.

XI. Item, It is further concluded, accorded and agreed upon, by and between the said Parties, and his Majesty is further graciously pleas’d, That no Nobleman or Peer of this Realm, in Parliament, shall be hereafter capable of more Proxies then two, and that blank Proxies shall be hereafter totally disallowed; and that if such Noble Men or Peers of this Realm, as have no Estates in this Kingdom, do not within five years, to begin from the conclusion of these Articles, purchase in this Kingdom as followeth, viz. A Lord Baron 200l. per annum, a Lord Viscount 400l. per annum, and an Earl 600l. per annum, a Marquess 800l. per annum, a Duke 1000l. per annum, shall lose their Votes in Parliament until such time as they shall afterwards acquire such Estates respectively; and that none be admitted in the House of Commons, but such as shall be estated and resident within this Kingdom.

XII. Item, It is further concluded, accorded and agreed upon, by and between the said Parties, and his Majesty is further graciously pleas’d, That as for and concerning the Independency of the Parliament of Ireland on the Parliament of England, his Majesty will leave both Houses of Parliament in this Kingdom to make such Declaration therein as shall be agreeable to the Laws of the Kingdom of Ireland.
Articles of Peace between the

XIII. Item, It is further concluded and agreed upon, by and between the said Parties, and his Majesty is further graciously pleas'd, That the Council-Table shall contain it self within its proper Bounds, in handling Matters of State and Weight fit for that Place; amongst which the Patents of Plantation, and the Offices whereupon those Grants are founded to be handled, as Matters of State, and to be heard and determined by his Majesties Lord Lieutenant, or other Chief Governour or Governours for the time being, and the Council publickly at the Council-Board, and not otherwise, but Titles between Party and Party grown after these Patents granted, are to be left to the ordinary Course of Law; and that the Council-Table do not hereafter intermeddle with common Business, that is within the Cognizance of the ordinary Courts, nor with the altering of Possessions of Lands, nor make, nor use, private Orders, Hearings or References concerning any such matter, nor grant any Injunction or Order for stay of any Suits in any Civil Cause: And that Parties griev'd for or by reason of any Proceedings formerly had there, may commence their Suits, and prosecute the same in any of his Majesties Courts of Justice or Equity for remedy of their pretended Rights, without any Restraint or Interruption from his Majesty, or otherwise, by the Chief Governour or Governours and Council of this Kingdom: And that the Proceedings in the respective Precedency Courts shall be pursuant, and according to his Majesties printed Book of Instructions, and that they shall contain themselves within the Limits prescribed by that Book, when the Kingdom shall be restored to such a degree of Quietness, as they be not necessarily enforced to exceed the same.

XIV. Item, It is further concluded, accorded and agreed upon by and between the said Parties, and his Majesty is further graciously pleas'd, That as for and
concerning one Statute made in this Kingdom, in the eleventh year of the Reign of Queen Elizabeth, Intituled, An ACT for staying of Wool, Flocks, Tallow and other Neceffaries within this Realm: And another Statute made in the said Kingdom in the twelfth year of the Reign of the said Queen, Intituled, An ACT

and one other Statute made in the said Kingdom, in the 13th year of the Reign of the said late Queen, Intituled, An Exemplanation of the Act made in a Session of this Parliament for the staying of Wool, Flocks, Tallow, and other Wares and Commodities mention'd in the said Act, and certain Articles added to the same Act, all concerning staple or native Commodities of this Kingdom, shall be repealed, if it shall be so thought fit in the Parliament (excepting for Wool and Wool-fells) and that such indifferent Persons as shall be agreed on by the said Lord Lieutenant, and the said Thomas Lord Viscount Dillon of Coftologh Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, Alexander Mac Donnel Esq; Sir Lucas Dillon Kt. Sir Nicholas Plunket Kt. Sir Richard Barnwall Baronet, Jeffery Brown, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily and Gerrald Fennell Esquires, or any seven or more of them shall be authorized by Commission under the Great Seal, to moderate and ascertain the Rates of Merchandize, to be exported or imported out of, or into this Kingdom, as they shall think fit.

XV. Item, It is concluded, accorded and agreed, by and between the said Parties, and his Majesty is graciously pleas'd, That all and every Person and Persons within this Kingdom, pretending to have suffered by Offices found of several Countries, Territories, Lands and Hereditaments in the Province of Ulter, and other Provinces of this Kingdom, in or
Articles of Peace between the

since the first year of King James his Reign, or by Attainders or Forfeitures, or by Pretence and Colour thereof, since the said first year of King James, or by other Acts depending on the said Offices, Attainders and Forfeitures, may petition his Majesty in Parliament for Relief and Redress; and if after examination it shall appear to his Majesty, the said Persons, or any of them have been injured, then his Majesty will prescribe a Course to repair the Person or Persons so suffering according to Justice and Honour.

XVI. Item, It is further concluded, accorded and agreed upon, by and between the said Parties, and his Majesty is graciously pleas’d, that as to the particular Cases of Maurice Lord Viscount de Rupe and Fermoy, Arthur Lord Visc. Iveagh, Sir Edward Fitz Gerald of Cloanglish Baronet, Charles Mac Carty Reag, Roger Moore, Anthony Mare, William Fitz Gerald, Anthony Linch, John Lacy, Collo Mac Brien Mac Mahowne, Daniel Castigni, Edmond Fitz Gerald of Ballimartir, Lucas Keating, Theobald Roch Fitz Miles, Thomas Fitz Gerald of the Vally, John Bourke of Loghmaske, Edmond Fitz Gerald of Ballimallo, James Fitz William Gerald of Glinane, and Edward Sutton, they may petition his Majesty in the next Parliament, whereupon his Majesty will take such Consideration of them as shall be just and fit.

XVII. Item, It is likewise concluded, accorded and agreed upon, by and between the said Parties, and his Majesty is graciously pleas’d, That the Citizens, Freemen, Burgess’s and former Inhabitants of the City of Cork, Towns of Roughtall and Downegarven shall be forthwith upon Perfection of these Articles, restored to their respective Possessions and Estates in the said City and Towns, respectively, where the same extends not to the endangering of the said Garisons in the said City and Towns. In which case so many of the said Citizens and Inhabitants, as
Earl of Ormond and the Irish. 521

shall not be admitted to the present Possession of their Houses within the said City and Towns, shall be afforded a valuable annual Rent for the same, until Settlement in Parliament, at which time they shall be restored to those their Possessions. And it is further agreed, and his Majesty is graciously pleas'd, That the said Citizens, Freemen, Burgesses and Inhabitants of the said City of Cork, and Towns of Yougshall and Downagarven, respectively, shall be enabled in convenient time before the next Parliament to be held in this Kingdom, to choose and return Burgesses into the same Parliament.

XVIII. Item, It is further concluded, accorded and agreed upon, by and between the said Parties, and his Majesty is further graciously pleas'd, That an ACT of Oblivion be past in the next Parliament, to extend to all his Majesties Subjects of this Kingdom, and their Adherents, of all Treasons and Offences, capital, criminal and personal, and other Offences of what nature, kind or quality soever, in such manner, as if such Treasons or Offences had never been committed, perpetrated or done: That the said Act do extend to the Heirs, Children, Kindred, Executors, Administrators, Wives, Widows, Dowagers, or Assigns of such of the said Subjects and their Adherents who dy'd on, before, or since, the 23d of October, 1641. that the said Act do relate to the first day of the next Parliament; that the said Act do extend to all Bodies Politic and Corporate, and their respective Successors, and unto all Cities, Burroughs, Counties, Baronies, Hundreds, Towns, Villages, Thitlings, and every of them within this Kingdom, for and concerning all and every of the said Offences, or any other Offence or Offences in them, or any of them committed or done by his Majesties said Subjects, or their Adherents, or any of them, before, in, or since the 23d of October, 1641. Provided this Act shall not extend
to be construed to pardon any Offence or Offences, for which any Person or Persons have been convicted or attainted on Record at any time before the 23rd day of October, in the year of our Lord, 1641. That this Act shall extend to Piracies, and all other Offences committed upon the Sea by his Majesties said Subjects, or their Adherents or any of them; that in this Act of Oblivion, Words of release, acquittal and discharge be inserted, that no Person or Persons, Bodies Politic or Corporate, Counties, Cities, Burroughs, Baronies, Hundreds, Towns, Villages, Thitlings, or any of them within this Kingdom, included within the said Act, be troubled, impeached, sued, inquieted or molested, for, or by reason of any Offence, Matter or thing whatsoever, comprised within the said Act: And the said Act shall extend to all Rents, Goods and Chattels taken, detained or grown due to the Subjects of the one Party from the other since the 23rd of October, 1641. to the Date of these Articles of Peace; and also to all Customs, Rents, Arrears of Rents, to Prizes, Recognizances, Bonds, Fines, Forfeitures, Penalties, and to all other Profits, Perquisites and Dues which were due, or did, or should accrue to his Majesty on, before, or since the 23rd of October, 1641. until the Perfection of these Articles, and likewise to all Measne Rates, Fines of what nature soever, Recognizances, Judgments, Executions thereupon, and Penalties whatsoever, and to all other Profits due to his Majesty since the said 23rd of October and before, until the Perfection of these Articles, for, by reason, or which lay within the Survey or Recognition of the Court of Wards; and also to all Refpits, Issues of Homage and Fines for the same: provided this shall not extend to discharge or remit any of the King's Debts or Subsidies due before the said 23rd of October, 1641, which were then or before levied, or taken by the Sheriffs, Commissioners, Receivers or
Collectors, and not then or before accounted for, or since disposed to the publick Use of the said Roman Catholic Subjects, but that such Persons may be brought to account for the same after full Settlement in Parliament, and not before, unless by and with the Advice and Consent of the said Thomas Lord Viscount Dillon of Costologh Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, Alexander Mac Donnel Esq; Sir Lucas Dillon Kt. Sir Nicholas Plunket Kt. Sir Richard Barnwall Baronet, Jeffery Brown, Donnogh O Callaghan, Tyrlah O Neil, Miles Reilly and Gerrald Fennell Esquires, or any seven or more of them, as the said Lord Lieutenant otherwise shall think fit; provided, that such barbarous and inhuman Crimes as shall be particulariz'd and agreed upon by the said Lord Lieutenant, and the said Thomas Lord Viscount Dillon of Costologh Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, Alexander Mac Donnell, Esq; Sir Lucas Dillon Kt. Sir Nicholas Plunket Kt. Sir Richard Barnwall Baronet, Jeffery Brown, Donnogh O Callaghan, Tyrlah O Neil, Miles Reilly and Gerald Fennell Esquires, or any seven or more of them, as to the Actors and Procurers thereof, be left to be tried and adjudged by such indifferent Commissioners as shall be agreed upon by the said Lord Lieutenant, and the said Thomas Lord Viscount Dillon of Costologh Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, Alexander Mac Donnell Esq; Sir Lucas Dillon Kt. Sir Nicholas Plunket Kt. Sir Richard Barnwall Baronet, Jeffery Brown, Donnogh O Callaghan, Tyrlah O Neil, Miles Reilly and Gerald Fennell Esquires, or any seven or more of them; and that the Power of the said Commissioners shall continue only for two years next ensuing the Date of their Commission, which Commission is to issue within
Articles of Peace between the

fix Months after the Date of these Articles; provided also that the Commissioners to be agreed on for trial of the said Particular Crimes to be excepted, shall hear, order and determin all Cases of Trust, where relief may or ought in equity to be afforded against all manner of Persons, according to the Equity and Circumstances of every such Cases; and his Majesties Chief Governour or Governours, and other Magistrates for the time being, in all his Majesties Courts of Justice, and other his Majesties Officers of what Condition or Quality soever, be bound and requir'd to take notice of, and pursue the said Act of Oblivion without pleading or suit to be made for the same; and that no Clerk or other Officers do make out or write out any manner of Writs, Processses, Summons or other Precept, for, concerning, or by reason of any Matter, Cause or Thing whatsoever released, forgiven, discharged, or to be forgiven by the said Act, under pain of 20/. Sterling, and that no Sheriff or other Officer, do execute any such Writ, Process, Summons or Precept; and that no Record, Writing or Memory, do remain of any Offence or Offences, released or forgiven, or mentioned to be forgiven by this Act; and that all other Clauses usually inserted in Acts of General Pardon or Oblivion, enlarging his Majesties Grace and Mercy, not herein particularized, be inserted and comprized in the said Act, when the Bill shall be drawn up with the Exceptions already expressed, and none other. Provided always, that the said Act of Oblivion shall not extend to any Treason, Felony or other Offence or Offences, which shall be committed or done from or after the Date of these Articles, until the first Day of the before mentioned next Parliament, to be held in this Kingdom. Provided also, that any Act or Acts, which shall be done by Virtue, Pretence, or in Pursuance of these Articles of Peace agreed upon, or any Act or Acts which shall
be done by Virtue, Colour or Pretence of the Power or Authority used or exercised by and amongst the Confederate Roman Catholics after the Date of the said Articles, and before the said Publication, shall not be accounted, taken, construed, or to be, Treason, Felony, or other Offence to be excepted out of the said Act of Oblivion; provided likewise, that the said Act of Oblivion shall not extend unto any Person or Persons, that will not obey and submit unto the Peace concluded and agreed on by these Articles; provided further, that the said Act of Oblivion, or any thing in this Article contained, shall not hinder or interrupt the said Thomas Lord Viscount Dillon of Coftologh Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, Alexander Mac Donnel Esq.; Sir Lucas Dillon Kt. Sir Nicholas Plunket Kt. Sir Richard Barnwall Baronet, Jeffery Brown, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily and Gerrald Fennell, Esquires, or any seven or more of them, to call to an Account, and proceed against the Council and Congregation, and the respective supream Councils, Commissioners general, appointed hitherto from time to time by the Confederate Catholics to manage their Affairs, or any other Person or Persons accounted to an Accompt for their respective Receipts and Disbursements, since the beginning of their respective Imploiments under the said Confederate Catholics, or to acquit or release any Arrears of Excises, Customs, or public Taxes to be accounted for since the 23d of October 1641. and not dispos’d of hitherto, to the public Use, but that the Parties therein concern’d may be call’d to an Account for the same as aforesaid, by the said Thomas Lord Viscount Dillon of Coftologh Lord President of Connaght, Donnogh Lord Visc. Muskerry, Francis Lord Baron of Athunry, Alexander Mac Donnel Esquire, Sir Lucas Dillon Kt. Sir Nicholas Plunket Kt. Sir
Articles of Peace between the

Richard Barnwall Baronet, Jeffery Brown, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily and Gerald Fennell, Esquires, or any seven or more of them, the said ACT or any thing therein contain'd to the contrary notwithstanding.

XIX. Item, It is further concluded, accorded and agreed upon, by and between the said Parties, and his Majesty is graciously pleas'd, that an ACT be pass'd in the next Parliament, prohibiting, That neither the Lord Deputy, or other Chief Governour or Governours, Lord Chancellor, Lord High Treasurer, Vice Treasurer, Chancellor, or any of the Barons of the Exchequer, Privy Council, or Judges of the four Courts, be Farmers of his Majesties Customs within this Kingdom.

XX. Item, It is likewise concluded, accorded and agreed, and his Majesty is graciously pleas'd, that an ACT of Parliament pass in this Kingdom against Monopolies, such as was enacted in England 21 Jacobi Regis, with a further Clause of repealing of all Grants of Monopolies in this Kingdom; and that Commissioners be agreed upon by the said Lord Lieutenant, and the said Thomas Lord Viscount Dillon of Coftologh Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, Alexander Mac Donnel Esq; Sir Lucas Dillon Kt. Sir Nicholas Plunket Kt. Sir Richard Barnwall Bar. Jeffery Brown, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily and Gerald Fennell Esquires, or any seven or more of them, to set down the Rates for the Custom and Impostion to be laid on Aquavitae, Wine, Oil, Yarn and Tobacco.

XXI. Item, It is concluded, accorded and agreed, and his Majesty is graciously pleas'd, that such Persons as shall be agreed on by the said Lord Lieutenant, and the said Thomas Lord Viscount Dillon of Coftologh Lord President of Connaght, Donnogh Lord
Earl of Ormond and the Irish.

Viscount Muskerry, Francis Lord Baron of Athunry, Alexander Mac Donnel Esquire, Sir Lucas Dillon Knight, Sir Nicholas Plunket Knight, Sir Richard Barnwall Baronet, Jeffery Brown, Donnogh O Callagban, Tyrlah O Neile, Miles Reilie and Gerrald Fennell Esquires, or any seven or more of them, shall be as soon as may be authoriz'd by Commission under the Great Seal to regulate the Court of Castle-chamber, and such Causes as shall be brought into, and censur'd in the said Court.

XXII. Item, It is concluded, accorded and agreed upon, and his Majesty is graciously pleas'd, that two Acts lately pass'd in this Kingdom, one prohibiting the plowing with Horses by the Tail, and the other prohibiting the burning of Oats in the Straw, be repeal'd.

XXIII. Item, It is further concluded, accorded and agreed upon, by and between the said Parties, and his Majesty is further graciously pleas'd, for as much as upon Application of Agents from this Kingdom unto his Majesty in the fourth year of his Reign, and lately upon humble Suit made unto his Majesty, by a Committee of both Houses of the Parliament of this Kingdom, order was given by his Majesty for redress of several Grievances, and for so many of those as are not express'd in the Articles, whereof both Houses in the next ensuing Parliament shall desire the benefit of his Majesties said former Directions for Redress therein, that the same be afforded them, yet so, as for prevention of Inconveniences to his Majesties Service, that the Warning mention'd in the 24th Article of the Graces in the fourth year of his Majesties Reign be so understood, that the Warning being left at the Persons Dwelling-houses be held sufficient Warning; and as to the 22d Article of the said Graces, the Process hitherto us'd in the Court of Wards do still continue, as hitherto it hath done in
that, and hath been us'd in other English Courts; but the Court of Wards being compounded for, so much of the aforesaid Answer as concerns Warning and Process shall be omitted.

XXIV. Item, It is further concluded, accorded and agreed upon, by and between the said Parties, and his Majesty is further graciously pleas'd, That Maritime Causes may be determin'd in this Kingdom, without driving of Merchants or others to appeal and seek Justice elsewhere: and if it shall fall out that there be Cause of an Appeal, the Party griev'd is to appeal to his Majesty in the Chancery of IRELAND; and that Sentence thereupon to be given by the Delegates, to be definitive, and not to be question'd upon any further Appeal, except it be in the Parliament of this Kingdom, if the Parliament shall then be sitting, otherwise not, this to be by ACT of Parliament; and until the said Parliament, the Admiralty and Maritime Causes shall be order'd and settl'd by the said Lord Lieutenant, or other Chief Governour or Governours of this Kingdom for the time being, by and with the Advice and Consent of the said Thomas Lord Viscount Dillon of Coftologh Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, Alexander Mac Donnel Esq; Sir Lucas Dillon Kt. Sir Nicholas Plunket Kt. Sir Richard Barnwall Baronet, Jeffery Brown, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily and Gerald Fennell Esquires, or any seven or more of them.

XXV. Item, It is further concluded, accorded and agreed upon, by and between the said Parties, and his Majesty is graciously pleas'd, That his Majesties Subjects of this Kingdom be eas'd of all Rents and increase of Rents lately rais'd on the Commission or defective Titles in the Earl of Strafford's Government, this to be by ACT of Parliament; and that in the mean time the said Rents or encrease of Rents
Earl of Ormond and the Irish. 529

shall not be written for by any Process, or the payment thereof in any sort procur'd.

XXVI. *Item*, It is further concluded, accorded and agreed upon, by and between the said Parties, and his Majesty is further graciously pleas'd, that by ACT to be pass'd in the next Parliament, all the Arrears of Interest-Mony, which did accrue and grow due by way of Debt, Mortgage or otherwise, and yet not so satisfy'd since the 23d of October 1641, until the perfection of these Articles, shall be fully forgiven and be releas'd; and that for and during the space of three years next ensuing, no more shall be taken for Use or Interest of Money then five Pounds per Centum. And in Cases of Equity arising through Disability, occasion'd by the Distempers of the Times, the Considerations of Equity to be like unto both Parties; but as for Mortgages contracted between his Majesties Roman Catholic Subjects and others of that Party, where Entry hath been made by the Mortgagers against Law, and the Condition of their Mortgages, and detain'd wrongfully by them without giving any Satisfaction to the Mortgagees, or where any such Mortgagers have made Profit of the Lands mortgaged above Country Charges, yet answer no Rent, or other Consideration to the Mortgagees, the Parties griev'd respectively to be left for relief to a Course of Equity therein.

XXVII. *Item*, It is further concluded, accorded and agreed upon, and his Majesty is further graciously pleas'd, that immediately upon perfection of these Articles, the said Thomas Lord Viscount Dillon of Cofelogh Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, Alexander Mac Donnel Esq. Sir Lucas Dillon Kt. Sir Nicholas Plunket Kt. Sir Richard Barnwall Baronet, Jeffery Brown, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily, Gerrald Fennel Esquires, shall be autho-
530 Articles of Peace between the
riz'd by the said Lord Lieutenant to proceed in, hear,
determine and execute, in and throughout this Kingdom,
the ensuing Particulars, and all the Matters
thereupon depending; and that such Authority and
other the Authorities hereafter mention'd shall re-
main of force without revocation, alteration or dimin-
ution, until Acts of Parliament be pass'd, according
to the purport and intent of these Articles; and that
in case of Death, Miscarriage, Disability to serve by
reason of Sickness or otherwise of any the said Tho-
mas Lord Viscount Dillon of Coftologh Ld. President
of Connaght, Donnogh Ld. Visc. Muskerry, Francis
Sir Lucas Dillon Kt. Sir Nicholas Plunket Kt. Sir
Richard Barnwa// Baronet, Jeffery Brown, Donnogh
O Callaghan, Tyrlah O Neile, Miles Reily and Ger-
rald Fennell Esquires, and his Majesties Lord Lieu-
tenant, or other Chief Governour or Governours of
this Kingdom for the time being, shall name and
authorize another in the Place of such as shall be so
dead or shall miscarry himself, or be so disabled, and
that the same shall be such Person as shall be allow'd
of by the said Thomas Lord Viscount Dillon of Cofto-
logh, Lord President of Connaght, Donnogh, Lord Viscoun-
t Muskerry, Francis Lord Baron of Athunry,
Sir Nicholas Plunket Kt. Sir Richard Barnwall Baro-
net, Jeffery Brown, Donnogh O Callaghan, Tyrlah
O Neile, Miles Reily and Gerrald Fennell Esquires,
or any seven or more of them then living. And that
the said Thomas Lord Viscount Dillon of Coftologh
Lord President of Connaght, Donnogh Lord Viscoun-
t Muskerry, Francis Lord Baron of Athunry, Alexan-
der Mac Donnell Esq. Sir Lucas Dillon Kt. Sir Nicho-
las Plunket, Kt. Sir Richard Barnwall Baronet, Jeff-
ery Brown, Donnogh O Callaghan, Tyrlah O Neile,
Miles Reily and Gerrald Fennell Esquires, or any seven
Earl of Ormond and the Irish. 

or more of them, shall have Power to applot, raise and levy Means with Indifferency and Equality by way of Excise or otherwise, upon all his Majesties Subjects within the said Kingdom, their Persons, Estates and Goods, towards the Maintenance of such Army or Armies as shall be thought fit to continue, and be in Pay for his Majesties Service, the Defence of the Kingdom, and other the necessary public Charges thereof, and towards the Maintenance of the Forts, Castles, Garisons and Towns, until there shall be a Settlement in Parliament of both or either party, other than such of the said Forts, Garisons and Castles, as from time to time shall be thought fit, by his Majesties Chief Governour or Governours of this Kingdom for the time being, by and with the Advice and Consent of the said Thomas Lord Visc. Dillon of Costologh Lord President of Connaght, Donnogh Lord Visc. Muskerry, Francis Ld. Baron of Athunry, Alexander Mac Donnel Esq. Sir Lucas Dillon Kt. Sir Nicholas Plunket Kt. Sir Richard Barnwall Baronet, Jeffery Brown, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily and Gerrald Fennell Esquires, or any seven or more of them, not to be maintained at the Charge of the Public, provided that his Majesties Lord Lieutenant or other Chief Governour or Governours of this Kingdom for the time being, be first made acquainted with such Taxes, Levies and Excises as shall be made, and the manner of levying thereof, and that he approve the same; and to the end that such of the Protestant Party as shall submit to the Peace, may in the several Countries where any of their Estates lieth, have Equality and Indifferency in the Assessments and Levies that shall concern their Estates in the said several Countries.

It is concluded, accorded and agreed upon, and his Majesty is graciously pleased, That in the Direc-
Articles of Peace between the

tions which shall issue to any such County, for the
applotting, subdividing and levying of the said Pub-
lic Assigments, some of the said Protestant Party shall
be joined with others of the Roman Catholic Party to
that purpose, and for effecting that Service; and the
said Thomas Lord Viscount Dillon of Costologh Lord
President of Connaght, Donnogh Lord Viscount Mus-
kerry, Francis Lord Baron of Athunry, Alexander
Mac Donnel Esq. Sir Lucas Dillon Kt. Sir Nicholas
Plunket Kt. Sir Richard Barnwall Baronet, Jeffery
Brown, Donnogh O Callaghan, Tyrlah O Neile, Miles
Reily and Gerrald Fennell Esq's. or any seven or more
of them, shall have power to levy the Arrears of all
Excises and other publick Taxes imposed by the Con-
federate Roman Catholics, and yet unpaid, and to call
Receivers and other Accomptants of all former Taxes
and all public Dues to a just and strict Account,
either by themselves, or by such as they or any seven
or more of them shall name or appoint; and that the
said Lord Lieutenant, or any other Chief Governour
or Governours of this Kingdom for the time being,
shall from time to time issue Commissions to such
Person and Persons as shall be named and appointed
by the said Thomas Lord Viscount Dillon of Costologh
Lord President of Connaght, Donnogh Lord Viscount
Muskerry, Francis Lord Baron of Athunry, Alexan-
der Mac Donnel Esq. Sir Lucas Dillon Kt. Sir Nicho-las Plunket Kt. Sir Richard Barnwall Baronet, Jeff-
ery Brown, Donnogh O Callaghan, Tyrlah O Neile,
Miles Reily and Gerrald Fennell Esquires, or any seven
or more of them, for letting, setting, and improving
the Estates of all such Person and Persons, as shall
adhere to any Party opposing his Majesties Authority,
and not submitting to the Peace; and that the Pro-
fits of such Estates shall be converted by the said Lord
Lieutenant, or other Chief Governour or Governours
of this Kingdom for the time being, to the Main-
tenance of the King's Army and other necessary Charges, until Settlement by Parliament; and that the said Thomas Lord Viscount Dillon of Coftologh Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, Alexander Mac Donnel Esq. Sir Lucas Dillon Kt. Sir Nicholas Plunket Kt. Sir Richard Barnwall Baronet, Jeffery Brown, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily and Gerrald Fennell Esquires, or any seven or more of them, shall have power to applot, raise and levy Means with Indifference and Equality, for the buying of Arms and Ammunition, and for the entertaining of Frigats in such proportion as shall be thought fit by his Majesties Lord Lieutenant, or other Chief Governours of this Kingdom for the time being, by and with the Advice and Consent of the said Thomas Lord Viscount Dillon of Coftologh Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, Alexander Mac Donnel Esq. Sir Lucas Dillon Kt. Sir Nicholas Plunket Kt. Sir Richard Barnwall Baronet, Jeffery Brown, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily and Gerrald Fennell Esquires, or any seven or more of them; the said Arms and Ammunition to be laid up in such Magazins, and under the Charge of such Persons as shall be agreed on by the said Lord Lieutenant and the said Thomas Lord Viscount Dillon of Coftologh Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, Alexander Mac Donnel Esq. Sir Lucas Dillon Kt. Sir Nicholas Plunket Kt. Sir Richard Barnwall Baronet, Jeffery Brown, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily, Gerrald Fennell Esquires, or any seven or more of them, and to be disposed of, and the said Frigats to be employed for his Majesties Service, and the public Use and Benefit of this Kingdom of Ireland; and that the said
Articles of Peace between the

Thomas Lord Viscount Dillon of Castlough Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, &c. or any seven or more of them, shall have power to applot, raise and levy Means with Indifferency and Equality, by way of Excise or otherwise, in the several Cities, Corporate Towns, Counties and part of Counties, now within the Quarters and only upon the Estates of the said Confederate Roman Catholics, all such Sum and Sums of Money as shall appear to the said Thomas Lord Viscount Dillon of Castlough Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, &c. or any seven or more of them, to be really due, for and in the Discharge of the publick Engagements of the said Confederate Catholics, incurred and grown due before the Conclusion of these Articles; and that the said Thomas Lord Viscount Dillon of Castlough Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, &c. or any seven or more of them, shall be authoriz'd to appoint Receivers, Collectors and all other Officers, for such Monies as shall be assessed, taxed or applooted, in pursuance of the Authorities mention'd in this Article, and for the Arrears of all former Applotments, Taxes and other public Dues yet unpaid; And that the said Thomas Lord Viscount Dillon of Castlough Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, &c. or any seven or more of them, in case of Refractory or Delinquency, may distrain and imprison, and cause such Delinquents to be distrained and imprisoned. And the said Thomas Lord Viscount Dillon of Castlough Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, &c. or any seven or more of them make perfect Books of all such Monies as shall be applooted, raised or levy'd,
out of which Books they are to make several and respective Abstracts, to be delivered under their hands, or the hands of any seven or more of them, to the several and respective Collectors, which shall be appointed to levy and receive the same. And that a Duplicate of the said Books, under the hands of the said Thomas Lord Viscount Dillon of Cootloogh Lord President of Connaght, Donnagh Lord Viscount Muskerry, Francis Lord Baron of Athunry, &c. or any seven or more of them, be delivered unto his Majesties Lord Lieutenant, or other Chief Governour or Governours of this Kingdom for the time being, whereby a perfect Account may be given; and that the said Thomas Lord Viscount Dillon of Cootloogh Lord President of Connaght, Donnagh Lord Viscount Muskerry, Francis Lord Baron of Athunry, &c. or any seven or more of them, shall have Power to call the Council and Congregation, and the respective supreme Councils, and Commissioners General, appointed hitherto from time to time, by the said Confederate Roman Catholics, to manage their public Affairs, and all other Persons accountable, to an Account for all their Receipts and Disbursements since the beginning of their respective Imploiments, under the Confederate Roman Catholics.

XXVIII. Item, It is concluded, accorded and agreed, by and between the said Parties, and his Majesty is graciously pleas'd, That for the Preservation of the Peace and Tranquillity of the Kingdom, the said Lord Lieutenant, and the said Thomas Lord Viscount Dillon of Cootloogh Lord President of Connaght, Donnagh Lord Viscount Muskerry, Francis Lord Baron of Athunry, &c. or any seven or more of them, shall for the present agree upon such Persons, who are to be authorized by Commission under the Great Seal, to be Commissioners of the Peace, Oyer and Terminer, Assizes and Goal-delivery,
Articles of Peace between the

in, and throughout the Kingdom, to continue during pleasure, with such Power as Justices of the Peace, Oyer and Terminer, Affixes and Goal-delivery in former time of Peace have usually had, which is not to extend unto any Crime or Offence committed before the first of May last past, and to be qualify'd with Power to hear and determin all Civil Causes coming before them, not exceeding ten Pounds; provided that they shall not intermeddle with Titles of Lands; provided likewise, the Authority of such Commissioners shall not extend to question any Person or Persons, for any Shipping, Cattle or Goods, hereunto taken by either Party from the other, or other Injuries done contrary to the Articles of Cessation, concluded by and with the said Roman Catholic Party in, or since May last, but that the same shall be determined by such indifferent Persons, as the Lord Lieutenant, by the Advice and Consent of the said Thomas Lord Viscount Dillon of Coftologh Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, &c. or any seven or more of them shall think fit, to the end that speedy and equal Justice may be done to all Parties grieved; and the said Commissioners are to make their Ef-treats as accustomed of Peace and shall take the ensuing Oath, viz. You shall swear, That as Justice of the Peace, Oyer and Terminer, Affixes and Goal-delivery in the Counties of A. B. in all Articles to the Commision to you directed, you shall do equal Right to the poor, and to the rich after your Cunning and Wit and Power, and after the Laws and Customs of the Realm, and in pursuance of these Articles; and you shall not be of Counsel of any Quarrel hanging before you; and the Issues, Fines and Amerciaments which shall happen to be made, and all Forfeitures which shall happen before you, you shall cause to be entred without any concealment or imbezling, and
Earl of Ormond and the Irish. 537

send to the Court of Exchequer, or to such other Place as his Majesties Lord Lieutenant, or other Chief Governour or Governours of this Kingdom shall appoint, until there may be access unto the said Court of Exchequer: You shall not let for Gift or other Cause, but well and truly you shall do your Office of Justice of Peace, Oyer and Terminer, Assizes and Goal-delivery in that behalf, and that you take nothing for your Office of Justice of the Peace, Oyer and Terminer, Assizes and Goal-delivery to be done, but of the King, and Fees accustomed; and you shall not direct, or cause to be directed, any Warrant by you, to be made to the Parties, but you shall direct them to the Sheriffs and Bayliffs of the said Counties respectively, or other the King's Officers or Ministers, or other indifferent Persons to do execution thereof. So help you God, &c.

And that as well in the said Commission, as in all other Commissions and Authorities to be issued in pursuance of the present Articles, this Clause shall be inserted, viz. That all Officers, Civil and Martial, shall be required to be aiding and assisting and obedient unto the said Commissioners, and other Persons to be authorized as above said in the execution of their respective Powers.

XXIX. Item, It is further concluded, accorded and agreed upon, by and between the said Parties, and his Majesty is further graciously pleas'd, That his Majesties Roman Catholic Subjects, do continue the Possession of such of his Majesties Cities, Garrisons, Towns, Forts and Caftles which are within their now Quarters, until Settlement by Parliament, and to be commanded, ruled and governed in chief, upon occasion of necessity (as to the Martial and Military Affairs) by such as his Majesty, or his Chief Governour or Governours of this Kingdom for the time being, shall appoint; and the said Appointment
to be by and with the Advice and Consent of the said Thomas Lord Viscount Dillon of Costologh Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, &c. or any seven or more of them; and his Majesties Chief Governour or Governours, is to issue Commissions accordingly, to such Persons as shall be so named and appointed as aforesaid, for the executing of such Command, Rule or Government, to continue until all the Particulars in these present Articles agreed on to pass in Parliament, shall be accordingly passed; only in case of Death or Misbehaviour, such other Person or Persons to be appointed for the said Command, Rule and Government, to be named and appointed in the place or places, of him or them, who shall so die or misbehave themselves, as the Chief Governour or Governours for the time being, by the Advice and Consent of the said Thomas Lord Viscount Dillon of Costologh Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, &c. or any seven or more of them shall think fit, and to be continued until a Settlement in Parliament as aforesaid.

XXX. Item, It is further concluded, accorded and agreed upon, by and between the said Parties, and his Majesty is further graciously pleased, That all Customs and Tenths of Prizes belonging to his Majesty, which from the Perfection of these Articles shall fall due within this Kingdom, shall be paid unto his Majesty's Receipt, or until recourse may be had thereunto in the ordinary legal Way, unto such Person or Persons, and in such place or places, and under such Controuls as the Lord Lieutenant shall appoint to be disposed of, in order to the Defence and Safety of the Kingdom, and the defraying of other the necessary public Charges thereof, for the Eafe of the Subjects in other their Levyes, Charges and Applotments.
And that all and every Person or Persons, who are at present intrusted and imploied by the said Roman Catholics, in the Entries, Receipts, Collections, or otherwise, concerning the said Cusffoms and Tenths of Prizes, do continue their respective Imploiments in the same, until full Settlement in Parliament, accountable to his Majesties Receipts, or until recourse may be had thereunto; as the said Lord Lieutenant shall appoint as aforesaid, other than to such, and so many of them, as to the Chief Governour or Governours for the time being, by and with the Advice and Consent of the said Thomas Lord Viscount Dillon of Costologh Lord President of Connaght, Donnogh Lord Visc. Muskerry, Francis Lord Baron of Athunry, &c. or any seven or more of them, shall be thought fit to be altered; and then, and in such case, or in case of Death, Fraud or Misbehaviour, or other Alteration of any such Person or Persons, then such other Person or Persons to be employed therein, as shall be thought fit by the Chief Governour or Governours for the time being, by and with the Advice and Consent of the said Thomas Lord Viscount Dillon of Costologh Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, &c. or any seven or more of them; and when it shall appear that any Person or Persons, who shall be found faithful to his Majesty, hath right to any of the Offices or Places about the said Cusffoms, whereunto he or they may not be admitted until Settlement in Parliament as aforesaid, that a reasonable Compensation shall be afforded to such Person or Persons for the same.

XXXI. Item, As for and concerning his Majesties Rents, payable at Easter next, and from thenceforth to grow due, until a Settlement in Parliament, it is concluded, accorded and agreed upon, by and between the said Parties, and his Majesty is graciously pleas'd,
Articles of Peace between the

That the said Rents be not written for, or levied, until a full Settlement in Parliament; and in due time upon Application to be made to the said Lord Lieutenant, or other Chief Governour or Governours of this Kingdom, by the said Thomas Lord Viscount Dillon of Co\l\o\gh Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, &c. or any seven or more of them, for remittal of those Rents, the said Lord Lieutenant, or any other Chief Governour or Governours of this Kingdom for the time being, shall intimate their Desires, and the Reason thereof to his Majesty, who upon consideration of the present Condition of this Kingdom will declare his gracious Pleasure therein, as shall be just and honourable, and satisfactory to the reasonable Desires of his Subjects.

XXXII. Item, It is concluded, accorded and agreed, by and between the said Parties, and his Majesty is graciously pleas'd, That the Commissioners of Oyer and Ter\men and Goal-delivery to be named as afore-said, shall have Power to hear and determin all Mur- ders, Manslaughters, Rapes, Stealths, burning of Houses and Corn in Rick or Stack, Robberies, Bur- glaries, forcible Entries, Detainers of Possessions, and other Offences committed or done, and to be com- mitted and done since the first day of May last past, until the first day of the next Parliament, these pre- sent Articles, or any thing therein contained to the contrary notwithstanding; provided, that the Au- thority of the said Commissioners shall not extend to question any Person or Persons, for doing or com- mitting any Act whatsoever, before the Conclusion of this Treaty, by Virtue or Colour of any Warrant or Direction from those in public Authority among the Confederate Roman Catholics, nor unto any Act which shall be done after the perfecting and concluding of these Articles, by Virtue or Pretence of any
Earl of Ormond and the Irish. 541

Authority which is now by these Articles agreed on; provided also that the said Commission shall not continue longer than the first day of the next Parliament.

XXXIII. Item, It is concluded, accorded, by and between the said Parties, and his Majesty is further graciously pleas'd, That for the determining such differences which may arise between his Majesties Subjects within this Kingdom, and the prevention of Inconvenienc and Disquiet which through want of due Remedy in several Causes may happen, there shall be Judicatures establisht'd in this Kingdom, and that the Persons to be authorized in them, shall have Power to do all such things as shall be proper and necessary for them to do; and the said Lord Lieutenant, by and with the Advice and Consent of the said Thomas Lord Viscount Dillon of Costologh Lord President of Connaght, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, &c. or any seven or more of them, shall name the said Persons so to be authorized, and do all other things incident unto, and necessary for the settling of the said intended Judicatures.

XXXIV. Item, At the Instance, humble Suit and earnest desire of the General Assembly of the Con federate Roman Catholics: it is concluded, accorded and agreed upon, that the Roman Catholic Regular Clergy of this Kingdom, behaving themselves conformable to these Articles of Peace, shall not be molested in the Possessions, which at present they have of, and in the Bodies, Sites and Precincts of such Abbies and Monasteries belonging to any Roman Catholic within the said Kingdom, until Settlement by Parliament; and that the said Clergy shall not be molested in the enjoying such Penions, as hitherto since the Wars they enjoyed for their respective Lively-hoods from the said Roman Catholics: and
Articles of Peace between the

the Sites and Precincts hereby intended, are declared to be the body of the Abby, one Garden and Orchard to each Abby, if any there be, and what else is contained within the Walls, Meers or antient Fences or Ditch, that doth supply the Wall thereof, and no more.

XXXV. Item, It is concluded, accorded and agreed, by and between the said Parties, that as to all other demands of the said Roman Catholics, for or concerning all or any the matters proposed by them, not granted or asented unto in and by the aforesaid Articles, the said Roman Catholics be referred to his Majesties gracious Favour and further Concessions. In Witness whereof the said Lord Lieutenant, for and on the behalf of his most Excellent Majesty, to the one Part of these Articles remaining with the said Roman Catholics, hath put his Hand and Seal: And Sir Richard Blake Kt. in the Chair of the General Assembly of the said Roman Catholics, by Order, Command and unanimous Consent of the said Catholics in full Assembly, to the other Part thereof remaining with the said Lord Lieutenant, hath put to his Hand and the Public Seal, hitherto us'd by the said Roman Catholics, the 17th of January, 1648. and in the 24th Year of the Reign of our Soveraign Lord CHARLES, by the Grace of God King of Great Britain, France and Ireland, &c.

SIR,

I HAVE not thus long forborn to invite you with those under your Command, to a Submission to his Majesties Authority in me, and a Conjunction with me, in the ways of his Service, out of any the least Aversion I had to you, or any of them, or out of any dislike I had to your Power, to advance or impede the
same, but out of my Fear, whiles those that have of late usurped Power over the Subjects of England, held forth the least colourable Shadow of Moderation in their Intentions towards the Settlement of Church or State, and that in some tolerable Way with relation to Religion, the Interest of the King and Crown, the Freedom of Parliament, the Liberties of the Subject, any Addresses from me proposing the withdrawing of that Party from those thus professing, from whom they have received some, and expected further support, would have been but coldly received, and any Determination thereupon deferred in hope and expectation of the forementioned Settlement, or that you your self, who certainly have not wanted a foresight of the sad Confusion now covering the Face of England, would have declared with me, the Lord Inchequeen, and the Protestant Army in Munfter, in prevention thereof; yet my fear was, it would have been as difficult for you, to have carried with you the main Body of the Army under your Command (not so clear-sighted as your self) as it would have been dangerous to you, and those with you well enclin'd to have attempted it without them; but now that the Mask of Hypocrify, by which the Independent Army hath ensnared and enslaved all Estates and Degrees of Men is laid aside, now that bare-faced, they evidently appear to be the Subverters of true Religion, and to be the Proteétors and Inviters not only of all false Ones, but of Irreligion and Atheism, now that they have barbarously and inhumanly laid violent, sacrilegious hands upon, and murthered God's Anointed, and our King, not as heretofore some Patricides have done, to make room for some Usurper, but in a way plainly manifesting their Intentions, to change the Monarchy of England into Anarchy, unless their Aim be first to constitute an elective Kingdom; and CROMWEL or some such John of Leiden being elected, then by the same Force, by which they have thus far compassed their Ends, to establish a perfect Turkish Tyranny; now that of
Articles of Peace between the

the three Estates of King, Lords and Commons, whereof in all Ages Parliaments have consisted, there remains only a small number, and they the Dregs and Scum of the House of Commons, pick'd and aw'd by the ARMY, a wicked Remnant, left for no other end, than yet further if it be possible to delude the People with the Name of a Parliament: The King being murther'd, the Lords and the rest of the Commons being by unheard of violence at several times forc'd from the Houses, and some imprison'd. And now that there remains no other Liberty in the Subject but to profess blasphemous Opinions, to revile and tread under foot Magistracy, to murther Magistrates, and oppress and undo all that are not like-minded with them. Now I say, that I cannot doubt but that you and all with you under your command will take this Opportunity to act and declare against so monstrous and unparallel'd a Rebellion, and that you and they will cheerfully acknowledg, and faithfully serve and obey our Gracious King CHARLÈS the II. undoubted Heir of his Fathers Crown and Vertues; under whose Right and Conduct we may by God's Assistance restore Protestant Religion to Purity, and therein settle it, Parliaments to their Freedom, good Laws to their Force, and our Fellow-Subjects to their just Liberties; wherein how glorious and blessed a thing it will be, to be so considerably instrumental, as you may now make your self, I leave to you now to consider. And though I conceive there are not any Motives relating to some particular Interest to be mentioned after these so weighty Considerations, which are such as the World hath not been at any time furnish'd with, yet I hold it my part to assure you that as there is nothing you can reasonably propose for the safety, satisfaction or advantage of your self, or of any that shall adhere to you in what I desire, that I shall not to the uttermost of my Power provide for; so there is nothing I would, nor shall more industriously avoid, than those Necessities arising from my Duty to God and Man,
that may by your rejecting this Offer force me to be a sad Instrument of shedding English Blood, which in such Case must on both sides happen. If this Overture find place with you, as I earnestly wish it may, let me know with what possible speed you can, and if you please by the Bearer in what way you desire, it shall be drawn on to a Conclusion. For in that, as well as in the Substance, you shall find all ready compliance from me, that desire to be

Your affectionate friend to serve you,

ORMOND.

CARRICK, March 9. 1648.

For Colonel Michael Jones Governor of DUBLIN.

My Lord,

YOUR Lordship's of the ninth, I receiv'd the twelfth instant, and therein have I your Lordship's Invitation to a Conjunction with yourself (I suppose) as Lord Lieutenant of Ireland, and with others now united with the Irish, and with the Irish themselves also.

As I understand not how your Lordship should be invested with that Power pretended, so am I very well assured, that it is not in the Power of any without the Parliament of England to give and assure pardon to those bloody Rebels, as by the ACT to that end pass'd may appear more fully. I am also well assured, that the Parliament of England would never assent to such a PEACE (such as is that of your Lordships with the Rebels) wherein is little or no Provision made either for the Protestants or the Protestant Religion. Nor can I understand how the Protestant Religion should be settled and restor'd to its Purity by an Army of Papists, or the Protestant Interests maintain'd by those very Enemies.
by whom they have been spoil'd and there slaughter'd: And very evident it is, that both the Protestants and Protestant Religion are in that your Lordships Treaty, left as in the Power of the Rebels, to be by them born down and rooted out at pleasure.

As for that Consideration by your Lordship offer'd of the present and late Proceedings in England, I see not how it may be a sufficient Motive to me (or any other in like Trust for the Parliament of England in the Service of this Kingdom) to join with those Rebels upon any the Pretences in that your Lordship's Letter mention'd; for therein were there a manifest betraying that Trust repos'd in me in deserting the Service and Work committed to me, in joyning with those I shall oppose, and in opposing whom I am oblig'd to serve.

Neither conceive I it any part of my Work and Care to take notice of any whatsoever Proceedings of STATE, foreign to my Charge and Trust here, especially they being found hereunto apparently destructive.

Most certain it is, and former Ages have approved it, that the intermedling of Governours and Parties in this Kingdom, with Sidings and Parties in ENGLAND, have been the very betraying of this Kingdom to the Irish, whiles the British Forces here had been thereupon call'd off, and the Place therein laid open, and as it were given up to the common ENEMY.

It is what your Lordship might have observ'd in your former Treaty with the Rebels, that upon your Lordship's thereupon withdrawing, and sending hence into England the most considerable part of the English Army then commanded by you; thereby was the remaining British Party not long after overpower'd, and your Quarters by the Irish over-run to the Gates of DUBLIN, your self also reduced to that low Condition, as to be besieg'd in this very City (the Metropolis and principal Citadel of the Kingdom) and that by those very Rebels, who till then could never stand before you: and what the end
hath been of that Party, also so sent by your Lordship into England (although the Flower and Strength of the English Army here, both Officers and Souldiers) hath been very observable.

And how much the Dangers are at present (more than in former Ages) of hazarding the English Interest in this Kingdom, by sending any Parties hence into any other Kingdom upon any Pretences whatsoever, is very apparent, as in the generality of the Rebellion, now more than formerly; so considering your Lordships present Conclusions with, and Concessions to the Rebels, wherein they are allowed the continued Possession of all the Cities, Forts and Places of Strength, whereof they stood possess'd at the time of their Treaty with your Lordship, and that they are to have a Standing Force (if I well remember) of 15000 Foot and 2500 Horse (all of their own Party, Officers and Souldiers) and they (with the whole Kingdom) to be regulated by a major part of Irish Trustees, chosen by the Rebels themselves, as Persons for their Interests and Ends, to be by them confided in, without whom nothing is to be acted. Therein I cannot but mind your Lordship of what hath been sometimes by your self delivered, as your sense in this particular; that the English Interest in Ireland must be preserved by the English, and not by Irish; and upon that ground (if I be not deceiv'd) did your Lordship then capitulate with the Parliament of ENGLAND, from which clear Principle I am sorry to see your Lordship now receding.

As to that by your Lordship menac'd us here, of Blood and Force, if dissenting from your Lordship's Ways and Designs, for my particular I shall (my Lord) much rather choose to suffer in so doing (for therein shall I do what is becoming, and answerable to my Trust) than to purchase my self on the contrary the ignominious Brand of Perfidy, by any Allurements of whatsoever Advantages offer'd me.
But very confident I am of the same Divine Power which hath still followed me in this WORK, and will still follow me; and in that Trust doubt I nothing of thus giving your Lordship plainly this my Resolution in that Particular: So I remain,

Your Lordship’s humble Servant.

Signed, MIC. JONES.

Dublin, March 14. 1648.

For the Lord of ORMOND these.

By the Lord Lieutenant General of Ireland.

ORMOND,

WHEREAS our late Soveraign Lord King CHARLES of happy Memory hath been lately by a Party of his rebellious Subjects of ENGLAND most traiterously, maliciously, and inhumanly put to death and murthered; and forasmuch as his Majesty that now is, Charles by the Grace of GOD King of England, Scotland, France and Ireland, is Son and Heir of his said late Majesty, and therefore by the Laws of the Land, of Force, and practis’d in all Ages, is to inherit. We therefore in discharge of the Duty we owe unto God, our Allegiance and Loyalty to our Soveraign, holding it fit him so to proclaim in and through this his Majesties Kingdom, do by this our present Proclamation declare and manifest to the World, That Charles the II. Son and Heir of our late Soveraign Lord King Charles the I. of happy Memory, is, by the Grace of GOD, the undoubted KING of England, Scotland, France and Ireland, Defender of the FAITH, &c.

Given at Carrick Feb. 26. 1648.

GOD SAVE THE KING.
A necessary Representation of the present Evils, and eminent Dangers to Religion, Laws and Liberties, arising from the late and present Practices of the Sectarian Party in ENGLAND: Together with an Exhortation to Duties relatning to the Covenant, unto all within our Charge; and to all the Well-affected within this Kingdom, by the Presbytery at BELFAST, February the 15th, 1649.

WHEN we seriously consider the great and many Duties which we owe unto God and his People, over whom he hath made us Overseers, and for whom we must give an Account; and when we behold the laudable Examples of the worthy Ministers of the Province of London, and of the Commissioners of the General Assembly of the Church of Scotland, in their free and faithful Testimonies against the Infolencies of the Sectarian Party in England. Considering also the Dependency of this Kingdom upon the Kingdom of England, and remembering how against strong Oppositions we were assisted by the Lord the last year in discharge of the like Duty, and how he punished the Contempt of our Warning upon the Despisers thereof: We find our selves as necessitated, so the more encourag'd to cast in our Mite in the Treasury, lest our Silence should involve us in the Guilt of Unfaithfulness, and our People in Security and neglect of Duties.

In this Discharge of the Trust put upon us by God, we would not be looked upon as Sowers of Sedition, or Broachers of National and divisive Motions; our Record is in Heaven, that nothing is more hateful unto us, nor less intended by us, and therefore we shall not fear the malicious and wicked Aspersions which we know Satan by his Instruments is ready to
Articles of Peace between the

cast, not only upon us, but on all who sincerely en-
deavour the Advancement of Reformation.

What of late have been, and now are, the insolent
and presumptuous Practices of the Sectaries in England, is not unknown to the World: For, First, not-
withstanding their specious Pretences for Religion
and Liberties, yet their late and present Actings being
therewith compar'd, do clearly evidence that they
love a rough Garment to deceive; since they have
with a high Hand despis'd the OATH, in breaking
the Covenant, which is so strong a Foundation to
both, whilst they loaden it with flighting Reproaches,
calling it a bundle of particular and contrary Interests,
and a Snare to the People; and likewise labour to
establish by Laws an universal Toleration of all Re-
ligions, which is an Innovation overturning of Unity
in Religion, and so directly repugnant to the Word
of God, the two first Articles of our solemn Cove-
nant, which is the greatest Wickedness in them to
violate, since many of the chiefest of themselves have,
with their hands testify'd to the most High God,
sworn and seal'd it.

Moreover, their great Disaffection to the Settle-
ment of Religion, and so their future breach of Co-
venant, doth more fully appear by their strong op-
positions to Presbyterial Government (the Hedg and
Bulwark of Religion) whilst they express their hatred
to it more then to the worst of Errors, by excluding
it under the name of Compulsion; when they em-
brace even Paganism and Judaism in the Arms of
Toleration. Not to speak of their Aspersions upon
it, and the Assertors thereof as Antichristian and
Popish, though they have deeply sworn to maintain
the same Government in the first Article of the Co-
venant, as it is established in the Church of SCOT-
LAND, which they now so despite and fully blaspheme.
Again, it is more than manifest, that they seek not the Vindication, but the Extirpation of Laws and Liberties, as appears by their seizing on the Person of the King, and at their pleasures removing him from place to place, not only without the Consent, but (if we mistake not) against a direct Ordinance of Parliament: Their violent surprising, imprisoning and secluding many of the most worthy Members of the Honorable House of Commons, directly against a declared Privilege of Parliament, (an Action certainly without Parallel in any Age) and their Purposes of abolishing Parliamentary Power for the future, and establishing of a Representative (as they call it) instead thereof. Neither hath their Fury stay'd here, but without all Rule or Example, being but private Men, they have proceeded to the Trial of the King, against both the Interest and Protestation of the Kingdom of Scotland, and the former public Declarations of both Kingdoms (besides the violent haste, rejecting the hearing of any Defences) with cruel Hands have put him to Death; an Act so horrible, as no History, divine or human, hath laid a Precedent of the like.

These and many other their detestable Insolencies, may abundantly convince every unbyas'd Judgment, that the present Practice of the Sectaries and their Abettors, do directly overturn the Laws and Liberties of the Kingdoms, root out lawful and supreme Magistracy (the just Privileges whereof we have sworn to maintain) and introduce a fearful Confusion and lawless Anarchy.

The Spirit of God by Solomon tells us, Prov. 30. 21. That a Servant to reign, is one of the four things for which the Earth is disquieted, and which it cannot bear: We wonder nothing that the Earth is disquieted for these things; but we wonder greatly, if the Earth can bear them. And albeit the Lord so
permit, that Folly be set in great Dignity, and they which sit in low place; That Servants ride upon Horses, and Princes walk as Servants upon the Earth, Eccles. 10. ver. 6, 7. Yet the same Wise Man saith, Prov. 19. 10. Delight is not seemly for a Fool, much less for a Servant to have Rule over Princes.

When we consider these things, we cannot but declare and manifest our utter dislike and detestation of such unwarrantable Practices, directly subverting our Covenant, Religion, Laws and Liberties. And as Watchmen in SION warn all the Lovers of Truth and well-affected to the Covenant, carefully to avoid Compliance with, or not bearing witness against horrid Insolences, left partaking with them in their Sins, they also be Partakers of their Plagues. Therefore in the Spirit of Meekness, we earnestly intreat, and in the Authority of Jesus Christ (whose Servants we are) charge and obtest all who resolve to adhere unto Truth and the Covenant, diligently to observe and conscientiously to perform these following Duties.

First, That according to our solemn Covenant, every one study more to the Power of Godliness and personal Reformation of themselves and Families; because for the great Breach of this part of the Covenant, God is highly offended with these Lands, and justly provoked to permit Men to be the Instruments of our Misery and Afflictions.

Secondly, That every one in their Station and Calling earnestly contend for the Faith which was once delivered to the Saints, Jude 3. And seek to have their Hearts established with Grace, that they be not unstable and wavering, carried about with every Wind of Doctrine: but that they receive the Truth in Love, avoiding the Company of such as withdraw
Earl of Ormond and the Irish.

from and vilifie the public Ordinances; speak evil of Church-Government; invent damnable Errors, under the specious Pretence of a Gospel-way and new Light; and highly extol the Persons and Courses of notorious Sectaries, left God give them over to strong Delusions (the Plague of these Times) that they may believe Lies, and be damned.

Thirdly, That they would not be drawn by Counsel, Command or Example, to shake off the antient and fundamental Government of these Kingdoms by King and Parliament, which we are so deeply engaged to preserve by our solemn Covenant, as they would not be found guilty of the great Evil of these Times (condemned by the Holy Ghost) the despising of Dominion, and speaking Evil of Dignities.

Fourthly, That they do cordially endeavour the Preservation of the Union amongst the well-affected in the Kingdoms, not being swayed by any National Respect: Remembring that part of the Covenant; That we shall not suffer our selves directly nor indirectly, by whatsoever Combination, Perversion, or Terror, to be divided, or withdrawn from this blessed Union and Conjunction.

And Finally, Albeit there be more present Hazard from the Power of Sectaries (as were from Malignants the last year) yet we are not ignorant of the evil Purposes of Malignants, even at this time, in all the Kingdoms, and particularly in this; and for this Cause, we exhort every one with equal Watchfulness to keep themselves free from associating with such, or from swerving in their Judgments to malignant Principles; and to avoid all such Persons as have been from the beginning known Opposers of Reformation, Refusers of the Covenant, combining
themselves with Papists and other notorious Malignants, especially such who have been chief Promoters of the late Engagement against England, Calumniators of the Work of Reformation, in reputing the Miseries of the present Times unto the Advancers thereof; and that their just hatred to Sectaries incline not their Minds to favour Malignants, or to think, that because of the Power of Sectaries, the Cause of God needs the more to fear the Enmity, or to stand in need of the help of Malignants.
Observations

Upon the Articles of Peace with the Irish Rebels, on the Letter of Ormond to Col. Jones, and the Representation of the Presbytery at Belfast.

Although it be a Maxim much agreeable to wisdom, that just deeds are the best answer to injurious words, and actions, of whatever sort, their own plainest Interpreters; yet since our enemies can find the leisure both ways to offend us, it will be requisite we should be found in neither of those ways neglectful of our just defence. To let them know, that sincere and upright intentions can certainly with as much ease deliver themselves into words as into deeds.

Having therefore seen of late those Articles of Peace granted to the Papist Rebels of Ireland, as speciall graces and favours from the late King, in reward, most likely, of their work don, and in his name and authority confirm'd and ratifi'd by James Earl of Ormond; together with his Letter to Col. Jones, Governour of Dublin, full of contumely and dishonour, both to the Parlament and Army: And on the other side, an insolent and seditious Representation from the Scotch Presbytery at Belfast in the North of Ireland, no less dishonourable to the State, and much about the same time brought hither; there will be needfull as to the same slanderous aspersions but one and the same Vindication against them both.
Nor can we sever them in our notice and resentment, though one part intitl'd a *Presbytery*, and would be thought a Protestant Assembly, since thir own unexampl'd virulence hath wrapt them into the same guilt, made them accomplices and assistants to the abhorred *Irish* Rebels, and with them as present to advance the same interest: if we consider both thir calumnies, thir hatred, and the pretended Reasons of thir hatred to be the same; the time also, and the place concurring, as that there lacks nothing but a few formall words, which may be easily dissembl'd, to make the perfect conjunction; and between them to divide that Iland.

As for these Articles of Peace made with those inhuman Rebels and Papsits of *Ireland* by the late King, as one of his laft Master-pieces, We may be confidently perswaded, that no true born *English-man* can so much as barely read them without indignation and disdain, that thos bloody Rebels, and so proclaim'd and judg'd of by the King himself, after the merciless and barbarous Maffacre of so many thousand *English*, (who had us'd thir right and title to that Country with such tenderness and moderation, and might otherwise have secur'd themselves with ease against thir Treachery) should be now grac'd and rewarded with such freedoms and enlargements, as none of thir Anceftors could ever merit by thir best obedience, which at best was alwaies treachrous; to be infranchiz'd with full liberty equall to thir Conquerours, whom the just revenge of antient Pyracies, cruel Captivities, and the caufless infestation of our Coaft, had warrantably call'd over, and the long prescription of many hundred years; besides what other titles are acknowledg'd by thir own *Irish* Parliaments, had fixt and feated in that foile with as good a right as the meereft Natives.

These therefore, by thir own foregoing demerits
and provocations justly made our vassalls, are by the first Article of this Peace advanc'd to a Condition of freedom superior to what any English Protestants durst have demanded. For what else can be the meaning to discharge them the Common Oath of Supremacy, especially being Papists (for whom principally that Oath was intended) but either to resign them the more into thir own power, or to set a mark of dis honour upon the British Loyalty; by trusting Irish Rebels for one single Oath of Allegiance, as much as all his Subjects of Brittaine for the double swearing both of Allegiance and Supremacy?

The second Article puts it into the hands of an Irish Parliament to repeale, or to suspend, if they think convenient, that act usually call'd Poynings Act, which was the main, and yet the civillleft and most moderate acknowledgment impos'd of thir dependance on the Crown of England; whereby no Parliament could be summond there, no Bill be past, but what was first to be transmitted and allow'd under the great Seal of England. The recalling of which Act, tends openly to invest them with a Law-giving power of thir own, enables them by degrees to throw off all subjection to this Realm, and renders them, who by thir endless treasons and revolts have deserv'd to hold no Parliament at all, but to be govern'd by Edicts and Garifons, as absolute and supreme in that Assembly as the People of England in thir own Land. And the 12th Article grants them in express words, that the Irish Parliament shall be no more dependent on the Parliament of England, then the Irish them selves shall declare agreeable to the Laws of Ireland.

The two and twentieth Article, more ridiculous then dangerous, coming especially from such a serious knot of Lords and Politicians, obtains that those Acts prohibiting to plow with Horses by the Tayl, and burn Oates in the Straw, be repeal'd; anough, if
Observations on Articles of Peace

nothing else, to declare in them a disposition not only sottish, but indocible, and averse from all Civility and Amendment: and what hopes they give for the future, who rejecting the ingenuity of all other Nations to improve and wax more civill by a civilizing Conquest, though all these many years better shown and taught, preferr their own absurd and savage Customs before the most convincing evidence of reason and demonstration: a Testimony of their true Barbarism and obdurate wilfulness, to be expected no less in other matters of greatest moment.

Yet such as these and thus affected, the ninth Article entrusts with the Militia; a Trust which the King swore by God at New-Market, he would not commit to his Parliament of England, no not for an hour. And well declares the confidence he had in Irish Rebels, more then in his Loyalleft Subjects. He grants them moreover, till the performance of all these Articles, that 15000 Foot and 2500 Horse, shall remain a standing Army of Papists at the beck and command of Dillon, Muskery and other Arch-Rebels, with power also of adding to that number as they shall see cause. And by other Articles allows them the constituting of Magistrates and Judges in all Causes, whom they think fit: and till a settlement to their own minds, the possession of all those Townes and Countries within their now Quarters, being little less than all the Iland, besides what their Cruelty hath dispeopl’d and lay’d waft. And lastly, the whole managing both of Peace and War is committed to Papists, and the chief Leaders of that Rebellion.

Now let all men judg what this wants of utter alienating and acquainting the whole Province of Ireland from all true fealty and obedience to the Commonwealth of England. Which act of any King against the Consent of his Parliament, though no other Crime were layd against him, might of it self
between E. of Ormond and Irish. 559

strongly conduce to the dis-inthrowning him of all. In France Henry the Third, demanding leave in greatest exigencies to make Sale of some Crown-Lands only, and that to his Subjects, was answered by the Parliament then at Blois, that a King in no case, though of extreamest necessity, might alienate the Patrimony of his Crown, whereof he is but only Ufu-fructuary, as Civilians term it, the propriety remaining ever to the Kingdom, not to the King. And in our own Nation, King John, for resigning though unwillingly his Crown to the Popes Legate, with little more hazard to his Kingdom then the payment of 1000 Marks, and the unsightliness of such a Ceremony, was depos'd by his Barons, and Lewis the French Kings Son elected in his room. And to have carried only the Jewells, Plate, and Treasure into Ireland without consent of the Nobility, was one of those impeachments that condemn'd Richard the Second to lose his Crown.

But how petty a Crime this will seem to the alienating of a whole Kingdom, which in these Articles of Peace we see as good as done by the late King, not to Friends, but to mortall Enemies, to the accomplishment of his own interests and ends, wholly separate from the Peoples good, may without aggravation be easily conceiv'd: Nay by the Covenant itself, since that so cavillously is urg'd against us, we are enjoyn'd in the fourth Article, with all faithfulness to endeavour the bringing all such to public Trial and condigne Punishment, as shall divide one Kingdom from another. And what greater dividing then by a pernicious and hostile Peace, to disfallow a whole Feudary Kingdom from the ancient Domnion of England? Exception we find thereof no person whatsoever; and if the King who hath actually done this, or any for him claim a Privilege above Justice, it is again demanded by what express Law,
Observations on Articles of Peace

either of God or Man, and why he whose office is to execute Law and Justice upon all others, should fit himself like a Demigod in lawless and unbounded Anarchy; refusing to be accountable for that Authority over men naturally his Equals, which God himself without a reason giv'n is not wont to exercise over his Creatures? And if God the neerer to be acquainted with mankind and his frailties, and to become our Priest, made himself a man, and subject to the Law, we gladly would be instructed why any mortal man for the good and welfare of his brethren being made a King, should by a clean contrary motion make himself a God, exalted above Law; the readiest way to become utterly insensible, both of his human condition, and his own duty.

And how securely, how smoothly, with how little touch or sense of any commiseration, either princely or so much as human, he hath sold away that justice so oft demanded, and so oft by himself acknowledg'd to be due for the blood of more then 200000 of his Subjects, that never hurt him, never disobey'd him, assassinated and cut in pieces by those Irish Barbarians, to give the first promoting, as is more then thought, to his own tyrannical designs in England, will appear by the 18th Article of his Peace; wherein without the leaft regard of Justice to avenge the dead, while he thirsts to be aveng'd upon the living, to all the Murders, Massacres, Treafons, Pyracies, from the very fatal day wherein that Rebellion first broke out, he grants an Act of Oblivion. If this can be justified, or not punish'd in whomsoever, while there is any Faith, any Religion, any Justice upon Earth, there can no reason be alleg'd why all things are not left to Confusion. And thus much be observ'd in brief concerning these Articles of Peace made by the late King with his Irish Rebells.

The Letter of Ormond sent to Col. Jones Governour
of Dublin, attempting his fidelity, which the discretion and true worth of that Gentleman hath so well answer'd and repuls'd, and pass'd here without mention, but that the other part of it not content to do the errand of Treason, roves into a long digression of evill and reproachfull language to the Parlament and Army of England. Which though not worth thir notice, as from a Crew of Rebels whose inhumanities are long since become the honour and execration of all that hear them, yet in the pursuance of a good endeavour, to give the world all due satisfaction of the present doings, no fit opportunity shall be omitted.

He accused first That we are the Subverters of true Religion, the Prosecutors and Inviters not only of all false ones, but of Irreligion and Atheism. An Accusation that no man living could more unjustly use then our Accuser himself; and which without a strange besottedness, he could not expect but to be retorted upon his own head. All men who are true Protestants, of which number he gives out to be one, know not a more immediate and killing Subverter of all true Religion then Antichrist, whom they generally believe to be the Pope and Church of Rome, he therefore who makes Peace with this grand Enemy and Persecutor of the true Church, he who joyns with him, strengthens him; gives him root to grow up and spread his Poyson, removing all Opposition against him, granting him Schools, Abays, and Revenues, Garifons, Fortresses, Towns, as in so many of those Articles may be seen, he of all Protestants may be call'd most justly the Subverter of true Religion, the Protector and Inviter of Irreligion and Atheism, whether it be Ormond, or his Maister. And if it can be no way prov'd, that the Parlament hath countenanc'd Popery or Papists, but have every where brok'n thir Temporall Power, thrown down thir public Superstitions, and confin'd them to the bare
enjoyment of that which is not in our reach, their Con-
sciences: if they have encourag'd all true Ministers
of the Gospel, that is to say, afforded them favour
and protection in all places where they preach, and
although they think not Money or Stipend to be the
best encouragement of a true Pastor, yet therein also
have not bin wanting nor intend to be, they doubt
not then to affirm themselves, not the Subverters,
but the Maintainers and Defenders of true Religion;
which of it self and by Consequence is the surest and
the strongest Subversion; not only of all false ones,
but of Irreligion and Atheism. For the Weapons of
that Warfare, as the Apostle testifies who best knew,
are not carnall, but mighty through God to the pulling
down of strong holds, and all reasonings, and every high
thing exalted against the knowledge of God, surprizing
every thought unto the obedience of Christ, and easily
revenging all disobedience, 2 Cor. 10. What Minister
or Clergy-man that either understood his high call-
ing, or fought not to erect a secular and carnall Ty-
ranny over spirituall things, would neglect this ample
and sublime power confered upon him, and come a
begging to the weak hand of Magistracy for that kind
of ayd which the Magistrate hath no Commission to
afford him, and in the way he seeks it hath bin al-
ways found helpless and unprofitable. Neither is
it unknown, or by wisest Men unobserv'd, that the
Church began then most apparently to degenerate,
and go to ruin, when she borrow'd of the Civill Power
more then fair encouragement and protection; more
then which Christ himself and his Apostles never re-
quir'd. To say therefore that We protect and invite
all false Religions, with Irreligion also and Atheism,
because we lend not, or rather misapply not the tem-
porall power to help out, though in vain, the sloth,
the spleen, the insufficiency of Church-men, in the
execution of spirituall discipline, over those within
between E. of Ormond and Irish. 563

thir Charge, or those without, is an imputation that may be layd as well upon the beft regulated States and Governments through the World. Who have bin so prudent as never to employ the Civill Sword further then the edg of it could reach; that is, to Civill Offences only; proving always against objects that were spirituall a ridiculous weapon. Our protection therefore to men in Civill Matters unoffensive we cannot deny; thir Consciencies we leave, as not within our Cognifance, to the proper cure of instruction, praying for them. Nevertheless, if any be found among us declar'd Atheifts, malicious Enemies of God, and of Christ; The Parlament, I think, proffesles not to tolerate such, but with all befitting endeavours to suppress them. Otherwaies to protect none that in a larger fene may be tax'd of Irreligion or Atheifm, may perhaps be the ready way to exclude none sooner out of protection, then thofe themselves that moft accuse it to be fo generall to others. Lastly, that we invite fuch as thofe, or incourage them, is a meer flander without proof.

He tells us next, that they have murder'd the King. And they deny not to have juftly and undauntedly, as became the Parlament of England, for more bloodshed and other hainous Crimes then ever King of this Land was guilty of, after op'n tryall, punifht him with death. A matter which to men whose feriouf consideration thereof hath left no certain precept, or example undebated, is fo farr from giving offence, that we implore and befeech the Divine Majefty fo to uphold and support thir spirits with like Fortitude and Magnanimity, that all thir ensuing actions may correspond and prove worthy that impartial and noble piece of Justice, wherein the Hand of God appear'd fo evidently on our side. We shall not then need to feare what all the rout and faction of men basely principl'd can do againft us.
The end of our proceedings, which he takes upon him to have discover'd; *The changing forsooth of Monarchy into Anarchy*, sounds so like the smattering of some raw Polititian, and the overworne objection of every triviall Talker, that we leave him in the number. But seeing in that which follows he contains not himself, but contrary to what a Gentleman shou'd know of Civility, proceeds to the contemptuous naming of a Person, whose valour and high merit many enemies more noble then himself have both honour'd and fear'd, to assert his good name and reputation, of whose service the Common-wealth receaves so ample satisfaction, 'tis answerd in his behalf, that *Cromwell* whom he couples with a name of scorn, hath done in few years more eminent and remarkable Deeds whereon to found Nobility in his House, though it were wanting, and perpetuall Renown to Posterity, then *Ormond* and all his Auncestors put together can shew from any Record of thir *Irish* Exploits, the widest Scene of thir Glory.

He passes on his groundlefs conjectures, that the aim of this Parlament may be perhaps to set up first an elective Kingdom, and after that a perfect Turkish Tyranny. Of the former we suppose the late Act against Monarchy will suffice to acquit them. Of the latter certainly there needed no other pattern then that Tyranny which was so long modelling by the late King himself, with *Strafford*, and that Arch-Prelat of *Canterbury*, his chief Instruments; whose designs God hath dissipated. Neither is it any new project of the Monarchs, and thir Courtiers in these days, though Christians they would be thought, to endeavour the introducing of a plain Turkish Tyranny. Witness that Confultation had in the Court of *France* under *Charles* the Ninth at *Blois*, wherein *P oncet*, a certain Court-projector, brought in secretly by the Chancellor *Biragha*, after many praiies of the
between E. of Ormond and Irish. 565

Ottoman Government, proposes means and ways at large in presence of the King, the Queen-Regent, and Anjou the King's Brother, how with best expedition, and least noise the Turkish Tyranny might be set up in France. It appears therefore that the design of bringing in that Tyranny, is a Monarchicall design, and not of those who have disolv'd Monarchy. As for Parliaments by three Estates, we know that a Parliament signifies no more then the Supream and Generall Councell of a Nation, consisting of whomsoever, chos'n and assembl'd for the public good; which was ever practis'd, and in all sorts of Government, before the word Parliament, or the formality, or the possibility of those three Estates, or such a thing as a Titular Monarchy had either name or being in the World. The Originall of all which we could produce to be far newer then those all Ages which he vaunts of, and by such first invented and contriv'd, whose authority, tho it were Charles Martell, stands not so high in our repute, either for himself, or the age he liv'd in, but that with as good warrant we may recede from what he ordain'd, as he ordain what before was not.

But whereas besides he is bold to allege that of the three Estates there remain only a small number, and they the Dreggs and Scum of the House of Commons; this reproach and in the mouth of an Irish Man concerns not them only, but redounds to apparent dishonour of the whole English Nation. Doubtless there must be thought a great scarcity in England of persons honourable and deserving, or else of Judgment, or so much as Honesty in the People, if those whom they esteem worthy to sit in Parliament be no better then Scum and Dreggs in the Irish Dialect. But of such like stuff we meet not any where with more excrescence then in his own lavish Pen; which feeling it self loose without the reins of discretion,
rambles for the most part beyond all Soberness and Civility. In which Torrent he goes on negociating and cheapning the Loyalty of our Faithfull Governour of Dublin, as if the known and try'd Constancy of that valiant Gentleman were to be bought with Court fumes.

He lays before him that there remains now no other liberty in the Subject but to profess blasphemous opinions, to revile and tread under foot Magiftracy, to murther Magiftrates, to opprefs and undo all that are not like minded with us. Forgetting in the mean while himself to be in the head of a mixt Rabble, part Papifts, part Fugitives, and part Savages, guilty in the highest degree of all these Crimes. What more blasphemous, not opinion, but whole Religion, then Popery, plung'd into Idolatrous and Ceremonyall Superftition, the very death of all true Religion; figur'd to us by the Scripture it self in the shape of that Beast, full of the names of Blasphemy, which we mention to him as to one that would be counted Protestant, and had his breeding in the house of a Bishop? And who are those that have trod under foot Magiftracy, murder'd Magiftrates, oppress'd and undone all that slyded not with them, but the Irish Rebels, in that horrible Conspiracy, for which Ormond himself hath either bin or seem'd to be thir Enemy, though now thir Ring-leader. And let him ask the Jesuits about him whether it be not thir known Doctrine and also Prac-tife, not by fair and due procfs of Justice to punish Kings and Magiftrates, which we disavow not, but to murder them in the baseft and most assassinous manner, if thir Church-Interest so require. There will not need more words to this Windy Railer, convicted opn'ly of all thofe Crimes which he so confidently, and yet fallly, charges upon others.

We have now to deal, though in the same Coun-try, with another fort of Adversaries, in show far
different, in substance much what the same. These write themselves the Presbytery of Belfaft, a place better known by the name of a late Barony, then by the Fame of these Mens Doctrine or Ecclesiasticall Deeds; whose obscurity till now never came to our hearing. And surely we should think this thir Representation far beneath considerable, who have neglected and past over the like unadvisedness of thir fellows in other places more neer us, were it not to observe in some particulars the Sympathy, good Intelligence, and joynped pace which they go in the North of Ireland, with thir Copartning Rebels in the South, driving on the same Interest to loose us that Kingdom, that they may gain it themselves, or at least share in the spoil: though the other be op’n Enemies, these pretended Brethren.

The Introduction of their Manifieft out of doubt must be zealous; Their Duty, they say, to God and his People, over whom he hath made them Overseers, and for whom they must give accompt. What mean these Men? Is the Presbytery of Belfaft, a small Town in Ulster, of so large extent that thir Voices cannot serve to teach Duties in the Congregation which they oversee, without spreading and divulging to all parts far beyond the Diocess of Patrick or Columba, thir writ’n Representation, under the suttle pretence of feeding thir own Flock? Or do they think to oversee or undertake to give an accompt for all to whom thir Paper sends greeting? St. Paul to the Elders of Ephesus thinks it sufficient to give charge, That they take heed to themselves, and to the Flock, over which they were made Overseers; beyond those Bounds he enlarges not thir Commission. And surely when we put down Bishops, and put up Presbyters, which the moft of them have made ufe of to enrich and exalt themselves, and turn the first heel against their Benefactors, we did not think that
Observations on Articles of Peace

one Classick Fraternity so obscure and so remote, should involve us, and all State-Affairs, within the Censure and Jurisdiction of Belfast, upon pretence of overseeing thir own Charge.

We very well know that Church-Censures are limited to Church-Matters, and these within the compass of thir own Province, or to say more truly of thir own Congregation: that Affairs of State are not for thir medling, as we could urge ev'n from their own Invectives and Protestations against the Bishops, wherein they tell them with much fervency, that Ministers of the Gospel, neither by that Function, nor any other which they ought accept, have the least Warrant to be Pragmatical in the State.

And surely in vain were Bishops for these and other Causes forbid to sit and vote in the House, if these men out of the House, and without Vote shall claim and be permitted more licence on their Presbyterian Stools, to breed continual disturbance by interposing in the Commonwealth. But seeing that now, since thir heaving out the Prelats to heave in themselves, they devise new ways to bring both ends together which will never meet; that is to say, their former Doctrine with their present Doings, as that they cannot else teach Magistrates and Subjects their Duty, and that they have besides a Right themselves to speak as Members of the Commonwealth. Let them know that there is a wide difference between the general exhortation to Justice and Obedience, which in this point is the utmost of thir Duty, and the State-disputes wherein they are now grown such Busy-bodies, to preach of Titles, Interests, and Alterations in Government; more then our Saviour himself, or any of his Apostles ever took upon them, though the Title both of Caesar and of Herod, and what they did in matters of State, might have then admitted Controversy enough.
between E. of Ormond and Irish. 569

Next, for their Civil Capacities, we are sure that Pulpits and Church-Assemblies, whether Classical or Provincial, never were intended or allow'd by wise Magistrates, no nor by him that sent them, to advance such purposes, but that as Members of the Commonwealth they ought to mix with other Commons, and in that temporal Body to assume nothing above other private Persons, or otherwise then in a usual and legal manner: not by distinct Remonstrances and Representments, as if they were a Tribe and Party by themselves, which is the next immediate way to make the Church lift a Horn against the State, and claim an absolute and undeping Jurisdiction, as from like advantage and occasion (to the trouble of all Christ'ndom) the Pope hath for many Ages done; and not only our Bishops were climing after him, but our Presbyters also, as by late Experiment we find. Of this Representation therefore we can esteem and judge no other then of a flandering and seditious Libel, sent abroad by a sort of Incendiaries, to delude and make the better way under the cunning and plausible name of a Presbytery.

A second Reason of thir Representing is, that they consider the dependance of that Kingdom upon England, which is another shameless untruth that ever they consider'd; as thir own Actions will declare, by conniving, and in thir silence partaking with those in Ulster, whose obedience by what we have yet heard, stands dubious, and with an eye of Conformity rather to the North, then to that part where they owe thir subject; and this in all likelihood by the inducement and instigation of these Representers: who are so far from considering thir dependance on England, as to presume at every word to term proceedings of Parliament, the Insolencies of a Sectarian party, and of private men. Despising dominion, and speaking evill of dignities, which hypocritically they would seem
Obfervations on Articles of Peace

to difswade others from; and not fearing the due correction of thir Superiors, that may in fit season overtake them. When as the leaft consideration of their dependance on England would have kept them better in thir Duty.

The third Reafon which they use, makes againft them; The remembrance how God punifht the contempt of thir warning laft year upon the Breakers of Covnant, whenas the next year after they forget the warning of that punishment hanging over thir own heads for the very fame tranfgreffion, thir manifest breach of Covnant by this feditious Representation accompanied with the doubtful obedience of that Province which represents it.

And thus we have thir Preface supported with three Reasons; two of them notorious fallities, and the third againft themselves; and two examples, the Province of London, and the Commissioners of the Kirk-Assembly. But certain, if Canonical Examples bind not, much lefs do Apocryphal.

Proceeding to avouch the truft put upon them by God, which is plainly prov'd to be none of this nature, They would not be look'd upon as fowers of Seditition, or Authors of divisive Motions; thir Record, they say, is in Heaven, and thir Truth and Honesty no Man knows where. For is not this a shameless Hypocrifie, and of meer Wolves in Sheeps cloathing, to fow Sedition in the Ears of all Men, and to face us down in the very Act, that they are Authors of no fuch matter? But let the sequel both of thir Paper, and the obedience of the place wherein they are, determine.

Nay while we are yet writing thefe things, and foretelling all men the Rebellion which was even then design'd in the close purpose of these unhallow'd Priestlings, at the very time when with thir Lips they disclaim'd all fowing of Sedition, News is
between E. of Ormond and Irish. 571

brought, and too true, that the Scottifh Inhabitants of that Province are actually revolted, and have not only besieged in London-Derry those Forces which were to have fought against Ormond, and the Irish Rebels; but have in a manner declared with them, and begun op’n War against the Parliament; and all this by the incitement and illusions of that unchristian Synagogue at Belfast, who yet dare charge the Parliament, that notwithstanding specious pretences, yet their actions do evidence that they love a rough Garment to deceive. The Deceit we own not, but the Comparison, by what at first sight may seem alluded, we accept: For that hairy roughness assum’d won Jacob the Birthright both Temporal and Eternal; and God we trust hath so dispos’d the mouth of these Balaams, that comming to Curse, they have stumbled into a kind of Blessing, and compar’d our actions to the faithful Act of that Patriarch.

But if they mean, as more probably their meaning was, that rough Garment spok’n of Zach. 13. 4. we may then behold the pittiful store of learning and theology, which these deceivers have thought sufficient to uphold their credit with the People, who, though the rancour that levens them have somewhat quickned the common drawling of their Pulpit elocution, yet for want of stock anough in Scripture-phrase to serve the necessary uses of their Malice, they are become so liberall, as to part freely with their own Budg-gowns from off their backs, and bestow them on the Magistrate as a rough Garment to deceive; rather then not be furnish’d with a reproach, though never so improper, never so obvious to be turn’d upon themselves. For but with half an eye cast upon that Text, any man will soon discern that rough Garment to be their own Coat, their own Livery, the very Badg and Cognisance of such false Prophets as themselves. Who, when they understand, or ever seriously mind
the beginning of that 4th verse, may be afham'd every one of his lying Vision, and may justly fear that foregoing denouncement to such as \textit{speak Lies in the name of the Lord}, verf. 3. lurking under the \textit{rough Garment} of outward rigor and formality, whereby they cheat the simple. So that \textit{this rough Garment to deceive}, we bring ye once again, Grave Sirs, into your own Veftry; or with \textit{Zachary} shall not think much to fit it to your own Shoulders. To beftow ought in good earnest on the Magiftrate, we know your claffic Priestship is too gripple, for ye are always begging: and for this rough Gown to deceave, we are confident ye cannot spare it; it is your Sundays Gown, your every day Gown, your only Gown, the Gown of your Faculty; your divining Gown; to take it from ye were Sacriflige. Wear it therefore, and poiffess it your selves, moft grave and reverend Carmelites, that all Men both young and old, as we hope they will shortly, may yet better know ye and distinguish ye by it; and give to your rough Gown, where ever they meet it, whether in Pulpit, Claffis, or Provincial Synod, the precedency, and the pre-eminence of deceaving.

They charge us next that we have brok'n the Cov'nant, and load'n it with flighting Reproaches. For the reproaching, let them anfwer that are guilty, whereof the State we are sure cannot be accus'd. For the breaking, let us hear wherein. \textit{In labouring, say they, to eftabli{hs by Law a universal toleration of all Religions}. This touches not the State; for cer-tainly were they fo minded, they need not labour it, but do it, having power in thir hands; and we know of no act as yet paft to that purpose. But suppose it done, wherein is the Covnant broke? The Covnant enjoyns us to endeavour the extirpation firft of Popery and Prelacy, then of Heresy, Schifm, and Prophaneness, and whatsoever shall be found contrary
between E. of Ormond and Irell. 573

to sound Doctrin and the power of Godliness. And this we cease not to do by all effectual and proper means: But these Divines might know, that to extirpate all these things can be no work of the Civil Sword, but of the Spiritual, which is the Word of God.

No Man well in his wits, endeavouring to root up Weeds out of his Ground, instead of using the Spade will take a Mallet or a Beetle. Nor doth the Covenant any way engage us to extirpate, or to prosecute the Men, but the Heresies and Errors in them, which we tell these Divines and the rest that understand not, belongs chiefly to thir own Function, in the diligent preaching and insisting upon sound Doctrin, in the confuting not the railing down Errors, encountering both in publick and private Conference, and by the power of truth, not of persecution, subduing those Authors of Heretical Opinions, and lastly in the spiritual execution of Church discipline within thir own Congregations. In all these ways we shall assist them, favour them, and as far as appertains to us join with them, and moreover not tolerate the free exercise of any Religion, which shall be found absolutely contrary to sound Doctrin or the Power of Godliness; for the Conscience, we must have patience till it be within our verge. And thus doing we shall believe to have kept exactly all that is requir’d from us by the Covenant. Whilst they by thir seditious practises against us, then which nothing for the present can add more assistance or advantage to thole bloody Rebels and Papists in the South, will be found most pernicious Covenant-breakers themselves, and as deep in that guilt as thoes of thir own Nation the last year; the warning of whose ill success, like men harden’d for the same Judgment, they miserably pervert to an encouragement in the same offence, if not a far worse: For
Observations on Articles of Peace

now they have joyn'd Interest with the Irish Rebels, who have ever fought against the Covenant, whereas thir Country-men the year before made the Cov'nant thir Plea. But as it is a peculiar Mercy of God to his People, while they remain his, to preserve them from wicked Confederations: so it is a mark and punishment of Hypocrites to be driv'n at length to mix thir Cause, and the Interest of thir Covenant with God's Enemies.

And whereas they affirm that the tolerating of all Religions in the manner that we tolerate them, is an innovation; we must acquaint them that we are able to make it good, if need be, both by Scripture and the Primitive Fathers, and the frequent afserion of whole Churches and Protestant States in thir Remonstrances and Expostulations against the Popish Tyranny over Souls. And what force of argument do these Doctors bring to the contrary? But we have long observ'd to what pass the bold ignorance and sloth of our Clergy tends no less now then in the Bishops days, to make thir bare sayings and cenfures authentic with the People, though deftitute of any proof or argument. But thanks be to God they are discern'd.

Thir next impeachment is, that we oppose the Presbyterian Government, the Hedg and Bulwark of Religion. Which all the Land knows to be a most impudent falsehood, having establisht it with all freedom, wherever it hath bin desir'd. Nevertheless as we perceive it aspiring to be a compulsive power upon all without exception in Parochial, Classical, and Provincial Hierarchies, or to require the fleshly arm of Magistracy in the execution of a spiritual Discipline, to punish and amerce by any corporal infliction those whose Consciences cannot be edifi'd by what authority they are compell'd, we hold it no more to be the Hedg
between E. of Ormond and Irish. 575

and Bulwark of Religion, then the Popish and Prela-
tical Courts, or the Spanish Inquisition.

But we are told, We embrace Paganism and Judaism in the arms of Toleration. A most audacious calumny! And yet while we detest Judaism, we know our selves commanded by St. Paul, Rom. i i. to respect the Jews, and by all means to endeavor thir conversion.

Neither was it ever sworn in the Covenant to main-
tain a universal Presbytery in England, as they falsly allege, but in Scotland against the Common Enemy, if our aid were call'd for: being left free to reform our own Country according to the Word of God, and the example of best reformed Churches; from which rule we are not yet departed.

But here, utterly forgetting to be Ministers of the Gospel, they presume to op'n thir mouths not in the Spirit of Meekness, as like diffemblers they pretend, but with as much devillish malice, impudence and falshood as any Irish Rebel could have utter'd; and from a barbarous nook of Ireland brand us with the extirpation of Laws and Liberties; things which they seem as little to understand as ought that belongs to good Letters or Humanity.

That we seiz'd on the Person of the King; who was surrendred into our hands an Enemy and Captive by our own subordinate and paid Army of Scots in Eng-
land. Next, our imprisoning many Members of the House. As if it were impossible they should deserve it, con-
spiring and bandying against the publick good; which to the other part appearing, and, with the power they had, not resisting, had bin a manifest desertion of their Trust and Duty. No question but it is as good and necessary to expel rott'n Members out of the House, as to banish Delinquents out of the Land: and the reason holds as well in forty as in five. And if they be yet more, the more dangerous is thir number.
They had no privilege to sit there, and vote home
the Author, the impenitent Author of all our Mise-
ries to Freedom, Honour and Royalty, for a few
fraudulent, if not destructive Concessions. Which
that they went about to do, how much more clear
it was to all men, so much the more expedient, and
important to the Common-wealth was their speedy
seizure and exclusion; and no breach of any just pri-
vilege, but a breach of their knotted faction. And
here they cry out, An Action without parallel in any
Age. So heartily we wish all men were unpreju-
dic'd in all our Actions, as these illiterate denouncers
never parallel'd so much of any Age as would contrib-
ute to the tithe of a Century. That we abolish Par-
liamentary Power, and establish a Representative instead
thereof. Now we have the hight of them; these pro-
found Instructors in the midst of thir Representation,
would know the English of a Representative, and
were perhaps of that Classis, who heretofore were as
much stagger'd at Triennial.

Thir grand Accusation is our Justice don on the King,
which that they may prove to be without rule or ex-
ample, they venture all the credit they have in divine
and human History; and by the same desperate bold-
ness detect themselves to be egregious Liars and Im-
postors, seeking to abuse the multitude with a show
of that gravity and learning which never was thir
Portion. Had thir knowledg bin equal to the know-
ledg of any stupid Monk, or Abbot, they would have
known at least, though ignorant of all things else, the
life and acts of him, who first instituted thir Order:
But these blockish Presbyters of Clandeboy know not
that John Knox, who was the first founder of Presby-
tery in Scotland, taught professedly the Doctrine of
deposing, and of killing Kings. And thus while they
deny that any such rule can be found, the rule is
found in thir own Country, giv'n them by thir own
between E. of Ormond and Irish. 577

first Presbyteriyan Institutor; and they themselves, like irregular Friers walking contrary to the rule of thir own Foundation, deserve for so gross an ignorance and transgression to be disciplin’d upon thir own Stools. Or had thir reading in History bin any, which by this we may be confident is none at all, or thir Malice not hightn’d to a blind rage, they never would so rashly have thrown the Dice to a palpable discovery of thir ignorance and want of shame. But wherefore spend we two such preetious things as time and reason upon Priefts, the most prodigal mis-spenders of time, and the scarcest owners of reason? 'Tis sufficient we have publifh’d our defences, giv’n reasons, giv’n examples of our Justice done; Books also have bin writ’n to the same purpose for Men to look on that will; that no Nation under Heav’n but in one age or other hath don the like. The difference only is, which rather seems to us matter of glory, that they for the most part have without Form of Law don the deed by a kind of martial Justice, we by the deliberat and well-weigh’d Sentence of a legal Judicature.

But they tell us, It was against the interest and protestation of the Kingdom of Scotland. And did exceeding well to joyn those two together: hereby informing us what credit or regard need be giv’n in England to a Scotch Protestation, usher’d in by a Scotch Interest: certainly no more then we see is giv’n in Scotland to an English Declaration, declaring the Interest of England. If then our interest move not them, why should theirs move us? If they say, we are not all England; we reply they are not all Scotland: nay, were the last year so inconsiderable a part of Scotland as were beholding to this which they now term the Sectarian Army, to defend and rescue them at the charges of England from a stronger party of thir own Countrymen, in whose esteem they were
Observations on Articles of Peace

no better than Sectarians themselves. But they add, *It was against the former Declarations of both Kingdoms*, to seize, or proceed against the King. We are certain that no such Declarations of both Kingdoms, as derive not thir full force from the sense and meaning of the Covnant, can be produc'd.

And if they plead against us the Covnant, *To preserve and defend his Person*; we ask them briefly whether they take the Covnant to be absolute or conditional? If absolute, then suppose the King to have committed all prodigious Crimes and Impieties against God, or Nature, or whole Nations, he must nevertheless be sacred from all violent touch. Which absurd opinion, how it can live in any Mans reason, either natural or rectifi'd, we much marvel: Since God declar'd his anger as impetuous for the saving of King Benbadad, though surrendering himself at mercy, as for the killing of Naboth. If it be conditional, in the preservation and defence of Religion, and the People's Liberty, then certainly to take away his life, being dangerous, and pernicious to both these, was no more a breach of the Covnant, then for the same reason at Edinburrow to behead Gordon the Marquess Huntley. By the same Covnant we made vow to assist and to defend all those that should enter with us into this League; not absolutely, but in the maintenance and pursuing thereof. If therefore no Man else ever were so mad as to claim from hence an impunity from all Justice, why should any for the King? Whose Life by other Articles of the same Covnant was forfeit. Nay if common sense had not led us to such a clear Interpretation, the Scotch Commissioners themselves might boast to have bin our first teachers: who when they drew to the malignance which brought forth that peridious last years irruption against all the bands of Covnant or Christian Neighbourhood, making their hollow Plea
between E. of Ormond and Irish. 579

the defence of His Majesties Person, they were con-
strain'd by thir own guiltines to leave out that fol-
lowing morse that would have choak'd them, the
preservation and defence of true Religion, and our Li-
berties. And questionles in the preservation of these,
we are bound as well, both by the Covnant, and be-
fore the Covnant, to preserve and defend the Person
of any private Man, and the Person and Authority
of any inferior Magistrate: So that this Article, ob-
jected with such vehemence against us, contains not
an exception of the Kings Person, and Autority, to
do by privilege what wickedness he lift, and be de-
fended, as som fancy, but an express testification of
our Loyalty; and the plain words without wretfting
will bear as much, that we had no thoughts against
his person, or just power, provided they might con-
sist with the preservation and defence of true Reli-
gion and our Liberties. But to these how hazardous
his life was, will be needless to repeat so oft'n. It
may suffice that while he was in Custody, where we
expected his Repentance, his remorse at laft, and
compassion of all the innocent blood shed already,
and hereafter likely to be shed for his meer wilful-
ness, he made no other use of our continual forbear-
ance, our humblest Petitions and Obtestations at his
feet, but to fit contriving and fomenting new Plots
against us, and as his own phrase was, playing his own
Game upon the Miferies of his People: Of which we
desire no other view at present then these Articles of
Peace with the Rebels, and the rare Game likely to
ensue from such a caft of his Cards. And then let
Men reflect a little upon the flanders and reviles of
these wretched Priests, and judg what Modesty, what
Truth, what Confcience, what any thing fit for Mi-
nisters, or we might say reasonable men, can harbour
in them. For what they began in shamelesnes and
malice, they conclude in frenzy: throwing out a fud-
den rapsody of Proverbs quite from the purpose; and with as much comliness as when Saul propheci'd. For casting off, as he did his Garments, all modesty and meekness wherewith the Language of Ministers ought to be cloath'd, speaking especially to thir supreme Magistrate, they talk at random of Servants raigning, Servants riding, and wonder how the Earth can bear them. Either these men imagin themselves to be marvellously high set and exalted in the Chair of Belfast, to voutsafe the Parliament of England no better stile then Servants, or else thir high notion, which we rather believe, falls as low as Court-parasitism; supposing all Men to be Servants, but the King. And then all thir pains tak'n to seem so wise in proverb'ing, serves but to conclude them downright Slaves: and the edg of thir own Proverb falls reverse upon themselves. For as Delight is not seemly for Fools, much less high Words to come from base Minds. What they are for Ministers, or how they crept into the fold, whether at the Window, or through the Wall, or who set them there so haughty in the Pontifical See of Belfast, we know not. But this we rather have cause to wonder if the Earth can bear this insufferable insolency of upstarts; who from a ground, which is not thir own, dare send such defiance to the sovrain Magistracy of England, by whose authority and in whose right they inhabit there. By thir actions we might rather judg them to be a generation of High-land Theevs and Red-shanks, who being neighbourly admitted, not as the Saxons by merit of thir Warfare against our Enemies, but by the courtesey of England to hold possessions in our Province, a Country better than thir own, have, with worse Faith then those Heathen, prov'd ingrateful and treacherous Guests to thir best Friends and Entertainers. And let them take heed, left while thir silence as to these matters, might have kept them
between E. of Ormond and Irish. blameless and secure under those proceedings which they so fear'd to partake in, that these thir treasonous attempts and practices have not involv'd them in a far worse guilt of Rebellion; and (notwithstanding that fair dehortatory from joyning with Malignants) in the appearance of a co-interest and partaking with the Irish Rebels. Against whom, though by themselves pronounc'd to be the Enemies of God, they go not out to battle, as they ought, but rather by these thir doings assist and become associates.

End of Volume the Second.