

The Tenure of Kings and Magistrates

John Milton (1650)

IF men within themselves would be govern'd by reason, and not generally give up their understanding to a double tyrannie, of Custom from without, and blind affections within, they would discern 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 vitious rule, by which they govern themselves. For indeed none can love freedom heartilie, but good men; the rest love not 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 their Maisters, against them lies all thir hatred and suspicion. Consequentlie neither doe bad men hate Tyrants, but have been alwayes 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 purse especially, they would seeme good Patriots, and side 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, streight these men, and sure 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, devested 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 revolvers from those principles, which only could at first move them, but lay the staine of disloyaltie, and worse, on those 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 those Statutes and Lawes which they so impotently brandish against others, would have doom'd them to a Traytors death, for what they have don already. '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 Government, 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, customs, forms, and that old entanglement of Iniquity, thir gibrish Lawes, though the badge of thir ancient slavery. Others who have bene 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 tryal 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 pittie can be no true, and Christian commiseration, but either levitie and shallowness of minde, or else a carnal admiring of that worldly

pomp and greatness, from whence they see him fall'n; or rather lastly a dissembl'd and seditious pity, fain'd of industry 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 assembl'd, and there charg'd him with the spilling of more innocent blood by farr, then ever *Nero* did, undoubtedly the mercy which they pretend, is the mercy of wicked men; and their mercies, wee read are cruelties; hazarding the welfare of a whole Nation, to have sav'd one, whom so oft they have tearm'd *Agag*; and vilifying the blood of many *Jonathans*, that have sav'd *Israel*; insisting with much niceness on the unnecessariest clause of thir Covnant wrested, wherein the feare of change, and the absurd contradiction of a flattering hostilitie had hamperd them, but not scrupling to give away for complements, to an implacable revenge, the heads of many thousand Christians more.

Another sort there is, who comming in the cours of these affaires, to have thir share in great actions, above the form of Law or Custom, at least to give thir voice and approbation, begin to swerve, and almost shiver at the Majesty and grandeur of som noble deed, as if they were newly enter'd into a great sin; disputing presidents, 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 bestow on them; and exhort them not to startle from the just and pious resolution of adhering with all thir strength & assistance to the present Parliament & Army, in the glorious way wherin Justice and Victory hath set them; the only warrants through all ages, next under immediat Revelation, to exercise supream 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 Apostate Scarcrowes, who under show 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 falsly and scandalously, they wrest against thir Friends and Associates, would by sentence of the common adversarie, fall first and heaviest upon thir own heads. Neither let milde and tender dispositions be foolishly softn'd from thir duty and perseverance, with the unmaskuline Rhetorick of any puling Priest or Chaplain, sent as a friendly Letter of advice, for fashion sake in privat, and forthwith publisht 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 hypocrisie 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 turnes with a double contradictory sense, transforming the sacred verity of God, to an Idol with two Faces, looking at once two several ways; and with the same quotations to charge others, which in the same case they made serve to justifie themselves. For while the hope to bee made Classic and Provincial Lords led them on, while pluralities 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 lawfull, was no resisting of Superior powers; they onely were powers not to be resisted, who countenanc'd 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 & 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 enemy 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 lawfull 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 useless 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 thir 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 prevaild above the Law of nature and right reason, to judge as they find cause. But this I dare owne as part of my faith, that if such a one there be, by whose Commission, whole massachers have been committed on his faithfull Subjects, his Provinces offerd to pawn or alienation, as the hire of those whom he had sollicitd 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 faile, extraordinary so executing that intent of God, is lawfull, and not to be resisted. But to unfold more at large this whole Question, though with all expedient brevity, I shall here set downe from first beginning, the original 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 lawfully depos'd and punish'd, as they were at first elected: This I shall doe by authorities and reasons, not learnt in corners among Scisms and Heresies, as our doubling Divines are ready to calumniat, but fetch't out of the midst of choicest and most authentic learning, and no prohibited Authors, nor many Heathen, but Mosaical, Christian, Orthodoxal, and which must needs be more convincing to our Adversaries, Presbyterial.

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 themselves to doe wrong and violence, and foreseeing that such courses must needs tend to the destruction of 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 som authoritie, that might restrain by force and punishment what was violated against peace and common right. This autoritie and power of self-defence and preservation being originally and naturally in every one of them, and unitedly in them all, for ease, 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 Maisters (though afterward those names in som places were giv'n voluntarily to such as had been Authors of inestimable 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 authority 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 authority 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 those Lawes which they the people had themselves made, or assented to. And this oftentimes with express warning, that if the King or Magistrate prov'd unfaithfull to his trust, the people would be disingag'd. They added also Counselors and Parlements, nor to be onely at his beck, but with him or without him, at set times, or at all times, when any danger threatn'd to have care of the public safety. Therefore saith Claudius Sesell 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 those 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, Arragonian, English, and not least the Scottish Histories: 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 remains 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 sould. 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 forfeit 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 estates, by the tenure of his meer grace and mercy, as from a God, not a mortal Magistrate, a position that none but Court Parasites or men besotted 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 least 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 Cæsars 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 reasond with, but to be trod on; among whom there might be found so many thousand Men for wisdom, vertue, nobleness 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 *David's*; 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 sinn against his Neighbour, when as that Law of *Moses* was to the King expresly, *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 *Psalm* can be no certaine decision to a poynt that hath abundantly more certaine rules to goe by. How much more rationally spake the Heathen King *Demophon* 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 Prætorian Forces. Take this drawn 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, causd it to be enacted as a rule undenyable 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 submitt. Which Edict of his remains yet in the *Code of Justinian l. I. 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 writt'n 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 autoritie of the people, both originally 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, retaine 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 therefore when they desir'd a King, though then under another form of government, 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, further 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 should reigne over them. Neither did that exempt the King, as if he were to God onely accountable, though by his especial command anointed. Therefore *David* first made a Cov'nant 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.* Therefore 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 misgovernment 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 sort 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 saith 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 saith 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 forbids 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 forbid to molest them. And those grave and wise Counselors 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, and not of them; for they knew no such matter, unless conditionally, but gave him politic counsel, as in a civil transaction. Therefore 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* saith he, *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*, saith *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 therof; 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 saith 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, & to whomsoever I will, I give it:* neither did he ly, or Christ gainsay what he affirm'd; for in the thirteenth of the *Revelation* wee read how the Dragon gave to the beast *his power, his seate, and great authority:* which beast so autoriz'd most expound to be the tyrannical powers and Kingdoms of the earth. Therefore Saint *Paul* in the forecited Chapter tells us that such Magistrates he meanes, 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 doubtless 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 resist 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, least 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 resisted. From this exposition *Chrysostome* also on the same place dissents not; explaining that these words were not writt'n in behalf of a tyrant. And this is verify'd by *David*, himself a King, and likeliest to bee Author of the *Psalms 94.20.* which saith *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 justness of thir title, by holding it immediatly of God, yet cannot show the time when God ever set on the throne them or thir forefathers, 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 raiging 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 therefore 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 ease, and force of argument determin what a Tyrant is, and what the people may doe against him. A Tyrant whether by wrong or by right comming to the Crown, is he who regarding neither Law nor the common good, reigns onely 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 massachers, rapes, adulteries, desolation, and subversion of Citties and whole Provinces, look how great a good and happiness a just King is, so great a mischeife is a Tyrant; as hee the public father of his Countrie, so this the commonemie. Against whom what the people lawfully may doe, as against a common pest, and destroyer of mankinde, I suppose no man of cleare 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 thir own reason, and shutting thir eyes to think they see best with other mens, I shall shew by such examples as ought to have most waight with us, what hath bin don in this case heretofore. The *Greeks* and *Romans*, as thir prime Authors witness, held it not onely 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. Insomuch that *Seneca* the Tragedian brings in Hercules the grand suppressor of Tyrants, thus speaking,

-----*Victima haud ulla amplior*

Potest, magisque opima mactari 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, lest it bee 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 raysd to deliver Israel from *Eglon* King of *Moab*, who had conquerd and rul'd over them eighteene years, being sent to him as an Ambassador with a present, slew him in his own house. But hee was a forren Prince, anemie, 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 anemie? 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 Parlements, the onely tie of our obedience to him, for his own wills sake, and a boasted prerogative unaccountable, after sev'n years warring and destroying 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 slaughterd carcasses all the Land over, and crying for vengeance against the living that should have righted them. Who knows not that there is a mutual bond of amity and brotherhood between man and man over all the World, neither is it the English 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 therfore 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 than in force against any King whatever, who in respect of the people is confess'd inferior and not equal: to distinguish therefore of a Tyrant by outlandish, or domestic is a weak evasion. To the second that he was an enemy, 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 raysd 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 Profet, with his own hand abstain from *Agag*; a forren enemy 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, Maister and Servant, wherefore not between King or rather Tyrant and People? And whereas *Jehu* had special command to slay *Jehoram* a successive and hereditarie 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 wayes 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 therefore hence to Christian times. And first our Saviour himself, how much he favour'd Tyrants, and how much intended they should be found or honour'd among Christians, declares his mind not obscurely; accounting thir 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; 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, saith 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 himself 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 wherefore did his Mother the Virgin Mary give such praise to God in her profetic song, that he had now by the comming of Christ *Cutt down Dynasta'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 instinct 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 cause 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 dissolution 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 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 verdict 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, *A just 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* saith, *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, saith *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 affaires, 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 endowd them, when Oaths both at Coronation, and renewd in Parlament would not serve, thought it no way illegal to depose and put to death thir tyrannous Kings. Insomuch that the Parlament drew up a charge against Richard the second, and the Commons requested to have judgement decreed against him, that the realme might not bee endangerd. And Peter Martyr a Divine of foremost rank, on the third of *Judges* approves thir 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 relinquishd what right they had by Conquest to this Iland, and resign'd it all into the peoples hands, testifies that the people thus re-invested with thir own original right, about the year 446, both elected them Kings, whom they thought best (the first Christian Brittish Kings that ever raign'd heer 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 saith 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 Britain 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 less 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 excommunication, 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 indiffernce the civil Sword, to the cutting off without exemption him that capitally 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 writt'n that the proceedings now in Parlament 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 raysd op'n Warr against Charles the fifth thir Emperor, sent him a defiance, renounc'd all faith and allegiance towards him, and debated long in Council whither they should give him so much as the title of Cæsar. 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 renounc'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 most famous Divine and the reformer of Scotland to the Presbyterian discipline, at a general Assembly maintaind op'nly in a dispute against Lethington the Secretary of State, that Subjects might & 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 repeates 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 handwriting of many the most godly and most 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 Ecclesiastic History Of Scotland l. 4. with many other passages to this effect all the Book over; set out with diligence by Scotchmen of best 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 purest times of reformation were of the same 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 same yeare depos'd her. Buchan. Hist. l. 18.

And four years after that, the Scots in justification of thir deposing Queen Mary, sent Ambassadors to Queen Elizabeth, and in a writt'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 Highlanders in choosing the head of thir Clanns, or Families; all which with many other arguments bore witness that regal power was nothing else but a mutual Covnant or stipulation between King and people. Buch. Hist., l. 20. These were Scotchmen and Presbyterians; but what measure then have they lately offerd, to think such liberty less beseeming us then themselves, presuming to put him upon us for a Maister 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 thir 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 thir several Treatises may be read; eev'n

from the first raigne of *Elizabeth* to these times. Insomuch 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 stamps 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 presage 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 justifie thir so doing; for that by his tyrannous goverment against faith so many times giv'n & brok'n he had lost his right to all the Belgic Provinces; that therefore 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 abhorr deposing, when as they to all Christendom have giv'n the latest and the 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 deposd the King, and cannot with all thir shifting and relapsing, wash off the guiltiness from thir own hands. For they themselves, by these thir late doings have made it guiltiness, 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 observd *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 penaltie 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 sought first all due means of redress (and no man is furder 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, rejecting 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 Parliament without the King, supreme to all thir obedience, and though thir Vow and Covnant bound them in general to the Parliament, yet sometimes adhering to the lesser 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 straitest bond of an English subject in reference to the King, being thus broke & made voide, it follows undenyably that the King from that time was by them in fact absolutely depos'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 Casuist with more craft then sincerity to mitigate the matter in case of ill sucess and not tak'n I suppose by any honest man, but as a condition subordinat to every the least 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 authority and subjection. Hence I infer 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 Kings authority, and thir subjection to it, therefore the Presbyterians for these sev'n years have remov'd and extinguishd 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 must needs be clear to any man not avers from reason, that hostility and subjection are two direct and positive contraries; and can no more in one subject stand together in respect of the same King, then one person at the same time can be in two remote places. Against whom therefore 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 consist 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 sav'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 unjudgd, and converted his renew to other uses, detaining from him as a grand Delinquent, all meanes 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 markt for destruction, and therefore not to be treated with? Have they not besieg'd him, & to thir power forbidd him Water and Fire, save 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 sufferd by the poore people, or to suffer hereafter through his obstinacy or impenitence. No understanding man can bee ignorant that Covnants are ever made according to the present state of persons and of things; and have ever the more general laws of nature and of reason included in them, though not express'd. If I make a voluntary Covnant as with a man, to doe him good, and he prove afterward a monster to me, I should conceive a disobligeement. If I covnant, not to hurt an enemie, in favour of him & forbearance, & hope of his amendment, & he, after that, shall doe me tenfould injury and mischief, to what he had don when I so Covnanted, and stil 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 withholds 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 doubtless better not to have inserted in a Covnant unnecessary obligations, and words not works of a supererogating Allegeance to thir enemy; no way advantageous to themselves, had the King prevail'd, as to thir cost 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 besought the Parlament to doe, that they might goe on upon a sure foundation, and not with a ridling Covnant in thir mouths, seeming to

swear counter almost in the same breath Allegiance and no Allegiance; which doubtless had drawn off all the minds of sincere men from siding with them, had they not discern'd thir actions farr more deposing him then thir words upholding him; which words made now the subject of cavillous interpretations, stood ever in the Covnant, by judgement of the more discerning sort, an evidence of thir feare, not of thir fidelity. What should I return to speak on, of those attempts for which the King himself hath oft'n charg'd the Presbyterians of seeking his life, when as in the due estimation 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 therefore 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 sence 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 fardest opposite point from any vital function of a King, but by thir holding him in prison, vanquishd and yeilded into thir absolute and *despotic* power, which brought him to the lowest degradation and incapacity of the regal name. I say not by whose matchless valour next under God, lest 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 killd the King, not onely as is prov'd before, but by depressing him thir King farr below the rank of a subject to the condition of a Captive, without intention to restore him, as the Chancellour 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 sentenc'd so oft for Reprobats in thir own mouthes, by whose suttile 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 faind, & publishd, 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, & they themselves his nearest 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 extinguisht all that could be in him of a King, and from a total privation clad him over, like another specificall thing, with formes and habitudes destructive to the former, they left in his person, dead as to Law, and all the civil right either of King or Subject, the life onely of a Prisner, a Captive and a Malefactor. Whom the equal and impartial hand of justice finding, was no more to spare then another ordnary 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, curst & 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 Fulminations 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 disciplin, which they boast to be the throne and scepter of Christ, absolve him, unconfound him, though unconverted, unrepentant, unsensible of all thir pretious 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 they saw it manifestly tend to civil Warr and blood shed, never ceasd 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 eare 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 receive what God voutsafes 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 government, or of governour, we see it cleerd sufficiently; besides other ample authority eev'n from the mouths of Princes themselves. And surely they that shall boast, as we doe, to be a free Nation, and not have in themselves the power to remove, or to abolish any governour supreme, or subordinat, with the government 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 sourse of all liberty, to dispose and æconomize in the Land which God hath giv'n them, as Maisters of Family in thir own house and free inheritance. Without which natural and essential power of a free Nation, though bearing high thir heads, they can in due esteem be thought no better then slaves and vassals born, in the tenure and occupation of another inheriting Lord. Whose government, though not illegal, or intolerable, hangs over them as a Lordly scourge, not as a free government; and therefore to be abrogated. How much more justly then may they fling off tyranny, or tyrants; who being once depos'd can be no more the 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 soonest, how much more milde & human then is it, to give them faire and op'n tryal? To teach lawless Kings, and all who so much adore them, that not mortal man, or his imperious will, but Justice is the onely true soveran and supreme Majesty upon earth. Let men cease therefore out of faction & hypocrisie to make out-cries and horrid things of things so just and honorable. Though perhaps till now no protestant State or kingdom can be alleg'd to have op'nly put to death thir King, which lately some have writt'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 Council 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 matchless deeds of thir Ancestors, as to the highest top of thir civil glory and emulation. Which heretofore, in the persuance of fame and forren dominion, spent it self vain-gloriously abroad; but henceforth may learn a better fortitude, 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 sorrow for the future, may presume such high and irresponsible 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 Pismires. As for the party call'd 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 assist 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 discover in themselves either extreme

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 consciences, 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 instruments, yet cannot forbear a minute the op'n threatning of his destined revenge upon them, when they have serv'd his purposes. Let them, feare therefore 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, lest they be added to the examples of those that miserably have tasted the event. Stories can informe them how Christiern the second, King of *Denmark* not much above a hundred yeares past, 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 twise promis'd not to hurt him. These instances, few of many, might admonish them both English and Scotch not to let thir 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 sound 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 least among them hath a dreadfull charge, not perform'd 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 pragmatical 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 proggng and solliciting the Parlament, though they had renounc'd the name of Priests, for a new selling 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 Ecclesiastical rule, to the preserving 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 designs, 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 instead of Christ, and

scandalize his Church with the filthy love of gaine, aspiring also to sit the closest & the heaviest of all Tyrants, upon the conscience, and fall notoriously into the same sinns, wherof so lately and so loud they accus'd the Prelates, as God rooted out those wicked ones immediatly before, so will he root out them thir imitators: and to vindicate his own glory and Religion, will uncover thir hypocrisie 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 blasphem'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 reformed the Church, or by those no less zealous, who withstood corruption and the Bishops heer 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.

Luther.

Lib. contra Rusticos apud Sleidan. l. 5.

Is est 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 Cæsarem, &c. Neither is Cæsar to make Warr as heed of Christ'ndom, 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 dispose or punish them?

These also are recited by *Cochlæus* 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 ore ijs obturem &c. That I may stop thir mouthes, the Pope and Emperor are not born but elected, and may also be depos'd 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 sit irremovable 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 saith furdur; *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 than 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 enough giv'n them to remove.

Zwinglius. tom. I. articul. 42.

Quando vero perfidè, &c. When Kings raigne perfidiously, and against the rule of Christ, they may according 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 succession, unless it be with consent of the whole people. ibid.

Quum vero consensu, &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 impunity; 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 remoov'd, but there wants public justice. ibid.

Cavete vobis ô 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 honourd. But if yee shall goe on to rage and doe violence, yee shall be trampl'd on by all men. ibid.

Romanum imperium imò quodq; &c. *When the Roman Empire or any other shall begin to oppress Religion, and wee negligently suffer it, wee are as much guilty of Religion so violated, as the Oppressors themselvs.* Idem Epist. ad Conrad. Somium.

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

Hodie Monarchæ semper in suis titulis, &c. *Now adays Monarchs pretend alwayes 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 therefore a meer cheat when they boast to raigne by the grace of God.*

Abdicant se terreni principes, &c. *Earthly Princes depose themselves while they rise against God, yea they are unworthy to be numberd 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 endeavour by armes to defend transgressors, to subvert those things which are taught in the word of God, they who are in autority under him, ought first to disswade 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 less'ns not the evil committed by that power, but makes it the less tolerable, by how much the more generally hurtful. Then certainly the less tollerable, the more unpardonably to be punish'd.*

Of Peter Martyr we have spoke before.

Paræus in Rom. 13.

Quorum est constituere 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 then the famousest among them, Knox, & 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 thir whole Books, writt'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 Lersedest, 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 meanes or by force depose a Tyrant*, whom he defines to be him, that wilfully breakes 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. & 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.

Christopher Goodman of Obedience.

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't by the Law of God, and being convicted and punish't 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 sufferd to have the government of a whole Nation; But there is no such evil can come to the Common-wealth by fooles and idiots as doth by the rage and fury of ungodly Rulers; Such therefore 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 list, 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 according to the Law such Rebels against God and oppressors of thir Country. p. 190.

This *Goodman* was a Minister of the *English Church* at *Geneva*, as *Dudley Fenner* was at *Middleburrough*, or some other place in that Country. These were the Pastors of those Saints and Confessors who flying from the bloody 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 preachd on this subject to the great liking of certain lerned and godly men who heard him, was by them sundry times & with much instance 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 publisht this treatise, aiming principally, 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 *England*, our fathers in the faith we hold; this was their sense, who for so many yeares labouring under Prelacy, through all stormes and persecutions kept Religion from extinguishing; and deliverd it pure to us, till there arose a covetous and ambitious generation of Divines (for Divines they call themselves) who feining on a sudden to be new converts and proselytes 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 possessing 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 Phylactery of thir own Title page, pleading the lawfulness of defensive Armes against this King, in a Treatise call'd *Scripture and Reason*, seem in words to disclaime utterly the deposing of a King; but both the Scripture and the reasons which they use, draw consequences 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 Magistrat, may be resisted, they may altogether with as much force of consequence be depos'd or punishd. And if by reason the unjust authority of Kings *may be forfe'ted in part, and his power be reassum'd in part, either by the Parliament 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 alwayes, 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 heinous 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 Parliament, being undeposable 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 unmagistrate him, why might they not, being then themselves the sole Magistrates in force, proceed to punish him who being lawfully depriv'd of all things that define a Magistrate, can be now no Magistrate to be degraded lower, but an offender to be punisht. Lastly, 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 slay 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 defending 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 sitts 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 thereafter 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 be call'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 Minister, 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 exprest: and yet will have us fight against the Supreme till he remove and punish the inferior Magistrate (for such were greatest Delinquents) when as by Scripture, and by reason, there can no more authority 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 commanded to obey, and not to resist. Thus while they, in a cautious line or two here and there stuff 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 inferr it altogether as lawful, as to resist them. And yet in all thir Sermons, as hath by others bin well noted, they went much further. For Divines, if ye 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 drum, 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 seemes 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 performd, 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 cripl'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 conclusions, 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 *Israelites*, or *Levites*: blinde also as well as lame, they discern not *David* from *Adonibezec*: but cry him up for the Lords anointed, whose thumbs and great toes not long before they had cut off upon thir Pulpit cushions. Therefore 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 & rightful kingdom (which we pray uncessantly may com soon, and in so praying wish 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 affirme concerning Tyrants. And indeed I find it generally the cleere and positive determination of them all, (not prelatial, or of this late faction subprelatial) who have writt'n on this argument; that to doe justice on a lawless 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 deposing 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 thir 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 hungrie Church-wolves, who in the steps of *Simon Magus* thir Father, following the hot sent of double Livings and Pluralities, advousons, 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*, whose 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 rescu'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 & 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 impetuouse ignorance and importunity.

The End

Introduction. The Tenure of Kings and Magistrates (TKM) tries to be several things at once—a closely argued and authoritatively supported treatise in political science, a polemical pamphlet, and an essay in biblical interpretation. In her recent *The Life of John Milton*, Barbara Lewalski describes its various

generic elements: "Several elements are intertwined here, somewhat disjointedly: castigation of backsliding Presbyterians, rhetorical appeals to the fragmenting revolutionary parties, defenses of tyrannicide, and development of a republican political theory derived from classical and contemporary sources, and the Bible" (230). For all of its claims to be chiefly a work of theory, there's much to be gained from reading it as an occasional piece, prompted by one of England's most important political emergencies.

By December 1648, King Charles I's royalist forces had been utterly defeated by the Parliamentary Army led by Generals Thomas Fairfax and Oliver Cromwell. Attempts to come to some compromise with the King had all failed and there was very good reason to suspect that the King and his agents were negotiating (when they agreed to negotiate at all) in bad faith. Still, many in Parliament, including some Presbyterians who had supported war against the king for nearly seven years, balked at the idea of trying King Charles I for treason, and deposing and executing him. Milton argues that these procedures, however radical they may appear, are nothing more than the logical and necessary extension of having waged a just war on a tyrant who remains unrepentant and a danger to the commonwealth.

On the sixth of December, 1648, Colonel Thomas Pride led troops into the House of Commons and forcibly ejected royalist and Presbyterian supporters of rapprochement with the King. The remaining members, known as the Rump Parliament empowered a commission to try the king for treason; it found him guilty and deposed and executed him on January 30, 1649. Milton wrote *TKM* at this moment in support of the Rump and the Army. Though he argues forcefully for the right of a people to re-assume its natural and God-given right of popular sovereignty, he never addresses the crucial issue of whether the Rump or the Army that shaped it could justly be said to represent the sovereignty of a free-born people. By March, Milton had been appointed to a post—Secretary for Foreign Tongues—in the new commonwealth government shorn of the king (though not entirely of monarchy) and the House of Lords.

The first edition of *TKM* is dated 1649 on its title page and runs to forty-two quarto pages. The second edition runs to sixty quarto pages, adding a number of quotations, paraphrases, and citations from Protestant authors, continental, English, and Scottish. Some second edition copies are dated 1649 and some 1650. The Julian Calendar, which sets the new year on March 25, and the Gregorian Calendar, promulgated by a papal bull of 1582, were variously used by English printers well into the seventeenth century. For this edition I have followed the second edition, specifically the Harvard University Library's copy (Wing M2183) from *Early English Books Online*. For more information on early editions, see Merritt Y. Hughes preface to *TKM* in the *Yale Complete Prose* volume 3 (185-88); and John T. Shawcross, "Milton's Tenure of Kings and Magistrates: Date of Composition, Editions, and Issues." *Thomas H. Luxon*

The Tenure of Kings and Magistrates. The complete title from the 1650 edition is "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 Depositing, are the Men that did it themselves. *Published now the second time with some additions, and many Testimonies also added out of the best & learnedest among Protestant Divines asserting the position of this book.*"

double tyrannie. On the "inward vitious rule" of "blind affections from within," see *Paradise Lost* 12.83-96 where the archangel Michael locates the blame for tyrannical oppression in the fallen soul, both victim and culprit.

Custom. By capitalizing the word, Milton appears almost ready to personify Custom as he did in the opening address "To Parliament" in *The Doctrine and Discipline of Divorce* (1644).

offended. Attacked.

naturally servile. That some beings -- women, slaves and animals in particular -- are naturally inferior to others and therefore naturally serve their superiors, Aristotle argues at some length in his *Politics* 1254b-1255a.

That doe the worke of the Lord negligently. Milton's printed marginal note refers readers to "Jer. 48. 19," but that is probably a missprint for Jeremiah 48.10: "Cursed be he that doeth the work of the LORD deceitfully, and cursed be he that keepeth back his sword from blood." Thus Milton implies that those Presbyterians who had made war on King Charles I but stopped short of trying and executing him are like the Moabites Jeremiah curses. See the *Encyclopedia Britannica* article on Oliver Cromwell and Henry Ireton.

these men. The Presbyterian leaders in Parliament.

palter'd. Equivocated.

Faction. The faction or party Milton refers to is the Presbyterian leadership in Parliament. They were prepared to come to terms with King Charles I if only he would agree to establish Presyterianism in England as it had been established in Scotland. Indeed, in the Engagement of December 26, 1648, Charles had promised (under pressure) the Scottish Commissioners that Presbyterianism would be established for three years and that he would suppress Independency. Milton regarded this as treachery against the republican cause and against those independents who helped Parliament win the civil war.

he toward whom they boasted thir new fidelitie. That is, King Charles I, who boasted to others that his promises to establish Presbyterianism and suppress Independency were but pretenses to buy him time.

Traytors death. That is to say that given half a chance King Charles would have hanged the Presbyterian leaders as traitors along with the Independents who helped them defeat the King's forces.

Vulgar and irrational men. Compare this to the Chorus's attitude towards the masses in *Samson Agonistes* 667-686.

gibrish Lawes. Milton shared the Levellers contempt for the Norman laws which he regarded as corruptions of the more pure and fundamental laws of Saint Edward. Law French as used in English courts of the day might well have sounded like gibberish to many.

Nero. Often used as an example of the worst sort of tyrant, Nero was emperor of Rome from 37-68 CE.

cruelties. See Proverbs 12:10.

Agag. The Amalekite king whom the prophet Samuel, according to 1 Samuel 15:33, hewed "in pieces before the Lord in Gilgal."

Jonathans. According to 1 Samuel 14, Jonathan, Saul's son and famed friend of David, defeated the Philistines.

unnecessariest clause. The clause under dispute engaged those taking the oath to "preserve and defend the King's Majesty's person and authority, in the preservation and defense of the true Religion and Liberties of the Kingdoms; that the world may bear witness with our consciences of our loyalty, and that we have no thoughts or intentions to diminish his Majesty's just power and greatness" (*Complete Prose Works* 3.194 note).

thir Covnant. Milton refers to the Solemn League and Covenant ratified by Parliament in 1642 and by the Scottish parliament in 1643, and makes special mention of paragraph III.

voice. Vocal support, or perhaps even vote.

presidents. Precedents.

startle. To swerve, deviate from a purpose (*OED2*).

immediat Revelation. That is to say, unmediated or direct revelation from God. Perhaps Milton means something like the "intimate impulse" and inward "rouzing motion" he describes Samson as experiencing in *Samson Agonistes* 221-22 and 1382-83. Apart from such direct revelation, Justice and Victory are the supreme warrants for the exercise of supreme power. Such notions sort well with classic republicanism, but hardly with modern notions of democracy.

memento's. Milton refers somewhat sneeringly to William Prynne's *A Briefe Memento* (1649) which argued against the trial of the king.

Unmaskuline Rhetorick. John Gauden had argued in a pamphlet published on January 5 1649 that in showing pity on King Charles I, the Parliament and the Army would not be acting "foolish and feminine," but "masculine, Heroick, truly Christian and Divine" (Hughes, *Complete Prose* 3.191n). See also *Early English Books Online* for page 11 of the pamphlet. John Gauden was later revealed to have been the author of King Charles I's *Eikon Basilike* (1649).

puling. Whining, feebly wailing like a child (*OED2*).

Classic and Provincial Lords. The Westminster Assembly intended to reorganize the English Church into Provinces and Classes on the Presbyterian model, but it never completed the reform. Milton mocks devotion to this model of church government in his sonnet "On the New Forcers of Conscience" line 7.

pluralities. The system or practice of more than one benefice (church appointment) being held at the same time by one person (*OED2*), generally regarded by Puritans as a corrupt practice. Such clergymen were often called "hirelings."

both the Houses. That is, both the House of Commons and the House of Lords.

resisting of Superior powers. Romans 13:1 appears to instruct Christians to obey those in power and to forbid rebellion.

Tithes. Taxes (tenths) for the support of the clergy. Many Independents opposed tithes, and Milton argued that they had no scriptural basis and impugned Christian and English liberty.

impeach't Members. "Eleven members of Parliament were charged with conspiring with the queen in 1647" (Orgel and Goldberg 836).

Corah, Dahan, and Abiram. The story of these rebels against the leadership of Moses and Aaron is recorded in Numbers 16. Presbyterians were fond of quoting this example of God's punishment for rebels.

not to be touch'd. See Psalm 105:16, also recorded in 1 Chronicles 16:22. Royalist routinely interpreted these passages as forbidding any resistance to kings; see James I's The True Lawe of Free Monarchies (1598).

leave to Magistrates. Milton probably included John Bradshaw, president of the Council of State and of the court appointed to try King Charles I for treason, among those he considered "the uprighter sort" of magistrates.

Law of nature and right reason. The best discussion to date of Milton's sense of Natural Law is John Rogers' The Matter of Revolution: Science, Poetry and Politics in the Age of Milton.

massachers. Milton believed that the massacre, at the hands of Irish Catholics, of over 150,000 Protestants in Ulster was prompted by some promise of support for the Irish Catholics from King Charles I or his agents. See *Eikonoklastes* chapter 12 in the Yale Complete Prose 3.470.

not to be resisted. Milton alludes to Romans 12:1-4. This passage was quoted by many political theorists as a biblical injunction against insurrection or disobedience of any established authority, but others claimed that the injunction did not hold in cases of authorities that failed to punish evildoers, or indeed did evil themselves.

the original of Kings. That is, the origins of monarchy. Robert Filmer's *Patriarcha* and Thomas Hobbes's *Leviathan* are two of the most important seventeenth-century treatises on the subject. See the Dartmouth Library Catalog.

calumniat. Suggest untruthfully, prevaricate.

Presbyterial. Presbyterian or Calvinist. Milton draws on Jean Calvin, Ulrich Zwingli, John Knox and other Protestant divines for his political theories.

borne free. Robert Filmer, in *Patriarcha*, denied any notion of natural freedom calling it a dangerous opinion. Earlier theorists, even many Roman Catholic monarchists, often acknowledged an original natural liberty in all human beings.

born to command. See Genesis 1:26 and Paradise Lost 12.67-72.

Adams transgression. See Michael's theory of the origin of tyranny in Paradise Lost 12.79-96.

self-defence and preservation. According to most theorists of natural rights, these are the two humans enjoy by right of nature.

King. Milton follows Aristotle's account of the different sorts of kings in *Politics* 1285b.

Claudius Sesell. Milton quotes from Claude de Seyssel's (1450?-1520) *La Grande Monarchie de France* of 1519; see the Dartmouth Library Catalog.

German. The Holy Roman Emperor was elected by seven aristocratic electors.

Italian. Milton refers to independent Italian states, the most republican of which was Venice, ruled by a doge and council for more than a thousand years.

Arragonian. The medieval Kingdom of Aragon was ruled by a monarch and parliamentary assembly.

Scottish Histories. Milton may refer here to the Declaration of Arbroath of 1320. Addressed from Scottish Lairds to the Pope, it asserts Scotland's independence from England and describes a monarchy rooted in natural human liberties.

Conqueror. Some royalists believed that English monarchy was rooted in William the Conqueror's conquest of England in 1066 rather than in aristocratic consent.

Albanes. George Walker, in his *Anglo-Tyrannus* (1650) page 50, argued that William of Normandy, after invading England successfully, was "received, and crowned King by consent of the English," and that he was later required to renew his oath to maintain English liberties in a ceremony at Saint Alban's (51). Walker's chief argument in the tract claims that all abuses of English monarchy, including those of the late Charles I, can be traced to the Norman kings and their attempted suppressions of Anglo-Saxon liberties.

Aristotle. In the section of the *Nicomachean Ethics* (1160b) devoted to the theory of friendship, Aristotle defines kingship by distinguishing it from tyranny. Kings consider the advantage of their subjects; tyrants their own advantage.

Isai 26:13. Isaiah 26:13. As did almost everyone in his day, Milton refers to the ancient Hebrews as Jews.

Tertullian. Tertullian's *De Corona* (201) ends with a tirade against the worldly vanities of crowns, seeing that Christ promises his followers a heavenly crown.

King. The first King of over Israel was Saul. The story of Israel's desire for a king rather than a judge to rule over them is found in 1 Samuel 8. Milton refers in particular to verse 7.

inclinable to slavery. In *Paradise Regain'd* 3.403-432, Milton imagines the Son of God speaking a diatribe against ancient Israel's apostasy and self-enslavement, and remarks that the Jews, the "race" they "left behind," are indistinguishable from gentiles and quick to forgo their natural liberties. See also Galatians 4 and Galatians 5: 6 and Romans 2: 25 for the Pauline origins of such attitudes towards post-advent Jews.

accountable to none but God. Such was James I's claim in his treatise *The True Lawe of Free Monarchies* (1598). See the [Norton Topics Online](#) article or the original from [Early English Books Online](#).

fourth of his politics chap. 10. Aristotle's *Politics* 1259a.

Against thee onely have I sinn'd. From [Psalm 51:4](#). This passage was often cited by extreme monarchists who interpreted to mean that a king is accountable only to God.

murder Uriah and adulterate his Wife. The story of David's treachery towards Uriah and lust after his wife is told in [2 Samuel 11](#).

above his brethren. See [Deuteronomy 17:20](#).

Euripides. Euripides' *Heraclidae* 420-24.

Trajan. [Trajan](#) was Emperor of Rome from 98 until 117. Milton may have adapted this quotation from George Buchanan's *Rerum Scoticarum Historia* of 1582. An English translation was printed in 1690 as *The History of Scotland*; see page 268 from [Early English Books Online](#).

Theodosius. [Theodosius I](#) was Emperor of the Eastern Empire from 392-395. George Buchanan attributes this statement to Theodosius immediately after citing the Trajan line from above: [The History of Scotland](#) page 268-69 ([Early English Books Online](#)).

Code of Justinian. The Latin *Codex Justinianus*, formally *Corpus Juris Civilis* ("Body of Civil Law"), is the collection of laws and legal interpretations developed under the sponsorship of the Byzantine emperor Justinian I from 529 to 565. See [Britannica Online](#).

Scripture. [Deuteronomy 17:14](#) and [1 Samuel 8](#).

2 Sam. 5.3. [2 Samuel 5:3](#).

1 Chron. 11. [1 Chronicles 11](#).

2 Kings 11.17. [2 Kings 11:17](#).

Roboam. The most notorious tyrant in the Hebrew Bible, see [1 Kings 12](#).

the misgoverment of his Sons. See [1 Samuel 8](#).

Tarquinius. [Tarquin](#), according to legend, was the last king of Rome (534-509 BCE). In Livy's *History of Rome* 1.59, he is called by his full name and title, Lucius Tarquinius Superbus.

Numa. Numa, according to the legends recorded in Livy's *History of Rome* 1.19, succeeded Romulus as king of Rome and, guided by nocturnal interviews with a nymph Egeria, reorganized Roman religion.

1 Kings 12.24. [1 Kings 12:24](#).

I Pet. 2.13. &c. 1 Peter 2:13 was often cited, along with Romans 13, by extreme divine-right monarchists.

Rom. 13. See Romans 13:1-2.

Luke 4.6. Luke 4:6.

Revelation. Revelation 13.

forecited Chapter. Romans 13:4.

Chrysostome. Royalists usually cited St. John Chrysostom's (345-407) Homily 23 on Romans, along with Romans 13 to support absolute monarchy.

Psalms 94.20. Psalms 94:20.

St. Basil. Milton quotes a similar passage in his Commonplace Book (Complete Prose Works 1.453).

Hercules. Milton quotes and translates lines from Seneca's *Hercules Furens* 922-24.

Ehud. See Judges 3:14-30.

prerogative. "That special pre-eminence which the sovereign, by right of regal dignity, has over all other persons and out of the course of the common law, the royal prerogative, a sovereign right (in theory) subject to no restriction or interference" (OED2). Royal prerogative had expanded under Elizabeth I and James I, but Parliament began effort to restrict it as early as 1628.

As thy Sword hath made women childless. 1 Samuel 15:33.

Jehu. See 2 Kings 9:6-7.

anointed. Saul was the first King of Israel, and referred to as the Lord' anointed because he was anointed by Samuel under God's direction. See 1 Samuel 24:10 and 1 Samuel 26:8-9. Royalists typically used the example of David's refusal to kill Saul as support for absolutist theories of monarchy.

Gentilism. A term that makes the state of being a gentile (not Hebrew or Jewish) sound like an ideological position.

Benefactors. See Luke 22:25-26.

Matt. 20.25. Matthew 20:25.

Mark 10.42. Mark 10:42-43.

Luc. 13. Luke 13:32. Jesus refers to King Herod.

the Virgin Mary. Luke 1: 46-55 records Mary's prayer-song of thanksgiving, traditionally referred to as "the Magnificat," especially when recited or sung liturgically.

Dynasta's. Dynasties; the precise phrase from Luke 1:52 is "He hath put down the mighty from their seats."

Ludovicus Pius. Louis the Pious, Holy Roman Emperor from 814-840.

Du Haillan. Milton cites Girard du Haillan's *Histoire de France*. He wrote down the quoted portion in his *Commonplace Book* (see Complete Prose Works 1.455).

Constantinus Leo. Leo III, Byzantine Emperor from 717 to 741. Milton quotes from *Eclogue* or *Delectus Legum Compendiarus, Factus ab Leone, et Constantino, Sapientibus Augustis, ex Institutionibus & Digestis, & Codice, & Novellis Magni illius Justiniani Constitutionibus* as he read it in Johann Leunclavius's *Juris Graeco-Romani* (Frankfurt 1596) (Hughes in Complete Prose Works 3.218 n. 104).

Sword of St. Edward. King Edward the Confessor (1042-1066). Milton cites Matthew Paris, a thirteenth-century historian, to the effect that the sword, called Curtano, was carried by the Earl of Chester in procession at the coronation as "a token that he has the authority by law to punish the king if he will not do his duty" (*Commonplace Book* in Complete Prose Works 1.447).

ancient books of Law. Merritt Hughes (Complete Prose Works 3.219) suggests that Milton refers here to The Booke Called The Mirrour of Justices, translated from French by William Hughes and published in London in 1646. The title page gives the name of Andrew Horne, but William Hughes is recorded as "W.H."

caveats. A process in court to suspend proceedings (OED2).

circumstantial. Pompous, distinguished only by office.

Richard the second. King Richard II (1377-1399) was forced by "the Merciless Parliament" to renew his coronation oath.

Peter Martyr. In his commentary on the book of Judges, Peter Martyr (1500-1562) discusses the election and deposition of kings. See also Judges 3.

Sir Thomas Smith. Milton read and transcribed into his *Commonplace Book* (Complete Prose Works 1.455-56) passages from Sir Thomas Smith's De Republica Anglorum (1583).

Gildas. Gildas (516?-570) was one of the very earliest historians of Britain. His *Liber Querelus de Excidio Britanniae* was published in English in 1638 as The Epistle of Gildas, the Most Ancient British Author.

Keyes. The power of the keys is the original authority for church discipline, based on Matthew 16:18-19.

Duke of Saxonie, Lantgrave of Hessen. Philip of Hesse (1504-1567), an early Lutheran and founder of the League of Schmalkald in 1531.

Sleidan. Johann Philipsson (1506-1556) was better known as John Sleidan. His book on the state of religion and the republic under Emperor Charles V was translated into English in 1556 as *The General History of the Reformation of the Church from the Errors and Corruptions of the Church of Rome, Begun in Germany by Martin Luther* (1689).

Queen Regent. Mary of Guise, widow of James V King of Scotland, mother of Mary Queen of Scots and grandmother of James VI King of Scotland who became in 1603 James I King of England.

Buchanan. Milton refers to George Buchanan's *Rerum Scoticarum Historia* of 1582. See an English translation printed in 1690 as *The History of Scotland*.

John Knox. John Knox (c. 1514-1572) was the leader of Presbyterian church reform in Scotland. Exiled during Queen Mary's five-year reign, he published several anti-Marian pamphlets from abroad, including *A Faythfull Admonition made by Iohn Knox, vnto the Professours of Gods Truthe in England* (1554) and *The First Blast of the Trumpet against the Monstruous Regiment of Women* (1558).

Lethington. William Maitland of Lethington was secretray of state under Mary Queen of Scots. Lethington and John Knox debated issues of church and state in public; those debates are recorded in David Lang's edition of *The Works of John Knox* (6 volumes, 1846-48).

Jehu and others against thir King. For the story of Jehu's attacks on tyrants of Judah, see 2 Kings 9.

Answerable. Equivalent or to much the same purpose.

John Craig. John Craig (1512-1600) was Minister at Holyrood House and preacher at Canongate Church in Edinburgh as well as one of John Knox's most fervent supporters. He also contributed a translation of Psalm 136 to the 1562 English Psalter and several to the 1564 Scottish Psalter. See Milton's own rendering of Psalm 136.

Ecclesiastical History of Scotland. John Knox's *History of the Reformation of the Church of Scotland* (1644).

same yeare. Mary Queen of Scots was forced by the Scottish lairds to abdicate the throne after she married the Earl of Bothwell in 1567. The Earl was believed by nearly everyone to have murdered her first husband Henry Stewart, Lord Darnley.

Buch. Hist., l. 20. Milton refers to George Buchanan's *Rerum Scoticarum Historia* of 1582. See an English translation printed in 1690 as *The History of Scotland*.

Gibson. Merritt Hughes notes that James Gibson warned James VI in 1586 against opposing the Presbyterians, saying that he might suffer the fate of Jereboam (1 Kings 11), who was killed for violating the true worship of God (*Complete Prose Works* 3.226n).

Si mereor in me. George Buchanan tells this story of Trajan in his *History of Scotland*, book 20: the Emperor Trajan, in delivering the ceremonial sword of office to the Provost of the Empire, said to him

"If I command as I should, use this sword forme: but if I do otherways, unsheath it against me" (Hughes in *Complete Prose Works* 3.90).

States of Holland. In 1581, the republic of the Netherlands was formed when the estates assembly declared themselves independent of King Philip II of Spain.

Thuan. Jacques-August de Thou (1533-1617), *Historiarum Sui Temporis Pars Prima* (1604).

prejudicial eye. The Dutch officially protested the trial of Charles.

Waldenses. The Waldensians, a radical protestant sect of northeren Italy, southern France and Bohemia, were later to be brutally slaughtered on April 24, 1655. See Milton's *Sonnet 18* and *Eikonoklastes*, chapter 17 (in *Complete Prose Works* 3.513-514).

round. Straightforwardly, freely.

two Oaths of Allegiance and Supremacy. English subjects were required to declare their allegiance to the crown and to the monarch as supreme head (*Act of Supremacy 1534 and 1559*) of the Church of England.

seven years. War between Parliament and the King broke out in the summer of 1642.

sometimes adhering to the lesser part. Milton criticizes the Presbyterian party's habit of shifting allegiances, sometimes voting with the Independents and later siding with the King's party.

fine clause. Milton refers to a much-disputed clause in the Covenant; see note *above*.

relatives. Relative, rather than absolute terms; one cannot exist without the other for its existence depends on its relation to the other.

deny'd to Treat with him. Another reference to the vote of "No More Addresses" in which both Houses of Parliament resolved to make and to permit no further negotiation with Charles (Hughes, *Complete Prose Works* 3. 231).

supererogating. Beyond what is necessary.

like occasion. A reference to the Dutch Protestants' establishment of the United Provinces of Holland as a republican state in 1581.

and. The copytext has an inverted "n" here ("aud") which I have corrected.

prison. After Charles surrendered to the Scots on May 5, 1646, he was virtually a prisoner of Scotland, a Presbyterian state. In January 1647 the Scots surrendered him to agents of the English Parliament, led at the time by a junta of English Presbyterians. Finally he was taken into custody by the army on June 4, 1647.

whose matchless valour. Milton refers to *Oliver Cromwell* (1599-1658), general of the New Model Army.

Chancellour of Scotland. John Campbell, Earl of Loudon, had King Charles in custody at Newcastle-upon-Tyne in 1646.

improper Treaty. The so-called Treaty of Newport refers to negotiations between Parliamentary agents and Charles I on the Isle of Wight (where Charles was in custody) from September to November 1648. Milton calls the negotiations "improper" because in January 1648 Parliament has agreed to allow no further "addresses" to the king without "the leave of both houses."

obnoxious. Liable to punishment.

Newport. The preamble of the treaty stated, "Whereas both Houses of the Parliament of England have been necessitated to undertake a war in their just and lawful defense." Charles agreed to accept this article only if he and Parliament definitely resolved all differences between them by negotiation. Charles never felt that this condition was met. (Hughes, *Complete Prose Works* 3.234).

Ahab. For the story of Ahab, see 2 Kings 9: 6-7.

Antiochus. Persecutor of the Jews, and suppressor of Jehovah worship, Antiochus was overthrown by Judas Maccabaeus. See 2 Maccabees 9.

Meroz. For the curse spoken against the people of Meroz see Judges 5:23. This scripture passage was used frequently in the pamphlet battles of the civil wars to accuse Presbyterians and others of hypocrisy. See, for example *The Grand Rebels Detected, or The Presbyter Unmasked* (1660) and *A Parallel between the Ministerial Ingenuity Of the Forty Seven London Ministers and the Foule Miscarriages of the Army, in Their Declarations, and Covenants-Breaking* (1649).

Supreme Magistracy. Parliament, or at that time, the House of Commons. See the resolution of January 11 1649: *The Joynt Resolution and Declaration of the Parliament and Counsell of the Army, for the Taking Away of Kings and Lords*.

his forme of Government. After the exodus from Egypt, the ancient Hebrews were governed by a succession of religious judges. The story of Israel's desire for a king rather than a judge to rule over them is found in 1 Samuel 8.

æconomize. To act as the governor of a household (*OED2*).

havock. To make havoc of; to devastate; to lay waste (*OED2*).

Pismires. Ants.

unforcible things. Matters of conscience, indifferent matters.

old and perfet enemy. The old and complete, or utter, enemy is Charles I who constantly tried to divide and conquer his enemies.

Stories. That is, histories; for example George Buchanan's *History of Scotland*.

Christiern the second. Christiern II of Denmark (1481-1559). George Buchanan's *History of Scotland* (269) reports that he was forced from his throne and into exile for cruelty to his people.

Maxmilian. Maxmilian I (1459-1519), when Archduke of Austria and King of Germany, took revenge in 1490 upon the city of Bruge for an earlier rebellion.

massacre at Paris. Milton refers to the St. Bartholomew's Day massacre of 24-25 August 1572.

Naples. In 1648 the Spanish Habsburgs put down a popular rebellion led by Tomaso Aniello.

twice promis'd. 1 Samuel 19:6 and 26:21.

in season and out of season. See 2 Timothy 4:2.

pragmatical Sidesmen. Partisans, those who take sides, but see also OED2.

Simony. The act or practice of buying or selling ecclesiastical preferments, benefices, or emoluments; traffic in sacred things (OED2).

rav'nous Wolves. See "Lycidas," lines 113-131.

conversation. Social relations.

progging. To solicit, to beg, to go about begging (OED2).

Oblations. Offerings.

Consistory. According to continental and Scottish Presbyterian church discipline, presbyters (parish clergy) "govern through a series of representative consistories, from the local congregation to area and national organizations, commonly termed sessions, presbyteries, synods, and assemblies" (*Britannica Online*). Lay (non-ordained) elders were also elected to represent congregations throughout all the levels of government. In England, this sort of Presbyterian discipline was only ever imperfectly implemented.

Sion. Sion College was the meeting place of the Presbyterian provincial assembly from 1647 until 1659.

Characters. The title pages of the letters addressed by the clergy to General Fairfax and Parliament had more large capitals than was usual in tracts of the time. For an example see *A Sad and Serious Discourse, upon a Terrible Letter, Sent by the Ministers of the Province of London . . .*

people. The first edition of *The Tenure of Kings and Magistrates* (1649) ended here.

Lib. contra Rusticos apud Sleidan. Milton quotes here from John Sleidan's book on the state of religion and the republic under Emperor Charles V, translated into English in 1556 as *The General History of the Reformation of the Church from the Errors and Corruptions of the Church of Rome, Begun in Germany by Martin Luther* (1689). Book 5 of Sleidan's treatise is titled "Book against the Peasants."

Is est hodie rerum status. On page 94 of *The General History of the Reformation*, John Sleidan records Martin Luther's warning to the German nobles in 1525: "For this is now the present state of Affairs, that Men neither can, nor will, nor indeed ought to suffer our Arbitrary Rule any longer. You must be wholly transformed, and give place to the Word of God; for if the people bring it not to pass at this time, others shall succeed." Luther also counseled the peasants against rebellion as Sleidan records on earlier pages.

Neque vero Caesarem. In his Book 14, or "Book against the Turks," John Sleidan reports on Martin Luther's 1542 "Camp Sermon" against waging war on the Turks. See page 294 of *The General History of the Reformation*.

Cochlæus. Johannes Dobeneck, better known as Johannes Cochlaeus (1479-1552), served as court chaplain to Duke George of Saxony who employed him in anti-Lutheran polemics. Milton quotes here and again further down from Cochlaeus's *Miscellaneorum Libri Primi Tractatus . . .* (Ingoldstadt 1545).

Covnant at Smalcaldia. The Schmalkaldic Articles was the name given to a statement of faith written by Martin Luther in 1536 in anticipation of a general council called by Pope Paul III to deal with the emergent Reformation. Though never formally adopted by the Schmalkaldic League of theologians (they endorsed the Augsburg Confession in 1537), forty-four theologians signalled their assent to its tenets with their signatures. Read the Smalcald Articles in their 1537 form.

Phalaris. King of Acragas (modern Agrigento), Sicily, Phalaris (died c. 554 BCE) and notorious for his cruelty. He was said to have roasted his enemies alive inside a brass bull.

Zwinglius. Huldrych Zwingli (1484-1531) was a Swiss reformer who tried to give Zurich an effectively republican constitution. Milton quotes from "Opus Articulorum sive Conclusionum Huldrici Zwingli" and from a letter. See *The Latin Works and the Correspondence of Huldreich Zwingli*, edited, with introductions and notes, by Samuel Macauley Jackson; translations by Henry Preble, Walter Lichtenstein, and Lawrence A. McLouth. (New York: G. P. Putnam's Sons, 1912-).

Calvin. John Calvin (1509-1564) was one of the most important reformers on the continent. Author of the widely influential *Institutes of the Christian Religion* (1539), he is the father of Presbyterianism. Milton quotes here from his *Praelectiones in Librum Prophetarium Danielis* (Geneva 1561). The passage Milton cites is from "Lecture Twentieth" of his *Commentaries on the Prophet Daniel*.

Abdicant se terreni principes. Milton quotes from "Lecture Thirtieth" of "Lecture Twentieth" of his *Commentaries on the Prophet Daniel*.

Bucer. Martin Bucer (1491-1551) was a "Protestant reformer, mediator, and liturgical scholar best known for his ceaseless attempts to make peace between conflicting reform groups." This passage is taken from Bucer's commentary on Matthew 5:39 in his *Sacra Quattor Evangelica* or *The Four Holy Gospels*.

Peter Martyr. In his commentary on the book of Judges, Peter Martyr (1500-1562) discusses the election and deposition of kings. Milton referred to this above.

Paræus. Milton quotes from David Paræus's (1548-1622) commentary on Romans 13.

Knox Appeal. Milton refers to John Knox's *The Appellation of John Knoxe from the Cruell and Most Unjust Sentence Pronounced against Him by the False Bishoppes and Clergy of Scotland, with his Supplication and Exhortation to the Nobilitie, and Comunalitie of the Same Realme*, published in Geneva in 1558. The "postscript," called "John Knox to the Reader," appears near the end of the volume and promises a sequel to the *The First Blast of the Trumpet against the Monstruous Regiment of Women* (1558).

Cartwright. Thomas Cartwright (1535-1603) was Lady Margaret Professor of Divinity at Cambridge. One of the founders of English Presbyterianism, Cartwright defended the *Admonition to Parliament* (1572), and wrote *A Second Admonition to Parliament* (1572). See also the *Britannica Online* article on the *Admonition*.

Fenner. Dudley Fenner (1558?-1587) was a close associate of Thomas Cartwright during their exile in Middleburg. In 1583 he led a protest against the Act of Supremacy. Milton refers here to his *Sacra Theologia, sive, Veritas quae est secundum pietatem* (Geneva 1586), to which Thomas Cartwright contributed a preface.

Gilby. Anthony Gilby (1510-1585?), like Cartwright and Fenner above, was also a Marian exile. He assisted William Whittingham and Thomas Sampson in preparation of the first English Geneva Bible, known as the "Breeches Bible" in 1560. Milton misattributes these quotations to Gilby's *Englands Complaint to Jesus Christ against the Bishop's Canons* (1640). Sonia Miller demonstrated in her 1951 article, "Two References in Milton's *Tenure of Kings*," that the true source of Milton's passages is John Ponet's (1514-1556) *A Short Treatise of Politique Power; and of the True Obedience which Subjects Owe to Kings, and Other Civill Governours*. As Miller points out, Milton probably collected these quotations indirectly from Sir Thomas Aston's *A Remonstrance, against Presbitery* (1641).

Christopher Goodman. Another Marian exile, Christopher Goodman (1520-1603), taught divinity at Oxford and co-pastored with John Knox the English exile community in Geneva. Milton quotes from *How Superior Powers Oght to Be Obeyd of Their Subjects: and Wherin They May Lawfully by Gods Worde Be Disobeyed and Resisted* (1558).

C. 10. p. 139. Milton quotes from Christopher Goodman's *How Superior Powers Oght to Be Obeyd of Their Subjects: and Wherin They May Lawfully by Gods Worde Be Disobeyed and Resisted* (1558).

C. 11. p. 143, 144. Milton quotes from Christopher Goodman's *How Superior Powers Oght to Be Obeyd of Their Subjects: and Wherin They May Lawfully by Gods Worde Be Disobeyed and Resisted* (1558).

C. 13. p. 184. Milton quotes from Christopher Goodman's *How Superior Powers Oght to Be Obeyd of Their Subjects: and Wherin They May Lawfully by Gods Worde Be Disobeyed and Resisted* (1558).

p. 185. Milton quotes from Christopher Goodman's *How Superior Powers Oght to Be Obeyd of Their Subjects: and Wherin They May Lawfully by Gods Worde Be Disobeyed and Resisted* (1558).

p. 190. Milton quotes from Christopher Goodman's *How Superior Powers Oght to Be Obeyd of Their Subjects: and Wherin They May Lawfully by Gods Worde Be Disobeyed and Resisted* (1558).

Queen Mary. Daughter of Henry VIII (reigned 1509-1547) and Catherine of Aragon, Mary reigned as Queen of England from 1553 until 1558, and tried to roll back the Reformation of the English Church which her father began and her brother's reign (Edward VI) consolidated.

Whittingham in the Preface. That is, the Preface to Christopher Goodman's *How Superior Powers Oght to Be Obeyd of Their Subjects: and Wherin They May Lawfully by Gods Worde Be Disobeyed and Resisted* (1558) contributed by Whittingham. William Whittingham (1524-1579) also was a Marian exile, active chiefly in Frankfurt.

Harpy's. A fabulous monster, from Greek and Latin mythology, "rapacious and filthy, having a woman's face and body and a bird's wings and claws, and supposed to act as a minister of divine vengeance" (*OED2*).

under another title. That is, they called themselves presbyters instead of priests and bishops, but they practiced the same corruptions as they did when they were priests and prelates. See also the last few lines of Milton's sonnet "On the New Forcers of Conscience" and John Goodwin's diatribe against Presbyterian leaders in *Sion-Colledg Visited* (1648).

Phylactery. "One of two small, black leather, cube-shaped cases containing Torah texts written on parchment, which, in accordance with Deuteronomy 6:8 (and similar statements in Deuteronomy 11:18 and Exodus 13:9, 16), are to be worn by male Jews of 13 years and older as reminders of God and of the obligation to keep the Law during daily life. The name phylactery is derived from the Greek *phylakterion*, meaning amulet" (*Britannica Online*). One (*tefillin shel rosh*) was to be worn on the forehead between the eyes. Milton, following the anti-Jewish bias of Protestant Christianity, associates phylacteries with the Pharisees of the Gospels, alleged enemies of Jesus, and thus implies that the Presbyterian leaders of his day are Pharisees. See also the last few lines of Milton's sonnet "On the New Forcers of Conscience."

Scripture and Reason. Milton refers to a pamphlet entitled *Scripture and Reason Pleaded for Defensive Armes: or The Whole Controversie about Subjects Taking up Armes* (1643), published, as the title-page announces, "by divers Learned and Reverend Divines."

to the Romans. That is Romans 13:1-2.

p. 34. Milton paraphrases from Section 4, page 34 of *Scripture and Reason Pleaded for Defensive Armes: or The Whole Controversie about Subjects Taking up Armes* (1643).

amerce. Punish (*OED2*).

golden rule of justice and moralitie. In algebra, the "rule of three" is traditionally called the golden rule. According to this rule, if one knows three terms in a pair of proportions, or in a sequence, the unknown fourth term may be calculated, as in 3:21 as 7:x. See *OED2* under "golden." Daniel Featley refers to it in his *Clavis Mystica* of 1636 as a rule of "sacred algebray" (21.279). Another more well-known sense of the golden rule refers to Jesus's reported words in Luke 6:31. John Lillburne associated this ethical rule with the supposed natural right of every person to self-preservation in *Regall Tyrannie Discovered* (1647), page 60.

Euclid. Euclid (flourished about 300 BCE) is often called the founder of geometry. In *Tetrachordon* Milton uses the expression, "as clear in the reason of common life, as those given rules wheron *Euclides* builds his propositions."

Apollonius. Apollonius of Perga (262-190 BCE) wrote a treatise on conic sections.

p. 37, 38. Milton paraphrases from Section 4, pages 37-38 of *Scripture and Reason Pleaded for Defensive Armes: or The Whole Controversie about Subjects Taking up Armes* (1643).

p. 19, 20. Milton paraphrases from pages 19-20 of *Scripture and Reason Pleaded for Defensive Armes: or The Whole Controversie about Subjects Taking up Armes* (1643).

p. 19, 20. Milton quotes from page 19 of *Scripture and Reason Pleaded for Defensive Armes: or The Whole Controversie about Subjects Taking up Armes* (1643).

condigne. Worthy, deserving.

St. Peters rule. See 1 Peter 2:13-14.

thir motions. Milton sustains over several sentences a metaphor that compares the spiritual "motions" Presbyterian divines to the military "motions" of footsoldiers on parade, except that he insists the divines don't know (or ignore) the difference between right and left. He may have been inspired by Captain Lazarus Haward's *Military and Spirituall Motions for Foot Companies* (1645) which acrostically appends spiritual precepts to military marching orders. See, for example, page 1.

truth. See similar personifications of truth in *Areopagitica*: first, second.

Jebusites. In 2 Samuel 5:8 Jebusite are referred to as the enemies of Israel's King David.

Adonibezec. Adonibezek was a Canaanite king defeated by the Israelites in their conquest of the "promised" land (Judges 1:5-6); the Israelite soldiers cut off his fingers and his toes.

Simon Magus. The man from whom simony, trafficking for personal gain in ecclesiastical appointments and other sacred things, gets its name (Acts 8:9-25).

advousons, donatives, inductions, and augmentations. Various appointments to, and emoluments from, clerical office. See OED2.

Priests of Bel. In The Book of Bel, the prophet Daniel exposes the priestly deceptions that allowed them to profit from oblations made to the god.

fellow locusts. See Revelation 9:1-6.

http://www.dartmouth.edu/~milton/reading_room/tenure/

17, 04, 08