

AN
USEFUL CASE OF CONSCIENCE,
LEARNEDLY AND ACCURATELY DISCUSSED
AND RESOLVED,
CONCERNING ASSOCIATIONS AND CONFEDERACIES WITH
IDOLATERS, INFIDELS, HERETICS, MALIGNANTS, OR ANY
OTHER KNOWN ENEMIES OF TRUTH AND GODLINESS

by Hugh Binning

AN USEFUL
CASE OF CONSCIENCE, &c.

THAT THE PRESENT PUBLIC RESOLUTIONS AND PROCEEDINGS DO
IMPORT A CONJUNCTION WITH THE MALIGNANT PARTY IN THE
KINGDOM, AND OF THE SIN, DANGER, AND SCANDAL OF THAT WAY,

SECTION I.

THAT THERE IS A MALIGNANT PARTY STILL IN THE KINGDOM.

IN the entry to this business, the importunity of not a few makes it needful to speak somewhat to a question which unto this time hath been unquestioned, as beyond all exception, that is, whether there be yet in Scotland a malignant party? Or, whether there be at this time any party who may and ought, in reason and Christian prudence, to be reputed and looked upon as malignants and disaffected to the covenanted cause of God? It seems the more needful to speak somewhat of this, 1. Because some ministers are become slack and silent in this point, as if now there were no need of watchfulness and warning against any such party. 2. Because the expressions of many of

the people of the land run that way, that there are now no malignants in Scotland, and that it is but a few factious ministers that will still keep up these names, that they may more easily, with others of their own stamp, weaken and divide the kingdom, for carrying on of their own ends. 3. Because the inclinations and resolutions of the public judicatories, in reference to most of the party who carried that name, do clearly import that they do think they are no more to be looked upon as malignants, as appears from several of their papers, especially the letter written for satisfaction to the presbytery of Stirling. And therefore this must be laid down as the foundation of what follows: That there is still in the land, not only a few persons, but a party considerable for number, power, and policy, who are malignant and disaffected to the covenant and cause of God. We would join heartily in the desire of many, that these and other such like odious names of different parties and factions were taken away; but we cannot join in the reasons of this desire which are ordinarily given. We wish the name malignant were obsolete and antiquate, if so be the thing itself, which is such a root of bitterness, were extirpated out of the church. Yea, though the thing itself remained, if men would hate it for itself, and account it more odious and hateful than the name imports, we would be glad it were no more heard of, because we find this prejudice, by all such appropriated names, that people generally look upon that which goes under that name as the only sin, and as if there were not that root of bitterness, in all which it grows out of, in any; and so conceive themselves good Christians if they fall not under that hateful appellation of malignants. But seeing this bitter fruit of enmity, against godliness and the godly, comes to more ripeness and maturity in many of this generation than in others, who yet are unconverted; and seeing it hath been the custom of the church of God in all generations, to discriminate many more ungodly and known haters of godliness and his people from the common sort of natural people, and to comprehend them under these names of wicked, of malignant, of enemies, as may appear in the Old Testament, especially in the Psalms; and that more especially in our days, that name hath been appropriated to such who have declared themselves, in their words or actions, to be haters of godliness and the power thereof, and his people, or have arisen to the height of actual opposition against these, we cannot be blamed for using such a name still, for distinction's sake. We proceed to some reasons.

I. The constant and continued proceedings of the General Assembly and their commissioners for many years past unto this day.

There is not almost any of their warnings, declarations, or remonstrances, which doth not assert this, and warn against it; and that not only before the king's homecoming and taking of the covenant, but also since that time, as is evident by the Declaration emitted by the commission in July last;¹ the Declaration of the Assembly itself, a little after;² by the Declaration emitted at Stirling since the defeat at Dunbar;³ the Causes of the Fast upon that defeat;⁴ the Remonstrance to the king at Perth after his escape; together with the Remonstrance given in by them to the parliament;⁵ all which do clearly hold forth this truth.

II. Take Christ's rule, 'By their fruits ye shall know them.' There is a great party in the land that adhere to malignant principles, bring forth malignant fruits, and tread malignant paths, as may appear in these instances. 1. A great many of these who have been formerly engaged in such courses, and under church censures, did lately conjoin together and rise in arms, and drew away the king⁶ from the public councils of the kingdom, and refused to lay down arms till they got conditions agreeable to their mind; which course of theirs was justly declared by the commission to carry upon it the stamp of malignancy, in an eminent way. 2. The seeking to promote and establish an arbitrary power in the person of the king, as it hath been still the endeavour of the malignant party, so it hath been always taken by the kirk of Scotland as one of their characters; and that there is a party now in Scotland who still hold that principle, and drive this design of arbitrary power, is evident. *First*, because these same men, who were lately in arms, did not only take up arms upon the king's simple warrant, and without the knowledge, and contrary to the mind of the committee of estates; but also received the act of indemnity,⁷ and laid down arms, in obedience to the king's majesty, without so much as mentioning or acknowledging the committee of estates, as is to be seen in a paper subscribed by them,⁸ and in the remonstrance of the commission of the General Assembly, dated at Perth, Nov. 29, 1650, the words whereof are these: "Your lordships should likewise consider, whether it doth not encroach upon the present constitution of government of this kingdom, and will not involve your lordships in the guilt of these men's sin, if you shall accept of their laying down of arms, merely upon the profession of obedience to the king's command, without any expression of their respect and

obedience to the committee of estates, or any acknowledgment of their sin and offence, which we hope you will look upon as a most unnatural and unseasonable rending of the kingdom, in the time of this heavy oppression by a common enemy, and exposing the kingdom to all misery and ruin."⁹ *Second*, It may be remembered that in the first model of the agreement which was made at Breda,¹⁰ that clause which doth concern the determining of civil matters in the interval of parliament, by such as are authorized by parliament for that effect, and the king's majesty hearkening to their advice, was wholly left out; and any who are acquainted with expressions and inclinations of sundry great ones in the land, are not ignorant of their dislike of a committee of estates, and their desire to have the administration of matters, in the interval of parliament, wholly devolved upon the king's council. And the same spirit that would draw business from the committee to a cabinet council, would at last draw them from the parliament itself; because that is also, if not more, crossing to private interests and designs than a committee of estates. *Third* instance. There is a party in the land who as in their hearts they do envy, and in their tongues do traduce men that have been steadfast and faithful in the covenant and cause of God; so do they endeavour to the utmost of their power, to bring them into disgrace and contempt, and to get them removed from power and trust, and, upon the other side, study with no less diligence to get places of power and trust, in the army and elsewhere, filled with such as either have been open enemies or secret underminers. *Fourth* instance. Are there not many who oppose the kingdom of Jesus Christ and work of reformation, not only by holding up that old calumny of malignants, concerning the seditious and factious humour of ministers, and their stretching of themselves beyond their line, and by mocking all faithful and free preaching of the word, and by bearing down the power of godliness, deriding and hating all the lovers and followers thereof, by being impatient of the discipline and censures of the church; but also looking upon the government of the church with an evil eye, and strongly inclining, some of them, that church government be put in the hands of a few prelates, most of them that it may be wholly devolved upon the civil government. *Fifth* instance. There is still a party in the land that endeavour to have the state of the question altered, and to have religion left out of the same; that it being stated upon civil interest, they may take to themselves a greater latitude in their way of carrying on business. This was holden forth to be the design of the

malignant party in the year 1648, as appears in the Declaration of the Commission that year in March: and there was a necessary and seasonable warning given against it by the Commission in their Declaration, of the date July 1650.

III. Besides those who are excommunicated, there are yet in the land a considerable number of persons of chief note, who do still lie under censures of the church; some because of their accession to the late unlawful engagement; others because of their accession to the late course of rebellion, about the time of the king's escape from Perth; besides many others of less note.

IV. We suppose that it is most certain and unquestionable, that there was lately a malignant party and faction in the land, very numerous and powerful. How many men of blood, murderers of their brethren, as unnatural and barbarous as the Irish¹¹ they once joined with, against their country, - how many have watched all opportunities for troubling the peace of the kingdom, and rejoiced in the day of its calamity? How many were the oppressors of those who called on the Lord's name in the time of the Engagement?¹² What multitudes of profane and ungodly mockers of all godliness, and haters and persecutors of the godly, swarming everywhere? If this be truth, as it is indeed, we may say, who hath heard such a thing? Who hath seen such a thing? Shall a nation be born at once? And have they so soon learned to do well, who have been so long accustomed to do evil? When did this catholic conversion fall out, and by what means? Hath the act of indemnity and pardon such influence, to justify these men from all their butcheries and barbarous cruelties? The adding of three thousand to the church in one day, was miraculous in the days of miracles. But behold, a greater miracle than that in the days when miracles are ceased, many thousands added to the church of the friends of the cause of God in one day, and that not by preaching, which is the power of God unto salvation; not by spiritual weapons, which are mighty through God; but by the carnal weapon of an act of indemnity, and the example of one man, the king's conjunction in the cause, which at the best hath not such evidence of reality as to convince any, and change their mind. Sad experience, and the constant testimony of the church of Scotland proves, that malignancy is a weed that hath deeper and stronger roots than to be plucked up so easily; and that, though there be some, yet

there be but few in the land who have been once engaged in that way, that have really and indeed abandoned and come off the same.

The point shall more appear by taking off objections that are made to the contrary. It is objected, 1. That these who were formerly esteemed malignants, did oppose the work of God because they could not be persuaded in conscience, that the covenant and cause were contrived and carried on in a warrantable way, those who were most instrumental in it, seeming to them not only to act without authority, but against authority. But so it is, that the king hath now joined in the covenant and added his authority to it, and therefore it needs not be feared that these men will any more oppose it; nay it may be expected, they will no less zealously promote the ends thereof than they did formerly oppose the same.

Answer. This argument supposeth some things that are false, some things at best doubtful, and some things dangerous.

I. It supposeth two falsities. 1. That it was a ground and principle of conscience and respect to the king's authority that made these men to oppose the covenant and work of reformation. If it was the conscience and conviction of the unwarrantableness of it for the want of authority, that stirred them up to oppose the covenant and cause; then why did they subscribe it and join in the defence of the same against the king? 2. It supposeth that the only ground, why they did oppose and undermine the same, was, because the king was of a contrary mind, and refused to join in the covenant, and ratify the same by his authority, which also is false: for there were several other grounds and causes of so doing besides this. We shall name a few, leaving the rest to a further scrutiny. (1.) The natural enmity that is in the hearts of all men against the Lord and his anointed, his work and his people, and the power of godliness, which doth effectually work in the children of disobedience. (2.) An enmity against the power of parliament and laws. (3.) An enmity against the union of the kingdoms. (4.) An enmity against the power of presbyteries, and the discipline of the church, to which are opposed, a sinful desire of breaking the bonds, and casting away the cords of the Lord and his anointed; a desire to establish an arbitrary power and unlimited monarchy; a desire to establish a lordly prelatial power in the persons of a few, or to have the government of the church wholly dependent on the civil power; a desire to dissolve the

union of the kingdoms, that they may be thereby weakened and less able to resist malignant designs against religion and liberties; a desire to live loosely without bands in regard of personal reformation.

II. It supposeth something that is at best doubtful; to wit, that the king hath really joined unto the cause of God, there being small evidences of it, and many presumptions to the contrary; especially, 1. His bringing home with him into the kingdom, a number of eminent, wicked, and known malignants; his countenancing of, and familiar conversing with such in this nation since his coming,¹³ and correspondence with others of them abroad; his deserting of the public councils of the kingdom, to join to a party of bloody and wicked men, raised in arms with his knowledge and by his warrant. 2. His not being convinced of any guilt in his father, because of his opposition to the cause and covenant, notwithstanding of all the blood of the Lord's people shed by him in that opposition. For verifying whereof, we appeal to the knowledge of some noblemen and ministers, who have occasion to know his mind, and to be serious with him in this thing.

III. It supposeth something that is of very dangerous consequence. 1. That these men's zeal to the cause or against it, doth ebb and flow according to the king's being against it or for it. Since they follow the cause not for itself but for the king, will they not desert it when the king forsakes it? Can they be accounted real friends of the cause who are known to favour it only, *ad nutum principis*, ["At the nod of a prince." - ED.] as the comedian, *ait, aio; negat, nego?*²⁴ Is it not all one to follow the cause for the king, and for a man's own interest and advantage? Both are alike extrinsic and adventitious to the cause, both are alike changeable. Eccebulus under Constantius was a precise Christian; under Julian a persecuting apostate; and then again under the next Christian emperor became a Christian. And it is like if he had outlived that emperor till a heathen succeeded, he should have paganized the second time. 2. That very principle that is pretended to unite them to the cause is in itself most dangerous, both to the privileges of parliament and liberties of the people, and to our religion beside. Their principle of opposition was, "They conceived the way followed could not be warrantable without the king's consent and warrant; that people might not vindicate their own just rights and liberties, and their religion, without the king's concurrence, or against him." Now then, the principle of their conjunction to the cause must be this, because it is now clothed

with authority which it had not before, and which now makes it warrantable. This principle therefore includes in the bosom of it, the establishing of unlimited and absolute power in kings; the unlawfulness of defensive wars against tyranny and oppression; the king's negative voice; and the dependent power of parliaments upon his pleasure: all which are principles destructive of the cause and our liberties, and the very characters [characteristics – ED] of our enemies from the beginning. Thus they have changed their way, but not their principles, and are now the more dangerous that they may not be looked upon as enemies, but as friends. Seeing it is manifest, that it is not the love of the cause that constrains them, and they know it was not that principle that persuaded the king, but mere necessity, contrary to his own inclination, may we not certainly expect, that according to their principles they will labour to set at freedom the king, whom they conceive imprisoned and captivated by the power of necessity within the limits and bounds of a regulated monarchy, and to loose him from all these chains of involuntary treaties and agreements, and rigid laws and parliaments, that he may then act in freedom and honour according to his own inclination and theirs both? And then farewell religion and liberties.

Objection 2. The most part of these who were formerly malignant, have now repented of that sin, and make profession of their resolution to adhere to the covenant and cause of God, and to bestow their lives and estates in defence thereof. Therefore they are not now to be esteemed malignants.

Answer. We would wish from our hearts that we had no answer to this argument; then should we yield the point in hand, and yield it cheerfully, that there is no malignant party now in Scotland. But, alas! that we have so much evidence convincing our consciences and persuading them to deny what is objected. We acknowledge some have indeed repented, and such we desire to embrace and receive with all tenderness and love, as godly Christians, worthy to be intrusted. But yet the most part of them do still bring forth the same malignant fruits. Their ungodly and wicked practices testify to their face that they have nothing to do to take his covenant in their mouth, seeing they hate to be reformed. The late rising in arms, contrary to their solemn and particular engagements, their bearing down and reproaching the godly, and such as are of known integrity, their studying to fill places of trust

with men formerly enemies or underminers, their continuing in their profane and loose walking, - all these are more convincing evidences of their retaining their old principles than any extorted confessions or professions; for sinister respects and ends can be no probable signs of their repentance and change.

We desire these things to be remembered, 1. That the Engagement¹⁵ was carried on, not by open and professed enemies, but such as had made public profession of their repentance, and were thereupon admitted to trust. 2. That upon consideration of the hypocrisy and instability of these men appearing in that and other particulars, the kirk and kingdom of Scotland did take upon themselves strait bonds and engagements to exclude such from trust, until such time as they had given real evidences of the reality of their repentance, and of abandoning their former principles and ways, of which this kirk was to judge impartially as in God's sight. 3. That it hath been confessed and preached by many godly ministers, and was given in by sundry in the time of the search of the Lord's controversy against the land, in November last at Perth, and hath been bemoaned and regretted by many of the people who feared God; that there is a great deal of sin and guilt lying on the kirk of Scotland, for the sudden receiving of scandalous persons, especially malignants, to the public profession of repentance before there was in them any real evidence of their forsaking their former principles, and ways.

Objection 3. None are now to be esteemed malignants, in reference to employment and trust, but such as stand judicially declared by kirk and state to be so: for certainly, men are not to lie under the burden of so great a reproach, upon the private whisperings and common reports of others; otherwise, honest men may be wronged, and there shall be no end of confusion, or terminating this controversy, there being no certain rule to walk by in it.

Answer. We acknowledge that surmisings, whisperings, and reports of others are not sufficient, but that a rule is needful. All the question will be, What is that rule? And though the judicial debarring of judicatories be not all, but it must be ruled by another rule, yet are we willing to take it for so much: for even that will prove there is yet a malignant party in Scotland, because many are standing under church censures, [albeit we are sorry there is so much precipitancy and haste in taking

off the censures. [Old MS. – ED.]] These involved in the late rebellion are standing under a sentence of the commission,¹⁶ declaring them to be following their old malignant designs; few of them are yet admitted to profession of repentance. We desire it may be considered, that the rule holden forth by the kirk of Scotland 1648, for admitting of persons to trust, is of larger extent than judicial sentence or censure; to wit, that they be such against whom there is no just cause of exception or jealousy. 2. Albeit a judicial trial or censure be indeed necessary, for inflicting punishment or censure upon men, yet it is not necessary for avoiding association with them, or debarring them from trust. 3. If none were to be accounted malignants, but they who are judicially declared to be such, what needed the kirk of Scotland have frequently taken so much pains, to give characters to know them by, there being so clear and compendious a way beside? Hath there not been always in the land secret underminers as well as open enemies? And hath not faithful men avoided the one as well as the other? 4. The General Assembly, 1648, declared the taking in of these who followed James Graham¹⁷ to be an association with malignants, though most part of them were then released from church censures.

SECTION II.

THAT THE PRESENT PUBLIC RESOLUTIONS, EXPRESSED IN THE COMMISSION'S ANSWER TO THE PARLIAMENT'S QUERY,¹⁸ AND THE ACT OF THE LEVY,¹⁹ DO NOT EXCLUDE THAT PARTY.

IN the next place, upon supposal and proof, that there is a malignant party and faction still in the land, it is needful to examine, whether the exceptions contained in the answer of the Commission to the Parliament's Query, and inserted into the Act of Levy, be so comprehensive as to include all that party. The exceptions be four. 1. Such as are excommunicated. 2. Such as are forfaulted. 3. Such as are notoriously profane or flagitious. And, 4. Such as have been from the beginning, and continue still, or at this time are, obstinate enemies and opposers of the covenant and cause of God. That these are not comprehensive of the whole malignant party in the land, appears.

First, The rules of the General Assembly framed for the exclusion of all such as ought not to be employed in our armies, are far more

comprehensive. The rule is for employing of such only as are of a Christian and blameless conversation, which is turned over by their commissioners into a negative, all that are not notoriously profane or flagitious. Another is, for intrusting only these who have been of known integrity and constant friends to the cause of God from the beginning, which is also turned over into a negative, all that have not been constant enemies. All such, by the Answer, are capable of some trust and employment. The rules agreed upon by the assembly, and ratified by act of parliament, anno 1649, and renewed upon occasion of this invasion, were that no officer nor soldier that followed James Graham should be permitted in the army, nor any officer that was in the Engagement, except such as, upon real evidence of repentance, were particularly recommended by the church, nor any common soldier, but upon sufficient testimony of his repentance. Now, since it is proved that the most part of all such continue still malignants, and retain their old principles, and that the bulk and body of the people are called forth by the public resolution, without such exceptions as were conceived before necessary, for the exclusion of that party, it follows clearly, that the malignant party is not excepted in the present resolutions.

Second. Few of these who were in the late rebellion, and declared, not many days since, to be following a most malignant design and course, are contained under these exceptions; because very few of them are excommunicated or forfaulted: and though more of them be indeed flagitious and profane; yet very few of them will fall under the compass of the exception, notoriously flagitious. Many wicked things will be said to concur to make up a profane man. Some acts will not serve; a habit must be demonstrated: and though that were showed, yet there must be also a notoriety of it, which imports a man to be famous for looseness and profanity; and there are none almost, if any in the land, who have been professed enemies from the beginning, and continue so to this day. James Graham was not such. It is the matter of our sad complaint, that whilst many are enemies, they make profession and semblance of friendship.

Third. These exceptions do not comprehend any who are under censure for malignancy or profanity, except such as are under the sentence of excommunication; and that even such may not be excluded, lest the rule be transgressed, by admitting and employing excommunicated persons, 'tis withal resolved, that these persons shall be relaxed from

that sentence, that so they may be immediately in the same capacity of employment with others, whatever formerly hath been their opposition or defection. Some exceptions must be made, for honesty and credit's sake. But the nearest and readiest way is taken to make them ineffectual.

Fourth. These exceptions do not only not reach these who were upon the unlawful engagement, and have not as yet given sufficient proof of their abandoning their malignant principles and courses; but come not the length of comprehending these men of blood who followed James Graham, and in the most barbarous and cruel way, shed the blood of their own brethren and God's people. Because the most part of these are not excommunicated nor forfaulted, nor notoriously flagitious and profane, nor such as have from the beginning been, and still are enemies. If any will say, that such are comprehended under these exceptions, why did the commission express the exceptions in such terms, as to men's common apprehension do not include many, especially seeing there are known rules, particular and distinct, without ambiguity, and seeing there is such a propension in rulers to employ all without difference, which would undoubtedly take advantage of any thing that seemed to look that way.

It is likewise manifest, that the second part of the answer, relating to the capacity of acting, is loaded with the same inconvenience. 1. There is no positive determination of the qualifications of persons to be intrusted, as in former times it was agreed on by the Assembly and their Commissioners, but that is now referred to the discretion of the parliament; together with such diminutive terms, as give them great latitude to go upon. Before, no trust was given to such persons. Now, it is allowed they shall have some trust: and how much is not determined, nor what degree of it is prejudicial to the cause; which it appears, the parliament's proceedings in nomination of officers unquestioned by the Commission, is a good commentary to expound that they may have any trust, except to be general officers. 2. Our former established rule was, that no persons should be intrusted, but such as are of known integrity, and have been constant friends of the cause. But how far is this diminished? They who are such, only recommended to be especially taken notice of. Less could not be said by any. More ought to have been said by the Commission. And though no such notice be taken of such by the parliament; but on the contrary, those who have been most faithful,

and suffered in the late defeat at Hamilton,²⁰ are used as enemies, worse than malignants in former times; yet there is no testimony given against such things. *Quantum mutatus ab illo cœtu qui quondam fuit!*²¹

Before we enter upon the chief question, we offer these manifest and known truths to consideration.

(1.) The occasion of contriving and subscribing first the national covenant, and then the solemn league and covenant, was, the designs and practices of the popish, prelatical and malignant party, against religion and the work of reformation in these kingdoms. (2.) Since the contriving and subscribing of the same, it hath been the continual endeavour of that party, sometimes by undermining, and sometimes by open opposition, to undo the same, and to bear down all those that clave honestly thereto, and faithfully prosecute all the ends thereof. (3.) That there hath been these many years past, and still is, such a party, in all the three kingdoms, considerable for number, power, and policy. (4.) That that party hath always prosecuted their design, under a colour of zeal and respect to the king's authority and interest. (5.) That that party hath always been the authors and abettors of much bloodshed, many miseries, and sad calamities to these nations. (6.) That the people of God in these kingdoms have taken upon themselves a most solemn and sacred bond of an oath and covenant to discover them, and bring them to condign punishment. (7.) That it hath been one of the predominant sins of Scotland under the bond of the covenant, to comply with them. (8.) That indignation and wrath from the Lord hath been following that party and their designs these years past. (9.) That compliances with them hath always been cursed to us of God. (10.) That few of that party do really abandon and forsake their corrupt principles and way, and join cordially in the cause and covenant. (11.) That many of them do, after the profession of their repentance for their opposition to the cause and covenant of God, relapse frequently into the same sin. (12.) That sudden receiving of many of them to fellowship and trust, and too great credulity in believing their professions, hath often cost this land very dear. (13.) That upon consideration of the deep treachery and hypocrisy of these men, and the sad consequences following upon sudden receiving of them, without evidence of a change, after long and renewed experience, this land renewed their obligations more strictly in the solemn engagement. (14.) That there hath been a design driven these two years past, to get that party again in power

and trust. (15.) That this design hath been testified against by the public resolutions of the judicatories unto this time. (16.) That as it hath been driven at very cunningly and actively, by many instruments and arguments of several sorts, so hath it gained ground piece and piece, until at length many of them are brought into the court, and to the army and judicatories in the country. And now, by the public resolutions, they are generally to be employed and intrusted. Thus the design is accomplished. But, (17.) These men do not satisfy themselves with some degree of power, but endeavour to engross the whole power of the kingdom into their own hands, and study to bring into contempt, and cull out these who have been and do continue constant in the cause of God. (18.) That having power into their hands, they must act according to their own principles, and for establishing their own ends. And lastly, That these principles and ends are destructive to the covenant and work of reformation.

SECTION III.

THAT THE EMPLOYING OF, AND ASSOCIATING WITH THE MALIGNANT PARTY, ACCORDING AS IS CONTAINED IN THE PUBLIC RESOLUTIONS, IS SINFUL AND UNLAWFUL,

IF there be in the land a malignant party of power and policy, and the exceptions contained in the Act of Levy do comprehend but few of that party, then there need be no more difficulty to prove, that the present public resolutions and proceedings do import an association and conjunction with a malignant party, than to gather a conclusion from clear premises. But that such a conjunction is in itself sinful and unlawful, and besides, a violation of our solemn oaths and engagements, a backsliding from our principles and professions, and a walking contrary to the whole tenor and current of our former resolutions and practices, is now to be made manifest.

First. We reason from that constant, standing and perpetual rule, which the Lord gives concerning the modelling and carriage of the armies of his people in all their wars: Deut. xxiii. 9, 'When the host goeth forth against their enemies, then keep thee from every wicked thing.' And after, 'If there be among you any man that is unclean, by reason of uncleanness that chanceth him by night, then shall he go abroad out of

the camp; he shall not come within the camp.' (If for ceremonial uncleanness he was to be excluded, much more for moral, as our divines reason from the Old Testament in the point of excommunication; and if for uncleanness not voluntary, much more for voluntary wickedness.) The reason of all is given ver. 14. 'For the Lord thy God walketh in the midst of the camp, to deliver thee, and to give up thine enemies before thee. Therefore shall thy camp be holy, that he see no unclean thing in thee, and turn away from thee.' Even as they would expect a blessing of the Lord, so ought they to keep their camp holy, as he is holy. He gives not such a strict rule for the competency of number, as for the qualifications of the persons, as being the principal thing. Therefore the present conjunction with so many ungodly and wicked men, that have formerly declared themselves enemies to God and his people, and to this day give no evidence to the contrary, is sinful and unlawful.

Second. The Lord hath frequently in scripture declared his dislike and hatred of such associations and conjunctions. The scriptures cited in the General Assembly's declaration in the year 1648, against the Engagement,²² are sufficient proof of this. We shall take the argument as it is formed by the commissioners of that assembly, in their answer to the observations of the committee of estates upon the assembly's declaration, p. 7. "Every engagement in war, that is pretended to be for religion, and hath in it a confederacy and association with wicked men, enemies of true religion, is sinful and unlawful But the present engagement in war, as it is held forth in the public resolutions, is pretended to be for religion, and yet hath in it a confederacy and conjunction with wicked men, and enemies of true religion." Ergo, The second proposition is evident from the two first sections.

The first proposition is proved from those scriptures forementioned. God forbade conjunctions and confederacies with the enemies of his cause and people: not only the Canaanites, (Exod. xxxiv. 12, 15. Deut. vii. 2.) and other heathens, such was Asa his covenant with Benhadad, (2 Chron. xvi. to ver. 10.) Ahaz his confederacy with the king of Assyria, (2 Kings xvi. 7, 10. 2 Chron. xxviii. 16.) but also with wicked men of the seed of Abraham, as Jehoshaphat's with Ahab, (2 Chron. xviii. 3. 'And Ahab king of Israel said unto Jehoshaphat king of Judah, Wilt thou go with me to Ramoth-Gilead? And he answered him, I am as thou art, and my people as thy people, and we will be with thee in the war,')

compared with chap. xix. 2. 'And Jehu the son of Hanani the seer, went out to meet him, and said to king Jehoshaphat, Shouldst thou help the ungodly, and love them that hate the Lord? therefore is wrath upon thee from before the Lord,') and with Ahaziah, (2 Chron. xx. 35. 'And after this did Jehoshaphat king of Judah join himself with Ahaziah king of Israel, who did very wickedly,') which being reprov'd for, he would not again join with Ahaziah, 1 Kings xxii. 49. 'Then said Ahaziah the son of Ahab unto Jehoshaphat, Let my servants go with thy servants in the ships: But Jehoshaphat would not.' And then Amaziah's association with 100,000 of Israel, 2 Chron. xxv. 7, 8, 9, 10. 'But there came a man of God to him, saying, O king, let not the army of Israel go with thee: for the Lord is not with Israel, to wit, with all the children of Ephraim. But if thou wilt go, do it, be strong for the battle: God shall make thee fall before the enemy: for God hath power to help and to cast down. And Amaziah said to the man of God, But what shall we do for the hundred talents which I have given to the army of Israel? And the man of God answered, The Lord is able to give thee much more than this. Then Amaziah separated them, to wit, the army that was to come to him out of Ephraim, to go home again: wherefore their anger was greatly kindled against Judah, and they returned home in great anger.' The sin and danger of such associations may further appear from Isa. viii. 12, 13. 'Say ye not, A confederacy, to all them to whom this people shall say, A confederacy; neither fear ye their fear, nor be afraid. Sanctify the Lord of hosts himself, and let him be your fear, and let him be your dread;' Jer. ii. 18. 'And now, what hast thou to do in the way of Assyria, to drink the waters of the river?' Psal. cvi. 35. 'But were mingled among the heathen, and learned their works;' Hosea v. 13. 'When Ephraim saw his sickness, and Judah saw his wound, then went Ephraim to the Assyrian, and sent to king Jareb: yet could he not heal you, nor cure you of your wound;' and chap. vii. 8, 11. 'Ephraim, he hath mixed himself among the people: Ephraim is a cake not turned. Ephraim also is like a silly dove without heart: they call to Egypt; they go to Assyria,' 2 Cor. vi. 14, 15. 'Be ye not unequally yoked together with unbelievers; for what fellowship hath righteousness with unrighteousness? and what communion hath light with darkness? And what concord hath Christ with Belial? or what part hath he that believeth with an infidel?' And if we should esteem God's enemies our enemies, and hate them with perfect hatred, how can we then join with them as friends? Psal. cxxxix. 21.

The committee of estates at that time endeavoured to elude the strength of these scriptures, and vindicate their engagement from the falling within the compass of them. But the commission of the Assembly that year took the mask off their evasions. Would to God we had no other party to deal with now! It was the evil and complaint of that time, that church and state were divided. But what an evil time are we now fallen into, that the union of those in this point, is the complaint of many of the godly? The commission, in their letter to Stirling presbytery,²³ sets up the committee's answer in a new dress, and holds it out for satisfaction to our consciences. All that is answered may be reduced to three or four heads.

I. There is made a great difference between an invasive and defensive war as if in the one, choice of instruments ought to be sought; but in the case of just and necessary defence, all subjects may be employed.²⁴

To which we answer, 1. That the scriptures cited conclude most expressly against conjunctions of that kind in defensive wars. Such was Asa's covenant, such was Ahaz's confederacy. Were not the reproofs of the prophets directed particularly against the people's seeking of help from Egypt and Assyria, in the case of their own just and necessary defence? Jer. ii. 18; Hosea v. 13; and vii. 8, 11; Isa. viii. 12, 13; 2 Chron. xvi. to ver. 10. 2. The law and rule given, Deut. xxiii, is general, regulating all their wars whether defensive or offensive; and it is strange that any should imagine such a difference where the law makes none; nay, when the ground of the law is moral and general, equally respecting all wars. Is there any ground of conscience, why wicked persons may not be kept in the camp when we invade others, and yet these may be employed and intrusted when we defend ourselves? If there be any reason to prefer the one to the other in this point, we conceive defensive war should have the preference, because when the Lord brings upon us an unjust invasion, he is ordinarily pursuing a controversy against us. And therefore we ought to be most tender and circumspect, that there be no unclean thing in the camp, and put away every wicked thing from us, even the appearance of evil, lest we add oil to the flame of his indignation, and he seeing such an unclean thing in us, turn yet further from us, except we say, that we need not take care to have God in the camp with us, when we are upon just and necessary defence, seeing our cause is so good. 3. There is more hazard and danger to our religion and liberties in having a wicked malignant army

at home among us, than abroad in another nation. While they are here, they have the power of the sword, and can command all; but there might be some hope and endeavour for vindicating our own liberties and religion while they are abroad, as it fell out in the time of the Engagement.

II. It is answered, that there is a difference between this case and the Engagement, because there was then no necessity of choosing such instruments, a competency of power might be had; but now it is not so, and therefore the scriptures mentioned do not militate against the present case. *Answer* 1. The scriptures cited will obviate this. What made Israel and Judah run to Egypt and Assyria for help, but their weakness and necessity? Their wound was incurable, and their bruise grievous, as Jeremiah often laments, and particularly chap. viii. 20-22; and x. 19, &c.; and yet this did not excuse them for going to Egypt or Assyria to heal their wound, Hosea v. 13, and vii. 8, 11. The scripture holds out infidelity and distrust in God as the ground of such association, (2 Chron. xvi. 7-9; Isa. viii. 12, 13,) which proceeds from the incompetency of means as the occasion of it. 2. Suppose there was a necessity for the calling forth the body of the common people, yet certainly there is no necessity of employing any such persons of whom the question is, and putting them in places of trust. There is none can deny but there are, besides all secluded persons, many that might fill the places of trust and power. Therefore the plea of necessity is but a pretence to cover some design, that under its specious and plausible covering, the power of the land may be engrossed into the hands of malignants; and so by this means all power and trust may return, as the rivers to the sea or fountain, as they judge the king; that so in his person there may be established an unlimited and arbitrary power. 3. Necessity is a very plausible argument and strong plea to carnal reason for any thing; but it cannot be a good ground, in point of conscience, for that which is sinful in itself. Now that this is sinful in itself appears, from the word of God simply condemning such associations, upon moral, and so general and perpetual grounds. Now, in such a case of necessity, we are called either to trust in God, in the use of competent means, seeing in such cases we have so many promises; or, if all help be gone which God allows us to make use of, we must wait on him till he brings salvation with his own arm.

But because the plea of necessity is the strongest that is made use of for the present public resolutions, we must consider it a little more. It is alleged, that the best part of the land is under the feet of the enemy, and so no help can be had from it; and for other parts of the land which are yet free, there is not much choice of persons; and the testimony of faithful men in the state declares, that when all that are called forth of these places are gathered, it cannot amount to a power competent enough; and therefore in such a question of the existence of second means, the knowledge whereof immediately depends on sense and experience, these who are not acquainted should give credit to the testimony of faithful witnesses; and that a competency of power must be had, according to the ordinary way of Providence, in relation to which we must act, except we would tempt God by requiring of him wonders.²⁵

Answer. Suppose the enemy's army to consist of 20,000 or above, are there not more fencible persons in the shires on the north side of Forth? Believe it who please, we cannot stop our own consciences, and put out our own eyes. Let the rolls of several shires be looked to, and it shall confute that testimony. Nay, are there not more persons, not formerly secluded, in all those shires? What meant the levy appointed immediately after Dunbar? Was not 10,000 foot, and 1,400 horse put upon these shires which are not under the power of the enemy, and yet the rules of exclusion were not abandoned? Now all these, or most part of them, are yet in the country not levied. Money was taken instead of men; the levies obstructed, so that there was little addition to the strength of the forces that remained; the forces diverted by the insurrection of the malignants in the north,²⁶ at the king's command or warrant, - all which hath such pregnant presumption of a design carried on to necessitate the kingdom to employ that party, by the cunning politicians of the time, by obstructing the levies; raising the malignants, and then pacifying them by an act of indemnity, and at last openly and avowedly associating with them. Thus the design is accomplished which was long since on foot.

2. If satisfying courses had been studied by the public judicatories to carry on all the godly in the land with their resolutions, there had accrued strength from the parts of the land be-south Forth, which would have compensated all that competency of power that the conjunction of the malignants makes up: and, it may be, would have

been more blessed of God. 3. If there be no help required nor expected from those parts of the kingdom be-south Forth, wherefore did the commission write to the presbyteries in those bounds that they might concur actively in their stations for the furtherance of the levies, and choose ministers to go out with them?

III. It is answered, That the confederacies reprov'd [in the scriptures above cited] were unlawful, because they were either with heathens, or with idolaters, strangers, and foreigners. This is answered to the case of Amaziah, &c., and so it seems not to make against the present case, the employing all subjects in the just and necessary defence of the kingdom.²⁷

Answer 1. This answer at one blow cuts off all the strength of the General Assembly's reason against the association with malignants in that year. There might be some few persons idolaters, but there was no party and faction such, and yet they can deny association with the English malignants from those scriptures; yea, not only with them, but with our own countrymen that were in rebellion with James Graham, who were neither idolaters nor foreigners. We need no other answer than the Commission at that time gave to the committee of estates using, that same evasion, *pag.* 10, 11. 2. The ground and reason whereupon such associations are condemned, is more general and comprehensive. Jehoshaphat was reprov'd for joining with Ahab, because he was 'ungodly, and hated the Lord,' which is properly, in our terms, because he was a malignant and profane man. It was a strange mocking of scripture to restrict ungodliness, in that place, to the sin of idolatry. Confederacy with the Canaanites and other nations was forbidden on this ground, 'that the people be not insnared, and learn not their works.' Now, is not the company of, and communion with ungodly men, of the same general profession, but mockers and haters of the power thereof, as infectious and insnaring? Nay, it is more apt to insnare because of the profession. Paul would have as much distance kept with a brother walking unorderly as a pagan. For such a one as walks contrary to his profession of the true religion, does evidence more ungodliness and wickedness, than an ignorant and superstitious papist that walks precisely according to his profession. There is some principle of conscience stirring in the one; but it is seared in the other with a hot iron. God ranks such, who are uncircumcised in heart, with the uncircumcised in flesh. Ought not his people to do so too? 3. The rule of

modelling armies and purging the camp is most comprehensive, Deut. xxiii. Not only idolaters and foreigners, but every wicked thing, and unclean thing, was to be removed out of the camp. Now, seeing those examples are transgressions of this law, what reason is there to make the only ground of reproving and condemning of them to be, because idolaters were associated with, as if any other might be joined with, that is not an idolater? 4. That reason against Amaziah's conjunction with Israel is wrested, by some expounding it thus. God is not with them, is not understood, in regard of a state of grace, as appears, nor in regard of God's prospering providence; because he was often with them in that regard: but it must be understood in regard of an idolatrous profession. But we reply, that it is true it is not understood in regard of a state of grace, nor simply in regard of his prospering providence; but *ut plurimum*,²⁸ the Lord for the most part crossing them till they were cut off from being a nation. But especially it is to be meant in regard of a course opposite to God, according as the Lord speaks, 2 Chron. xv. 2. 'The Lord is with you while ye be with him, but if ye forsake him he will forsake you.' If any will restrict this to idolatry, he hath no ground from scripture for such a limitation; but being engaged in the business, he wrests the scriptures to his own destruction. Sure we are, there are many palpable forsakings of God, and God's forsaking of men, beside idolatry and false worship. 5. That which is said, 'That God did not command Amaziah to dismiss any of his own subjects.' Either it makes not much to the present business, or else it strikes against the law of God itself, that commanded such strict purging of the camp. From whom I pray you? Certainly from wicked Israelites, from wicked countrymen. Therefore, if there was any such among the men of Judah, he ought to have put them out of the army as well as the Israelites. Nay, the command of dismissing the Israelites, was, really and upon the matter, a command to purge his camp of all that was of the stamp of the Israelites. It is strange, that the civil difference of strangers and citizens should make such difference in the point of conscience. Ought we not to hate the Lord's enemies with a perfect hatred, not as Englishmen, not as strangers, but as enemies? Levi knew not his brother. This was his honour. But many now for respect to their brethren, know not God. It is the moral quality that the law of God respects, without respect of persons and countries. To be a citizen, if not qualified, doth no more plead for employment, *in foro*

*conscientiæ*²⁹ and before God, than to be a stranger and qualified doth impede trust and employment *in foro conscientiæ* and before God.

IV. It may be answered (and it is by some), That those scriptures plead, that there should be no conjunction with wicked men in a quarrel of religion; but seeing our present business is the defence of the kingdom, all subjects, as subjects, stand in capacity of employment for that end, though in reference to the defence of religion there must be a choice.

Answer 1. The Commission have vindicated themselves in a letter to Stirling presbytery from that imputation, that it is said, they state the quarrel and cause merely upon civil things in the answer to the parliament's query.³⁰ But certainly there is just ground given to these that are watching for any such thing, to state the cause so; because they do, contrary to all former custom and practice, mention the defence of the kingdom only, as it had been of purpose to make the employing of all members of the body or subjects of the kingdom for its defence more plausible. But we answer to the point. The associations and conjunctions that are condemned in the cited scriptures, are some of them for civil quarrels so far as we know; some of them in the point of just and necessary defence of the kingdom, and yet that doth not justify them. 2. The rule given them, Deut. xxiii., was regulating all their wars, and clearly holds forth, that all subjects, as subjects, and members of the politic body, though as such there is an obligation lying on them to defend the whole, yet are not in actual and nearest capacity to the performance of that duty, if they be wicked and unclean. And the reason is, because the Lord would have the wars of his people his own wars, and all that they do, to his glory, Num. xxi. 14; 2 Chron. xx. 15; Col. iii. 17. More especially in such solemn undertakings, there ought to be a difference between his people, acting for self-defence, and other nations. 3. Although the defence of the kingdom and defence of the cause, be different in themselves, yet are they inseparable. Whoever is intrusted with the defence of the kingdom really and *de facto*,³¹ he is *eo ipso*³² intrusted with the defence of the cause. Therefore the people of God, who ought always to have religion first in their eye, ought, especially in raising forces for self-preservation, to level at religion, and direct the choice of instruments in relation to that mark, that they destroy not Christians, while they save subjects, and preserve our bodies to destroy our souls.

Third Reason. That which is dissonant from and contrary unto all our former resolutions and proceedings, oaths and engagements, confessions and humiliations, must needs be most unlawful, or they themselves, as to that point, were unlawful. But the present resolutions and proceedings are dissonant from, and contrary to all these. Ergo, either our present or our former resolutions and practices were unlawful: either we were wrong before, or we are not right now. The second proposition may be made manifest from, 1. The present resolutions are contrary to the solemn league and covenant in the fourth article and the sixth, - to the fourth, because we put power in the hands of a malignant party, power of the sword, which is inconsistent in the own nature of it with either actual punishing of them, or endeavouring to bring them to punishment; unless it be intended to bring them all forth, and expose them to the slaughter for a sacrifice for the land, which may be the Lord's mind indeed, howbeit they know not his thoughts, - and to the sixth article, because it is a declining to the contrary party, even that party against whom the covenant was at the making expressly contrived. And as the declaration of the General Assembly 1648, hath it, it is a joining with one enemy to beat another, with a black devil to beat a white.³³

It is most ingeniously answered, that the present resolutions are not contrary to the covenant, because such as are described in the covenant are not allowed to be employed, meaning that these men are not now malignants. What needs men make such a compass to justify the public resolutions, seeing there is so easy and ready a way straight at hand? This one answer might take off all the arguments made against them, that there is no malignant party now, which is the foundation that being removed all the building must fall to the ground. But we have in the first article evinced that, which had been scandalous to have proved, if it had not been questioned. If it were indeed true, that no malignants are allowed to be employed, what need the Commission in their letter to Stirling presbytery take so much pains from scripture and reason to justify the present resolutions, when the clearing of that one point had cleared all? As for the declaration of the Assembly, anno 1648, it is answered, *that none are to be employed, that continue notourly²⁴ in the courses of malignancy*, which was done that year. Whereas the malignant party that was then associated with, would have engaged to be faithful to all the ends of the covenant;

many of them were such as had been in covenant, and made show of their repentance for their defection from it: and so there is no difference in this particular.

2. The Solemn Acknowledgment of public sins is so clear and peremptory in this that it makes us tremble to think on it. *Page 6*, "Should we again break his commandments and covenant, by joining any more in affinity with the people of these abominations, and take in our bosom these serpents, which have formerly stung us almost to death? This, as it would argue much folly and madness, so, no doubt, it would provoke the Lord to consume us till there be no remnant, nor escaping." Let the 6th article also be considered.³⁵ Join to this the Declaration of the commission, upon report of this enemy's invading, p. 6. where it is declared, that malignants shall not be associated with, nay, not countenanced and permitted to be in our armies. The General Assembly after this, upon the enemy's entry into Scotland, gives serious warning to the rulers, to take heed of snares from that party: and that the rather, because men ordinarily are so taken with the sense of danger, as not to look back to that which is behind them, &c. How often have we sentenced ourselves unto wrath and consumption if we shall fall into this sin again? All these and the like, are endeavoured to be taken off, by saying that our engagements in this point were conceived in a way of prosecution of the cause; but to be no impediment of the just and necessary defence, which we are bound to by nature's law, which no human law can infringe.

But we reply, (1.) It is strange, our prosecution of the cause these years past should be contradistinguished from the defence of it and the kingdom. It was conceived that our war in England was defensive, not invasive, that it was necessitated for the defence even of our kingdom, but it seems it is now questioned. But passing what was acted abroad, certainly all our wars at home were merely defensive, both against unjust invasion and seditious insurrections. Now our solemn engagements were conceived, in relation to our actings at home especially, and modelling our armies for the defence of our liberties and religion. We know well enough that a just invasive war is a rare accident in the world, and that the flock of Jesus Christ is, for the most part, obnoxious to the violence of others, as sheep among wolves, but are not often called to prey upon others. (2.) To call our solemn engagements and declarations grounded upon our oaths and the word

of God, human laws and constitutions that must cede to nature's law, is indeed ingenious dealing: because to justify the present proceedings, there can be no more expedite way, than to condemn bypast resolutions for the peremptoriness of them, and to make them grounded on politic considerations, which are alterable: but it imports a great change of principles. We conceive that all human laws that are not for the matter grounded on the word of God, that oblige not conscience, but in the case of scandal, and in regard of the general end, are alterable and changeable, whenever they come in opposition to the law of nature, self-defence, and the law of God written in his word. And therefore that act of parliament, mentioned by the Commission, discharging all subjects from rising without the king's command, which was made use of against our first taking arms, was no ways binding on the subjects not to rise in defence of their religion and liberties when in hazard.³⁶ And we wonder that that law should be compared to our solemn engagements, which are grounded upon oaths and God's word, as touching the very matter and substance of them, as if our engagements did no more bind us now, in case of defence, than that law did bind us then. Royalists might be excused for preferring the king's will to God's; but we cannot be pardoned for equalizing them: and especially while we consider that that forementioned act undoubtedly hath been intended for the establishing of an arbitrary and absolute power in the king's hand, that the subjects may not have liberty to save themselves, except the king will.³⁷ Where God hath given us liberty by the law of nature, or his word, no king can justly tie us; and when God binds and obliges us by any of these, no king or parliament can loose or untie us. (3.) The Declaration of the Commission and Assembly upon this invasion, renews the same bond of our former engagements; yea, and speaks expressly, in the case of fewness and scarceness of instruments, against the unbelief of people that are ready in danger to choose any help.³⁸ Therefore that which is said in answer, that at that time there was a choice of instruments which now is not, may indeed condemn and falsify the declarations at that time, in the supposition of the paucity of instruments, and in the application of that doctrine and divine truth to that time, but it doth not speak any thing against the application of that truth therein contained to our time; it being more manifest, that we have greater necessity and less choice of instruments, and so in greater hazard of unbelief, and overlooking what is behind us.

3. It is of all considerations the most confounding, to reflect upon our former humiliations and fasts. How often hath it been confessed to God, as the predominant public sin of Scotland, countenancing and employing the malignant party? But when we call particularly to mind the first solemn fast after the defeat at Dunbar, astonishment takes hold on us, to think, that is now defended as a duty, which, but some months ago, was solemnly confessed as a sin. The not purging of the army, the obstructing of that work, and great inclinations to keep in and fetch in such persons, and the repining at, and crying out against all that was done in the contrary, were then reckoned as the great causes of God's wrath, and his sad stroke upon us. What distraction may this breed in the hearts of the people of the land to hear that same thing complained of as a great sin today, and commended as a necessary duty tomorrow? Is not all the land presently called to mourn for the king's sins, of which this is one, the designing a conjunction with the malignant party, and giving them warrant to rise in arms for the defence of the kingdom? Now, how shall they be able to reconcile these in their own minds, at the same time to mourn for that as a sin in the king, which they hear commended as the duty of the parliament, - to fast today for that as the king's sin, which they must go about tomorrow as their own duty? 'Tell it not in Gath, publish it not in Askelon, lest the daughters of the Philistines rejoice.' Heathens may rise in judgment against this generation. *Semper idem velle atque idem nolle hæc demum sapientia est.*³⁹ If any wise man be *ubique et semper sibi par et idem*,⁴⁰ what ought a godly man to be?

Fourth Reason. That which is an uncertain mean of preservation of the kingdom, and a more certain mean of destruction of religion, is utterly unlawful. But the employing and intrusting of all men promiscuously, according as is holden out in the public resolutions, is at best an uncertain mean of the preservation of the kingdom, and is a more certain mean of the destruction of religion. *Ergo*, It is utterly unlawful. The first proposition cannot be denied. When any less good comes in opposition with a greater good, the lesser good in that respect becomes evil. We may not endanger certainly a greater good for the probable and uncertain attainment of the lesser. The second proposition I know will be denied, as it was denied in the time of the engagement by the committee of estates. They said, the danger of religion was not infallible, that it might eventually fall out so, but not by any casualty.

And thus it is pleaded now, that the danger of religion is not inevitable; but that the danger of the kingdom is certain: and so these being laid in the balance together, we ought, to eschew a certain danger of the kingdom's destruction, rather hazard a probable danger of religion.

But we shall clear this and confirm the reason. 1. The danger of the kingdom is indeed great; but it is not so certain and inevitable in case of not employing the malignant party, because there may be some competency of power beside. Now the delivery and preservation of the kingdom from this danger, by conjunction with that party, is rather improbable, because we have sentenced ourselves to destruction if ever we should do such a thing again. We are standing under a curse, whereto we have bound over ourselves; and beside, God is in a special manner pursuing that generation, and hath raised up this enemy for their destruction: so that we may with greater probability expect to partake of their plagues, and to fall under our own curse, than to be delivered, or be instruments of deliverance to the kingdom. Or, at the best, it is uncertain. For what is more uncertain than the event of war? The battle in this sense may be said peculiarly to belong to the Lord. Now, on the other hand, the danger of religion is certain and inevitable, though not simply in itself and absolutely, (because the Lord doth in heaven and earth what he pleases,) yet with a moral certainty and infallibility, which is often as great as physical certainty. Suppose these men having the power of the sword, prevail, will they not employ it according to their principles, and for attaining their own ends, which both are destructive to religion? What is more certain than that men act and speak from the abundance of the heart, when there is no outward restraint? It should be a great wonder if they who are so accustomed to do evil, should cease to do evil, when they have power and convenience to do it. Power and greatness hath corrupted many good men. Shall it convert them? Can men expect other fruits from a tree than the nature of it yields? Will one seek figs on thorns, or grapes on thistles? 2. We do not see what defence it can be, for the present, to the kingdom, at least the godly and well-affected in the kingdom, who will be as much troubled in their persons and estates by that party, as by the common enemy. It is known what threatenings the country is filled with, which vent that inveterate malice and hatred to all the well-affected in the kingdom, which they have kept within their breast of a long time: and now they find opportunity of outing it. It is as clear as daylight, that the

most part of all the secluded persons look upon these that opposed them in the Engagement, and shut them out of places of trust, and capacity of employment, as enemies, and as great enemies as the sectaries. And that we may know what to expect when they have full power in their hands, they have already so lifted up their head, that no godly man can promise himself security in many places; and especially the faithful gentlemen and people of the West,⁴¹ who have given more proof of their faithfulness to the cause and kingdom against the common enemy, than any others in the land; yet are they daily suffering violence from these preservators of the kingdom, while they are sufferers under the feet of the enemy. When they have no common enemy, whom, I beseech you, will they prey upon, seeing they do it already while they have an enemy?

But it is replied, That none of the least suspicion are allowed to be in such trust and power, as may be prejudicial to religion; and that an oath is to be taken of all, which is to be conceived as particular, binding, and strict as possible.

Answer 1. What a manifest receding is it from former principles, that it is now conceived, that all places of trust, excepting some few of eminent note, may be filled with secluded and debarred persons, without the prejudice of religion! It is certain that most part of the officers, nominated by the parliament and shires, are not only such, of whom there is just ground of suspicion, but such as have been enemies by actual opposition to the cause of God, or known underminers thereof. Can it be said in good earnest, that none, of whom is any suspicion, shall have such trust as may be prejudicial? Sure we are, there are many just grounds of suspicion and jealousy of general persons,⁴² who have chief trust in our armies: and this the public judicatories are not ignorant of. 2. Oaths and covenants are but like green cords about Samson to bind these men. Would we have them yet once again perjured? Then may we tender an oath to them. Put power in their hand, and then make them swear to employ it well. 'Tis as ridiculous as to give a madman a sword, and then persuade him to hurt none with it. There is no more capitulation with such persons, retaining their old principles, than with the floods or winds. These whom that sacred bond of covenant hath not tied, what oath can bind? Except you can change their nature, do not swear them to good behaviour. Can a leopard change his spots?

Fifth Reason. That which gives great offence and scandal, and lays a stumbling-block in the way, both of the people of the land and our enemies, especially in the way of the godly, that is unlawful. But the present association and conjunction with all persons in the kingdom (excepting a few, if any) is scandalous and offensive to the whole land, to the godly especially, and also to the enemy. Therefore it is unlawful. The *major*⁴³ is beyond all exception, if we consider how peremptory Christ and his apostles are in the point of offence, which yet few Christians do consider. We ought not only to beware of the offence of the godly, but even of wicked men, even of our blaspheming enemies. 'Give no offence neither to the Jew nor Gentile, nor to the church of God.' Christ would not offend and scandalize his malicious enemies. The *minor*⁴⁴ is proved. 1. There is great offence given to the godly in the kingdom by the public resolutions, concerning that conjunction with the malignant party, under the name and notion of subjects. (1.) Because it is known that the most part of them are tender in that point, what fellowship they act with; and this hath been remonstrated unto the commission and committee of estates, from several synods. Now the present resolution layeth that stumbling-block in their way, that they cannot act in the defence of the kingdom, because there is no way left them for the performing of that duty, but that which they in their consciences are not satisfied with. It is a sad necessity and snare that is put upon them, that they cannot perform their bound duty, which they are most desirous of, without sin, because of the way that is taken. (2.) Is it not matter of offence and stumbling to them, to be necessitated by law to that which was their affliction? The mixture that was in our armies was their grief; and their comfort was that the judicatories were minding at [aiming at – ED.] their duty to purge them. But now there is no hope of attaining that; all doors are shut up by the public resolutions. (3.) It undoubtedly will weaken their hands, and make their hearts faint, so that they cannot pray with affection and in faith, for a blessing upon such an army,⁴⁵ the predominant and leading part whereof have been esteemed, and are really enemies to God and his people. (4.) Is it not a great offence that any thing should proceed from the public judicatories that shall lay a necessity upon many godly in the land, to suffer, because they cannot in conscience go along with it? *Next,* It scandalizeth the whole land. What may they think within themselves, to see such dissonancy and disagreement between present and former resolutions and practices? What may they judge of this

inconstancy and levity of the commission, and thus be induced to give no respect and reverence to them in their resolutions? Is it not, at least, a very great appearance of evil to join with that party, that we did declare and repute, but some few weeks since, to be wicked enemies of religion and the kingdom, and look henceforth on them as friends without so much as any acknowledgment of their sin had from them? Shall not they be induced to put no difference between the precious and the vile, not to discern between him that fears God and him that fears him not, when the public resolutions put no difference? Then, how will it confirm all the malignant party in their wickedness? May they not think our solemn vows and engagements, our rigid resolutions and proceedings, were but all contrived and acted out of policy; and that interest and advantage, and not conscience, principled them? Have they not an occasion given them to persecute all the godly, and vent their long harboured malice against these who have been most zealous for reformation and purging of the land? Nay, they are put in the capacity that they have desired, for acting all their resolutions, and accomplishing their designs. And last of all, the present proceedings will not only encourage and animate the common enemy, but confirm them in all the imputations and calumnies they have loaded our church with. May they not have ground to think, that we are but driving on a politic design, and do not singly aim at God's glory, that it is not grounds of conscience that act us, but some worldly interest, when they look upon the inconstancy and changeableness of our way and course, which is so accommodated to occasions and times? Can they think us men of conscience, that will join with all these men of blood, before we will so much as speak with them? It is replied, that the scandal is taken, and not given, which must not be stood upon in the case of a necessary duty. But, 1. We cleared, that there is no necessity of that conjunction; therefore the scandal is given, seeing it is known beforehand that it will be taken. 2. There are many grounds of offence given by the present resolutions, as appears by what is said. If it were no more, it is a great appearance of evil; it is very inductive of many evils; a most fit occasion of all that is spoken; and besides, it is in itself sinful; contrary to God's word, and our oaths.

Sixth Reason. That which makes glad all the wicked and enemies of God in the land, and sad many, if not most part, of the godly, hath much appearance and evidence, if not certainty, of evil. But the public

resolutions and proceedings are such. *Ergo*, - Or thus: - That which makes glad all the wicked, and heightens the hopes and expectations of the malignant party, and makes sad none almost but the godly, and discourages their spirits; that, proceeding from the public judicatories, cannot be right and lawful. But so it is, that that which proceeds from the public judicatories makes glad all the hearts of the wicked, and makes sad none almost but the godly; heightens the hopes of the malignants, and makes them say, their day is coming, 'lo we have seen it;' and discourages the godly, and makes them almost say, 'Our hope is cut off, our glory is departed.' *Ergo*, It cannot be right, at least it hath a great and convincing appearance of evil.

This argument may be thought more popular than either philosophical or scriptural. But such an argument the General Assembly, 1648, made use of against the Engagement. It is no ways imaginable, how the wicked and ungodly in the land would so insult and rejoice in this day, if they saw not some legible characters upon it, which were agreeable to their own principles and ends. The children of God are, for the most part, led by the Spirit of God, and taught the way they should choose, John xvi. 13; Psal. xxv. 12. So that readily they do not skunner [shudder – ED.] at courses approven of God. But the children of the world being, at best, led by their own carnal minds and senses, and, for the most part, acted by a spirit of disobedience and enmity against God, they use not to rejoice at things that do not suit with their carnal hearts, and are not engraven with the character of that which is imprinted in their spirits. We see now that the wicked walk on every side, when the vilest men are exalted. And when the wicked rise, the righteous is hidden; and when they bear rule, the people mourneth: but when righteous men are in authority, the people do rejoice; and when the righteous rejoiceth, there is great glory, Ps. xii. 8; Prov. xxviii. 12; and xxix. 2.

Seventh Reason. That which is the accomplishment and perfecting of the malignant design that hath been driven on these years past, especially since the Unlawful Engagement, cannot be a course approven of God. But the present course is the accomplishment of that design.

Ergo, That there hath been a design, for a long time, driven and endeavoured, both at home and abroad, with much policy and industry, by many turnings and windings, and by arguments of several kinds, as the exigence of the times did furnish, - and that the design was, to

have all such persons in trust and power again, who had been secluded, that so they might compass their own ends, - hath not been denied hitherto: and we are persuaded no man that fears God, and observes the times, is ignorant of it. Let the public papers of the treaty at Breda,⁴⁶ and the public papers of this kingdom and church at home, be consulted. They bear witness for us. Was not the foundation of it laid in Holland, and many of them in both nations, brought home with the king contrary to public resolutions, and by the prevailing influence of some in the state, kept in the kingdom, contrary to public resolutions? Was not the work of purging judicatories and armies obstructed; the godly discountenanced and discouraged; great endeavours used to raise the malignants in the South and in England; and, since the defeat, to raise all without exception in the North; but when that could not be obtained, by the withstanding of honest men in the state? The levies appointed, which would have been a considerable force for the defence of the kingdom, were rendered wholly ineffectual; partly by taking money for men; partly by raising the malignant party; and then pretending to go against them, they were pacified by an act of indemnity: the fruit and result of all which is, this present conjunction with them, and putting the power of judicatories and armies in their hand. Thus the design is completed.

Eighth Reason. That which will increase the Lord's indignation and controversy against the land yet seven times more, that is very unlawful and unseasonable. But so it is, that confederacy and association with the people of these abominations, will increase the Lord's indignation and controversy seven times more. *Ergo*, The assumption was as manifest and uncontroverted as the proposition, a few months ago, but it is begun now to be questioned by some, *qui quod sciunt nesciunt, quia sapiunt.*⁴⁷ But we shall evince it. 1. We are standing under such a sentence, which we deliberately and sincerely passed upon ourselves, in the days of our vows to God, that if we did ever any more join with the people of these abominations, the Lord would consume us till there was no remnant. And this was not done in rashness but in sobriety, and with a scripture precedent, Ezra ix. 12, 13. 2. Our experience hath made this clear to us, we never did mingle ourselves among them, but the Lord did pursue us with indignation, and stamped that sin, as in vive⁴⁸ characters, upon our judgment. God hath set upon that rock, that we have so oft split upon, a remarkable beacon. Therefore we do not only

in our solemn engagements, bind ourselves over to a curse, in case of relapsing, but pass the sentence of great madness and folly on ourselves. *Piscator ictu sapit.*⁴⁹ Experience makes fools wise, but it cannot cure madness. Did not that mixture provoke God at Dunbar?⁵⁰ And is this the way to appease him, to revolt more and more? 3. Conjunction and confederacy with that party, doth necessarily infer a communion in blessings and plagues; we must cast in our lot with them, and have all one purse. Now it hath been confessed and declared by this church, that God hath a notable controversy with that party; that this enemy is in an eminent way to bear them down and crush them. Therefore if we join with them, we must resolve to partake of their plagues, and have that controversy pleaded against us also.

It is answered, That indignation need not be feared simply on this account, because the means are lawful and necessary; else, if this have any force, it will conclude, that we should lie down and do nothing, because God's indignation is upon the whole land.

But we reply, 1. Though it be true, that this enemy is the rod of God's indignation against the whole land; yet it is certain to us, and hath been formerly unquestioned, that they are raised up in a special way, to execute God's wrath on malignants, and God doth arm them with power in a signal manner for that end. Besides, the Lord's anger and indignation against his enemies is such, as will burn and none can quench it. It is of another nature than his wrath against his own people, which is a hiding of his face for a moment. He corrects us in measure and judgment, but leaves us not altogether unpunished. But he makes an end of other nations, especially these that rose up to actual enmity and hatred of his people, and shedding of their blood. And therefore, if any man would not meet with wrath and sore displeasure, he would stand at a distance with such as God hath appointed for destruction; we mean, as long as they carry in their foreheads the mark of the beast. When God hath such a remarkable controversy against a people, then 'he that helpeth and he that is helped shall both fall together,' Isa. xxxi. 3. All that is in league with them, shall fall with them by the sword, Ezek. xxx. 5. and xxxii. 21. 2. Since it is known that the malignant party have not changed their principles, and so they cannot but in prosecuting this war establish their old quarrel and follow it, viz. the king's arbitrary power, the interest of man above God's, or the kingdom's interest; we leave it to be judged impartially, whether or not

these that associate with them, do espouse that quarrel and interest, at least expose themselves to all that wrath and indignation, which hath hitherto followed that quarrel, seeing they must have common blessings and curses. Will not that quarrel holden up by most part of the army, be a wicked thing, an Achan in the camp, that will make God turn away from it, and put Israel to shame?

Having thus established the truth; in the next place, we come to take off what objections are made to the contrary.

First. It is argued from human authority. The uncontroverted and universal practice of all nations in all generations, is, to employ all subjects in the case of necessary just defence. It was the practice of our reformers, who took into the congregation, and received all that, upon acknowledgment of their error, were willing to join, though they had been on the contrary faction. Such an universal practice of Christian nations, though it be not the ground of our faith, yet it is apparent that it cannot want reason for it.⁵¹

Answer 1. This will plead as much against the exceptions added in the answer to the query and act of levy; for seeing other nations except none, in the case of necessary defence, why should we except any? And if once we except any upon good and convincing grounds, upon the same ground we ought to except far more. 2. Mr. Gillespie, in his Treatise of Miscellany Questions,⁵² makes mention that the city of Strasburg, 1529, made a defensive league with Zurich, Berne, and Basil; because they were not only neighbours, but men of the same religion. And the Elector of Saxony refused to take into confederacy those who differed from him in the point of the Lord's supper; lest such sad things should befall him, as befell these in Scripture, who used any means of their own defence. This rule was good *in thesi*, [as a general principle – ED.] though in that case misapplied. Now then, if they made conscience of choosing as the means of their own defence, a confederacy with foreigners; may not the same ground lead us to a distance from our own countrymen, as unqualified, who have nothing to commend them but that they are of the same nation, which is nothing in point of conscience? 3. The practice of other nations, that are not tender in many greater points, cannot be very convincing: especially, when we consider that the Lord hath made light to arise, in this particular, more bright than in former times. God hath taken occasion of illustrating and

commending many truths unto us in this generation, from the darkness of error, and of making straight many rules, from the crookedness of men's practice and walking. Is not the Lord now performing the promise of purging out the rebels from among us and them that transgress? God hath winked at former times of ignorance. But now, the Lord having cleared his mind so to us, how great madness were it to forsake our own mercy, and despise the counsel of God against our own souls? (1.) As for that instance of our reformers, there could not have been any thing brought more prejudicial to that cause, and more advantageous for us. After they were twice beaten by the French in Leith, and their forces scattered, and the leaders and chief men of the congregation forced to retire to Stirling; John Knox, preaching upon the eightieth Psalm, and searching the causes of God's wrath against them, condescends upon this as the chief cause, that they had received into their councils and forces, such men as had formerly opposed the congregation, and says, God never blest them since the Duke had come among them. See Knox's Chron.⁵³ (2.) It cannot be showed that ever they took in a party and faction of such men, but only some few persons; which, though it was not altogether justifiable, was yet more excusable. But now the public resolutions hold forth a conjunction with all the bloody murderers in the kingdom (excepting very few), and these without profession of repentance in many, and without evidence of the reality of it almost in any. (3.) These persons were not such as had once joined with the congregation, and relapsed and became enemies to it; but they turned to the protestant religion from popery. But ours is a different case.

Second. It is argued from scripture. Three scripture instances are brought to justify the present proceedings. The first instance is from the practice of God's people in the book of Judges, who, when for defection from religion they were brought under oppression, yet when any governor was raised by God for their defence, they gathered and came all out promiscuously, notwithstanding a great part of them had been in the defection. Yet it is not found that their governors are reprov'd for this, but rather sad curses on them that came not out to the work, Judges v. 15, 16, 17, 23. The second instance is from the story of the kings, very like the first. When, after defection, gracious reforming kings arose, and had to do against foreign invasion, we find them not debarring any subjects, but calling them out promiscuously. Neither is

this laid to their charge, that they called out such and such subjects, though we may perceive by the story of the prophets, that the greater part of the body of the people were wicked, &c.

We answer to these two instances jointly. 1. We may by the like reason prove, that which is as yet uncontroverted (we know not how long), that we ought at no time to make choice of instruments, neither in case of prosecution of the cause and the invasion of others, nor yet in the time when choice is to be had; and so, that all our former engagements, resolutions, and proceedings, in the point of purging judicatories and armies, was superfluous and supererogatory, because we read not that the reforming kings and judges, whenever they had an invasive war, and in the times that they had greatest plenty and multitudes of people, did ever debar any of their subjects from that service, but called them out promiscuously. Neither is this laid to their charge; though we may perceive that the greater part of the people were wicked under the best kings. Therefore we may lawfully employ any subjects of the kingdom in any of our wars. And we may look upon all indifferently, without any discerning of persons that fear God and them that fear him not, as in good capacity to be intrusted, even when otherwise we have choice of good instruments. Certainly it follows, by parity of reason. For if you conclude that, from the calling forth all promiscuously, and no reproof given for it, in the case of necessary defence; then we may conclude, from the calling forth of all promiscuously, and in the case of an invasive war, and no reproof recorded, that neither, in such a case, is it sinful to make no difference; and that with strong reason, because it being more easy in such a case to choose instruments, and no necessity pleading for it; if it had been sinful, the prophets would have rather reproved it, then rebuked them for using such means in a case of necessity. 2. We may argue after that manner, that in the case of necessary just defence, there should be no exceptions made at all of any persons, because we read not that the judges or kings debarred any subjects, neither that they were rebuked for so doing. Therefore the instances militate as much against the exceptions added in the answer to the query, as against us; unless it be said that there were no such persons among that people, which were as groundless rashness as to say that they gave all evidence of repentance. 3. Seeing the judges and the reforming kings of Judah were so accurate and exact in cleaving to the law of God, and walking

according to it in all other things; it were more charitable and Christian judgment to say, that since they are not reproved for any fault in this particular, that they were also exact to walk according to the rule, (Deut. xxiii.) in so great a point as this. 4. Men's practice is often lame and crooked, and therefore must be examined according to the rule; but it were not fair dealing to accommodate the rule to men's practice. Seeing then we have so clear and perfect a rule (Deut. xxiii.), which must judge both their practice and ours; we see not how their practice can be obtruded as a rule upon us, which itself must be examined according to a common and general rule. If it be not according to that law, we hold it to be sinful in itself, and so no precedent for us; albeit the prophets did not reprove it in express and particular terms (as they did not reprove man-stealing, &c.), yet they rebuked it by consequence, in as far as they rebuked the kings for association with wicked Israelites, which is condemned upon grounds common to this very case in hand. 5. We see not any ground for such promiscuous calling forth of the people by the judges. Barak's business, as that of Jephthah and Gideon, was done by no great multitudes of people, but a few choice men. 6. As the oppression was heavy and continued long; so the repentance of the people was solemn, and their deliverance a fruit of this. 7. Their case and ours is very different. None of Israel or Judah did fight against the profession of the true religion, and shed the blood of their fellow-subjects who were for the defence of the same. Israel in the days of the judges, and Judah in the time of the reforming kings, was not divided the one half against the other, upon opposition and defence of the true religion, and the better part, after many experiences of the treachery and enmity of the most of the worst part, solemnly engaged to God, not to admit them to employment and trust, but upon real evidence of repentance, of which they should judge as in the sight of God. And last of all, did ever Israel or Judah, in the days of their judges and reforming kings, admit into their armies a party and faction of such as had given no real evidence of their abandoning their former course; and such a party, as had been long studying to get the power of armies and judicatories in their own hands for attaining their own ends? But all those are in our case.

The third instance from scripture, is from 1 Sam. xi., which is alleged to be a clear practice, and stamped with divine approbation. In the case of Jabesh-Gilead besieged by a foreign, enemy, Saul commands all to

come forth for defence of their brethren, under pain of a severe civil censure. Now, what Saul did in this business, the Spirit of God is said to act him to it; and what the people did, was from the fear of God, making them obey the king. And then Samuel in this acting concurs jointly, and makes no opposition. And last of all, the people came forth as one man, and yet (chap. x. 27.) many men of Belial were among them, who malignantly opposed Saul's government, contrary to God's revealed will.

To which we answer, 1. The stamp of divine approbation is not apparent to us; success doth not prove it. Neither the Spirit coming on Saul, nor the fear of God falling on the people, will import a divine approbation of all that was done in the managing that war. That motion of the Spirit is no sanctifying motion, but a common, though extraordinary, impulse of Saul's spirit to the present work, which, doubtless, was in the king of Babylon, whom God raised up, fitted and sent for the destruction of many nations: albeit that work in his hand was iniquity. That fear of God that fell upon the people, was but a fear of the king imprinted by God, and it is more peculiarly attributed to God, because the people did despise and contemn him, which makes their reverence and fear to be a more extraordinary thing upon a sudden. Then Samuel, not opposing the course in hand, doth no more import his approbation of all that was done in it, than his not reproving the men of Belial doth prove that he approved of their opposition. 2. It doth not appear that the men of Belial were a great faction and party; there is something in ver. 12. speaks against it. It is not like the people would put a faction and party to death. 3. Neither doth it appear that they were in the army. For that which is said, that all the people came out as one man, doth only import, that the body and generality of them came forth; and that it was a wonder so many came forth so suddenly at the command of the king, who was but mean and abject in their eyes. It is certain that all fencible persons were not present, because the whole army being numbered, ver. 8, was but 330,000. And who will say there was no more men in Israel, when they had 600,000 such, and above, before their coming into the land? Seeing then, many have staid at home, it is most probable that these men of Belial would not come, seeing they despised Saul's mean and low condition in their heart, and thought him unfit to lead their armies, till he should prove what was in him. That which is said, ver. 12, doth not prove they were in the camp.

It might be conveniently spoken of absent persons. 4. It is not certain that these men were wicked and scandalous in their conversation, haters of godliness and of their brethren; but that they stood at distance only with Saul, in the point of his election, which indeed was blame-worthy, seeing God had revealed his mind in it. And therefore they are called men of Belial, as Peter was called Satan, for opposing Christ's suffering.

Some other scriptures are alleged by some, as David's employing of such men, &c., all which are cleared in Mr. Gillespie's Treatise of Miscellany Questions, quest, 14.

Third. It is argued from reason. And, 1. That which any is obliged to do for another's preservation by the law of God and nature, and which he cannot omit without the guilt of the other's destruction, that may the other lawfully require of him to do when he needs it, and when it may be done without the undoing of a greater good. But so it is, that every subject is obliged by the law of nature, oath and covenants, and the law of God, to endeavour to their power, the preservation of the kingdom against unjust violence. And the safety of the kingdom stands in need of many subjects' assistance who were secluded. And it may be done without undoing a greater good than is the preservation of religion.

Ergo,

This argument hath an answer to it in the bosom of it. (1.) We shortly deny the assumption, in relation to the two last branches, both that the kingdom's preservation stands in necessity of these men's help; and that their help tends not to the undoing of a greater good, seeing there is no reason given to confirm these two points, wherein the nerve of the business lies. We refer to a reason of our denial of them given p. 22.* (2.) It is true that the obligation to such a duty lies upon all; but that obligation is to be brought into act and exercise in an orderly and qualified way, else what need any exceptions be in the act of levy? Excommunicated persons are under the same obligation, yet the magistrate is not actually obliged to call such, but rather to seclude them. Are not all bound to come to the sacrament who are church members? Yet many are not in a capacity to come, and so ought neither to presume to come nor be admitted. Are not all subjects obliged to defend the cause of God, and to prosecute it? And yet many, because of their enmity to the cause of God, are actually incapable of

employment in the defence or prosecution thereof. (3.) The law of nature is above all human laws and constitutions, they must cede whenever they come in opposition to it. *Salus populi is suprema lex* ["the safety of the people" is "the highest law" – ED.] in relation to these. But, in relation to the law of God, it is not so. Sometimes the law of nature must yield to positive commands of God. Abraham must sacrifice his son at God's command. The law of nature obliges us to the preservation of ourselves; but it does not oblige to every mean that may be found expedient to that end, unless it be supposed lawful and approved of God. Therefore the Lord in his written word doth determine what means we may use for that end, and what not. But, (4.) We conceive that the law forbidding association and confederacy with known wicked and ungodly persons, is included in the law of nature, as well as the law that obliges us to self-preservation. That is grounded on perpetual reason, as well as this. Nature bids me preserve myself, and nature binds me to have one friend and foe with God. The heathens had a notion of it. They observed, that Amphiaraus, a wise and virtuous man, was therefore swallowed up in the earth with seven men and seven horses, because he had joined himself and associated with Tydeus, Capaneus, and other wicked commanders marching to the siege of Thebe. Mr. Gillespie's. *Miscell. Quest. chap. 14. p. 171.*⁵⁴

2. The second reason is framed thus *in hypothesis*.⁵⁵ Such as are excluded are a great part, if not the greater part, of the remnant of the land, if rules of exclusion be extended impartially. Now, they having their, lives, and liberties allowed them, must either in these things be insured by the interposing of a competent power for their defence, or else they must have liberty to act for themselves. But so it is, that we cannot interpose a competent power for their protection. *Ergo*, They must have liberty to act for themselves. *Nam qui dat vitam, dat necessaria ad vitam.*⁵⁶

We answer, (1.) It is not certain that such as are excluded are the greater part of the land. However, it is certain, that though the rule had been kept, and endeavours had been used to walk according to it, yet many whom it excludes would have been taken in. There is a great difference between endeavour of duty, and attaining its perfection. If the rule had not been quite destroyed, so great offence could not have been taken, though it had not been strictly urged in all particulars. (2.) We still affirm, upon evident grounds to us, that there is a power

competent in the land, beside the malignant party, which may protect the land and insure their lives and liberties. (3.)⁵² We are persuaded many of that party, who have been so deeply involved in blood-guiltiness and barbarous cruelties, should neither have lives nor liberties secured to them, because they ought not to be permitted to live. But the not taking away so much guilty blood from the land by acts of justice, is the cause that so much innocent and precious blood is now shed. Our rulers have pardoned that blood which God would not pardon: and therefore would not pardon it to the land because they pardoned it to the murderers.

SECTION IV.

THAT IT IS NOT LAWFUL FOR THE WELL-AFFECTED SUBJECTS TO CONCUR IN SUCH AN ENGAGEMENT IN WAR, AND ASSOCIATE WITH THE MALIGNANT PARTY.

SOME convinced of the unlawfulness of the public resolutions and proceedings, in reference to the employing of the malignant party, yet do not find such clearness and satisfaction in their own consciences as to forbid the subjects to concur in this war, and associate with the army so constituted. Therefore it is needful to speak something to this point, That it is as unlawful for the subjects to associate and join in arms with that party as it is for the parliament to employ them. For these reasons.

1. The scriptures before cited against associations and confederacies with wicked and ungodly men do prove this. The command prohibiting conjunction with them and conversing, &c. is common both to magistrates and people; for the ground of it is common to both: - The people's ensnaring, helping of the ungodly, &c. It were strange doctrine to say, that it is not lawful for the parliament to associate in war with the malignants, lest the people be ensnared: and yet it is lawful for the people to associate with them upon the command of the parliament, seeing the ensnaring of the people hath a more immediate connexion with the people's conjunction with them, [than] with the parliament's resolution about it. Had it not been a transgression in all the people to have joined with these men before the parliament's resolution about it? How then can their resolution intervening loose the people from their obligation to God's command? Shall it be no sin to me, because they sin

before me? Can their going before me in the transgression, exempt me from the transgression of that same law which obliges both them and me? 2. The people were reprov'd for such associations as well as rulers, though they originated from the rulers. The prophets speak to the whole body. 'What hast thou to do in the way of Egypt?' &c. Jer. ii. 18. And Isa. xxxi. 'Wo to them that go down to Egypt.' Psal. cvi. 'They mingled themselves,' &c. The Lord instructed Isaiah, and in him all his own people, all the children whom God had given him, saying, 'Say ye not, A confederacy, to all them to whom this people shall say, A confederacy,' Isa. viii. 12. When all the people were going on in such a mean of self-defence, the Lord instructed him and the disciples among whom the testimony was sealed, that they should not walk in the way of this people. When Jehoshaphat was reprov'd for helping the ungodly, were not all his people reprov'd that went with him? They were the helpers of the ungodly as well as he. If Amaziah had refused to dismiss the army of Israel whom God was not with, doubtless it had been the subject's duty to testify against it, and refuse to concur and act in such a fellowship.

3. If the association and conjunction with malignants be only the sin of the parliament, and not the sin of the people, who do upon their command associate with them; then we cannot see how people can be guilty of association with malignants at any time, and in any case. To join with them in an ill cause is not lawful indeed. But neither may we join with good men in an evil cause. Suppose then the cause be good and necessary (as no war is just if it be not necessary), in what case or circumstances shall association with them be unlawful for the people? If it be said, in case the magistrate command it not; we think that strange divinity, that the sole command of the magistrate should make that our duty, which in absence of his command is our sin, and that not because of the absence of his command but from other perpetual grounds. Certainly, whenever association with them is a sin, it is not that which makes it a sin, because the magistrate commands it not, but because God forbids it. And it is as strange, that the unlawful and sinful resolution of parliament should make that lawful to me which otherwise had been unlawful. It is known that human laws oblige not, but as they have connexion with God's word. Now if that law, enjoining a confluence of all subjects for the defence of the kingdom, be contrary to the word, in as far as it holds out a conjunction with malignant and

bloody men, how can it be lawful to me, in obedience to that ordinance, to associate with these men? If it be said to be lawful in the case of necessity, that same necessity is as strong a plea for the magistrate's employing them, as for the people's joining with them: and if it do not justify that, it cannot excuse this. If the lawfulness of the mean must be measured by the justice and necessity of the end; then certainly any mean shall be lawful in the case of just and necessary defence; then we may employ Irish cut-throats; then we may go to the devil for help, if expediency to compass such a necessary and just end be the rule of the lawfulness of the mean.

4. The whole land is bound by the covenant and solemn engagement not to associate with the malignant party. *Ergo*, It is as sinful for the people to join with them as for the magistrate to employ them. Are we not all bound by covenant, to endeavour to bring malignants to condign punishment, and to look on them as enemies? And is not conjunction and confederacy with them, on the people's part, as inconsistent in its own nature with that duty, as the magistrate's employing them is inconsistent with his covenanted duty? When all the people did solemnly engage themselves not to join any more with the people of these abominations, was the meaning of it, we shall not join until our rulers join first; or, we shall not join with them in an ill cause? No indeed; but, we shall not employ them in a good cause, or join with any party of them in it. If that engagement be upon every one in their station, let us consider what every man's station in the work is. The ruler's station and calling is to choose instruments, and levy forces for the defence thereof. The subject's station and calling is, to concur in that work, by rising in defence of the cause and kingdom. Now, what did the subject then engage unto? Certainly, unless we mock God, we must say, that as the magistrate engaged not to employ that ungodly generation in a good cause, so the subject engaged not to join with any such party even in a good cause. If this be not the meaning of our engagements and vows, we see not how the subjects are in capacity to break them, as to that precise point of association.

In sum, All the reasons that are brought to prove the unlawfulness of the public resolutions, may with a little variation be proportionably applied to this present question. Therefore we add no more but a word to an objection or two.

Objection 1. A necessary duty, such as self-preservation is, cannot be my sin. But it is the subject's necessary duty to rise in defence of the kingdom. *Ergo,*

Answer. A necessary duty cannot be a sin in itself, but it may be a sin in regard of some circumstances, in which it ceases to be a necessary duty. It is a necessary duty to defend the kingdom. But it is neither a duty nor necessary to do it in such a conjunction and fellowship, but rather a sin. If I cannot preserve myself, but by an unlawful mean, then self-preservation in such circumstances is not my duty.

Objection 2. Jonathan did assist Saul in a war against the Philistines invading the land, and no doubt many godly joined and died in battle. Now this is commended in scripture, as may be seen in David's funeral⁵⁸ upon them; although it was known that Saul was an hater of God's people and a persecutor, and that God had a controversy with him, and that these 3,000 that assisted him against David were also ungodly and wicked men.

Answer 1. These scriptures speak nothing to commend that particular act of Jonathan's conjunction in war with his father. David in his epitaph speaks much to the commendation of both Saul and Jonathan, as of excellent warriors, and of Jonathan as a kind and constant friend to him; but there is nothing touched of that point. If that place be pressed, it will follow with much more evidence, that Saul was as good a man as Jonathan, and that the people of God had great loss in his death. But none of these must be pressed rigorously from a speech wherein he vents his affection and grief. 2. Suppose the natural bond of Jonathan to Saul his father, and the civil bonds of the people to Saul their king, did oblige them to join with him against the common enemy; yet we think they ought not to have associated with these persecuting servants, and the 3,000 that pursued David, but they ought to have pleaded for a purging of the army. 3. It is not probable that there were many, godly persons employed in that army. David complains of that time, (Psal. xii.) that the godly man ceased, and the faithful from among the children of men: and that the wicked walked round about when the vilest men were exalted. 4. Many of the laws of God have not been much taken notice of, even by godly men, until the Lord hath taken occasion to reprove them particularly, and so to mind⁵⁹ them of their duty. It is likely the rule, (Deut. xxiii.) had not been considered till

the time of Jehoshaphat and Amaziah. ⁶⁰[However it be, they had not so many solemn and particular ties of oaths, and covenants, and vows, and confessions, as we have lying on us. 5. Let no man wonder that such particular escapes are not always reprov'd in scripture, who considers that the fathers' polygamy, though so frequent among them, was not laid to their charge.

Objection 3. Separation from the army, because of the sin of magistrates, in employing such unqualified persons, is paralleled to separation from church worship, because of the sin of the false worshippers, and because the guides of the church do not exclude them. *Answer 1.* We have particular commands about this, and many examples of it, which we have not about separation from a true church, and lawful worship. Union and conjunction with an enemy renders conjunction, and their fellowship, more dangerous and infectious than conjunction in a church state. Judah might not separate from these Israelites in lawful ordinances, or from the ordinance [because] of their presence. And yet they might not help them nor take help from them. Paul did not exhort any to separate from the worship at Corinth, because of the presence of scandalous persons at it: and yet he charges them not to converse with such brethren as walk disorderly. Notwithstanding of union in church and state, we may look on many as such as should not be joined with in some other bonds. It is not lawful for a godly man to marry a profane woman: though a visible professor, he may not join in such a tie, although he ought not to separate from church worship for her presence. *Besides*, there is a conjunction in arms for one cause, as necessarily makes men partakers of the same blessings and cursings; and therefore we should give the more diligent heed, when we partake with them in lawful things. 3. Are we all tied, by such particular oaths and solemn vows, not to join with the scandalous persons of a congregation in lawful worship, as we are, not to associate with the malignant party in the defence of the cause of God, and kingdom? It cannot be said. Therefore the cases are not paralleled.

We shall close all with a testimony of one of the Lord's most faithful witnesses, Mr. Gillespie, whose light in this case was once very seasonably held forth, and effectual to the preventing of the declining of this land: and we hope it will not be wholly forgotten by them, with whom it had weight then. In his letter to the General Assembly, 1648, he sayeth, "I am not able to express all the evils of compliance, they

are so many. Sure I am, it were a hardening of the malignant party, a wounding of the hearts of the godly, a great scandal to our brethren of England, an infinite wronging of those who, from their affection to the covenant and cause of God, have taken their life in their hand; who, as they have been strengthened and encouraged, by the hearing of the zeal and integrity of the well-affected in this kingdom, and how they oppose the late Engagement, so they would be as much scandalized to hear of a compliance with malignants now. Yea, all that hear of it may justly stand amazed at us, and look on us as a people infatuated, that can take in our bosom the fiery serpents, that have stung us so sore. But above all, that which would heighten these sins to the heavens is this, that it were not only a horrible backsliding, but a backsliding into that very sin, which was especially pointed at, and punished by the prevalency of the malignant party; God justly making them thorns and scourges, who were taken in as friends, without any real evidence, or fruits of repentance. Alas! shall we split twice upon this same rock, yea, run upon it, when God has set a beacon on it? Shall we be so demented as to fall back to the same sin, which was engraven in great letters in our late judgment? Yea, I may say, shall we thus out-face and out-dare the Almighty, by protecting his and our enemies, when he is persecuting them; by making peace and friendship with them, when the anger of the Lord is burning against them; by setting them on their feet, when God hath cast them down? O! shall neither judgments nor deliverances make us wise? I must here apply to our condition the words of Ezra; 'And after all this is come upon us for our evil deeds, and for our great trespasses, seeing that thou our God hast punished us less than our iniquities deserve, and hast given us such deliverance as this; should we again break thy commandments, and join in affinity with the people of these abominations, wouldest thou not be angry, with us till thou hadst consumed us, so that there should be no remnant nor escaping?' O happy Scotland! if thou canst now improve aright, and not abuse this golden opportunity, - but if thou wilt help the ungodly, or love them that hate the Lord, wrath upon wrath, and woe upon woe, shall be upon thee from the Lord.

"This testimony of a dying man (who expects to stand shortly before the tribunal of Christ) I leave with you my reverend brethren," &c. And again in his Testimony against association and compliance with malignants, written two days before his death, he says, "Seeing now, in

all appearance, the time of my dissolution is very near, although I have, in my latter will, declared my mind of public affairs; yet I have thought good to add this further testimony, that I esteem the malignant party in these kingdoms the seed of the serpent, enemies to piety, and Presbyterian government, (pretend what they will to the contrary,) a generation that have not set God before them. With the malignants are to be joined the profane and scandalous, from all which, as also from heresies, and errors, the Lord I trust is about to purge his churches. I have often comforted myself, and still do, with the hopes of the Lord's purging of this polluted land; surely the Lord has begun, and will carry on that great work of mercy, and will purge out the rebels. I know there will be always a mixture of hypocrites, but that cannot excuse the conniving at gross and scandalous sinners. This purging work, which the Lord is about, very many have directly opposed, and said, by their deeds, we will not be purged nor refined, but we will be joining, and mixing ourselves with those whom the ministers preach against, as malignant enemies to God and his cause. But let him that is filthy, be filthy still; and let wisdom be justified of her children. I recommend to them that fear God, sadly and seriously to consider, that the Holy Scripture doth plainly hold forth, 1. That the helping of the enemies of God, or joining and mingling with wicked men, is a sin highly displeasing. 2. That this sin hath ordinarily ensnared God's people into divers other sins. 3. That it hath been punished of God with grievous judgments. 4. That utter destruction is to be feared, when a people, after great mercies and judgments, relapse into this sin, Ezra ix. 13, 14. Upon the said and the like grounds, for my own exoneration, that so necessary a truth want not the testimony of a dying witness of Christ, also the unworthiest of many thousands, and that light may be held forth, and warning given, I cannot be silent at this time, but speak by my pen, when I cannot by my tongue; yea, now also by the pen of another, when I cannot by my own; seriously and in the name of Jesus Christ, exhorting all that fear God, and make conscience of their ways, to be very tender and circumspect, to watch and pray that they be not ensnared in that great dangerous sin of conjunction, or compliance with malignant or profane enemies of the truth, under whatsoever prudential considerations it may be varnished over, which if men will do, and trust God in his own way, they shall not only not repent it, but to their greater joy and peace of God's people, they shall see his work go on, and prosper gloriously. In witness to the premises, I have

subscribed the same with my hand at Kirkaldy,⁶¹ December 15th, 1648.
Mr. Frederick Carmichael,⁶² at Markinch, and Mr. Alex. Moncreiff,⁶³
minister at Scoonie,

Sic Sub.

GEORGE GILLESPIE.

F. C. *Witness.*

A. M. *Witness."*]

SECTION V.

SCRIPTURES SHOWING THE SIN AND DANGER OF JOINING WITH WICKED AND UNGODLY MEN.

WHEN the Lord is punishing such a people against whom he hath a controversy, and a notable controversy, every one that is found shall be thrust through: and every one joined with them shall fall, Isa. xiii. 15. They partake in their judgment, not only because in a common calamity all shares, (as in Ezek. xxi. 3.) but chiefly because joined with and partakers with these whom God is pursuing; even as the strangers that join to the house of Jacob partake of her blessings, chap. xiv. 1. To this purpose is Isa. xxxi. 2, 3. and Ezek. xxx. 5, 6, 8. The mingled people and those that are in league with Egypt partake in her plagues, and those that uphold that throne that God so visibly controverts with, their power shall come down, and all its helpers shall be destroyed, as it is Jer. xxi. 12, 20, 24. And this is the great reason of these many warnings to go out of Babylon, Jer. l.8. and li. 6. Remember that passage, 2 Kings i. 9, 10, 11, 12. The captain and messenger of the king speaks but a word in obedience to his wicked master's command, and the fifty are but with him, and speak not: but their master's judgment comes on them all.

Consider how many testimonies the wise king, in his Proverbs, gives against it. Chap. i. from ver. 10, to 19, 'My son, if sinners entice thee, consent thou not. If they say, Come with us, let us lay wait for blood, let us lurk privily for the innocent without cause. Let us swallow them up alive as the grave, and whole as those that go down into the pit. We shall find all precious substance, we shall fill our houses with spoil. Cast in thy lot among us, let us all have one purse. My son, walk not thou in the way with them; refrain thy foot from their path. For their feet run to

evil, and make haste to shed blood,' &c. Here are the practices and designs of wicked men expressed in their own nature. But certainly they would colour them over with fair pretences. Their purpose is to undo men, especially godly men that classed and purged them. Yea, it is the profession of many, and they scarce lie privily, or have so much wisdom as to conceal their designs till their fit opportunity: but before the power be confirmed in their hand, they breathe out cruelty against all the innocent in the land, and promise themselves great gain by it, and are already dividing their estates among them, saying we 'shall find all precious substance,' ver. 13. But, my son, if thou fear God, though they entice thee with specious arguments of nature, and necessity, and country privileges, yet consent not. Venture not thy stock in one vessel with them. Cast not in thy lot among them.' Walk not in the way with them: refrain thy foot from their path:' for they are not come to the height of iniquity, they are running on to it. And if thou join, thou wilt cast thyself in a miserable snare; for either thou must go on with them to their designed and professed evils, or be exposed to their cruelty.

Chap. ii. from ver. 10. to the end.' When wisdom entereth into thine heart, and knowledge is pleasant to thy soul; discretion shall preserve thee, understanding shall keep thee: to deliver thee from the way of the evil man, from the man that speaketh froward things; who leave the paths of uprightness, to walk in the ways of darkness,' &c. If thou take the word of God for a lamp to thy feet, and it enter into thy soul, and be received in love and affection, it will certainly keep thee from the evil men's way, who have already left the righteous paths to walk in the ways of darkness, who rejoice in nothing so much as in the sorrows and miseries of the godly, and delight in one another's wickedness. And it will keep thee chaste to thy husband Christ Jesus, and preserve thee from committing fornications with Egypt as Aholah and Aholibah, and joining so nearly with the degenerated seed of Abraham, who are but as strangers. For come near their house and paths, and they will lead thee to destruction with them, or make thee a more miserable life. But these that go to them return not again quickly. They are like fallen stars. Shall they ever be set in the firmament again? It is safest to walk with good and righteous men: for God's blessing and promise is on them. His curse and threatening is on the wicked. Therefore thou mayest fear wrath on that account, if thou join with them.

Chap. iv. ver. 14 - 20. 'Enter not into the path of the wicked, and go not in the way of evil men. Avoid it, pass not by it, turn from it, and pass away. For they sleep not except they have done mischief: and their sleep is taken away except they cause some to fall. For they eat the bread of wickedness, and drink the wine of violence. But the path of the just is as the shining light, that shineth more and more unto the perfect day. The way of the wicked is as darkness: and they know not at what they stumble.' It was said, chap. iii. 23. that the man who keeps wisdom and the fear of God in his heart, should walk in the way and not stumble. That safely hath ease in it here. Their steps are not straitened, as when a man walks in steep and hazardous places, who cannot choose but it will be. If a man enter into the path of wicked men, he must either go along in their way with them, and then it is broad indeed; or, if he think to keep a good conscience in it, he will be pinched and straitened. Therefore it is most free for the mind and conscience to avoid and pass by that way: 'for they sleep not,' &c. They will never be satisfied till they have done a mischief, they will live upon the ruins of the poor country. And how wilt thou join in that? Or how can thou eschew it, if thou walk with them? If it were no more, it is a suspected by-path, that thou never traveled into. O pass by it: or, if thou be entered, turn out of it. If thou wilt enter upon the apprehension of some light and duty in it, know that it is but evening, the sun is setting, and thou wilt be benighted ere it be long: and thou shalt stumble then, and not know whereupon, even on that, thou seest not now and thinkest to eschew and pass by. Then from ver. 23, to the end. 'Keep thy heart with all diligence: for out of it are the issues of life,' &c. Except thou keep thy heart and whole man, thou cannot escape falling into some temptation. O keep thy heart diligently on the knowledge and love of the truth. Take heed to thy words. Look not a-squint but directly to that which is good. Give not a squint look to any unlawful course, for the necessity or utility, it may be, that seems to attend it. But look straight on, and ponder well the way thou walkest in, that thou run to no extremity either to one part or other; that thou walk in the middle way between profanity and error. Thou heldest these ways hitherto for extremes. Ponder, I beseech thee, then, before thou walkest in any of them. See whether they be really come to thee, or thou to them. Mark who is changed.

Chap. v. 8, to the 15. 'Remove thy way far from her; and come not near the door of her house; lest thou give thine honour unto others, and thy years unto the cruel. Lest strangers be filled with thy wealth, and thy labours be in the house of a stranger. And thou mourn at last when thy flesh and thy body are consumed; and say, How have I hated instruction, and my heart despised reproof; and have not obeyed the voice of my teachers, nor inclined mine ear to them that instructed me!' &c. If thou would be safe from snares, remove from the way and house of the strange woman. Thou must fall in Aholah and Aholibah's whoredoms, - (Ezek. xxiii.) except thou come not, near them. If thou keep not from that assembly and congregation, thou shalt be almost in all evil.' If thou join with them, thou cannot but partake of their sins and plagues; and so thou shalt say after, when thou cannot well mend it, 'I was near gone, my steps almost gone,' and all the assembly of his people shall witness to it.

Chap. vi, 16, 17, 18, 24, 25. 'These six things doth the Lord hate, yea seven are an abomination unto him. A proud look, a lying tongue, and hands that shed innocent blood, an heart that deviseth wicked imaginations, feet that be swift in running to mischief. To keep thee from the strange woman, from the flattery of the tongue of a strange woman. Lust not after her beauty in thine heart; neither let her take thee with her eye-lids.' This describes both our enemies, the malignant party and the sectarian. Pride, violence, cruelty, lying, is the very character of the one. Flattery, beauty of pretended religion, false witnessing and charging of the Lord's people, and seeking to sow discord among these that were one in heart and work, is the character of the other. Now, keep thee from both these abominations: and do not think it is in thy power not to be infected with the contagion of their fellowship.' Can a man take fire in his bosom and his clothes not be burnt? Can one go on hot coals and not burn his feet?' So whoever associates and goes in friendly to either of them 'shall not be innocent,' ver. 27, 28, 29.

Chap. vii. 14, &c. 'I have peace-offerings with me, this day have I paid my vows.' They pretend religion on both sides. And our church says, the malignants have satisfied them, and repented, even like the peace-offerings and vows of the whore. She began with her devotion, that she might with more liberty sin more, and have that pretence to cover it; and by means of her offerings, she got a feast of the flesh; even as

they by profession of repentance are admitted to trust; and by offering for the like sin, a new sin is covered, and vows undertaken never to be kept. Therefore take heed of these snares. 'For she hath cast down many strong,' ver. 26. Many a tall cedar hath fallen by that fellowship. It is the way to hell, ver. 27. See chap. viii. 13.

Chap. x. shows us the very different estate of the godly and wicked, both in regard of light and knowledge concerning duty, and of blessings promised. Ver. 6, 9, 11, 20, 23. 'Blessings are upon the head of the just: but violence covereth the mouth of the wicked. He that walketh uprightly, walketh surely: but he that perverteth his ways, shall be known. The mouth of a righteous man is a well of life: but violence covereth the mouth of the wicked. The tongue of the just is as choice silver: the heart of the wicked is little worth. It is as a sport to a fool to do mischief: but a man of understanding hath wisdom,' &c. Ver. 24, 25, 28, 31, 32, which show us, that if the Lord's mind be revealed to any concerning the present courses, it must be to his poor people that wait on him, and not to all the wicked and ungodly in the land, who almost only are satisfied and clear in the course, who yet before were never satisfied. And beside, though the Lord be chastising his people, yet one may join with them without fear of wrath and indignation on that account, and with hope of partaking of their blessings, when he cannot and dare not join with a wicked party pursued with wrath and indignation in the same dispensation, which may be more clear from chap. xi. 3, 5, 8. 'The integrity of the upright shall guide them: but the perverseness of transgressors shall destroy them. The righteousness of the perfect shall direct his way: but the wicked shall fall by his own wickedness. The righteous is delivered out of trouble, and the wicked cometh in his stead.' And verses 10, 11, show the different condition of people under wicked rulers and godly. All the wicked now rejoice. None shouts but they. They think their day is come. The godly generally hang their head and are discountenanced, even as Psal. xii. The 21 and 31 verses show, that when godly men are chastised and punished in the earth for their sins, 'much more the wicked,' especially when the godly were chastised for partaking with them, according to 1 Pet. iv. 17, 18; Isa. x. 12, and xlix. 26.

Chap. xii. 13. 'They are snared by the transgression of their lips.' Their ordinary common speeches they drop out with, declare them, and make their cause, more hateful than other pretences, it is covered with, would

permit. Yea, they speak like the piercings of a sword, against the godly, ver. 18. If our state and church had a lip of truth, they would speak always the same thing. They would not carry in their talk and writings, as now every common understanding perceives. We may find their writings made up of contradictions. For 'a lying tongue is but for a moment,' ver. 19. It is but for a moment indeed before the judicatory; and then out of doors it contradicts itself, as in the mock repentances. But sorrow and anguish will come to these, who before they would speak of terms of peace with one enemy, would associate in war with another. 'But to the counselors of peace is joy,' ver. 20. The present course contradicts this. Ver. 26. 'The righteous is more excellent than his neighbour: but the way of the wicked seduceth them.' They think these malignants better than the west country forces. They would condescend to any terms to get their help, though it were to reverse the Act of Classes,⁶⁴ to give them indemnity, yea, not so much as to condemn their way: but they will not so much as clear the state of the quarrel, or choose a better general⁶⁵ for all their help. Their way seems good in their own eyes, ver. 15. But it were wisdom to hearken to the counsel of the godly.

Chap. xiii. 10. 'Only by pride cometh contention: but with the well-advised is wisdom.' There is nothing keepeth up our contention and wars but pride: no party will condescend to another. We will not say we have done wrong in bringing in the king. They will not say they have done wrong in invading. But it were wisdom to fall lower and quit those interests. Ver. 16. 'Every prudent man dealeth with knowledge: but a fool layeth open his folly. A wise man would count before the War, if he can accomplish it: and if he cannot, then he would send messengers of peace, and cede in all things he may without sin. If it be but more honour and wealth to our king,⁶⁶ should we destroy the kingdom to purchase that? Our rash and abrupt proceedings show our folly. Ver. 20. 'He that walketh with wise men shall be wise: but a companion of fools shall be destroyed.' A man will be, must be, assimilated to his company, and then partake of their judgment or blessings.

Chap. xiv. He that is accustomed to speak truth in private, will in his common speech be a faithful witness in public: but a man accustomed to lying, dissembling, swearing in private, will not stick [hesitate] to forswear himself, to make professions and vows contrary to his mind in public, ver. 5. (and also chap. xii. 17. and vi. 19.) Such men seek

wisdom and make a show of religion, but find it not; whereas it is easy to godly men to find it, to find repentance and salvation, ver. 6. Go away from foolish men, and break off society with ungodly men. Be not privy to their counsels. Use them not as special friends, when thou perceivest that all means are used in vain to reclaim them from their damnable way and principles, ver. 7. The knowledge a godly man hath serves to direct his way, and is given of God for it. But all the wit and skill of such wicked men is deceit. They themselves are beguiled by it in opinion, and practice, and hope. And they also beguile others, ver. 8. Sin makes fools agree: but among the righteous, that which is good makes agreement (in the old translation⁶⁷), ver. 9. It is only evil will unite all the wicked in the land as one man. For it is a sport to them to do mischief, chap. x. 23. Albeit our way seem right in our eyes, yet because it is a backsliding way, and departing from unquestionably right rules, the end will be death, and we will be filled with our own devices. O! it shall be bitter in the belly of all godly men when they have eaten it! ver. 12, 14. and chap. i. 31. 'The simple believeth every word;' giveth credit to every vain word that is spoken. But a prudent man looketh well to men's goings, ponders and examines whether their professions and practices agree, what weight is in their words, by the inspection of their deeds, and of their ordinary speaking, and does not account a coined word before a judicatory sufficient to testify repentance. And as he gives not present credit to their professions, who have so often proven treacherous, so he himself scares at every appearance of evil, and keeps himself from it; whereas foolish souls rage and are confident, think any thing lawful if they can have any pretence for it, or use of it, ver. 15, 16. Then, what a great difference is between wicked men and godly men, both in their lot, when God is correcting both, and in their disposition! Wisdom that rests in the one's heart, is manifested; wickedness in the other's heart appears also. In the midst of such men there is no other thing, ver. 32, 33.

Chap. xv. 8, ('The sacrifice of the wicked is an abomination to the Lord; but the prayer of the upright is his delight,') expresses how provoking a thing the outward professions and sacrifices of wicked men, continuing in their wickedness; what an abomination that commonly called public repentance, or ecclesiastical holiness is, when men are visibly unholy and ungodly in their conversation. And therefore he pleaded always with that people, that his soul abhorred their external ceremonies,

because of the uncleanness of their hands. He pleaded that he never commanded them, though indeed he did command them. Yet those were aberrations and departings from the express rule and command, - to accept or be pleased with these sacrifices and ceremonies, when there was no evidence of real repentance. To this purpose are chap. xxi. 4, 27; Isa. i. 11; and lxvi. 3; Jer. vi. 20; and vii. 22; Amos v. 22, - all which show that it is but a mocking of the Lord, and perverting of his law, and profaning of his ordinances, to accept the profession of repentance in those who walk contrary thereto, and to count them ecclesiastically holy enough, who say, they repent, though a thousand actions witness the contrary. Of such the Lord says, 'What hast thou to do to take my covenant in thy mouth, seeing thou hatest to be reformed?' Psal. l. 16, 17. They have no right to it. They should not be admitted to it: for it is a taking the Lord's name in vain. The 16th verse tells us, that it had been better to possess our own land in quietness, than to venture what we have for the uncertain conquest of England, and restitution of the king, parallel with Eccl. iv. 8.

Chap. xvi. 7. 'When a man's ways please the Lord, he maketh even his enemies to be at peace with him.' Can our States⁶⁸ way then please the Lord, seeing they cannot find the way of peace, they will not walk in it; and seeing they make the godly in the land to fall out with them, and none to be at peace but the wicked, who may thereby get opportunity to crush the godly? Ver. 17. 'The highway of the upright is to depart from evil.' This is the highway only, to depart from evil, not carnal policies, nor advantages. He thinks the stepping aside to any of these is not the highway. Can then men change their way, and go cross to it, and keep the right way in both? No, the godly have this high way and keep it. Chap. xvii. 11. 'An evil man seeketh only rebellion; therefore a cruel messenger shall be sent against him.' Evil men seek only rebellion, and delight in no other thing. But the King of kings shall send a cruel messenger; he arms men with wrath and power against them. Ver. 13, speaketh sadly to the English, and to our State, that rewarded the west country evil for good. Ver. 14, 19, tell us how we should advise before we begin a war, and leave no mean of composing difference and strife unessayed. We did more in it than the English, but not all we might have done. Ver. 15, with chap. xviii. 5, is a dreadful sentence against the public judicatories, that all their resolutions, papers, and practices, justify the wicked and ungodly as honest faithful men, and condemn all

approven faithful men, that cannot go along in such courses, or were earnest to have them repent, as both malignants and sectaries. Do they not pronounce all malignants friends, and absolve them from the sentences and classes they stand under? And do they not put the godly in their place? They relax the punishment of the one, and impute transgression to the other, and so bring them under a law. See Exod. xxiii. 7; Prov. xxiv. 24; Isa. v. 23, and the 29th verse of this chapter. It is not good to punish godly men, who have given constant proof of their integrity, for abstaining from such a course, at least having so much appearance of evil, that many distinctions will never make the multitude to believe that we are walking according to former principles, because their sense observes the quite contrary practices? &c.

Chap. xviii. 2, ('A fool hath no delight in understanding, but that his heart may discover itself,') shows, that if the present cause and course were of God, and tended so much to his glory, fools or wicked men would have no such delight in it. For they delight in nothing but what is agreeable to their humour, to discover themselves, &c. Ver. 3. gives the true reason, why our public judicatories and armies are so base and contemptible, why contempt and shame is poured on them; because, 'when the wicked comes, then also comes contempt, and with the vile man reproach.' Ver. 13. 'He that answereth a cause before he hears it, it is folly and shame unto him.' Many pass peremptory sentence upon the honest party in the west, before they hear all parties, and be thoroughly informed, and this is a folly and shame to them. They hear the state and church, and what they can say for their way; and indeed they seem just, because they are first in with their cause, and they will not hear another. But he that comes after will make inquiry, and discover those fallacies. Ver. 24. 'There is a friend that sticketh closer than a brother.' A godly neighbour, not so near in natural bonds to us, that is a surer friend than many brethren in the flesh. These bonds of country and kindred, should all cede to God's interest. See chap. xvii. 17.

Chap. xix. 22. 'A man's desire is his kindness: and a poor man is better than a liar.' The godly, that cannot concur in the public cause, being disabled, through an invincible impediment of sin lying in the way and means made use of, are better friends, and have more real good-will to the establishment and peace of the land, than any ungodly man, let him be never so forward in the present course. Ver. 10. Pleasure and its

attendants are not comely for a wicked man, (i. e. a foolish man) much less for a servant, (i. e. men enthralled in their lusts,) to rule over princes (i. e. godly men, highly privileged by God). All things that are good do ill become them; but worst of all to have power and superiority over good men, ver. 25, joined with chap. xxi. 11. Ringleaders of wickedness, refractory and incorrigible persons, should have been made examples to others; and this would have prevented much mischief. The scripture gives ground for putting difference between the scorner and simple, seducers and seduced.

Chap. xx. 6; xxi. 2, and xvi. 2. 'Most men will proclaim every one his own goodness; but a faithful man who can find?' It is no great wonder that malignants say they repent; and the state and church say they keep the same principles. For who will say any evil of himself? Ver. 8. Magistrates should scatter away evil men with their countenance, by denying it to them, and looking down on them. How, then, do our rulers gather them? Ver. 3, shows that war and strife should not be kept up but in extreme necessity. Fools 'will be meddling.' Ver. 11, shows that the best way of judging of men is by their doings and fruits, not strained words and confessions. But those who, upon a bare profession, pronounce a notorious malignant a friend, having no proof of his integrity, and will not have any judged such, but such as judicially are debarred, yet contrary to all the testimony of works and fruits, judge and condemn honest men as traitors, though not judicially convicted. Certainly divers measures are an abomination to the Lord, as in ver. 10. Then in ver. 25. sacrilege is described, and covered perjury, which is a snare to the soul that commits it. He 'devoureth that which is holy,' i. e. applieth to a common use these things God hath set apart, and commanded to be kept holy, as our profaning of repentance and absolution, by casting such pearls to swine; and for our own advantage, making a cloak of them to bring in wicked men, contrary to the very nature and institution of the ordinance; also our prostituting of our covenant and cause, most holy things, to maintain unholy or common interests, - our committing his holy things to them that will devour them. 'And after vows to make inquiry,' to dispute now, that we did not bind ourselves in the case of necessity, not to employ wicked men, whereas the ground is perpetual and holds in all cases, shows either temerity, in swearing, - or impiety, in inquiring afterward and changing. See Deut. xxiii. 21. Then ver. 26. 'A wise king scattereth the wicked,

and bringeth the wheel over them.' O that our magistrates were so wise! Is the act of levy a scattering of the wicked? Is the act of indemnity a bringing the wheel over them? Psal. ci. 8. 'I will early destroy,' &c.

In Chap. xxi. 10. 'The soul of the wicked desireth evil, his neighbour findeth no favour in his eyes.' The wicked's principles can carry nowhere but to evil, and to do evil to good men. Ver. 8. His way and life is full of horrible and tragical chances. But a good man's work is easy and pleasant, directs to a good and peaceable end, Isa. xxvi. 7. Ver. 12. A righteous man should have his wit about him, to consider ungodly houses and families, and persons that God hath visible controversies with, that he may not communicate with them in their judgments. Ver. 16. It is a sad wandering out of the way, when a man leaves the congregation of the living to abide among the dead, - dead in sins and appointed to death. It is a great judgment as well as sin. Ver. 27, with the 4, and places before cited, show how abominable the external professions and pretences of wicked men are, when contradicted by their practice; especially if they do it but out of a wicked mind, when they intend to effect some mischief, under the colour of repentance and being reconciled to the church, as Absalom's vow at Hebron: as Bataam and Balak and the Pharisees, who under pretence of long prayers devoured widows' houses; as Jezebel's fast; and as the people, (Isa. lviii. 4.) who fasted for strife and debate, and to strike with the fist of wickedness. All men 'know that the church is the ladder to step up upon to go to preferment, and repentance the door to enter to places of trust.

Chap. xxii. 3. 'A prudent man foreseeth the evil and hideth himself, but the simple pass on and are punished.' He is a wise man that knows the judgment of the Lord, as the stork and swallow the time of their coming; that in the consideration of sins and threatenings, and comparing things spiritual with spiritual, apprehendeth judgment coming on such a course and such a party, and hides himself, goes aside, retires to a covert, by avoiding these evils, and the least fellowship with them that bring it on, and eschewing such a society as hath the cloud hanging directly above their head. But simple idiots and blind worldlings go on headlong, and dread nothing, and are punished, ver. 5. Most grievous plagues and punishments, and all manner of unhappiness, encumbereth their wicked life. Therefore he that would

keep himself pure and clean (1 John v. 18.), and save his own soul, shall be far from them, shall keep himself far from such people. He prays with Job, 'Let their counsel be far from me.' Job xxi. 16, 17. Because their good is not in their hand, their candle is oft put out, &c. And he resolves with Jacob, My soul shall not enter into their secret, to have such intimacy with them as join counsels with them, Gen. xlix. 6. And ver. 10, 11, Cast out of thy company, family, jurisdiction, the scorner that contemns the godly men, and mocks instruction: for such men are infectious, and able to corrupt all they converse with. But cast him out, and contention shall go out with him. It is such only that mars the union of the godly, that stirs up strife, and foments divisions. Thou shalt have more peace, and be more free from sin and shame. But sound-hearted upright men, who deal faithfully, not to please but to profit, - you should choose these to intrust and rely upon; these should be friends of kings. Ver. 14. As a harlot's allurements are like pits to catch men, so the allurements of wicked ungodly men, their power, policy, &c, and their fair speeches and flatteries, are a deep ditch to catch men into this spiritual whoredom and fornication spoken of Ezek. xxiii. And he whom God is provoked with, by former wickedness, falls into it, Eccl. vii. 26. Ver. 24, 25. 'Make not friendship with an angry man: and with a furious man thou shalt not go,' &c. And is not association in arms with such, as friends against an enemy, a making friendship with them we are sworn to hold as enemies? If we may not converse with a furious passionate man, how then with men of blood, enraged, whose inveterate malice hath now occasion to vent against all the godly? For thou wilt learn his ways, as we have always seen it by experience, and thou wilt get a snare to thy soul. If thou go not in his ways you cannot agree, you will fall out and quarrel, and that is a snare to thee. Ver. 28. 'Remove not the ancient landmark which thy fathers have set.' - If it be so dreadful and accursed to remove our neighbour's marks and bounds, O! how much more to change and alter God's landmark, his privileges, oaths and covenants, &c.⁶⁹ And chap. xxiii. 10, 11. Deut. xix. 14. and xxvii. 17.

Chap. xxiii. 1, 7. 'When thou sittest to eat with a ruler, consider diligently what is before thee. For as he thinketh in his heart so is he,' &c. Consider diligently what men are, not what they pretend and seem to be. For as they think, so are they, not as they pretend with their tongue and countenance, but as they think in their heart, which is

better evidenced by their common and habitual speaking and walking, than any deliberate and resolved profession contrived of purpose. But if thou consider not this, the morsel thou hast eaten thou shalt vomit up. Thou shalt dearly pay for thy credulity, and lose all thy sweet words. Ver. 23. 'Buy the truth and sell it not,' &c. Do not we sell the truth, and cause, and all, into the hands of the enemies of all? whereas we ought to ransom the kingdom's liberty and religious interest, with the loss of all extrinsic interest that does but concern the accession of one's honour. Yet we sell, endanger, and venture all for that.

Chap. xxiv. 1. 'Be not thou envious against evil men, neither desire thou to be with them.' Godly men's hearts are often tickled to be acquainted with, in league and friendship with wicked men, when they have power, that they may not be hurt by them. But seeing there is no society between light and darkness, let not the godly desire to be with them, (as in chap. xxiii. 17,) but rather to be in God's fear always. That is good company. The reason is (verse 2.) their heart studies the destruction of the godly, (why then shouldst thou walk with thine enemy?) and you shall hear nothing but mischief in their lips. Ver. 12. It is not according to men's words but works they should be judged. And why do not we follow that rule in our judging? Do we mock God as one mocks another? Job xxxiv. 11. Psal. lxii. 12. Jer. xxxii. 19. Rom. ii, 6. Ver. 21, &c. Men given to change, false deceitful men, meddle not with such, if thou either fear God or respect man. For such will be sure to no interest but their own. Their calamity shall come suddenly. Therefore have nothing to do with them. For 'who knoweth the ruin of them both,' of them and all other wicked men, or of both them and the king, if wicked? Also to the wise and godly this belongs, 'It is not good to have respect of persons in judgment,' whether he be king or nobleman. A righteous state respects not the person of the prince and mighty, saith Job. But he that says to the righteous, you are wicked sectaries, and also malignants, because ye will not approve all their resolutions; and to the wicked, 'thou art righteous;' to the malignants, you are the honest men, the blessed of the Lord, - who did ever to this day fall under Meroz' curse, should the people approve him? No certainly, 'Him shall the people curse, and the nations shall abhor him,' or them. But a blessing on them that would reprove our sins and search them out, ver. 25. The malignant party are even speaking so: as the classers and

purgers did to us, even so will we do to them. But God will render to them according to their work, ver. 29.

Chap. xxv. 2. 'It is the honour of kings to search out a matter.' It is a king and judge's glory to search out a matter, to try dissemblers before they trust them. God's glory is to pardon. Man's glory is to administer justice impartially. Ver. 4, 5, show what need there is of purging places of trust, especially about the king. Dross cannot be melted. Take what pains you will, it will not convert into a vessel and become useful. This mixed in, obstructs all equity, justice, and piety, where it is. The ruler should be the refiner to purge away this dross, and the army, or judicatory, or kingdom, is a vessel. You shall never get a fined vessel for use and service till you purge away the dross, Psal. ci. 4. Then, (ver. 8.) we should follow peace with all men as much as is possible, never to begin strife or draw the sluice of contention. But if we be wronged, we should not for all that go out hastily to strife, till, 1. The justice and equity of the cause appear. 2. That the matter where-about we contend be of great moment, a ground to found a war upon. 3. That we first use all means of peace and agreement possible. 4. That we overmatch not ourselves with those who are too strong for us, (see chap. xvii. 14.) 'lest' thou be brought to that extremity that 'thou know not what to do.' Thus Christ adviseth, Luke xiv. 31. I am persuaded this would plead much in reason to yield security to England, so be it our wrong were repaired, and no more done. Ver. 19. shows what the employment of unfaithful men, who mean nothing less than they pretend, is. They fail when most is expected, and hurt beside, as Job's friends, chap. vi. 15. And ver. 26. A righteous and upright man, consenting with a wicked man in sin, or, through fear of him, not daring to do his duty, turning to him and his way, or dallying and flattering him in his iniquity, is like 'a troubled fountain,' is not good and profitable for edification nor correction, having troubled the purity of his soul through the mud of carnal respects and interests. Corruption within is the mire; the wicked's seducements are like the beast's trampling it with his foot. And he is like a corrupt, infected, and poisoned fountain, more ready to infect and draw others by his example. Ver. 27. A man should not seek honour and preferment that is base and shameful. None of the trees longed for sovereignty but the bramble.

Chap. xxvi. 1. 'As snow in summer and as rain in harvest; so honour is not seemly for a fool.' It is as unseemly, prodigious, and destructive a

thing, to give honours, promotions, and trust to a wicked man, as snow and much rain in harvest; a reproach and punishment more becomes him than honour, the reward of goodness (as ver. 3.); a whip, rod, and bridle are more for him, to restrain him from wrong and provoke him to goodness. Ver. 6. He that commits an errand or business to a wicked man, and intrusts him with it, is as unwise in so doing, as if he did cut off the messenger's feet he sent. He deprives himself of the means to compass it. He sends a lame man to run an errand. He is punished by himself as if he had cut off his own feet, and procureth sorrow and discontent to himself, as if he were compelled to drink nothing but what is contrary to his stomach. Ver. 7. All good speeches halt and limp in evil men's mouths; for there is no constancy in their mouths. Within they are very rottenness. 'Out of the same mouth come blessing and cursing,' James iii. 10. Their very words agree not; the public and extraordinary crosses the private and ordinary. And their actions have less harmony with their words. Professing they know God, in works they deny him, &c. Ver. 8. To give a madman a weapon, what else is it but to murder? To bring shot to an ordinance which may do much mischief to himself and others, is to be accessory to that mischief. So to give 'honour to a fool.' He hath given power to them, and put them in a capacity to do evil, and set them on work again to perfect their designs against good men. Ver. 9. As a drunken man, with a thorn in his hand, can make no use of it, but to hurt himself and others; so wicked men's good speeches and fair professions commonly tend to some mischief. These but cover their evil designs: and yet the covering is shorter than that it can hide them. Ver. 10. Wicked rulers (look the margin²⁰) grieve and molest the subjects; and the means to effect this is, to employ the fool and transgressor, to give offices and countenance to evil men, which may be instruments of their lust; so Abimelech, Judges ix. 4; so Jezebel, 1 Kings xxi. 10; so in Neh. vi. 12. Ver. 11. The dog, feeling his stomach surcharged, goes to the grass, - as our malignants to profess repentance, and casts up that which troubles him, by a feigned confession. But because there is no change in his nature, he is inwardly stirred by his old principles to lick up that vomit, to commit and practice what he professed repentance for; yea, and to profess the same he pretended sorrow for. When power is confirmed in their hand they will return to their folly. Ver. 17. What else is our interposing ourselves in the king's quarrel concerning England, though we have interest in it to endeavour it in a peaceable way, if he were fit for it; yet in comparison

of our kingdom and religion's safety, which may be ruined by war, it is no such matter as belongeth to us. And so it falls out, we are like a man taking a dog by the ears to hold him: we have raised up many enemies, and provoked them to bite us. We cannot hold them long from destroying him; and we provoke them more by holding them, in espousing his quarrel, as Jehoshaphat joining with Ahab. We had done well to interpose ourselves between the king and them to make peace, but to side with one party was not well done. Verses 18, 19. Furious and bloody men take all opportunities to hurt others, especially good men; and so deceive those employed. But they do it under a pretence. As a scorner reproacheth under a pretence of sport; so they, under other pretences, of wrongs done, of the country's defence, &c. Verses 20, 24, show the way to prevent trouble and keep peace. As a contentious turbulent person would inflame a whole country and put them by the ears; so a person, though not contentious in his own nature, yet having many contentious interests following him, which he will not quit, or commit to God's providence, as our king was. O it is the destruction of a nation to have such a person among them. He hath broken the peace of two kingdoms. Verses 23, 24, 25, 26. Burning lips, hot and great words of love and friendship, and a wicked heart revenging its enmity, and minding nothing less than what is spoken, is like a potsherd, a drossy piece covered over with the fairing⁷¹ of hypocrisy; or, like a sepulchre garnished and painted, he dissembles and speaks vanity, and flatters. Psal. xii. 3. But he lays up his wicked purposes close within him till a time of venting them. Therefore when he speaks so fair and courteously, be not confident of him, trust him not too far till thou have proof of his reality. Put not thyself and thy dearest interests into his mercy. This is wisdom, and not want of charity, Jer. xii. 6; Micah vii. 5; Cain, Joab, and Judas, are proofs of this. It may be covered a time, but not long. *Naturam expellas furca licet; usque recurret.*⁷²All the world shall be witness of it, Psal. cxxv. So then, (ver. 21.) the calumniator and false accuser, who openly professes his hatred and malice, and the flatterer that seems to be moved with love, both of them produce one effect, viz., ruin and calamity.

Chap. xxvii. 3, 4. 'A stone is heavy, and the sand weighty: but a fool's wrath is heavier than them both,' &c. We see what we may expect of the enraged, exasperated malignant party. Their wrath against all the godly, for their faithful secluding and purging them out of places of

trust, is weighty and insupportable like the sand of the sea. It will crush them under it if God support not. It is like a swelling river, or a high spring-tide, it goes over all banks, since the state and church have drawn the sluice and let it out. But when it is joined with envy and malice, against godliness and piety itself, who can stand before that? No means can quench that heat. Ver. 6. Faithful men's reproofs, remonstrances, and warnings, applied in love and compassion, are better than an enemy's kisses and flatteries, than his oils and ointments are. Therefore we would pray against the one, and for the other; that God would smite us with the mouth of the righteous, but keep us from the dainties of the wicked Joabs, Judases, and Ahithophels. Verse 8. speaks sadly against ministers that withdraw from their charges so unnecessarily, as a bird that wandereth too long from her nest: the young starve for cold or famine, or are made a prey. So these who, having no necessary call to be elsewhere, especially not being members of the Commission, yet stay not with their flocks, are guilty of their soul's ruin. Ver. 10. O how doth this speak against the present course of judicatories! They have forsaken their old faithful friends, when they proved ever constant, and have gone in to their wicked countrymen's house in the day of their calamity. But a neighbour in affection and piety, is nearer than a brother in flesh and near in habitation.

Chap. xxviii. 1. 'The wicked fleeth when no man pursueth: but the righteous is bold as a lion.' Wicked men are now chosen for stoutness and courage, but they have no sure foundation for it. It is but like the rage and temerity, of a madman or drunkard. But godly men, once satisfied in grounds of conscience about their duty, would have been bold as lions. A good conscience would have made them bold, Psal. cxii. 7, 8; Lev. xxvi. 36. Now, ver. 2, behold the punishment of our sins, our governors are changed; there is almost a total alteration, and we are faces about, which cannot but bring ruin to the land, especially when men of understanding and piety are shut out. Ver. 4, with chap. xxix. 27. It is a great point and argument of declining and forsaking the law of God, when men praise the wicked, change their names though they themselves be not changed, and leave off contending with, or declaring against them, and do rather plead for them. But godly men, that keep the law, contend with, discountenance, and oppose them; as David, 'I hate them that hate thee,' and earnestly contend with them. Thus they are kept from partaking with other men's sins. Ver. 5. It is not very

likely that all the ungodly should now understand the duty of the times and discern the right way, and that so many that fear God understand it not, seeing the Lord's secret is revealed to them, Psal. xxv. 14. Verses 6, 7. A poor man, and weak means, if they be of upright men, are better and stronger than many rich and strong perverters. A companion of evil men and a keeper of the law agree not in one person; the one is an honour, the other a shame to all that have interest in them. Ver. 9. Their prayers and professions are abomination; no acceptance of those that turn away their ears from obedience to the law, who walk contrary to it. Ver. 10. These cunning and crafty men that have enticed some godly men, and led them on in the present course, shall themselves smart for it, when the godly seduced shall see good things after all this. Ver. 12. When wicked men have power and trust, good men hide and retire themselves from such a congregation or assembly of the wicked. See chap. x. 10, 11. Should we thus choose our own plague, tyranny, oppression, calamity, and misery, and cast away our own glory? Then, (ver. 13.) repentance requires true and ingenuous confession, and real forsaking. If both these join not, it is but a covering and hiding of sin. If a man confess, and yet walk and continue in them, he is but using his confession as a covering to retain his sins; and such shall not find mercy of God, or prosper before men. Ver. 14. It is not so despicable a thing to fear alway, and to be very jealous of sin as it is now made. It is counted a reproach to have any scruples at the present course. But happy is he that abstaineth from all appearance of evil; but he that emboldeneth himself, and will not question any thing that makes for advantage, falls into mischief. Ver. 15, 17. show the lamentable condition of a people under wicked rulers. They are beasts and not men towards the people, especially towards the best, Dan. vii. 4, 5; Zeph. iii. 3. Ver. 17. How doth that agree with our sparing of bloody men, of our soliciting for their impunity, of our pardoning them? Are they not, by the appointment of God's law, ordained for destruction, and haste to it? Should any then stay them? Should they not then far less employ them? And, (ver. 24.) if it be so heinous to take our father's goods upon this pretence, because they are our own, how much more sacrilege is it to rob God of his interests, and give over his money to bankrupts, and say it is no transgression to rob the land of its defence, and make them naked, as Ahaz's confederacy did? Certainly it is murder. Ver. 28. and chap. xxix. 2. and xi. 12. and xxviii. 28. are to one purpose. We have forsaken our own mercy and wronged our own souls; and destroyed

ourselves in choosing our own judgment, and making our own rod to beat us withal. Chap. xxix. 1. We being so often reprov'd by his word and providence for the sin of association with the wicked, and being so lately punished for it; and having so lately reprov'd ourselves for it in our declarations and fasts, yet to harden our necks, what can we expect but utter destruction, and that without remedy, as we sentenced ourselves? Ezra ix. 13. and xiv. 13; Isa. xxx. 13, 14. Shall not this iniquity be to us a breach ready to fall, even this iniquity of going down, to Egypt for help, &c. Then, (ver. 6.) there is a snare to entrap thy feet in the sins of the wicked; if thou be joined with them, thou cannot well escape. Ver. 8. Wicked profane contemners of God and his people bring ruin on a city or commonalty, they set it on fire and blow it up. But godly men pacify wrath, turn away judgments, and purge all from provocations, which is the only means to turn it away. Ver. 16. shows, when wicked men gather together, and grow in state and power, they grow worse, and sin with greater boldness; and transgression then overflows the land, *tanquam ruptis repagulis*.⁷³ There is no obstacle. See Psal. xii. And ver. 24. shows, he that is partner and fellow-receiver with a thief, or conceals such offenders, endangers his own destruction: and he that stays with, and associates with wicked men, must hear cursing and cannot bewray it. He will see many abominations, that though he would he cannot remedy. Ver. 25. Fear of man and of the land's danger, hath brought many into a snare, to run from the Lord to an arm of flesh: but he that trusts in the Lord shall be safe. Ver. 27. Here is the deadly enmity between the two seeds, they cannot reconcile well. See ver. 10. and chap. xxi. 3. It is no wonder the godly abominate such men who are God's enemies and the land's plague.

Chap. xxx. 11, 14. describes the malignant party, who make nothing of the godly magistrates or their mother church and land, but curse, malign, oppose as much as they could, and are oppressors, monstrous tyrants, mankind beasts, or beastly men. The subject of their cruelty is the godly afflicted man. They eat up all and will not leave the bones, as the prophet complains, 'I lie among men whose teeth are as spears and arrows, and their tongue a sharp sword.' And then, ver. 12, 13, 20. describe our enemies, the invaders. They think themselves godly and righteous, yet are not purged from their filthiness. They are given up to strong delusions to believe lies; and there is no lie greater than this, that they are a godly party in a godly cause and way. They wipe their

mouth after all their bloodshed, and say, I have done no evil. They wash their hands, as Pilate, as if they were free of the blood of these just men, whose souls cry under the altar. Ver. 21-23. It is a burden to the world and a plague to mankind, when servants, unworthy men, and persons unfit for high places are set in authority, and when wicked men have their desire of plenty and honour; (chap. xix. 10.) and when an odious woman, or men of hateful vicious dispositions, come to preferment and are espoused by a state; - nought they were while alone, but worse now when they have crept into the bed and bosom of the state: her roots were nought before; but now she is planted in rank mould, and will shoot forth her unsavoury branches and blossoms, - and when handmaids, kept in a servile estate because of their disposition and quality, get their masters ushered out, and they become heirs, at least possessors of the inheritance or trust. Ver. 33. shows how necessarily war and contention follow upon unnecessary provocations by word or deed, such as we have given many to England, though indeed they have given more. And lastly, chap. xxxi. 20, 26, 31. shows how word and work should go together, and men should be esteemed and praised according to their works and fruit of their hands.

Footnotes:

1. It is evident from this, and similar references to recent events, that the Case of Conscience must have been written in the early part of the year 1651. The proceedings of the commission of the General Assembly, from July 1650 to July 1651, fill a large MS. volume of more than 400 pages. These proceedings have never been printed, with the exception of certain detached papers, which are found engrossed in the controversial pamphlets and journals of the times. - Peterkin's 'Records of the Kirk of Scotland,' p. 592. - ED.

2. "The Gen. Assembly itself at Edinburgh, in July thereafter, did, upon the 19 of that month, publish a Declaration, in which they give warning concerning Malignants thus: - 'We exhort all these who are in publick trust in the committee of Estates, or otherwise, not only to take good heed of their private walking, that it be suitable to the Gospel of Jesus Christ, and of their families and followers, that they be void of offence, but also be straight in the cause and covenant, and not to seek themselves, nor befriend any who have been enemies to the Lord's work, self-seeking, and conniving at, and complying with, and pleading for Malignants, having been publick sins that have been often complained of: and we wish to God there were no cause to complain of these things still, notwithstanding of the solemn confession of them, and engaging against them.

God forbid that any mock the Lord. He is a severe avenger of all such things; and there is the more reason at this time not to own Malignants, because it is ordinary with men so to be taken with the sense of the dangers which is before them as not to look back to that which is behind them. There may be inclinations in some to employ these men, and make use of them, that we may be strengthened in this and in our neighbour land; but God hath hitherto cursed all such counsels, and blasted such resolutions: and if we shall again fall into this sin, as our guilt shall be so much the greater by reason of many promises and engagements to the contrary, so we may expect an heavier judgment from the Lord upon it. Let us keep the Lord's way, and though we be few and weak, the Lord shall be with us, and make us to prosper and prevail. They are not fit for the work of God, and for the glorious dispensations of his more than ordinary works of power and providence in these times, who cannot believe nor act any thing beyond what sense and reason can make clear unto them from the beginning unto the end of their undertakings. Former experiences and present straits call upon us that we should act and follow our duty in such a way as may magnify the Lord, and make it known to others that we may live by Faith." - 'The Waters of Sihor, or the Lands Defection; By Mr. James Guthrie, Minister of Stirling,' Wodrow MSS. vol. xvii. p. 41, in Bib. Ad. - ED.

3. "At Stirling, the 12 of Septem. 1650. A short declaration and warning to all the congregations of the Kirk of Scotland, from the commissioners of the General Assembly.

"Albeit the Lord whose judgments are unsearchable, and whose ways past finding out, has brought the land very low under the hand of a prevailing enemy, yet must we not forbear to declare the mind of God, nor others refuse to hearken thereto. It were superfluous to give answer to the many calumnies and reproaches that are blazed abroad; for albeit in every thing we cannot justify the conduct of the army, yet we hold it our duty to desire every one not to believe groundless reports, but rather to eye the Lord, and look up to the hand that smites them. And therefor, in the first place, we exhort and warn all the inhabitants of the land, to search out their iniquities, and to be deeply humbled before the Lord, that he may turn away his wraith from us. The Lord hath wounded us and chastised us sore, which says that our iniquities are much, and that our sins are increased. It concerneth the King to mourn for all the grievous provocations of his father's house, and for all his own guiltiness; and to consider if he has come to the covenant, and joined himself to the Lord, upon politick interests, for gaining a crown to himself rather than to advance religion and righteousness; that it is iniquity which God will not forget except it be speedily repented of. It concerns our nobles and judges to consider wether their carriage in publick matters be straight and equal, or rather savoring of seeking themselves and the things of this world; and how they walk in their families, and in their private conversations. There is in many a great deal of perverseness and

incorrigibleness in regard of forsaking some and performing some duties, notwithstanding public confessions and engagements; and this cannot but highly provoke the Lord. And it concerneth the officers of the army, especially those who are chief among them, to weigh well what the Lord has against them, and to repent of their diffidence and carnal way of acting, and undervaluing of God's people. And ministers have also need to search themselves concerning their faithfulness to be sound, for which God is angry: doubtless even amongst these is much negligence. Albeit the Lord has suffered that army of perfidious and blasphemous sectaries to prevail. Yet, God forbid that the land should comply with him whatever may be the plausible and fair carriage of some of that enemy, yet doubtless there is a leaven of error and hypocrisy amongst them, which all the lovers of truth would discern and avoid. As the Lord has tried the stability and integrity of his people in the land heretofore, by the prevailing of malignants, so doeth he now try them by the prevailing of sectaries; and we trust they will think it their duty and commendation to prove steadfast against them as well as the other.

3. Neither would men be less careful and active to oppose the enemy, then they have been in opposing malignants heretofore; our religion, lives, liberties and estates, are as much in hazard now as ever; all the ordinances of Jesus Christ in the land are in danger, and the foundation like to be overturned by these men who are obliged, by the band of the covenant, to maintain all these; and it were a great guiltiness to lie down and comply, and crutch under the burden of the strange impositions that they will lay upon us, and as men without head, to suffer our land to be brought in bondage and ourselves to be robbed of all these things which are most precious and dear to us. If we should do so, the Lord would be angry with us, and our posterity could not but curse us.

4. We would not think that all danger from the malignants is now gone, seeing that there is a great many such in the land, who still retain their former principles, therefor we would, with as much watchfulness and tenderness now as ever, avoid their snares, and beware of compliance and conjunction with them, and take heed, that under a pretence of doing for the king and kingdom they get not power and strength unto their hands, for advancing and promoting their old malignant designs. Doubtless our safety is in holding fast our former principles, and keeping a straight faith, without declining to the right hand or to the left.

5. It concerns all the inhabitants of the land to beware of murmuring and complaining against God's dispensations, and questioning the truth and goodness of our cause or quarreling with God, or blaming or casting off the covenant, because of any thing that hath befallen them; that were a great iniquity not to be pardoned. Let us bear the indignation of the Lord patiently, because we have sinned against him, until he plead our cause and execute

judgment for us; he will bring us fourth to the light, and we shall behold his righteousness." - Sir James Balfour's Annales, vol. iv. pp. 98-102. - Ed.

4. "Causes of a solemn publick humiliation upon the defeat of the army, to be kept throughout all the congregations of the Kirk of Scotland. Albeit solemn publick humiliations has been much slighted, and gone about in a formal way by many in this land, so that it is not one of the least of our provocations that we have drawn near to God with our mouths and kept our hearts far from him; for which the Lord hath turned the wisdom of the wise unto foolishness, and the strength of the strong men unto weakness; yet seeing it is a duty that hath often proven comfortable to uswards, God doeth now call us in a special way by a singular piece of dispensation, and knowing that all who are acquainted with God in the land will make conscience of it, wee conceive it expedient that the whole land be humbled for the causes following.

1. The continued ignorance and profanity of the body of the land, and the obstinacy and incorrigibleness of many, notwithstanding of all the cares that God hath taken upon us by his word, and by his works of mercy and judgement, to teach us in the knowledge of his name, and to refrain us from the evil of our ways.

2. The manifest provocations of the king's house which we fear are not thoroughly repented off, nor forsaken by him to this day; together with the crooked and precipitant ways that were taken by sundry of our statesmen for caring on the treaty with the king.

3. The bringing home with the king a great many malignants, and endeavoring to keep some of them about him, and many of them in the kingdom, notwithstanding of publick resolutions to the contrary.

4. The not purging of the king's family from malignant and profane men, and the constituting of the same of well affected and godly persons; albeit it hath been often pressed upon the parliament and committee of Estates, undertaking and promised to be performed by them.

5. The leaving of a most malignant and profane guard of horse to be about the king, who having been sent for to be purged about 2 days before the defeat, were suffered to be and fight in our army.

6. The exceeding great slackness of many and averseness and untowardness of some in the chief judicatories, of the kingdom and in the army, in good motion and publick duties, especially in these things that concern the purging of judicatories and the army from malignant and scandalous persons, and filling all places of power and trust with men of known integrity and trust, and of a

blameless and Christian conversation; together with great inclinations to keep and bring in malignants to the judicatories and to the army, as if the land could not be guided and defended without these; and great repining and crying out against all that is done to the contrary, and studying to make the same ineffectual.

7. The exceeding great diffidence of some of the chief leaders of our army, and others amongst us who thought we could not be saved but by a numerous army; who when we have gotten many thousands together, would not hazard to act anything, notwithstanding that God offered fair opportunities and advantages, and fitted the spirits of the soldiers for their duty; for carnal confidence that was in many of the army, to the despising of the enemy and promising victory to themselves without eyeing of God.

8. The looseness, insolency and oppression, of many in the army, and the little or no care that was taken by many to preserve the corn, by which it hath come to passe that very much of the food of the poor people of the land have been needlessly destroyed; and while we even remember this, we wish that the profanity and oppression of sundry of our officers and soldiers in England, when we were fighting for the assistance of the parliament of that kingdom, may not be forgotten, because it was matter of stumbling in that land, so it is like it is one of the causes of the sore indignation now manifested against us by the hands of these men.

9. Our great unthankfulness for former mercies and deliverances, and even for many tokens of the Lord's favor and goodness towards our present army while they were together, and the great impatience of spirit that was to be seen in many these weeks past, which made them limit the Lord, and to complain and weary of his delaying of a deliverance.

10. The envying and eyeing of the kings interest and quarrel by many, without subordination to religion and the liberties and safeties of this kingdome.

11. The carnal self seeking and crooked way of sundry in our judicatories and armies, who make their employments and places rather a matter of interest and gain and preferment to themselves then of advancing religion and righteousness in the land.

12. The not putting difference betwixt these that fear God, and these that fear him not, for our services, our company, our employments, but accounting all men alike, many times preferring these who have nothing of God in them.

13. The exceeding great negligence that is in great ones, and many others, in performing the duties in their families notwithstanding of our former solemn

acknowledgment of the same; as also, our neglect of the duties of mutual edification, and great unfruitfulness and barrenness that is to be seen amongst all sorts of persons; together with the following of duty with a great deal of mixture of carnal affections and fleshly wisdom which grieves the Spirit of God, and takes away much of the beauty of the Lords image from our judicatories.

As we would be humbled for these things, so would we also entreat the Lord that he would sanctify this affliction to his people that they neither despise his chastisings, nor faint when they are rebuked of him; but that they may bear his indignation patiently, and cleave steadfastly to the truth, and the covenants, and the cause of God without yielding to the power of the enemy, or receiving their errors, or complying either with them on the one hand, or malignants on the other, and that the Lord would pour out of his Spirit upon the people, that their spirits may be raised unto their duty, and that they may be filled and furnished of God with wisdom and resolution to act against their enemies for the honor of God, their own preservation; and that the Lord would not suffer them to be tempted above that which they are able to bear, but that he would break the yoke of their oppressors from off their necks, and give them salvation and deliverance; earnestly to entreat the Lord in private and in publick that he would preserve with us the ordinances of Jesus Christ, the kingdom, the king's majesty's person, the ministry, from the power of their enemies, who seeks the destruction of all." - Id. pp. 102-107. - ED.

5. See the Acts of the Parliaments of Scotland, Anno 1650, xxx Novembris, vol. vi. p. 544. - ED.

6. "About this time the king's head was filled by some unhappy men about him, especially Dr. Fraser [who was the king's physician] and Henry Seymour, with many extreme fears. After the affront at Leith, they had raised suspicions in his mind, which, upon the defeat at Dunbar, were increased, but by the separate rising in the west brought near to the head of a design to break the treaty with him, and agree upon his expences with Cromwell. Upon these motions the malignants in the north stept in, and by the forenamed persons began a correspondence for the raising of the north for his present service, under the conduct of Middleton. So many noblemen were on this unhappy enterprise. Crawford was given out for its head and contriver, albeit he professed to me his opposition to it. Lauderdale knew of it; but he has said so far to me, that I believe him he opposed it to his power. However, the thing was so foolishly laid, and the king, by the counsels of these about him, was so various in giving order for that rising, sometimes commanding and then countermanding to rise, that all the party was put in a confusion; yet, by the information of these foresaid fools, the king being put in fear, that Lorn, going timely to bury a soldier, was drawing together his regiment to lay hands on him, contrary to his former resolutions; he took horse with some two or three, as if it had been to go a hawking, but

crossed Tay, and stayed not till he came to Clowe in Angus. By the way he repented of the journey, and meeting with Lauderdale at Diddup, and Balcarras coming from Dundee by accident, was almost persuaded by them to return; yet by Diddup and Buchan he was kept in Clowe. But when he came to that miserably-accommodated house, and in place of the great promised forces, he saw nothing but a small company of Highlanders, he presently sent for Robert Montgomery, who was near with his regiment, and without more ado, did willingly return, exceedingly confounded and dejected for that ill-advised start. When it was first blazed abroad, it filled all good men with great grief, and to my own heart it brought one of the most sensible sorrows that in all my life I had felt. Yet his quick return of his own accord, and his readiness to give all satisfaction for that failure, and his kind receiving by the committee of states, among whom he ever sat after his return (though never before) turned our grief suddenly into joy, his absence not lasting above two full days. Yet all men were not so soon satisfied.

"Sundry of them who had been on the plot, fearing a discovery and punishment, flew to arms; Lewis Gordon, Ogilvie, Athol, and others, under Middleton's command, putting out a number of fair pretexts for their rising. This might have destroyed all; yet, by God's mercy, all was quickly quieted. D. Leslie, with all his horse, marched towards them; the king wrote earnestly to them to lay down. The committee of estates sent a fair act of indemnity, and so without more ado they went home."- Baillie's Letters, vol. ii. p. 356.

Middleton, like the Marquis of Montrose, had been at one time a Covenanter. After the Restoration, he was appointed to open the Scottish parliament, as his Majesty's commissioner. But this did not prevent him from taking part in the debate, when the Act Rescissory, by which the Presbyterian form of church polity was completely destroyed, was under consideration. Mr. David Dickson, along with some others, was delegated by the presbytery of Edinburgh to present to the Earl of Middleton a petition upon this subject. Middleton told Mr. Dickson "he was mistaken if he thought to terrify him with papers, - he was no coward." Mr. Dickson dryly replied, "They knew well he was no coward ever since the bridge of Dee." This was a skirmish which took place on the 19th of June, 1038, in which Middleton had displayed great zeal for the covenant, in opposition to Charles I. He took no notice of Mr. Dickson's sarcastic remark. - Kirkton's 'History of the Church of Scotland,' p. 118. - ED.

Z. This was the "Acte of Pardon and Indemnitie, granted by the King and Comittee of Estaites to the Northerne Rebels, 26 October, 1650, and proclaimed at the mercat crosse of Perth, the 29th ditto, by Rosse Heralde, A.L." See Balfour's Annales, vol. iv. p. 132. - ED.

8. He refers to "The Northern Band and Oath of Engagement sent by Middleton to L. General David Lesley, 26th of October, 1650." Middleton and the other subscribers of the Bond promise and swear that they "shall maintain the true religion, as it is established in Scotland; the covenant, league and covenant, the King's Majesty's person, prerogative, greatness and authority; the privileges of parliament and freedom of the subjects." - Id. p. 129. - ED

9. See the Acts of the Parliaments of Scotland, ut supra. - ED.

10. The reader will find a very interesting account of the negotiations at Breda, in "A Brief Historical Relation of the Life of Mr. John Livingston, Minister at Ancrum in Scotland, and last at Rotterdam in Holland," who was one of the commissioners sent from Scotland to Breda (pp. 39-52. Glasgow, 1754). Dr. Cook, who quotes from the MS., does not seem to have been aware that the Life of Livingston was ever printed. See his 'History of the Church of Scotland,' vol. iii. p. 177, *note*. - ED.

11. "Immediately after the Scots army had marched into England to the parliament's assistance, did the King commissionate Montrose to raise a war in Scotland, by which he made account either to oblige the Covenanters to recall their army out of England, or at least to make that nation smart for their boldness. And this, indeed, he did effectually; for landing in the West Highlands, with a party of bloody Irish papists, who had been but a little before fleshed in the cruel massacre of the innocent protestants, he overran the whole country, and beat the Covenanters' forces in six bloody conflicts. His war, I believe, was the most cruel in the world." (Kirkton's History, p. 43.) "Montrose's History is written in good Latin (supposed to be by Bishop Wishart), but with as little truth as most in the world." Id. p. 122. - ED.

12. Sir James Turner and Colonel Urrey were sent to the west of Scotland, with their respective regiments, in 1648, to overawe, and reduce to obedience, those who were averse to Hamilton's Engagement. (Guthry's Memoirs, p. 272, second edition.) This service seems to have been perfectly congenial to the habits and taste of Sir James Turner, "who appears," says Sir Walter Scott, ('Tales of a Grandfather,' vol. ii. p. 211. Edin. 1829), "by the account he gives of himself in his Memoirs, to have been an unscrupulous plunderer, and other authorities describe him as a fierce and dissolute character." On coming to Glasgow, the way he took, as he himself tells us with considerable *gusto*, "to make the hardest headed Covenanter in the town to forsake the kirk and side with the Parliament," was to quarter on suspected persons "two or three troopers and half a dozen musketeers." In the same heartless strain he proceeds to say: - "Finding my Glasgow men grown pretty tame, I tendered them a short paper, which whoever signed, I promised, should be presently eased of all quartering. It was nothing but a submission to all orders of Parliament, agreeable to the Covenant. This

paper was afterward, by some merry men, christened Turner's Covenant." ('Memoirs of his own Life and Times,' by Sir James Turner, pp. 53, 54, printed at Edinburgh, by the Bannatyne Club, in 1829.) As he was deprived of his rank by the Act of Classes in 1649, Sir James Turner was one of those "pretended penitents," of whom, according to Bishop Burnet, "all churches were full" after the passing of the Public Resolutions. ('Memoires of the Duke of Hamilton,' p. 425.) "Martii 12. 1651. The which day was given in a letter from the commission of the kirk, the tenor whereof follows, - Reverend and loving brethren, having received a petition how general adjutant James Turner, acknowledging very humbly his sin, in the great accession he had to that unlawful, engagement against England, and particularly his impious carriage in your city by perturbing divine service, he seems to be very sensible of his former miscarriage. We however still continue him under conference with presbyteries hear. But if we shall find him in a condition to make public satisfaction, we desire to know of you, if he can come and stay there with safety, and without danger from the enemy, that he may satisfy in the kirk of Glasgow, which we think the most convenient place for removing the scandal, that if he can be secure, he may be appointed to come to you, and if not, we may take such other course as shall be thought most convenient. We have no more to say, but commending you in all things to the Lord's direction, we remain your loving brethren the commissioners of the general assembly. Perth, 13 Feb. 1651. Sic subscribitur, Mr. Robert Douglas, Moderator." (Records of the Presbytery of Glasgow.)

What Principal Baillie says of the oppressive conduct of Sir James Turner at Glasgow, during the time of the Engagement, is this: "Some regiments of horse and foot were sent to our town, with orders to quarter on no other but the magistrates, council, session, and their lovers. These orders were executed with rigour. On the most religious people of our town, huge burdens did fall. On some 10, on some 20, on others 30 soldiers and more, did quarter, who, beside meat and drink, wine, and good cheer, and whatever they called for, did exact cruelly their daily pay, and much more. In ten days, they cost a few honest but mean people, 40,000 lb., besides plundering of those whom necessity forced to flee from their houses." Letters and Journals, vol ii. p. 294 – ED.

13. "Stirling, 27 Sept. 1650. The committee of Estates, considering the necessary duty lying upon them in prosecution of the act of parliament, and according to the frequent and serious remonstrances of the commission of the church for purging of the kings family of all profane, scandalous, malignant, and disaffected persons; and that it be constituted of such as are pious, and well affected to the cause and covenant, who have not opposed the same by their counsels and actions. And likewise considering that great offence has been taken that the persons after nominated have not removed from court nor departed out of the kingdom respectively; and having taken also into consideration the report of the sub-committee, appointed to think on the purging of the kings family, doth

hereby therefor ordain and command, The French Marques of Villaneuffe, The Earl of Cleveland, Lord Wentworthe his son, Viscount Grandeson, Lord Volmett, Lord Withrington, Robert Long, Secretary, Sr Edward Walker, Garter, Mr. Progers, Groome of His Majesty's Bed chamber, Master Lane, Master Marche, Colonell Darcey, Mr. Antoney Jacksone, Major Jacksone, Colonel Loes, Master Oder Under Secretary, Lord St. Paule, Sr Philipe Musgrave, Sr Faithful Fortskew, Sr Timothy Featherstons, L.-Coll. Meutis, Colonel Carbraithe, to depart the court within 24 hours, and to remove out of the kingdom within 20 days after intimation; and Doctor Fraser and Sr George Melveill to withdraw from the court within 24 hours." (Sir James Balfour's *Annales of Scotland*, vol. iv. pp. 109, 110.) Sir Edward Walker, whose name is included in the above list, says, "Money being ordered for my transportation, which I never got I was connived at for about three months, and therein had the opportunity to collect and write my observations of the Affairs as they then stood. Yet upon Friday the 4th of October, I was, by Sir James Balfour, lyon king of arms, commanded from court, which I presently obeyed, and about a month after embarked for Holland, where I resided several years after." (*Historical Discourses*. See "Contents" folio. Lond. 1705.) The circumstances in which this zealous royalist was placed, together with his national prejudices, may account for his extreme credulity, in believing that the clergy of Scotland, after the battle of Dunbar, offered up such impious prayers as he has ascribed to them. (Id. p. 182.) It was not to be expected that Mr. Hume would neglect the opportunity which was thus afforded him of covering with ridicule the Scottish Covenanters. (See Hume's Account of the Battle of Dunbar.) Rapin vindicates the conduct of the Estates, in requiring the removal, from about the person of the king, of some of his friends and attendants, "men," he says, "whose principles and maxims were directly opposite to the interests of Scotland, and who were the kingdom's reputed enemies." *Hist. of Eng.* vol. ii. p. 581. Lond. 1833. - ED

14. That is, "He says, I say; he denies, I deny." It is the parasite Gnatho that is referred to. Terence makes the shameless sycophant proclaim his own infamy: -

Quicquid dicunt, laudo; id rursus si negant, laudo id quoque.

Negat quis? Nego. Ait? Aio. - EUNUCHI Act. ii. Sc. ii.

"Whatever they say, I applaud: if again they deny that, I applaud that too. Does any one deny a thing? I deny it. Does he affirm it? I affirm it." - ED

15. For an account of the origin, progress, and unsuccessful issue of Hamilton's Engagement, or the Unlawful Engagement, as it was also called, the reader may consult Stevenson's *History of the Church and State of Scotland*, book iv. chapter x.; Cook's *History of the Church of Scotland*, vol. iii. p. 149. - ED.

16. "Pearth, Novemb. 29, 1650. The Comis. of the Gen. Assemb. considering the great sin and offence these men are guilty of, who have had accession to the late Rebellion in the north; therefore they do appoint that all these persons that were actually in arms at the late rebellion, and all such as subscribed the Bond and Declaration emitted by them, to be suspended from the communion till the next Gen. Assemb. to which they are hereby referred for further censure; and for all others that had any accession, by counsel or otherwise, to that rebellion, or to the King's withdrawing from his Counsel, refers to Presbyteries to try diligently in their several bounds, these persons and the degree of their guiltiness, and to report the same, with the evidences and proofs thereof, to the next meeting of this Commission. A. KER." - 'The Waters of Sihor.' Wodrow MSS. vol. xvii. pp. 44, 45. - ED.

17. James, Marquis of Montrose. After his forfeiture by the Scottish parliament, he was usually styled in their Acts and proclamations *James Graham*, and sometimes *James Graham, late Earl of Montrose*. Bishop Guthry says (Memoirs, p. 175,) that it was considered a proof of malignancy to distinguish him and the Earl of Airly by their titles. In a letter to Principal Baillie, 19th March, 1649, Mr. Spang mentions that he was admitted to an audience by the Prince of Orange at the Hague. Something was said by the Prince, which led Mr. Spang to suspect he alluded to Montrose. "I hoped," says Mr. Spang, "his Highness did not mean of that man, whose apostacy, perjuries, and unheard of cruelty, had made him so odious, in all our country, that they could not hear of his name. He presently gave me to understand he meant not him or any such; for by the comportment of our Scottish noblemen at court now, he perceives how odious *James Graham* must be at home; for they will not salute or speak to him; nay, not look where they think he is: and this I have observed with my own eyes." Baillie's Letters and Journals, vol. ii. p. 323 – ED.

18. On the 14th of December 1650, an answer was returned to parliament, "by the commissioners of the general assembly to the query, given in to them by the estates of parliament, anent the persons to be admitted to rise in arms, and join with the forces of the kingdom, and in what capacity, for defence thereof, against the army of sectaries, &c." (Acts of the Parliaments of Scotland, vol. vi. p. 554.) The Answer of the Commission, after a declaration that it is the duty of parliament to use all necessary and lawful means for the defence of the land, and a description of the enfeebled state of the kingdom, contains the following exposition of their views: "In this case of so great and evident, necessity, we cannot be against the raising of all fensible persons in the land, and permitting them to fight against this enemy for defence of the kingdom; excepting such as are excommunicate, forfaulted, notoriously profane or flagitious, and such as have been from the beginning, and continue still, or are at this time, obstinate and professed enemies, and opposers of the Covenant and cause of God. and for the capacity of acting, that the Estates of Parliament ought to have, as we hope

they will have special care, that in this so general concurrence of all the people of the kingdom, none be put in such trust or power as may be prejudicial to the cause of God; and that such Officers as are of known integrity and affection to the cause, and particularly such as have suffered in our former armies, may be taken special notice of." – 'A True Representation of the Rise, &c. of the Present Division in the Church of Scotland,' pp. 10, 11. London, 1657. 'The Answer of the Commission of the General Assembly to the Query Propounded to them from the Parliament,' pp. 2, 3. Aberdeen, Printed by James Brown, 1651. – ED.

19. "*Act of Leavie.* At Perth, the twenty-third day of December, one thousand six hundred and fifty years, the King's Majesty and Estates of parliament, being very sensible of the dangerous and distressed condition of this kingdom, and most desirous, according to the law of God and nature, in discharge of there public trust, to use all lawful and necessary means for the safety and defence of religion, his Majest's person and royal authority, laws and liberties of the kingdom, against an army of sectaries, who most unjustly and perfidiously, contrary to the solemn league and covenant and treaties, have invaded, and are by all acts of hostility destroying the same, Therefore has statute and ordained that all fensible men, within the sherfdoms of Fyiff, and Kinross, Clakmanan, Stirling, Dumbartane, Argyll, Boott, Perth, Forfar, Kincardine, Aberdeine, Bamff, Murray, Nairne, Inverness, Ross, Sutherland, Cromartie, Caitnes, and Orknay, come to a randevouze in the several divisions of each shire respective, to be set down and appointed by the committees of war in each shire, according to the number of the regiments after specified. The whole heretofore noblemen, gentlemen, and others to bur^t and landwart lyfrenteris, woodsetteris, and all other fensible men [*i.e.*, those who are capable by reason of station and age to bear arms], betwixtthreescore and sixteen, with all their horses fit for service, and their whole arms for horsemen and footmen (except such as are excommunicate, forfeited, notoriously profane or flagitious, and such as have been from the beginning, and continue still, or are at this time, obstinate and professed enemies and opposers of the covenant and cause of God). Out of the which whole number of fensible persons, in each division, all such as are vigorous and able men for war are hereby appointed to be drawn out, and put in Regiments, as is after specified, with there best horses and arms, so many as are serviceable horses, and the rest on foot, with their best arms, two part muskets and third part picks, and all with swords. The horsemen to be armed with pistols, holsters or sidepistols, and lances," &c. &c. – 'Acts of the Parliaments of Scotland,' vol. vi. pp. 560-562. – ED.

20. This disastrous attack was made by the forces in the west, from whom had proceeded, what was called, the Western Remonstrance, which had been condemned both by the Committee of Estates, and the Commission of the church. ('Causes of the Lord's Wrath in Scotland,' p. 60, printed in the year 1650.) "Before this fight at Hamilton, Colonel Ker inquired the judgement of his

inferior officers the night before, what they thought of the case of affaires, as they then stood; and showed them that he would join with none who was not for the Remonstrance, nor yet with those who would not decline the State, - I mean the committee of Estate as it then stood." (Nicol's 'Diary of Transactions in Scotland,' p. 37.) The following letter from Cromwell describing the defeat at Hamilton, is interesting in itself as well as on account of the writer. "Sir, I have now sent you the results of some treaties amongst the enemy, which came to my hand this day. The Major-General, and Commissary-General Whaley marched a few days ago towards Glasgow, and the enemy attempted his quarters in Hamilton, and entered the town; but by the blessing of God, by a very gracious hand of Providence, without the loss of 6 men, as I hear of, he beat them out, killed about 100, took also about the same number, amongst which are some prisoners of quality, and near 100 horse (as I am informed), the Major-Gen. being in the chase of them, to whom also I have since sent the addition of a fresh party. Col. Kerre (as my messenger this night tells me) is taken, his Lieutenant-Col. and one that was sometimes Major to Colonel Straughan, and Ker's Captain-Lieutenant. The whole party is shattered; and give me leave to say it, if God had not brought them upon us, we might have marched 3000 horse to death, and not have lighted on them: and truly it was a strange Providence brought them upon him. For I marched from Edinburgh on the north side of Clويد, appointed the Major-General to march from Peebles to Hamilton, on the south side of Clويد. I came thither by the time expected, tarried the remainder of the day, and until near 7 o'clock the next morning, apprehending the Major-Gen. would not come by reason of the waters. I being retreated, the enemy took encouragement, marched all that night, and came upon the Major-General's quarters about two hours before day, where it pleased the Lord to order as you have heard.

"The Major-Gen. and Commissary-Gen. (as he sent me word) were still gone on in the prosecution of them, and saith, that except 150 horse in one body, he hears they are fled by 16 or 18 in a company, all the country over. Robin Montgomery was come out of Sterling, with 4 or 5 regiments of horse and dragoons, but was put to a stand when he heard of the issue of this business. Straughan and some other officers had quitted some 3 weeks or a month before this business, so that Ker commanded this whole party in chief.

"It is given out that the malignants will be all (almost) received and rise unanimously and expeditiously. I can assure you, that those that serve you here, find more satisfaction in having to deal with men of this stamp, then others, and it is our comfort that the Lord hath hitherto made it the matter of our prayers, and of our endeavours (if it might have been the will of God), to have had a Christian understanding between those that fear God in this land, and ourselves; and yet we hope it hath not been carried on with a willing failing of our duty to those that trust us; and I am persuaded the Lord hath looked favorably upon our

sincerity herein, and will still do so, and upon you also, whilst you make the interest of God's people yours. Those religious people of Scotland, that fall in this cause, we cannot but pity and mourn for them, and we pray that all good men may do so too. Indeed there is at this time a very great distraction, and mighty workings of God upon the hearts of divers, both ministers and people, much of it tending to the justification of your cause. And although some are as bitter and as bad as ever, making it their business to shuffle hypocritically with their consciences and the covenant, to make it lawful to join with malignants, which now they do (as well as they might long before) having taken in the head of them; yet truly others are startled at it; and some have been constrained by the work of God upon their consciences, to make sad and solemn accusations of themselves, and lamentations in the face of their supreme authority, charging themselves as guilty of the blood shed in this war, by having a hand in the treaty at Breda, and by bringing the king in amongst them. This lately did a Lord of the Session, and withdrew; and lately Mr. James Leviston, a man as highly esteemed as any for piety and learning, who was a Commissioner for the Kirk at the said treaty, charged himself with the guilt of the blood of this war, before their assembly, and withdrew from them, and is retired to his own house, It will be very necessary to encourage victuallers to come to us, that you take off customs and excise from all things brought hither for the use of the army. I beg your prayers, and rest your humble servant, O. CROMWELL. Edinburgh, 4 Dec. 1650." - Sev. Proc. in Parl. Dec. 12 to 19, apud Cromwelliana, pp. 94, 95 – ED.

21. That is, "How much changed from that assembly which was formerly!" (Quantum mutatus ab illo Hectore, qui, &c. *Virg. Æneid*, lib. ii. ver. 274.) – ED.

22. "Ult. July, 1648. Post Meridian. Sep. xxi. *A Declaration of the General Assembly concerning the present dangers of Religion, and especially the unlawful engagement in War, against the kingdom of England.* Together with many necessary exhortations and directions to all the Members of the Kirk of Scotland." Records of the Kirk of Scotland, pp. 498-505. Edited by A. Peterkin. – ED.

23. At a meeting of the Committee of Estates, on the 6th of January, 1651, - "Rege Prese nte. The letter from the Presbytery of Stirling to the Commission of the General Assembly, still disclaiming the kings interest, and the unity of all the subjects of the land to assist their country against the common enemy, read; with the Commission of the General Assembly's answer thereto, read likewise, approven and ordained to be published and printed." (Balfour's Annales, vol. iv. p. 235.) The Commission of the Assembly complained, that the letter of the Ministers of the Presbytery of Stirling, which was printed at Edinburgh, 1651, had prefixed to it "the false and odious title of *A Remonstrance of the Presbytery of Stifling against the present conjunction with the malignant party.*" ('Answer of the Commission,' &c. dated Perth, 6 Jan. 1651. p. 19. Printed at Aberdeen,

1651.) What Binning now advances is in vindication of the Letter of the Presbytery of Stirling, and in reply to the Answer of the Commission. Mr. James Guthrie, and Mr. David Bennet, Ministers at Stirling, were charged by the committee of Estates with framing this Letter, and summoned to appear before them, at Perth, on the 19th of February, 1651, to answer for their conduct. – 'Acts of Parl,' vol. vi. p. 578. – ED.

24. "And first, we shall desire every one seriously to consider the case and condition wherein the kingdom is engaged, and standeth at this time; that now we are not upon an engagement of invasive war, but upon necessary defence against a foreign enemy, who hath not only unjustly invaded us, but also (through the holy permissive providence of God) slain many of our brethren with the sword, subdued a great part of the land, is oppressing the people of God therein, and following his unjust designs and intentions against the rest of the kingdom; that in this case, in the ordinary way of providence, according to which men must act, unless they would be guilty of tempting God, there is need of, and ought to be employed against the enemy, such a competency of power as is requisite in right and warrantable prudence, and may be had, not being of itself sinful. This certainly is mans duty, whatever God, out of his sovereignty, hath done, or may do, in the case of want, or disproportion of means." 'Answer of the Commission,' ut supra, p. 6. – ED.

25. "In such parts of the kingdom, as are yet free from the oppression of the enemy, and so out of which any men can be raised, there is not a possibility to get such a competency of power, unless there be a more general calling forth of the body of the people than hath been before: this as it is most certain in itself, so it is most apparent, and evident unto all, that do understand these parts of the kingdom. And whereas faithful and honest men in the State, well acquainted with the several shires of that part of the kingdom, have publicly declared, that when all shall be brought together, that can be called forth of these parts, according to publick resolution, there will scarce be a competent power against the power of the enemy, we cannot but much wonder, if any, not so acquainted therewith, shall hold the contrary, and not give credit to the declaration of honest and faithful men, especially in authority; the matter being such, as in the immediate knowledge thereof dependeth on sense, and, as to those that have not that knowledge, pertaineth to human faith, which giveth credit to the testimony *testium idoneorum*, of competent witnesses, such as these are whom we have designed." - Id, pp. 6, 7. – ED.

26. "1650, Oct. This month the malignant party of this kind, did rise in arms in the north: they emitted a declaration. The Commission of the Gener. Ass. emitted a warning, dated at Stirling, 24 Oct. 1650, against them, to be read in the several churches. L.G. Da. Lesley was sent north with some horsemen against them." - Lamont's Diary, p. 23. Printed at Edinburgh, 1830. – ED.

27. "We need say no more, unless there were some show of proof to the contrary. Yet we shall say somewhat particularly to one place, that which is said in the case of Amaziah's associating with, and taking to him the Israelites for help in his just defence, (2 Chron. xxv. 7. 'O king, let not the army of Israel go with thee, for the Lord is not with Israel, even with all the house of Ephraim,') as being mainly urged, and as it seems most to stick with some in the present business, to which sundry things may be answered, which clear the present business from the force thereof. 1. The Israelites were idolaters, and foreigners; not so in our case, in either respect. But it is alleged, that the reason why Amaziah is dissuaded from taking their assistance is, because God was not with them, and therefore, the same reason having place in many of these, whom the present resolution comprehendeth, the dissuasion hath the same force against them. Therefore 2. God's not being with them may be either conceived and understood, in regard of the estate of grace and reconciliation with God, but howsoever that with many of them God was not in this regard, yet the reason cannot be alleged in this sense, because then it would follow by the argument, that we might not take the help of any man out of the estate of grace, for our just and necessary defence, which none will admit; or it may be understood of God's assistance, and prospering providence simply. But neither can it be taken thus, because it is certain and clear, that God was often with them in this sense, in their own cause and quarrels. Therefore it must needs be conceived, in regard of their profession, and religion, which was corrupt and idolatrous. Now the reason thus understood hath not place in our business. 3. Yet do we not find that Amaziah is commanded to exclude any of the subjects of his own kingdom, from acting in that defence, or reprov'd for not doing of it, notwithstanding many of them no doubt were naughty and corrupt in their way, 2 Kings xiv. 4." - 'Answer of the Commission,' p. 12. – ED.

28. That is, "chiefly." The strict signification of *ut plurimum* is, *as much as possible*. – ED.

29. "At the bar of conscience." – ED.

30. "Doeth our mentioning only the kingdom, in that resolution, import a separation of the kingdom, and the cause, in the quarrel against our enemy? Or what logic can draw out such a consequence out of it? We do think that the kingdom being in danger by this enemy, the cause also is in danger, and the defending of the kingdom will be the defending of the cause also. And we trust no instruments shall bee employed for the defence of the kingdom to the prejudice of the cause." – 'Answer of the Commission,' ut supra, p. 19. – ED.

31. "In point of fact." – ED.

32. "On that very account." – ED.

33. Bishop Hall quaintly remarks, that "No devil is so dangerous as the religious devil." "Suppose the ends of this Engagement to be good, (which they are not,) yet the means and ways of prosecution are unlawful, because there is not an equal avoiding of rocks on both hands, but a joining with malignants to suppress sectaries, a joining hands with a black devil to beat a white devil. They are bad physicians who would so cure one disease as to breed another as evil or worse." ('A Declaration of the Gen. Assembly concerning the present dangers of Religion.' Rec. of the Kirk of Scotland, p. 501.) In the year 1649, the Scottish parliament passed an "Act against Consulters with Devils and Familiar Spirits," &c. ('Acts of the Parl. of Scot.' vol. vi. p. 359.) It was supposed that the power of some of these was employed in particular instances for the benefit of mankind. They were therefore distinguished from the others, in the same way that white witches, or persons who used charms and incantations for curing diseases, &c. were distinguished, but not in the eye of the law, from black witches, or those who practiced their art for the purposes of mischief. (Whitelock's 'Memorials,' p. 550. See also Sir Walter Scott's 'Tales of a Grandfather,' vol. ii. p. 117.)— ED.

34. That is, openly persisting. See 'The Answer of the Commission to the Presbytery of Stirling,' p. 11, - ED.

35. See 'The Nullity of the Pretended Assembly at Saint Andrews and Dundee,' &c. p. 312. Printed in the year 1652. As many had been under age when the Solemn League and Covenant was first sworn, the Commission of the General Assembly ordained it to be renewed by their Act October 6, 1648, joining to it the "Solemn Acknowledgment of Public sins and Breaches of the Covenant, and a Solemn Engagement to all the Duties contained therein." — ED.

36. "We desire it may be remembered that in the beginning of these troubles, anno 1638, when as there were then standing laws in this kingdom, which are not yet repealed to this day, discharging all subjects from rising in arms, without the king's express warrant and command; yet the subjects of this kingdom, perceiving themselves in danger to be destroyed by foreign invasion, did find these laws no ways to bind up their hands, from taking arms, for their just defence and self preservation, - these laws, in the intention of the lawgiver, being made for the preservation of the kingdom, and not for the destruction of it." - 'Answer of the Commission,' pp. 13, 14. - ED.

37. From this place it is clear, it is no new thing for a vile tyrant to pretend to be the governor of a land for the good of the people, while abusing his subjects, (whom he esteems rather to be his slaves), and utterly disabling them of all means of self defence. — ED.

38. See. 'The Waters of Sihor, or the Land's Defection.' Wodrow MSS. vol. xvii. pp. 39-41, in Bib. Ad. Peterkin's 'Rec. of the Kirk of Scotland,' pp. 619, 620. — ED.

39. That is, "to have the same desires and aversions, that, in a word, is strong friendship." – *Sallust. in Catil. c. xx.* – ED.

40. That is, "everywhere and at all times like himself and the same." – ED.

41. We learn from Principal Baillie, ('Letters and Journals,' vol. ii. p. 363,) that Binning had identified himself with the Association of the West, which was required to dissolve itself, by an Act of the Scottish parliament, passed 28th Decem., 1650. – ED.

42. Or, general officers. – ED.

43. The *first* or *principal proposition* in the preceding syllogism. – ED.

44. (Minor probatur,) that is, *the second proposition* in the preceding syllogism. It will be perceived that the arguments of the author are constructed according to the rules of the Aristotelian logic. A familiar acquaintance with this mode of reasoning continued to be cultivated, at this time, by all who wished to excel in public disputations. (Professor Jardine's 'Outlines of Philosophical Education in the University of Glasgow,' p. 12. Glas. 1825.) In the Westminster Assembly, the different speakers often presented their opinions under the form of syllogisms, which were impugned and defended by employing the usual terms and technical formalities of the dialectic art. - See Lightfoot's 'Journal of the Proceedings of the Assembly of Divines. Works, vol. xiii. pp. 123, 157, 203-205, &c. – ED.

45. Mr. Robert Ramsay, Principal of the University, reminded the Presbytery of Glasgow at their first meeting in June, 1651, "that Mr. Hugh Binning had expressly protested that it was not lawful for us to pray for the success of the army, as it was constitute, and because of those who now have power in the same. And farther, the said Mr. Hugh Binning, when notice was taken of these words, repeated them over and over again, and avowed, he would pray for a blessing to them, that is, that they might be converted, but, that he could not pray for success to them as they are now constitute." - 'Records of the Presbytery of Glasgow.' – ED.

46. For the Instructions given by the Scottish parliament to the Commissioners who went to Breda, see 'Acts of the Parliament of Scotland,' vol. vi. pp. 513, 514. A copy of the Treaty itself agreed upon by his Majesty Charles II. and the Scottish Commissioners, and afterwards ratified by parliament, will be found in Thurloe's State Papers, vol. i. pp. 147, 148. – ED.

47. That is, "who, because they are wise, are ignorant of that which they know." (Tu pol, si sapi, quod scis, nescis. Terent. Eun. iv. 4. 54.) – ED.

48. That is, *lively* or *distinct* characters, - ED.

49. "A fisherman is made wise by a bite." A Greek proverb, the original of this (*OalieuVplhgeiVnounfusei*), has been preserved in a fragment of Sophocles. Erasmii Adagiorum Chil. Quat. p. 41. Coloniae, 1612. Scholiastes Græci In Sophoc. Tom. iii. P. 602. Argentorati. 1788, - ED.

50. "Another consequence of this defeat [at Dunbar] was, that every one blamed the other; the one side for purging out too many who might have been of service against the enemy; and these again blamed their opposites for being too remiss, and not well enough purged." - Memoirs of the Life of the Rev. Robert Blair, p. 113. Edin. 1755. - ED.

51. Answer of the Commission, *ut supra*, p. 8. - ED.

52. P. 178. Edin. 1649 - ED.

53. In opposition to what is here affirmed, it is stated in the pamphlet entitled, 'A True Representation of the Present Division in the Church of Scotland,' (p. 15.) that the Scottish Reformers did not look upon their conjunction with the Duke of Chatelherault and his followers, "as a cause of that sad stroke, as some would make the world believe, from Mr. Knox's Sermon at Sterlin. For in the heads of that Sermon, printed in the History of the Church of Scotland, p. 217. *Edit. Edinburgh, 1644, in 4to.,* there is no mention of any such thing, but only of their carnal confidence; that possibly they had not sincerely repented of their former opposition; and that they who were late come in were made to feel in their own hearts, how bitter a cup they had made others to drink before them. Nor doth he (as our Brethren's tenets now lead them) press them to purge out such as were lately admitted, but doth only press repentance upon all of them." - Dr. M'Crie presents his readers with an analysis of this sermon of the "great Apostle of the Scots," as he was called by Beza. - See 'Life of Knox,' pp. 192, 193 sixth edit. - ED.

54. "The very heathens had a notion of the unlawfulness of confederacies with wicked men. For, as Victorinus Strigelius on 2 Chron. 25, noteth out of Æschylus his tragedy, entitled *Seven to Thebe*, Amphiaraus a wise virtuous man was therefore swallowed up in the earth, with seven men, and seven horses, because he had associated himself with Tydeus, Capaneus, and other impious commanders marching to the siege of Thebe." ('Gillespie's Miscel. Quest.,' p. 178.) Æschylus makes Eteocles give the following description of the character of Amphiaraus, and foretell his destiny: - ('Septem cont. Thebas,' ver. 597.)

"Nothing worse
In whate'er cause than impious
fellowship;

Nothing of good is reap'd: for when
the field
Is sown with wrong, the ripened fruit is
death.

So this seer
Of temper'd wisdom, of unsullied
honour,
Just, good, and pious, and a mighty
prophet,
In despite to his better judgment join'd
With men of impious daring, bent to
tread
The long, irremeable way, with them
Shall, if high Jove assist us, be dragg'd
down
To joint perdition." – POTTER.

Regarded simply as a poetical fiction, the account which Statius has given of the fate of Amphariaus is particularly striking and beautiful. - (Thebaid. lib. vii. ver. 815-823.) – ED.

55. "A Hypothetical Proposition is one which asserts not absolutely, but under an hypothesis, indicated by a conjunction. An hypothetical syllogism is one on which the reasoning depends on such a proposition." - Whately's 'Elements of Logic,' p. 388. – ED.

56. "For he who gives life, gives the things which are necessary to life." – Cic. De. Offic. lib. i. cap. 4. – ED.

57. The MS. in my possession, which will be afterwards described, has no part of this third answer. In place of it, I find the following passage: "And though there had been disproportion of numbers betwixt us and the enemy; yet we cannot but still say, it had been a way much better beseeming the people of God, and in which there would have been much more peace and consort, to have hazarded on our duty, with such a disproportion, than to have taken in the malignant party for making it up." – ED.

58. Dirge, or some such word, is wanting here. – ED.

59. That is, put them in mind. – ED.

60. The remaining part of the Section is not contained in either of the two preceding editions of the Case of Conscience, but is taken from a MS. in the handwriting of the period, with the use of which I have been favoured by my

friend, David Laing, Esq., Secretary to the Bannatyne Club. This MS. terminates with Section IV. – ED.

61. Mr. George Gillespie, who was the son of Mr. John Gillespie, Minister of Kirkaldy, was at this time one of the Ministers of Edinburgh; but he had gone to Kirkaldy for the benefit of his health. He was one of the Commissioners from the Church of Scotland, to the Westminster Assembly. In his letters from London, Principal Baillie, who was also one of the Scottish Commissioners, speaks of his youthful colleague in terms of high admiration. "Of a truth," he says, respecting him, in a letter dated March 26, 1645, "there is no man whose parts in a public dispute I do so admire. He has studied so accurately all the points ever yet came to our assembly, he has gotten so ready, so assured, so solid a way of public debating, that, however there be in the assembly divers very excellent men, yet in my poor judgment, there is not one who speaks more rationally and to the point, than that brave youth has done ever." ('Letters and Journals,' vol. i. p. 451. See also, pp. 407, 419, 431.) Gillespie's 'Treatise of Miscellany Questions,' which was published after his death, in 1649, contains a chapter entitled, "Another most useful Case of Conscience discussed and resolved, concerning associations and confederacies with idolaters, infidels, heretics, or any other known enemies of truth and godliness." (pp. 169-193) This, it will be observed is, with very little variation, the title of the Tractate of Binning. It is probable, that they who first undertook the publication of Binning's MS. were led to adopt this title from the similarity of the views, as well as the identity of the subjects of the two authors. When the Commission of the church met at Perth, in December, 1650, for the purpose of considering the *query* of the parliament as to the persons who ought, or ought not, in present circumstances to be employed, in the defence of the country, - it was not likely that the published opinions of Gillespie upon such a subject would be overlooked. But says Baillie, when giving an account of this meeting, "The question was alleged to be altered from that which Mr. Gillespie writes of." - 'Letters and Journals,' vol. ii. p. 365 – ED.

62. The name of "M. F. Carmichael" is attached to a warrant, which is dated Sept. 1, 1651, and bears to be subscribed by certain commissioners of the church, authorizing George Ogilvy of Barras, to deliver up to Lord Balcarres, the Registers of the Kirk that were in his house. (Reg. of Deeds, 6 March, 1701. Dr. M'Crie's Mem. of Veitch and Brysson, Append. p. 525.) There can be little doubt that these were the original records of the church, which were produced and identified at the meeting of the General Assembly at Glasgow, in the year 1638. (Id. p. 497. 'Rec. of the Kirk,' vol. i. pp. 22-24, Edited by A. Peterkin.) It is boldly asserted by Gordon, parson of Rothiemay, that the old authentic records of the Assemblies were at that time in the hands of Archbishop Spottiswood, who had carried them with him, he says, to London, though he more cautiously adds, in a *nota*, "It is *very uncertain* if the registers presented were the principals, or if only copies." ('History of Scots Affairs,' vol. i. pp. 146, 147. Aberdeen, Printed for the

Spalding Club, 1841.) Keith tells us in what way these records afterwards came into the possession of Mr. Archibald Campbell, a Scottish non-juring clergyman residing in London, by whom they were most unjustifiably detained from the Church after the Revolution, and subsequently gifted to Sion College, the governors of which being expressly restricted from permitting them to pass out of their custody. ('Hist. of the Aff. of Church and State in Scot.,' p. 497.) After some delay on the part of the governors, the long-concealed records, bound up in three volumes, and embracing the whole period between 1560 and 1616, were given up by them for inspection, in the year 1834, to the Select Committee of the House of Commons on Church Patronage. ('Minutes of Evidence,' pp. 126, 355, 374.) Dr. Lee, one of the witnesses before the Committee, declared, after examining them, he was quite certain that they were "authentic records." (Id. p. 450). The loss of such invaluable archives, soon after this, which now appears to be placed beyond all doubt, in consequence of the destruction of the House of Commons by fire, is much to be deplored. – ED.

63. At the Restoration, Mr. Moncrieff was ejected from his parish, for the part he had acted in framing or sanctioning the "Remonstrance," and the "Causes of the Lord's wrath," which was engenuously confessed by him. ('Acts of the Parliaments of Scotland,' vol. vii. p. 367.) Wodrow has collected various particulars regarding the life, character, and subsequent sufferings, for conscience' sake, of this pious and useful minister. ('Hist. of the Surf. of the Ch. of Scot.,' vol. i. pp. 197-200.) As he was persecuted, during the Usurpation, for persisting in praying publicly for the king, he had thus the singular misfortune of being punished both for his loyalty and his supposed disloyalty. Mr. Moncrieff has had a niche assigned to him by Howie among the *Scots Worthies*. (pp. 411-415. Dumfries, 1835.) Mr. James Guthrie, Minister at Stifling, who was imprisoned at the same time with his friend, Mr. Moncrieff, and afterwards executed, was accused at his trial of compiling "the Remonstrance." This he denied, affirming he could prove, by hundreds of witnesses, that he was at Stifling at the time, many miles distant. - See his Defences, 'Acts of the Parl. of Scot.,' vol. vii. Append. p. 37. – ED.

64. The parliament of Scotland passed the *Act of Classes* on the 23d of January, 1649. It was entitled an Act "for purging the Judicatories, and other places of Public trust." Those whom it declared to be incapable of sitting in parliament, or of holding any civil or military appointment, were divided into four classes. The disqualification of such as, on account of their supposed greater criminality, were placed in the first class, was to continue for life; that of the second class for ten years; that of the third class for five years; and that of the fourth class for one year only, provided they gave previously sufficient evidence of their penitence. - 'Acts of the Parl. of Scots,' vol. vi. p. 352. – ED.

65. "After the woeful rout at Dunbar, in the first meeting at Stirling, it was openly and vehemently pressed to have David Lesly laid aside, as long before was designed, but covertly by the chief purgers of the times. The man himself did as much press as any to have liberty to demit his charge, being covered with shame and discouragement for his late unhappiness, and irritated with Mr. James Guthrie's publick invectives against him from the pulpit. The most of the committee of estates, and commission of the kirk, would have been content to let him go; but finding no man tolerably able to supply his place, and the greatest part of the remaining officers of horse and foot peremptory to lay down, if he continued not; and after all trials finding no maladministration on him to count of, but the removal of the army from the hill the night before the rout, which yet was a consequence of the committee's order, contrary to his mind, to stop the enemy's retreat, and for that end to storm Broxmouth house as soon as possible. On these considerations the states unanimously did with all earnestness entreat him to keep still his charge: against this order, my Lord Wariston, and, as I suppose Sir John Cheesly, did enter their dissent. I am sure Mr. James Guthrie did his, at which, as a great impertinency, many were offended. Col. Strachan offered to lay down his charge, being unwilling more to be commanded by D. Lesly. Some more inclined to do so; but all were quieted by this expedient." Baillie's Letters, vol. ii. p. 350. – ED.

66. The religious zeal of Binning, his patriotism, and his dread of arbitrary power were, it is clear, stronger than his loyalty. The ungrateful, impolitic; and barbarous treatment which his Scottish subjects received from Charles II. after the Restoration, must be held to be a proof of the sagacity at least of Binning, and a justification of the suspicion with which he and some of the other Protesters regarded him. It is not unlikely that, in their case, the strong appeal to the fears of the English and Scottish Presbyterians, as the supposed, friends of monarchy, contained in Milton's 'Tenure of Kings and Magistrates,' which was published but two years before this, had not failed altogether of its effect. – ED.

67. I have not been able to discover to what "old translation" the author alludes. But Wilcox puts the same interpretation, that he does, upon the ninth verse of this chapter. "*Sin*, (viz. which the wicked and ungodly men commit, and they know one of them by another,) *maketh fools to agree*, (viz. one of them with another: q. d. their partaking in wickedness joineth the wicked's minds, one of them towards another;) *but among the righteous*, (i. e. good and holy people,) *that which is acceptable* (viz. before God and good men) *maketh agreement* (viz. among themselves: q. d. good things only tie good men's minds together)". *A Short yet Sound Commentary Written on that Worthy Work called the Proverbs of Solomon*. London, 1624. – ED.

68. The Estates, or parliament. – ED.

69. Let this comment be well noted and weighed by those of our modern backsliding "Presbyterian" churches who have cast off the Covenants and changed their Faith.– ED.

70. In the margin of the authorized version the verse is translated thus: 'A great man grieveth all, and he hireth the fool, he hireth also transgressors.' – ED.

71. *Fairding* refers to the practice of painting and powdering of the body and face. – ED.

72. "Although you expel nature by violence, she will still return." - *Hor. Epist.* lib. i. ep. 10. ver. 24. – ED.

73. "Having burst, as it were, its floodgates." – ED.

Return to [Homepage](#)
