

brave Nation, who as they have thought nothing too much to give or hazard to defend their Liberties against a Foreign Enemy; so they hope your Lordships Justice on this Offender, will secure those Liberties against Domestick ones.

Mr. Solicitor General. MY Lords, I am commanded by the Commons to join with the Learned Gentleman who spoke last, in Replying to the Defence that has been made upon the First Article of this Impeachment, which the Commons insist upon to be well-grounded, and fully prov'd, notwithstanding the several Objections and Excuses that have been offer'd by Doctor *Sacheverell* and his Council.

One of the Doctor's Council has agreed, That if he has asserted, that the Resistance used to bring about the Revolution was Unlawful, no Punishment can be too great for him: But what they have offer'd to your Lordships in his Defence is, That no such Position can be made out without the help of *Immendo's* and forced Constructions, which infer a Meaning contrary to the Natural Sense and Import of his Words; and this way of charging a Man with a Crime, they truly say, is not agreeable to the Rules of Law, and would contradict one of the Reasons given for the Judgment of the House of Lords, in the Case of Sir *Samuel Barnardiston*: And if this was the Case, it would not become the Commons of *Great Britain*, who have such an Affectionate Regard to the Laws and Liberties of their Country, to proceed upon an Impeachment so ill-grounded. But when the Commons had so fully and particularly proved the Assertions charged upon the Doctor by this Article, they little expected to have heard that his Words had been wrested to wrong Meanings, and made to speak what he never thought: And therefore, since the Question depends altogether upon Construction, and your Lordships have been told that the Passage upon which this Charge is grounded, has not been fully stated, the Commons must give you the trouble of Reading the Passage at large, as it stands in the Sermon; that your Lordships may judge, whether they have not taken his Words in the common and ordinary Sense, and given them the only Meaning they can bear.

The Passage is in these Words.

“ The grand Security of the Government, and
 “ the very Pillar upon which it stands, is founded
 “ upon the steady Belief of the Subjects Obligation
 “ to an Absolute and Unconditional Obedience to
 “ the Supreme Power in all Things lawful, and the
 “ utter Illegality of Resistance upon any Pretence
 “ whatsoever. But this Fundamental Doctrine, not-
 “ withstanding its Divine Sanction in the express
 “ Command of God in Scripture, and without which,
 “ it is impossible any Government, of any Kind or
 “ Denomination in the World, should subsist with
 “ Safety, and which has been so long the Honourable
 “ and Distinguishing Characteristick of our
 “ Church, is now, it seems, quite exploded and
 “ ridicul'd out of Countenance, as an Unfashionable,
 “ Superannuated, nay (which is more wonderful) as
 “ a dangerous Tenet, utterly Inconsistent with the
 “ Right, Liberty, and Property of the People; who,
 “ as our New Preachers, and New Politicians teach
 “ us, (I suppose by a New and Unheard-of Gospel,
 “ as well as Laws) have, in Contradiction to Both,
 “ the Power invested in them, the Fountain and Ori-
 “ ginal of it, to Cancel their Allegiance at pleasure,
 “ and call their Sovereign to Account for High
 “ Treason against his Supreme Subjects, forsooth!

“ Nay, to Dethrone and Murder him for a Criminal,
 “ as they did the Royal Martyr, by a Judiciary Sen-
 “ tence: And, what is almost Incredible, presume to
 “ make their Court to their Prince, by maintaining
 “ such Antimonarchical Schemes. But God be
 “ thank'd! neither the Constitution of our Church
 “ or State is so far alter'd, but that by the Laws of
 “ both, (still in Force, and which I hope for ever
 “ will be) these Damnable Positions, let them come
 “ from the Pulpit or the Press, either from *Rome* or
 “ *Geneva*, are condemned for Rebellion and High-
 “ Treason. Our Adversaries think they effectually
 “ stop our Mouths, and have us sure and unanswer-
 “ ble on this Point, when they urge the Revolution
 “ of this Day in their Defence. But certainly they are
 “ the greatest Enemies of that, and his late Majesty,
 “ and the most Ungrateful for the Deliverance, who
 “ endeavour to cast such Black and Odious Colours
 “ upon both. How often must they be told, that the
 “ King himself Disclaim'd the least Imputation of Re-
 “ sistance in his Declaration; and that the Parliament
 “ declar'd, That they set the Crown upon his Head,
 “ upon no other Title, but that of the Vacancy of the
 “ Throne? And did they not Unanimously con-
 “ demn to the Flames (as it justly deserv'd) that In-
 “ famous Libel that would have pleaded the Title
 “ of Conquest, by which Resistance was supposed?”

And the Question now before your Lordships is, Whether by these Words he has asserted, *That his late Majesty in his Declaration disclaim'd the least Imputation of Resistance; and that to impute Resistance to the Revolution, is to cast Black and Odious Colours upon his late Majesty and the Revolution; which are the Assertions charg'd upon him in this Article, as Suggesting and Maintaining, that the necessary Means used to bring about the late happy Revolution were odious and unjustifiable:* Now that there was Resistance in the Revolution, and that such Resistance, in a case of that absolute and unavoidable Necessity, is consistent with the Doctrine of the Church, and the Fundamental Law of the Kingdom, is agreed by the Council; and they have endeavour'd to convince your Lordships, that the Doctor has asserted nothing to the contrary; for they say, “ The Resistance which the Doctor affirms the King to have disclaim'd, was only a Resistance which tend- ed to Conquest; and that the Doctor did well to wipe off this Imputation, for the Parliament had declared it injurious to his rightful Title to the Crown, and had order'd a Treatise to be burnt, which Suggested a Title by Conquest; and that the Doctor having his Eye in that Expression on the matter of Conquest, expressed the same by Resistance, which was applicable to the Subject-Matter before, and therefore ought not to be wrested to any other Purpose.”

This, my Lords, is the Turn which the Council would give to the Doctor's Assertion, *That the King disclaim'd the least Imputation of Resistance.* And indeed the Words of the Sermon are so plain and particular, that they are forced to have Recourse to this Evaluation of a Resistance by Conquest: But I wonder Gentlemen can argue in this manner, and at the same time speak of reading the Words with Candor and Ingenuity; when 'tis most apparent that there is no *previous Discourse* of a Title by Conquest, or of any Treatise in which it had been asserted, that could give occasion for his vindicating the late King from any such Imputation, or to which these Words can in any Construction be applied; for the Doctor says nothing of Conquest 'till after he had asserted that the King disclaim'd the least Imputation of Resistance; and

and then he goes on and lays another Foundation for the Settlement upon the Revolution, by grounding it upon the Vacancy of the Throne, before he says any thing about Conquest, or mentions the Book which had pleaded that Title; and even then he condemns that Title for no other Reason but because it implied Resistance; which plainly shews, that his Argument was carried on upon the Subject of Resistance, and not upon that of Conquest.

And the Answer which they have given to that part of the Article, whereby he is charged with Asserting, *that to impute Resistance to the Revolution, is to cast Black and Odious Colours upon his late Majesty and the Revolution,* is equally evasive.

What they have offer'd to your Lordships upon this Head is, That the Doctor is not speaking of the utter Illegality of Resistance, when he introduceth his Discourse about casting Black and Odious Colours, by saying, *Our Adversaries think they have us sure and unanswerable on this Point, when they urge the Revolution of this Day in their Defence;* but of the damnable Positions with which the Doctor charges the new Preachers and new Politicians, in the Words immediately preceding: And in this place it is, that the Manager appointed to maintain this Article is charged with omitting about twenty or thirty Lines between the General Doctrine and the Passage concerning the Revolution, in which several distinct and entire Sentences are contain'd, concerning those Persons and their Principles, to which that Passage entirely relates: And your Lordships are told, that to apply the Instance of the Revolution to justify such wicked Principles, is what the Doctor calls casting Black and Odious Colours upon his late Majesty and the Revolution.

But the Commons take it to be very clear, That upon stating of the whole Paragraph, and all the Words in the Order in which they lie, and upon comparing the several Passages, it will manifestly appear, that what the Doctor said about *casting Black and Odious Colours* upon the Revolution, can be applied only to those who maintain, that the Resistance used to bring about the Revolution was lawful and just, and that the Persons he calls *our Adversaries* are such as urged the Revolution in opposition to his general Doctrine of the utter Illegality of Resistance upon any Pretence whatsoever: and not to those who urge the Revolution in Defence of those damnable Positions, which, he says, the new Preachers and new Politicians had laid down.

This the Commons apprehend to be the only Meaning that his Words in any Construction can bear; for *the Point* he is speaking of, and which he says his Adversaries thought they had him sure and unanswerable upon, must be some certain single Position which was mentioned before, some one Position or Principle, and not many; for 'tis *this Point*, not *these Principles*; and that single Point could be no other, than the *Point of Resistance*: And the Persons he calls his Adversaries, who think they have him so sure, can be no other than those who deny his general Doctrine, and not those new Preachers and new Politicians, who say the People have a Power vested in them to cancel their Allegiance at Pleasure; because those who deny this General Position of the utter Illegality of Resistance, as applied to any one particular Case, are certainly his Adversaries, and Enemies to his Fundamental Doctrine: For whoever can find an excepted Case, or shew an Instance in which Resistance is lawful, destroys his general Assertion. And he sufficiently shews, he meant those who opposed his general Doctrine of absolute Non-Resistance, by

our Adversaries, when he says that they urged the Revolution of that Day in their Defence; because the Resistance at the Revolution, which was founded in unavoidable Necessity, could be no Defence to a Man that was attack'd for asserting that the People might cancel their Allegiance at Pleasure, or Dethrone and Murder their Sovereign by a Judiciary Sentence. For it can never be infer'd from the Lawfulness of Resistance at a Time when a *Total Subversion* of the Government both in Church and State was intended, that a People may take up Arms and call their Sovereign to account at Pleasure; and therefore, since the Revolution could be of no Service in giving the least Colour for asserting any such wicked Principle; the Doctor could never intend to put it into the Mouths of those new Preachers and new Politicians for a Defence; unless it be his Opinion, that the Resistance at the Revolution can bear any Parallel with the execrable Murder of the Royal Martyr, so justly detested by the whole Nation; or that there was no other Difference between the two Cases, than what the Learned Gentleman, who first spoke for him, was pleas'd to mention in the Conclusion of his Argument, by quoting an odious Expression which I forbear to repeat: But it was very proper to take notice of the Resistance at the Revolution, as an Objection to his general Doctrine, for it really is so; and 'tis impossible that Doctrine can be true in its full Extent, if the Resistance at the Revolution was lawful; for 'tis most apparent, that the Justice of a Revolution, founded in Resistance, and the Principle of Non-Resistance upon any Pretence whatsoever, can never stand together.

And therefore he could mean nothing by *the Point* his Adversaries thought they had him so sure upon, but the general Position of Non-Resistance, which was the only Point contended for in that Place; and he must mean those only who denied his Doctrine of absolute Non-Resistance, by *our Adversaries*: And having no other way of maintaining the utter Illegality of Resistance upon any Pretence whatsoever, and of answering the Case of the Revolution, which, from the Resistance that was in it, was made an Objection; he goes on and denies the Resistance, by saying, That *the King solemnly disclaim'd the least Imputation of Resistance*; and calls those who say that there was any Resistance in the Revolution, *the greatest Enemies of that and his late Majesty, and the most ungrateful for the Deliverance, who endeavour to cast such Black and Odious Colours upon both.*

This, my Lords, is plainly Asserting, That to impute Resistance to the Revolution, is to represent it as Black and Odious; and this Assertion is fairly collected from the plain Course and Tendency of his Argument, not from strain'd Inferences and Innuendo's, not from supposed or forc'd Constructions, but from his own Words, as they lie together, taken in their natural and genuine Sense, and is the only Construction that can give them any reasonable Meaning or Coherence.

And therefore the Commons apprehend, That the Charge against the Doctor, for asserting, That *to impute Resistance to the Revolution, is to cast Black and Odious Colours upon his late Majesty and the Revolution,* is fully prov'd, and stands unanswer'd.

But tho' the Charge, and the Passages produced for the Proof of it, are so very particular, and directly pointed at the Resistance used to bring about the late happy Revolution, yet the Doctor and his Council are pleas'd to say, " That he has only Asserted the Doctrine of Non-Resistance in general
" Terms, as it has been taught by the Apostles, the
" Homilies,

“ Homilies, and the Fathers of the Church in all
 “ Ages : That in this Case, as in all other general
 “ Propositions, Cases of unavoidable Necessity, as
 “ *the Revolution undoubtedly was*, are always under-
 “ stood to be excepted ; and that there is no other
 “ Difference between the Gentlemen of the House
 “ of Commons and the Doctor, but Whether when
 “ the general Rule of Obedience is taught, the
 “ particular Exceptions which may be made out of
 “ that Rule are always to be express'd ; or, Whether
 “ when the general Rule is laid down, the particu-
 “ lar Exceptions are not more properly to be under-
 “ stood or implied :” And upon this ground they
 have been very Elaborate, and have produced many
 Proofs to satisfy your Lordships, that the Doctor's
 general Assertion of the utter Illegality of Resistance
 to the Supreme Power upon any Pretence whatsoever,
 without mentioning any Exception, is warranted by
 the Doctrine of the Church, and by the Law of the
 Land.

But, with great Submission, all this Pains might
 have been spared : for 'tis plain that the Doctor is
 not Impeach'd for preaching a general Doctrine,
 and enforcing the general Duty of Obedience, but
 for preaching against an excepted Case, after he has
 stated the Exception. He is not Impeached for
 preaching the general Doctrine of Obedience, and
 the utter Illegality of Resistance upon any Pretence
 whatsoever ; but because, having first laid down the
 general Doctrine as true, without any Exception, he
 states the excepted Case, the Revolution, in express
 Terms, as an Objection ; and then assumes the
 Consideration of that excepted Case, denies there
 was any Resistance in the Revolution ; and asserts,
 that to impute Resistance to the Revolution would
 cast Black and Odious Colours upon it. This, my
 Lords, is not preaching the Doctrine of Non-Resi-
 stance in the general Terms used by the Homilies,
 and the Fathers of the Church, where Cases of Ne-
 cessity may be understood to be excepted by a Tacit
 Implication, as the Council have allowed ; but is
 preaching directly against the Resistance at the Re-
 volution, which in the Course of this Debate has
 been all along admitted to be necessary and just, and
 can have no other Meaning, than to bring a Dis-
 honour upon the Revolution, and an Odium upon
 those great and illustrious Persons, those Friends
 to the Monarchy and the Church, that assisted in
 bringing it about. For had the Doctor intended
 any thing else, he would have treated the Case of
 the Revolution in a different manner, and have
 given it the true and fair Answer ; he would have
 said, that the Resistance at the Revolution was of
 Absolute Necessity, and the only Means left to re-
 vive the Constitution ; and must be therefore taken
 as an excepted Case, and could never come within
 the Reach or Intention of the general Doctrine of
 the Church. But instead of this, he denies that there
 was any Resistance in the Revolution, and represents
 it as a Scandal upon the Revolution to say there was
 any Resistance in it ; *Those*, says he, *are the greatest
 Enemies to it, who cast such Black and Odious Colours
 upon it.*

My Lords, if extraordinary Cases, if Cases of
 Necessity, which are implicitly Excepted, are not to
 be stated at the Time when the general Prohibition
 is inculcated, and it would be of dangerous Conse-
 quence in this particular Instance of the Doctrine of
 Non-Resistance, “ by picking Holes for the Subject
 “ to creep out of his Allegiance ;” I submit it to
 your Lordships Consideration, whether stating an
 Excepted Case, and then bringing it within the ge-

neral Prohibition, particularly in this Instance of the
 Revolution, must not have the same pernicious Con-
 sequence : “ Does not this plainly shew what Spirit
 “ the Doctor is of, and what he aims at ?”

But your Lordships have been told, that “ What
 “ the Doctor asserts concerning the utter Illegality
 “ of Resistance to the Supreme Power, can never be
 “ applied to the Revolution ; for the Legislative,
 “ the King, Lords and Commons, is the Supreme
 “ Power ; and there was no Resistance to the Lords
 “ and Commons, for they join'd with his late Ma-
 “ jesty in bringing about the Revolution ; the Re-
 “ sistance was made only to that unfortunate Prince
 “ who was then upon the Throne.” But 'tis plain
 from his applying the Illegality of Resisting the Su-
 preme Power to the Case of the Revolution, that he
 meant the Executive Power, which was then Re-
 sisted ; and he uses *Sovereign*, and *Prince*, as Synony-
 mous Terms with the Supreme Power in other parts
 of the same Paragraph of the Sermon ; for he speaks
 of calling the Sovereign to Account, and of cancel-
 ling Allegiance at Pleasure, which can be due only
 to the Prince ; which shews, that the Prince only,
 and not the Legislature, can be understood by *His
 Supreme Power*.

I shall not trouble your Lordships, to shew that
 the Resistance used at the Revolution was consistent
 with the Doctrine of the Church, and with the Law
 and Constitution of *England* : This is no Part of the
 Controversy, and is not disputed by the Council ;
 for they agree such Cases to be excepted out of the
 General Rule, and profess to use the several Pas-
 sages that have been read to your Lordships, only to
 excuse or extenuate the Doctor's Offence, and not to
 arraign the Justice of the Revolution ; and therefore
 I shall not enter into a particular Examination of
 them, but only observe, That if the Books, out of
 which these Passages were taken, were narrowly ex-
 amined, 'tis possible some Expressions might be
 found, to shew that the Authors never intended
 that their General Rule should extend to Cases
 where the total Subversion of a Government was
 aim'd at. For your Lordships must needs have
 observed, from the Use that has been made of
 the Book of a Learned Prelate, called *A Vindi-
 cation of the Authority, Constitution and Laws of the
 Church and State of Scotland* ; Printed in 1673. that
 a perfect State of Truth is not altogether to be
 depended upon, from the Proofs that have been
 collected out of several Authors, and read to your
 Lordships ; and that the Sincerity of the Collector
 is very much to be questioned : For that Book
 was produced to prove the Duty of Absolute
 Submission, and a Passage was read for that Pur-
 pose ; but when the Managers looked into the
 Book, they found another Passage, where the Au-
 thor stating the Case of Abuses tending to a total
 Subversion, allows, That in such a Case, the Su-
 preme Power may be administered by another :
 Which shews, That this Reverend Prelate, who
 was so instrumental in the Revolution, did not
 act in Contradiction to his former Sentiments, (as
 was insinuated, by citing this Treatise ;) but was
 firm and constant to himself, when he embark'd in
 that Glorious Enterprize.

Several Sermons that have been preached since
 the Revolution, have been likewise offered to your
 Lordships, to shew that the Doctrine of Non-Resi-
 stance has been delivered in general Terms ; but
 these can be of no Service in his Defence, for the
 Reasons that have been given. Besides, the Com-
 mons don't think themselves concerned to enter in-

to the Examination of private Opinions. And for those that have been preached by the Right Reverend Fathers of the Church now living, they are the best Expositors of their own Meaning; and I should mis-spence your Lordships Time, to enter into any Explication of them. The Doctor has appealed to the Right Reverend Fathers of the Church; to these Right Reverend Fathers we leave him; not doubting but the Nation will be satisfied how much they are concerned for the Honour of the Revolution, and the Security of the present Happy Establishment under her Majesty, by the just Judgment they will give upon this Occasion.

And as to the Laws of the Kingdom, there needs little to be said, after what the Learned Gentleman who spoke last, has offered to your Lordships; especially since the Council for the Doctor have all of them own'd, That the General Expressions in the Laws don't extend to any such Case as that of the Revolution, which no Municipal Law can be supposed to include. And if Doctor *Sacheverell* had been satisfied with laying down the General Doctrines of Obedience and Non-Resistance, in the manner the Laws have done, the Commons had never given your Lordships this Trouble. 'Tis his entering into the Debate of what is agreed by his own Council to be an Excepted Case, and his arraigning the Justice of the Revolution, (which has been already stated at large to your Lordships) that has given Occasion for the Prosecution upon this Article.

Besides this, there have been other Things said in the Doctor's Behalf.

The Commons had alledged, That to shake the Justice of the Revolution, and the Validity of those Acts of Parliament, by which Her Majesty's Title to the Crown was declared, and the Succession settled in the Protestant Line, was a Matter of the greatest Consequence, at a Time when the Hereditary Right to the Crown was contested; and that the Friends of the Pretender could Advance his Interest upon no other Ground. But it has been urged for the Doctor, That he could never mean any Service to the Pretender; for he asserts the Hereditary Right to be in the Queen; and that those who deny Her Hereditary Right, are most like to bring in the Pretender. And by this Answer, they insinuate, That the Doctor has asserted an Hereditary Right in Her Majesty; and that those who defend her Parliamentary Title, deny Her Hereditary Right. The Passage they cite for his asserting an Hereditary Right in Her Majesty, is *Pag. 2.* where he calls Her Majesty, *The Good and Pious Relict of the Royal Family*: And they argue, That if Her Majesty be the Relict, and the only Prince of that Family left, she must have the Hereditary Right of Course.

This Passage your Lordships cannot but observe, requires some Straining, to give it any Appearance of answering the Purpose to which they would apply it; and after all, it can carry no such Meaning: Her Majesty is not the only Descendant of the Royal Family now in being; there are several Branches of it yet remaining; and I cannot believe, that the Gentlemen who use this Argument, intend to exclude the Illustrious House of *Hanover* from being Part of it. In the next Place, they turn it upon the Commons, as if they denied the Hereditary Right (which they shall ever avow) when they asserted the Title by Act of Parliament. I submit it to your Lordships, Whether any thing more was said, than that the Hereditary Right

was contested? And this is notorious to all the World——is taken Notice of in our Oath of Abjuration, and was claimed Two Years ago, by the Pretender's Attempting an Invasion. And in such a Case, 'tis certainly the Duty of every Subject, to make good all the Fences which guard Her Majesty's Title to the Crown. And my Lords, We have Reason to lay some Weight upon a Parliamentary Title, since the Protestant Succession entirely depends upon it; and to defend the Power of Parliament, to limit the Succession of the Crown, since the Doctor has offered to your Lordships in Evidence a Decree of the University of *Oxford*, in the Year 1683, where is this Proposition, *viz.* "That it is lawful to preclude the next Heir from his Right and Succession to the Crown, was solemnly condemned, as False, Seditious and Impious:" Which I the rather take Notice of, because the Doctor relies so much upon the Authority of that University. But I must take Leave to say, That if the same Principle should still continue to be taught, or to be believed in that University, where so many of our Gentlemen receive their first Impressions, it must one Time or other involve us in Blood, and leave Posterity in endless Disputes about the Title to the Crown; and therefore 'tis of the greatest Consequence to Her Majesty, and the Security of Her Person and Government, the Continuance of the Succession in the Protestant Line, and the Peace and Happiness of this Kingdom, to maintain the Power of Parliament to settle the Succession of the Crown; which has been exercised in all Times, and frequently resorted to by Her Majesty's greatest and wisest Predecessors. This is not to make way for the Pretender, but to shew that he is effectually and legally excluded; and that Her Majesty has not only the Hereditary Right, but the Sanction of an Act of Parliament, which has been always thought sufficient to bind the Succession to the Crown, and is the plain way to establish her Majesty's Throne against all Attempts whatsoever.

But your Lordships are told, That these Sermons were not preached with a seditious Intention; and that the Doctor can never be supposed to have a Design to undermine the Government, by preaching up the utter Illegality of Resistance.

This, My Lords, has indeed some shew of an Excuse; but if your Lordships consider in what Manner he has applied his Doctrine of Non-Resistance, and the Use he has made of it, together with the General Design of the Sermon, which is a virulent Invektive throughout; it will appear, that he could not take a more proper Course to incite the People to Sedition, and to create Jealousies and Discontents in the Kingdom. For, First, he endeavours to shew, That if there was any Resistance in the Revolution, the Foundations of our present happy Settlement were laid in an unlawful Force; because such Resistance was, as he says, utterly illegal, odious, and unjustifiable. And having laid this Ground, he charges her Majesty, and those in Authority under her, with a General Male-Administration: And what Inference can the People make from such Positions as these; but that the Government they are under is ill founded, and therefore no Obedience is due to it; and since there is a general Mismanagement in the whole Administration of the Executive Power, 'tis their Interest to get rid of it as soon as they can?

This, My Lords, is the plain Tendency of his whole Discourse; and whose Interest is best served

by such Discourses as these, whether that of her Majesty, our most gracious Queen, or that of the Pretender, I submit to your Lordships impartial Consideration.

My Lords, The Doctor will have no Reason to complain of being hardly used, in having his Intentions censured as seditious, if he considers what that great Prelate, my Lord Archbishop of York, has said in the Sermon that has been produced in Evidence before your Lordships; in which there is this Paragraph, *viz.*

“ They are the Factious, they are the Setters up
“ or Abettors of Parties, who endeavour to destroy,
“ or unsettle, or disparage, or at least to hurt and
“ weaken the Government and the Laws, as they
“ are established; let the Principles upon which
“ they go, or the Pretences they make, be what
“ they will.

And if his seditious Intentions be apparent from the Sermon, his having taken the Oaths of Allegiance, his Signing the Association, and his taking the Abjuration, are so many Aggravations of his Guilt.

I have troubled your Lordships a great while; but I can't forbear taking notice of one Thing, which the Doctor has complain'd of as a Hardship; I mean, that he has been prosecuted in this publick Manner by an Impeachment, by which, he says, he shall have been abundantly punished, tho' he should have the Happiness to be at last acquitted. But this Complaint is answered by his own Council, who acknowledge his Case to be a Cause of very great Moment; and that the Points now under your Lordships Consideration, are proper only to be settled in Parliament. And certainly, no other Course could have been so proper: For when the Foundations of the Government in Church and State are apparently struck at, and undermined, under Pretence of Zeal for the Constitution; when her Majesty's Title to the Crown is endeavoured to be weaken'd, under the Colours of Obedience and Loyalty; when the Quiet and Repose of her Majesty's Protestant Subject is disturb'd, under a pretended Zeal for the good of the Church; when the Safety of the Church is in the greatest Danger, from those who declare the most affectionate Concern for her Welfare and Prosperity; when the Fathers of the Church are defamed, by those who pretend the greatest Reverence for the Episcopal Order; and when her Majesty's happy Administration is publickly vilified and exposed, in the most audacious and insolent manner; where should the Commons apply for Justice, but to this supreme Judicature? Or where could they expect an adequate Remedy to these great and growing Evils, but in full Parliament?

They have therefore brought this great Offender before your Lordships; and have the highest Satisfaction, in a full Assurance of your Lordships impartial Judgment.

Mr. Lechmere. **M**Y Lords, the Gentlemen who have gone through the Substance of the Reply to this first Article: They have shewn to your Lordships the Weakness and Vanity of the Defence, which has been made to it; and have fully re-asserted this Part of our Charge, by which Doctor *Sacheverell* stands accused, in the Name of the Commons of *Great Britain*, of condemning the Necessary Means used to bring about the happy Revolution.

Your Lordships Consideration of this Branch of our Impeachment, and of what has been offered to

you in Maintenance of it, has, doubtless, created in your Minds an Impression equal to its Weight, and to the many great Consequences which depend upon it: But we persuade ourselves, that when you reflect on the Nature and Method of the Defence, 'twill more clearly discover to your Lordships and the World, how necessary a Task the Commons have taken on themselves in this Prosecution; of what high Concern it is to her Majesty and her Government, and to our common Security, that this Fundamental Question should receive this publick and solemn Discussion; That the false Zeal, which the disguised Enemies of her Majesty's Title have the Confidence to put on, by endeavouring to cover the worst Designs, under the sacred Names of God and Religion, and the strongest Professions of Loyalty and Allegiance, may be brought to the Test, and the true Foundations of the Safety of the Kingdom be understood and asserted.

The Part assigned me in opening the Charge, leads me to take Notice of some Passages which have fallen from the Council; and tho' what I shall first mention, has been already observed and fully refuted, yet I must beg your Patience to resume it a little. The Gentleman who began the Defence, said, That 'twas insisted on the first Day of the Trial, *That the Doctor had not only asserted the utter Illegality of Resistance on any Pretence whatsoever; but that he had likewise declared himself, That the Revolution was not such a Case as ought to be excepted out of his General Rule, and this he said, he denied; and if such an Expression could be found in the Doctor's Sermon, he should think no Punishment too great for him.* Your Lordships could not but observe the Argument which immediately followed: 'Tis one thing, says he, expressly to affirm the Revolution is such a Case as ought not to be excepted, and another thing not to make that Exception. You were told, indeed, in the Beginning of the same Discourse, and afterwards by the Doctor himself, That his general Assertion of the utter Illegality of Resistance on any Pretence whatsoever, did not relate to the Resistance used to bring about the Revolution, it being applied to the Supreme Legislative Power, to which no Resistance was then made, the Lords and Commons joining in it. This, my Lords, is a Meaning which the Doctor had not in view when he preached the Sermon; for, by observing the Passages, you will find that the Words *Supreme Power* are no Part of the Assertion of the utter Illegality of Resistance on any Pretence whatsoever. He doth, indeed, affirm unconditional Obedience to the Supreme Power in all Things lawful, but the Illegality of Resistance is indefinitely and universally affirm'd, and not restrain'd to the Supreme Power. 'Tis likewise evident, not only from his mentioning the Case of the Revolution, which was the Case of Resistance to the King, as an Objection to his general Rule of the utter Illegality of Resistance, but likewise from the subsequent Parts of the same Paragraph, that the Non-Resistance which he preached up, was Non-Resistance to the Supreme executive Power; and, indeed, this is still more evident from the Fallacy of that, which is offered to induce your Lordships to think otherwise, it being undeniable, that the Lords and Commons did not join in that Resistance, as part of the Legislative and Supreme Power, but as part of the collective Body of the Nation. This Subterfuge, frivolous as it is, being soon departed from, the Argument proceeded upon the Supposition, that the general Assertion in the Sermon was to be understood of

of the Supreme executive Power. I return therefore to the Objection as stated before, which being delivered with uncommon Ostentation, your Lordships will allow me to enter into the Examination of it. *The Subjects Obligation to an unconditional Obedience to the Supreme Power in all things Lawful, and the utter Illegality of Resistance on any Pretence whatsoever*, is the Doctor's general Rule, which he affirms to be the Security of our Government, and the Belief of this *the very Pillar on which it stands*. Your Lordships may here observe, that the Doctor, in delivering his general Rule, has gone pretty much beyond that Apostle he would be thought to imitate: The Apostle in general Terms enjoins the Duties of Obedience and Subjection to the higher Powers, not mentioning any Exception, when he lays down those Precepts. The Doctor goes on, and his next Sentences contain a general Observation, That tho' his fundamental Doctrine was now become unfashionable and exploded, as a dangerous Tenet, inconsistent with the Rights, Liberties, and Property of the People; yet, God be thanked, it still continued to be the Doctrine both of Church and State: And then follow these Words, *Our Adversaries think they effectually stop our Mouths, and have us sure and unanswerable on this Point, when they urge the Revolution of this Day in their Defence*. No Body can doubt what Revolution the Doctor means, nor, that under the Term *Revolution*, by which he expresses the Objection made to the general Rule of Non-Resistance, he meant the Resistance supposed to be made at that Revolution. This he states, as the unanswerable Objection made by his Adversaries to his Point, to his Rule of Non-Resistance on any Pretence whatsoever.

If your Lordships collect the Sense of the Paragraph thus far, it will stand thus: Those Persons who explode absolute Non-Resistance to the Prince as a Tenet dangerous to Liberty; in Defence of that their Opinion, object to us, who avow this Tenet as the honourable and distinguishing Characteristick of our Church, the Resistance used to bring about the late happy Revolution, as an Exception out of our general Rule of Non-Resistance. The Doctor having thus laid down his Rule in universal Terms, and expressly taken Notice of the Case of the Revolution as an Objection raised against it by other People; your Lordships are next to consider what becomes of this Objection; in what Manner is it treated by him, and what Judgment does he pass upon it? My Lords, The Doctor does not drop the Objection without considering it further; he is not *silent in the Matter*; he doth not leave this as an Exception *implied*, and *to be supposed* by the general Rule; he proceeds and argues expressly upon it for two or three Sentences together: The Doctor's Expressions in this Respect also are not entirely agreeable to those of the Apostle. In the next Place, Doth the Doctor yield the Objection to his Adversaries? Doth he allow the Resistance used to bring about the late happy Revolution to have been a lawful Resistance, and to be an Exception out of his general Rule? No, my Lords, just the contrary: He is so far from agreeing with his Adversaries in this Point, or giving way to the Exception, that in Vindication of the Revolution, as he would be thought to speak, he pronounces those who make the Exception, and contend for the Lawfulness of that Resistance, to be Enemies to the Revolution; and that Resistance, which the Commons assert to be the necessary Means by which it was brought about, he describes to be odious Colours cast upon the Revolution. In

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his next Sentence he insinuates, That there was no Resistance in the Revolution, and to that End; misrepresents his late Majesty as having disclaimed it; and with the same Intent likewise, that the Parliament set the Crown on his Head on no other Title than of the Vacancy of the Throne; and still the more effectually to delude his Hearers into the Belief of his general Assertion; grossly and ridiculously perverts the Censure past by a future Parliament upon the Notion of Conquest, as a Condemnation of that Resistance. Having thus considered this Objection of the Revolution, and the following Parts of his Paragraph being Expressions of Triumph over his Adversaries, whose Objection he would be supposed to have confuted, towards the Close of it he uses these Words, as his Conclusion and Judgment upon it: *In short, as the English Government can never be secure on any other Principles but strictly those of the Church of England, so he will be bold to say, &c.* His general Rule of Non-Resistance on any Pretence whatsoever he had before laid down as the Doctrine and Principle of the Church; which, after having considered the Case of the Revolution as an imaginary Exception to it, he re-asserts in those Words. And what clearer Indication can your Lordships receive of the Doctor's Intention in his general Assertion? Can your Lordships, or any Body that shall consider the Tenor of that Part of his Discourse, retain any Doubt whether he has *plainly and fully declared* himself, That the Resistance used to bring about the late happy Revolution was odious and unjustifiable, and not to be excepted out of his Fundamental Rule of the Illegality of Resistance on any Pretence whatsoever? And, my Lords, Can it be said that this Interpretation of his Discourse is *strained and unnatural*? Is this Part of our Charge maintained by *conjoining distant and independent Passages*? Or is not the Connexion clear and necessary, and the Sense we contend for, the only Sense the Words can properly bear, in the most candid and genuine Interpretation of them? The Gentleman, whose Objection from the Bar I have been considering, said, *That it is one thing expressly to affirm that the Revolution is not to be excepted, and another thing not to make that Exception*. But tho' the Words of the Sermon are not an express and literal Affirmation, yet if this Construction appears to your Lordships to be necessary and certain, they will be taken by you to be an ample and undeniable Declaration of his Mind; and this poor Shift, thus emphatically insisted on at the Bar, will amount to no more than what the Doctor had before said in his Answer in plainer Words, That he had not maintained the Necessary Means to be Odious and Unjustifiable, because he had not made use of those very Words.

The next Passage which I shall observe to your Lordships, fell from the Gentleman who spoke third in Defence of this Article; his Words were these: I have been *careful and exact* in collecting them, "One learned Gentleman, says he, did observe, that there was an Original Contract; and that by that Contract, if the Executive Power invaded the rest, that Contract was broke, and the People discharged from their Allegiance; but he did not think fit to take Notice when that Contract was made. I would fain know, whether it was before *Magna Charta*, or since; if it was before, it is much no mention was made of it there, for that has been always looked upon as the Great Charter of the Rights of the People. Was it before 25 *Ed. 3*? Then I would know, Whether that Contract, made before the 25 *Ed. 3*.

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“ could ever discharge that Act which was made
 “ after it? If it doth discharge the Subject of their
 “ Allegiance, I have never yet known it pleaded
 “ to any Indictment for High Treason upon that
 “ Act; and therefore, *’Till the Legislature shall de-*
 “ *termine what that Contract is, and what Breach*
 “ *of it shall discharge the Subjects of their Allegiance,*
 “ *I must take Leave to say, that Resistance stands still*
 “ *upon the Foot of the Statute of 25 Ed. 3.*

My Lords, the Nature and Consequence of this Passage would bear a much more ample Consideration, than my Time has allowed me to give it, or than may be fit to trouble your Lordships with on this Reply; but I conceive a short Notice of it, and of the near Relation it bears to the Matter now before you in Judgment, may yield a pretty clear Discovery and Explanation of the whole. But the Distance of Time since the opening of the Charge, and the many palpable Misconstructions which some of the Council have allow’d to themselves, of what has been offered by some of us in behalf of the Commons, makes it necessary for me, even in this Particular, to remind your Lordships of the Connexion of the Discourse, out of which this Observation was raised. Your Lordships were acquainted, in opening the Charge, with how great Caution, and with what unfeigned Regard to her Majesty and her Government, and to the Duty and Allegiance of Her Subjects the Commons made choice of the Words *Necessary Means*, to express the Resistance that was made use of to bring about the Revolution, and with the condemning of which the Doctor is charged by this Article; not doubting, but that the Honour and Justice of that Resistance, from the Necessity of that Case, and to which alone we have strictly confined ourselves, when duly considered, would confirm and strengthen, and be understood to be, an effectual Security of the Allegiance of the Subject to the Crown of this Realm in every other Case, where there is not the same Necessity; and that the Right of the People to Self-defence, and Preservation of their Liberties by Resistance, as their last Remedy, is the Result of a Case of such Necessity only, and by which the Original Contract between King and People is broke. This was the Principle laid down and carried thro’ all that was said with respect to Allegiance, and on which Foundation, in the Name, and on the Behalf of all the Commons of *Great Britain*, We assert and justify that Resistance by which the late happy Revolution was brought about. When the Gentleman from the Bar endeavoured thus, in a ludicrous manner, to explode the Original Contract between the King and People, he must not be supposed to be ignorant, that those very Words are part of the Vote of the Abdication, the Vote of both Houses of Parliament, at the Time of the Revolution, antecedent to that Settlement of the Crown, on which Her Majesty’s Parliamentary Title and our present Establishment is founded. I have thought it necessary to transcribe that Proceeding from your Lordships Journals, now lying on your Table, and will state it to you as I have taken it from thence.

Upon the Twenty Ninth of *January*, 1688, *A Message* was brought from the Commons by Mr. Hampden and others, who said, *The Commons taking into their Consideration the State of this Kingdom, had pass’d a Vote, to which they desired your Lordships Concurrence; which Vote was as follows, Resolved, That King James the Second having endeavoured to subvert the Constitution of the Kingdom, by breaking the Original Contract between King and People; and by Advice of Jesuits and other wicked Persons, having violated the Fundamental*

Laws of this Kingdom; and having withdrawn himself out of this Kingdom, has abdicated the Government, and the Throne is become thereby Vacant. Your Lordships House Resolved it self into a Committee of the whole House, and the Vote containing in it divers Particulars, upon the 30th Day of *January*, was considered by Paragraphs; the first of which was, *That King James the Second having endeavoured to subvert the Constitution of the Kingdom, by breaking the Original Contract between King and People:* To which the Committee, and the House afterwards, agreed without any Amendment. Now when it appears to your Lordships and the World, that *breaking the Original Contract between King and People*, were the Words made Choice of by that House of Commons, with the greatest Deliberation and Judgment, and approved of by your Lordships, in that first and fundamental Step made towards the Re-establishment of the Government, which had received so great a Shock from the evil Counsels which had been given to that unfortunate Prince, and that they are stated in that Vote as a Consequence of his endeavouring to subvert the Constitution of the Kingdom; I need not say how much the Lawfulness of that Resistance, which had been before made by the People, and which is now the immediate Question, nay, how much the Justice of the Revolution it self would be affected by a Condemnation of that Position: And what Light doth it give to the Question now before your Lordships, when at your Bar, in Defence of a Person accus’d by the Commons, for condemning the Necessary Means which brought about the Revolution, you have heard that Original Contract, at that Time so solemnly declared to be a *Fundamental Principle*; publickly denied, ridicul’d, and endeavoured (in what Manner ’tis easy to judge) to have been exploded?

My Lords, the Truth of that Position has its Foundation in the Nature and Essence of the Constitution of our Government, and it will stand so long as this remains; and the Sanction it has received from your Lordships, and from that House of Commons, who had with so much Wisdom and Bravery asserted the Rights of the Kingdom in that extraordinary Juncture, and who, pursuant to that Resolution, settled the Crown upon Her Sacred Majesty, ought to render it indisputable, so long at least as that Establishment is preserved to us. But yet, could I think it seasonable to enter into it, to consider more particularly the Nature of our Government, to draw together some of the many incontestable Evidences of its Original Freedom, to consider the Nature, Antiquity and History of the Coronation-Oath, and the Oath of Allegiance, and the mutual Obligations and Consequences arising from them to the Prince and People: Was I to go over the several Branches that make up the ancient Frame of our Government, and which speak and express a Consent and Compact between the Prince and People in their Institution; and was I to observe that inseparable Relation and equal Security which they import between the Crown and the Subject, and which are so many infallible Tokens of Original Consent stamp’d upon them; the Truth and Certainty of that Position of an Original Contract between the King and People, might be laid down to your Lordships in demonstrative Terms. The Gentleman that rais’d this Observation, soon afterwards, in the same Discourse, suppos’d, That by the Original Contract, the Original Constitution was meant; how strictly proper that Manner of speaking might be found to be, I will

not now determine; yet thus much may with Certainty be concluded, That the denying the Original Contract, is not only to disavow the whole Proceeding at the Time of the Revolution, but to renounce the Constitution it self, to disclaim those many and undeniable Proofs and Testimonies of it, which almost every Part of our History, our Records, and Memorials of Antiquity, will furnish: To deny the Original Contract of Government, is to contradict and condemn the Voice and Tenor of all our Laws, of every Act of the Supreme Legislative Power, the Force and Efficacy of which exists upon the Consent of the Crown, Lords, and Commons, and are therefore so many lasting and unerring Proofs of that, as the Original Foundation of that Supreme Power; 'tis not only to oppose the constant Judgment of all learned Men, who have understood and wrote impartially of our Government, but even the Sense of many of those Writings which have been produced and read to you in the Doctor's Defence, and more particularly that of the judicious Mr. *Hooker*: To deny and condemn the Original Contract between King and People, what other Consequences could it produce, than to unhinge the Government, and to destroy that excellent Ballance of Power, which is secured by it, and by which it has been so long preserved? It must weaken the ancient and just Prerogatives of the Crown, subvert the Foundations of your Lordships Legislative and Judicial Powers, render the Parliamentary Rights of the Commons precarious and uncertain, and terminate at length, in that absurd, yet dangerous Opinion, of the *Patriarchal Right*, which, when joined together with the Doctrines of absolute and unlimited Non-Resistance, and unconditional Obedience of the Subject to their Prince, compleats that fatal System, which has been, of late, so much contended for, towards the enslaving Mankind.

But your Lordships will consider further, what Use and Application was made of this Passage by the Council; his Conclusion was, *That till the Legislature had determined what the Contract was, and what Breach of it shall discharge the Subjects of their Allegiance, he took leave to say, that Resistance still stood upon the Foot of 25 E. 3.*

My Lords, we stand here entrusted to maintain the Charge contained in our Article, to assert the Justice of that Resistance only, which brought about the late happy Revolution; and that being the Resistance in question, and to which alone we have apply'd our selves, and in Support of which the Original Contract was mentioned; what is the plain *English* of this Inference drawn from the denial of it? Does it not amount to an open and positive Declaration from the Mouth of Dr. *Sacheverell's* Council, That that Resistance which was the necessary Means us'd to bring about the late happy Revolution, instead of being an Honourable and Lawful Resistance, was an Act of Rebellion and High Treason?

Having considered these Particulars, I beg your Indulgence to make a few Observations on the Nature and Method of the Defence to this Article: Your Lordships will remember, tho' it seems to have been totally forgot on the Prisoner's Part, that the Maintenance of this Article has not rested on the Doctor's general Assertion alone, but upon the following Passages, now stated to you; from whence we have undertaken to convince your Lordships, that Dr. *Sacheverell* has apply'd that general Rule of Non-Resistance to the particular Case of the Revolution; and this having rendered the Independent Consideration of the general Assertion wholly im-

material, when you afterwards heard the Admissions that were made by the Council, of the Legality of the Resistance used to bring about the Revolution, your Lordships might reasonably have expected, that the only Question remaining on this Article would have been, How far those subsequent Passages of the Sermon did evince the Intent of the general Assertion? But tho' the Question has been thus plainly stated and maintained, and the Method of the Doctor's Vindication thus clearly pointed out to him, yet how little has been said? How little Notice has been taken of this, which was his proper Defence? The Gentleman who began the Defence has, indeed, denied the Charge of this Article; the Force of that, and of his Argument which followed, have been considered: but if your Lordships shall not think fit to accept the single Attempt as sufficient to acquit the Prisoner, (together with a nervous Observation of the Interposition of some Lines between the general Assertion, and that Sentence wherein the Revolution is named) how much will your Lordships find, throughout that long and labour'd Harangue, that can be judged by you at all material to the true Question before you? For tho' the general Doctrine of Non-Resistance, the Doctrine of the Church of *England*, as stated in her Homilies, or elsewhere delivered, by which the general Duty of Subjects to the Higher Powers is taught, be owned to be, as unquestionably it is, a godly and wholesome Doctrine; tho' this general Doctrine has been constantly inculcated by the Reverend Fathers of the Church, dead and living, and preached by them as a Preservative against the Popish Doctrine of deposing Princes, and as the ordinary Rule of Obedience; and, tho' the same Doctrine has been preached, maintained and avowed by our most Orthodox and Able Divines from the Time of the Reformation; and, how *Innocent a Man* soever Doctor *Sacheverell* had been, if, *with an honest and well-meant Zeal*, he had preached the same Doctrine, in the same general Terms, in which he found it delivered by the Apostles of Christ, as taught by the Homilies, and the Reverend Fathers of our Church, and, in Imitation of those great Examples, had only press'd the General Duty of Obedience, and the Illegality of Resistance, without taking Notice of any Exception; yet, what Excuse can be derived, to the Matter now in question, from such Considerations as these, in favour of the Doctor, who has not only asserted the general Rule in Terms of the greatest Latitude, but has expressly mention'd and disallow'd the Exception of the Resistance, which brought about the Revolution? and whatever is the Language of our Laws, *Repealed or in Force*, wherein the same general Duty of Subjects is stated, and the Rule laid down to them, as Necessary and Fundamental for the Safety of the Crown and Government, and the Peace of the Kingdom, and which are meant to enforce and secure their Civil Obedience in ordinary Cases, (but which nobody will say can be construed to extend to the Case of a People threatened by their Prince with total Destruction, the utter Subversion of their Laws, and the Loss of their Religion and Liberties, to a Case of the last Necessity, *such a Case as the Revolution was*;) yet no Use can possibly be made of such Declarations in our Acts of Parliament to justify the Doctor, who by his general Assertion, has not only out-gone even those general Declarations, but has undeniably applied it in Condemnation of the Case of the Revolution, which is the Charge of this Article.

Your Lordships will allow me to observe yet a little farther: The Nature of this Article appearing

to every Body to be of that near Concern to Her Majesty and her Government, you have, indeed, heard very warm and pathetick Expressions of Loyalty, of very tender and dutiful Regard to Her Majesty's Title, and much Labour and Vehemence was used to persuade your Lordships into a Belief of this: But yet, your Lordships could not but observe, where the real Strefs and Force of the Argument was placed, and where it center'd at last; your Lordships will find, the great Effort was made to establish the general Doctrin of Non-Resistance, to inculcate this, in Terms of the largest Extent, in the same universal Terms, wherein the Doctor has delivered it, and than which I am at a Loss to find Words that can extend it further: If your Lordships should think fit to look back, with particular Exactness, upon the several Discourses which have been made from the Bar on this Article, and, for your more accurate Judgment, shall think proper to lay them together, and observe their Consistency; and if from such an Examination, you should see Cause to compare that which was first delivered, with that which was afterwards *spoke* by the Doctor himself, (for, my Lords, between them the Resemblance seems to be the nearest, and *the Difference between them in the Notions of Allegiance but very small*.) your Lordships may perhaps, in a great Measure, collect from thence the true Genius of this Defence. Your Lordships will observe, in how different a Manner, with what different Zeal, the main Points in Agitation have been handled by them; I mean, the Justice of the Resistance, which brought about the Revolution, and the general Doctrin of Non-Resistance. It has already been observed to you, that the Doctor himself made no Admissions concerning the Lawfulness of that Resistance, but has *used Expressions* of due Regard to the Protestant Succession; The Gentleman, who open'd the Defence, it being, it seems, of no Consequence to the present Occasion, came to no Declaration in this Point of the Protestant Succession; But, as to the Honour and Justice of the Revolution, his Approaches are nearer: He has acquainted your Lordships, *That there is nothing further from our Hearts, nor any Thing less Necessary for our Defence, than for us to call in Question the Justice of the Revolution.* At another Time, he delivered himself in general Terms: *Such a Case*, (that is a Case of Necessity, a Case never to be mentioned, but to be supposed and implied) *the Revolution was*: But, in other Parts of the same Discourse, the Expressions even concerning the Revolution will be found to be more reserv'd and wary, and always soften'd with some saving Particle: Thus shy and tender at the best, have the Admissions been from Two Discourses, of the Lawfulness of that Resistance which brought about the late Happy Revolution: But as for the Doctrin of Absolute, Unlimited Non-Resistance, by which, if it be not an Erroneous Doctrin, the Justice of the Resistance, which was the necessary Means that brought about the Revolution, (and in pursuance of which, the Crown was settled on Her Majesty and the Protestant Line) must for ever remain condemn'd. What Fervency and Copiousness of Expression was used to establish that? What Cautions have appear'd to guard and secure this Doctrin as inviolable? How often, and with what Zeal was it inculcated, that the general Doctrin, was that Doctrin which alone was to be preached and pressed? The Exception, *The Case of Necessity, the Case of the Revolution*, the only Case contended for,

was not fit to be mentioned: The Doctor's general Rule was that alone, which was proper to be inculcated and believed; the excepted Case never to be stated, but to be suppos'd or imply'd, and *to be left to justify it self*.

My Lords, How comes it to pass, that so little Concern has been shewn, in the Course of this Debate from the Bar, to that which was the proper Defence of the Criminal, to clear the Passages of his Sermon from the noxious Meaning they had been shewn to bear? How comes it to pass, that the Honour and Justice of the Revolution is thus tenderly acknowledged; but yet all that has been said to support it, has by this Gentleman been endeavoured to be enervated, and at the same Time the extremest Zeal shewn to establish the general Position, tho' altogether immaterial? I'll once more venture at a *charitable Reconciliation* of those seeming *Inconsistencies*: Upon a very strict and minute Recollection, your Lordships will find that *the Resistance, the Necessary Means* used to bring about the Revolution, is never once acknowledged in that first Discourse, *in plain and express Terms*: The Case of Necessity in general, the Case of the Revolution, was so ambiguously spoke of, and so skilfully given up, that, by the *kind Help of some happy Distinction*, when *the Season is proper*, 'twill be easy to retrieve it. Tho' your Lordships may remember some plausible Expressions concerning the Justice of the Revolution, yet you will find the real Conclusions of the Discourse tend to condemn it; and such remarkable Instances chosen, such as the Case of the *Two Spencers*, which, being applied to the Case of the Revolution, represent its Principles damnable, its Consequences detestable, and the Assertors of it deserving Banishment; Your Lordships will find the Argument so well adjusted to the *main Point in view*, to establish the *slavish Doctrin of Absolute, Unlimited, Non-Resistance*, that, if the worst should happen, even that against which we are now contending, the judicious Reserves that Gentleman has used on the Point in Question, and the real Service he may be thought to have done to that *slavish Doctrin*, may, in due Time, raise a Merit in Favour of all its Consequences.

But, as an undeniable Evidence of a *sincere Affection* to the Case of Necessity, the Case of the Revolution, let me put your Lordships in mind of the Passage quoted from Mr. Pym in his Declaration against Doctor *Manwaring*: The Doctrin preached in those Days, and for which he was impeached by the Commons, was, the attributing an Absolute Power to the King over the Property of the Subject, tho' with some *deceitful* Limitations, as that of extreme and urgent Necessity. Mr. Pym had shewn the Vanity and Fruitlessness of that Limitation, it being left to the Prince to determine what is an urgent and pressing Necessity: And to represent the Danger of such a Case, of allowing any Exception upon any Pretence, even that of extreme Necessity, he cites the Charter of *Lewis X. of France* to the *Dutchy of Normandy*, wherein that Prince having acknowledged the Franchises of the *Dutchy*, and granted to them, that for ever afterwards they should be free from all Exactions from him and his Successors, these Words followed, *unless great Necessity required*: which small Exception, Mr. Pym observed, had in Time devoured all their Immunities. Mr. Pym, in that Speech, arguing against the Position advanc'd by Doctor *Manwaring*, condemns the least Pretence of any Exception: The Gentleman, who quoted this Passage from him, having endeavoured to establish his general Doctrin

of Absolute Non-Resistance, the Doctrine preached by Dr. Sacheverell, and having shewn the Danger of mentioning any Exception to it, even that of the Case of Necessity, and *such a Case*, he had before told your Lordships, *the Revolution* was, concludes from that Instance, that such Exceptions would in Time devour all Allegiance. This, my Lords, hath been the Method, these have been the Arguments used to acquit the Doctor, to shew the Innocence of his Intention, and that there was no Design either in his Sermon, or his Defence, to condemn the Resistance, *the necessary Means* which brought about the late Happy Revolution; and from these Observations you may possibly discern the Consistency of the whole Defence. I beg leave only *to turn the Case*, to suppose a Case of a real Design to condemn the late glorious Revolution, and all the happy Consequences of it: At a Time, when express Declarations of such a wicked and traitorous Intention may not be judged proper; at a Time when some plausible Expressions of the Justice of it, may be thought Useful and Necessary; and, at such a Time, let the Illegality of Resistance on any Pretence whatsoever, be laid down and enforced in its utmost Extent; let the Danger of stating or mentioning any Exception to it, be strongly inculcated; let the Justice of the Exception, even of the Case of Necessity, *such a Case as the Revolution was*, be illustrated by an Instance, wherein 'tis expressly condemned; and, May it not be said, 'Tis easy to discern what Spirit such a Person is of, of what Party he is, what he aims at, and what he intends; that he has not been speaking in Defence of the late Revolution, can't be look'd upon to have been arguing for it, and to shew the Justice of it, but was covering the Treason of his Heart and under Pretence of justifying one Revolution, was labouring to bring about another: But, what vain Imaginations must possess those Minds, which can flatter themselves into a Belief, that, even whilst they are maintaining Principles that tend most certainly to undermine the Foundation of Her Majesty's Government, and the Protestant Succession, the most solemn Protestations out of the same Mouth, and in the same Breath, should pass for an Atonement with your Lordships, or give Satisfaction to any that hear them?

My Lords, Your Lordships will consider the evident and necessary Tendency of the Doctrines, which have been preached by the Prisoner, and have been again asserted, though not openly avowed, in their full Extent and Consequence, in Defence of this Article. The Doctrine of *absolute Non-Resistance*, the condemning the Original Contract, renouncing the ancient Legal Constitution of the Government, which is our Title to our Liberties, are Positions, which can have no better Tendency, than to shake the present Settlement of the Crown, and our present Establishment, and to make way for the Pretence of a Natural and Divine Right of Succession: Are not those the Principles taught, and avowed by Papists and Nonjurors, and whereon their Hopes are founded? And are they more Wholesome, or less Dangerous, when they fall from the Mouth, or drop from the Pen of the Prisoner, or are asserted in his Defence, tho' gilded over with specious Pretences, and under the Umbrage of a true Son of the Church? If these Doctrines of Unlimited Non-Resistance, of a sole Hereditary and Divine Right of Succession to the Crown, are the very Doctrines, on the Belief of which, the professed Enemies of Her Majesty and Her Government, inviolably engage themselves against Her Title, and against the Protestant Succession; If these are the Tenets, by which

they openly condemn the late Glorious Revolution, and all its Consequences: From which Part of this Defence can your Lordships collect the Innocence of the Prisoner? By what way of Reasoning can it be concluded, that the same Opinions, embraced by this Gentleman, do not inevitably engage him in the same Interest?

Sir Peter King. **M**Y Lords, It is my Part to Reply to the Answer that has been given by the Doctor, to the Charge of the Commons of *Great Britain*, with Relation to the Second Article. When I was entrusted by the Commons to manage this Part of the Charge, I both quoted and read the Passages of the Sermon, to make good that Charge; I did not desire that any Thing should be taken upon Trust, nor any Thing received against him, but what appeared from his plain express Words, or by clear, necessary and unavoidable Consequence. Indeed, after the whole Sermon had been read by the Clerk, I thought it too great a Trouble to your Lordships, to have the Clerk read over the particular Passages again at the Table, and therefore I read them my self, truly and fairly, as they were in his Sermon; and if I had done otherwise, the Doctor and his Council would have set me right. I agree with the Doctor and his Council, that in a Case of this Nature, and I will say further, in all Cases whatsoever relating to Crimes, the Charge must be maintained by positive plain Words, or necessary and unavoidable Inference, such as no reasonable Man can withstand the Light of. And therefore, if there was nothing in this Case but dark Hints, strain'd Innuendo's, and forc'd Constructions, I am sure, neither the Commons of *Great Britain*, nor my self, would appear before your Lordships with an Attempt to make out a Charge of this Nature; if it is not proved by plain, positive and express Words, or necessary and unavoidable Inference, I am sure your Lordships will never convict him; because it would not be just and right so to do. It is a perverting of Common Justice to condemn a Person without plain and direct Proof; therefore what we represent to your Lordships is, that by plain and clear Passages in his Sermon, he is guilty of the Charge in the Second Article, of maintaining, *That the Toleration granted by Law is unreasonable, and the Allowance of it unwarrantable; and that he is a false Brother with Relation to God, Religion, or the Church, who defends Toleration, and Liberty of Conscience.*

When the Doctor put in his Answer to this Article, he had not found out that there was a Toleration granted by Law to the Dissenters; but his Council have now found it out, and they do agree, that there is a Toleration granted by Law, and that it is that Indulgence which is contained in the Act made in the Time of the late King and Queen; but they insist at the same time, that the Doctor in his Sermon has not condemned or censured that Toleration; they say he has condemned a Toleration, but they insinuate there are two Tolerations mentioned in his Sermon, the one a Toleration granted by Law, which he allows and approves of; and the other a general unlimited Toleration, which they admit he does condemn; so that we are now agreed upon the Word *Toleration*, and they do admit that he doth in his Sermon Censure and Condemn a Toleration: but, say they, it is not the Toleration granted by Law, because he took Care in his Sermon that his general Expressions should not be misconstru'd, and put in this express Caution in the

20th Page: *I would not be here misunderstood, as if I intended to cast the least invidious Reflection upon that Indulgence the Government has condescended to give 'em, which I am sure all those that wish well to our Church, are ready to grant to Consciences truly scrupulous; let them enjoy it in the full Limits the Law has prescribed.* This, they say, is an express and full Declaration of his Meaning, that he is not against the particular Toleration granted by Law; and therefore all those other Passages in his Sermon condemning Toleration, are to be applied to a general Toleration, and not the particular Legal one.

When I made out this Charge, I mentioned this Caution of the Doctor's, but at the same Time submitted it, whether such a general Expression as that is, could screen him from other plain Passages in which he has condemned the Toleration; if in other Places he has condemned it, this Caution is but *Protestatio contra factum*; an oblique Defamation may be as criminal as a direct one: In the common Cases of Scandal, if I obliquely defame another, and describe him so, that it is impossible but every one must know him, it is no Excuse that I do not positively accuse him; so that the Question will be, whether the Doctor has not in the other Passages cited against him, plainly censured and condemned the Toleration granted by Law.

The first Passage cited out of his Sermon, to prove this Charge upon him, was in the 10th Page; I trouble your Lordships with reading it again, that I may be sure to do him no Injury; the Words are, *So that in all those Cases before-mentioned, whosoever presumes to innovate, alter, or misrepresent any Point in the Articles of the Faith of our Church, ought to be arraigned as a Traytor to our State; Heterodoxy in the Doctrines of the one, naturally producing, and almost necessarily inferring Rebellion and High Treason in the other, and consequently a Crime that concerns the Civil Magistrate as much to punish and restrain, as the Ecclesiastical.*

The former Part is relative to what went before; the latter Part is a general Assertion, that *Heterodoxy in the Doctrines of the Church infers Rebellion and High Treason in the State.*

The relative Part of this Clause has Relation to the several Doctrines mentioned before; among which, one of the Cases and Instances of false Brotherhood is, *the affirming that the Divine Apostolical Institution of Episcopacy is a Novel Doctrine, not sufficiently warranted by Scripture; whosoever affirms this, is guilty of an Innovation or Alteration of the Articles of our Church.* Now the Dissenters of all Sorts universally hold this Proposition, and they are exempted from subscribing the 36th Article, which asserts Episcopacy: But, saith the Doctor, tho' they are exempted, yet whosoever asserts this Proposition, is to be punished as a Traytor to the State, as well as an Enemy to the Church.

The Learned Civilian of Council for the Doctor says, that the reading the whole Passage will show, that it was not intended for the Dissenters, but for one in Holy Orders; that if such an one should maintain this Doctrine, *he would be an Apostate from his own Order*; now this Allegation is true, as it stands in Page 8; absolutely considered in itself, it is there applied to one in Holy Orders; but as it stands in Relation to this Clause in Page 10, it is a general Assertion, that *whosoever innovates, or alters that Article of the Church, which the Dissenters do, ought to be arraigned as a Traytor to the State.*

Another Answer that hath been given hereto, is, That the Doctor there means those who are for Innovations and Alterations in Matters of Faith;

which can't respect the Dissenters or their Toleration, because the Dissenters agree with the Church in Matters of Faith, and differ only in Matters of Discipline. But if you give this Turn to it, it alters the Sense and Meaning of the Doctor; for he is not speaking here of Matters of Faith, in Contradistinction to Matters of Discipline, but he is speaking in general of the Articles of Faith of our Church; *whosoever presumes in any of the Cases before-mentioned to innovate, alter, or misrepresent any Point in the Articles of the Faith of our Church, ought to be arraigned as a Traytor to the State.* Now what are the Articles of the Faith of our Church? Are they not the Thirty Nine Articles? Are not they the Articles of the Faith and Religion of the Church? Doth not the Thirty Sixth Canon expressly require the Clergy to subscribe willingly, and *ex animo*, that all and every the Articles of Religion, being in Number Thirty Nine, are agreeable to the Word of God? Now if the Thirty Nine Articles be the Articles of Faith of our Church, and the Dissenters disbelieve the Thirty Sixth Article; and if for that Innovation or Alteration they are to be arraign'd as Traytors to the State, what then is become of the Toleration, that exempts them from the Penalties, and from subscribing the said Thirty Sixth Article?

As to the general Proposition immediately following in the same Clause, *viz. Heterodoxy in the Doctrine of the one, naturally producing, and almost necessarily inferring Rebellion and High Treason in the other, and consequently a Crime that concerns the Civil Magistrate as much to punish and restrain, as the Ecclesiastical*: I don't remember that any Answer whatsoever was given to it by the Doctor or his Council. And I pray your Lordships cast your Eyes on this, and see here is an Affirmation, that any different Opinion in any of the Articles of the Church, is a Crime against the State. Now all the Dissenters are exempted by the Act of Toleration from subscribing Three Articles and an half, others from Four and an half, and others from all. And when this Act grants them all these Exemptions, shall it be affirmed that this Heterodoxy allowed by that Act is High Treason and Rebellion, and that they ought to be arraigned as Traytors? I submit to every one's Judgment, whether any Thing can be more plain against the Toleration than this.

The next Passage cited out of his Sermon, to prove the Charge of the Second Article, is in the 16th and 17th Pages: *What could not be gained by Comprehension and Toleration, must be brought about by Moderation and Occasional Conformity; that is, what they could not do by open Violence, they will not fail by secret Treachery to accomplish. If the Church can't be pull'd down, it may be blown up; and no Matter with these Men how 'tis destroyed, so that it is destroyed.*

My Lords, Here is an Affirmation, that Toleration was doing open Violence to the Church, that the False Brethren had a Design by Toleration to pull down the Church. Now the Answer given to this by one of the Council, is what one can scarce imagine he was serious in, *viz. That this doth not suggest the Toleration to be unreasonable, or the Allowance of it unwarrantable, but that it is rather a Commendation of the Toleration, because it shews that it could not do the Church any Hurt, it could not pull down the Church, and therefore they have found out a more pestilent Way, of Occasional Conformity and Moderation.* But all that can be collected from hence, is, that Toleration is a less successful Evil than Moderation: Toleration was a storming the Church by Violence, and an endeavouring

ing to pull it down; but though, by the good Providence of God, it hath not been so successful an Evil as Moderation, which is a secret Treachery to undermine the Church, and blow it up, yet it is an Evil: And to suppose the Church to be either pulled down, or blown up, which way soever it be done, it is so great an Evil, that every Member of the Church must be for preventing it, and using all his Endeavours to prevent both those Evils; and therefore to represent Toleration to be such an Evil to the Church, as to be doing open Violence to the Church, and pulling it down, is an undue Reflection on the Fathers of the Church, and on that Parliament that granted that Toleration, as if they concurred in Endeavours to pull down the Church, and destroy it.

Another Passage, in Page 14. of the Sermon, was cited by the Council of the other Side, as a Passage cited by me to make out the Charge against the Doctor; but herein they mistook me, it was not cited by me for that Purpose, but to shew that the Doctor understood the Act of Indulgence to be a Toleration; and the Passage was this, *Certainly the Toleration was never intended to indulge and cherish such Monsters and Vipers in our Bosom, that scatter their Pestilence at Noon-day, and will rend, distract, and confound the firmest and best settled Constitution in the World.*

I cited this Passage to shew, that the Doctor himself, at the Time he preached this Sermon, knew what was meant by the Toleration; and it plainly proves it, and the Doctor himself doth not now disown it. But as to the Proposition itself contained in that Part of his Sermon, I agree with him that the Toleration was not intended, and I hope will never be made use of, to support Atheism, Deism, Tritheism, or any such Monsters and Vipers, but only dissenting Protestants.

The next Passage I cited was in the 8th Page. *If upon all Occasions to comply with the Dissenters, both in publick and private Affairs, as Persons of tender Conscience and Piety, to promote their Interests in Elections, to sneak to them for Places and Preferments, to defend Toleration and Liberty of Conscience; and under the Pretence of Moderation, to excuse their Separation, and lay the Fault upon the true Sons of the Church, for carrying Matters too high; if to court the Fanaticks in private, and to bear them with Patience, if not Approbation, rail at and blaspheme the Church, and upon Occasion to justify the King's Murder; if to flatter both Dead and Living in their Vices, and to tell the World, that if they had Wit, and Money enough, they need no Repentance, and that only Fools and Beggars can be damn'd; and if these, I say, are the modish and fashionable Criteria of a true Churchman, God deliver us from such false Brethren.* So that here the Doctor makes it one of the Characters of a false Brother to defend Toleration, and Liberty of Conscience

The Answer given to it is this, That where the Doctor blames those that defend Toleration, it is not those that defend that only and singly, and do no other thing, but they must at the same time not only defend Toleration, but excuse the Separation, not by reason of the Toleration, but by laying the Fault on the Sons of the Church for carrying things too high: He don't blame them that barely justify Toleration, unless they fall too on the Sons of the Church for carrying things too high. But whether or no that Place is capable of such an Interpretation, your Lordships will be the best Judges, by looking on the Place, and considering whether any two

of those Characters are to be united in any one Person to make him a false Brother. Whether these several Characters are not so many different *Criteria* of false Brotherhood; if he does defend Toleration and Liberty of Conscience; if he does excuse their Separation, and lay the Fault upon the True Sons of the Church, for carrying Matters too high, &c. They are all different Marks of false Brotherhood; so that whosoever defends Liberty of Conscience, and the Toleration, is a false Brother.

It was also answered, That in the Act of Indulgence there are a great many Restrictions; and therefore this Passage must be understood of a Toleration of such as are not qualified by the Act to receive it: And for that end the Act was read, in which are several Restrictions; and the Toleration is not unlimited, but to Persons under such and such Qualifications, conforming themselves to the Rules there laid down. But what Foundation is there for this Answer in the Passage itself? Doth not he there condemn Toleration generally? Doth not an universal indefinite Proposition include all manner of Toleration, whether general or special? If he had meant it in this restrained Sense, he should then have express'd himself, That he that defends Toleration, except such Toleration as is allowed by Law, is a false Brother; but not doing so, but expressing it generally, it is plain, that he has condemned that Toleration that is granted by Law: And it is submitted to your Lordships, that this is a plain Proof against him of this Article.

The next Passage, is that relating to the Perfidiousness of Archbishop *Grindall*, in deluding Queen *Elizabeth* to the Toleration of the *Genevian* Discipline: The Doctor, in his Answer, did conceive he had good Authority from History to make out that Assertion; but whether he had or no, he did apprehend that such Assertion was no Proof of his maintaining or suggesting, that the present legal Toleration was unreasonable, or the Allowance of it unwarrantable.

I did, in making out the Charge, agree with the Doctor, That whether he was, or was not mistaken in that Fact, was not the material Point in Question; but that he had put it on the right Question, Whether that Assertion (true or false) relating to Archbishop *Grindall*, was a Condemnation of the Toleration now granted by Law? To that I principally applied myself, to shew that that Fact, as stated by the Doctor, was a Censure of the Toleration; not forgetting, at the same time, to say something in Vindication of the Memory of that great Prelate.

But now, the Doctor's Council (in their Defence) have in a great measure quitted the true Point that the Doctor rightly put it upon in his Answer, and instead of endeavouring to shew that this is no Reflection on the Toleration, have rather endeavoured to shew, that this Fact of the Archbishop is true; That the Reason of his Disgrace was, for deluding the Queen to the Toleration of the *Genevian* Discipline, and for giving up the Discipline of the Church: That at that time, there was no Law to indulge any Separation from the Church; and therefore for the Head of the Church, under the Queen, to give up the Discipline of the Church, was an high Crime in him; and tho' it be a harsh Term, yet it was true to call him a Perfidious Prelate, and False Son of the Church.

For this End, they did produce and read two Letters; the one from Queen *Elizabeth*, to the Bishops throughout *England*, for suppressing the Exercise called *Prophefying*, and the other of the Arch-

bishop to the Council; and out of these two, they say, there is Proof out of the Archbishop's own Mouth, That the Reason why he was under a Suspension, was for deluding her Majesty to permit a Toleration of the *Genevian* Discipline; and that he acknowledged the Justice of his Punishment for that Crime. And they farther aggravate it, That it would be an invidious Reflection on the Character of that glorious Queen, that she should cause an Archbishop to be suspended, for prosecuting *Julio the Italian* for having two Wives, or for not giving up the Palace at *Lambeth* to the Earl of *Leicester*: As if I had insinuated, or could have imagined, that the apparent visible Reason of the Disgrace of the Archbishop, were these Things! No; it can't be thought I meant so. The apparent visible Cause of *Grindall's* Disgrace was, no doubt, the encouraging of the Exercise called *Prophecyings*; and Queen *Elizabeth* knew no other: But yet the real Spring, the secret History, and true Reason, was the Artifice of the Earl of *Leicester*, who had the greatest Power and Credit at that time with the Queen. The good Archbishop had, by his Prosecution of *Julio the Italian* Physician, and by his Refusal to alienate *Lambeth*, offended this great Earl, who thereupon meditates Revenge against him: And knowing the Archbishop to be a great Favourer and Promoter of the Exercises called *Prophecyings*, which were far from being Conventicles, or Parts of the *Genevian* Discipline; he misrepresents these to the Queen, and by those Means incensed the Queen; and the Queen was angry with the Archbishop, only upon the account of these *Prophecyings*. But these Misrepresentations, that incensed the Queen, had not been; if the Archbishop had not first incensed *Leicester* in the forementioned two Particulars. To make this out to be the Fact, I desire your Lordships Patience, whilst I refer to one or two Histories of good Credit. *Fuller*, in the ninth Book of his *Ecclesiastical History*, p. 130. after he hath recited a long Letter of *Grindall's* to the Queen about this Matter, thus concludes: *Alas! all in vain: Leicester had so filled her Majesty's Ears with Complaints against him, there was no room to receive his Petition. Indeed Leicester cast a covetous Eye on Lambeth-House, alledging as good Arguments for his obtaining thereof, as ever were urged by Ahab for Naboth's Vineyard. Now Grindall, tho' generally condemned for Remissness in this kind, (parting with more from his See, than ever his Successors thank'd him for) stoutly opposed the alienating of this his principal Palace, and made the Leicestrian Party to malice him.*

This is as express an Account as can be, that this was one of the secret Springs of that Prosecution: And as for the other, That he carried on the Prosecution against *Julio*, that is taken notice of by the same Author, in Page 163. and by *Camden*, in his History of Queen *Elizabeth*, and other Authors: So that the true secret Reason of *Grindall's* Disgrace, was not for tolerating the *Genevian* Discipline. And indeed it would be a Paradox, that the Earl of *Leicester*, who was the great Patron and Support of the *Puritans*, should run down this Archbishop for encouraging of *Puritanism*. Can that be thought? No: It shews plainly, there was some other Reason. And it is no Reflection on Queen *Elizabeth*, that she was deceived by the Misrepresentation of a Person on whom she entirely relied. Princes are not exempt from the common Frailties of human Nature, and may be imposed on by those whom they most trust.

But, my Lords, without considering the latent Causes of his Disgrace, let us consider the visible Cause, which was known only to Queen *Elizabeth*. Do the Letters (which they have produced) prove, that the Archbishop suffer'd for deluding the Queen to the Toleration of the *Genevian* Discipline? It appears thereby, that Queen *Elizabeth* was displeas'd at those Exercises called *Prophecyings*, which the Archbishop encouraged and favoured; but it is a great Mistake to think, that those *Prophecyings* were Conventicles, or Assemblies of *Puritans*: They were really Meetings of the Parochial Clergy of the Church of *England*, (which since have been called Conferences,) to improve one another in the Expounding of the Scriptures. The Manner of these *Prophecyings* was this: The Minister within each Arch-deaconry, or some other Precinct, met on some Week-day, in the most noted Place in that Precinct; some ancient grave Minister, appointed by the Bishop, did preside: Then every Minister successively (the youngest still beginning) did handle some Text of Scripture, shewing the Sense of the Place, the Propriety of the Words, the Diversity of Interpretation, the Virtues enjoined, and the Vices prohibited. No Layman was ever suffered to speak, nor any Clergyman, unless first licensed by the Bishop. This was that which they called *Prophecying*, and continued about two Hours; and then the Conclusion was with a Prayer for the Queen and all Estates, as is appointed by the Book of Common-Prayer, and a Psalm. Now can any one think, this was an Encouragement of the *Genevian* Discipline?

The Parochial Clergy met by consent of the Bishop, and discoursed about the Meaning of some Text of Scripture, and closed with a Prayer, as is appointed in the Common-Prayer-Book, and with a Psalm: And can this be said to be encouraging the *Genevian* Discipline? Can this be called the Holding of Conventicles; or receding from the Discipline of the Church? Nothing like it: Tho', if it were, it appears by the Letters, that he did not delude the Queen to encourage the *Genevian* Discipline. No; if this was the *Genevian* Discipline, the Queen would not be deluded by him; and because he would not obey the Queen in suppressing these *Prophecyings*, this was the apparent cause of his Disgrace.

As to the Letter, because it is said the Archbishop owns his Crime; how does he do it? *I can't deny*, says he, *but that I have been commanded, both by the Queen's Majesty Herself, and also by divers of your Honourable Lordships in her Name, to suppress all those Exercises within my Province, that are commonly called Prophecyings.* He did not deny the Queen had given him that Command, or that he did not comply with it: *But*, saith he, *I do protest before God, the Judge of all Hearts, that I did not of any Stubbornness or Willfulness refuse to accomplish the same, but only upon Conscience:* And goes on and shews the Reasons on which that Conscience was founded. He denied it not out of *Stubbornness or Disobedience*, but out of a *Persecution of Conscience*, because he found it *profitable and useful to the Church*. Well, how did he behave himself under this? *And whereas*, says he, *I have sustained the Restraint of my Liberty, and Sequestration of my Jurisdiction, now by the space of six Months; I am so far from repining thereat, or thinking myself injuriously or hardly dealt withal therein at her Majesty's hands, that I do thankfully embrace, and frankly, with all Humility, acknowledge her princely, gracious, and rare Clemency toward me; who having*
Authority

Authority and Power to have used greater and sharper Severity against me, and for good Policy and Example thinking it so expedient, hath notwithstanding dealt so mercifully, mildly and gently with me.

What Language more becoming a grave Prelate could be used? He patiently submits to her Majesty's Authority, neither murmuring, nor obstinate: But there being a superior Obligation of Conscience, which it was not in the power of any Man to dispense with, he thinks himself obliged, as a true Example to all Clergymen and others, to submit to the Dictates of his Conscience; but still with Patience, Calmness and Obedience.

Is there any thing in this, that looks like giving up the Interests of the Church? Not only this good Archbishop, but several others of the best Bishops of those Times, had those Exercises in their Dioceses, and concurred with him in the Encouragement of them. And can it be thought, that those Bishops, who were Exiles in Queen *Mary's* Time, and were afterwards the happy and glorious Instruments, under God, in settling the Liturgy and the Articles of the Church, were for giving up the Establishment of the Church, by introducing that which is now insinuated to be the *Genevian* Discipline? But those Bishops then thought, it was a likely way to make an honest, learned, and laborious Clergy. Is there any thing in this, to occasion the calling him a perfidious Prelate? A perfidious Man, is he that violates his Conscience, to obtain a temporal End; but he chose to lose the Queen's Favour, rather than part with a good Conscience.

I never found, that Archbishop *Grindall* was ever spoke hardly of by any *English* Divine of Credit, till the time of Archbishop *Laud*; and then, to extol Archbishop *Laud* for an active, zealous Prelate, it became the Fashion to run down his Predecessor, *Abbot*, as a remiss Man; to court the present Archbishop, by detracting from the Memory of the last. And, to carry on the Compliment, a Parallel was made between Archbishop *Grindall*, and his Successor *Whitgift*. I only mention this, to shew that for a long time the Memory of that good Archbishop was had in Esteem; and he was always looked upon as a principal Father of the Reformation of the Church, before this Time.

But, my Lords, it is now time to come to the main Point; and that is, Whether or no the Doctor's Representation of Archbishop *Grindall*, as a false Son of the Church, and a perfidious Prelate, for doing what he lays to his Charge; and, Whether his Commendation of Queen *Elizabeth*, for the Resolution she took to suppress the Dissenters, and for her Prudence in exercising wholesome Severities on them, whereby the Crown sat easy on her Head, be a Censure or Condemnation of the present Toleration?

As to this, the Council for the Doctor first say, That in Queen *Elizabeth's* Time, Schism was in its Infancy; the Number of Dissenters were but few, and therefore the Exercising of Severities at that time was wholesome, because it might have crushed them in their Beginning, and prevented the growing Encroachments of those Persons: But at the time when the Act of Toleration was made, the Dissenters were increased, and were Possessors of great Property, and it was reasonable to grant them a Toleration; for it might be a Disturbance to the State, to exercise those Severities upon them, which might have been safely done in the time of Queen *Eliza-*

beth, when Schism was in its Infancy, and their Numbers few: And thence they infer, that what was spoken of the Toleration then, can't be applied to the Toleration now.

My Lords, supposing the Fact to be true, then it follows, that the Justice and Reasonableness of the present Toleration depends only on the Strength and Number of the Dissenters: When they are strong and numerous, then they are to be tolerated and permitted; but when their Numbers decrease, and it shall be alledged that they are but few, then they are to be crushed, and the wholesome Severities are to be renewed upon them again; notwithstanding the Preamble of the Bill to prevent Occasional Conformity, which says, "That Persecution for Conscience only, is directly contrary to the Profession of the Christian Religion, and particularly to the Doctrine of the Church of *England*, and that the Act of Toleration ought to be inviolably preserved." If it ought to be inviolably preserved, then, whether the Dissenters in *England* be more or less, they ought to be tolerated.

This brings to my Mind the memorable Edict that was published by the *French* King for reversing the Edict of *Nants*, in *October* 1685. the Preamble of which Edict recites, "That by reason of the great Troubles and Wars occasioned by those of the Reformed Religion, his Grandfather *Henry* the Fourth had given them Liberty by the Edict of *Nants*, retaining notwithstanding a Design of bringing all back again to the *Romish* Church; and his Father and himself had had all along the same Design; and that in his Time the best and greatest part of the Protestants were converted to the Catholick Faith, and that by reason thereof the Execution of that Edict was become of no use; and therefore, entirely to wipe out the Memory of those Troubles and Confusions which the Protestants had occasioned, he thereby revoked that Edict."

May it not be said in this case, That in Queen *Elizabeth's* Time, because the Number of Dissenters were few, therefore those Severities were good; and that when the Toleration-Act was made, there were greater Numbers, and therefore those Severities were then fit to be taken away; but now the Dissenters are but few again, therefore it may be fit to return to those Severities again.

Another Answer that hath been given is, That in Queen *Elizabeth's* Time there was no Toleration established by Law, and all the Doctor aimed at was to excite the Magistrates to put the Laws in Execution against such Offenders as are not exempted by the Toleration-Act. But I submit to your Lordships, whether the Words are capable of that Interpretation. Here is a Commendation of the Piety and Zeal of Queen *Elizabeth*, who resolved entirely to suppress the Dissenters, and she in her Prudence put those wholesome Severities in Execution. What those wholesome Severities were, your Lordships have been told; they were Hanging, Burning, Abjuration, Confiscation, Imprisonment, Loss of Estate, Liberty and Life: I say no more of them; but I believe there is not one Person here, but if these Severities were to be inflicted on him, would be far from thinking them wholesome, and desire to be excused from them. I would not be thought in any thing to reflect on the Memory of that glorious Queen, who was so eminent an Instrument of God, to deliver this Kingdom from Popery, from the Power of *Spain*, and to settle the Protestant Reli-

gion among us; but it must be confess'd, there were these Spots and Blemishes in her Reign, permitted by God's Providence for wise Ends and Purposes; and this should raise our Gratitude to Almighty God, and our Thanks to her present Majesty, whose Reign hath exceeded her Predecessor's Queen *Elizabeth*, without being chequer'd with any of those Spots or Stains. And as Queen *Elizabeth* preserved this Kingdom from the Monarchy of *Spain*, so her Majesty has preserved us from the united Power of *France* and *Spain*, been the Terror of her Enemies abroad, whilst at the same time she has, with universal Clemency and Justice, cherished and protected all her Subjects at home; and as by these Means she has engaged in the strongest Affection the Hearts of all her People, so no doubt they will always continue to retain the strictest Duty to a Queen, who hath been so universally good to all her Subjects.

The last Part of the Charge is, That *the Doctor asserts it is the Duty of superior Pastors to thunder out their Ecclesiastical Anathema's against Persons entitled to the Benefit of the Toleration; and insolently dares or defies any Power on Earth to reverse such Sentences.* One of the Council said, that the thundering out those Anathema's, is no more than declaring the Judgments of God denounced in Scripture against the Wickedness of Men; and that he desires the superior Pastors to denounce them, because the greater the Authority of the Person denouncing them is, the greater Influence they will have on the Minds of the People. But the Anathema's he excites them to, are Ecclesiastical Anathema's, which are plainly Ecclesiastical Censures and Excommunications; it is a plain exciting the Superior Pastors to denounce Excommunications and other Ecclesiastical Censures. It is said, that this Expression is ty'd up only to those Anathema's and Sentences that are ratify'd in Heaven, and those, they say, no Power on Earth can reverse. I shall not enter into that Question, whether this is a Proposition strictly just in Divinity: All I shall say as to that, this, That all who have wrote the highest of the Power of the Keys, allow and maintain that there is a double Power, a Power of remitting as well as retaining, of loosing as well as of binding, of opening as well as of shutting, both exercised by the Church on Earth. If the superior Pastor has for good Cause bound or shut any Person out of the Church, that Sentence is ratify'd in Heaven; but yet notwithstanding, if that Person, so censured, reforms and amends, and the Church on Earth restore him again, the first Sentence, tho' ratified in Heaven, is vacated and done away by the Church's Power on Earth.

But this is not the Matter now before your Lordships; the Question is, Whether he excites the Superior Pastors of the Church to thunder out their Anathema's against Persons that are entitled to the Toleration; and I think, that he does so, is owned by his Council; for they say, that Schism doth expose a Man to the Censures of the Church; that the Dissenters were Schismatics before the Act of Toleration, and that that Act don't excuse the Schism; and therefore remaining Schismatics still, they are still liable to the Censures of the Church: Now I do agree with the Doctor, that the Act of Toleration hath made no Alteration as to the Sin of Schism; if the Dissenters were Schismatics before the Toleration, they are Schismatics still; and taking that for granted, then here is the Force of the Doctor's Argument: The Dissenters were Schismatics before the Act of Toleration; as they were Schisma-

ticks before, so they are Schismatics still; it is the Duty of all superior Pastors to thunder out their Anathema's against Schismatics; when they thunder out those Anathema's, they are ratify'd in Heaven; whatever is ratify'd in Heaven, no Power on Earth can reverse; therefore, tho' the Dissenters be exempted from human Penalties by the Toleration Act, and are thereby preserved in the free Exercise of their Religion and Consciences; yet notwithstanding that, *Let the Superior Pastors do their Duty, and thunder out their Anathema's against them, and let any Power on Earth reverse those Anathema's if they can.* Now can there be a more plain, positive and direct Proof of this part of the Article, than this is? Can any thing be a clearer Evidence to prove this last part of the Charge against him, That *he Suggests and Maintains, that it is the Duty of Superior Pastors to Thunder out their Ecclesiastical Anathema's against Persons entitled to the Benefit of the Toleration Act, and that he insolently Dares or Defies any Power on Earth to Reverse such Sentences?*

My Lords, This is what I have to offer by way of Reply: There is a Gentleman to come after me, who will amply supply what I have omitted, and therefore I shall not trouble your Lordships any further.

Then the Lords adjourned to their House above.

Friday, March 10. The Tenth Day.

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

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

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

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

Lord Chancellor. Gentlemen, you that are Managers for the House of Commons may proceed in your Reply.

Mr. Cooper. MY Lords, when by Command of the Commons, I spoke to your Lordships a few days since, in Maintenance of the Second Article, towards the Conclusion of what I then said, I presented to your Lordships a short View of what I apprehended we might reasonably expect would be the Consequence of the Doctor's bitter Invectives against the Act of Toleration, and the Persons intended to be protected by it. I likewise took notice of those Heats and Disputes, of the Feuds and Animosities, which were then apparently stirred up throughout the Kingdom.

I am sorry to have so early an occasion to say, that my Apprehensions in this Particular were so well grounded: Your Lordships have seen, that this seditious Libel, under the specious Title of a Sermon, calculated to seduce and delude the Rabble, has, even during the Continuance of the Trial, produced an actual Rebellion; in which several Places of Religious Worship (appointed for those Persons, who are by Law tolerated and allowed,

but

but have the Misfortune nevertheless to be represented by Doctor *Sacheverell* as necessary to be destroyed) have been accordingly pulled down, and burnt, in Defiance of the Supreme Power of the Kingdom; and this, my Lords, at the Instigation of one who would be thought an Advocate for Passive Obedience.

I could wish the Prisoner's indiscreet Behaviour (which seems to have abused the Liberty with which your Lordships have indulged him) may not unhappily have given some occasion to the Outrage and Violence of late committed, notwithstanding the Apology he has made in this Particular.

Sure I am, that Discord, which flames in the Kingdom, was unheard-of among us, until the Toleration was thus publickly and seditiously branded, until Doctor *Sacheverell* had presumed to represent it to the People, it's impossible to say how! without referring to his whole Libel.

His Council have observed, that the Second Article contains several Charges, and have insisted that the Passages given in Evidence by the Commons, are not sufficient to maintain the first and second; and as to the third and fourth, they seem rather to justify than deny those Branches of the Charge.

My Lords, the Commons apprehend, notwithstanding what has been said, First,

That Doctor *Sacheverell* has plainly suggested and maintained, *That the Toleration granted to Dissenters is unreasonable, and the Allowance of it unwarrantable.*

This, my Lords, we insist he has done, not in ambiguous or doubtful Words, not in uncertain Expressions, but in direct and positive Assertions.

The Council admit, That to speak against a Law in Being cannot be justified. The Act of Toleration is not only a Law in Being, but is a Law which has visibly attained the End for which it was made; that is to say, by giving Ease to scrupulous Consciences in the Exercise of Religion, it has proved an effectual Means to unite her Majesty's Protestant Subjects in Interest and Affection.

Yet, my Lords, this Law, which, by the Experience of more than twenty Years, has been found so useful and necessary, hath been traduced and arraigned by the Prisoner, both from the Pulpit, and the Press, with a malicious and seditious Purpose, to destroy the publick Peace, and Security of the Kingdom.

This Offence, it seems, is of too high a Nature to be justified by the Prisoner and his Council, and therefore it is thought more expedient to deny it. The Turn that's given is this; say they, Doctor *Sacheverell* affirms nothing touching Legal Indulgence or Toleration, but all that he has said respects only Universal Toleration.

My Lords, I thought I had obviated this Excuse, by observing that this Notion of universal Toleration has been conceived and brought forth since the Impeachment.

However I am willing to enter into the Question: Whether the Toleration mentioned in the Libel, is intended or can be understood of Universal Toleration.

Fol. 34. Your Lordships will find these Words:
Vide Sermon. *Nay, now they have advanced themselves, from the Religious Liberty our Gracious Sovereign has indulged them, to claim a Civil Right, as they term it, and to juggle the Church out of her Establishment, by boisting their Toleration into its Place.*

My Lords, Will any Man deviate so far from Sense, as to say, that the Doctor here meant universal Toleration, in the Sense the Doctor and his

Council have defined it? Is Universal Toleration a Religious Liberty, with which our Gracious Sovereign hath indulged her Subjects? Nay, my Lords, Have not every one of them argued, and that rightly, that the Doctor's Universal Toleration is not tolerated by Law? That Atheists, Deists, Tricheists, Socinians, and those who go to no religious Place of Worship, are not exempted from the former Penalties? How then is it possible the Doctor should be understood, as speaking of Universal Toleration in this Passage? Is not this directly and positively affirmed of the Toleration, with which the Dissenters are indulged by our Gracious Sovereign? Can your Lordships conceive the Dissenters are not the Persons intended, when he says, *They claim a Civil Right, as they term it, to juggle the Church out of her Establishment, by boisting their Toleration into its Place?*

Again, Folio 25. *They thrive upon Concessions, take Permission for Power, and advance Toleration into an Establishment.*—Pray, my Lords, What Concessions have been made to Persons not within the Benefit of the Act of Toleration? What Permission is it they can be said to take for Power? What Toleration have they to advance into an Establishment?

My Lords, Folio 14, and in many other Places, your Lordships cannot but see that all the Doctor's Spleen is levelled at the legal Indulgence or Toleration. But it is mispending your Time, to prove what it is impossible not to know and be convinced of, upon reading every Passage in the Libel where Toleration is but so much as mentioned.

The next Thing they urge in the Doctor's Defence is, That if his Expressions do relate to the Legal Indulgence or Toleration, they are dubious and uncertain, that nothing can be inferred from them without Innuendo's and forced Constructions.

My Lords, Now the Question is, Whether Doctor *Sacheverell's* Expressions relating to the Toleration, and the Persons indulged, are dubious and uncertain? Whether any Innuendo or forced Construction is necessary to demonstrate their Malignity.

Your Lordships will be pleased to remember, that the Council, from the first to the last, maintained very strenuously (as did the Doctor likewise in his Speech) that altho' the Act of Toleration exempts the Dissenters from Penalties, yet they remain Schismatics notwithstanding; for, say they, Dissension was Schism before the Statute, and a bare Exemption from a Penalty has not alter'd the Case, but the same remains Schism still; and this Position, I find, is agreeable to the Doctor's Opinion as delivered in his Sermon, with this Addition only, that all Schism and Separation is damnable Sin, without making any Allowance for Ignorance, or Prejudice of Education.

His Words are these, Folio 8. *Is this the Spirit and Doctrine of our holy Mother? To assert Separation from her Communion to be no Schism; or if it is, that Schism is no damnable Sin.*

My Lords, when I observe in this and other Passages what Spirit this Man is of, I wonder not to find, that the most Christian Virtues of Charity and Moderation are mentioned by him with Slight and Contempt. Folio 25, you will find him citing a Passage from St. Paul's Epistle to the Galatians, Chap. 2. after which he adds these Words, *If our Dissenters, says he, had lived in those Times, they would have branded him (i. e. St. Paul) for an intemperate, hot, furious Zealot, that wanted to be sweetned by the gentle Spirit of Charity and Moderation, forsooth!* My Lords, if our Dissenters had lived

lived in those Days, they would have been highly to blame, if they had branded the Apostle with those opprobrious Names; whoever peruses that Chapter, will find there is not the least occasion for it. But Doctor *Sacheverell* would willingly have *St. Paul* thought like himself.

My Lords, I cannot take upon me to say what the Dissenters would have said, had they lived in *St. Paul's* Days: But for my own part, I cannot forbear saying now, That since it appears to be the Doctor's Opinion that all Separatists are Schismatics, and that all Schismatics are damned, I cannot but think that Doctor *Sacheverell* wants to be sweetned by that ridicul'd Spirit of Charity and Moderation. I own, my Lords, I was amazed to hear this Gentleman in his Speech affirm, that he had not betrayed any want of Christian Moderation in his Sermon: I wish he has not been unmindful even of Christianity itself; when it is so apparent that in this short Sentence, and in the Passage (*Folio 24.*) which I formerly cited at large, he has sentenced to Eternal Damnation, not only the Dissenters of whatsoever Denomination, but those also who defend the Toleration.

It is to be hoped, some things which he has vow'd and said for himself in his Defence, may have more of Truth in them than this has.

But, my Lords, to return: The Doctor and his Council are agreed that all Dissenters are Schismatics; consequently when he speaks of Schism and Schismatics, he must mean the Dissenters; and then be pleas'd, my Lords, to judge if the Doctor's Expressions touching the Toleration, and the Dissenters, can be said to be dubious; on the contrary, whether they are not plain, positive and certain.

Before I enter into this Matter, I cannot but take notice again of that remarkable Passage, (*Fol. 16 and 17.*) *What could not be gained by Toleration, must be brought about by Occasional Conformity; that is, what they could not do by open Violence, they will not fail by secret Treachery to accomplish. If the Church can't be pull'd down it may be blown up; and no matter with these Men how it is destroyed, so it is destroyed.* My Lords, Is not here a direct Assertion that the Toleration is downright open Violence, and Occasional Conformity secret Treachery? Is not here an Assertion, that altho' the Toleration has not been able to answer the End for which it was designed, *i. e.* to pull down the Church, yet Occasional Conformity may blow it up? Pray, my Lords, what Construction can these Words admit of, *No matter with these Men how it is destroyed, so it is destroyed?* What Men are here intended? Even Dissenters and Occasional Conformists.

Is this Passage doubtful and ambiguous? Is here any occasion for a forced Construction, or an Innuendo? My Lords, 'tis most scandalously plain, and as plainly seditious.

Your Lordships have observed, that neither the Doctor, or any of his Council, (one only excepted) have taken the least notice, in his Answer, of this Passage: It was produced and given in Evidence against him, and twice at least mentioned by the Managers. I wonder the Author would not vouchsafe to explain it. Is not this Silence a Confession of his Guilt?

The Council that did mention it, was pleas'd to say, that it rather commended the Toleration than found fault with it; as if it was some Credit to the Toleration, which was intended to pull down and destroy the Church, that it had not done it. In what Humour, my Lords, that Answer was made, to so

high and criminal a Charge, I know not; the Commons might reasonably have expected a more serious Answer. But, my Lords, from hence we conclude that no Answer can be given to it.

Again (*Folio 10.*) the Doctor affirms, *That whoever presumes to alter or innovate any Point in the Articles of the Faith of our Church, ought to be arraigned as a Traitor to the State; Heterodoxy in the Doctrines of the one, naturally producing, and almost necessarily inferring Rebellion and High Treason in the other, and consequently a Crime that concerns as much the Civil Magistrate to punish and restrain, as the Ecclesiastical.* Then he goes on, and adds, *This Assertion at first View, may look like an high-flown Paradox.*—I own, at first View it looked to me something like it, and I am not yet convinced but it is so.

Are not the Dissenters heterodox in Opinion? consequently they are Rebels and Traitors, according to Doctor *Sacheverell*, and ought to be punished by the civil Magistrate as such: That is to say, they are to be hanged as Rebels, and damned as Dissenters.

Still, my Lords, we have the Doctor's Word for it, he has not betrayed the least Want of Christian Charity or Moderation.

Many are the Paragraphs in this Libel equally obnoxious, and which, like these, are too plain to admit of any Answer.

My Lords, I shall not lose Time as to the Second Head, or Charge, in this Article. *Folio 8.* you will find it asserted, as plain as Words can speak, that to defend Toleration is the Mark or Characteristick of a False Brother; and (*Folio 24.*) you will find his Portion assign'd him, with all the rest of the False Brethren, *with Hypocrites and Unbelievers, with all Lyars, in the Lake which burns with Fire and Brimstone, with the grand Father of Falshood, the Devil and his Angels.*

My Lords, the Charge which relates to Archbishop Grindall is, *That Doctor Sacheverell asserts, Queen Elizabeth was deluded by him to the Toleration of the Genevian Discipline; and that, to shew his Resentment against the Archbishop for favouring Toleration, he calls him a false Son of the Church, and a perfidious Prelate.*

The Doctor, throughout his Sermon, is arguing with a furious and intemperate Zeal against the present Toleration; he is representing it as a Law that gives Encouragement and Protection to Schismatical Impostors, Enthusiasts, Hypocrites, to a mungrel Union of Sects, to Fanaticks, Rebels, Traitors, Atheists, Deists, Tritheists, Socinianists, to the Principles of Fanaticism, Regicide, and Anarchy, to Monsters and Vipers, that scatter their Pestilence at Noon-day, to *Jews, Quakers, and Mahometans*; in a word, to all false Brethren; and after a great deal more of this unprecedented Language, he breaks out, (*Folio 19.*) *These Charges are so flagrant and undeniable, that a Man must be very weak, or something worse, that thinks or pretends the Dissenters are to be gain'd, or won over, by any other Grants or Indulgence, than giving up our whole Constitution.*

Have they not, says he, ever since their unhappy Plantation in this Kingdom, by the Intercession of that false Son of the Church, Bishop Grindall, always improved, and rise upon their Demands in the Permission of the Government.

My Lords, I would fain know whether Doctor *Sacheverell*, by these Words, *A Man must be weak, or worse, that thinks the Dissenters are to be won by any other Indulgence than giving up our whole Constitution,*

tion, could mean any other than the present Dissenters, and that Indulgence which is at present afforded them.

In the very Line following he calls them *Clamorous, Insatiable, and Church-devouring Malignants*; and then proceeds in the Words I have mentioned: *Have they not (i. e. the Dissenters) ever since their unhappy Plantation in this Kingdom, by the Intercession of that false Son of the Church, Archbishop Grindall, improved and risen upon their Demands in the Permission of the Government?*

The Prisoner's Defence has explained this Passage; they were barely permitted or suffered, he says, for a time by Queen *Elizabeth*, but they have improved and risen upon their Demands, till in this Age they have obtained an Indulgence by Act of Parliament, and this Act of Parliament is manifestly what the Doctor has taken Offence at.

Then he goes on — *Insomuch*, says he, that Queen *Elizabeth*, who was deluded by that perfidious Prelate, to the Toleration of the Genevian Discipline, found it such an headstrong, encroaching Monster, that in eight Years she found it would endanger the Monarchy, as well as the Hierarchy: And, like a Queen of true Resolution, and pious Zeal for both, pronounced them *Fatious*, and suppress'd them by wholesome Severities.

My Lords, I think we should have been wanting in that Duty we owe to the Memory of that great Prelate and Father of the Church, who was so considerable in establishing the Reformed Religion, had we not taken notice of these harsh and unjustifiable Expressions.

Doctor *Sacheverell* speaks of them as carrying an undue Asperity, but such as he hopes may be forgiven, since it was necessary, he pretends, that either Queen *Elizabeth*, or that Archbishop, must bear the Blame; and he rather thought it reasonable to charge it on the Archbishop, than to suffer it to lie at the Queen's door.

My Lords, your Lordships will observe, that all the Answer he has given to this part of the Charge, is, as if the Commons had impeached him for being too free with Archbishop *Grindall*, for using, as he calls it, an undue Asperity of Expression towards him.

But your Lordships will discern that this Passage is made use of in our Charge, to shew that the Dissenters are represented as headstrong and encroaching Monsters, dangerous to the Monarchy, as well as the Hierarchy; and the Example of Queen *Elizabeth* is produced, to shew how necessary it is by wholesome Severities to suppress them.

Are any strained Constructions or Innuendo's necessary to apply this Evidence to the first and main Head of the Charge, which is, *That Doctor Sacheverell asserts and maintains, That the Toleration is unreasonable, and the Allowance of it unwarrantable?*

My Lords, before I take my leave of this Head, I cannot forbear saying upon this Occasion, that sure I am the Toleration is not so dangerous to the Monarchy, as is this late Notion of an Hierarchy to the Supremacy of the Queen's Majesty; which however I hope shall be continued and preserved in the Crown of *England*, for the Peace and Safety of the Church as by Law established, to all Posterity.

My Lords, to the next and last Part, which relates to the thundring out Ecclesiastical *Anathema's*, the Defence is, That those *Anathema's* are not intended against the Persons intitled to the Toleration.

To this I answer: He is particularly speaking, in this Part of the Libel, of the Schismatics and Dis-

senters, and expressly names them in these Words, (Fol. 25.)

And yet if our Dissenters had lived in those Times, they would have branded him as an intemperate, hot and furious Zealot. — Schism and Faction are Things of impudent and encroaching Natures, they thrive upon Concessions, take Permission for Power, and advance a Toleration immediately into an Establishment. — Are not the Dissenters here expressly named? Are we not to understand the Words Schism and Faction, as coupled with Toleration, to be meant of the Dissenters, and of them only? Sure this is too plain to admit of any Doubt.

Then, my Lords, he proceeds: *And are therefore to be treated like growing Mischiefs, or infectious Plagues, kept at a Distance, lest their deadly Contagion spread. Let us therefore have no Fellowship with these Works of Darkeness, but rather reprove them: Let our Superior Pastors do their Duty, in thundring out their Ecclesiastical Anathema's, and let any Power on Earth dare reverse a Sentence ratified in Heaven.*

My Lords, Is here one Word of Heresies, Blasphemies, and the rest of those enormous Offences, to which the Doctor would have these *Anathema's* relate? No, there is nothing to be found here but Dissenters, Schism, and Toleration.

If these *Anathema's* are to be understood (as certainly they are) to extend to Persons entitled to Toleration; then, my Lords, that Air of Insolence that concludes the Period is explained.

Let our Superior Pastors do their Duty; that is to say, let them exert themselves, and thunder out their *Anathema's*, and let any Power on Earth dare reverse them.

These Words, my Lords, seem too big and mighty, to mean any little or subordinate Power.

Thus have we supported, and made good the several Charges contained in the Second Article.

My Lords, As the Commons are fully sensible how necessary it is to support the Honour and Justice of the Revolution, to which we owe no less than the inestimable Blessing of her present Majesty, the Guardian Angel of this Church and State, the future Expectation of a Protestant Succession, the Religion, Laws, Rights, and Liberties of the *British* Nation; so are they thoroughly convinced that the Peace and Welfare, the Security and Strength of the Kingdom in great measure depend upon the inviolable Preservation of the Act of Toleration, which has been most maliciously and seditiously traduced and misrepresented by Doctor *Sacheverell*.

Mr. *Thompson*. MY Lords, It is my Part to trouble your Lordships with a Reply to such Answers as have been offered to the Third Article of this Impeachment; and notwithstanding what has been said by the Council, what has been produced in Evidence; and what has been alledged by the Doctor himself to move your Lordships Compassion, I am concerned, even for his Sake, that I can observe it to your Lordships, That the Charge in this Article remains entirely unanswered.

Before I enter into the Particulars, I must observe to your Lordships, that if there were any doubtful, or any the least favourable Construction to be made of some Passages in this Sermon, the Commons would not have given your Lordships this Trouble, nor the Doctor an Opportunity of censuring their Impeachment as a hard-hearted and uncharitable Prosecution.

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My Lords, I cannot but think it very ungenerous to insult any Man in Misfortunes, or to treat one in his Condition with Scorn and Indignity; neither have I, or shall I be guilty of it; but I must take leave to say, that no other Interpretation can be made of some Passages applicable to this Head, but what is criminal, since so many learned Council, since so many able Heads who have assisted the Doctor in his Defence; nay, since he himself, who should know best his own Meaning, has not been capable of giving the least Colour or Pretence of any Construction of them in his Favour.

Whatever Pity your Lordships may be inclined to in your private Capacities, for any one who has (I cannot say through Inadvertency) brought himself into Affliction, whatever Dispositions you may have to Mercy, yet I need not say, that there is a Compassion, a tender Regard due to the Welfare of your Country, a Care incumbent on you to suppress what has the least Tendency to Sedition, and the Disturbance of the publick Peace of the Kingdom, and that these important Trusts have a Claim to your Lordships Justice, preferable to any private Concern whatsoever.

Not to detain your Lordships any longer in Generals, I shall proceed to state the Charge and Defence, that your Lordships may have a View of the Insufficiency of the latter. My Lords, the Charge is, "That the Doctor suggests and maintains, that the Church of *England* is in a Condition of great Peril and Adversity under Her Majesty's Administration:" He denies that he suggests any Danger to the Church, only from Vice, Infidelity, Blasphemy and Heresy, but not at all from or under any Part of her Majesty's Administration.

The first Passage I produced to your Lordships, to prove the Charge, was in Page the 5th; I must beg leave to trouble your Lordships with reading it again, because it may be necessary: "Tho' it were very obvious to draw a Parallel here betwixt the sad Circumstances of the Church of *Corinth* formerly, and the Church of *England* at present, wherein our holy Communion has been rent and divided by factious and schismatical Impostors; her pure Doctrine has been corrupted and defiled, her primitive Worship and Discipline prophaned and abused, her sacred Orders denied and vilified, her Priests and Professors (like *St. Paul*) calumniated, misrepresented and ridiculed, her Altars and Sacraments prostituted to Hypocrites, Deists, Socinians and Atheists; and this done, I wish I could not say without Discouragement, I am sure with Impunity, not only by our professed Enemies, but, which is worse, by our pretended Friends and false Brethren."

The learned Council pretended to shew, that most of these Calamities attending the Church, proceeded from the blasphemous and heretical Books and Pamphlets produced to your Lordships, and that the Doctor meant them to be the Cause of the Danger he suggests: Now, pray my Lords, how can that Construction be made? How can this be consistent with the Doctor's Assertion, that all this is done, not only by professed Enemies (which every body will agree takes in the Infidels, Blasphemers and Hereticks) but by pretended Friends and false Brethren? When I took the liberty to observe on this Passage, I stated it thus: "Who could prostitute Altars and Sacraments to Hypocrites, Deists, Socinians, and Atheists, but some of the Doctor's own Order? And who were to punish those Crimes? Who could they be that did not discourage them,

but suffered them to be committed with Impunity, but his Ecclesiastical Superiors? And that they were Part of her Majesty's Administration, no body could deny.

Now what Answer, my Lords, was given to this? To the first part of this Paragraph, about rending the Communion by schismatical Impostors, and so to the other Particulars, till the last, it was shifted off to the professed Enemies, the Infidels, Blasphemers and Hereticks, Dissenting Teachers, and Popish Priests, but nothing laid to the False Brethren, who, the Doctor says, neither Punish nor Discourage. But when the learned Council came to the last Calamity of the Church, that of prostituting the Altars and Sacraments, &c. they are pleased to make Occasional Conformists their Atheists, &c. that receive the Sacraments; but as to the Charge of arraigning the Persons that do not discourage or punish those who prostitute Altars to Atheists, &c. they thought fit to slide it over, and not say one Syllable to it; they did not so much as mumble this Thistle, and the others but very tenderly. Pray, my Lords, in the Interpretation I make, where is there any foreign Intendment, any forced Construction, or strained Inference against the Doctor's express Words, and positive Assertions? Let every candid Reader, without Prejudice, impartially consider the Meaning of this Passage; Is this a Danger suggested from Books or Pamphlets? Or is it not a plain and direct Invective against those Persons in the Church, who are charged with being the Occasion of these Dangers to the Church by their Remissness in their Duty, not only in not punishing, but not so much as discouraging those Crimes: And to whom can his lazy Defenders within relate, but to the same Persons, those that are within the Church, and to protect it?

But if it were true, that Altars and Sacraments were thus prostituted, why must the World be told in this Manner of it? Tho' it is the Duty of a Clergyman at all Seasons, and in all Places, as one of the Doctor's Council was pleased to say, to preach against Vice and Infidelity, Immorality and Prophaneness; yet sure none will say, that he is to revile his Superiors, and charge them in this Method with their want of Duty, and Care for the Church: What other End must such licentious Reproaches produce, but a Contempt of their Persons, a lessening the Dignity of their Order, and a Diminution of that Character which gives them the Capacity of doing Good in the World whilst they preserve a Veneration and Esteem, but which must cease when they meet with the contrary? The Doctor was so sensible of this, when he mentioned it as his own Case, that he thought the very Imputation of a Crime to any of his Function, tho' acquitted of it, must leave a Scar so as to blemish his Character; sure then he ought to have used the utmost Caution, before he preached or published this Sermon, and to have considered the pernicious Consequences of reviling those in Authority. If, as he was pleased to say, ill treating of him, who was an Ambassador of Christ, was despising Christ himself; sure it cannot be thought an unnatural Inference, if her Majesty is said to be reviled, by reflecting on those who act under her Commission, and are Part of her Administration.

The second Passage I troubled your Lordships with, is in Page 16; he had been talking of the Comprehension and Union of the Church and Dissenters, and giving a great many hard Names to it; which Design your Lordships know had its Rise from

a Commission under the Great Seal from his late Majesty to several Lords, Bishops, and other learned Divines, who were to consider of proper Methods to accomplish it: "But he thanks God, that Providence had blasted the long projected Scheme of these Ecclesiastical *Abitophels*;" with other scurrilous Reflections on the Design, and those concerned in it; and then he says, "That since this Model of Universal Liberty and Coalition failed, and these false Brethren could not carry the Conventicle into the Church, they are now resolved to bring the Church into the Conventicle, which will more plausibly and sily effect her Ruin; what could not be gained by Comprehension and Toleration, must be brought about by Moderation and Occasional Conformity; that is, what they could not do by open Violence, they will not fail by secret Treachery to accomplish. If the Church can't be pulled down, it may be blown up; and no matter with these Men how 'tis destroyed, so that it is destroyed."

Now pray, my Lords, where is the forced Construction to make the Doctor in this Passage speak of Persons in Church and State who endanger the Church, and not of Books and Pamphlets, Vice, Infidelity, &c?

He is on his second general Head of the Perils of False Brethren in the Church and State, and of those Persons who could not accomplish the Destruction of the Church by the Comprehension, but were doing it another Way, by Occasional Conformity and Moderation; I do not know that either of these are condemned by the Law for Vice, Infidelity, Blasphemy, Heresy or Prophaneness; be that as it will, 'tis from the Persons in Church and State the Danger is suggested to arise, and who, as he is pleased to say, make use of these only as means to blow up and destroy the Church: But then I suppose these Persons in the Church must be interpreted to be only the most inferior, and so no Reflection on the Administration: As Men of Characters and Stations in the State were construed to be Constables, Excise-Men and Custom-House Officers, so these Persons who were to bring about the Comprehension, and are now blowing up and undermining the Church in another Manner, must be Church-Wardens, Parish-Clerks and Sextons. These Sort of Constructions by the Doctor's Learned Council, are so easy and natural, that I must agree with his Observation, that they have not much Argument, Learning or Eloquence to support them.

And I cannot but observe a very extraordinary Method of answering this Passage and the next, by one of the Learned Council; he is pleased to cite Two other Passages in the Sermon, which were never mentioned by me, or any of the Managers of this Article; and with very strenuous Zeal he explains those Passages by chiming in with the Doctor, in charging Occasional Conformists, with Atheism, Deism, and the worst of Crimes; and then he concludes, that the Doctor, in those Passages he cited, has not asserted the Church to be in Danger under her Majesty's Administration; but not one Syllable to this Passage, which I cited in Page the 16th.

The third Place I troubled your Lordships with, was in the 18th Page; his Words are "Falshood always implies Treachery; and whether that is a Qualification for any one to be trusted, especially with the Guardianship of our Church or Crown, let our Governors consider:" These Words speak so plainly, they need no Comment, nor

have they offered at any Explanation of them; they must relate to Persons, and can have no Reference to Books or Pamphlets, Blasphemies or Heresies, &c. by any Construction whatever.

The Fourth Passage, my Lords, was in Page the 20th; he is talking of Dangers from National Sins, which are occasioned by Dissenters and False Brethren; and then he says, "And now are we under no Danger in these deplorable Circumstance? Must we lull our selves under this sad Repose, and in such a stupid lethargick Security embrace our Ruin? I pray God we may be out of Danger; but we may remember the King's Person was voted to be so, at the same Time that his Murtherers were conspiring his Death."

The Substance of the Charge in this Passage, is an Intention to reflect on the Members who voted the Church to be out of Danger, by the Comparison and Allusion to the Vote relating to the King. The Meaning seems evidently, that though the King was voted to be out of Danger, yet he was not out of Danger; and so, though the Church was voted out of Danger, yet the Church was then, and is still in Danger: But whether he meant it of the Members that passed that Vote, is the Question; he says he only meant it according to his Notion of that Vote of the King, that those not privy to the Design against him voted him safe, whilst others conspired his Murther; so when the Members voted the Church of *England* to be in no Danger under her Majesty's Administration, it was none of them, but others that were conspiring her Ruin.

The Doctor was pleased to say too, That that Vote was a Year and half before the King's Death, and that there were not a Tenth Part of those Members who voted the King safe, the rest being turned out, and no House of Lords: Be that as it will, they were the same Parliament that voted the King out of Danger; and they that conspired his Death, were Part of those who voted him safe, and who turned out the rest to accomplish their Designs: And though the Parallel should not run so as to reflect on both Houses of Parliament, and all the Members, yet if it glances at some of them, and was so intended, it is a Circumstance of Aggravation, and that is the only Intent of its being Part of the Article; and I can't but think the Doctor was apprehensive of some Reflection of that Kind, for he says immediately in the very next Words, "That he hopes what he has so freely spoken will not give Offence": If he had not a View to that Vote of the Danger of the Church, there was no Occasion for that Apology.

The fifth and last Place I troubled your Lordships with, was in the last Page, where there were some Pathetical Expressions which the Doctor chose out of the Scripture, and managed them with others of his own, so as to represent the Church to be in the utmost Peril; he mentions nothing of Vice, Blasphemy or Infidelity: "But that she lies Bleeding of the Wounds she has received in the House of her Friends": He cited the *Lamentations* for it, but there being no such Text there, I took the Liberty of saying it was a Lamentation of his own making.

I should not trouble your Lordships any more as to this Particular, but that I am in some measure obliged to vindicate my self from what one of the Learned Council hinted upon this Occasion; he was pleased to say in the Defence to the first Article, he

was as much at a loss to find out a Passage in the Sermon, as one of the Managers was to find the Text in the *Lamentations*. Though, my Lords, this is but a Trifle to the Thing in Question before your Lordships, yet since that Learned Gentleman was pleased to triumph, as if he had me sure and unanswerable on this Point, I beg your Lordships Indulgence that it may appear which of us is in the right.

The Doctor cited that Text to be in the 2d of *Lam.* 4th. I looked through the *Lamentations*, therefore knew I might venture to say what I did; I have looked over it again, and am sure there is no such Text there. It gave me Occasion to read and reflect on the other Texts cited by the Doctor in the Prophecy of *Zachariah*, the 13th Chapter, where there are some Words that I suppose are meant, though I could not but observe the Doctor to be very unhappy in the Choice of his Scripture, this as well as others being directly contrary to his Purpose. The Words cited are in the 6th Verse, the two preceding Verses explain them; the Subject Matter was false Prophecy. In the 4th Verse 'tis said, *It shall come to pass in that Day, that the Prophet shall be ashamed, every one of his Vision, when he has prophesied.* In the 5th Verse the Prophet is to deny that he is a Prophet, and say he is a *Husbandman, and no Prophet.* And in the 6th Verse he is asked where he received his Wounds? He answers, *in the House of his Friends:* So that he retains the Character of a false Prophet all along; and what he says in each Verse is equally true, and consequently that the Wounds he received were not in the House of his Friends. Whatever may be thought of the Doctor in this Matter, I think I may conclude, that his Learned Council had his Scripture by Hearsay, or else he would not have triumphed when he had so little Reason. There was a Dispute, my Lords, not many Years since, between Two Learned Divines of our Church, about the Rights of our Convocation; one insulted the other for his Ignorance in the *Common-Prayer Book*; but upon Examination it appeared, that he who triumphed most, was most ignorant of what he charged on the other: Whether this Case is not somewhat applicable, I submit to your Lordships.

Having done, my Lords, with the several Passages made use of to maintain this Article, I think I may say the Charge contained in it, (That the Doctor asserts the Church to be in Danger, not only generally, or so as to be meant from Vice, Infidelity, Schism or Heresies, Blasphemy or Prophaneness, but from under her Majesty's Administration) is not only affirmed, but strongly proved. He is not charged here with speaking contrary to his Words, or with Negative Crimes, nor is his Silence, as he was pleased to say, made Criminal.

I must now beg leave to observe a little on the Evidence produced on the Doctor's Behalf, and in his Defence to this Article. Your Lordships had a Collection of many scandalous Books and Pamphlets, drawn from Obscurity, to be republished to the World, for the more effectual suppressing Blasphemy and Prophaneness: And since the Doctor's Council forbore to mention the Particulars, I shall not enter into them; only in general I think I may say, that they have been proved to be no way material to what is in issue before your Lordships: But it may not be improper to take Notice, that most of these Books appeared to

have stolen into the World, and the Authors still concealed; some of them Printed in *Holland* seventeen Years ago, and others Published since the Doctor's Sermon: And for the *Observers*, and *Rights of the Christian Church*, 'tis well known the Author of one, and Publisher of the other have been prosecuted; so that these cannot be said to be tolerated with Impunity, nor meant as the Provocation for the Doctor's Censure.

I am sorry there are any of these prophane and impious Pamphlets: There are some others too that have been published within this seventeen Years, which might have been taken notice of, but I don't find them in the Doctor's Catalogue. There was a blasphemous Sermon preached and published by Doctor *Binks*; Mr. *Dodwell's Charge of Schism*, and unbishoping most of the present Bishops; the same Gentleman's *Baptismal Union of the Spirit*, or his *No Immortality of the Soul*; and one Mr. *Lesley's Project of uniting ours and the Gallic Church*. Whether these Books were thought by the Doctor to tend to the right Establishing our Church and true Religion, I need not say, but I do think they were worthy his Notice, and may vie with most in his Collection; and if he had been so incensed against erroneous Doctrines, it had been a worthy Task sure, and well becoming his honest well-meaning Zeal, to have endeavoured a Confutation of them; then his Asperity in rebuking, his harsh and vehement Expressions, would not have been ill employed: But, instead of this, to turn his Violence against his Superiors, for not Punishing what, it may be, they never heard of; and to lay the Danger from these Doctrines at their Doors, is not to be justified by any pretended Provocation of this Kind whatsoever.

There was another Piece of Evidence produced to your Lordships, some Proclamations against Immorality and Prophaneness: If there is any Thing to be inferred from them in the Doctor's Favour, I must own I can't conceive it. Because the Queen commands the Magistrates to put the Laws in Execution, therefore every private Divine may arraign his Superiors for a supposed Neglect of their Duty, as often as he thinks fit; I say, I don't understand this Inference, but I can easily apprehend the Consequence to all Governments that will suffer such Presumptions.

The Doctor himself was pleased to say, That one of the Dangers of the Church mentioned by him was forgot by the Managers, that was from Papists and their Emissaries: I will do him the Justice to remember, that he has bestowed six Lines on this Danger, but twenty-six large Pages on the Danger from those in Church and State. Then it was said, that the Doctor prays for the Queen, has taken the Oaths to the Queen, and therefore he could have no Intention to reflect on her Majesty, or any Part of her Administration either in Church or State. And the Doctor in his own Speech was pleased to acknowledge her Majesty to be a Nursing-Mother to the Church: But I could not observe one Syllable to the Reverend Fathers of the Church, of his Opinion of their Care of it: I could hear him admonish that Venerable Bench of the Guilt of departing from the Church, and abandoning the Principles of the Church, if they should punish him, a true Son of the Church, for Preaching the same Doctrine with theirs; as if there was no manner of Difference whatever.

It seems, my Lords, very strange, that after a Charge of this Nature of Reflection upon his Ecclesiastical

clesiastical Superiors, that, after having studied so much Submission, he should not prevail with himself for so much as a Compliment on this Occasion. Such Behaviour seems to need no Explanation. I should be very unwilling to recollect any of the Doctor's charitable Opinions of his own Brethren, who, as he is pleased to say, can sacrifice their solemn Declarations and Oaths to Complaisance and Preferments. I would be so charitable as to believe well, and think favourably of all Men; but when the contrary does so manifestly appear, it would be Injustice to the rest of Mankind not to judge accordingly. It would be a Remissness and Negligence of Duty, justly blameable, if we were to shut our Eyes, and resolve not to see what so evidently threatens the Peace and Quiet of the Kingdom. If Men must be allowed to vent their Displeasure at such Proceedings of their Governors which do not suit their particular Humours, what must become of the Credit and Reputation of any Government, which is so necessary to preserve it?

Your Lordships have heard a great many Objections against *Innuendo's*, that they are dangerous Things, and never encouraged; and that your Lordships have been pleased to shew your Dislike of them. I shall not scruple to own, that to lay a Meaning to a Man when his Words will not bear it, to make any invidious Construction when it will admit of a favourable one, I can neither approve or desire. But because the extreme or ill Use of any Thing is not to be allowed, that therefore you must never apply it at all, is such Logick and Law as I have not been used to.

My Lords, In the Case *de Libellis famosis*, cited by the Doctor's Council, your Lordships will find, that if only plain positive Assertions are Libels, there will be no Fence against the Envy and Malice of wicked Spirits: And if the Law has guarded every private Man's Reputation, so as not to be blasted by oblique Turns and scandalous Insinuations, it would be very hard if those in Authority should be exposed to the Virulence of every discontented Humourist. Malice will never want a Pretence, or Means to convey Scandal and Reproach by sly Parallels and Allusions, which may do equal Mischief with positive Assertions: But I must observe to your Lordships, That there are not only oblique Insinuations, but positive Assertions.

Not only those Passages which I have produced, which are express, but the whole Scope and Tenor of his Sermon, relates to the Peril of the Church from Persons in Church or State, and not those evasive Shifts of Vice and Infidelity, Books and Pamphlets. If the Doctor had only rebuked Immorality, Blasphemy, Prophaneness and Irreligion, he might still have attended his Flock*, and they not have been brought to attend him; nor would he have been thought to arraign the Resolution of the Parliament. But for him to take upon him to censure and expose his Superiors, and to insinuate into the Minds of the People the Danger of the Church from those Persons who have the Protection of it, is no likely Method to suppress Immorality and Prophaneness, and is directly contrary to the Words and Intent of the Resolution of your Lordships and the Commons.

To what End the Doctor has thought fit thus to

disperse his Sermons, may be easily imagined; and your Lordships cannot be unacquainted with the History of a Neighbour Nation, what temporal Ends were to be accomplished by a loud Outcry of Danger to the Church, the Church, Religion and the Church. Whether that will not bear a Parallel with the groundless Clamours which have occasioned many of our present unhappy Divisions, I submit to your Lordships.

It remains, my Lords, that I answer one of the Learned Council, what the Nature of this Offence is: I shall only tell him in the Words of your Lordships and the Commons Resolution, made publick by her Majesty's Proclamation, "That whoever creates unreasonable Distrusts, and groundless Jealousies in the Minds of the People; whoever distracts the Kingdom by false and seditious Rumours of the Danger of the Church, to cover Designs they dare not own; whoever goes about to insinuate that the Church is not in a safe and flourishing Condition under her Majesty's happy Administration, is an Enemy to the Queen, the Church, and the Kingdom." Which, in other Words, is, Against the Law, against the Temple, and against *Cæsar* has he offended.

Nay, my Lords, Has not this bold Offender gone yet farther? Has he not told your Lordships at your own Bar, That notwithstanding the Toleration, the Dissenters are Schismatics, and liable to Spiritual Censure; that by continuing the Indulgence to them, you countenance Schism; and that while Schism is continued, the Church must be in Danger? So that resolve what you please, and make what Laws you will in their Favour, he must still thunder out his vehement *Anathema's* against them, as dangerous to the Church.

This, my Lords, is a Specimen of that Independency of the Church that of late has been so much struggled for; and which, if not confuted in time by Authority, may soon devour the Supremacy and the State. And since the Doctor has and does still thus presume to defy and arraign the Resolution of your Lordships and the Commons, he is properly before this Tribunal; and I may apply to him the Saying to a Goat browsing on a Vine, and which was applied to one of another Function upon such an Occasion, who had defied the Power of Parliaments:

*Rode Caper vitem, tamen hinc cum stabis ad Aras,
In tua quod fundi Cornua possit, erit.*

My Lords, The Commons are so fully assured of your Lordships Wisdom and Justice, that they cannot question but your Determination in this Proceeding will be to their Satisfaction; therefore I shall trouble you no farther, but submit to your Lordships Judgment.

Serj. Parker. MY Lords, Having already, by Command of the Commons, endeavoured to make good the *Fourth Article* of this Charge; it is now my Duty to support, what I offered before, both against the particular *Objections*, and the general *Rules*, proposed or insinuated by the *Council*, or the *Prisoner*.

The first Thing I attempted to prove by particular Passages, was the second Clause of this Article:

"That Doctor *Sacheverell* suggests, That there are Men of Characters and Stations in Church and State, who are False Brethren, and do in themselves weaken, undermine and betray, and do encourage and put it in the Power of others, who are

* His Parishioners part of the Mob that attended him to and from his Trial.

“ professed Enemies, to overturn and destroy the Constitution and Establishment.”

This I thought would be plainly made out, if I could shew these *Two Things*:

1. That the Doctor has asserted, in express Terms, of all *False Brethren* in general, that *they do in themselves weaken, undermine and betray, and do encourage and put it in the Power of others, who are professed Enemies, to overturn and destroy the Constitution and Establishment.* And,

2. That he charges *Persons of Characters and Stations* with *False Brotherhood.*

Apprehending the *Consequence* clear, that if these *Two Things* were asserted by the Doctor, the Charge was just.

I used likewise some farther Proofs, which I shall not need repeat.

Besides some little Cavils as to the *Two Propositions*, which I shall take Notice of by the way; great *Complaint* is made, often repeated, and much exaggerated, that I have brought together these *Two Propositions*, that are twelve, or nine, or at least seven Pages asunder:

My Lords, I took Notice of this *Trifling Objection* before; and what I said to it, neither the Doctor nor his Council have attempted to Answer.

But they all seeming to lay the greatest Strefs upon this Part, and the Council every one repeating it, I beg leave to state once more how that Matter stands.

The Doctor in this Sermon proposes, (1.) To describe *False Brotherhood*; (2.) To shew the *Mischief*; and (3.) the *Malignity* of it.

And this *single Consideration* would make one expect, that these *Heads* should relate to one another, at whatever Distance he takes them up.

Under the Second Head, * Page 15, he asserts, of all *False Brethren* in general, that “ they do in themselves weaken, undermine and betray, and do encourage, and put it in the Power of others, who are professed Enemies, to overturn and destroy the Constitution and Establishment.”

This is my first Proposition in Terms, and nothing is objected to it.

Only a little Attempt is made to divert the Question, by mentioning some particular sorts of *False Brethren*, and saying he there speaks of *False Brethren* in some of those Senses of the Word.

I agree it: He that speaks of all, speaks of such as are included in those Senses of the Word which he mentions; but likewise speaks of all others too; speaks of such as he has mentioned any where else, as well as there, such as are *Men of Characters and Stations*, as well as such as are not.

Under the Third Head,

In shewing the *Malignity* of this Sin (not in it self, that he had shewn before, but) with regard to the World: He instances first, in the *Mischiefs* arising from *Men of Characters and Stations*, in the Words I formerly cited. This, I thought, made out my Second Proposition to be the Doctor’s, “ That *Men of Characters and Stations* are *False Brethren.*”

This is faintly deny’d; and ’tis said, he does not here suggest *Men of Characters and Stations* to be *False Brethren*; but what is here spoke relates to

their private Behaviour, and not to the Administration.

Besides, that this is directly against the plain Import of the Words; to let your Lordships see the Candor of this Defence, let us suppose it true; and that it is the Doctor’s Opinion that the Persons he here speaks of, be they great or mean, are not *False Brethren.*

Then the Doctor, to be consistent with this Defence, must affirm, that he here sets forth the *Malignity* of *False Brotherhood*, by shewing the *Malignity* of another Sin which is not FALSE BROTHERHOOD, in Persons of Characters and Stations, who are not FALSE BRETHREN.

This is the wretched Shift he is driven to, taking it the best for him.

That these *Characters and Stations* relate both to Church and State, all his Discourse in the Places cited, and every where else, shews; nor has he or his Council made it an Objection that they do not; so that it would be very much mispending your Lordships Time, to go to prove, what is not deny’d, that by *Men of Characters and Stations*, he intends *Men of Characters and Stations* in Church and State.

The *Two Propositions* being thus cleared, let us see if that which is laid hold of to declaim so earnestly upon, have any more Weight in it, that is, the joining together these *Two distant Propositions.*

The Objection, rightly stated, is this:

He has in one Place affirmed of all *False Brethren* in general, “ That they do in themselves weaken, undermine and betray, and put it in the Power of others, who are professed Enemies, to overturn and destroy the Constitution and Establishment.”

And seven Pages off, has represented *Men of Characters and Stations* as *False Brethren.*

And we (very unreasonably!) have charged him with suggesting, “ That there are *Men of Characters and Stations* in Church and State, who are *False Brethren*, and do in themselves weaken, undermine and betray, and do encourage and put it in the Power of others who are professed Enemies, to overturn and destroy the Constitution and Establishment.”

This is the true Strength of the Objection, and the very stating it exposes it.

The general *Mischief* he mentions, as common to all *False Brethren*, Page 15, I presume will be admitted to belong to those described, Page 7; Why then not as well to those Page 22?

Must not what is said of all *False Brethren*, extend both to those whose Crime he describes, and to those whose *Malignity* for that Crime he exposes?

And which is most to be regarded, the Distance of the Place, or the Connexion of the Scheme, and the Nature of the Propositions?

The Doctor himself seems rather to press the Objection thus, That this is Inference, and joining independent Propositions; which, though spoke by him in general, the Unanimity of his Council in falling upon this Part of what I said, shew, it was spoke principally with a View to these two Passages. Are then Passages that speak of all *False Brethren*, and that speak of some particular *False Brethren*, independent?

My Lords, These are so far from being independent, and so ill have they chosen out what to find fault with, (that if your Lordships will pardon the Pedantry, considering I have a Man of Logick and Disputation

* Note, The Pages of the Sermon are referred to as in the Second Edition, which was that which was proved and read in Evidence.

Disputation to deal with) the two Propositions are the two Propositions of a *Syllogism*, concluding in the first Figure.

And the *Inference* he complains of is the *Conclusion* necessarily arising from them, according to the *Rules of Logick*.

The whole *Syllogism* runs thus:

All False Brethren do in themselves weaken, undermine, and betray, and do encourage and put it in the Power of others who are profess'd Enemies, to overturn and destroy the Constitution and Establishment.

Persons of Characters and Stations are False Brethren.

Therefore Persons of Characters and Stations, do, &c.

The two first Propositions are what I have shewn the Doctor plainly to lay down; the other only a necessary Consequence.

Would any one expect that the Doctor should be so forgetful of the Rules of Logick, as when he had laid down the *Premises*, to deny the *Conclusion*? Or to deny the *Conclusion* to be HIS DOCTRINE, who laid down those *Premises*?

Can it be thought, that he laid them down without an *Intention* that his Hearers should make the *Conclusion*? Or could he think it possible they should not make it?

Or shall the suppressing a *Conclusion* so plainly arising, which is taken Notice of in some that write of Logick as an *Elegance* in Discourse, pass for an *Excuse*?

Let the Doctor describe *False Brethren* in general as *Betrayers and Destroyers* of the Church, and the proper *Objects* of the Rage and Fury of the People, and then expose as *False Brethren* those in the Administration, Persons of Characters and Stations, from the chief to the least, the People will quickly make the Application.

If any one should inflame the Mob to such a Degree of Rage and mistaken Zeal, as to forget the Spirit of the Gospel, and to believe it their Duty to serve God by breaking the publick Peace, and to support his Church, by pulling down all Meeting-Houses, and riving the Houses of all Dissenters; he needs afterwards only tell them, THIS IS A MEETING-HOUSE, HERE LIVETH A DISSENTER, they are not so dull as to fail of making the *Conclusion*; THEREFORE THIS HOUSE IS TO BE PULL'D DOWN; THEREFORE THIS MAN IS TO BE PLUNDERED; and of putting it immediately in Execution where they dare.

Suppose such a Man should, in Defence of himself, say, "I did not bid them pull down this House, nor rive that; my telling them All Meeting-Houses were to be pulled down, All Dissenters to be marked and plundered, was Four Months before I told them THIS WAS A MEETING-HOUSE, OR THAT MAN A DISSENTER; and to carry back a Man's Words, spoke only by way of Information, to what was said Four Months before by way of Doctrine, is the greatest Hardship in the World:"

Would this pass for an *Excuse*? Or would it not add to the Indignation against so impertinent a *Tri-ster* on so sad an Occasion.

My Lords, The burning a Meeting-House, the burning all the Meeting-Houses, the laying this Metropolis once more in Ashes by the Enemies

of our Constitution, is nothing to the inflaming the Nation, and rendering the QUEEN and Her ADMINISTRATION odious to the People.

Shall it then be an *Excuse* for the Doctor here, when he has laid down the *Premises*, to say, that he has not in Words expressed the *Conclusion*?

Shall the meanest of the People, clearly and rightly collect, This is Doctor Sacheverell's Doctrine; and shall not we in accusing, and your Lordships in judging, be allowed to collect it, when we are endeavouring to preserve the Queen and Constitution, and all that is dear to us?

Surely, my Lords, we shall. Nor is the strict Consequence that your Lordships find in this Clause, always necessary in Cases of this Nature: But I was willing to shew it here, that your Lordships may see with what Justice this was made the great Topick whereupon to declaim against Hardships; and to couple such Inferences with *Innuendo's*, as if both were the same.

As for taking one Part of one Sentence, and another Part of another, whoever makes a *Conclusion* in Logick ever does it; and only then does amiss in it, when in doing it he departs from the proper Rule, and where the Consequence is not just; which I have shewn is not the Case here, and no Body has attempted to make out that it is.

'Tis as little to the Purpose what is said, that he has not restrained this to Persons of the HIGHEST CHARACTERS AND STATIONS; which I shewed so fully before, that it has been thought more adviseable to pretend I admitted what I believe I plainly disproved, than to offer any Answer to my Reasons.

I'll only add, that 'tis not pretended, that there is one Word in the Sermon that looks like the least Hint, that only *Inferior Officers* were meant; and 'tis plainly shewn, that others were intended: And then the Doctor's *Excuse* amounts, at best, but to this: He has indeed spoke in reproachful Terms of *Magistrates in general*, he has pointed to those that have, and those that bestow the Honours of the Church, and Places and Preferments in the State; he has pointed to the Chief; his Reasoning, when he shews the Malignity of the Sin from Examples of Persons of Characters and Stations is the stronger, the Greater these Persons are, as the Examples of the Greatest are the most Contagious; but yet he relies upon it, that since the general Mention of Persons of Characters and Stations takes in the Meanest as well as the greatest, 'tis not to be doubted but the all-discerning People, especially when sufficiently fired and enraged, will restrain the Words to the most innocent Meaning, and apply them only to *inferior Officers, Constables*, and those in the nearest Degrees to them.

This is the Sum of this notable *Excuse*.

Let this therefore, where, by bending their united Force against it, they seemed to have the greatest Hopes of making some Impression, serve for the Specimen chosen by themselves, of the Hardships of Inferences and *Innuendo's* in this Charge.

"The Third Clause, "That he chargeth her Majesty, and those in Authority under her, with a general Male-Administration; The first, That he suggests that her Majesty's Administration, both in Ecclesiastical and Civil Affairs, tends to the Destruction of the Constitution"; are so manifest, that after what has been said, and is unanswered, it would

would

would be but losing Time to attempt to make them more plain.

And their Defence, and the Books and Pamphlets read on this Head, are not to the purpose.

For sure, the shewing that there have been some *Paltry Scriblers*, few in Number, many long since dead, some mad, some that have undergone the infamous Punishment of the *Pillory*, most of them *prosecuted* or *unknown*, does not prove that there are *Seminaries* for the open Profession of those Blasphemies and Impieties; much less, that they are suffered by the Government, or that their *Follies* can be called an open Violence upon the Church, or their Faults made the general Character of the Nation, and charged upon the Queen and her Administration.

When a scandalous Book is published, or contagious Sin committed, any Subject who has a real Zeal to prevent the Mischief spreading, may apply to the proper Magistrate to suppress it; and if inferior Magistrates neglect their Duty, may carry the Complaint, against them and it, to their Superiors.

But is it to be endured, in any established Government, that a Man pass over all the Magistrates, and make an Appeal to the People, not only against the Offenders, but against the Magistrates too?

This is properly *Faction*, this is invading the Royal Authority; 'tis, in the Doctor's own Words, "*Arbellious Appeal to the People as the Dernier Resort of Justice and Dominion*"; 'tis erecting a Popular Tribunal, where not only *SCRIBLERS*, but the *QUEEN* and her *AUTHORITY* are to be try'd.

The Doctor indeed pretends that his Zeal was only against those Offenders, and such as keep not within the Bounds of the Toleration Act; that his Warmth of Speech, was only to stir up the Magistrates to put the Laws strictly in execution; and he solemnly protests he intended no Reflection on the Queen, or her Ministry; that by the Dangers of the Church, he meant only those Judgments, which the just Anger of a provoked God might be reasonably expected to inflict on so wicked a People.

I can't pretend to repeat his very Words, but I apprehend this to be his Sense, and beg Pardon if I mistake his Meaning.

My Lords, I am amazed at the Doctor's Solemn Protestations. I will avoid hard Words as much as I can; but if when he calls God to Witness in so solemn a Manner, he should then speak without Foundation of Truth, plainly against his Sermon, and be even then using the little Arts of Evasion, and diverting the Question, instead of that Sincerity which ought to accompany so solemn an Oath, I leave it to your Lordships to give a Name to such Behaviour.

Is it possible to say he intended not to reflect on the Administration?

Give me Leave to read to your Lordships Two Pages in his Sermon, to which I before referred; and be pleased to observe, as I go along, how much they are applicable to unknown Authors, or the Dead, to *Asgill*, the *Observer*, the *Review*, or other Writers, that he has made so filthy a Collection out of; or to *Atheists*, or *Dissenters exceeding the Limits prescribed by the Toleration*; or to *Occasional Conformists*, *Dissenters too in the main*, but when the Occasion of a Place calls them to Church; and your Lordships will have one Instance of his Sincerity in his Solemn Protestations.

" 2. Secondly, In regard to the World, What a vast Scandal, and Offence must it give to all Per-

sons of Piety and Integrity, to see Men of Character, and Stations, thus shift and prevaricate with their Principles, and starting from their Religion upon any Occasion of Difficulty, or Trial, and like the Disciples, flying from, and forsaking our Saviour, when his Life lay at Stake? To see Mens Opinions sit as loose about 'em as their Garments, to be put on, or off, for Convenience? What can unwary Persons conclude from such Tergiversation, and Hypocrisy, but that all Religion is State-Craft, and Imposture? That All Godliness is Gain; and that the Doctrines of the Church lie not so much in her Articles, as her Honours, and Revenues? Without doubt, this Modern Latitude, and infamous Double Dealing, as it can proceed from nothing but the rankest Atheism, so it must propagate it wheresoever it goes; and 'tis not to be questioned, but that the Wonderful Increase, and Impudent Appearance of all Sects and Heresies in this Kingdom at present, beyond what was ever known in former Ages, is chiefly to be attributed to it. But this Crime is as pernicious to Human Society, as Religion; for it destroys all common Honesty, Faith, and Credit in the World, and in the Place of it, sets up an Universal Trade of Couzenage, Sharping, Dissimulation, and downright Knavery. For, what Dependance can there be upon a Man of no Principles? What Trust in Equivocations, Evasions, and Lyes? Nor indeed could any one be supposed so sottish, as to place the least Confidence in these Men, did they not bait their Hook, and cover their Treachery with the sacred and plausible Pretences of Friendship, whereby they are capable of doing much more Mischief, than a bare-faced and profess'd Enemy. In what moving and lively Colours does the Holy Psalmist Paint out the crafty Insidiousness of such wilely Volpones? Wickedness, says he, is therein, Deceit and Guile go not out of their Streets. For it is not an open Enemy that has done me this Dishonour, for then I could have born it: Neither was it mine Adversary, that did magnify himself against me, for then peradventure I would have hid my self from him. But, it was even Thou! my Companion, my Guide, and mine own Familiar Friend. We took sweet Counsel together, and walked in the House of God as Friends. There is no Faithfulness in their Mouths, their inward Parts are very Wickedness; their Throats are open Sepulchres, and their Words are smoother than Oil, yet be they very Swords. Like Joab, they pretend to speak Peaceably, and smite Us mortally under the Fifth Rib.

" 3. Thirdly, With regard to a Man's self, it is hard to distinguish whether our False Brethren prove themselves Guilty of more excessive Knavery, or Folly. For whatever these cunning, temporizing Politicians may think, they will find, after all their Shuffling, and Compliance, that the plain Road of Truth, Honesty, and Integrity, is both the most Prudent, as well as the Safest Way they can follow, and that the Wisdom of this World is as much Foolishness with Men, as 'tis with God. For certainly there is no Sin that so much Disappoints its own Ends as This does. Perhaps the Man may obtain the present Advantage he has in Prospect, by relinquishing his Old Friends, and Principles; but is ever such a Mercenary Convert received heartily into the Bosom of his former Enemies? Or are They ever found so Credulous, and Good-natured, as to Forgive, and believe such an Apostate Cordial and Sincere,

“ and fit to be trusted in any Matter of Weight, or
 “ Importance, who has betrayed his own Party for
 “ the little sordid Lucre of a Place, or Preferment :
 “ And is again ready to be Retrograde, when-
 “ ever the Wind shall Change, and Veer about ?
 “ Such a False Brother may serve the present Turn
 “ of his Adversaries, who may seem, whilst they
 “ want the Tool, to flatter and caress him; but
 “ let such a Turn-Coat rest assured, he shall
 “ meet with Hypocrisy, for Hypocrisy; and since
 “ He is got upon the Stage, shall Act his Part,
 “ and be biffed off when he has done. Such a
 “ wise Game do our Projectors Play, they Barter,
 “ and betray their Friends, only to sell themselves
 “ Slaves into the Hands of their Enemies, who
 “ shall treat them with more Insolence, Disdain
 “ and Tyranny, than honest Men do with Scorn,
 “ and Contempt, if they don't go the whole Lengths
 “ of their Party, stick at nothing, though never so
 “ impious, and absurd, and run from one Extream
 “ to a quite Contrary. Thus little, thus base,
 “ thus odious, thus contemptible, thus servile, nay
 “ thus execrable is the Traytor, and Double-Dealer
 “ in the Sight, not only of all honest Men, but
 “ the most professed Knaves, and Hypocrites ! Who
 “ cannot but have a Tacit Regard, and Veneration,
 “ for a Man of Steadiness, and Probity, that upon
 “ all Occasions is true to himself, and his Cause; is
 “ above the Threats, as well as Flatteries of this
 “ World, still trusting in his God, and his own
 “ Integrity, and Justice, despising his Interest, or
 “ Success, and is under all Circumstances like that
 “ God, and Religion he believes and serves, with-
 “ out Variableness, or Shadow of Change, but is the
 “ same, To-day, To-morrow, and for ever. Far-
 “ ther, these False Brethren cannot be more odious
 “ to God and Man, than they are to themselves,
 “ who are always a Self-Contradiction, full of Con-
 “ fusion and Perplexity, perpetually haunting them-
 “ selves, the worst of Demons, maintaining an irre-
 “ conciliable War betwixt the outward and inward
 “ Man, Conformists in Profession, Half-Conformists
 “ in Practice, and Non-Conformists in Judgment.
 “ Such a Mixture of Inconsistency and Nonsense, that
 “ any one that has the least Spark of Conscience,
 “ or Reason, must renounce, and detest. But this
 “ dismal Effect has such a State of Habitual
 “ Hypocrisy, that it quite damps and extinguishes
 “ both, quenches the Holy Spirit of God, and cru-
 “ cifies his Son afresh; and as it finds a Man void
 “ of Shame, generally (without a miraculous Con-
 “ version) leaves him incapable of Repentance,
 “ and both damns him here, and hereafter; and
 “ as he chose it in this World, appoints him in the
 “ next, his Portion with Hypocrites, and Unbelievers,
 “ with all Lyars, that have their Part in the Lake
 “ which burns with Fire and Brimstone, with the
 “ Grand Father of Falshood, the Devil and his Angels.
 “ And so here we leave our False Brethren, in the
 “ Company they always keep Correspondence with.”

To go on. Is that true, that he only calls upon
 the Magistrates for Justice upon these Offenders ?

If his Intent really were to exhort the Magistrates
 (before whom he preached) to put the Laws in Execu-
 tion, one would expect to find it vehemently pressed
 under the Fourth Head, where he undertakes to shew
 what should be the Result of all; but I have search-
 ed carefully, and can find nothing there, nor any
 where else, of any such Exhortation.

There is indeed a Calling upon the Pastors of the
 Church, who were not present, to thunder out Anathe-
 ma's against Schism; which could not be to per-

suade those Pastors that did not hear him, but to
 condemn their Remissness to the People that did. But
 all the rest is to the People, to adhere to the Funda-
 mental Principles; to watch against, MARK AND
 AVOID, those that desert them; to give Place, BY
 SUBJECTION, no not an Hour; to despise sneak-
 ing Shuffling COMPLIANCES, and put on their
 BRAVEST Resolutions, which the PRESENT
 Case required: There is a denouncing Woe to the
 fearful Heart and faint Hands; a shewing the Perils
 and low Estate of the Church, that her Sons deserted
 her, that she lay bleeding of her Wounds; that her
 Adversaries were CHIEF, and her Enemies AT
 THAT TIME prospered.

Is this the Language of one, that is only laying
 before Magistrates the Abuses of a few inferior Per-
 sons, within their Power, subject to their Authority,
 and whom they could easily crush, and desiring those
 Magistrates to correct them ?

In short, Is it calling upon the Magistrates, or
 upon the People, for Justice ?

Again:

He solemnly declares his Meaning in the Sermon
 to have been, That the Dangers of the Church are
 only such as arise from the Sins of the Nation, but
 not in the least from her Majesty and her Admini-
 stration.

Let any one cast his Eye upon the Sermon, or up-
 on the Dedication of that preached at Derby, and
 try how the several Expressions suit this Scheme;
 and he will see, the Doctor had nothing of it in
 View then, but that 'tis contrived since, for him to
 pretend now.

What Dangers of the Church and Constitution he
 means in the Sermon, is too plain to be shifted off
 by a Protestation: He tells you expressly what they
 are, and from whom; from Men, whom he describes
 as being in the Administration, who undermine and
 betray the Church, and enable others to destroy it;
 they are such as he apprehends, not from the
 Hands of God, but from the Treachery and Violence
 of Men.

Accordingly, the whole tends to stir up Anger, In-
 dignation and Fury against those Men; not to move
 Humiliation and Prayers to God, to avert those im-
 pending Judgments.

But possibly he may expect to be understood, not of
 an immediate Vengeance of God, or his delivering us
 into the Hands of a Foreign Enemy, but his permitting
 wicked Men at home to overthrow the Church.

If we take it to be so, this solemn Protestation is a
 mere Evasion, and a shifting the Question.

'Tis true, the Overthrow of the Church and Consti-
 tution is the heaviest Judgment can befall us, and if
 it does happen, must be accounted the Act of Di-
 vine Justice punishing us for our Sins. All National
 Punishments are certainly the more immediate Acts
 of the Justice of Providence; and the Instruments
 made use of to bring them about, are very often
 wicked Men.

The Prophane Writers, the Atheists, the Abusers of
 the Toleration, the Vilifiers of Holy Orders, of the
 Church, and of Christianity, and other wicked Men,
 may have given great Provocations to Almighty God;
 and if I should say so great, as may give just Cause
 to fear a Judgment upon us, that may endanger the
 Church and Constitution; yet still the Question is,
 What Hands are about to execute this Judgment upon
 us? We charge him as representing the Church in
 Danger under her Majesty's Administration; as sug-
 gesting that her Majesty's Administration, in Church
 and State, tends to the Destruction of the Constitution;
 and

and consequently, that the *Hands* of those in the *Administration* are about to execute such Judgment: And he solemnly protests, he apprehends no Danger but from God.

My Lords, This is trifling; for every such Danger is from God, and is his Judgment, whoever they be, whether her Majesty, and her Ministry, or any others, that immediately bring it upon us.

This therefore, instead of answering, is evading, and diverting your Lordships View from the Persons he charges to be working the Ruin of the Church, to God the Supreme Director and Overruler of all the Actions and Designs of Men. As if the Reflection on the Queen and her Administration were the less, for saying, that they are the Instruments in the Hand of God to scourge the Nation for its Sins, and to execute his Vengeance in overthrowing the Church and Constitution.

So that I am afraid, this Part of his Solemn Protestation is either false, or evasive, or both.

And let so much suffice to be added on these Clauses.

To what I offered to your Lordships on the Clause of keeping up Distinction of Factions and Parties;

I desire to add the Weight of One Authority, out of the Excellent Sermon preached by the most Reverend Prelate, my Lord Archbishop of York, and produced by the Doctor.

The Words are these:

“ They are Factionous, they are Setters up and Abettors of Parties, who endeavour to destroy, or unsettle, or disparage, or in the least hurt or weaken the Government, and the Laws as they are established; let the Principles on which they go, or the Pretences they make, be what they will.”

Whether the Doctor hath not endeavoured in the highest Degree to disparage the Government, and consequently to weaken it, your Lordships will judge.

As to the other Clauses, they have offered very little, and I will not repeat what I said before.

Only I would take notice, that under the Head of stirring up to Arms, something was urged by the Council, in relation to what I said upon some Texts of Scripture, but so entirely mistaking my Meaning, that I think my self unconcerned therein.

As for perverting Scripture;

The Council would seem to pretend something or other to be the Mistake of the Printer, without saying where the Mistake is, or how they would have it read.

I'll tell your Lordships what the Mistake is; it is Printing the Second Chapter of Lamentations instead of the First, and Misplacing the References to Lamentations and Zechariah; which I scorned to take Advantage of, and, in what I said, rectify'd.

But this served for a Shew of an Excuse.

They said something more on this Head, but not to what was my Objection; but promised the Doctor should clear all.

My Lords, I think I might reasonably here put an End to the Trouble I am giving your Lordships; but that I apprehend some Things which fell from the Doctor, and which have not fallen in my way already, may be proper to be taken notice of, so far as concerns what is within my Province.

I own, his Speech was extremely well compos'd, fitted not so much to inform (his Case would not bear that) as to move, (wherein his Hopes were more justly placed;) not so much to state the Question, and clear it, as to divert it: All the plausible Topicks

were labour'd, and all the Arguments that press'd hardest upon him, and most required an Answer, pass'd over in Silence; the Whole framed to give the Passions Mastery over Reason, and to induce a Persuasion, that so good, so excellent a Man as he painted himself, that has so many Virtues, so great Sincerity, so true a Zeal for Religion, could not be Guilty of this Charge, though plainly prov'd upon him: The Protestations were strong and hearty, and such as will read well amongst the People; clear of all those qualifying Clauses, that might perhaps have made it suit better with the Truth of his Case, but would have had the Inconvenience of giving to the Readers Suspicion of Guilt. An agreeable Concern for Religion and Virtue ran thro' all; which will always strike an Audience, and seems intended to make some Amends for the Rage and Fury, and Zeal for Party in the Sermon.

I only wish, for the Doctor's Sake, the Composer had preserved a little more Regard, as well to what was fit to be said here, (where the Truth of the whole Matter is known) as to what was fit to be said abroad, and given it a little more Resemblance of the Doctor and his Sermon; That he had not calculated so many Parts of it for an Appeal to the People, and to obtain their Acquittal upon his own Word. And I must needs say for my self, (tho' my liking, or disliking it, is of very little Moment) had it had fewer and less Solemn Appeals to God Almighty, or more Truth, or I known less of the Matter, I should have liked it much better.

He begins with making his Order, the Church and Christianity to be concerned in the Cause; intending it, I presume, to be understood abroad as a Charge upon his Accusers, that in his Person they arraign all these.

But I shall not pretend to follow him throughout the whole Speech, only point out some Fallacies in it.

My Lords, Great Regard is to be had to the Word, much more to the Solemn Declaration, much more to the Oath of a Clergyman, when he is free and unbiass'd.

But when he stands in Judgment, when the Rod is over him, when there is only one way open for Escape from the just Punishment due to his Crimes, by protesting his Innocence; neither his Word, nor his Declaration, nor his Oath is to be regarded.

That Method will acquit all that are accused; and the less Conscience any such Wretch has, the surer and easier will be his Escape.

And therefore your Lordships will judge, by what the Doctor has taught the People, what he has published, and not by what he pretends to be his Intentions in doing it.

He makes Complaint of the Generality of the Charge, that it was such that he knew not where it would point.

My Lords, Suppose we had followed the more common Way, and set forth all the Passages we have read, or the whole Sermon and Dedication verbatim, (as we might have done) without pointing out what we objected to, or why; had that left him less in the dark? It was therefore more for his Advantage, that we should tell him the particular Points we would insist upon, than if we had left our selves at Liberty at the Trial, to make as many Points as we then pleas'd.

He lays it down for a Rule, That the higher the Charge is, the more clear ought the Proof to be.

My Lords, The Proof here is indisputable; the Sermons and Books are not denied to be his. And these

these are all that *strictly* make the Evidence in the Case; the rest is but *Argument*, and shewing them to be Libellous in the Particulars in the Charge.

But take Proof in a larger Sense, so as that it may extend to the Reasoning upon the Evidence, and to the making good the Charge, as in this Case is perhaps not improper:

I have no Reason, in respect of this Charge against him, to contest his Rule, because the Proof of it is clear in that Sense too.

But yet, for the sake of Justice, I shall take the Liberty to say, that, as apply'd to this Case, it is a Fallacy.

This sort of Proof arises from the Sense and Doctrine of his Books.

And I presume, the Doctor cannot hope, that because this is charged to be so high a Crime, as Defaming and Undermining the Government, any more favourable Meaning is to be put upon his Words, than if it were the less Crime of defaming a Private Person; or that your Lordships should not understand in this Case, (that which every body else that hears it, understands) and which your Lordships would have understood, if it had not endangered the Government.

I own, I cannot comprehend why your Lordships should be more shy of Defending the Government, than a private Reputation; or most afraid of censuring that which is infinitely the most dangerous Consequence, if it escape uncessured.

On the contrary, in the Case of those Things which tend to the Overtthrow of the Constitution, where the Rules and Methods of Inferior Courts cannot apply a proper Remedy, your Lordships (upon the Impeachment of the Commons) may. Let the Contrivance lie never so deep, be never so artfully wrought, when it strikes at our All, it would be absurd to say, the Commons may not bring it to the Bar of Justice, and your Lordships prevent its dreadful Effects, and give it the Punishment it deserves.

My Lords, Without that Power, your Constitution were weak and precarious.

THE Doctor observes in what manner the Charge against him is supported, not by express Sentences of his, but by Inferences, and joining independent Sentences; (as to that part I have considered it already;) and he seems to expect, that if he were Guilty of Suggesting and Maintaining the Things charged upon him, the Passages might as easily be pointed to in his Sermon, as the Doctrine in those he produced; and that bare reading, without a Comment, would convict him.

No, my Lords—Even Doctor Sacheverell is not yet arrived at that Pitch, as to arraign the Government so directly and openly, as to preach a general Doctrine.

This Fallacy seems very gross.

For is it reasonable to think, that a Man that intends to unhinge the Government, to expose an Administration, to fire the People, to raise Sedition, should speak directly and plainly? No—he is to cover his Design even from those he is to draw in; he is to pretend Zeal for Religion, insinuate himself by degrees, not shock his Hearers at first with a Declaration against a Queen they are fond of; he must pretend Zeal for her Majesty, to preserve their good Opinion of himself, while he is doing that which by degrees will alienate their Affections from Her. This he must do, though there were none to punish, and to prevent the dashing his own Hopes

of Success. But when he knows that the Power of the Administration he is to revile and rail at, is over him, and at hand; that is a farther Reason for Caution: Therefore in such Discourses, dark Phrases are to be studied, confused Descriptions will be frequent, with a perpetual Perplexity of Expression, between saying what his Rancour will not let him withhold, and withholding what his Fear will not let him speak out. Schemes of Speech are to be contrived, that have two Meanings; the one more obvious and plain, to have its full Effect upon the People; and the other (that will occur to no body else) a Reserve to be offered to a Court of Justice. This is naturally to be expected in Seditious Discourses. But if your Lordships will pass this by, which has spoke infinitely more plain and audaciously than any other (I believe) that ever so publicly dared Authority, your Lordships may expect to see a new Discourse from the Doctor, where Sedition, that had but a very thin Disguise in this, shall there have none at all.

And this may serve for an Answer to what is urged from his zealous Expressions for the Queen; for if the whole Discourse have quite another Tendency, it is plain that those are only Parts of the Blind and Disguise.

He complains, That he is accused for what he has omitted, as if done with Design; and his Silence is made criminal.

My Lords, I was the Person that took Notice of his Omissions, but I did not make them a part of his Charge.

Indeed, when he in his Answer protested (as now he does more solemnly) his Loyalty, I took that Profession into Consideration, as a part of his Defence, which I ought to take notice of.

I had learned, that the best way to try the Truth or Falsty of Pretenders to Virtue or Religion, was by their Fruits.

Accordingly I considered his Management of his Text in this Sermon, how agreeable it was to such Profession, and to see what Fruits of Loyalty I could find there.

And your Lordships will now apply those Observations to his solemn Appeal to God before your Lordships, that his Intentions in that Sermon were to exert his BEST ENDEAVOUR for the Security of her Majesty.

I shewed your Lordships, that he omitted the only true Notion of False Brotherhood in State, which took in the Non-Jurors and Disaffected, tho' his Text led to it; that he had omitted to make the proper Use of the Doctrine of Passive Obedience, which was to press Obedience and Submission TO HER MAJESTY, tho' the Day and the Doctrine seemed both to require it.

That he had set up another Notion of False Brotherhood, which I shewed to be, upon his own Principles, wrong.

By these I try'd his Pretences, and shewed, that if they were sincere, this Behaviour was unaccountable; but if he were at Heart for the Pretender, I made it manifest that all his Proceedure was just; nay, that even his Notions of False Brotherhood was right to him that was of that Mind, and that his Application of the first of Lamentations was exact and fine upon that Supposition, which is never to be justified or excused on any other.

This I then press'd no farther, than to shew that his Sermon had in it no Fruits of that Loyalty which he pretended.

But I may make a further Use of it *now*, as a plain *Contradiction* to his *solemn Declaration*.

For has he *pretended* to give any *Answer* to this?

Was I wrong in my *Notion* of *False Brotherhood*, or was he right in *his*? Has he made that *Use of Passive Obedience*, as to press *Submission to the Queen* from it? Has he not let the *Non-Jurors escape*, tho' his *Text* led him to speak against them, and advanced a wrong *Notion* of *False Brotherhood* merely to fall foul upon those that justify the *Resistance in the Revolution*, and cut off thereby every *Colour of Title* to the *Pretender*? Or does he offer to *reconcile* that *Proceeding* with his *Pretence*? No — And then, tho' *bare Omission* were not a *Fault*, yet I may now ask; Is *that Omission* consistent with his *Protestation* of an *Intention* to exert his *best Endeavour* for *Security* of the *Queen*? Did he exert, or intend to exert his *best Endeavours*, that omitted things so very obvious? Nay, where does he shew that he has exerted any such *Endeavour* at all?

On the *contrary*, he has fallen into the *Methods* used by those that are against her *Majesty*, to *undermine* and *weaken* her *Title*, and to *disparage* her *Government*, and to render it *odious* to the *People*.

He complains that *where he presses Obedience to the Queen*, we say he means the *Pretender*.

My Lords, It was one of the *Omissions* that I urged against him in the manner I have just mention'd, that he *nowhere presses Obedience to the Queen*.

Does he think it had not *become* him to shew *where* he did press it, if he *could*?

Or what *Name* does he think is to be given to his *taking it for granted*, that he had done *that*, which it was expressly *charged* he had *not done*, and which he *cannot shew* he *has*?

He seems to complain of *some Expressions* that have been used against him by the *Managers*, as not becoming *this Place*, or *his Order*.

My Lords, I hope we shall always demean our selves with *just Respect* towards your *Lordships*.

And as to *him*, he is to consider, that there is a wide *Difference* between what a *private Man* says of *others*, much more of his *Governors*, in *Conversation*, or in *popular Assemblies*, and what is spoke of an *accused Person* at his *Trial*. In the former *Case*, it is not *fit* to speak *ill* of them, that which is *true*; in the other, the *Crime* is to be *represented as it is*, and the *Person* is to have *no Respect* paid him that shall any way tend to *prevent* shewing the *full Enormity* of the *Crime* in all its *true Colours*. And if any thing has been said, which otherwise his *Orders* would have secured him from, let him remember that his *Crime* deprives him at *this Time* of that *Protection*; where 'tis *one Aggravation*, that he has *abused* his *holy Function*; which it was the *Business* of the *Managers*, both to *say* and to *make out*.

He complains that there is *no Allowance* made to a *Minister rebuking Vice and Irreligion with Zeal*, when he happens thereby to be carried into an *Expression* not well guarded.

My Lords, His *Zeal* is levelled more at *Persons* than *Crimes*, he mentions not *false Doctrines* to *confute* them, nor the *Faults* of those that bear him, that they may *amend* them; but rails at *Persons* absent to *expose* them; and raise the *Passions* of his *Auditory* against *them*; His *Zeal* leads to *bunt out* *Faults*, for an *Occasion* of *Complaint*; to *magnify* whatever is *amiss*, and charge *all* home upon the *Government*; departing from the *Office* of an *Am-*

bassador of the Prince of Peace, and preaching *Sedition* and *Rebellion*.

And in such *Case*, his *Orders* are so far from being an *Excuse*, that they are an *Aggravation*; when he who ought to preach *Peace*, *Long-Suffering*, *Gentleness* and *Submission*, foments *Divisions*, creates *Jealousies*; heightens *Animosities*, and *disturbs* the *Government*.

But where there is a *Sermon* truly tending to promote *Religion* and *Virtue*, God forbid that any *incautious Expressions* in it, tho' justly *exceptionable*, should be laid hold on as an *Occasion* to *punish* the *Preacher*; it has not been done, nor, I think, *ought* to be.

Yet when a *Minister* presumes to go *out of his Way*, and to *meddle* with the *Government*, he ought to be more than ordinarily *wary* in his *Expressions*, since his *Character* gives his *Reflections* greater *Weight* and *Force* with the *People*, and his *Errors* will therefore do the greatest *Mischief*.

And this *Man* that *Professes* to *preach Politicks*, and *laughs* at those that tell him 'tis his *Duty* to *preach Peace*, and is *inflaming* the *People* against their *Sovereign*, must not think himself entitled to that *Favour*.

I own I am very well pleased to hear the *Doctor's Declaration* in *Favour* of the *Succession in the House of Hanover*, and his *earnest Prayer* for *perpetuating* it. Because, whenever our *Sins* shall be the *Occasion* of our losing the *best of Queens*, the *Security* of our *Religion* and *Liberties* for our *Posterity* depends upon it.

But I a little wonder, that he *appeals* to *God* that in this *Sermon* he had *sincere Intentions* to exert his *best Endeavours* for the *Security* of the *Queen*, and the *Protestant Succession*. I hope he is hearty for both, but sure, his *best Endeavours* for them are *not exerted* in *this Sermon*.

As for the *Queen*, I have spoke already.

As for the *Succession*, I own myself entire'y at a *Loss*, in what part of the *Sermon* it is, that he has exerted *any Endeavour* at all for the *Security* of the *Protestant Succession*: I do not find *any thing* that I apprehend *can concern* it, except that *Place* where he *ridicules* the *Notion* of any *Right* to the *Crown*, but an *Hereditary Right*.

THE COUNCIL having in great measure declined that *Head* about *Wresting and perverting divers Texts and Passages of Holy Scripture*, and seeming to *promise* that the *Doctor* should give *Satisfaction* therein; I was in great *Expectation* of his *Performance* there; but am miserably disappointed, and cannot but be in some *Confusion* for the *Doctor*; tho' he seems to have entire *Satisfaction* in himself.

His *Conduct* upon this *Clause*, from first to last, amazes me.

His *Answer* put in before your *Lordships* to the *Charge* of the *Commons*, is *throughout* evasive and reflecting; but in *this part* of it there is a *Master-piece* of *Equivocation* and *Malice*, to avoid either *confessing* or *denying* the *Charge*, and to cast an *Oidium* on the *Commons* as *Persecutors of the Clergy*.

The *Words* are these:

“ Hard is the *Lot* of the *Ministers* of the *Gospel*, if when they cite the *Word of God* in their
“ *general Exhortations* to *Piety* and *Virtue*; or in
“ *Reproof* of *Mens Transgressions*, or *where* they
“ are lamenting the *Difficulties* and *Conflicts* with
“ which the *Church of Christ* whilst *militant* here
“ on *Earth*, must always struggle; the several *Texts*
“ and

“ and Passages by them cited, shall be said to have
 “ been by them meant of *particular Persons* and
 “ Things, and shall be considered in the most cri-
 “ minal Sense, and be made by such Construction,
 “ one Ground of an Impeachment for High Crimes
 “ and Misdemeanors.”

These are the Words of his Answer; and give me leave to ask, Do they deny, or do they confess the Charge?

Neither——But are an *Appeal* to the *Passions* of the *People*, amongst whom it has been so *industriously* and *irregularly* dispersed.

Yet I dare say every *unwary* Reader took the Doctor to have *deny'd* this Charge, and felt some Indignation against the Commons for *making* it.

My Lords, he has now come upon his *Trial*, he has been charged *home* upon this *Head*.

And permit me to say, there cannot be a *heavier Charge* upon a *Minister of the Gospel*, nor more *afflicting* to any one that has not abandoned all *Pre- tence to Common Honesty*.

Give me leave to mention some of those *solemn Words*, wherein a *Priest* receives his Orders. “ Re-
 “ ceive the *Holy Ghost*, for the *Office and Work* of
 “ a *Priest in the Church of God*; and be thou a
 “ *faithful Dispenser of the Word of God*, and of his
 “ *Sacraments, in the Name of the Father, of the*
 “ *Son, and of the Ho'y Ghost.*”

This *Crime* therefore, when committed by a *Priest*, is *betraying* that *sacred Trust* reposed in him with his *holy Orders*; 'tis *forging* the Authority of *God*, 'tis assuming a *Superiority* over the *inspired Writers*, if not over *Him* that inspired them.

The Doctor therefore, that is *sensible* (as he says) of the *Load of Guilt and Infamy* the *Charge of the Commons* lays upon him, and whereof *this* is surely the *heaviest Part*; What does he say to this?

He says, if he be guilty he is to answer it at another *Tribunal*, where he is to be judged by those *Scriptures*.

My Lords, so he is to answer at that great *Tribu- nal* for every *Branch* of this present *Charge*.

But is *this* all? Is he *negligent* of his *Reputation* in *no other* Instance but *this*, that is the *tendrest* and *most affecting*?

Or will he thus give himself up for a *Falsifier* of the *Word of God*, and yet have the *Confidence* to hope for any *Reputation*, or any *Capacity of doing good* in preaching it?

Is it *thus* the *Dignity* of the *Sacred Order* is to be supported?

Is *this* the *Cause* of the *Church*, and of *Christianity*? And are *they* wound up in the *Fate* of an *Im- postor* and *false Prophet*?

Pardon the *Warmth of Expression*; his *not saying* a *Word* to the *Charge*, *owns all this*.

My Lords, It is true (as the Doctor has said) the *Sacred Order*, the *Church* and *Christianity* are *concerned* in this *Cause*; but 'tis, that they may be *clear'd* from the *Reproach* brought upon them by *this* unhappy *Man*.

But if he be *self-condemned*, if he *dare not open his Mouth* on this *Subject*, how dare he *declare his Hopes*, that *those* of your *Lordships*, whose *Studies* more particularly lead that way, should *acquit* him?

My Lords, He has made an *Appearance* before your *Lordships* in a *manner very extraordinary*, not only as in a *Defence* of a *Prosecution*, but as in a *most solemn Act of Devotion*, before the *most August* *Ju- dicature* on *Earth*, appealing to a *yet greater* in *Heaven*.

But with what *Sincerity!* what *Candor!* or what *Sense* of that which he has done!

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I am amazed, that a *Person in holy Orders*, in his distinguishing *Habit*, before this *awful Assembly*, should dare to take the *tremendous Name of God* into his *Lips*, and *appeal* to him for the *Sincerity* and *Integrity* of his *Heart*, at *that very Time* when he stands charged with *this black Crime*, and is neither *able* to *repel* it, nor has the *Sincerity* and *Honesty* to *repent*, to *take Shame* upon himself in the *most publick manner*, and to *ask Pardon* of *God* and *the World* for it.

But while he can thus, with such *Affurance* as your *Lordships have seen*, and *now see*, face out such a *Crime*, and be *equivocating* and *playing double* with your *Lordships*, with *God Almighty*, and his own *Conscience*; what *Regard* is to be had to his *most solemn Protestations*? His *manifest Insincerity* in this *plain Point*, leaves him no *Credit* in *any thing*; and his having taken the *Abjuration Oath*, gives me not the least *Difficulty*, after what I have observed of his *more solemn Oath* before your *Lordships*.

My Lords, The just *Veneration* we owe to the *Divine Majesty*, (for the Doctor's Behaviour has made that *now part* of the *Case*) the *Honour of Christianity*, the *Church* and its *Holy Orders*, the *Security* of the present *Establishment* and the *Protestant Succession*, the *Safety* of her *Majesty's Person*, the *Quiet* of her *Go- vernment*, the *Duty* we owe to her as our *Sovereign*, the *Gratitude* for her most *gracious Administration*, the *Honour* of our *Prelates*, the *Obligations* we are under to prevent *Seditions* and *Tumults*, to *undeceive the People*, to *quiet the Minds* of the *Protestant Dissenters*, and convince them that the *Toleration* allowed them by *Law* is *not to be taken away* from them, to *secure* at *present*, and *transmit* to our *Posterity* (as far as in us lies) our *Religion* and *Liberties*, and *vindicate* the *Revolution* (which is the *Foundation* on which they stand) and the *Glory* of our late *Royal Deliverer*, to whom, under *God*, we owed it; and to *banish* *Sedi- tion* from the *Pulpit*, which is, and ever ought to be *sacred* to *Divine Purposes*, REQUIRE the *Commons* to demand your *Lordships* Judgment on this *Offender*.

But, my Lords, he observes so far rightly, that *his Punishment* is not *all* we aim at.

No, my Lords,——What we expect from your *Lordships Justice*, is, the *supporting* our *Establish- ment*, the *preventing* all *Attempts* to sap its *Founda- tion*, and *answering* those other *great Purposes* I have mentioned; and I hope the *Clergy* will be *instructed*, not to preach the *Doctrine of Submission* in *such man- ner* as to *prepare* the way to *Rebellion*, but to follow the *Advice* and *Example* of my Lord *Archbishop* of *York*, rather than *tread in the Steps* of *Doctor Sa- cheverell*.

And we doubt not, but that *those* to whom our *Proceedings* have been so *industriously misrepresented*, will *see* and *own* the *Favour* shewn to *this Man*, in the *manner* of the *Charge*; and our *Care* for the *Honour* of the *Church and Clergy*, in *singling* out for an *Example* for these *impious Attempts* against his *Country*, him that now plainly appears the *Shame* of his own *Order*.

Lord Nottingham. My Lords, I desire your *Opinion*, whether I may propose a *Question* to the *Judges here*.

Thereupon the *Lords*, being moved to adjourn, adjourned to the *House of Lords*; and being re- turned, and seated as before, *Proclamation* was made for *Silence*.

Note, During this *Adjournment*, the *Lords* on *Debate* agreed, That the *Question* should be *proposed* in *Westminster-Hall*.

Lord Nottingham. My Lords, The Question I humbly propose to your Lordships, that my Noble Lord on the Woolfack may propose to the Reverend Judges, is, Whether by the Law of *England*, and constant Practice in all Prosecutions, by *Indictment or Information* for Crimes and Misdemeanors by Writing or Speaking, the particular Words, supposed to be Criminal, must not be expressly specified in such *Indictment or Information*?

Then the Lords were moved to adjourn, and accordingly adjourned to the House of Lords; and being returned, and seated as before, Proclamation was made for Silence.

Lord Chancellor. I take it, the Question that your Lordships are of Opinion to ask the Judges for them to give an Answer to, is, Whether by the Law of *England*, and constant Practice in all Prosecutions, by *Indictment or Information* for Crimes and Misdemeanors by Writing or Speaking, the particular Words, supposed to be Criminal, must not be expressly specified in such *Indictment or Information*?

Mr. Baron Lovell. My Lords, I have always taken it to be so, and by constant Experience we have practis'd it so, that all Words and Writings, which are supposed to be Criminal, ought to be expressly mentioned in the Information or Indictment.

Mr. Justice Dormer. My Lords, I am of Opinion, That by the Laws of *England*, and constant Practice in all Prosecutions, by Indictment or Information for Crimes and Misdemeanors in Writing or Speaking, the particular Words supposed to be Criminal, ought to be specify'd in such Indictment or Information, in the Courts of *Westminster-Hall*.

Mr. Baron Bury. My Lords, I am of the same Opinion with my Brothers.

Mr. Justice Tracy. My Lords, I am of the same Opinion.

Mr. Justice Gould. My Lords, I am of the same Opinion. It is our Practice in the *King's Bench*; and we specify the Words in the Indictment, or it is Cause of Demurrer.

Mr. Justice Blencowe. My Lords, I am of the same Opinion with my Brothers.

Mr. Justice Poëys. My Lords, I am of the same Opinion.

Mr. Justice Powell. My Lords, The Law of *England* is certainly so.

Lord Chief Baron. My Lords, I am of the same Opinion.

Lord Chief Justice Trevor. My Lords, I am of the same Opinion, That by the Laws of *England* the Words ought to be specify'd in the Indictment or Information.

Then the Lords adjourned to the House of Lords, as before.

Note, *The Lords did not come again into Westminster-Hall 'till Monday the 20th of this Month of March; but in order to the Delivery of their Opinions, did on some of the intermediate Days come to these following Resolutions, viz.*

Saturday, March 11.

Resolved by the Lords Spiritual and Temporal in Parliament Assembled, That this House will proceed to the Determination of the Impeachment of

Doctor *Henry Sacheverell*, according to the Law of the Land; and *the Law and Usage of Parliament*.

Tuesday, March 14.

It is Resolved by the Lords Spiritual and Temporal in Parliament Assembled, That by *the Law and Usage of Parliament*, in Prosecutions by *Impeachments* for High Crimes and Misdemeanors, by Writing or Speaking, the particular Words supposed to be Criminal are *not necessary* to be expressly specify'd in such *Impeachments*.

It is Ordered by the Lords Spiritual and Temporal in Parliament Assembled, That on *Thursday* next, at Eleven a Clock, this House shall proceed upon the Impeachment of *Henry Sacheverell*, Doctor in Divinity, Article by Article.

Thursday, March 16.

It is Resolved by the Lords Spiritual and Temporal in Parliament Assembled, That the Commons have made good their first Article of Impeachment against *Henry Sacheverell*, Doctor in Divinity.

Friday, March 17.

The like Questions were severally put concerning the Second, Third, and Fourth Articles, and severally Resolved in the Affirmative.

It is Resolved by the Lords Spiritual and Temporal in Parliament Assembled, That the Commons have made good the Second, Third and Fourth Articles of their Impeachment against *Henry Sacheverell*, Doctor in Divinity.

Saturday, March 18.

It is Ordered by the Lords Spiritual and Temporal in Parliament Assembled, That the Question to be put to each Lord in *Westminster-Hall* shall be,

Is *Henry Sacheverell*, Doctor in Divinity, Guilty of High Crimes and Misdemeanors, charged on him by the Impeachment of the House of Commons? And the Answer thereunto shall be, Guilty, or Not Guilty, *only*.

Monday, March 20.

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

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

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

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

Lord-Chancellor. Your Lordships having fully heard and considered of the Evidence and Arguments in this Case, have agreed upon a Question, which is severally to be put to your Lordships in the usual Order. The Question is this, That Doctor *Henry Sacheverell* is Guilty of High Crimes and Misdemeanors, charged on him by the Impeachment of the House of Commons.

Lord Chancellor. Lord *Pelham*, What is your Lordship's Opinion; Is Doctor *Henry Sacheverell* Guilty?

Guilty of High Crimes and Misdemeanors, charged on him by the Impeachment of the House of Commons?

Lord *Pelham*, Guilty.

The same Question was severally put to the rest, whose Names and Votes are as follow.

Lord *Hervey*, Guilty.
 Lord *Conway*, Not Guilty.
 Lord *Guernsey*, Not Guilty.
 Lord *Hallifax*, Guilty.
 Lord *Haversham*, Not Guilty.
 Lord *Herbert*, Guilty.
 Lord *Weston*, Not Guilty.
 Lord *Leimpster*, Not Guilty.
 Lord *Guilford*, Not Guilty.
 Lord *Stawell*, Not Guilty.
 Lord *Dartmouth*, Not Guilty.
 Lord *Ossulston*, Guilty.
 Lord *Osborne*, Not Guilty.
 Lord *Craven*, Not Guilty.
 Lord *Cornwallis*, Guilty.
 Lord *Berkeley of Stratton*, Not Guilty.
 Lord *Lexington*, Not Guilty.
 Lord *Rockingham*, Guilty.
 Lord *Colepeper*, Guilty.
 Lord *Byron*, Guilty.
 Lord *Leigh*, Not Guilty.
 Lord *Mobun*, Guilty.
 Lord *Howard of Escrick*, Not Guilty.
 Lord *Hunsdon*, Guilty.
 Lord *Chandos*, Not Guilty.
 Lord *North and Gray*, Not Guilty.
 Lord *Paget*, Guilty.
 Lord *Willoughby of Broke*, Not Guilty.
 Lord *Fitzwalter*, Guilty.
 Lord *Ferrers*, Not Guilty.
 Lord *De la War*, Guilty.
 Bishop of *St. Asaph*, Guilty.
 Bishop of *Norwich*, Guilty.
 Bishop of *Chester*, Not Guilty.
 Bishop of *Lincoln*, Guilty.
 Bishop of *Bath and Wells*, Not Guilty.
 Bishop of *Oxford*, Guilty.
 Bishop of *Peterborough*, Guilty.
 Bishop of *Ely*, Guilty.
 Bishop of *Sarum*, Guilty.
 Bishop of *Robester*, Not Guilty.
 Bishop of *Durham*, Not Guilty.
 Bishop of *London*, Not Guilty.
 Lord Viscount *Weymouth*, Not Guilty.
 Lord Viscount *Say and Sele*, Not Guilty.
 Earl of *Islay*, Guilty.
 Earl of *Glasgow*, Guilty.
 Earl of *Roseberry*, Guilty.
 Earl of *Seafield*, Guilty.
 Earl of *Orkney*, Guilty.
 Earl of *Northesk*, Not Guilty.
 Earl of *Leven*, Guilty.
 Earl of *Wymes*, Not Guilty.
 Earl of *Loudoun*, Guilty.
 Earl of *Mar*, Not Guilty.
 Earl of *Craxford*, Guilty.
 Earl of *Chalmley*, Guilty.
 Earl *Powlet*, Not Guilty.
 Earl of *Wharton*, Guilty.
 Earl of *Greenwich*, Guilty.
 Earl of *Grantham*, Guilty.
 Earl of *Fersey*, Not Guilty.
 Earl of *Orford*, Guilty.
 Earl of *Bradford*, Guilty.
 Earl of *Warrington*, Guilty.

Earl of *Scarborough*, Not Guilty.
 Earl of *Portland*, Guilty.
 Earl of *Plymouth*, Not Guilty.
 Earl of *Holderness*, Guilty.
 Earl of *Abington*, Not Guilty.
 Earl of *Rochester*, Not Guilty.
 Earl of *Nottingham*, Not Guilty.
 Earl of *Berkeley*, Guilty.
 Earl of *Yarmouth*, Not Guilty.
 Earl of *Radnor*, Guilty.
 Earl of *Suffex*, Not Guilty.
 Earl of *Carlisle*, Guilty.
 Earl of *Anglesey*, Not Guilty.
 Earl of *Scarsdale*, Not Guilty.
 Earl of *Sunderland*, Guilty.
 Earl of *Thanet*, Not Guilty.
 Earl of *Winchelsea*, Guilty.
 Earl of *Stamford*, Guilty.
 Earl *Rivers*, Guilty.
 Earl of *Berkshire*, Not Guilty.
 Earl of *Manchester*, Guilty.
 Earl of *Westmorland*, Guilty.
 Earl of *Denbigh*, Not Guilty.
 Earl of *Northampton*, Not Guilty.
 Earl of *Leicester*, Guilty.
 Earl of *Bridgewater*, Guilty.
 Earl of *Dorset and Middlesex*, Guilty.
 Earl of *Lincoln*, Guilty.
 Earl of *Pembroke*, Not Guilty.
 Earl of *Derby*, Guilty.
 Marquis of *Dorchester*, Guilty.
 Lord Chamberlain of the Household, Guilty.
 Duke of *Dover*, Guilty.
 Duke of *Roxborough*, Guilty.
 Duke of *Montrose*, Guilty.
 Duke *Hamilton*, Not Guilty.
 Duke of *Buckinghamshire*, Not Guilty.
 Duke of *Bedford*, Guilty.
 Duke of *Leeds*, Not Guilty.
 Duke of *Shrewsbury*, Not Guilty.
 Duke *Schomberg*, Guilty.
 Duke of *Bolton*, Guilty.
 Duke of *St. Albans*, Guilty.
 Duke of *Northumberland*, Not Guilty.
 Duke of *Beaufort*, Not Guilty.
 Duke of *Ormond*, Not Guilty.
 Duke of *Grafton*, Guilty.
 Duke of *Richmond*, Guilty.
 Duke of *Cleveland and Southampton*, Guilty.
 Lord Steward, Guilty.
 Lord Privy Seal, Guilty.
 Lord President, Guilty.
 Lord Treasurer, Guilty.
 Archbishop of *York*, Not Guilty.
 Lord Chancellor, Guilty.

Then some Time being spent by the Lord Chancellor in numbring the Opinions of the Lords:

Lord Chancellor. My Lords, I have cast them up with as much Exactness as I can; and I find that there are of your Lordships present in all One Hundred Twenty one; of these Sixty Nine of your Lordships have found *Dr. Henry Sacheverell* Guilty of the High Crimes and Misdemeanors charged on him by the Impeachment of the House of Commons, and Fifty Two have found him Not Guilty.

Then *Dr. Henry Sacheverell* was brought to the Bar, and kneel'd till he was bid to stand up by the Lord Chancellor.

Lord Chancellor. *Dr. Henry Sacheverell*, The Lords having fully considered of your Case, have found

found you Guilty of High Crimes and Misdemeanors, charged on you by the Impeachment of the House of Commons.

Dr. *Sacheverell*. My Lords, One of your Lordships Officers acquainted me, that it was your Lordships Order, That neither I nor my Counsel might have the Privilege of standing at the Bar while your Lordships were giving your Opinions whether I was Guilty of the Crimes laid to my Charge; by which Means I was prevented from offering several Matters to your Lordships Consideration in Arrest of Judgment, which I now beg leave to offer to your Lordships Consideration, and I desire my Counsel might be heard to them.

The first is, That no entire Clause, Sentence or Expression, contained in either of my Sermons or Dedications, is particularly set forth in my Impeachment, which I have already heard the Judges declare to be necessary in all Cases of Indictments or Informations.

I desire to add another Exception, That the Impeachment is by the Knights, Citizens and Burgeses, Commissioners of Shires and Burghs, in the Name of themselves, and of all the Commons of *Great Britain*; but the Articles are only by the Knights, Citizens and Burgeses, in the Name of Themselves, and of all the Commons of *Great Britain*; which is neither agreeable to the Impeachment, nor to the Title of the House of Commons since the happy Union.

Then the Lords adjourned to the House of Lords,

Where they took into Consideration the Matter moved by Dr. *Sacheverell* in Arrest of Judgment; and thereupon ordered,

That this House will, to-morrow, at eleven of the Clock, take into Consideration what Censure to pass upon the said Dr. *Henry Sacheverell*.

Tuesday, March 21.

The Lords, upon Debate in the House of Lords, agreed upon the Judgment to be passed in this Case upon Dr. *Henry Sacheverell*, in the Form hereafter mentioned.

Wednesday, March 22. in the House of Lords.

A Message was sent to the House of Commons, to acquaint them, That the Lords are ready to give Judgment in the Case of *Henry Sacheverell*, Doctor in Divinity, if they with their Speaker will come and demand the same.

Thursday, March 23. in the House of Lords.

A Message was brought from the House of Commons, to acquaint the House of Lords, That the House of Commons, with their Speaker, do intend immediately to come to the House of Lords, to demand Judgment against Dr. *Henry Sacheverell*; and therefore desire that the Painted-Chamber, and Passage to the House (of Lords) may be cleared.

The Messengers were called in and told, the Lords would give Order as desired.

Which was done accordingly.

Then the House of Lords adjourned during Pleasure to Robe.

And being resumed,

The Commons, with their Speaker, being present at the Bar of the House of Lords,

The Deputy Gentleman-Usher of the Black-Rod brought the Prisoner to the Bar, who after low Obeisances made, kneel'd, until the Lord Chancellor bid him stand up.

Then the Speaker said as followeth, *viz.*

My Lords, The Knights, Citizens and Burgeses in Parliament Assembled, in the Name of themselves, and of all the Commons of *Great Britain*, did at this Bar Impeach Dr. *Henry Sacheverell* of High Crimes and Misdemeanors, and did exhibit Articles of Impeachment against him, and have made good the same:

I do therefore, in the Name of the Knights, Citizens and Burgeses in Parliament Assembled, and of all the Commons of *Great Britain*, demand Judgment of your Lordships against Dr. *Henry Sacheverell*, for the said High Crimes and Misdemeanors.

Then the Lord Chancellor said,

Mr. Speaker, The Lords are now ready to proceed to Judgment in the Case by you mentioned.

Dr. *Sacheverell*, the Lords having found you Guilty of High Crimes and Misdemeanors, charged on you by the Impeachment of the House of Commons; and you being thereupon admitted to the Bar, and acquainted therewith, moved two Things in Arrest of Judgment.

First, That no entire Clause of either of the Books or Sermons referred to in the Impeachment, is specify'd, or particularly set forth, in any of the Articles of Impeachment.

Secondly, That in the Title of the Articles exhibited by the Commons, the Stile of the Commons run thus,

“ The Knights, Citizens and Burgeses in Parliament Assembled, in the Name of themselves, and of all the Commons of *Great Britain*, &c.” Omitting the Words, Commissioners of Shires and Burghs.

I am to acquaint you, That the Lords took these Points into Consideration.

I. And as to the First, they found,

That on Occasion of the Question before put to the Judges in *Westminster-Hall* in this Case, and their Answer thereto, their Lordships had before fully debated and considered of that Matter, and had come to the following Resolution:

That this House will proceed to the Determination of the Impeachment of Dr. *Henry Sacheverell*, according to the Law of the Land, and the *Law and Usage of Parliament*.

And after, to this Resolution;

That by the *Law and Usage of Parliament*, in Prosecutions by *Impeachments* for High Crimes and Misdemeanors, by Writing or Speaking, the particular Words supposed to be criminal are not necessary to be expressly specified in such *Impeachments*.

So that, in their Lordships Opinion, the Law and Usage of the High Court of Parliament being a *Part of the Law of the Land*, and that Usage not requiring the Words should be expressly specified in *Impeachments*, the Answer of the Judges, which related only to the Course used in *Indictments and Informations*, does not in the least affect your Case.

II. As to the Second,

Their Lordships finding, that in the Act made in the Sixth Year of Her now Majesty, *For rendering*

dering the Union of the two Kingdoms more entire and compleat, the Terms *Commissioners of Shires and Knights of the Shires, Commissioners of Boroughs and Burgeses*, are used as synonymous Terms, signifying the same Thing; they were clearly of Opinion there can be no Weight in that Exception, and accordingly over-ruled the same; without entering into the farther Consideration, how far a Mistake in the Title of the Articles, would viciate or avoid an Impeachment, if such a Mistake had happened.

So that the Lords find themselves obliged by Law to proceed to Judgment against you, which I am ordered to pronounce.

And in which you cannot but observe an extreme Tendernefs towards your Character, as a Minister of the Church of *England*.

Therefore this High Court doth adjudge as followeth,

That you Henry Sacheverell, Doctor in Divinity, shall be, and you are hereby enjoined not to preach during the Term of three Years next ensuing.

That your two printed Sermons, referred to by the Impeachment of the House of Commons, shall be burnt before the Royal Exchange in London, between the Hours of one and two of the Clock, on the twenty-seventh day of this instant March, by the Hands of the common Hangman, in the Presence of the Lord Mayor of the City of London, and the Sheriffs of London and Middlesex.

Then the Speaker with the Commons returned to their House; and Dr. *Sacheverell* being withdrawn,

The House was adjourned during Pleasure to unrobe.

The House was resumed.

It is Ordered by the Lords Spiritual and Temporal in Parliament assembled, That Dr. *Henry Sacheverell's* two printed Sermons, one preached at *Derby* Assizes, and the other at *St. Paul's, London*, referred to by the Impeachment of the House of Commons, shall be burnt before the *Royal-Exchange* in *London*, between the Hours of one and two of the Clock, on the seven and twentieth day of this instant *March*, by the Hands of the common Hangman, in the Presence of the Lord Mayor

of the City of *London*, and the Sheriffs of *London* and *Middlesex*.

To the Lord Mayor of the City of London, and the Sheriffs of London and Middlesex.

The House taking into Consideration a Judgment and Decree of the University of *Oxford*, passed in their Convocation the one and twentieth of *July*, one thousand six hundred eighty-three, given in Evidence by Dr. *Henry Sacheverell* at his Trial, upon the Impeachment of the House of Commons, and thereupon lately reprinted; It is Resolved by the Lords Spiritual and Temporal in Parliament assembled, That the said Judgment and Decree contains in it several Positions contrary to the Constitution of this Kingdom, and destructive to the Protestant Succession as by Law established.

It is thereupon Ordered by the Lords Spiritual and Temporal in Parliament assembled, That the said Judgment and Decree, lately printed and published in a Book or Pamphlet, entitled, *An entire Consutation of Mr. Hoadly's Book of the Original of Government, taken from the London Gazette, published by Authority; London, Reprinted in the Year 1710.* shall be burnt by the Hands of the common Hangman, in the Presence of the Sheriffs of *London* and *Middlesex*; at the same Time and Place, when and where the Sermons of Dr. *Henry Sacheverell* are ordered to be burnt.

To the Sheriffs of London and Middlesex.

It is Ordered by the Lords Spiritual and Temporal in Parliament assembled, That the Lord High Chancellor of *Great Britain* do give Order for the printing and publishing the Trial of *Henry Sacheverell*, Doctor in Divinity; and that no other Person do presume to print the same. And further, That the last mentioned Resolution and Order agreed on this Day, be printed at the End of the said Trial.

The Lord Haverham's SPEECH in the House of Lords, on the first Article of the Impeachment of Dr. Henry Sacheverell.

My LORDS,

WHEN I consider where this Impeachment first began, I cannot but think the Design of it was very good; but whatever it was, in its first Intendment, it is very evident, it has already produced very mischievous Effects; it has created great Disturbances in private Families, and Tumults among the People; and raised a Ferment in the Nation, that will not be laid by your Lordships Judgment, let that be what it will. It has been a two-edged Mischief; giving the Church on the one side, and the Dissenter on the other, too just Apprehension, that they are both in danger. Nor can this be won-

dered at, when your Lordships have been told, by some of the Managers, of a pretended Divine Right of the Church; and when it has been more than hinted by the Managers of the House of Commons, That the Clergy ought to be directed by the Civil Power, what Doctrine they should teach: Nay, when they have authoritatively taken upon them to interpret Scripture, and charged it as a Crime upon a Minister, that he had wrested several Places of it to his own wicked Intentions.

My Lords, After so noble a Defence made for the Doctor by his Counsel, and so great and moving

moving an Apology by himself, I should not trouble your Lordships upon this Occasion, were it not more in Justification of myself, for the Judgment I shall give, than for the sake of the Doctor, whose Cause, I think, now stands in very little need of it.

I was, *my Lords*, a Sufferer in the late Reigns, as well as others; I was in the Convention-Parliament, and in the Vote of Abdication; and am, at this day, of the same Principle I was then; and yet, notwithstanding this, I am not ashamed to say to your Lordships, that I think myself obliged, in Justice, to acquit the Doctor from the Charge brought against him in this Article. And tho' this may seem strange to some of your Lordships, yet, I hope, it will not appear so very strange as to see Bishops vote against their own Doctrines, and Dissenters in the midst of a Mob, that are pulling down Meeting-Houses; especially, after the Reasons I shall offer to your Lordships for the Support of my Opinion.

I shall not trouble your Lordships about the Original of Government, or the divers Forms of it; your Lordships heard that learnedly discoursed on by one of the Managers of the House of Commons below: But there is one thing, *My Lords*, that if my Memory serves me right, that Gentleman omitted, and it is a Matter too that I take to be of the greatest Consequence to any Government whatsoever: I mean, the Divine Appointment, or Institution of Government itself; from which Appointment it is, that Men are obliged to Obedience to the Magistrate, not only for Wrath, or Fear of him, but for Conscience-sake, for Dread of a future Punishment, which is the greatest Security the Magistrate has. And I the rather mention this, because of Notions that some People have of late advanced of their own, (and have found their Advantage too in so doing) of a discretionary Obedience only; that is, in my Opinion, whilst the Government is for them, they will be for it; and think themselves bound to obey no longer. It is not necessary, to the Proof of this Divine Authority, to fix the just Time and Place, when, and where, and how the Knowledge of it was first communicated to Mankind: It is enough, that we have it as expressly, as plainly, and as clearly declared, as can be put into Words, that it is so.

There is another thing, *My Lords*, that in general, I would mention to your Lordships, before I come to the Article itself, which may otherwise be the Occasion of some Mistake in this Debate; we are not now judging according to our own Notions of Politicks, or determining how far Resistance or Non-Resistance is lawful. It would be a strange Rule of Judgment, to find any Man guilty for the sake of one's own private Opinion, and for the establishing a Doctrine which he likes, and his Neighbour does not. But the only Question before your Lordships is, whether, and how far, the House of Commons have made good their Charge against the Doctor. And, I take liberty to say plainly to your Lordships, that, in my Opinion, they have been very far from making good their Charge against him in this Article.

My Lords, to prevent the least Mistake, I shall read the Words of the Article to your Lordships, as they stand in the Impeachment.

“ He, the said *Henry Sacheverell*, in his said Sermon preach'd at *St. Paul's*, doth suggest and maintain, That the necessary Means used to bring about the said happy Revolution, were odious and unjustifiable: That his late Majesty, in his Declaration, disclaim'd the least Imputation of Resistance, and that to impute Resistance to the said Revolution, is to cast black and odious Colours upon his late Majesty and the said Revolution.”

The Doctor in this Article is charged with having maintained, *That the necessary Means used to bring about the late happy Revolution, were odious and unjustifiable.* To support this, the Commons say, That having asserted the general Proposition of the Unlawfulness of Resisting the Supreme Power, and not having excepted the particular Case of Resistance that was made use of as a Means to bring about the late happy Revolution; he does thereby reflect both upon the Means, and upon the said Revolution. In Answer to this, there have been two Things insisted upon to your Lordships, in behalf of the Doctor, by his Counsel: First, That in Cases of such a Nature as this, the Exception is always imply'd in the general Rule; and there was a very unanswerable Instance brought in Proof of this, at least to most of your Lordships; it was the Oath of Allegiance to King *James*. All those that took that Oath, took it in general Words, and yet such an extraordinary Case as the Revolution was excepted, tho' not express'd by those that took that Oath. The next was, the Doctor, say they, would have been justly more blam'd, had he mention'd all the Cases of Exception, which extraordinary Cases ought to answer for themselves, whenever they fall out.

And tho', *My Lords*, these two be a full Answer, yet there are two things more, I think, with Submission, may be added to it, which have not as yet been taken notice of.

The first is, *My Lords*, That the Proof against the Doctor is drawn by Consequences of the Commons own making, which he himself disowns; and I appeal to that Reverend and Learned Bench, who are great Masters of Controversy, whether it is not an establish'd Rule amongst all learned Men that have the least Spark of Ingenuity, That no Man ought to be charged with Consequences, let them appear to his Adversary never so clearly and undeniably to follow from his Assertion, when he himself denies those Consequences. This is so known a Maxim, in all Disputes between Protestants and Papists, and between Protestants themselves, that it cannot be denied. Now, the Doctor himself denying, as he does, that he had the least Thought of including the Revolution under his general Assertion, or that he apply'd his Doctrine of Non-Resistance to that Case, cannot, without the highest Injustice, be charged with Consequences which he himself utterly denies.

In the next place, it is impossible, in my Opinion, to prove that Resistance was made use of as a Means to bring about the late happy Revolution; and, consequently, is not within the Doctor's general Maxim.

Means, *My Lords*, is a relative Term, and refers to some End; and the End and Design of the

the Prince of *Orange* in his coming hither, and of those that join'd him when he was here, being to have the Nation and Rightful Succession secur'd by a Free Parliament, it follows, that whatever Force was at that Time made use of, could not be made use of as a Means to bring about an End which was never intended.

Far be it from me, *My Lords*, to lessen the great Undertaking to deliver us from Popery and Arbitrary Power; and tho' the Glory of that Enterprize is wholly attributed to King *William*, 'tis certain, her present Majesty had her Share in it, however that is forgotten: For, give me leave to say, that had not her Majesty countenanc'd the Undertaking of the Prince of *Orange* with her Assistance, in my Opinion, the Success had been very dubious.

Now, is it possible, *My Lords*, to imagine, that it was ever the Design of her Majesty, or those that join'd the Prince of *Orange*, to take the Crown off of King *James's*, and put it upon King *William's* Head?

No, *My Lords*, the avowed great Design was quite otherwise, as appears by the Declaration it self, which was read below: It was to restore and secure our Laws from the Invasions that had been made upon them by Arbitrary Power: It was to secure that Right which all the World knows the Princess had to the Succession of the Crown, and to have every thing settled by a free Parliament, and not to make a Revolution by dethroning King *James*. This the Prince himself owns, when he says in his Declaration, *he had no other Design in coming hither, but a Free Parliament.*

My Lords, I take it to be of most dangerous Consequence, to judge any Man by Suggestions and Innuendos: Let what will be said to justify it, it shall never be the Rule of my Judgment.

Groundless Suggestions, *My Lords*, have, within my Memory, been the Pretence of Power, to cover illegal Oppression with the Shew of Reason, to the Publick. I will give your Lordships but one Instance of it: It was the Case of a Reverend Prelate, now in the House; I mean the Archbishop of *York*; his Grace was then Dr. *Sbarpe* only. It was in the Year Eighty Six; there was an Order, directed by way of Letter to the Protestant Bishops, to discharge all the inferior Clergy from preaching upon controverted Points in Divinity. They thought it served the Designs of Popery, then, to direct Ministers how they should preach; which was, in effect, to forbid them to defend their Religion. This Precedent was taken from an Order in Queen *Mary's* Time, says the printed Account; when at the same time, it was attack'd by the *Romish* Priests with all the Vigour they were capable of, whilst the Popish Sermons and Discourses were printed by Authority. Notwithstanding this Order, the Doctor took occasion, in some of his Sermons, to vindicate the Church of *England*, in opposition to the Frauds and Corruptions of Popery. But this, by the Court Emissaries, was interpreted much the same way as the Doctor's Sermon is now, to be endeavouring to beget in the Minds of his Hearers, an ill Opinion of the King and his Government, by insinuating Fears and Jealousies, to dispose them to Discontent, and to lead them into Schism, Disobedience and Rebellion.

My Lords, When the Homilies and Articles, when so many Archbishops and Bishops, and the University, and most of the Foreign Divines

too, especially the *Lutherans*, have asserted the same Doctrine of Non-Resistance to the Supreme Power, as Dr. *Sacheverell* has; I think it the hardest Case in the World, that this unfortunate Gentleman should thus be singled out and made a Criminal, and a kind of Martyr, enduring the Trial of cruel Mockings, yea, moreover, of Bonds and Imprisonment, for asserting the same Doctrine. 'Tis true, *Beza* and *Pareus*, and some others of the *Calvinists*, are of another Opinion; but 'tis known, that *Pareus's* Commentary on the 13th of the *Romans* was burnt at *Oxford*, by the Order of King *James I.* for asserting that Doctrine.

But there is one thing, *My Lords*, so astonishing in this Prosecution, that I cannot but take notice of it: Those who were at Man's Estate, at the Revolution, know how industrious, on the one side, all that were Friends to King *James* were, to put his leaving the Nation then upon the Foot of Force and Resistance, as thinking this the strongest and best Argument to justify his withdrawing himself from his People. They rack'd their Brains to find out Arguments to convince Men, that his Life was manifestly in Danger, by staying here; and that it was for the sake of that, and his Liberty, that he was forc'd to withdraw; and that his Withdrawing was just, being an Act of Necessity, and not of Choice.

On the other side, those that were Friends to the Revolution, made it their Business to persuade the World, that all this was but a Colour and Pretence, and that the Fact was quite otherwise; that the Sense and Conviction King *James* had of what he had done, prevail'd upon him rather to throw off the Government, than concur with a Free-Parliament.

That this was the only Foot they then put it upon; and that it was not then put upon the Foot of forfeiting the Government by Male-Administration; if any Man denies, I appeal to the Papers that were then writ, and are now in Print, on this Subject.

This being so, it is very strange to see so great an Alteration in Mens Notions of Things; and that now, after our Constitution has maintain'd it self upon this Foot, against all Designs and Attempts that have been made upon it, for above twenty Years, those very Men, and that Party, who endeavour'd to place the Revolution then, upon King *James's* voluntary Desertion, which they call'd *Abdication*, should now without any Reason given, be for changing that Foundation, and do all they can, to put it upon King *James's* Foot of Force and Resistance. What, *My Lords*, are we endeavouring, after twenty Years, to make King *James's* Title better now than any of his Friends could make it then, and not only finding out Arguments they never thought of, but impeaching any that dare so much as question the Truth and Force of them? This, *My Lords*, seems very strange.

My Lords, I cannot but take Notice to your Lordships, of what was said by that noble Lord, who spoke last, because, to me it appears to be a Matter of the last Consequence, to the Honour of her present Majesty. He told your Lordships, that the best Title her Majesty had to the Crown, was her Parliamentary Title. I must take liberty to affirm the quite contrary; and that, in my opinion, the best Title her Majesty has, is her Hereditary Title; tho' I deny not, but that

the Act of Parliament is a Strengthening and Confirmation of that Title: But I deny a Parliamentary-Title to be the only, or the best Title that the Queen has to the Crown she wears. And in saying this, I do not fear the malicious Reflections of having a squinting Regard to the Title of any Person on the other side the Water; for in affirming (as I now do to your Lordships) that her Majesty is my Rightful and Lawful Queen, by Right of Inheritance; and as she is Daughter to King *James* the Second, I do in so many Words affirm also, that there is no other Person, the Rightful and Lawful

Heir to King *James*, but herself. And if the present Impeachment of Dr. *Sacheverell* shall have this Effect (as I hope it will) to convince the Nation of the undoubted Truth of her Majesty's Right of Inheritance to the Crown, (a Matter now so industriously opposed) the Security this will bring to her Majesty's Person and Crown, and to the Succession in the Protestant Line, and Illustrious House of *Hanover* afterwards, shall prevail with me easily to pardon any warm and unguarded Expressions, that the Doctor may here and there have dropt, and made use of in any of his Discourses.

*The Bishop of Salisbury's * Speech in the House of Lords, on the first Article of the Impeachment of Dr. Henry Sacheverell.*

THE Counsel for the Prisoner did so plainly and fully yield all that any Loyal Subject has ever pretended to, that in Cases of extreme Necessity, Self-defence and Resistance were lawful, and that this was the Case at the Revolution; that it may not be necessary to say any thing further on this Head, if it had not been that the Evidence they brought seemed to carry this Matter much farther, and that the Prisoner himself allow'd of no Exception in Cases of Necessity. And since it is grown to be a vulgar Opinion, That by the Doctrine of the Church of *England*. all Resistance in any Case whatsoever, without Exception, is condemn'd; I think it is incumbent on me, who have examin'd this Matter long and carefully, to give you such a clear account of this Point, as may as fully satisfy you as it did myself.

I served in the Revolution, and promoted it all I could. I served as Chaplain to the late King: I had no Command, and carried no Arms, but I was so far engaged in it, that if I could see that I had gone out of the way in that (and the many Up-and-Downs we have gone thro' since, has given much occasion to reflect on that Transaction) I should hold myself unworthy to appear longer, either in this Habit, or in this Great Assembly; but should think myself bound to pass away the rest of my Life in Retirement or Sorrow. There is nothing more certain in Religion, than that we ought to repent of every Sin we have committed; and that we cannot truly repent, unless we repair or restore, as far as it is in our power.

I go now to give you the Account of the Doctrine of our Church in this Particular. In the Times of Popery it was a Tenet, built upon Bishops setting the Crown on the Heads of Princes, and anointing them, that they held their Crowns of the Church, and at the Pope's Mercy; who had for about five hundred Years got into the Claim of deposing them, and giving their Dominions to others, in case they were Hereticks, or the Favourers of them. But the Reformation being in its first beginning protected by the Princes of *Germany*, by the Kings of the *North*, and then by the Kings of *England*; they came every where in opposition to the Papal Notions, to say that Kings had their Power from God: Not that they meant, that they had any distinct Authority besides the Law of the Land derived to them from God; but that by the Laws of God, the Authority of the Law of the Land was secured to them. For when a different Authority from that of the

Law came to be pretended to, and to be grounded on these general Expressions, that received here a Parliamentary Censure, and it was then declared, that the Laws of Religion in the Scripture did only establish the several Constitutions and Governments that were in the different Parts of the World.

The Occasion that the Apostles had to write what we find in their Epistles, with relation to Government, was this: The Jews had a Notion among them from a Passage in *Deuteronomy*, that they were only to set a King over them, *One from among their Brethren, and not a Stranger*. From whence it is, That to this day they do not think they are bound in Conscience to obey any Magistrate, who is not one of their Nation. Now the first Converts to Christianity being Jews, the Apostles took care that they should not bring this dangerous Notion with them into the Christian Religion: But they did not meddle to determine where this Authority was lodged, that was to be gathered out of the several Constitutions: They did not determine how much was due to the Emperor, and how much to the Senate; and tho' not long after those Epistles were writ, the Senate condemn'd *Nero* to die *more majorem*, to be whip'd to death, none of the Christians interposed in that Matter. He prevented that infamous Death by his own Hands: And the Primitive Christians reckon'd it one of the Articles of the Glory of their Religion, that their first Persecutor came to such an End.

Not long after that. *Trajan* was famed for that memorable Expression, when he deliver'd the Sword to the Governors of the Provinces, as the Emblem of their Authority, he used these Words, *Pro me, si merear, in me*: For me, but if I deserve it, against me. That did not weaken his Authority; his Government, with that of his Successors for above eighty Years, being the greatest and happiest time the *Romans* had under their Emperors. This Word was put on King *James* the First's Coin in *Scotland*. It is true, that was during his Minority; but when he afterwards changed his Motto, the Coin was not call'd in, but continued current till the Union.

The Primitive Christians had no Laws in their Favour, but many against them: so their patient suffering so many Persecutions according to the Laws of the Empire, under which they lived, was conform to the Doctrine laid down by the Apostles. When they came afterwards to have the

* Dr. Gilbert Burnet.

the Protection of Laws; they claim'd the Benefit of them, not without great Violence, when they thought an Infraction was made on those Laws; which broke out into great Tumults, in many of the chief Cities of the Empire, not excepting the Imperial City itself.

But to proceed with the History of our Church: When the Articles of Religion were settled, the Books of the *Apocrypha* were indeed declared not to be a part of the Canon of the Scripture, but yet to be useful for the *Example of Life*, and the *Instruction of Manners*. A great part of these are the Books of the *Maccabees*, which contain the History of the Jews shaking off the Yoke of the Kings of *Syria*, when they were broke in upon by a total Overthrow of their whole Law, and an unrelenting Persecution. *Mattathias* a private Priest began the Resistance which was carried on by his Children, till they shook off the *Syrian* Yoke, and formed themselves into a free Government, under the Family of the *Maccabees*. It were easy to shew that the Jews had been for above 400 Years subject, first to the *Babylonian*, then to the *Persian*, and at last to the *Grecian* Empire: So that by a long Prescription they were Subjects to the Kings of *Syria*. It were easy also to shew, that this Resistance was foretold by *Daniel*, in Terms of high Commendation, and is also mentioned in the Epistle to the *Hebrews*, as the Work and Effect of their *Faith*. If then all Resistance to illegal and barbarous Persecution is unlawful, these Books contain nothing but a History of a Rebellion, and all the Devotion that runs thro' them, is but a Cant, and instead of reading them as *Example of Life*, and *Instruction of Manners*, we ought to tear them out of our Bibles with Detestation. I shall afterwards shew what use was made of these Books, not only by private Writers of our Church, but by what the whole Body in Convocation was about to determine.

The next Step to be made, is, to consider the Homilies: The Second Book of Homilies, which has the Homilies in it against *Wilful Rebellion*, is generally believed to have been composed by Bishop *Jewell*, who was by much the best Writer in that time. It is certain, he understood the meaning of them well: Now I will read you two Passages out of his Defence of his Apology for the Church of *England*; from whence we may clearly gather what his Notion of Rebellion was, and that he thought a Defence against unjust and illegal Violence was not Rebellion. In one place he has these Words:

The Nobles of Scotland neither drew the Sword, nor attempted War against the Prince: They sought only the Continuance of God's undoubted Truths, and the Defence of their own Lives against your barbarous and cruel Invasions: They remember'd besides all other Warnings, your late Dealings at Vassy, where great Numbers of their Brethren were murder'd, being together at their Prayers in the Church, holding up their innocent Hands to Heaven, and calling upon God. In another place he writes, *Neither do any of all these (Luther, Melancthon) teach the People to rebel against their Prince, but only to defend themselves by all lawful Means against Oppressions; as did David against Saul, so do the Nobles in France at this day, they seek not to kill, but to save their own Lives.*

These Passages shew that he looked on Rebellion to be a violent Rising against a Prince executing the Laws; which was the Case of the three Rebel-

lions in *England* that they had in view: That in King *Henry* the VIIIth's, in King *Edward*'s; and in Queen *Elizabeth*'s Time, where the Papists took Arms against their Prince, who was executing Laws made in Matters of Religion; and that with a great Gentleness. Of the eleven Passages quoted by the Prisoner out of the Homilies, five plainly relate only to the coercing the Person of the Prince; in which *David* is set in Opposition to those Rebels: Now, tho' he indeed defended himself, yet he had a just and sacred Tenderness to the Person of *Saul*, when he had him in his Power, which is certainly sacred by our Constitution. Five of them relate to wicked Princes. It was never pretended by any who pleaded for Necessary Defence, that the bad Life of a Prince can be a just Cause of Resistance: Yet that was then pretended; for King *Henry VIII.* had given too much occasion to reckon him a wicked Prince. So there is only one of all the Passages quoted from those Homilies, that relates simply to Rebellion in general: And it has appear'd what Bishop *Jewell*'s Sense of the Matter was. There is also a Prayer at the end of every Division of the Homily against *Wilful Rebellion*, (and, by the by, *Wilful* was not put in the Title for nothing) for those oppressed by Tyranny in other Parts, that they might be relieved, and that those who were in fear of their Cruelty might be comforted.

Let us next look thro' Queen *Elizabeth*'s long and glorious Reign, and see what was the constant Maxim of that Time.

The Year after the Queen came to the Crown the War in *Scotland* broke out between the Queen Regent that govern'd by Commission, from her Daughter then Queen of *France*, and the Lords in *Scotland*. She, to obtain the Matrimonial Crown to be sent to *Francis II.* gave Assurances for the Exercise of the Reformed Religion; but the Point being gain'd, she broke all her Promises, and resolved to force them to return to the Exercise of the Popish Religion. Upon which the Lords of *Scotland* formed themselves into a Body, and were called the Lords of the Congregation. Forces were sent from *France* to assist the Queen Regent; upon that Queen *Elizabeth* enter'd into an Agreement with the *Scottish* Lords, and sent an Army to their Assistance, which continued in *Scotland* till all Matters were settled by the Pacification of *Leith*: And in a *Manifesto*, that I have in my Hands, set forth twenty-five Years after that, I find her reflecting on that Interposition in the Affairs of that Nation, with great Satisfaction.

The Year after this War was ended, upon *Francis* the II'd's Death, *Charles* the IXth, who was a Child, succeeded in *France*. Edicts were granted in favour of the Protestants: These were soon after broken by the Triumvirat, and upon that followed a Series of Wars often pacified, but always breaking out again, by reason of the Violence and Cruelty of the Government. All these Wars, till *Henry* the IVth was settled on the Throne, were in a Course of twenty-eight Years, that which some would call *Rebellion*, being carried on against two succeeding Kings. Yet the Queen was in all that time still assisting them with Men and Money:

In the Year 1568, the Provinces in the *Netherlands* threw off the *Spanish* Yoke, that was become intolerably severe and cruel. The Queen for some Years assisted them more covertly, but when the Prince of *Orange* was kill'd, and they were in

danger to be over-run, she took them more openly into her Protection; and by the *Manifesto* which I have in my Hands, she published the Grounds upon which she proceeded. She laid down this for a Foundation, That there had been an Antient League not only between the Crown of *England*, and the Princes of the *Netherlands*, but between the Subjects of both Countries, under their Seals interchangeably, for all Friendly Offices. If this was a good Reason for the Queen's giving Aid to the oppressed People of the *Netherlands*, then if the Case had been reversed, that the People of *England* had been illegally and cruelly oppressed, it furnished the Princes of those Provinces with as good a Reason for assisting them. In this Assistance given the States, the Queen persisted till the End of her Reign; nor was this only done by the Court, but both Parliaments and Convocations granted her several Aids to maintain these Wars: And in the Preambles of those Subsidy Acts, the Queen's Proceedings in those Particulars were highly approv'd and magnify'd. *Bilson*, Bishop of *Winchester*, and several other Writers in that time, justified what she did; and not one that I ever heard of, censured or condemned it.

Upon King *James's* coming to the Crown, the first great Negotiation was for a Peace between *Spain* and the *United Provinces*; which lasted several Years. The States insisted on a Preliminary, That they should be acknowledged Free, Sovereign and Independent States; the *Spaniards* would not yield to this, nor would the States recede from it. Some here in *England* began to say, They were form'd in Rebellion, and ought not to carry their Pretensions too far: Upon that, King *James* suffer'd a Convocation to meet; and a Book of Canons, with relation to the supreme Authority, was prepar'd; in which, tho' the Authority of the Prince, even when he becomes a Tyrant, is carried very far; yet the Case of the *Maccabees* is stated; and, it was determined, That when a new Government, tho' begun in a Revolt, is come to a thorough Settlement, it may be owned as Lawful. King *James*, who was jealous enough of the Regal Authority, yet did not like their carrying these Matters so far: He ordered the whole Matter to be let fall so entirely, that there is not a Word of it in the Books of Convocation: But Archbishop *Saucroft* found this Collection of Canons at *Durham*, under Dr. *Overball's* Hand, which he copied out, and Licensed the Book a few Days before he fell under his Suspension. I soon saw that it had a Relation to the Affairs in *Holland*: For the *Dutch* delighted to compare their first Beginnings to that of the *Jews* in *Antiochus's* time: They compared King *Philip* to *Antiochus Epiphanes*, and the Prince of *Orange* to *Judas Maccabeus*. But I saw much clearer into the Matter by an Original Letter of King *James*, which a worthy Gentleman sent me. I knew his Hand well, the Letter is in Print; but I will read some particulars out of it. It is directed to Dr. *Abbot*, afterwards Archbishop of *Canterbury*. It begun with censuring some Positions concerning a King in Possession, the same with our Modern Term of a King *de facto*: He goes on in these Words, *My Reason of calling you together, was to give your Judgments, how far a Christian and a Protestant King, may concur to assist his Neighbours to shake off their Obedience to their own Sovereign, upon the Account of Oppression, Tyranny, or what else you like to name it. In the late Queen's Time, this Kingdom was very free*

in assisting the Hollanders both with Arms and Advice; and none of your Coat ever told me, that any scrupled about it in her Reign. Upon my coming to England, you may know it came from some of yourselves to raise Scruples about this Matter; yet I never took any notice of these Scruples, till the Affairs of Spain and Holland forced me to it. I call'd my Clergy together, to satisfy not so much me, as the World about us, of the Justness of my owning the Hollanders at this time. This I needed not to have done, and you have forced me to say, I wish I had not. He reflects on those who had a great Aversion to the Notion of God's being the Author of Sin, which plainly points at Dr. *Overball*, who was the first Man of Note among us, that opposed the *Calvinists* Doctrine of Predestination; yet he says, *They had gone to the Threshold of it, by saying, That even Tyranny was God's Authority, and should be revered as such.* He concludes, *These were edg'd Tools, and that therefore they were to let them rest.* Here is a full Account of King *James's* Thoughts of this Matter, which was then the chief Subject of Discourse all *Europe* over. He had Twelve Years before this shewed, on an eminent Occasion, that he owned the States, when he invited them in the Year 1593, to Christen his Eldest Son, Prince *Henry*. They were sensible of the great Honour done them by it; and tho' they were then but Low, they sent an Embassy, with a noble Present of Gold Plate, to assist on that Occasion. This Negotiation stuck for several Years, the *Spaniards* refusing to own them in express Words: The Temper found was, they were treated with (*tanquam*) as with Free States; and the Matter went no further at that time, than a Truce for some Years, which was concluded in the Year 1609. This lets us see, That the Words in King *James's* Speech that Year to his Parliament, were not chance Words that fell carelessly from him, *A King leaves to be a King, and degenerates into a Tyrant, as soon as he leaves off to govern by Law: In which case the King's Conscience may speak to him, as the poor Woman to Philip of Macedon, Either govern by Law, or cease to be a King.*

There is another eminent Instance towards the End of that Reign, that shews what the Sense of our best Divines was in this Matter: When the Archbishop of *York's* Son and Mr. *Wadsworth* had changed their Religion in *Spain*, *Wadsworth* writ over a bold Defence of that; and among other Things, charged the Reformation with Rebellion. This was answer'd by one of the best Books of that Time, writ by Dr. *Bedell*, dedicated to the Prince of *Wales*, who afterwards promoted him to a Bishoprick. His Words on this Head are full: I will read some of them. *Do you think Subjects are bound to give their Throats to be cut by their Fellow-subjects, or to their Prince, at their mere Wills, against their own Laws and Edicts? You would know quo jure the Protestant Wars in France and Holland, are justified. First, The Law of Nature, which not only alloweth, but inclineth and forceth every living Thing to defend itself from Violence. Secondly, That of Nations, which permiteth those who are in the Protection of others, to whom they owe no more than an honourable Acknowledgment, in case they go about to make themselves absolute Sovereigns, and to usurp their Liberty, to resist and stand for the same. And if a lawful Prince, who is not yet Lord of his Subjects Lives and Goods, shall attempt to despoil them of the same, under colour of reducing them to his own Religion, after all*
bumble

humble Remonstrances, they may stand upon their own guard, and being assailed, resist Force with Force, as did the Maccabees under Antiochus. In which case notwithstanding, the Person of the Prince himself ought always to be sacred and inviolable, as was Saul to David. No Commentary is wanted here.

My Lords, You see how this Matter stood during King James's Reign. In the first Year of King Charles's Reign, Grotius's Book de Jure Belli & Pacis, was published at Paris, dedicated to the King of France, while France was under the Administration of the wisest and most jealous Minister of the last Age, Cardinal Richelieu. In that Book, in which he asserts the Rights of Princes with great Zeal, yet he enumerates many Cases, in which it is Lawful to resist, particularly that of a total Subversion: And that Book is now all Europe over in the highest Reputation of any Book that the Modern Ages have produced. In the beginning of King Charles's Reign, a War broke out in France, against the Protestants; upon which he sent over Ambassadors, by whose Mediation a Peace was concluded; but that being ill kept, the War broke out again; and the King thought himself bound by his Mediation to protect the Protestants. So in the Second Session of the Parliament, 1621, in the Demand of a Supply that the Lord Keeper Coventry made in the King's Name, these Words are to be found: France is sway'd by the Popish Faction; and tho' by his Majesty's Mediation, there were Articles of Agreement between that King and his Subjects, that Treaty hath been broke, and those of the Reformed Religion will be ruined without present Help. Upon this the Commons petitioned the King for a Fast, and desired the Concurrence of the Lords, who join'd with them in it. The King granted it, and an Office was compos'd suitable to the Occasion; in which, among other Devotions, the Nation was directed to pray for all those, who here or elsewhere were fighting God's Battles and Defending his Altars. Thus the whole Body of the Legislature did concur for a Fast for that, which if this Doctrine is true, was no better than Rebellion; and yet the whole Nation, Clergy and Laity, were required to pray for Success in it.

But to complete this View of the Doctrine of our Church, it is to be consider'd, That when a Year before this, while the Loan or Benevolence were carried on, some officious Divines made use of those Expressions of Kings having their Power from God, as importing an Authority of a Nature superior to the Laws of the Land. One of these, Dr. *Mauwaring*, was Impeached, and had a severe Sentence pass'd on him for it. So I have now made it out, beyond, I hope, the Possibility of Contradiction, that for Seventy Years together, from 1558, to 1628, the Lawfulness of Self-defence in the Case of illegal and violent Cruelty, was the publick and constant Doctrine of this Church.

These were the best and happiest Times of our Church, as is often repeated by the Earl of *Clarendon*: From these we ought to take the Standard of our Doctrine.

I go next to shew what was the common Doctrine for the next Sixty Years, from 1628, to 1688. I must yield up the first twelve Years: For upon the unhappy Misunderstanding between the King and that Parliament, there was a long Discontinuance of Parliaments, then the

lately condemned Doctrine was again in Vogue; and nothing was so much heard of, as the Law of Government that was from God, antecedent to all Human Laws: Out of this sprung illegal Imprisonments, illegal Monopolies, severe Proceedings in the Star-Chamber, but above all, the Ship-Money. These things put the Nation in an Universal Disjointing and Feebleness. And when an unavoidable Necessity forced that King to call a Parliament, the fatal Effects of those Counsels broke out terribly. I know many fancy, that the War is to be charged on the Principles of Self-defence: They are much mistaken. I had occasion to see a great way into the Secret of that time, when I examin'd the Papers relating to the two Dukes of *Hamilton*. I knew a great deal more since from two Persons of unquestionable Integrity, who knew the Secrets of that time, the Lord *Hollis*, and Sir *Harbottle Grimstone*; but all receiv'd a full Confirmation, when I found it agreed perfectly with the noble Account given by the Earl of *Clarendon*.

No body dreamt of a War, nor had they any Principles leading to it. But there was an unhappy Train of Accidents that hindred Matters from being brought to a Settlement, even while the King was granting all they could desire. Stories were carried by Persons about both the King and Queen, of Words let fall, that made them conclude, there were still ill Designs on foot, against the Laws that were then pass'd. But that which brought all to a Crisis, was the Discovery of a Negotiation, to engage the Army to declare against the Parliament. Whosoever compares the Depositions in *Rushworth*, with the Account given of that Matter by the Earl of *Clarendon*, will see there is a great deal more in the one, than the other is willing to believe; tho' he acknowledges they had both *Goring's* Evidence, and *Piercy's* Letter with them. I will not take it upon me to determine, whether they believ'd too much, or the Earl of *Clarendon* too little. It is certain, they believ'd all that was in the Depositions, and a great deal more: For *Goring* being continued in the Government of *Portsmouth*, and his Father being advanced from being a Baron to be an Earl, and *Piercy's* being made a Lord, and Master of the Horse to the Prince of *Wales*, made them conclude they had suppress'd a great deal, instead of saying more than was true. This stuck deep in their Hearts, and at last fatally broke out in the Demand of the Militia, that brought on the War, which I do own was plainly a *Rebellion*; because a Force was offer'd to the King, not to defend themselves from an unjust Invasion, or illegal Grievances, but to extort a new Law from him.

Thus the true Occasion of the War, was a Jealousy, that a Conduct of 15 Years had given too much ground for; and that was still unhappily kept up, by a fatal Train of Errors, in every step that was made. The great Concussion that the War gave the Nation, and the barbarous Effusion of so much Blood, especially of the Royal Blood of that Blessed KING, had at last a happy, tho' a late Conclusion in the *Restoration*: And it's no wonder, if such a Series of Tragical Events, begot a general Horror at the Occasion of them. But then it was, that had it not been for the Firmness of the Earl of *Clarendon* to his *English* Principles, the Liberties of the Nation had been deliver'd up.

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It is to his Memory that we owe our being a free People; for he with his two great Friends, the Duke of *Ormond* and the Earl of *Southampton*, check'd the Forwardness of some who were desirous to load the Crown with Prerogative and Revenue. He stopt all this, which being afterwards odiously represented, brought on him that great and lasting, but honourable Disgrace. The Earl of *Southampton*, whose Death went a little before his Fall, and perhaps hasten'd it the sooner, said to many about him, that he was a true Protestant, and an honest *Englishman*; and that the Nation would feel the Effects of his being removed, whensoever it might happen.

That Lord, in the great Settlement after the Restoration, would carry things no farther than to repeal what had been extorted by the Tumults; and in the matter of the Militia-Act, and the Oaths relating to it, all was more cautiously worded than is commonly understood. To the Word *Commission'd by the King*, some indeed moved, that the Word *Lawfully* might be added, to make all plain. This was press'd in the House of Commons by *Vaughan*, afterward Lord Chief Justice of the Common-Pleas. The Attorney General, afterwards Lord Chancellor *Nottingham*, answer'd, That was not necessary, for the Word *Commission* imported it; since, if it was not lawfully issued out, to lawful Persons, and for a lawful Reason, it was no *Commission*; and the whole House assented to this: yet in the House of Lords, the same word *Lawfully* was press'd to be added by the Earl of *Southampton*, who was answer'd by the Earl of *Anglesey*, to the same purpose with what had been said in the House of Commons. He indeed insil'd to have the Word added, because it would clear all Difficulties with many, who not having heard of the Sense given in both Houses, might fancy, that any sort of *Commission* being granted, it would not be Lawful to resist it. He did not prevail: for it was said, That this Explanation being the Sense of both Houses, it would be soon spread and known over the Nation. In this Sense, it is certain, that it is not lawful to take Arms against any so commission'd by the King; for that were to take Arms against the King's Commission in the Execution of the Law, which is certainly a resisting the Ordinance of God, *which whosoever do, they shall receive to themselves Damnation*.

It was no wonder, if after such a War the Doctrine of *Non-Resistance* was preach'd and press'd with more than ordinary Warmth, and without any Exceptions; yet some still kept these in view: so did both Dr. *Falkner* and myself; and I know many others had them always in their Thoughts, tho' they did not think it necessary to mention them.

I found the ill Effects that the carrying this Matter so far, had on the Mind of that unfortunate Prince, King *James*; for in the Year 1673, when he was pleas'd to admit me to much free Conversation with him, among many other things, I told him, it was impossible for him to reign in quiet in this Nation, being of that Religion: he answer'd me quick, Does not the Church of *England* maintain the Doctrine of *Non-Resistance* and *Passive Obedience*? I begg'd of him not to depend on that; for there was a Distinction in that matter, that would be found out when Men thought they needed it. I now come to tell your Lordships, how right I judged. —

It is true, they pass'd a very pompous Decree at *Oxford* in 1683, but you shall hear how long they stood to it. In Summer, 1686, the Prince of *Orange* was pleas'd to receive me into his Service with a particular Confidence. Soon after the Ecclesiastical Commission was set up, and upon some Proceedings before that Board, he was desir'd from *England* to break with King *James* upon that Head. I oppos'd this, and said, I was convinced, that Commission was against Law, and would have ill Effects, but it did not strike at the Whole. This was more warmly press'd upon the Proceedings against *Magdalen College*. I still stood to my ground; and told both Prince and Princess, That if a Breach should follow on these Matters, I could not serve. When indeed the Declaration was publish'd a second time, with a Resolution to have it carried thro'; and that many Laws were dispensed with at pleasure; and Persons who were under legal Disabilities, were made Judges, Sheriffs and Magistrates; all whose Actings were so many Nullities: Then I thought there was a total Subversion of our Constitution; which from being a Legal one, was made precarious, subject to mere Will and Pleasure. So I was ready to serve in the Revolution.

Some Days after we came to *Exeter*, Sir *Edward Seymour* came thither, and he presently sent for me: When I came to him, he asked me Why were we a Rope of Sand, and had not an Association? I said, Because we had not yet a Man of his Weight to begin the Motion: He said, if we had not one by To-morrow, he would leave us before Night. I presently saw a Noble Duke, now in my Eye, and acquainted him with this: He went to the Prince, who approving of it, an Association was prepar'd, and laid on the Table next Morning; and was after that signed by all who came to wait on the Prince. Three Days after we left *Exeter*, a Head of a College came to the Prince, to invite him to come to *Oxford*, assuring him, that the University would declare for him. He went as near it as *Abingdon*, but then the sudden Turn of Affairs at *London* obliging him to haste up, the Association was sent thither, and was signed by the Heads of the Colleges, and many others there; some doing it in a particular Warmth of Expression, and saying, That their Hearts as well as their Hands went with it. Upon what Disappointments or other Views, I cannot tell, this Contradiction to their famed Decree, five Years after it was made, seem'd to take another Turn back to it again; and the Notion of a King *de facto*, which is but a softer Word for an Usurper, came in Vogue.

The Parliament, to prevent the ill Effects of that, studied to secure the Government, *First*, by an Association, and then by an Abjuration. I, who was always against every thing that might break in upon Conscience, was for making these only voluntary; but they were Enacted, and they were generally taken. A Noble Lord on the Earls Bench, procur'd me the Sight of a Letter, that went about to persuade the taking the Abjuration, that he had from a Place where he believed it had its Effect; where I found this Distinction, That the Abjuring any Right whatsoever that the Pretender might claim, was only meant of a Legal Right, and that it had no relation to *Birth-Right*, or to *Divine Right*. This
agreed

agreed with a Report that went then current, That a Person, in a great Post, sent a Message to an Honourable Gentleman, who would not take the Abjuration, that if he had an half Hour's Discourse with him, he doubted not to be able to convince him, that he might take the Abjuration, without departing from any of his Principles. Towards the end of the last Reign, a bold Attempt was made on the King's Supremacy, by an Incendiary, who is supposed to have no small Share in this Matter now before your Lordships: But the Attack on the Supremacy being liable to a *Premunire*, it was turn'd with much Malice, and managed with great Prevarication, against the Bishops, who adhered firmly to their Duty to the King. How great a Disjointing that has brought on this Church, is too visible all the Nation over; and it tends to carry on the wicked Design of distracting the Church, and undermining the Government.

By the time the Queen was on the Throne, or soon after, the *Rehearsal* began to be spread over the Nation, two of them a Week, which continued for several Years together, to be publish'd without Check or Controul. It was all thro' one Argument against the Queen's Right to the Crown: That, tho' it was diversified with Incidents and Digressions, was kept always in view. The Clergy were in many Places drawn into Subscriptions for this Paper. This look'd like a Design long conniv'd at, to have the Queen's Title undermin'd: Besides this, we had a Swarm of Pamphlets every Year to the same Purpose, and, as was believed, writ by the same Hand. One sold at the Door of the House, with the Title of *King William's Exorbitant Grants*, did plainly call him an Usurper: and starting an Objection against the Queen's possessing the Throne, gave it this Answer, That she did well to keep it till she could deliver it up to the righteous Heir. At that time there was a quick Prosecution of a Paper, publish'd, with the Title of *The Shortest Way with the Dissenters*; and upon that, I brought that Pamphlet to a great Minister, and offer'd to shew him this Passage in it, to see if there should be a Prosecution of this order'd. He turned from me; so whether he heard me or not, I cannot tell: I am sure, if he says he did not, I will believe him. No Prosecution follow'd, and the *Rehearsal* went on. The Clergy in many Places, met at a Coffee-House on *Saturdays*, to read the *Rehearsals* of the Week, which had very ill Effects in most Places. I know it may be said, That the Queen's Learned Counsel ought to have look'd after these things: But we all know, that they stay till they receive Orders from the Ministry. The Course of that Treasonable Paper has been now for some time stopt, so we see there is some Change in the Ministry.

But to compleat the Insolence of the Enemies of the Queen and of the Protestant Succession, they had the Impudence to give it out, That the Queen secretly favour'd them. And as this, we all know, has been long whisper'd about among us, so it was more boldly given out in *Scotland*; which oblig'd one of the Queen's Ministers in that Parliament, in a Speech that was printed, to contradict this treasonable and dishonourable Suggestion, That as some Divines would have it, that there was in God a secret as well as a revealed Will, and that these might be contrary to one another; so they would fasten an Imputation on the

Queen, that while she revealed her Will one way, she had a secret Will another way; which he solemnly affirmed to be false, and highly injurious to the Queen.

While the Pamphlets and these Reports were thus set about, Mr. *Hoadly* thought that it became him to assert the Queen's Title, by justifying the Revolution, out of which it rises. But what an Outcry was raised on this, that one durst disturb the Progress of a wicked Opinion, that was visibly designed to overturn the Government: And yet he asserted nothing, but what the Counsel for the Prisoner did all fully and plainly own, That in the Cases of extreme Necessity, an Exception to the Doctrine was to be admitted, and that that was the Case at the Revolution.

But as these Notions have been long let run among us, so they have appeared in a most violent and unguarded manner, ever since the Attempt of the Pretender; and more of late, since the Preliminaries upon the Overtures for a Peace, seem to extinguish their Hopes. What Sermons on this Head are preached in this City, at Assizes, at *Bath*, and at many Cathedrals? Furious Men fit themselves with some hot Sermons, which they carry about from Place to Place, to poison the Nation. This has not only the visible Effect designed by it, of shaking many in their Allegiance to the Queen, and in their adhering to the Protestant Succession; but it has a cursed Effect on many others, on whom this their Design does not succeed.

I am very sensible there is a great deal of Impiety and Infidelity now spread thro' the Nation: This gives every good Mind all possible Horror; but I must tell your Lordships, on what a great part of it is founded: for since my Conversation with *Wilmot*, Earl of *Rochester*, I have had many Occasions to discourse with Persons tainted with those wicked Principles; and I do affirm it, that the greatest Prejudice these Persons have at Religion, at the Clergy, and at the Publick Worship of God, is this, that they say, They see Clergymen take Oaths, and use all Prayers, both ordinary and extraordinary, for the Government, and yet in their Actings and Discourses, and of late in their Sermons, they shew visibly that they look another way: from whence they conclude, They are a mercenary sort of People without Conscience.

I hope there are not many that are so corrupted and so scandalous: I am sure I know a great many that are far otherwise, who preach, speak and act as they swear and pray; but those who act in another way, are noisy and impudent, and so bring an Imputation on the whole Body. And unless an effectual Stop is put to this Dilemper, it is not possible to foresee all the ill Consequences that may follow upon it.

I have, I am afraid, wearied your Lordships; but I thought it was necessary, once for all, to enlarge copiously on this Argument. And now to come close to the Article, and the Sermon, for I meddle not at all with the Person of the Man, whatever general Expressions might very well have been used, in setting forth *Passive Obedience* and *Non-Resistance* before the *Revolution*; because odious Cases ought not to be supposed, and therefore are not to be named, yet since *Resistance* was used in the *Revolution*, and that the late King invited all the Subjects to join with him, which was in them certainly Resistance; and since the Lawful-
ness

ness of the *Revolution* is so much controverted, the condemning all *Resistance* in such crude and general Terms, is certainly a condemning the *Revolution*. And this is further aggravated from those Limitations on our Obedience, in an Act past soon after the *Revolution*, by which, in Case our Princes turn *Papists*, or marry *Papists*, the Subjects are

in express Words discharg'd from their Allegiance to them. Certainly this puts an End to the Notion of *Non-Resistance* in any Case, or on any Pretence whatsoever. For these Reasons, I think the first Article of this Impeachment, is both well grounded, and fully made out.

*The Bishop of Oxford's * Speech in the House of Lords, on the first Article of the Impeachment of Dr. Henry Sacheverell.*

My LORDS,

SOME of this Bench are necessarily call'd up, by Words which fell from the noble Lord who spake third in this Debate, who was pleas'd to mention among other strange Things, *Bishops voting contrary to their Doctrines*. The Opinions of several of the Reverend Prelates have been read before your Lordships in *Westminster-Hall*: They were first quoted by the Counsel for the Defendant, and by their Order read in such a partial and unfair manner, that if I may be allow'd to use any other Author after the same way, to take a naked Proposition out of his Book, and not consider the Coherence or Dependance of the Words, how it may be explain'd or limited in other Places, to read just so far as may serve my Purpose, and stop when any thing follows that may set the Matter in a just Light, I dare undertake to make any Author speak on which-ever side of the Question I please.

But the Managers for the Honourable House of Commons did Justice to those Reverend Prelates, by obliging the Clerk to read other Passages in their Books, which clearly explain'd their Opinions; and so the only Purpose that was eventually serv'd by producing those Quotations, was that which, I fear, was not intended; the vindicating those Reverend Prelates from the uncharitable Imputation of having asserted a Doctrine in their Writings, which they had contradicted by their Practices, in relation to the Revolution, and the Government founded upon it.

I hope to be able to reconcile the Vote which I shall give, with the Opinion which I have always been of, and which having not been produced below, I stand up to give it your Lordships here; being far from censuring, far from entertaining the least disrespectful Thought of any that shall differ in Opinion from me.

I own the Subject now in debate, is a matter of great Consequence, and of great Nicety and Tenderness; and that he, who should presume to entertain your Lordships upon it, ought to be better qualify'd, and better prepar'd than I am in those that follow, *viz.* in delivering my self with that Respect and Deference which is due to this House, that humble Diffidence which becomes a just Consciousness of my own Weakness, and that Plainness and Sincerity which becomes that Character, which however unworthy of it, I have the Honour to bear; and then I am sure I may depend upon your Lordships known Candor, Honour and Justice, that if any thing should fall from me less correct, or less guarded than it ought to be, it shall receive the most favourable Construction that it is capable of.

Before I deliver my Opinion, I beg leave briefly

to state the Question; and in order to that, to lay down two Premises.

1. That Government in general, was in its original Institution, designed for the Good of the whole Body. Men were not form'd into Societies, only to be Subjects of the arbitrary Wills, the slavish Instruments in the gratifying the ambitious or other corrupt Designs, of any one or more Men; but for the Safety and Prosperity of the whole Community.

2. That in the Holy Scriptures (as far as I can find) there is no Specification of any one particular Form of Government to which all Nations and Bodies of Men, in all Times and Places ought to be subject; nor are there any such exact Accounts of the Extent of the Power of the Governor, or Obedience and Submission of the Governed, as can reach to all Cases that may possibly happen.

There are many general Precepts requiring the Obedience and Submission of Subjects to their Governors: *Let every Soul be subject to the Higher Powers: You must needs be subject not only for Wrath, but also for Conscience-sake: He that resists, resists the Ordinance of God: And submit your selves to every human Constitution for the Lord's sake, &c.*

But yet these Scriptures do not tell us how far we must obey and be subject, nor do they necessarily imply that there can never be any Cases wherein we may not obey and not be subject, but resist; because there are other Places in Scripture, where other Duties are requir'd in Terms as large and general as these, nay in universal Terms, which yet must admit of Exceptions.

Some of the most zealous Contenders for the absolute Power of the Prince, and unconditional Submission of the Subject, found themselves very much upon the fifth Commandment, *Honour thy Father and Mother*, which they expound as comprehending political as well as natural Parents; and I do not gain-say it: But then pray, my Lords, let us see in what Terms the Duty of Children to their natural Parents is requir'd in Scripture: *Children, says the Apostle, obey your Parents in all Things.* This Expression is surely universal enough; and from hence, according to some Mens Reasoning, it must follow, if Children must obey their Parents in all things, then they may resist in none.

But will any body say, that notwithstanding the Universality of this Precept, there may not be some Exceptions and Limitations understood, both as to the active and passive Part of the Child's Obedience? As to the active, no one will deny, but the Command must be restrain'd to *Licita & Honest*; they are not to obey in all things absolutely, but in all things that are lawful and honest.

And

* Dr. William Talbot.

And as to the passive Part of the Child's Obedience, the Submission or Non-Resistance requir'd, permit me to put a Case: Suppose a Parent in a Phrenzy, in a Fit of Drunkenness or Passion, draws his Sword, and attempts to kill his innocent Son, and the Son has no way to escape from him: Is he oblig'd by this Duty of not resisting, to stand still and let his Father sheath his Sword in his Bowels? May he not, tho' he must still have a care of his Father's Life, defend his own? May he not put by the Pass, grapple with his Father, and disarm him if he can? My Lords, surely he may; that prime Law of Nature, of Self-Preservation, will justify him in it: And then why may not the same Law of Self-Preservation justify the Political Child, the Body of the People, in defending their political Life, *i. e.* their Constitution, against plain and avow'd Attempts of the political Parent utterly to destroy it? And it is upon this Point only that I shall state the Question.

I do allow, that in all Governments whatsoever there is an absolute Power lodg'd somewhere. With us, as I humbly conceive, that Power is lodg'd in the Legislature; for which I have the Authority of a great Politician and Statesman, Sir *Thomas Smith*, who was Secretary of State to two Princes, King *Edward VI.* and Queen *Elizabeth*; who in his Book, *De Republica Angl.* a Book seen and allow'd, as is said in the Title-Page, in that Chapter where he treats of our Parliaments, and the Authority thereof, lays down this Assertion, 'The most high and absolute Power of the Realm of England consisteth in the Parliament.' And giving particular Instances of that Power, among others, mentions this, 'That the Parliament gives Forms of Succession to the Crown.'

The executive Power with us is lodg'd with the Prince; and I do readily allow, that the Prince so vested with the Executive Power, and all others lawfully commission'd by him, acting according to their Commission, and within those Laws with the Execution whereof he and they are respectively trusted, are irresistible: The Person of the Prince is always inviolable; no personal Faults in him; no Injuries to particular Persons, where they can have no Redress by Law, as in several Cases they may have; no general Males-administration, whereby the Publick may be greatly hurt, can justify any forcible Resistance of his Subjects; nor any thing else than a total Subversion of the Constitution.

But if in a legal Monarchy, where such Laws have been enacted by common Consent of Prince and People, as are to be the Measures of his Government, as well as of their Obedience, that limit his Power, as well as secure their Rights and Properties, the Prince shall change this Form of Government into an absolute Tyranny, set aside those Laws, and set up an arbitrary Will in the room of them: When the Case is plain, and when all Applications and Attempts of other Kinds prove unsuccessful; if then the Nobles and Commons join together in defence of their Ancient Constitution, Government and Laws, I cannot call them Rebels. Allow me, my Lords, to lay before you a few things in maintenance of what I have advanced. And,

1. I would humbly offer some Facts, which I allow do not directly prove what I have said to be true, but they do prove it to have been

the Opinion of our Princes, Parliaments, Clergy and People, in the Reigns of those three great Princes, Queen *Elizabeth*, King *James* and King *Charles I.* I mean the Assistances which those Princes gave to the Subjects of other Countries that were resisting their respective Princes; and to enable them to do so, they had Subsidies given them in Parliament and Convocation——, and there were Prayers composed and used for the Success of their Arms.

Surely, my Lords, if those Princes, Parliaments, Clergy and People, had been of opinion, that the Resistance of Subjects against their Princes was in no case lawful, but always damnable Rebellion; they would never by aiding and assisting such Rebels have involv'd themselves in the Guilt, and expos'd themselves to the dangerous Consequences of such a Sin. I mention not the particular Stories, because they are better known to your Lordships than to me, and because I doubt not but in the Course of this Debate, some Lord or other will give a larger Account of them. But I cannot forbear observing one thing relating to that Assistance, which that pious Prince, and now glorious Saint in Heaven King *Charles I.* gave to the *Rochellers*, who were surely the Subjects of the King of *France*: He order'd a Fast by Proclamation, and appointed a Form of Prayer to be drawn up for the imploring of God's Blessing. It is highly probable, that Bishop *Laud* had the great Hand in composing those Prayers, he being then Bishop of *London*, and in great Favour, and the Archbishop of *Canterbury*, *Abbot*, at that time in Disgrace. But whoever compos'd them, I beg leave to read part of one of the Collects in that Office: 'O Lord God of Hosts, that givest Victory in the Day of Battel, and Deliverance in the time of Trouble, We Beseech thee to strengthen the Hands, and encourage the Hearts of thy Servants, in fighting thy Battles, and defending thy Altars that are among us, and in all the Reformed Churches.' It seems the Reformed Churches were thought to have God's Altars among them then, however they have been villify'd since. But that which I would observe from this Passage is this, That neither that excellent King who commanded those Prayers to be compos'd, nor the Bishops who compos'd them, nor the Clergy and People who used and join'd in them, could in so solemn a manner have recommended those Forces to the divine Protection and Favour, and as such as were fighting God's Battles, if they had thought they were fighting against God in his Vice-gerent; and as defending his Altars, if they believed they were resisting his Ordinance.

2. I could produce several Authorities in support of what I have laid down, but I shall mention but one: It is in a Book written professedly on this Subject, and the Passage I shall quote comes home in point to the matter in hand. The Book was written in Queen *Elizabeth's* Time: every one that is acquainted with the History of her Reign, knows what Attempts were made by the Pope and his Party against her Government and Life, by excommunicating, deposing her, absolving her Subjects from their Allegiance, by raising Tumults and Insurrections, by Dagger, Poison, and what not: And 'tis certain, that they were these wicked Practices of the Pope and his Followers, and the Doctrines by which they justify'd them, that the Compilers of the Homilies, which were then made, and other Authors,

who then wrote about the Power of the Prince and the Duty of the Subject, had principally in their View. The Book I mean, is intitled, *The true Difference between Christian Subjection and Unchristian Rebellion*. It is written by way of Dialogue between a Christian, whom the Author calls *Theophilus*, and a Jesuit whom he calls *Philander*. I beg leave to read a Quotation out of it. *Theophilus* the Christian says, *I busy not myself in other Men's Commonwealths as you (the Jesuits) do, neither will I rashly pronounce all that resist to be Rebels: Cases may fall out even in Christian Kingdoms, where the People may plead their Right against their Prince, and not be charged with Rebellion.* *Philander* the Jesuit asks, *As when for Example?* *Theophilus* the Christian replies thus: *If a Prince should go about to subject his Kingdom to a foreign Realm, or change the Form of the Commonwealth from Impery to Tyranny, or neglect the Laws establish'd by common Consent of Prince and People, to execute his own Pleasure: In these and other Cases, which might be named, if the Nobles and Commons join together to defend their antient and accustom'd Liberty, Regiment, and Laws, they may not well be accounted Rebels.* This Book is said, in the Title-page, to have been perused and allow'd by publick Authority; was written by a great Man, *Dr. Bilson*, then Warden of *Winchester* College; printed at *Oxford* by the University Printer, and dedicated to *Queen Elizabeth*; and the Author was afterwards made Bishop of *Winchester*. I could offer many other Authorities, not from false Sons, or perfidious Prelates of the Church, not from Men of factious and antimarchical Principles in relation to the State; but venerable Names, Ornaments to the Ages they lived in, and such as will be remembered with Honour in succeeding ones: But I am superseded in producing, and your Lordships Trouble saved in hearing more particular Quotations to this purpose, by what is yielded by a Reverend Divine of great Parts and Learning, far enough from the Suspicion of being prejudic'd against the Rights of Princes, or partial to those of the People; I mean the Reverend Dean of *Carlisle*, who in a *Latin* Discourse preach'd and printed in this Town upon the *Duty of Submission*, stating some Cases of extreme Necessity, and putting the Question, *Whether it may not be lawful for the People in such Cases to resist?* answers, *Viri boni & graves, &c.* 'That good and judicious Men, that have taken great and useful Pains in defending the Rights of Princes, and representing popular Licence, have contended that it is lawful.' He adds indeed, 'Whether they have done right or wrong, let others judge;' and does not give his own Opinion. But since he has granted, that such Men as he has described, Men of Probity and Judgment, zealous Assertors of the Rights of Princes, and Repressors of popular Licence, have contended that in Cases of extreme Necessity it is lawful for the People to defend themselves; I may comfort myself, if I err in my Opinion, that I err in good Company. But I humbly conceive I do not err, and that,

3. For this plain Reason, That if it be utterly unlawful to resist in any case whatsoever, even that of a total Subversion of the Constitution and Laws; then there is no Distinction of Governments, of absolute, I mean, and limited: or if there be a Distinction, it is a nominal one, without any real Difference. For what Difference is there between a Prince's governing arbitra-

rily without Law, and governing arbitrarily against Law? betwixt having no Laws at all, and having precarious Laws that depend intirely on the Will of the Prince, whether he will observe one of them, or subvert them all; and if he does, the People cannot help themselves?

But, my Lords, I hope and believe that there is a real Distinction of Governments, and that the Subjects of all Governments are not in the same wretched Condition that those of *France* and *Turkey* are in. I hope we have not boasted falsely or vainly of our own Form of Government, that we are blest with a Constitution more happy than any other Nation in the World enjoys, that allows and secures as great, and (I had almost said) God-like Powers and Prerogatives to the Crown, as any wise and good Prince can desire; a Power of doing every thing that is good, and nothing that is ill; and at the same time secures most valuable Rights and Privileges to the People.

What wise or good Prince would not rather chuse to reign over free Subjects, than tyrannize over Slaves? To receive a willing cheertful Obedience, proceeding from the Principles of Gratitude, Love and Interest, as well as of Duty, rather than a forced one, owing meerly to a Principle of Fear, the Principle from whence the *Indians* worship the evil Spirits?

My Lords, such a Frame of Government your Lordships have receiv'd from your Ancestors; and I hope and trust, that in grateful Respect to their Memory, and in tender regard to your Posterity, (I say nothing of ourselves, my Lords; for as for us who have the Happiness to live under the Government of the best of Princes that ever Heaven blest a Nation with; for us, I say, were our Government as arbitrary as any in the *East*, yet I should think our Rights, Liberties and Properties, and whatever is most dear and valuable to us, as safe if they depended entirely upon Her Majesty's gracious Will, as they are now they are secured to us by our Laws, or stronger Fences, if they could be made) but I speak in regard to those that are to come after us: and I do hope and trust, that as your Lordships have receiv'd such an inestimable Treasure from your Predecessors, you will transmit it inviolable to your Posterity.

My Lords, I fear I tire you, but I must beg your Patience a little longer, while I express my Surprize and Wonder that the Doctrine of *Passive Obedience* and *Non-Resistance*, in the unlimited Extent in which some explain it, is so diligently inculcated, and so zealously press'd at this Time.

Passive Obedience, I own, when truly stated, is a truly Christian Duty; a perpetual Duty as to the Obligation, but occasional as to the Practice of it. Now Preachers do not usually, neglecting the pressing of other Duties of more constant Practice, lay out their Time and Labour in filling both Pages of their Discourses with earnest Assertions and violent Exhortations to the Practice of an occasional Duty, unless they have some near Prospect of an Occasion for the Exercise of it. And yet, my Lords, has this one Duty been of late, more frequently and earnestly asserted and urged both from Pulpit and Press, than all the other Duties of Christianity: And what Occasion for this does any one pretend to have in view?

Can there be a Wretch so abandon'd, so lost to all Sense of Gratitude and every thing that is good, as to be capable of admitting a Thought, that

that our gracious Queen has done, is doing, or intending to do any thing, that may give her Subjects occasion for the Practice of this Duty: Has she not, ever since her happy Accession to the Throne, postponed, sacrificed her own Repose and Ease to the Quiet and Happiness of her Subjects? Has she not clearly shown that she has nothing so much at heart, as the Good and Prosperity of her People, the true Interest and Honour of her Kingdom, which she has carried higher than any of her Royal Predecessors ever did before her? Has she not approv'd herself a true Parent of her Political Children, by exercising as prudent a Care of, and expressing on all Occasions as tender an Indulgence to them, as any natural Parents ever did towards theirs?

If then there be no Occasion from the Conduct of our Prince, is there any Reason from the Behaviour of her People that may justify this extraordinary and otherwise unseasonable Zeal for this Doctrine? Do they (excepting such as the Zealots for this Doctrine have excited to disturb her peaceful Reign at home, by rebellious and dangerous Tumults and Insurrections) shew any Uneasiness under her Majesty's Government, or Inclination to throw it off? Do they not bless their glorious Queen and God for her? Do they not on all Occasions express their grateful Sense of the many inestimable Blessings they enjoy thro' her Administration? Do they not constantly offer up their devout Prayers to God for her long Life and happy Reign? Do they not willingly pay their Taxes for the Support of her Government, cheerfully expend their Treasure and Blood too in Defence of it?

What then can be said for such a Conduct, which can have no other natural Tendency than to create unreasonable Jealousies of her People in the Head of our Queen, and groundless Fears of their Queen in the Hearts of her People? Jealousies in the Queen, that her Subjects are inclinable to rebel against her, when the Clergy think it necessary thus to press these Restraints upon them; and Fears in the People when their Pastors are so industriously preparing them for Sufferings.

My Lords, I would not be thought to charge upon all that hold and assert this Doctrine, the Consequences which I may with too much Reason charge upon some of them; I mean such as do not allow Her Majesty's Title to the Crown, but refuse to take the Oaths to Her, or join in Prayer for Her, and have upon that account form'd one of the most unaccountable Schisms that ever was made in the Church. Some of these have engaged zealously in asserting this Doctrine; and one of them in a Paper written in Vindication of it, has not been afraid to insinuate a Parallel between the Case of *Her Majesty and the Pretender*, and that of *Athaliah and Joash*.

Horrid Suggestion, that would make one tremble! What do these Men mean? Any Service to Her Majesty? No: The Consequences as to them are plain. If to resist upon any Occasion whatever be unlawful, be Rebellion, damnable Rebellion; then the Revolution was Rebellion, and all that were concern'd in it are involv'd in that Guilt; then we have continued in a Rebellion ever since; then if we wou'd avoid Damnation, we must repent of that Sin: but there is no true Repentance without Restitution, and if there must be Restitution, they will tell you what that is.

I would charitably hope, that the unfortunate Person now in Judgment before your Lordships, did not intend to carry Matters so far: But I must say, his Doctrine as he has stated and managed it, under his Head of *False Brotherhood* with relation to the State, does give too great a Handle for those that have such Views, to improve what he has said to their Purposes.

The Counsel for him, have labour'd to defend him against the Charge in this Article, by producing a great many Quotations out of the *Homilies, Statutes, and Writings* of Divines dead and living, wherein this Doctrine has been laid down generally. They all allow'd that Cases of extreme Necessity were always excepted out of this general Doctrine; and that tho' the Exception was not express'd, yet it was always imply'd; and they allow'd farther, that the Case of the Revolution was a Case of such Necessity: But how did they apply this to the Case of their Client? Thus: They said, that those Divines whom they had quoted, were never found fault with for asserting the Doctrine in general Terms, not expressing but tacitly implying the Exception: Then they ask'd, Why should the Doctor be charged for asserting the Doctrine in general Terms, as others had done, not expressing the Exception which they had not express'd? Why should not he be intitled to the favourable Construction of tacitly implying the Exception of Cases of Necessity, such a Necessity as they allow'd justify'd the Revolution?

Indeed I should readily have admitted the Plea, if the Doctor had done no more than barely assert the Doctrine in general Terms, and his only Fault had been that he had not express'd the Exception which he tacitly imply'd: But has he done no more than this? Has he not mention'd the Case of the Revolution, with no other view, as I can see, than to expose it; not as an Exception out of his general Position, but an Objection against it? Our Adversaries, says he, that is, those that oppose his general Doctrine, think they have us sure, *i. e.* effectually confute that Doctrine, by objecting the Revolution. This Objection must suppose that there was Resistance at the Revolution; for to say that the general Doctrine, That it is not lawful in any Case to resist, is not true, because the Revolution was lawful, in which there was no Resistance, would be a wonderful Objection indeed: I say, Resistance must be suppos'd in the Objection, to make Sense of it. How then does he solve this Objection? Does he say the general Doctrine always implies an Exception of Cases of Necessity? That the Revolution was a Case of such Necessity, and therefore that Necessity justify'd the Resistance at the Revolution; No, but by advancing a strange Position (which he proves by as strange a Medium) *viz. That there was no Resistance at the Revolution*: plainly implying, that if there was Resistance at the Revolution, which every body knows there was, the Revolution stands condemn'd by his general Doctrine. So that I cannot see that his learned Counsel, who wanted neither Abilities nor Inclinations to serve him, have at all defended him against the Charge in this Article. But this they have effectually done, they have given up his general Doctrine, if it admits of no Exceptions; and thereby clear'd the Revolution and the necessary Means whereby it was brought about, from those black and odious Colours which he endeavour'd to cast upon them.

After all, I can truly appeal to my own Heart, and a greater than it, the Searcher of it, that I am not any ways prejudiced against the Person of the unhappy Prisoner, but rather in favour of him, as I am of all Men in his suffering Circumstances, by a natural Tenderness (it may be a Weakness, but such a one as I cannot help) which never suffers me, however oblig'd in Justice to it, to do a hard thing to any one however deserving it, without doing at the same time a hard thing to myself: And if your Lordships should be of Opinion in the Conclusion of this Trial, That the Commons have made good their Charge against him, I am sure I could come into as easy a Sentence upon him as may be consistent with the Honour and Justice of your Proceedings, and with that which I take to be the chief End in all Punishments, not so much the hurting the Offender, as the preventing the like Offences, and hindring others from committing them for the future.

But still, my Lords, there is surely a Tenderness and Compassion due to our Queen, our Country, and our Posterity; all which, I humbly apprehend, are highly concern'd in the Issue of this Affair.

If Clergymen may with Impunity publicly in

their Sermons arraign and condemn the Revolution; besides the Reflections they cast upon all the worthy Patriots that were concern'd in that great Work, the Commonalty, Gentry, and Nobility, Lords upon every Bench in this House; besides this, it must shake, it must sap the very Foundation of our present Establishment, as it stands upon the Foot of the Revolution, and utterly destroy our future Hopes in the Protestant Succession, which is founded upon that bottom only.

My Lords, I must humbly ask Pardon for having trespass'd so long upon your Patience, and will conclude with this one Word, That in my Opinion, *these Practisings of Clergy-men* (to use the Expression of a great and eminent Prelate) *in State-Matters, are of that dangerous Tendency and Consequence, that if there be not some effectual Stop put to these Practisings, these Practisings will, in time, put an effectual End to our Constitution.*

The Commons had therefore Reason to bring this Matter in Judgment before your Lordships, and I think they have fully made good their Charge in the first Article of their Impeachment against Dr. Sacheverell.

*The Bishop of Lincoln's * Speech to the House of Lords, March the 17th, at the opening of the second Article of the Impeachment against Dr. Sacheverell.*

MY LORDS,

IT was the Misfortune of some of our Bench, that in the Prosecution of the foregoing Article of this Impeachment, a Noble Lord, who spoke very early to that Point, was pleas'd not only to anticipate our Judgment in that Particular; but to do it with this pretty hard Reflection, That in giving it, as he suppos'd we would, we should vote contrary to our own Doctrine. It is not improbable but that, in the Course of the present Debate, another Arrow may be drawn out of the same † Quiver to shoot at us; and we may be told, that in defending of the † Toleration granted by Law to the Dissenters, we shew ourselves to be Apostates from our own Order. But from both these Imputations I am perswaded both our Writings, and our Actions, will secure us in the Judgment of all indifferent Persons.

The Substance of this Second Article of the Impeachment, which your Lordships are now about to enter upon, is this: *'That Dr. Sacheverell in his Sermon doth suggest and maintain, that the Toleration granted by Law is unreasonable, and the Allowance of it unwarrantable. That he is a False Brother with relation to God, Religion, or the Church, who defends Toleration, and Liberty of Conscience. That Queen Elizabeth was deluded by Archbishop Grindal to the Toleration of the Genevian Discipline: And that it is the Duty of superior Pastors to thunder out their Ecclesiastical Anathemas against Persons entituled to the Benefit of the Toleration; and insolently dares, or defies, any Power on Earth to reverse such Sentences.'* This, my Lords, is the Sum of this part of the Commons Charge against Dr. Sacheverell, and I think the Managers have fully made it out; not

by bare Intendments, by unnecessary Implications, and forced Constructions; not by piecing together broken Sentences, and conjoining of distant, and independent Passages (as he has unjustly complain'd;) but by the plain Words, and necessary Meaning, of a very great part of his Discourse.

But before I trouble your Lordships with the Proof of this, give me leave, upon this Occasion (tho' it be no part of the Impeachment laid against the Preacher) to observe to your Lordships what a strange Account he has thought fit to publish of that other popular Engine, which, he says, has been made use of ‡ to pull down the Church, and which he calls by the Name of Comprehension.

The Person who first concerted this supposed Design against our Church, was the late most Reverend Dr. *Sancroft*, then Archbishop of *Canterbury*. The Time was towards the End of that unhappy Reign, of which so much was said upon the Occasion of the foregoing Article. Then, when we were in the height of our Labours, defending the Church of *England* against the Assaults of Popery, and thought of nothing else; that wise Prelate foreseeing some such Revolution as soon after was happily brought about, began to consider how utterly unprepared they had been at the Restoration of King *Charles II.* to settle many things to the Advantage of the Church; and what a happy Opportunity had been lost for want of such a previous Care, as he was therefore desirous should now be taken, for the better and more perfect Establishment of it. It was visible to all the Nation, that the more moderate Dissenters were generally so well satisfied with that

* Dr. William Wake.

† See Dr. Sacheverell's Answer to the 1st Article of Impeachment. His Speech, fol. Pag. 23.

‡ Dr. Sacheverell's Sermon at St. Paul's, Pag. 8. 4 Sermon, pag. 16, 17.

that Stand which our Divines had made against Popery, and the many unanswerable Treatises they had publish'd in Confutation of it, as to express an unusual Readiness to come in to us. And it was therefore thought worth the while, when they were deliberating about those other Matters, to consider at the same time what might be done to gain them, without doing any Prejudice to ourselves.

The Scheme was laid out, and the several Parts of it were committed, not only with the Approbation but by the Direction of that Great Prelate, to such of our Divines as were thought the most proper to be intrusted with it. His Grace took one Part to Himself: Another was committed to the then Pious and Reverend * Dean, afterwards a Bishop, of our Church. The reviewing of the daily Service of our Liturgy, and the Communion-Book, was refer'd to a select Number of excellent Persons, † two of which are at this time upon our Bench; and I am sure will bear Witness to the Truth of my Relation. The Design was, in short, this: To improve, and, if possible, to enforce our Discipline; to review, and enlarge our Liturgy; by correcting of some things, by adding of others; and if it should be thought advisable by Authority, when this Matter should come to be legally consider'd, first in Convocation, then in Parliament, by leaving some few Ceremonies, confess'd to be indifferent in their Natures, as indifferent in their Usage, so as not to be necessarily observ'd by those who made a Scruple of them; till they should be able to overcome either their Weaknesses or Prejudices, and be willing to comply with them.

How far this good Design was not only known to, but approved of by, the other Fathers of our Church, that famous Petition, for which Seven of them were sent to the *Tower*, and which contributed so much to our Deliverance, may suffice to shew. The *Willingness there declared of coming to such a Temper as should be thought fit with the Dissenters, when that Matter should be consider'd, and settled, in Parliament and Convocation;* manifestly refer'd to what was then known to several, if not all of the Subscribers, to have been at that very time under Deliberation. And that nothing more was intended than I have before said, is as evident from what was publickly declared in a Treatise purposely written to recommend the Design, when it was brought before the two Houses of Parliament, in the beginning of the late Reign; and Licensed by the Authority of a Noble Peer, now present, who was at that time Secretary of State: In the very Beginning of which there is this remarkable Passage, which I shall beg leave to read to your Lordships: || *No Alteration, that I know of, is intended, but in things declared to be alterable by the Church itself. And if Things alterable be altered upon the Grounds of Prudence and Charity; and Things defective be supplied; and Things abused be restored to their proper Use; and Things of a more than ordinary Composition, revised and improved; whilst the Doctrine, Government, and Worship of the Church remain intire, in all the substantial parts of them; we have all reason to believe that this will be so far from injuring the Church, that, on the contrary, it shall receive a very great Benefit by it.*

And now, my Lords, let any impartial Person consider, what was there in such a Design that could be justly esteem'd prejudicial to the Constitution of our Church? Wherein would our Canons have suffer'd, if those already made, had been more strongly enforced; and some new ones had been added, for the Reformation of Manners; for the better punishing of notorious Offenders; and to render our publick Discipline more strict, and severe? This we have been wishing for, ever since the Reformation. What harm would it have done our Church had it now been effected? Or how would our excellent Liturgy have been the worse, if a few more doubtful Expressions had been changed for plainer and clearer; and a Passage or two, which however capable of a just Defence, yet in many Cases seem harsh to some even of our own Communion, had either been wholly left at liberty, in such Cases, to be omitted altogether; or been so qualified as to remove all Exception against them in any Case. If such Collects, as are not yet adapted to the Festivals, or Gospels, to which they belong, had been made more full, and apposite to both; if some of the occasional Offices had been enlarged, and new ones added: If, for Example, there had been a greater variety of Prayers, Psalms, and Lessons appointed by Authority, instead of the Compositions of private Persons, now necessarily to be used, for the Visitation of the Sick; and new Forms composed for the Use of Prisoners for Debt or Crimes: For the greater Solemnity of receiving Profelytes into our Church; of reconciling Penitents to it; and of casting notorious Offenders out of it: These were some of the main things that were then design'd. As for any favour to the Dissenters, none, that I know of, was intended, but what should have been entirely consistent with our own Constitution: And I hope it will not be thought any Crime for the Bishops, and Clergy of our Church, to be willing to enlarge its Communion, by any Methods which may be likely to gain others, and yet not injure our own Establishment.

But to satisfy your Lordships that nothing could have been designed to the Detriment of the Church; be pleas'd farther to consider, how what was thus at first projected in private, by select Persons, and in a difficult Time, when no Countenance was to be expected from Authority to any such purpose, was afterwards, if ever, to have been brought to Maturity. And this being a matter of publick Notice, the relation of it will admit of no Exception.

No sooner were their late Majesties, of glorious Memory, seated in their Thrones, but this Design was openly espoused by them. A Commission was issued out, under the Great Seal of England, to a large number of Bishops and other eminent Divines, to meet together, and to consider of these Matters. What they did, having not had the Honour to be one of them, I shall not presume to say. This we know, that whatever they did, it was to have been carried on from them to the two Convocations of *Canterbury* and *York*: And after it should have pass'd their Approbations, it was finally to have been laid before the

* Dr. Patrick, Bishop of Ely. † The Archbishop of York and Bishop of Ely. || A Letter to a Member of Parliament in favour of the Bill for uniting Protestants: Licensed by the Command of the Lord of Sirewsbury, April 1. 1689. Ja. Vernon. Pag. 2.

the two Houses of Parliament, and so to have gone on to the Royal Assent. This, my Lords, was the Course thro' which all that was designed, or should have been done in this matter, must have pass'd: and I am persuaded nothing very injurious to our Church's Welfare, will ever be able to pass thro' all these.

Having thus given your Lordships a true account of that Design which Dr. *Sacheverell* mentions under the Name of Comprehension, I doubt not but that your Lordships will now be amazed to hear, what a false and scandalous Report he has made of it. In the 16th Page of his Sermon, he thus speaks of it: *'The worst Adversaries of our Church, says he, were to be let into her Bowels under the Holy Umbrage of Sons; who neither believed her Faith; own'd her Mission; submitted to her Discipline; or complied with her Liturgy. For the admitting of this Trojan Horse, big with Arms and Ruin into our Holy City, the straight Gate was to be laid quite open; her Walls and Enclosures to be pull'd down; and a High-road made in upon her Communion. Her Articles to be taught the Confusion of all Senses, Nations, and Languages.'*

This, my Lords, is a very strange Representation of so good a Design, as that I before recounted to your Lordships. Yet this Representation did this bold Man, as confidently, as falsely, make of it in the House of God, and publish to the View of the whole Nation. For thus he goes on: *'This pious Design of making our House of Prayer a Den of Thieves, of reforming our Church into a Chaos, is well known to have been attempted several times in this Kingdom, and lately within our Memory; when all Things seem'd to favour it, but that good Providence which so happily interpos'd against the Ruin of our Church, and blasted the long-projected Scheme of these Ecclesiastical Achitophels.'* To say nothing more of the Design itself, of which I have given an Account before; pray, my Lords, who were the *Achitophels* that project'd it, and must have concurr'd to the Execution of it? I have already named the first, and chiefest of them, the late Archbishop *Sancroft*. The next who openly approved of it, were the Commissioners who met upon it in the *Jerusalem-Chamber*: A Set of Men, than which this Church was never, at any one time, blest'd with either wiser or better since it was a Church: Who it was that * presid'd in the Convocation of this Province, to which this Project was next to be referr'd; and who, had it gone on, must have had a chief Hand in the Management of it, I need not say. Every one who knows any thing at all of his Character, (and I am sure your Lordships are none of you Strangers to it) knows him to be too good a Friend to the Establishment of our Church, to have been capable of being engaged in such a villainous Design, as Dr. *Sacheverell* pretends, for the Subversion of it. Or had he been otherwise, yet still the major Part of that venerable Body must have been as great *Achitophels* as himself, or no Harm could have been done by him. Pardon me, my Lords, if the Course of my Argument obliges me to rise yet one Degree higher, and to say, that the like Majority of your Lordships, and of the House of Commons, together with his late Majesty, must all have come into the Plot against the Church; or all the Skill and Malice of the in-

ferior *Achitophels*, would have signified nothing. And what Censure that Man deserves, who has the Confidence to insinuate to the World, that the Bishops, the other Clergy, the Convocations, the Parliament, nay, and the late King himself, our glorious Deliverer; or at least the greater part of all these, were engaged in a Project *'so monstrous, so romantic, and absurd,* (for here I am content to use his own Expressions) *that it is hard to say whether it had more of Villany, or Folly, in it;* I shall submit it to your Lordships to consider. All I design in taking notice of this part of his Sermon, is only to clear the Memory of many excellent Persons who are dead; and to vindicate the Reputation of some still living, and in the highest Stations of the Church, from that Load of Infamy which this rash Man has with so much Virulence of Speech cast upon them: And to let your Lordships see that nothing was intended in all that Affair but what was both Honourable to those who engag'd in it, and I am persuaded would have been for the Interest and Peace of our Church and State, had it been accomplish'd.

I come now to that which is the proper Subject of the present Debate; namely to offer such Passages to your Lordships, as I humbly conceive do plainly and fully make out the Second Article of the Commons Impeachment against the Preacher; and prove him to have spoken with more Freedom than he ought, not only of the Dissenters themselves, but of the Toleration, (or as he had rather we should call it) the Indulgence granted by Law to them.

And here, as I remember, it was not deny'd either by his Counsel or himself, but that he had spoken, and spoken with Warmth too, against Toleration. The only Question is, What the Toleration is against which he spake? Whether it was that which has been granted by Law to the Dissenters? Or whether it was only against a general Toleration of Atheists, Deists, Socinians, Men of no Principles, perhaps of no Religion? Or at most against such of the Dissenters as abused the Indulgence granted them by Law; and made use of it to Purposes not at all warranted by it? The former of these the Commons charge upon him: The latter he pretends; the better to clear himself of their Charge.

To determine this Point, I must in the first place beg leave to observe, that among the several sorts of false Brethren, enumerated by the Preacher with relation to God, Religion, or the Church; the second kind is of those, who give up any Point of the Church's Discipline and Worship, *Page 8*. To this he adds, that those are false Brethren who defend Toleration, and Liberty of Conscience. And that we may the better know what Toleration and Liberty of Conscience he means, he specifies the very Persons to whom he refers, and of whom he speaks; the Dissenters: *'If, says he, to comply with the Dissenters both in publick and private Affairs, as Persons of tender Conscience and Piety, to promote their Interests in Elections, to sneak to them for Places and Preferment, to defend Toleration and Liberty of Conscience, and under the pretence of Moderation, excuse their Separation, are the Criteria of a true Church-Man; God deliver us all from such false Brethren.'* The Toleration therefore, and Liberty of Conscience, against which

* The Lord Bishop of London.

he speaks, must necessarily be that of the Dissenters; those who separate from our Church: He names no others; but carries the same Persons thro' his whole Sentence, both before and after those Expressions. Either therefore it is no Reflection upon the Act of Indulgence to say that all those who defend the Toleration of the Dissenters, and are for allowing Liberty of Conscience to them, are false Brethren with relation to God, Religion or the Church, Page 6, 7, and such against whom we ought to pray to God to deliver us all, Page 8: Or if this cannot with any Reason be either said, or supposed, then it must remain that Dr. Sacheverell has here said what the Commons charge him withal; and that in express Terms, viz. That he is a false Brother who defends the Toleration, not of Deists, Socinians, and I know not what Monsters of Irreligion, but of the Dissenters: Those same Dissenters who by the Act of Indulgence have a right to that Liberty of Conscience of which this Gentleman speaks so very hardly; and prays God to defend us from all such false Brethren as shall presume to excuse it.

But not to insist upon a single Passage which may be supposed to have dropt unwarily from him: In the Second Part of his Sermon, he proceeds to shew the great Perils and Mischiefs of those false Brethren, against whom he was before speaking, both to the Church and State, Page 15. And that these again are the same Persons who have a Right to the legal Indulgence, is so very clear, that I do not see how it is possible for any one to make the least doubt of it. Page 18. He describes them as Occasional Conformists to the Church. Page 19. As those who had the old Leaven of their Forefathers still working in them: And, in the next Sentence, he expressly talks of the religious Liberty which our gracious Sovereign has indulged them. This in the very same Sentence he calls their Toleration; (for the Doctor himself is not tied up to any Niceties of Expression; he may call it so, tho' others may not :) These are the Persons, and the only Persons, of whom he speaks in all that part of his Discourse; let us see what he says of the Indulgence granted by Law to them.

And first, he tells us, Page 18. 'That it cannot be deny'd, but that tho' they do submit to the Government, their Obedience is forced, and constrain'd; and so treacherous and uncertain, as never to be trusted. That they are as much Occasional Loyalists to the State, as they are Occasional Conformists to the Church; and will betray either whenever it is in their Power, and they think it for their Advantage. That nothing but a sottish Infatuation can so far blind our Eyes and our Judgments, as to make us believe that the same Causes should not produce the same Effects; that the same Latitudinarian and Republican Notions should not bring forth the same rebellious and pernicious Consequences. That we shall be convinced to our Sorrow, if we don't apprehend that the old Leaven of their Forefathers is still working in the present Generation; and that this traditional Poison still remains in this Brood of Vipers to sting us to death. That they have advanced themselves from the religious Liberty which our gracious Sovereign has indulged them, to claim a Civil Right; and to justify the Church out of her Establishment, by hoisting their Toleration into its Place. That to convince

' us what alone will satisfy them they insolently demand the Repeal of the Corporation and Test Acts, which under her Majesty, is the only Security the Church has to depend upon: And which (if we may believe him) they have so far eluded by their abominable Hypocrisy, as to have undermin'd her Foundations, and indanger the Government, by filling it with its professed Enemies.' His Meaning is plainly this; that the Dissenters, whom we are so foolish as to indulge, are a parcel of false and treacherous Persons; Enemies both to our Church and State; and such as, if not timely suppress'd, will convince us to our Sorrow of the Weakness and Folly of taking such Vipers into our Bosom, as watch only for a fair opportunity to sting us to death.

But what then must we do to secure ourselves against these dangerous Enemies? Why first, the Doctor assures us, that they are never to be gain'd by any Favour that can be shew'd to them. 'That he must be very weak, or something worse, that thinks, or pretends, that the Dissenters (for of these he still speaks) are to be won over by any other Grants and Indulgences than giving up our whole Constitution.' This shews the Folly of trying the soft way of Indulgence with them: And therefore he concludes, That 'He who recedes the least Tittle from it (our Constitution) to satisfy, or ingratiate with these clamorous, insatiable, Church-devouring Malignants, knows not what Spirit they are of; or he ought to shew who is the true Member of our Church.'

This I think comes fully up to what is objected against him; namely, that Dr. Sacheverell does in his Sermon suggest and maintain, that the Toleration granted by Law is unreasonable, and the allowance of it unwarrantable: For so it needs must be, if the Dissenters be such Men as he tells us they are; and will be satisfy'd with nothing less, than he assures us they will. And yet what next follows, is, if possible, still more express to the same purpose. It is objected against him, by the Commons, that he had affirm'd in his Sermons, That 'Queen Elizabeth was deluded by Archbishop Grindal, (whom he scurrilously calls a false Son of the Church, and a perfidious Prelate) to the Toleration of the Genevian Discipline.' The Fact is not denied, but the Expressions are excus'd; and the Truth of the Allegation is endeavour'd to be made out by Historical Memoirs: And it is hoped that your Lordships will not account it a High Crime and Misdemeanor, to have spoken too hardly of a Prelate who has been so many Years in his Grave.

I am, my Lords, very far from thinking, that the Commons ever intended to charge Dr. Sacheverell as guilty of High Crimes and Misdemeanors, for speaking scandalously of that good Archbishop. Their Concern was not for his Person, what Respect soever they may have had (as all true Friends of the Reformation must needs have a very great one) for his Memory. But the Truth of the matter is this: The Preacher complains, Page 19 of his Sermon, that Queen Elizabeth was deluded by Archbishop Grindal, to the Toleration of the Genevian Discipline. He adds, 'That the Archbishop was a perfidious Prelate, for deluding her to tolerate that Discipline. That she found it such a headstrong and encroaching Monster, that in eight Years she saw it would endanger the Monarchy'