

A CHARGE

GIVEN BY HUGH HARE, ESQ., J.P.,

AT THE GENERAL QUARTER SESSIONS FOR
THE COUNTY OF SURREY,

HOLDEN AT DORKING, 5TH APRIL, 1692.

COMMUNICATED BY THE RIGHT HON. LORD ASHCOMBE.

Gentlemen of the Jury,

AS the Necessity of Government flows from the Corruption of Humane Nature, so the Strength, the Glory, and the Honour of it consist in the regular Administration of Justice; and as without the one, Societies cannot be upheld, so without the other, all Communities would be but little better than well-modelled Combinations to oppress, cheat, and ruine the weaker and submitting part of Mankind. Not but that the advantages of a Political Union are so considerable, that it may be doubted whether Tyranny it self, though as execrable as that formerly practised by the *Roman Nero*, and in these our Days, revived with many Additions by the *French Louis*, be not rather to be chosen than a wild and confused Anarchy. This State exposes Men to the Frauds and Violence of all their Neighbours, and the extravagant Caprices of the Mobile; and the other subjects whole Nations to the mad Frolicks and brutal Passions of a flattered and abused Tyrant.

Both Extremes are very dreadful, and as much to be deprecated as a raging Pestilence, or any other common Calamity: While the Mean between them, from which they both so far deviate, is a Copy well drawn from that great, and not to be parall'd Original of God's Government of the World, whose only End is to promote the Happiness of his Creatures, as the Peace, Safety, and Publick good of the People, ought to be no less the Aim of all Rulers, than it is the Reason why Government was at first instituted. How happy therefore, and how much to be valued are the Constitutions and Laws of *England*, whereby we are deliver'd from both extremes? We neither lie under the Terror of an Arbitrary Power, nor are we cast loose to the Wildness of ungovern'd Multitudes; we neither groan under the Tyranny of a *French Army*, nor the Madness of the Lawless Rabble. Our Laws are writ neither on Sand, nor with Blood: for they are neither easie to be Defaced, nor cruel in their Execution; but are a known and establisht Rule, whereby we are taught how to administer Justice, and whereby as Mens Rights are limited, so their Passions are restrained, and the Publick Peace is settled on a secure Foundation. Prerogative and Property, which are so much abused as pretences for Oppression on the one hand, and Sedition on the other, are by our Laws so well disposed and regulated, that being twisted together in a mutual Defence, they afford our Island a safer Protection than the Ocean that surrounds it; and having crusht all the Domestick Enemies that secretly project our Ruine, strike a Terror on those Foreigners that would invade our Repose. The Subject I am upon is so Copious and so Pleasant, that should I follow my own Inclinations, I should waste that time in Speaking, which may be much better spent in Acting for the good of our Country. Therefore I shall make my Charge as short as conveniently I may, being fully sensible that you all know, as well as I, the Business for which we are here met together. And I am sure they serve the Government best, who though they may want Eloquence to give it its due Praises, yet have Courage enough to

defend and preserve it when disturbed by any of its Enemies, in which number are to be reckon'd, not only that Ambitious, Bloody, and Perfidious Prince (that *Ishmael* of our Age, whose *Hand is against every Man, and every Man's Hand against Him*) with whom we are at this time necessarily engaged in a just and honourable War, for the common Safety, Liberty, and Repose of *Europe*; but also those more dangerous Enemies, our Domestick Ones: I mean all Prophane, Lewd, Debauched, Traiterous, Seditious, Lawless and Disorderly Persons, who Blaspheme God, and Dishonour themselves; who conspire the Ruine of the Government, under whose Protection they live, and censure all its Proceedings; who Rob, Murther, and Oppress the Innocent, and, in a Word, disturb the Publick Peace. Of all which sorts of People I may truly say, that as they are a Scandal and Reproach to Humane Nature, so do they naturally weaken the Foundations of any Constitution, and must in time, if not duly repress'd and punish'd, occasion its Overthrow. Therefore the Laws of *England* have several ways wisely provided Remedies for so great an Evil, and Preservatives against so dangerous a Distemper. Among which, I may reckon one of the chiefest to be the Court of *Quarter-Sessions*, which is four times in a Year held in every County. A Court so Honourable, that it receives its Authority by a special Commission from Their Majesties, in which the highest Subjects of *England* think it an additional Dignity and Priviledge to act for the Publick Good, and in relation whereunto the King himself is by our Laws stiled the *Principal Conservator of the Peace*: A Title glorious without Pomp, and clearly expressive of the weighty Burthen annex'd to Royalty! And as our Office is Honourable, so is it likewise very Ancient; for besides the Reasons we have to believe that this, or something very like it, was Contemporary with the Original of our Own, and most other Governments; besides this, (I say) our Chronicles inform us that *William* the First, commonly called the *Conqueror*, about the fourth Year of his Reign, which is above six Hundred Years ago, ordained Justices of the Peace.

Gen. 16.
12.

Hollinsl. 8.

Stat. 1. E. 3.
c. 16.

Though the first particular Statute we meet with concerning it, is of a younger date, *viz.* the first Year of *Edward III's* Reign. How generally useful and serviceable to the Country this our Authority hath been found to be, needs no other Proof than the considerable Enlargements it hath since that time receiv'd.

Whereas the *High Commission Court*, the *Star Chamber*, the *Court of Wards and Liveries*, and several other Courts, being found to deviate from their Original Institution, and instead of giving Ease, Relief, and Security, to become Burthensome and Oppressive to the Subjects, have been suppress'd by Authority of Parliament. But the Wisdom of the Nation instead of vacating our Power, hath in several Particulars extended the Limits of it; for they could not but be sensible of the vast Advantages that every Man receives by so frequent and so regular, so cheap and so easie an Administration of Justice, whereby all Violences are checkt, and the Disturbers of the Publick Peace are hinder'd from triumphing in their unpunish'd Villanies.

Isai. c. 57.
v. 21.

That Peace is in it self the greatest Temporal Blessing that either Nations or private Men can enjoy, is not only evident from the unavoidable Miseries and Calamities that attend the contrary State, and cloud the Glories of the most successful Conquerors; but also from the high Encomium the Holy Spirit gives of it throughout the Blessed Scriptures. It was all along promised to the *Jews*, who then were God's peculiar People, as the greatest Reward that he cou'd bestow on those who were obedient to his Laws; and whenever they notoriously swerv'd from this Divine Rule, how severely did they feell the Prophet *Isaiah's* Denunciation executed upon them, *There is no peace, saith my God, to the wicked:* which is literally verified as to all Mankind, whether we consider them united into several Political Societies, or under the Character of private Persons; in both Stations Peace and Security, Quiet and Comfort, are at as great a distance from them, as they are from Innocence and Integrity. One of the Characters under which our Blessed Saviour's Birth was foretold, and his extraor-

dinary Qualifications described, is this, he shall be called — *The Prince of Peace*. When this Prophecy was fulfill'd by our Saviour's Mysterious Incarnation, the whole World was at Peace, the Gates of the Temple of *Janus*, which had so long stood open, were then shut, and when the joyful Tidings of our Lord's Birth were proclaimed by Angels to the Shepherds, Men of an innocent Life, and a meek and sedate Temper, this Seraphick Hymn concluded the Gracious Message on which they came; *Glory to God in the highest, on earth peace, good will towards Men*. Isai. c. 9.
v. 6.

How noble a Title does our Saviour in his first Sermon on the Mount, bestow on the *Peace-Makers*, whom he not only declares Blessed, but also promiseth *that they shall be called the children of God*. That God of Love and Peace, who by the Gospel of Peace which his Eternal Son promulgated to the World, hath made all Mankind capable of everlasting Salvation. It would be vain presumption in me to enlarge any farther on the Blessings of this happy State, whose praises have been so fully celebrated by the Voice of God and the Tongues of Angels; and after all that can be said of the Strength, the Beauty, the Pleasure, and all the other desirable Consequences of Peace, Tranquility, and Freedom (for Peace is not to be wisht for when it wants those main Ingredients in its Composition) the Advantages and the Delights of it are rather to be felt than express'd. But as necessary as it is for the well being of Mankind, and the cementing of Societies, we must look upon it not only as the Reward, but also as the Natural Product of Justice; which being a Vertue whereby we are always ready to yield to every one their due, how can that be call'd a state of Peace, wherein God, to whom, as he is our Creator, we owe the greatest Honour and Reverence, is daily blasphemed and affronted by the Prophane and Licentious; and wherein Mens reciprocal Duties to each other are so little regarded, that Treasons and Murthers, Robberies and Oppressions, Frauds and Rapines, and, the worst form of Rapine, Extortion, are daily committed with impunity? This is no more a state of true Luk. c. 2.
v. 14.

Mat. c. 5.
v. 9.

Peace and well grounded Security, than a Lethargy is a state of bodily Health, or a Conscience seered and stupified with the daily perpetration of the greatest Villanies, is a state of Grace and Salvation. But I hope it is not our Misfortune to be in these Circumstances at a time when we are particularly order'd by Their Majesties, (who are themselves admirable Examples of Piety and Vertue) to see all our good Laws against Vice and Debauchery, and all disorderly Actions, duly and impartially put in Execution. Therefore that we may, if it be possible, see those days the Psalmist speaks of, *When righteousness and peace shall kiss each other*, I shall recommend to you (Gentlemen of the Jury) and to all others concern'd in it, to search and enquire after, to present, inform against, and prosecute according to Law, all Offenders against the Rules of Justice; which as it relates to different Objects, I shall distinguish under these two general Heads, of Moral and Civil Justice. Under the former is comprehended all Prophaneness, Vice and Immorality; and under the latter, all Treasons, Murthers, Felonies, and Breaches of the Publick Peace, and all other Crimes which you are Sworn to inquire into, and present, according to the best of your Skill and Knowledge; and I doubt not but you will acquit your Selves of this your Duty, with all Honesty, Diligence, and Impartiality, remembering the Solemn Obligation you have laid upon your Souls, and the strict Account that you must at the last Day give of your Actions before the great Tribunal.

Gentlemen, The Offenders against Moral Justice are those who are guilty of profane Cursing and Swearing, of Perjury and Subornation, of the Profanation of the Lord's Day, of Drunkenness, Adultery, Fornication, and such other dissolute Practices, as do still abound in this Kingdom, notwithstanding the many good Laws in force against them; which Laws if they were duly and impartially Executed, Vice and Debauchery would be much less Impudent, Scandalous, and Contagious than now they are; and consequently the Guilt of National Impiety would not so loudly call for Vengeance. Gentle-

men, we neither want good Laws, nor due encouragement from our Superiors, nor yet good Magistrates of the higher Rank; but the Constables, Headboroughs, and other under Officers, have so little Religion or Honesty in them, that their negligence in Informing and Prosecuting, renders our pains as it were ineffectual for the promoting a general Reformation of Manners. Therefore I must give it you particularly in Charge, to make a strict enquiry into the Defaults and Neglects of all Petty-Constables, Headboroughs and Tything-men, in the Execution of their Office; but more especially you are to enquire whether they have duly Executed the Order of the Quarter Sessions holden for this County at *Kingston* in *October* last; Printed Copies whereof have been affixt to the Doors of the Parish Churches, and in other Publick Places, that as the Officers of some particular Hundreds have been minded of this their Duty, by a Monthly Petty Sessions kept for the same purpose by the Neighbouring Justices; so the whole County should, by this more Publick Act of the Quarter Sessions, know that it is the unanimous Resolution of us all to do our Parts towards the punishing and repressing these Vices so justly hateful to God and to all good Men. And Gentlemen, let me once more tell you, it is your Business to enquire into, and make due presentment of the neglect or connivance of all Officers of Justice concerned in the Execution of these Laws; for since we find by experience, that they have so little regard either to the Glory of God, the Good of their Country, or the Performance of their own Oaths, it is highly conducive both to their own good, and to the better demeanour of their Successors, that they should be made Publick Examples of, and suffer Fine and Imprisonment as the Bench shall think fit.

Gentlemen, I am sorry the prevailing Wickedness of the Age has made this digression of mine so necessary; I shall now proceed to discourse farther to you on the several parts of Moral Justice, and after I have represented to you the Nature of those Vices which are contrary to it, and the Penalties our Laws annex to such Vices; I shall

just hint to you some weighty and indispensable Obligations, which you, as well as other Officers of Justice lie under, diligently, zealously and impartially to join in the promoting so good a Work.

And first, Gentlemen, the daily increase of profane Cursing and Swearing is a thing seriously and sadly to be considered. Men are now grown so hardned and riveted in this Blasphemous Custom, that one may justly wonder at the Merciful forbearance of Almighty God, in not punishing those impious Wretches by an immediate stroke of his Almighty Vengeance; in not consigning them, in the very instant of their Wickedness, to that Devil whose Protection they so often invoke, in not sinking them quick into that irrecoverable State of Damnation they so zealously imprecate upon themselves, for the confirmation of some trifling matter, not worthy a wise Man's Notice, and perhaps sometimes of a downright falshood? This is an Immorality so unworthy of any one who professeth himself a Christian, that even an honest Heathen would have blusht to be surprized in it; for tho' their Religion was false, and their Gods were fictitious, yet they were rather guilty of an immoderate Superstition, than of any thing that so much as border'd upon Profaneness, which of the two Errors in Worshipping the Deity, is far the more inexcusable. And as this Sin is very dishonourable to God, so it is in this particular extremely dangerous to Humane Societies; in that it makes Men careless and inconsiderate of what they assert or promise, though they confirm it with the most solemn Oaths. For (as a wise Heathen excellently observes) from a common custom of Swearing, Men easily slide into Perjury; therefore (says he) *if thou wou'dst not be Perjured, do not use to swear.* And how can it be consistent with Reason, that a Man who hourly provokes God by rash and vain Swearing, should boggle at a false Oath, whenever his Lust, his Covetousness, his Revenge, or his Ambition prompt him to it, and importunately demand to be gratified, though at so vast a Price? Besides this, at how low a rate do they value their immortal Souls, who expose them to the Wrath of

God and Eternal Damnation, by a Sin from which they cannot reap the least Profit or Pleasure? For, whereas the Covetous, the Revengeful, the Voluptuous, the Ambitious, nay, the Apostate himself, may at the Day of Judgment plead, (though even their Plea will be rejected as frivolous and insufficient) the strength of Temptation, and the irresistible Violence of Fear, Anger, or Desire; the common Swearer will have no pretence or excuse to alledge in his behalf, but that which will heinously aggravate his Guilt, the inveteracy of an ill Habit, and the prevalency of Atheistical Examples. Since therefore every single Act of this Sin, much more a daily repeated Custom of it, is a direct contempt of the third Commandment (*Thou shalt not take the name of the Lord thy God in vain,*) and of the dreadful Penalty annexed to it; as likewise of that Expression of our Saviour, (*By thy words thou shalt at the last day be justified, and by thy words thou shalt be condemned*). We may reasonably conclude, without exceeding the Limits of Charity, that none who are habitually guilty of this Profaneness, can seriously believe and lay to heart the Principles of the Christian, or even of Natural Religion, which so strictly and positively forbids it. But there is no need at present to enlarge any farther on this Argument; for I hope, Gentlemen, I have said enough to dissuade you from conniving at the negligence of the under Officers, in punishing so enormous a Crime; for which the Land too justly mourns, and to which our Laws have affixed the following Penalty; namely, *Twelve Pence for every profane Oath and Curse*. The Forfeitures fall to the Poor of the Parish where the Offence is committed, and the Offender is to be prosecuted within twenty days after; if the Oaths or Curses are uttered in the hearing of any Justice of the Peace, there needs no farther Proof, but otherwise the offence must be proved before any one Justice of the Peace, by the Oaths of two Witnesses, or the Confession of the Party Offending. In either of which Cases, if the Penalty cannot be satisfied, by a Distress and Sale of the Offenders Goods, then every such Offender, if above the Age of Twelve Years, must

ExoL. c.
20. v. 7.

St. Mat. c.
12. v. 37.

Stat. 21.
Jac. 1. c. 20.

be set in the publick Stocks for the space of three whole Hours, and all under that Age must be Whipped by the Constable, or the Parent, or the Master, in his Presence. This Statute is ordered to be Read twice a Year in all Parish Churches, by the respective Ministers on *Sunday* after Evening Service: Therefore, Gentlemen, you are to enquire whether this Act hath been so Read, and to present all Ministers that have neglected it: For such neglect, though there is no Penalty annexed to it, is yet a High Contempt of their Majesties Laws, and Punishable in this Court.

2. Next to Profane Swearing and Cursing, we must consider the Sin of Perjury and Subornation, which, as I before observ'd, does in a great Measure deduce its Original from, and owe its increase to the impious Custom Men have taken up of interlarding their careless Talk, and even the common Civilities of Conversation with rash and vain Oaths. But, Gentlemen, as the sin of this is much greater, so are the Consequences of it much more Pernicious to private Persons, Families and Societies than those of the other. It is an offence both against Moral and Civil Justice; being a willful and deliberate Breach not only of the third Commandment, (*Thou shalt not take the name of the Lord thy God in vain,*) but also of the Ninth: (*Thou shalt not bear false Witness against thy Neighbour;*) and the certain Consequences of it are, the Oppression, and ruine of innocent Persons, who too often lose their Lives, their Estates, and their good Names, and have Infamy and Beggary entail'd on their Posterity by the false Attestations of perjured Rascals. By these *Naboth* fell a Sacrifice to the Covetousness of *Ahab*, and the Pride and Cruelty of *Jezebel*; and our Blessed Saviour himself who had done nothing amiss, *was numbred with the Transgressors*; the innocence and usefulness of his Life being too weak a Defence to preserve him from the Malice of his Enemies, and from being condemned by a partial Judge upon the incoherent evidence of his perjured Accusers. Nor can we, I hope, so soon forget, that among the many Blessings of the late Reign, we daily saw this Villainy

Exod. c. 20.
v. 7.
v. 16.

1 King. 21.
v. 13.

St. Mark.
c. 15. v. 28.

boldly and triumphantly perpetrated. No Man who wisht well either to the Church or the Laws of *England*, was safe from the informations of Mercenary Wretches: Fictitious Conspiracies were every day hatched, and Judges and Juries were so corrupted, that the one gave their Opinions, and the other their Verdicts according to the Directions they received from Court; no man was safe in his Innocence, nor secure in his Property; and Tryals and Proceedings which should have been exactly Consonant to Law and Reason, to Justice and Mercy, were become only a more Solemn and Ceremonious method of compleating our Ruine. It hath been thought an Offence against the very Law of Nations, to poison a Fountain of which even an Enemy was to drink. How great a Crime then must it be, and how near a kin to Sacrilege, to corrupt the Laws which are the very Fountains and Springs of Political Life? And to make those the instruments of Oppression and Wrong, which should be our greatest Security and Relief? And yet this was done by a Prince, to whom his Flatterers with a Folly and Impudence equally egregious, ascribed the Sacred Epithete of *Just*; for whose return, several unnatural *Englishmen* so ardently pray, though the certain Consequences of it must be the involving the Nation in Blood, and the entailing upon us Popery and Slavery, and giving a free inlet to all manner of Vice, Profaneness, and Immorality. But Providence hath been so mercifull, as to reject these inconsiderate Petitions; and to bless us with the continuance of the happiest Government that ever Nation enjoy'd, and the best Governours that ever sway'd a Scepter; whose Reign is as Glorious a Reverse to the last, as *Trajan's* to *Domitian's*, *Constantine's* to *Dioclesian's*, or that of our Virgin Queen to the Tyranny and Persecution of her bloody Sister. Under their present Majesties, the publick Perjury I have been speaking of, is generously Discountenanced, and when Discovered, never fails of being punished as severely as our Laws will allow. But however, I am afraid, in private Causes, Perjury and Subornation do still too much prevail to the utter ruine of whole Families; there-

fore for the preventing the deplorable Consequences of so great a Villainy, and for the punishing all those that shall be convicted of it, our Law declares, that whosoever shall procure any Witness or Witnesses, by Letters, Rewards, Promises, or by any other Sinister means, (*which the Law calls Subornation*) to commit wilfull and corrupt Perjury in any Court, or before any Judge of Record, shall for every such Offence forfeit the Summ of Forty Pounds, and for ever after be disabled from being admitted as a Witness in any Case whatsoever. And as for the Person who is suborn'd, or, without Subornation, perjures himself as aforesaid, he forfeits the Summ of Twenty Pounds, and is to suffer six Months Imprisonment without Bail, and to be for ever after discredited as a Witness: One Moiety of Penalties on this Act belong to the King and Queen, and the other is given to the Persons aggriev'd, as a small reprisal for the losses they sustain by the Perjury. But in Case the Suborner be not able to pay the Forfeiture, he is to be Imprisoned without Bail for six Months, and to stand upon the Pillory: And the Person who is Suborned, or Perjured, is in case of the like disability to have his ears nail'd to the Pillory. Too small a Punishment for so flagitious a Crime, and (as our Experience shews us) very insufficient to restrain the Practice of it; while Petty Larcenies have a more infamous Brand set upon them, and several small Robberies are punishable with Death; the perjured Person and the Suborner after all the mischiefs he hath done, pays but a small Fine out of his ill-gotten Store, suffers a short Imprisonment, and a slight Disgrace, and loses only, what we cannot suppose he ever much valued, his Reputation; at least any farther, than it might prove serviceable to his Villainous designs. But till our Representatives shall think fit to provide a more effectual Remedy for this growing Evil, I must particularly recommend it to you, Gentlemen of the Jury, and earnestly press you to put this Act in Execution, as far as in you lies; that is, by Inquiring, Presenting and Indicting all Persons who fall under the Censures of it: For unless you do so, (as far as shall any

ways come to your Knowledge) you break your own Promissory Oath ; I mean, the Solemn Appeal you lately made to the God of Truth, who will not fail to avenge it on your Selves and your Families, and also involve your selves in the dreadful guilt of conniving at the Perjuries of others, and of abetting all the Injuries and Oppressions, that shall fall upon the Innocent, and which might have been prevented by a Vigorous and timely Prosecution. But, Gentlemen, I hope you do not think I mistrust your Integrity, or your Diligence, while I mind you of your Duty, and use the most perswasive Arguments that occur, to press you to it, especially in a Point so absolutely necessary as this is. For, Gentlemen, you are to look upon all such perjured Wretches not only as Robbers and Destroyers of private Persons and their Families, but also as Traiterous Conspirators against Humane Society. For what Methods can the Wisdom of Men invent for the ending of Strife, and the decision of doubtfull Matters, if the Sacred Obligation of Oaths, to which even the Heathens had so tender a regard, proves ineffectual for this Purpose ? And when Matters are come to this pass, what can preserve the World from falling into Confusion ? What can hinder Mankind (who are naturally so suspicious of one another) from being reduced to that State of War, in which a late Philosopher erroneously affirmed them to be originally Created, but an immediate interposition of the Divine Providence ? For amongst all the Instruments of Ruine and Mischief that ever were devised, none is of more pernicious Consequence to Humane Society, than Perjury and breach of Faith : According to the Observation of the Wisest of Men. *A false Witness against his Neighbour is a Maul, and a Sword, and a sharp Arrow, a Pestilence that usually walketh in Darkness, and a secret Stab, and Blow against which many times there is no possibility of Defence. The serious Consideration whereof made the Psalmist cry out with so great earnestness, as (God knows) we also have at this day very much Reason to do ; Help, Lord, for the Righteous Man ceaseth, and the Faithful fail from among the Children of Men.*

Prov. c. 25.
v. 18.

Psal. 12.
v. 1.

3. The third Immorality which is to be corrected, is the Profanation of the Lord's Day; and this is as notorious a Breach of the Fourth Commandment, as rash and vain Oaths and Curses are of the Third, and as Perjury and Subornation are both of that and of the Ninth; yet how generally this Sin also is practised, I am ashamed to think. *Remember thou keep Holy the Sabbath Day*, were it not (as it most certainly is) a Divine Command; yet it is one of the most prudent and useful Constitutions that ever was made. For to speak in the Words of an Eminent Prelate of our Church) to the keeping up the Religion of this day, we owe in a great measure that the very Face of Christianity hath hitherto been preserved among us. And were it not for this, for any thing I know, most of us in a very few Years would become little better than Heathens and Barbarians. And so great an Influence towards the making Men better, or at least keeping them from growing worse, hath this Practise always had; that, you may observe, the most profligate Men among us, who for their Wickedness come to an untimely end, do generally impute their falling into those Sins which caused their Death, to their breaking the Sabbath, as they commonly express it.—Thus far that Eminent Prelate.—'Tis true, Gentlemen, there is a wide difference between the Jewish and the Christian Sabbath; for though the Law of *Moses* prohibited all manner of work to be done on that day, under the penalty of Death to the Children of *Israel*; (which was Executed on the Man who gathered Sticks on the Sabbath Day, for the supply of his necessities;) yet our Blessed Saviour, who was the Lord of the Sabbath, wholly abolished the Ceremonial part of this Law, (that being peculiarly appropriated to the Jewish Nation) and continued the Moral part of it in its full Force; Allowing, both by his Example, and by verbal Permission, any work of Necessity or Charity to be done on that day.

Thus Scripture and Reason teach us, and this likewise do the Laws of *England* permit; though at the same time, they are very strict against all those Profanations of the

Exod. 20.
7, 8, 9, 10,
11.

v. 16.

Arch-Bip.
Sharp's
Sermon
June 28,
1691, p.
22, 23.

Exod. 31.
v. 15, 16.

Num. c. 15.
v. 36.

St. Mark.
c. 2, v. 29.

Lord's Day, which proceed either from Mens Covetousness, or their Licentiousness.

Thus all Carriers, Waggoners, Carters, Wain-men and Drovers are prohibited to Travel with any Horse, Wagons, Carts, or Cattel on the Lord's Day, under the Penalty of forfeiting Twenty Shillings to the Poor of the Parish where the Offence shall be Committed: All Butchers that Kill or Sell, or cause to be Killed or Sold, any Meat on the Lord's Day, or are Privy or Consenting to such Slaughter or Sale, forfeit in like manner Six Shillings and Eight Pence for every Offence. The Offence must be proved before any one Justice of the Peace, by the Oaths of two Witnesses, or by the Confession of the Party, unless the Fact were done in the View of a Justice of the Peace, and then the Law requires no farther Proof. The Offenders must be Prosecuted within six Months after the Offence is committed; and the forfeitures are recoverable, either by Distress and Sale of the Offender's Goods, or by Bill, Plant, or Information Prosecuted at the Quarter Sessions for the County. And where any Parish shall rather chuse this last Method for recovering their Money, you must be ready, Gentlemen, on your Parts, as we shall be on Ours, to give all possible encouragement to these Prosecutions, unless they shall plainly appear to be Malicious. Nor, Gentlemen, are these the only Profanations of the Lord's Day, that our Laws take Cognizance of, but by a Statute of a latter Date: All Persons that shall on the Lord's Day, or any part thereof, Sell or expose any thing to Sale, shall forfeit the Goods so sold or exposed to Sale, to the Poor of the Parish where the Offence is Committed. Thus also, whosoever being of the Age of Fourteen Years or upwards, shall on the Lord's Day, or any part thereof, exercise any worldly Labour, Business, or Work of his ordinary Calling, shall in like manner forfeit for every Offence, the summ of Five Shillings.—Thus all Drovers, Horse-Coursers, Waggoners, Butchers, Higlers, or any of their Servants, who shall Travel or come into their Inn on the Lord's Day, or any part thereof,

Stat. 3. Car.
1. c. 1.

Stat. 29.
Car. 2. c. 7.

shall in like manner forfeit for every offence the Summ of Twenty Shillings. The Offences against this Act must be prosecuted within ten days after, and the View of a Justice of the Peace, the Oath of one Witness, or the Confession of the Party Offending, made before any one Justice of the Peace, is a sufficient Proof: And in Case (as it may sometimes happen) the Offender hath no Goods to be Distrained and Sold, and is not able to pay these Forfeitures he is then to be set publickly in the Stocks by the space of two Hours. And besides these Penalties, this Statute exempts the Hundreds from answering the losses which may happen by Robbery, to those who Travel on the Lord's Day; since such Journeys are not supposed to be undertaken out of necessity, but choice.—Thus far our Laws restrain and punish those Profanations of the Lord's day, which a covetous desire of gain is apt to induce Men to. Nor is the penal Prohibition of those Disorders which proceed from an Irreligious Licentiousness, less severe: For to the end that these Profanations of the Lord's day, and the ill Consequences attending them, may be prevented, our Laws strictly prohibit all Meetings and Assemblies of People out of their own Parishes, and all concourse of them within their own Parishes, for all unlawful Sports and Pastimes under the Penalty of three Shilings and four Pence for every Offence, to be forfeited to the Poor of the Parish, where the Offence is committed; the Penalty is leviable by Distress and Sale of the Offender's Goods, and in default of sufficient Distress, the Offender is to be set publickly in the Stocks by the space of three Hours. The Prosecution must be within a Month after the Offence, and the Oath of one Witness, or the Confession of the Party, before any Justice of the Peace, or the view of any one Justice of the Peace, is a sufficient proof to convict the Offender.—This was a good Law, but yet too liable to many Evasions and Abuses; therefore a farther provision hath since been made by a later Act: That all Persons shall, on every Lord's Day, exercise the Duties of Piety and true Religion, under the penalty of Five Shillings, in like manner forfeited

Stat. 1. Car.
1 c. 1.

Stat. 29.
Car. 2. c. 7.

to the Poor of the Parish for every Offence, which is to be prosecuted within ten Days after, and is proveable, as aforesaid, by one Witness upon Oath; and if the Offender be not able to satisfy the Penalty, then he must be set publickly in the Stocks, by the space of two Hours. And nothing can exempt any man from falling under the Censures of this Act, but works of Necessity and Charity, which as I observed before, both Reason and Scripture allow of: For Sports and Pastimes, Revellings and Disorders, are certainly as inconsistent with the duty of the Day, as Buying, and Selling, or exercising any Trade or Calling.

The Fourth Immorality which our Laws endeavour to suppress, is Drunkenness: A Vice on which one of our Statutes fixes this infamous Character; That it is Odious and Loathsome, that it is the Root and Foundation of Blood-shed, Stabbing, Murther, Swearing, Fornication, Adultery and such like enormous Sins, to the dishonour of God, and of our Nation, the overthrow of many good Arts, and Manual Trades, the disabling of divers Workmen, and the general Impoverishment of many good Subjects, abusively wasting the good Creatures of God. This charge, though it may seem severe, yet is it, as our Experience informs us, a very true and lively Description of the sad Consequences and Fatal Effects of this brutish Immorality. Therefore for the repressing this Vice, our Laws have provided a Punishment, not only for the Drunkards, but also for the Inn-keepers, & Victuallers, that Harbour, Entertain and Encourage them. For, as the Preamble to one of the Statutes relating to this matter informs us, The Ancient, True and Principal use of Inns, Ale-houses, and Victualling-houses is for the Receipt, Relief and Lodging of Travellers, and for supply of the wants of those who are not able to Buy in their Provisions of Meat and Drink by greater Quantities; but was never meant for Entertainment and Harboursing of Lewd and Idle People, to spend and consume their Money and their Time in a Lewd and Drunken manner. Therefore for the restraining these Abuses, and for the better repressing the

Stat. 4.
Jac. 1. c. 5.

Stat. 1. Jac.
1. c. 9.

Stat. 4.
Jac. 1. c. 5.
Stat. 1. Car.
1. c. 4.

vice of Drunkenness, every Taverner, Inn-keeper, Ale-house-keeper, or Victualler who shall suffer any Person to continue Tipling in his House, and shall be thereof Convicted before any Justice of the Peace, by the Oath of one Witness, or by his own Confession, or by the view of any Justice of the Peace, shall for every Offence forfeit Ten Shillings to the Poor of the Parish where the Offence is committed; the Penalty to be levied by Distress and Sale of the Offendor's Goods, and if there be not a sufficient Distress to be found, then the Offender is to be committed to the Common Goal, till the Forfeitures be truly paid.

Stat. 7. Jac.
1. c. 10.

And if the Constables or Church-wardens (to whom the Warrant is directed) shall neglect their Duty in levying these Penalties by Distress and Sale as aforesaid, or in default of such Distress, shall not within twenty days next ensuing, certifie it to some Justice of the Peace, they shall severally forfeit for every Offence the Summ of Forty Shillings, recoverable in like manner as is before mentioned. Besides this Penalty of Ten Shillings, the Ale-house-keeper who shall be lawfully Convicted of the aforesaid Offence, is disabled to keep an Ale-house for three Years after such Conviction; and if he does, he falls under the Penalties of keeping an Unlicensed Ale-house. And as this restraint is laid on Inn-keepers and Victuallers, so likewise there is a Punishment appointed for those that shall be guilty of the Sin of Drunkenness; who being thereof convicted as is above mentioned by the Oath of one Witness, shall for every such Offence pay 5s. to the Poor of the Parish, where the Offence is committed; and if there is no Distress to be found, and they are not able to pay, then they must be set publickly in the Stocks by the space of six Hours. And if the Constable, or other inferior Officer shall be found to be remiss in Executing this Law, then he is to forfeit 10s. in the like manner, and to the like uses.—There is also the Penalty of 3s. and 4*l.* for every Offence, or (in case there be no Distress to be had) 4 Hours sitting in the Stocks is imposed on every one who shall be found or can be proved (in the manner of

Stat. 21.
Jac. 8. c. 7.

proof abovementioned) to continue Tipling in any Publick-House. And so highly does our Law detest this Immorality, that whosoever shall be a second time Convicted of Drunkenness, is to be bound to their Majesties (with two sufficient Sureties) in a Recognizance of 10*l*. Penalty for his good Behaviour. Those who are guilty of Drunkenness or Tipling, are not punishable, unless they are prosecuted within six Months after the Offence is committed; but as to Inn-keepers, Ale-house-keepers and Victuallers, who incur the Penalties of these Laws, there is no time limited for their Prosecution.

Gentlemen, the Offences against these Statutes concerning Drunkenness and disorders in Ale-houses, are to be diligently enquired into, and duely presented at every Quarter Sessions; as likewise are all defaults of Under-Officers, in conniving at them, and neglecting to bring them to condign Punishment: I doubt not but you will do your parts in it, and you may assure your selves, we shall deal with them as severely as the Law will allow us. You are likewise to enquire and present all Persons who presume to keep Ale-houses without a License from the Justices of the Peace, that they may undergo the Pains and Penalties appointed by Law.

Stat. 3. Car.
1. c. 3.

Gentlemen, in the next place, all notorious Adulterers, and Fornicators, Bawds, and Whores, and all Masters, and Mistresses of those infamous Houses, that Harbour and Encourage them, fall under the Cognizance and Censure of the Law. And since I cannot say there is already so sufficient a provision made for the punishing and preventing the increase of so scandalous a Debauchery, which is a (deliberate and presumptuous Violation of the 7th Commandment) as all good Men wish to see; yet (besides the Censures of the Spiritual Courts, which are very seldom exerted on these Occasions, unless they have the Prospect of a tedious and expensive Suit) we can inflict some Punishments upon them. For Bawdery is an offence Temporal, as well as Spiritual, and is against the Peace of the Land; therefore, Gentlemen, you are to take care to enquire and present all such Persons, who being duly convicted

Excol. c. 20.
v. 14.

Dalton. c.
124. S. 3.

before us, shall suffer the utmost Severities the Law will allow of. And I think I shall not strain the Sense of the Statute, if I comprehend all the above-mentioned Offenders under the Notion of Idle and Disorderly Persons; to whom any two or more Justices of the Peace (but most properly the Majority of them in their Quarter Sessions) may assign a severe punishment and hard Labour in the House of Correction, for so long time as shall be thought necessary for their Chastisement and Reformation; and for deterring others from following such pernicious Examples. And as for those keepers of publick Houses, who, contrary to their Licences, maintain, harbour, and abett these Disorders, (whereby the Youth of the Nation are corrupted, and rendred unfit to serve their Country;) upon your presentment of them, we will take care not only to punish them as severely as we may by Fine and Imprisonment, but also to suppress them, and to have the forfeitures of their Recognizances estreated into the Exchequer; as shall likewise be done to those who suffer in their Houses irregularities of any other Nature, as Drunkenness, the Profanation of the Lord's day, and the like, of which I have before spoken. And Gentlemen, to sum up all that I have to say upon this Head, you are to consider, That Adultery and Fornication are sins so abominable in the Eyes of God, that as a punishment for it, 23000 of the *Israelites*, who were seduced into these Impurities by the Daughters of *Moab*, fell in one day of a Plague inflicted on them by an immediate Vengeance from Heaven. Therefore, Gentlemen, for the averting God's Wrath from us, we are all concerned in our several Stations, to punish and repress these Vices as *Phinchas* did, without respect of Persons; such only, I mean, as are liable to our Censure. Besides, these Crimes which are so frequently and so impudently perpetrated, there are some others also which may not improperly be ranked among the offences against Moral Justice. But, Gentlemen, the proof of some of them is so difficult, and they are so seldom practised, that I shall but just put you in mind

Stat. 7. Jac.
1. c. 4.

1 Cor. c. 10.
v. 8.

of them, and that you are to enquire and present all Persons that have invocated, entertained or employed any wicked Spirit, or have used any Witchcraft, Charm, or Sorcery; this is a sin of a very deep die, being directly against the first Commandment, and is punished with Death both by the Law of God, and by a Statute made in the first Year of King *James* the First; but it is so hard a matter to have full proof brought of it, that no Jury can be too cautious and tender in a prosecution of this Nature. However, where the evidence is clear and undeniable, you must proceed according to your Oaths.

Exol. c. 20.
v. 3.

Stat. 1. Jac.
1. c. 2.

You are also to enquire and present all Persons that have depraved the Sacrament of the Body and Blood of our Blessed Lord and Saviour, either by word of Mouth, or otherwise; who being convicted shall suffer Imprisonment, and make Fine and Ransom at the King's Will and Pleasure if they be prosecuted within three Months after the Offence is committed.

Stat. 1. Ed.
6. c. 1.

You are also to enquire if any Person hath Depraved, Despised, or Derogated from the Book of Common-Prayer, by any Enterludes, Plays, Songs, Rhimes or other open Words; or hath compelled any Minister to use any other form of Worship; for in this Case the Offender that is guilty of so great an Irreverence to God, and disrespect to the Government, both in Church and State, shall for the first Offence forfeit to their Majesties 100 Marks, for the second Offence 400 Marks, and for the third Offence, all his Goods and Chattels, and shall suffer Imprisonment during Life.

Stat. 1. Eliz.
c. 2.

You are also to enquire if any Rector or Vicar (who keeps a Curate) hath neglected once in a Month to read the Common-Prayer in his Parish Church; for all Incumbents guilty of this Neglect, shall upon complaint made on Oath, by two credible Witnesses, before two Justices of the Peace of the said County, forfeit to the Poor of that Parish 5 pounds a Month; and if the Penalty be not paid in ten days after such Conviction, then his Goods are to be Distrained and Sold for that purpose, by a Warrant from the said Justices. Lastly,

Stat. 14.
Car. 2. c. 4.

Stat. 5. and
6. Ed. 6. c. 4.

you are to enquire, if any Person have maliciously Struck, or drawn any Weapon in any Church or Church-yard, to the intent to strike another, the Offender who is Convicted hereof, shall have one of his Ears cut off; and if he have no Ear, then he shall be markt in the Cheek with the Letter F, in token of a Fray-maker; and the Law reputes it to be so ungodly and irreligious an Action, that all persons guilty of it, are declared to be *Ipsa Facto* Excommunicated, which is the highest Censure and Penalty the Christian Church can inflict.

I have now, Gentlemen, gone through the first part of my Charge, I have not knowingly omitted any point that is Material, and as for smaller Defects, I doubt not but your Experience in the Proceedings of this Court will fully supply them. If the time would allow me, I should in the next place urge you to exert your utmost Vigour and Diligence in punishing and putting a stop to those Violations of Moral Justice, which are so notoriously prevalent among us, and which (unless they are speedily reformed by a due severity) seem to threaten us with extraordinary punishments from Heaven, by representing to you at large the weighty and indispensable Obligations that lie upon you to do your parts towards the promoting so good a Work. But I hope it will be sufficient to hint to you these three Considerations, *viz.* 1. That you are Men and Christians. 2. That you are Englishmen, and (I hope) all of you well wishers to the present Government. 3. That you have bound your selves by a Solemn Oath, impartially to enquire and present those who are guilty of these scandalous Debaucheries; and those Petty Constables, Headboroughs, and other Under Officers, who by their Neglect and Connivance, without any regard to their Duty, or their Oaths, have encouraged these Vices; or have made defaults in any other things that relate to their respective Offices. Gentlemen, if I had time, I should enlarge on every one of these three particulars.—But I assure my self, your own Conscience will press these thoughts home to you; and I doubt not but we shall find by your

presentments, that you have a well-grounded Zeal for the Glory and Honour of God, a true Love to your Country, and a sincere and affectionate Loyalty to their present Majesties King *William* and Queen *Mary* (upon whom next under God, our safety wholly depends) and a tender and conscientious regard to the sacred Obligation of an Oath; which being a Solemn Appeal to the Almighty and All-knowing Judge, and Avenger of all Falshood and Unrighteousness, will, if not faithfully performed, entail God's curse on your selves and your Families; according to that of the Prophet *Zachary*, *A Curse shall enter into the House of him that sweareth falsely by the Name of God.* Zach. c. 5. v. 4.

Gentlemen, I shall now proceed to the second part of my Charge; which comprehends all offences against Civil Justice. This is a Subject so Copious, that (having detained you so long in the former part of my Charge) the time will not permit me fully to declare to you every particular Offence within the compass of our Commission and of your Cognizance. Therefore, Gentlemen, you are to expect only a short Summary of the most material Points of your Duty; in drawing up of which if I am less exact than is usual, I hope you will impute it to my want of Skill in these Affairs; and to my Disability (which makes it self every way too apparent) worthily to execute this important Office, with which my Brethren, who are all of them much fitter for it, have been pleased to Honour me.

Civil Justice is a Vertue of a very large extent; for thereby we are obliged even by Natural Religion to deal with all Men as we would be willing, were we in their Circumstances, and they in Ours, they should deal with us. St. Matt. c. 7. v. 12. And if this is a debt we owe to all Men, then certainly our own Country-men, who enjoy the same common benefits of Security and Protection, may much more expect it from us. And to this end that the Rich and the Poor may be equally safe in what is their own, the Laws have not only declared what that is, but have also appointed Punishments for those that shall transgress these Limits and invade any other

Man's Property. Now, Gentlemen, those Persons who may legally claim this Justice at our Hands, or in case it be refused them, may appeal to the Law for satisfaction for the injury, are either our Superiors or our fellow Subjects. To the former, namely, our Parents, whether Political or Natural, we are obliged by the fifth Commandment to pay Obedience, Tribute, Reverence and Honour; to the latter, namely, our fellow Subjects, we are obliged by the Eighth Commandment to render whatsoever is by Law due unto them; and when by Force or Fraud we take or detain from them any of their Legal Rights, we are guilty of Theft. But to proceed: Of Governours and Magistrates, there are two sorts,——Supreme and Subordinate.——By the Supreme Magistrate, you know, none can be meant besides our Sovereign Lord and Lady the King and Queen; against whom the Offences which you are to enquire of, and present, are High-Treasons, *Præmunire's*, and Misprisions of Treason.

High-Treason is a Crime punishable with Death; and whoever compasseth or imagineth the death of the King or Queen, and declares it by some Overt Act, whoever levyeth War against the King, whoever shall counterfeit the King, or Queen Regnants Great Seal, Sign Manual, Privy Signet, or Privy Seal; whoever shall counterfeit the Coyn of this Realm, or any other Coyn permitted by the King's consent to be current in this Kingdom; or whoever shall bring over from beyond the Seas any counterfeit Coyn, knowing it to be false, and shall make payment thereof, in deceit of the King and his People, or shall clip, impair, or falsifie any such Coin as aforesaid; or whoever shall obtain or receive from the Bishop of *Rome*, or any Authority of that See, any Bull, Writing, or Instrument Written or Printed, or shall Use, Publish, or put it in Ure, or shall be reconciled to the Bishop or See of *Rome*, by virtue of any such Bull; or shall perswade any Person to be reconciled by vertue of such Bull, or shall abett, or conceal such Offenders, and Offences; or whoever shall by any other ways or means withdraw, or endeavour to withdraw,

Exod. 20.
v. 12.

v. 15.

Stat. 25.
Ed. 3.

Stat. 1.
Mar. c. 6.

Stat. 1. and
2. P. & M.
c. 11.

Stat. 13.
Eliz. c. 2.
Stat. 18.
Eliz. c. 1.

Stat. 23.
Eliz. c. 1.

any to the Romish Religion, or whoever shall be so withdrawn, or whoever being a Jesuit, Seminary Priest, or any other Priest, Deacon, Religious or Ecclesiastical Person of the Church of *Rome*, and being a Native of this Realm, shall come hither, or into any of their Majesties Dominions; or lastly, whosoever during the Present War with the *French* King, shall Send, Load, Transport, or Deliver, or cause to be Sent, Laden, Transported, or Delivered, for the use of the said *French* King, or any of his Subjects residing in any part of his Dominions, or in any place in his Possession, any Arms, Ordnance, Powder, Bullets, Pitch, Tarr, Hemp, Masts, Cordage, Iron, Coals, Lead, or Salt-Peter; or whoever of their Majesties Subjects shall without License from their Majesties voluntarily go or repair, or imbarck in any Vessel with an intent to go into *France*, or any Dominions of the *French* King. Whosoever, Gentlemen, commits any of the Facts abovementioned, and all their Aiders, Abettors, Counsellors, and Maintainers are guilty of High-Treason. And by the Statute of the 25th of *Edw.* the 3d. it is likewise High-Treason to kill the Chancellor, Treasurer, or any of the Justices Assigned to hear and determine, being in their Places doing their Offices. All these Facts, Gentlemen, are High-Treason, and you are to enquire and present them. In the next place, Gentlemen, you are to enquire of such Offences against the King and Queen, which fall within the Statutes of *Præmunire's*. This Law was made to preserve the Crown of *England*, from the Papal Inroachments and Usurpations, and to prevent Foreign Appeals in Cases determinable in the King's Courts. So jealous were our wise Ancestors of the freedom and independency of the Regal Power, and of their own Liberties, that near two Hundred Years before the Reformation, in the darkest times of Popery, there was no less a Penalty than being put out of the King's Protection, being fined at the King's Pleasure, and being imprisoned without Bail till that Fine should be paid, and their Lands, Goods, and Possessions forfeited to the King, unless they should come in and receive their Tryal within two

Stat. 3. Jac.
1. c. 4.

Stat. 3. and
4. Guill. and
Mar.

Stat. 27.
E. 3. c. 1.

Months after Summons; no less a Penalty (I say) than this was provided for all such as should Sue to any Foreign Court, or to any Spiritual Court within this Realm, to defeat or impeach the Judgment given in the King's Court; as also for all such as should on this account, purchase or pursue (in the Court of *Rome* or elsewhere) any Excommunication, Bull, or other Instrument against the King, his Crown, or Realm; or should bring, receive, notifie, or execute them here in *England*; and for all their Procurers, Maintainers, Abettors, and Counsellors. For in Treasons, Murthers, and *Præmunire's*; all the Offenders are Principals, and are so punishable. It would be too tedious, Gentlemen, to recite to you the several Statutes that have been made (especially since the Reformation) concerning *Præmunire's*. It is enough to inform you in the General, that they are mostly levell'd at Popish Recusants, and at such as by word of Mouth or Writing, shall defend the Authority that the Pope or any Foreign Prince may pretend to have over the King, and People of *England*. And Gentlemen, I must not omit taking notice to you, that an Act made in the last Sessions of Parliament, Entituled, *An Act against Corresponding with their Majesties Enemies*, Declares, That if any Person during the present War with the *French* King, shall Send, Load, Transport, or Deliver, or cause to be Sent, Laden, Transported, or Delivered for the use of the said *French* King, or any of his Subjects residing in any part of his Dominions, or in any place in his Possession, any Goods, Merchandizes, Wares, or Commodities, shall incur the Pain and Forfeiture of a *Præmunire*. This Act is so exceeding useful for the Nation in this present juncture, that I must particularly recommend it to you diligently to enquire and present all Offenders against it. In the next place, Gentlemen, you are to enquire and present all Misprisions of Treason; which Word signifieth in our Law, Negligence, or Oversight, in not revealing to the King, his Council, or some Magistrate, a Treason which any Man knows to be committed, or about to be committed; for it is a high Crime, and the Consequences

Stat. 16.
R. 2. c. 5.

Stat. 3. and
4. Guil. and
Mar.

Dalton c.
111.

may be very dangerous, for any one though not consenting to it, (for that comes within the Statutes of Treasons) to conceal so Capital an Offence. Therefore, for Misprision of Treason, the Offender shall forfeit to the King his Goods, and Chattels for ever, and the profits of his Lands, during his Life, and also shall be imprisoned during his Life. And (Gentlemen) now I am discoursing to you concerning such Offences as do most immediately strike at the Persons and Government of the King and Queen, I must take notice to you of three sorts of Men, of whom we have at this time no small Reason to be Apprehensive, and they are these; Popish Recusants, Protestant Recusants, and Protestants who though they have taken the Oaths to their present Majesties, and enjoy the Benefit of their Protection, do yet make it their business to libel and censure the Government, and in their Words and daily Behaviour, shew themselves disaffected, and to give them their due Character, are but one Degree from Traytors. By Popish Recusants, I mean those Subjects of *England*, who divide their Allegiance between the King and the Bishop of *Rome*, whom they look upon as Christ's Vicar on Earth, and of whose Church and Communion they are. On this Account they refuse to take the Oath of Supremacy (which excludes the Pope's Power in spiritual Matters) to any Prince, though of their Perswasion; and if the Pope interposes his Authority in Excommunicating or deposing any Protestant Prince, whom out of their Catholick Charity they are pleased to call Hereticks,) they fail not when an Opportunity offers to rise in Rebellion against them, and (as they did in Queen *Elizabeth's* Time) to join with any Foreigner, whom the Pope Commissions to invade their Native Country, and reduce it to an *Italian*, a *Spanish*, or which is worst of all, a *French* Slavery. How much their Loyalty is to be relyed on, their Principles and their Practiees, especially in the Reigns of that Glorious Queen, and her peaceful Successor, do abundantly testifie; and I hope, while the *Spanish* Invasion, and the Gun-powder Treason, continue recorded in our History as undeniable

matters of Fact, while Papists deservedly lie under an Exclusion from all Offices of Trust and Profit, and even from the Privilege of Voting in Parliament as Peers, which some Mercenary Time-servers in the late Reign were pleased to call their Natural Birth-Right, and inseparable from their Persons; while, I say, these things remain as they are, and while we remember (as I hope we always shall) the great dangers the Church and Nation were lately in by the bigotted zeal of a Popish Prince, and the inveterate Malice of the Roman Catholicks then armed with Power, I hope we shall not fail on all Occasions, but especially at this time, to have a watchful Eye over their Conduct. All the Mercies our present King hath extended to them both here and in *Ireland*, (Mercies to be parallel'd by none but those of the Almighty!) cannot yet un-hinge them from their dependance upon *France*, and their Subjection to *Rome*, nor put an end to their vain Expectations of seeing our present happy settlement wholly unravelled, and their own Religion again establish'd, and ours utterly extirpated by the victorious return (which they wish for, and we all deprecate) of the late King, and his pretended Son. Therefore since nothing will make them Friends to this Government, Prudence directs us to use the best Caution we can against their Hellish Designs; and since there are many good Laws in Force against them, there is great Reason that they suffer those Penalties, (especially such of them as stand out in defiance to the Government) that are provided for them. And Gentlemen, it is your Business to enquire and present all Popish Recusants, and I doubt not but you will express your Affection to the Government, by doing your Duty in this Particular.

By Protestant Recusants, I mean those Protestant Subjects of *England*, who refuse to take the Oaths of Allegiance and Supremacy to the present King and Queen. It may, I confess, seem a Paradox, that notwithstanding the many Calamities we felt in the Late Reign, and those more grievous ones we daily expected, when the making and repealing of Laws, should have

been in the Power of a pack'd Parliament, and when the protection of our Religion, the defence of our Rights, the disposal of our Lives, Liberties and Estates; and in a word, the Administration of Justice, should have been entirely committed to a *French* and *Irish* Army, and to a Cabinet-Council of Jesuits; notwithstanding this gloomy Prospect, which reduced us even to the Brink of Despair; notwithstanding the Miraculous deliverance out of these Extremities, that the Divine Providence afforded us at the critical instant, notwithstanding those returns of Gratitude which we owe to God the Author, and to our present King, the successful Instrument of so great a Mercy; notwithstanding, the late King's refusal to do his Subjects that Justice which his Coronation Oath obliged him to, and which the Prince, out of great kindness to this Nation, at a vast Expense, and an inexpressible hazard to his own Person, came over to demand, notwithstanding the Late King's Voluntary Desertion, his throwing up the Reins of Government, and leaving us in a state of Anarchy and Confusion, notwithstanding the calm, deliberate and free Proceedings in Calling, Chusing, and Convening our Representatives, notwithstanding the Regular and considerate Methods that wise Assembly follow'd, in determining the great Point of the Abdication, and placing their present Sacred Majesties in the vacant Throne, notwithstanding the manifest Reason all private Men have in such Cases to submit their own Opinions to the Publick Decision of so August a Body, notwithstanding the many Dangers and Difficultie, Fatigues and Hazards, the indefatigable Labour, and incessant Diligence, and anxious Cares which have ever since that time deny'd his Majesty that Ease, Repose, and Comfort, which the meanest Man here enjoys; notwithstanding all this was undertaken merely for our Benefit and Safety, Peace and Preservation, (for excepting our Saviour, and the Bl. Martyr K. *Charles* I. never did any Prince wear a Crown so full of Thorns) notwithstanding (I say) the King's Personal Merits (which without Flattery I speak it) deserve an Universal Empire upon

Earth, and doubtless will be rewarded hereafter with one of the brightest Crowns in Heaven, notwithstanding all this, and much more which I could add, would the time permit me, it may (I say) seem a Paradox, but yet, 'tis too notorious that there are some Protestant Recusants, who will not be perswaded they owe any Allegiance or Duty to this Prince. His Royal Endowments and Accomplishments shine so bright, that as much his Enemies as they are, they are forced to acknowledge that he possesses them in the highest Degree, and though they cannot love, they must admire him for them. But all this while they think him an Intruder on the Rights of another, and some of them are so bold as to call his Glorious Reign a Prosperous Usurpation, and not a whit more to be justified than that execrable one of *Cromwell*. I have not time, nor is it my Business at present, nor indeed is there any need of it after so many excellent Treatises have been written upon the Subject, to argue in defence of the Revolution and the present Settlement of the Nation. Those that are its Friends require no farther Satisfaction, and those that are its Enemies are resolved to continue so, though its Advocates had the Energy and Eloquence of Angels. Some of them indeed (but how few are they!) I am so charitable as to believe cannot comply with this Government out of an Error of their Understandings, rather than a perverse Obstinacy of their Will, and those who are so unhappy as to be under this mistake, form no Cabals against the Government, encourage no seditious Conventicles, send no traiterous Embassies to *France*, offer no incense of Flattery to that proud Tyrant, make no publick Assignations for Rioting and Debauchery on such Days as their Majesties appoint for a National Humiliation; nor in a word, make it more their Business to incense the People against the present Government, and to involve us in the Calamities of a Civil-War, that we may be the easier Prey to the great *Leviathan* of *Europe*, than to keep a Conscience void of Offence towards God and towards Men. This (Gentlemen) is the Character of such a Jacobite, (for in that Title the

whole Party pride themselves) as is not dangerous; he considers himself as an Englishman and a Christian, and though his Conscience (being misinformed) will not permit him to be actively serviceable for the Government; yet he looks on this Scene of Affairs to be much more Eligible than the last, and thinks it an unpardonable ingratitude to a Protestant Prince and Princess, whom he cannot but highly esteem (as the only refuge for all the reformed Churches) to Sacrifice not only them, and his own Country, but also all *Europe* to an Opinion which Nineteen parts in Twenty of the most Learned and Pious Men in the Nation reject, and almost all the Princes and States in Christendom disallow, and which if it could universally prevail, would only make his Ruine the more tolerable, because he should have so many Millions of Companions in his Misfortune. To such a man as this, (if any such can be found (I can truly say as the *Roman* Orator did of himself upon another Occasion, *Me natura Misericordem, patria severum; erudalem nec patria nec natura esse voluit.* My Nature inclines me to be Compassionate; a hearty Zeal for our Religion, and Concernment for the publick Welfare of my Country may perhaps have made me a little severe, but neither my Natural Disposition, nor the Temper of the *English* Nation, nor the Genius of the Protestant, that is, the true Christian Religion, will allow me to be cruel. And indeed if the Honour and Safety of the Government would allow it, for my own part, the most impudent and inveterate of the Faction Crew should be quietly permitted to spit their Venom, and to ruine their own Cause (as they will at last) by their foolish and indiscreet Management. But a Government legally established and regularly administered (as ours is) must not tamely suffer the insults of a few Pedants and Mechanicks; such as those whom neither Prudence nor Modesty will restrain within the Limits of their Duty, must be taught by the severe Discipline of the Law. Therefore, Gentlemen, it is your Business diligently to enquire and duly to present all such disaffected and seditious Persons, and we will take care to see them

punish'd according to the utmost rigour of the Law. But, Gentlemen, after all that I have said of the Popish Recusants, and of the Protestants who are disaffected to this Government, and will not take the Oaths; both these we may look upon as our Friends and Adherents, if we compare their Character with that of those Protestants, who swear Allegiance to their Majesties, only that they may worm themselves into Places of Trust and Power, and so have the better Opportunity to betray us. When an Enemy declares he will seek our Ruine, Self-preservation prompts us to be upon our Guard, and to make Preparations for our own Defence: But what way is there to keep our selves from being destroyed, when the plausible disguise of Friendship, hides the snare from our Sight, till our Experience tells us, it is impossible to recover our Fall? It would seem a high Degree of ill Nature to suspect those of Treachery, who confirm all their Protestations of Sincerity by the sacred Bond of an Oath; and indeed in such a Case one ought not be too ready to suspect, for Christian Charity thinketh no Evil; but yet when Men's Discourse, Actions, and Behaviour, shew the secret Inclinations of their Hearts, we may then judge of the Tree by its Fruits. When Men who have taken the Oaths to the Present King and Queen, and perhaps by that means enjoy some Office of Trust under the Government, nay perhaps, when they stand in Competition with a Man more truly and sincerely Loyal, and carry their Point against him, either by Force, or Fraud, Bribery, or some other Artifices, too mean for the Spirit of an *English* Gentleman, to stoop to: When I say, such Men as these, shall take (nay seek) all occasions to magnifie the Grandeur, and the Power, the Courage, the Justice, and the Policy of the *French* Monarch, to envy the Happiness of his Subjects, and to applaud the vast extent of his Conquests, to rejoyce at every small Advantage he gains over us, to wish every Merchant Ship that is outward or homewards Bound may fall into his Hands, to aggravate our Losses and detract from our Victories, as if the one were irreparable and the other

1 Cor. c. 13.
v. 5.

St. Matth.
c. 7. v. 20.

not worth taking Notice of, to repine at our Plenty, and to murmur at our Taxes, which yet are light Burthens in Comparison of those our Neighbours at this time bear, to censure the most justifiable Proceedings of this Reign, and to palliate the most enormous excesses of the Last, to triumph at *Tourville's* burning a small Village on the Western Coast, and doing some small Damage to our Fleet, and to be struck with Surprise and Melancholy at the King's Victory at the *Boyne*.

When, I say, Men's Actions are so contrary to their Professions; what can we think of them but that they are the most egregious Hypocrites in Nature, a scandal to Mankind, and a reproach to the Religion they profess! And such as these certainly deserve to be uncased, that the World may see them in their proper Colours, and stamp upon them that Brand of Infamy they so well deserve. For whatever Mercy the Government may be so generous as to extend to its declared Enemies, these certainly can't be so impudent as to put in for a Share. The *Jews* openly preferred *Barrabas* to our Saviour, and it is not improbable that some of those very Men who so loudly cry'd out, *Crucifie him*, came in afterwards, and proving Converts to the Christian Faith, received their Pardon. *But Judas, that Son of Perdition, who betray'd his Lord with a Kiss, and the smooth Compliment of Hail Master, found no place for Repentance, but being overwhelmed with Despair, became his own Executioner.* And if the Men I have been speaking of did but seriously consider the guilt of breaking so Solemn an Oath, they would either heartily repent of it as the *Jews* did of their Malice to our Saviour, or else follow the steps (in his End as well as in his Treachery) of their great great Apostle *Judas*. In the mean time (Gentlemen) it is the Duty of all those who wish well to the Government, to discover such Villains and bring them to Punishment; for else if they go on still in their seditious Practices, and pervert the Trusts they have committed to them to the ruine of our present Settlement, we shall too late be sensible by sad experience that tho they have the voice of *Jacob*, yet their hands

St. Matth.
c. 27. v. 21.

St. Mark.
c. 15. v. 13.

St. Matth.
c. 26. v. 49.

c. 27. v. 5.

Gen. c. 27.
v. 22.

are the hands of *Esau*: hands full of Treachery and Rapine, Fraud, Deceit, and Blood! Therefore, *Gentlemen*, I hope you will not fail to enquire and present such Men, who, tho they have Sworn Allegiance to the Government, yet boldly express their disaffection to it by Seditious Speeches and malevolent Reflections. I have now, *Gentlemen*, declared to you at large, in relation to your Inquiries and Presentments, the Duties you owe to God and to the King; to the former, Fear and Reverence; to the latter, Honour and Allegiance. I now proceed to discourse to you of the Duties owing to subordinate Magistrates, which are these: A respect to them on the account of the Character they bear, and a due Submission to their Legal Orders; for our Laws are so careful to preserve the Chain of subordinate Government entire, that 'tis Murther to kill the meanest Officer in the Execution of his Office, and to abuse him in it, or for it, is a high Contempt and punishable in this Court; as are also all Contempts of the under Officers towards us their Superiors, in neglecting to obey our Orders, and execute our Warrants, and likewise all Disobedient, Sawcy, and unmannerly Behaviour of any other Person that is brought before us. These things *Gentlemen*, you are to enquire and Present.

In the next place, *Gentlemen*, you are to enquire and present all Offences against that Civil Justice we owe to our Fellow Subjects, and they are these: 1. Petty-Treason, of which all those are guilty who being Wives Children, Servants, or private Clergy-men, Murther their Husbands, Parents, Masters, Mistrisses, Diocesans or Ordinaries. For all these Offenders owe Faith, Duty, and private Obedience to the party Murthered. After Petty-Treason, the next Felony you are to present (for these and several other Crimes come under the general Denomination of Felony) is Murther. This when it is committed upon Malice *prepense*, is called willful Murther, and the Offender hath no Benefit of his Clergy, and within this comes also Malice implied, where a Person suddenly kills another without any Provocation given, or stabs a Man who hath no weapon drawn.

Manslaughter is where a Person kills another upon present heat or a sudden Passion, in this Case the Offender is allowed his Clergy. The next Crimes to be enquired and presented (as Felonies) are Rapes, Burnings of Houses, Burglary, and all sorts of Robberies, whether on the Road or in Houses open or shut, stealing of Horses or other Cattel abroad, or elsewhere. Thefts, Petty Larcenaries, and the return of any dangerous Rogue into this Realm, without License, after he hath been Banished, is Felony, and enquirable in this Court, as are likewise all manner of Felonies whatsoever. You are likewise to enquire and present all Trespasses against the Peace; and these are Assaults, Batteries, Blood-sheds, Maihems, forcible Entries, forcible Detainers, Riots, Routs, and unlawfull Assemblies. What these are, I doubt not but you all very well know, and therefore I shall not spend time in defining them to you, but only tell you again, that it is your Duty to enquire and present them. In the next place, Gentlemen, you are to enquire and present all Libellers, Barretors, Extortioners, Frauds, and Deceits, the neglect of all Constables, Headboroughs and Tytling-men, in doing their Duties, (especially as to all Matters relating to the punishing and repressing of Vice and Debauchery, concerning which I have already discoursed to you at large;) as likewise the neglect of all Overseers of the Poor, and Surveighers of the High-ways; in relation to whom I desire you to take notice of the Two Acts of Parliament pass'd this last Session, concerning the Poor and the High-ways; of which I would give you the Heads if the Time would allow me. You are also to enquire and present all Disorders between Masters and Servants; all Forestallers, Ingrossers, Regrators, Destroyers of the Game, and disordered Victuallers, and you are to enquire and present all Annoyances, as Disorderly Ale-house-keepers, Cottagers, Receivers of Inmates, the defaults of High-ways and Bridges, and the permission of free Passage to Rogues and Vagabonds, who ought to be severely punished, and sent back to the Places of their legal Settlement. Gentlemen, I

am sensible I may have omitted several particulars of your Duty, but since you cannot (as I suppose) be ignorant of them, that will not excuse you from presenting these and other Offences that come to your Knowledge. As to those Points that I have so largely insisted on, I must tell you plainly, that I expect you use your utmost Diligence; I had almost forgot to hint to you one Reason, as strong as any that can be drawn from Interest, why you should punish all Immoralities with the utmost rigour of Law, and that is, the daily increase of the Poor in almost every Parish, so that in some places the Rates for the Poor exceed the publick Taxes assessed by Parliament, for carrying on the War. Whereas I dare boldly Affirm, that if all common Swearers, prophaners of the Lord's Day, Drunkards, Tiplers, and those Inn-keepers, Ale-house-keepers, and Victuallers, who suffer Disorders in their Houses, duly paid the Penalties appointed by Law, almost every Parish would be eased of half their Charge, or if that continued, it would be a light Burthen and a very tolerable Grievance, in comparison of the Immoralities and Disorders that have over-spread the Nation. You are also to consider that all these Forfeitures do of right belong to the Poor; they have as good a Title to them as any Man hath to his Estate, and certainly to rob and defraud the Poor is a Crime above the common Level; and those who connive at it are undeniably Accessaries to it. To Conclude, Gentlemen, let me once more desire you to remember your Oaths, and in order to the discharging your Duty with the greater Sincerity and Diligence; let me advise you to fix in your Minds a strong Idea of the general Appearance we must all one day make before the great Tribunal, in Comparison of which the most Solemn and August Court of Judicature here upon Earth, (though it may in some small Measure represent it to our Thoughts) is but a piece of formal and vain Pageantry. And now, Gentlemen, without detaining you any longer, I dismiss you all to your several Inquiries.

FINIS,