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EDITORIAL

Welcome to the fifth volume of *The Confessional Presbyterian*. When first assaying what would become this journal, the editor desired to achieve at least five issues which might stand as a solid set even if it were not ultimately a long term success. This issue accomplishes that goal. Whether we are able to continue with more volumes in successive years will depend ultimately on whether there are enough subscribers willing to continue to support what has become a rather substantial print journal. We are also completely indebted to the many fine contributors who have made this journal worthwhile these first five years.

The fifth issue, following a trend, is the largest issue yet (and it could have been larger; several reviews and articles did not make the cut off date for publication and we hope to run these in a future issue). In this volume readers may once again find a wide range of material.

The two part *Westminster Assembly & the Judicial Law* stands out for its length if for no other reason. The first part, containing a chronological survey, is unique in ordering the source material by “release” date around a time line of the

work of the Westminster Assembly. This is largely possible due to the dating of the Thomason tracts, and to a lesser degree the records of the Company of Stationers and other sources. Matthew Winzer provides the second analytical part, concentrating on two foundational questions, of which the first is key: “Do the Westminster Confession and Catechisms teach what has come to be called the theonomic thesis—‘the abiding validity of the law in exhaustive detail?’ Do the writings of the Westminster divines provide any justification for thinking that the Westminster documents teach this thesis?” Mr. Winzer concludes that “these questions should be answered in the negative.”

Some other Confessional issues are addressed in this issue. Dr. VanDuren has written a helpful defense of the Reformed view rejecting representations of Christ, which is both succinct and extensive in its references. The siren song of recent literature to abandon the view as represented in Westminster Larger Catechism 109 is strongly countered. And Lane Keister examines the exegetical basis for the Puritan view proscribing recreation on the Lord’s day as summarized in the Westminster Standards.

In the arena of Presbyterian polity, in *Presbyterian Quintessence: The Five ‘Heads’ of Church Government*, Frank J. Smith uncovers the answer to why the Presbyterian Church in America Book of Church Order speaks of five “heads” of

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The Westminster Assembly & the Judicial Law: A Chronological Compilation and Analysis

By Chris Coldwell and Matthew Winzer

*To them also, as a body politic, He gave sundry judicial laws, which have expired together with the State of that people; not obliging any other now, further than the general equity thereof may require.*¹

PART ONE: CHRONOLOGY

In the context of the debate over Theonomy and the Westminster Confession of Faith, there have been previous compilations published of Puritan material attempting to show their thoughts on the nature of any abiding validity of the Judicial Law. The most significant of these have been those by Sinclair Ferguson and Martin Foulner, the latter contending a kinship in theology with Theonomy, the former affirming only a practical agreement.² Both covered a broader range of time than just the years the Westminster Assembly was in session, but did not present all the material that may be found for even that period. The purpose of this survey is to narrow down to the specific time when discussions could or would have taken place on this topic amongst the Westminster divines. Therefore the time frame has been narrowed to the start of the Assembly through the completion of chapters 19, 20 and 23 of the Confession of Faith with proofs. While the inclusion of Chapter 19 on the Law of God is obvious, Chapters 20 and 23 would have afforded the same opportunity to discuss the judicial law as it related to the punishing of doctrinal error, a controversy at the time within the Assembly and throughout London. The period of the survey has been pushed back to the start of the Assembly because the divines immediately began work revising the Thirty-nine Articles, including Article 7 containing comment on the judicial law.

Any writings for this period by members of the Assembly relative to the subject under review are of interest to this study. Additionally, of particular interest are the writings by those divines that were more directly

connected with the work on the ninth proposition of Article 7 of the Thirty-Nine Articles and Westminster Confession of Faith chapters 19, 20 and 23. For instance, Anthony Burgess is of interest because of his book *Vindicae Legis*; being on the Assembly's third committee, he would have potentially helped to craft WCF 19 "Of the Law of God," and his book was published only weeks after that chapter was finalized and approved. *Jus Divinum Regiminis Ecclesiastici* appeared about the same time and is of keen interest as more than a few of the Westminster divines may be connected with it.

However, the goal in this survey is not to attempt to adduce any individual divine as either interpretive of or influential upon Westminster Confession of Faith 19.4. This would require proof from the records of the Assembly, and there is no known surviving account of their debates over the expiration of the judicial law. There is nothing in the record regarding the judicial law for instance, like Gillespie's insistence for a change to

THE AUTHORS: The chronologically ordered collection of source material was compiled by Chris Coldwell, editor of *The Confessional Presbyterian*. Matthew Winzer, author of the analysis presented in part two, is pastor of Grace Presbyterian Church (Australian Free Church), Rockhampton, Queensland, Australia.

1. Westminster Confession of Faith, 19.4, cited from S. W. Carruthers, *The Westminster Confession of Faith: Being an account of the Preparation and Printing of its Seven Leading Editions to which is Appended a Critical Text of the Confession with notes thereon* (Manchester: R. Aikman & Son, 1937) 124.

2. Sinclair B. Ferguson, "An Assembly of Theonomists? The Teaching of the Westminster Divines on the Law of God," in *Theonomy: A Reformed Critique*, ed. William S. Barker & W. Robert Godfrey (Grand Rapids, Mich: Academie Books, 1990) 315–349. Martin A. Foulner, *Theonomy and the Westminster Confession: an annotated sourcebook* (Marpert Press, 1997).

The Westminster Assembly & the Judicial Law: Chronology of Surveyed Literature	
July 1, 1643.	Seating of the Westminster Assembly
July–October, 1643.	The Revision of the Thirty-Nine Articles
August 2, 1643. August 9–15, 1643. August 10, 1643. September 30, 1643. December 27, 1643.	John Sedgwick, <i>Antinomianism Anatomized</i> . Westminster Assembly. Lightfoot's Journal. Discussion of the 9 th proposition of Article 7. Jeremiah Burroughs (2 nd committee), <i>An Exposition of the Prophecie of Hosea</i> . Thomas Case (1 st), <i>The Quarrel of the Covenant</i> . Alexander Henderson, <i>Sermon to the House of Commons</i> .
May, 1644 – March 8, 1648.	The Confession of Faith
May 3, 1644. August 13, 1644. August 14, 1644. August 20, 1644. August 28, 1644. September 4, 1644. September 5, 1644. September 5, 1644. September 28, 1644. October 30, 1644. December 25, 1644. January 8, 1644/45. January 29, 1644/45. February 7, 1644/45. March 26, 1645. April 21, 1645. April 30, 1645. April 30, 1645. May 1, 1645. May 9, 1645. May 12, 1645. May 21, 1645. May 28, 1645. June 25, 1645. July 8, 1645. July 11, 1645. September 16, 1645. October 24, 1645. November 17, 1645. November 24, 1645. November 26, 1645. December 8, 1645. December 18, 1645. January 1, 1645/46. January 7, 9, 12–13, 1645/46. January 22, 1645/46. January 29, 1645/46. February 2, 1645/46. February 9, 1645/46. February 10–12, 1645/46. February 16, 1645/46. February 23, 1645/46. March 3, 1645/46. March 4, 1645/46.	Samuel Rutherford, <i>Due Right of Presbyteries</i> . Herbert Palmer (1 st), <i>The Glasse of God's Providence</i> . Westminster Assembly. Session 265. Confession of Faith. Westminster Assembly. Session 269. Committee for the Confession of Faith. William Reyner (1 st), <i>Babylon's ruining-earthquake and the Restauration of Zion</i> . Westminster Assembly. Session 278. Committee for the Confession. Anthony Burgess (3 rd), <i>Judgement's Removed, where Judgement is Executed</i> . Thomas Case (1 st), <i>Jehoshaphats Caveat to his Judges</i> . Anthony Burges (3 rd), <i>The Magistrate's Commission from Heaven</i> . George Gillespie, <i>A Late Dialogue betwixt a Civilian and a Divine</i> . Edmund Calamy (2 nd), <i>An Indictment against England</i> . George Gillespie, <i>Wholesome Severity Reconciled with Christian Liberty</i> . George Walker (2 nd), Sermon to the House of Commons. Daniel Featley (2 nd), <i>The Dippers Dipt</i> . John Ward (3 rd), <i>God Judging Among the gods</i> . Westminster Assembly. Session 421. Confession of Faith. Samuel Bolton. Cornelius Burges (1 st), <i>Second Sermon to the House of Commons</i> . Daniel Cawdrey (2 nd) and Herbert Palmer (1 st), <i>Sabbatum Redivivum</i> . Westminster Assembly. Session 432. Expediting the Confession of Faith. Westminster Assembly. Session 434. Confession of Faith, New Committee. James Ussher. <i>A Body of Divinitie</i> . Alexander Henderson, <i>Sermon to the House of Lords</i> . Richard Byfield (2 nd), <i>Zion's Answer to the Nations' Ambassadors</i> . Westminster Assembly. Session 464. Confession of Faith, Committee for the Wording. Westminster Assembly. Session 467. Confession of Faith to the Standing Committees. John Ley (1 st), <i>Annotations upon Exodus</i> . Jeremiah Burroughs (2 nd), <i>Trenicum to the Lovers of Truth and Peace</i> . Westminster Assembly. Session 537. Law of God to the Third Committee. Robert Baillie, <i>A Dissuasive From the Errours of the Times</i> . Jeremiah Burroughs (2 nd), <i>Sermon to the House of Peers</i> . Westminster Assembly. Session 549. Committee to Revise the Confession of Faith. London Ministers, <i>A Letter Presented to the Assembly of Divines</i> . Westminster Assembly. Session 564. Report on the Law of God. Westminster Assembly. Sessions 568, 570, 571, 572. Law of God Debated. Robert Baillie, <i>A Dissuasive From the Errors of the Times</i> . Second impression. Westminster Assembly. Session 581. Christian Liberty. Committee for Law of God (Gouge). Westminster Assembly. Session 582. Report on the Ceremonial and Judicial Law. Westminster Assembly. Session 585. Debate on the Ceremonial & Judicial Law's Abrogation. Westminster Assembly. Session 586–588. Debate on Christian Liberty. Westminster Assembly. Session 590. Debate on Christian liberty. Westminster Assembly. Session 593. Liberty, Sabbath, Magistrate, Marriage and Divorce. Samuel Rutherford, <i>Divine Right of Church Government Vindicated</i> . Westminster Assembly. Session 598. Christian Liberty Committee to Meet.

The Westminster Assembly & the Judicial Law: Chronology of Surveyed Literature	
May, 1644 – March 8, 1648.	The Confession of Faith, Continued
March 10, 1645/46.	Westminster Assembly. Session 602. Report on Christian Liberty.
March 26, 1646.	Westminster Assembly. Session 610. Report on the Magistrate. Draft of Christian Liberty.
March 26, 1646.	Stephen Marshall (1 st), <i>God's Master-Piece</i> .
March 27, 1646.	Westminster Assembly. Session 611. Christian Liberty.
March 30, 1646.	Westminster Assembly. Session 612. Christian Liberty.
March 31, 1646.	Westminster Assembly. Session 613. Christian Liberty vote not to Recommit.
April 23, 24, 27, 1646.	Westminster Assembly. Sessions 628–630. Civil Magistrate.
June 17, 19, 1646.	Westminster Assembly. Sessions 660, 662. Committee for Perfecting the Confession.
July 30, 1646.	Westminster Assembly. Session 680. Mr. Gillespie's Book.
August 4, 1646.	George Gillespie, <i>Aaron's Rod Blossoming</i> .
August 21–August 31, 1646.	Westminster Assembly. Grand Committee, The Law of God.
September 1–4, 15, 17, 1646.	Westminster Assembly. Sessions 696–699, 708, 710. Committee for Perfecting the Confession, Cawdrey, Law of God.
September 23, 1646.	Westminster Assembly. Session 716. Report on Christian Liberty.
September 24, 1646.	Westminster Assembly. Session 718. Debate on Christian Liberty.
September 25, 1646.	Westminster Assembly. Session 719. Christian Liberty Report; Law of God Passed.
September 30, 1646.	Herbert Palmer (1 st), <i>The Duty & Honour of Church-Restorers</i> .
October 1, 1646.	Westminster Assembly. Session 720. Christian Liberty Partially Approved.
October 7–9, 1646.	Westminster Assembly. Sessions 722, 723, 724. Christian Liberty Debated.
October 7–9, 1646.	Westminster Assembly. Session 725. Christian Liberty Debated; Report on the Civil Magistrate.
October 12, 1646.	Anthony Burges (3 rd), <i>Vindiciæ Legis</i> .
October 13–16, 20, 21, 1646.	Westminster Assembly. Sessions 726–729, 730, 731. Christian Liberty; Civil Magistrate.
October 23, 1646.	Westminster Assembly. <i>The Humble Advice Concerning Part of a Confession of Faith</i> .
October 28, 1646.	Stephen Marshall (1 st), <i>A Two-edged Sword Out of the Mouth of Babes</i> .
October 30, 1646.	Westminster Assembly. Session 733. Christian Liberty Concluded.
November 9, 1646.	Westminster Assembly. Session 736. Civil Magistrate Approved.
December 2, 1646.	London Ministers, <i>Jus Divinum Regiminis Ecclesiastici</i> .
December 3, 1646.	Westminster Assembly. Session 751. Slight Alteration to Law of God.
December 4, 1646.	Westminster Assembly. Session 752. Gillespie's Alteration to "Of the Civil Magistrate."
December 7, 1646.	Westminster Assembly. <i>The humble advice of the Assembly of Divines concerning a confession of faith</i> .
January 6, 1646/47.	Westminster Assembly. Session 768. Scripture Proofs.
January 27, 1646/47.	Obadiah Sedgwick (1 st), <i>The Nature and Danger of Heresies</i> .
February 19 & 22, 1646/47.	Westminster Assembly. Session 796. Scripture Proofs, Chapter 19.
February 25, 1646/47.	Westminster Assembly. Session 798. Scripture Proofs, Chapter 20.
February 26, 1646/47.	Westminster Assembly. Sessions 799, 801–804. Scripture Proofs, Chapter 20.
March 2–5, 1646/47.	Westminster Assembly. Session 802. Scripture Proofs, Chapter 23.
March 3, 1646/47.	Westminster Assembly. Session 802. Scripture Proofs, Chapter 23.
March 5, 1646/47.	Westminster Assembly. Session 804. Review of Scripture Proofs.
March 10, 1646/47.	Richard Vines (3 rd), <i>The Authours, Nature, and Danger of Hæresie</i> .
March 11–12, 1646/47.	Westminster Assembly. Sessions 805–806. Scripture Proofs, Chapter 20.
April 5, 1647.	Westminster Assembly. Session 820. Confession of Faith Finished.
April 6, 1647.	Westminster Assembly. Session 821. Scripture Proofs Approved.
April 12, 1647.	Westminster Assembly. Session 825. Scripture Proofs of Chapter 23 Approved.
April 29, 1647.	Westminster Assembly. Confession of Faith with the Scripture Proofs.
May 26, 1647.	Thomas Case (1 st), <i>Spirituell Whordome Discovered</i> .
	Postscript
March 8, 1647/48.	Westminster Assembly. Session 1027. Cheynell and Acontius.
March 8, 1647/48.	Francis Cheynell (3 rd), "The Report made to the Reverend Assembly." In <i>The Divine Trinunity of the Father, Son, and Holy Spirit</i> .
	Cheynell on the Judicial Law (March 26, 1650).

the wording of 23.3; and even in that case the Assembly adopted a rare if not singular memorandum that the change was “not intended to determine the controversy about the subordination of the civill magistrat to Christ as mediatur” (see below at April 12, 1646/47).

Rather, the goal is to illustrate how confessional terms and phrases are used from writings of individual or groups of Westminster divines during the period any of them may have discussed the judicial law. The analysis of this chronological compilation will be covered in the second part of this article by Matthew Winzer.

THE WORK OF THE ASSEMBLY

The work of the Westminster Assembly was largely carried out in the three standing committees, as well as in select ad hoc committees. The work of revising the Thirty-nine Articles was divided between the standing committees, and the second committee was assigned Article 7. After the work on the Articles was aborted, the initial work on a new confession of faith was done by two ad hoc committees set up respectively on August 20 and September 4, 1644, which eventually met as

3. The names in bold are authors cited in this survey, and such emphasis is added in quotations throughout, unless otherwise noted.

4. Philip Schaff, *The Creeds of Christendom* (New York and London: Harper and Brothers, sixth edition [1931?]) 1.756.

5. Chad B. Van Dixhoorn, “Reforming the Reformation: Theological Debate at the Westminster Assembly 1643–1652. A thesis submitted to the Faculty of History of the University of Cambridge in Candidacy for the degree Doctor of Philosophy,” September 2004. Seven Volumes. Unpublished Thesis. Hereafter Van Dixhoorn. See Sess: 269. Aug: 20th 1644: Tuesday Morning, 5.237; Sess: 278. Sept 4: Wensday morning, Van Dixhoorn, 5.262.

6. A. F. Mitchell, *The Westminster Assembly: Its History and Standards* (London: James Nisbet & Co., 1897) 357.

7. Only ‘replacement’ divines which figure in this survey are noted parenthetically; otherwise the lists are as originally constituted and as given by Chad Van Dixhoorn (Van Dixhoorn, 1.149–150). While they were not members of the standing committees, or had right to vote on the floor, the Scottish commissioners had enormous influence and seem to have had the freedom to attend any of the committees. For the standing committees at least, the English divines also had some freedom to attend the committees of which they were not members. Baillie describes it thus: “Ordinarie there will be present above threescore of their divines. These are divided in three Committees; in one whereof every man is a member. No man is excluded who pleases to come to any of the three. Every Committee, as the Parliament gives order in wryte to take any purpose to consideration, takes a portion, and in their afternoon meeting prepares matters for the Assemblie, setts doune their minde in distinct propositions, backs their propositions with texts of Scripture.” Robert Baillie, *The Letters and Journals of Robert Baillie, A.M.* (Edinburgh: Alex. Lawrie & Co., for the Bannatyne Club, [1841]) 2.108. Dr. Van Dixhoorn notes this freedom of attendance applied at least to one of the later ad hoc committees (Van Dixhoorn, 1.152).

one committee. This group included the Scottish Commissioners, **George Gillespie**, **Robert Baillie**, **Samuel Rutherford** and **Alexander Henderson**;³ the English members were (from August 20) **Gouge** (chairman⁴), Temple, Hoyle, Gataker, Arrowsmith, **Burroughs**, **Anthony Burgess**, Vines and Goodwin, and (from Sept. 9) Smith, **Palmer**, Newcomen, Herle, Reynolds, Wilson, Tuckney, Young, **Ley**, and **Sedgwick**.⁵ Mitchell suggests, “the subjects of some of the chapters, or part of the matter which was ultimately embodied in the Confession, was selected or prepared by these committees.”⁶

Nearly a year after the August 20/September 4 committees were set up, to speed the progress of the Confession, the work was divided and assigned to the three standing committees. Chapters 20 and 23 were handled by the first Committee, and Chapter 19 by the third committee. The review of the scripture proofs for the three chapters was handled by the second committee. The clerical membership of these committees is detailed as follows by Chad Van Dixhoorn:⁷

THE THREE STANDING COMMITTEES

First Committee. **Herbert Palmer**, Oliver Bowles, Henry Wilkinson, Sr., Thomas Valentine, William Twisse, D.D., **William Raynor**, Hanniball Gammon, Jasper Hicks, Joshua Hoyle, D.D., William Bridge, Thomas Wincop, Thomas Goodwin, **Thomas Case**, John Pyne, Francis Whidden, Richard Love, D.D., **William Gouge**, D.D., Ralph Brownerigg, D.D., Samuel Ward, D.D., John White, Edward Peale, **Stephen Marshall**, **Obadiah Sedgwick** [Sedgwick], John Carter, Peter Clark, William New, Richard Cappell, Theophilus Bathurst, Phillip Nye, Brocket (Peter) Smith, D.D., **Cornelius Burges**, D.D., John Green, Stanley Gower, Francis Taylor, Thomas Wilson, Anthony Tuckney, Thomas Coleman, Charles Herle, Richard Herrick.

Second Committee. Richard Clayton, George Gibbs, Calibute Downing, D.D., **Jeremiah Burroughs** (repl. by Samuel Bolton), **Edmund Calamy**, **George Walker**, Joseph Carroll [i.e. Caryl], Lazarus Seaman, John Harris, D.D. (repl. by **Daniel Cawdrey**), George Morley, Edward Reynolds, Thomas Hill, Robert Sanderson, D.D., John Foxcraft, John Jackson, William Carter, Thomas Thoroughgood, John Arrowsmith, Robert Harris, Robert Cross, **James Ussher**, D.D. (repl. by John Bond), Matthias Styles, D.D., Samuel Gibson, Jeremiah Whitaker, Edmund Stanton, D.D., **Daniel Featley**, D.D. (repl. by **Richard Byfield**), Francis Coke, John Lightfoot, Edward Corbet, Samuel Hildersham, John Langley, Christopher Tisdale, Thomas Young, John Phillips, Humphrey

Chambers, John Conant, Henry Hall, Henry Hutton, Henry Scudder, Thomas Baylie, Benjamin Pickering, Henry Nye.

Third Committee. Arthur Sallaway, Sidrach Simpson, **Anthony Burgess**, **Richard Vines**, William Breenhill [sic Greenhill], William Moreton, Richard Buckley, Thomas Temple, D.D., Josias Shute, William Nicholson, Thomas Gataker, James Weldy, Christopher Pashley, D.D., Henry Tozer, William Spurstow, **Francis Channell**, Edward Ellis, John Hacket, D.D., Samuel de la Place, John de la March, Matthew Newcomen, William Lyford, Thomas Carter, William Lance, Thomas Hodges, Andrea Perne, Thomas Westfield, D.D., Henry Hammond, D.D., Nicholas Prophet, Peter Sterry, John Erle, John Gibbon, Henry Painter (repl. by **John Ward**), Thomas Micklethwaite, John Wincop, D.D., William Price, Henry Wilkinson, Richard Holdsworth, D.D., William Dunning.

AD HOC COMMITTEES

To assist this work on the confession, there was an ad hoc committee for perfecting the wording. This seems to have first been constituted on July 8, 1645, with Reynolds, Herle, and Newcomen as members, with the stipulation they consult with the Scottish Commissioners before they report any changes to the Assembly. This committee was revised or a new one constituted on December 8, 1645, with Reynolds and Newcomen, Tuckney, and Whitaker as the members; later were added Arrowsmith (June 17, 1646) and Cawdrey (September 1, 1646).

Due to the controversy over the subject matter, another select committee was appointed to deal with the topic of Christian Liberty (WCF 20). On February 16, 1645/46 a committee was ordered made up of: Mr Seaman, Mr Newcomen, Dr Temple, Mr Dury, **Mr Calamy**, **Mr Byfield**, **Mr Ward**, **Mr Cawdry**, **Mr Channell**, Mr Delmy, **Mr Rayner**, **Mr Sedgwick**, Mr Conant, Mr Wilkenson (Van Dixhoorn, 6.254).

THE LITERATURE COMPILED FOR THIS SURVEY

This survey uniquely presents a chronological ordering of the work of the Westminster Assembly on the Thirty-Nine Articles, Article 7, the Confession of Faith chapter 19 (Of the Law of God), chapter 20 (Of Christian Liberty or Liberty of Conscience), and Chapter 23 (Of the Civil Magistrate), with extracts from the works of various Westminster divines (or in a few instances, other arguably influential authors), interleaved by date. As noted, the period covered is from the seating of the

Assembly on July 1, 1643 until the publication of a new Confession of Faith with scripture proofs at the end of April, 1647. As a fitting review or final word an extract is given from Francis Cheynell's heretofore overlooked words on the magistrate relative to the judicial law dating to about the end of the Assembly's significant labors. The writings cited in this survey have been assigned a specific date for their first appearance, using for the most part the Thomason dating (see the table on pages 4–5).⁸ If Thomason recorded no copy or no exact date, other sources have been consulted to narrow down a date or date range. Public sermons delivered on a specific date and then published, have been listed under the date the sermon was delivered. Works have been chosen as they either employ terms relative to general or natural equity of the judicial law or cover topics relative to the role of the magistrate as outlined in the work of the Assembly.

WESTMINSTER ASSEMBLY & THE JUDICIAL LAW: I. CHRONOLOGY

JULY 1, 1643

The Westminster Assembly of Divines began meeting on this date.

JULY–OCTOBER, 1643—THE REVISION OF THE THIRTY-NINE ARTICLES

The Divines discussed the judicial law early in the first month of their meeting when they began work on revising the Thirty-nine articles. As the surviving Minutes of the Assembly only date from September 4, 1643, the only record of these early days are John Lightfoot's first journal. This journal was published in the nineteenth century edition of Lightfoot's works; but it is incomplete. At the time the works were prepared for publication the MS of the first journal had been misplaced and a transcript was

8. Between 1640 and 1661 George Thomason collected pamphlets, books and newspapers as they came off the press, usually recording in hand on the title page, the month and day he acquired them. It is the most important collection of material from the time of the English Civil War, and often contains the only surviving copy of a work. The Thomason Tracts are catalogued by date in *Catalogue of the Pamphlets, Books, Newspapers, and Manuscripts Relating to the Civil War, the Commonwealth, and Restoration collected by George Thomason, 1640–1661* (London: British Museum, 1908). They are available in *The Thomason Tracts, 1640–1661, Microfilm Edition of the Thomason Collection of the British Library* (Ann Arbor: University Microfilms International, 1977–1981), and are also available as part of Proquest's Early English Books Online (www.proquest.com).

used instead. Apparently it was not realized how much redaction had been made in that transcription. Among the things missing are the few notices of discussion of Article 7 pertaining to the judicial law.

The full transcript of Lightfoot's first journal is given in the second volume of Chad Van Dixhoorn's dissertation. Still, the record is frustratingly obscure. The interesting change made to Article 7 must have been made by the second committee to which it was assigned, but the only record by Lightfoot is about debate over some of the Scripture proofs and there is no indication of any debate over the change in the text. Lightfoot also was absent for half a day during the time the article was discussed by the Assembly as a whole. He was on the second standing committee assigned the work on Article 7, but gives no notice regarding the wording change.

The two wordings of the ninth proposition of the seventh article of the Thirty-Nine Articles read:⁹

Original: Although the law given from God by Moses, as touching ceremonies and rites, do not bind Christian men; nor the civil precepts thereof ought of necessity to be received in any commonwealth....

Westminster Assembly's Revision. Although the law given from God by Moses, as touching ceremonies and rites, do not bind Christians; nor the civil precepts given by Moses, such as were peculiarly fitted to the commonwealth of the Jews, are of necessity to be received in any commonwealth (Acts 25:9, 10, 25 with Deut. 17:8–13. Rom. 13:1, 5. Tit. 3:1. 1 Pet. 2:13, 14)....

The discussion of the seventh article occurred in the context of the Assembly's concern about the spread of Antinomianism. On July 19, 1643 the Assembly or at

least a portion of the Divines drafted a petition and presented it to the Parliament. The document, *A Copy of the Petition of the Divines of the Assembly, Delivered to Both Houses of Parliament, July 19, 1643* (London, 1643), noted ten reforms requiring urgent redress. The third states, "That the bold venting of corrupt Doctrines, directly contrary to the sacred Law of God, and religious humiliation for sin, which open a wide door to all Libertinism and disobedience to God and man, may be speedily suppressed everywhere, and that in such manner as may give hope that the Church may be no more infected with them." Lightfoot notes on Monday, August 7, 1643, that the "Petition of some of the Divines of the Assembly made to both houses[,] ¹⁰July 19th, was this day come forth in Print, & a copy thereof delivered to every one of us." (Van Dixhoorn, Lightfoot, 2.24). Thomason dates his copy as obtained on the fourth of August, the Friday before.

August 2, 1643

John Sedgwick,¹¹ *Antinomianism Anatomized, or a Glass for the Lawless, Who deny the ruling use of the Moral Law unto Christians under the Gospel* (London, 1643). Wing S2359. Reprinted in *An Anthology of Presbyterian & Reformed Literature*, vol. 4 (Dallas, Tex.: Naphtali Press, 1992).

John Sedgwick was the younger brother of Obadiah Sedgwick. He died in October 1643, and Thomas Case, who served on the first committee of the Westminster Assembly along with Obadiah, preached the funeral sermon. The author adduced article seven of the Thirty-Nine Articles in his preface to the reader, upon which the second committee made report and laid a new petition before the Assembly against Antinomianism on August 9. Again, there was a great concern for the Antinomianism that had reappeared shortly after the start of the period of the civil war, and Sedgwick's is noted as the first work to appear against the error, within a month of the beginning of the Assembly and a couple of weeks after the July 19 petition.¹²

Beloved, When I looked upon the old odious heresy of the Antinomians (condemned by the doctrine of our church, *Art. 7*) taking the advantage of the time's distractions newly to revive itself, and to appear with its wonted face, that cannot blush; I thought at first, following St. Augustine (*Cont. Petil.*, lib. 2.), to have said, *Non in venio quomo te refellerem, nisi ut aut jocantem irriderem, aut insanientem dolorem:*

9. Cf. Daniel Neal, *The History of the Puritans* (London: Thomas Tegg and Son, 1837; repr. Klock and Klock, 1979) 3:521.

10. Square brackets noting insertions are original in quotations from Van Dixhoorn; braces {} denote insertions by this author in such quotations. The inconsistent punctuation is original. Full titles and publication dates as well as notices on the individuals are given in Van Dixhoorn, Lightfoot, 2.27–28.

11. The license for the work is dated July 27, 1643 and the entry in the Stationers' book is dated August 1, 1643. *A Transcript of the Registers of the Worshipful Company of Stationers; From 1640–1708 A.D.* ed. G.E. Briscoe Eyre, 3 vols. (London: Priv. Print, 1913) 1.66.

12. "In 1642 the first Antinomian pamphlet of the revolutionary period was published by John Eaton entitled, *The Honey-combe of Free Justification by Christ Alone*.... In 1643, the Westminster Assembly sent a petition with the names of the Antinomian leaders to the House of Commons, and the first anti-Antinomian work was

And so to have passed them over in silence ... (To the Reader).

If the production of the tract had not been encouraged by any of the Divines, it surely did not escape the notice of at least some members of the Assembly, not only because of the familial relationship with one of their members, but because several of their number were among the divinity licensers drafted to approve divinity books by a new law of June 14, 1643, which the Parliament passed to try to prevent scandalous publications. Among the divinity licensers were the Westminster Divines, Thomas Gataker, Callicut [Calibute] Downing, Thomas Temple, Joseph Caryl, **Edmund Calamy**, John Carter of Yorkshire, Charles Herle, and **Obadiah Sedgwick** (Neal, 2.205). Downing, Caryl and Calamy were on the second committee. For this work Calamy was the licenser and following the preface, above the Errata, the following from the licensers appears: “Perlegi Tractatum hunc cui Titulus, *The Anatomie of the Antinomian*, quem quia singulari usui futurum Ecclesiis judico, praelo mandandum censeo. Julii 27, 1643. *Ja. Cranford*. This Book intituled, *The Anatomie of the Antinomian*, I judge very fit to be Printed, and very necessary for these times. *Edm. Calamy*.”

Given these connections to some of the men of the Assembly at a time when they were highly agitated by the Antinomian error, it appears worthwhile to note John Sedgwick’s comment on the judicial law.

A Threefold Law.

You must know that there were three sorts of Laws delivered by God to Moses. ... 2. Judiciall, which were peculiar Ordinances given by God to Moses, for the well ordering of the Common-wealth of Israel.

This Law concerned the Jews not simply, as men, but as Jews; the Nationall, personall, or particular binding right of this Law rested so in them, that it died with the decay of their Common-wealth: onely the common equity or right hereof remaineth (i)¹² as far as it was grounded on the Law of Nature, served directly to confirm any of the Ten Commandments, or to uphold the good of Family, Church, or Common-wealth, it is still in force, and of good use ... (*Antinomianism Anatomized*, 7).

August 9–15, 1643

Westminster Assembly. Lightfoot’s Journal. Lightfoot’s record of the discussion of the ninth proposi-

tion of Article 7 is as follows (Van Dixhoorn, Lightfoot, 2.24–32):

Wednesday. Aug. 9th.

... The chaireman of the second committee reported upon the 7th Article[,]¹³ and concluded with a petition in the name of the Committee to the whole Assembly, that they would joyne in an humble Petition to the Parliament that they would call the Antinomian Preachers before the Assembly to give an account of their damnable Doctrin. Our committee removed to Mr Calamies in London.¹⁴

Thursday. Aug. 10th.

... Then was the report of the second committee taken into examination [*fo. 14r*] & these texts passed the votes to proove the severall proposition {sic} concluded in it.

1. The old Testament is not contrary to the New: by Old and N.T. we understand the bookes of both and doctrine contained in them. Act. 26:22–23; 2 Pet. 3:2; Luk. 24:44; Rom. 3:31, 23–24.

2. Both in the old Test. and the New[,] everlasting life is offered to mankind by Christ. Gen. 3:15 and 22:18 compared with Gal. 3:8, 14; 1 Cor. 10:2–4; Luk. 1:69–70; Act. 3:24; Es. 53 *per totum* [i.e. Isaiah 53].

Now was the Petition against the Antinomians finished and read and sent away to be presented to the house of Commons[,] & it was this[:]

To the Honourable the House of Commons assembled In Parliament[:] The Humble Petition of the Assembly Of Divines & others.

Sheweth: That the Honourable Houses of Parliament having directed the Assembly of Divines and others now sitting to vindicate & cleere the 10 first Articles of Religion[,] In Pursuit wherof the Petitioners doe find so

published by John Sedgwick entitled, *Antinomianisme Anatomized*.” Barry H. Howson, *Erroneous and Schismatical Opinions: The Questions of Orthodoxy Regarding the Theology of Hanserd Knollys (c. 1599–1691)*. Studies in the history of Christian thought, v. 99 (Leiden: Brill, 2001) 100.

13. Several of these “(i)” notations occur in this work, including this on page 7, one each on 18, 23, 25 and 39. The last occurs at a citation out of Chrysostom, which indicates side notes were intended for these five places. Apparently the printer never set or the author failed to provide references to the printer in time to set them in the margin.

14. Lightfoot is referring to the second committee upon which he and Calamy served.