

after : Even as all that are obliged to consent to be subjects, Husbands, Wives, Masters, Servants, Tutors, Scholars, &c. are not such : If meer obligation serve to one relation, why not to others ? 2. Else a man might be a true Pastor unchosen, unordained and against his will. For he may by his qualifications be obliged to be ordained and to become a Pastor. 3. And so the people may be the flock of one that was obliged to be their Pastor, when another is set over them and in possession, because it was the first that was obliged, and they to choose him : And so utter Confusion will come in : And if a man can prove that another mans wife and servant was obliged to be his, he may take them as his indeed. 3. By this rule all the Papists, Seekers, Quakers, &c. that renounce our Churches, should yet be members of them, because they live in the Parish, and are commanded to be members: Which *who* believeth ? 4. A member of a Church hath right to Communion and Ministerial vigilancie and help : But so hath not every baptized person that is commanded to be a member, and obeyeth not that command. If a man say to a Pastor, I will be none of your flock, or Church, but yet I require you to do the office of a Pastor to me, though I renounce your relation to me, and the people to use me as a member of the flock, because I am commanded to be a member, this were a strange claim. 5. If this did hold, then no man that liveth in the Parish could be a proper separatist, so as to break off himself from that Church, nor become a member of another, unless he apostatized from Christ : For he would be still under the Magistrates Command and obligation : But the consequent is absurd : Why do
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the same men speak so much against schismatical rending mens selves from the true Churches, and gathering other Churches, if there be no such thing? The Laws change not, which oblige them. 6. They that are against schism and singularity, should be against this opinion, because (as it is utterly absurd, so) it is notoriously contrary to the Judgment of all the Christian world in all ages to this day, as acquaintance with Church history may fully inform them. They have ever taken mutual consent between the Pastors and the flock to be necessary to the being of a particular Church; and that whatever they were obliged to, they were not actually related to each other as Pastor and flock till they consented: And therefore have noted schismatical Churches in the same Cities that have been no parts of the Church which they disowned.

§ 8. But it is objected, that this unchurcheth our Parish-Churches, and all the Churches in the world.

Ans. Not one: But the contrary would. Our Parish-Churches are associated by mutual consent: The Pastor expresseth his consent openly at his institution, induction and officiating: The Flocks shew their consent by actual submitting to his Ministerial Office: They hear him, and communicate ordinarily with him, and seek Ministerial help from him; though all that are in the Parish do not so, those do it that are indeed his flock, or Church. They do not perhaps by *word* or *writing* covenant to submit to him as their Pastor, but they do it by actual signification of consent to the relation. And the Bishops in Consecration enter into a Covenant to watch over the flock (as do the Priests) and the Priests promise (if not swear, in

England) to obey them: This is a Covenant.

§ 9. It is objected, that this is a disparagement to Baptism, which is the only Church-making Covenant.

Ans. Baptism only, as such, maketh us members of the universal Church; but is not enough to make us of any Ministers special flock: I am not a member of the Church of *York, Norwich, Bristol, &c.* because I am baptized: Nor am I a member of the Parish Church now where I was baptized. Consent to be a Christian is one thing, and consent to be a member of this particular Church, and to take this man more than all the rest about us, for the Guide of my soul, is another.

§ 10. And if a man would say, I will be a member of this Parish Church, and you shall perform so much of your Office as I desire, and no more; I will hear and receive the Sacrament but when I please, and I will not admit you to catechize or instruct any of my family, nor visit the sick, nor will I be responsible to you for any thing that I hold, or say, or do; nor have any thing to do with you, but in the Church; is a Minister bound to do his office to men, or take them for his special flock on these terms? The ancient Churches had abundance of strict Canons; if the people should have chosen a Bishop, and said, We will obey none of these Canons, nor you, but you shall be our Bishop on our terms, was he bound to have consented, and to have been such a Bishop? This is really the case of no small part of *England*, though they say it not openly by words.

§ 11. It is objected, that as Apostles, so ordained Ministers have their authority before the consent of the people and receive it not from them.

Ans.

Ans. 1. Who ever questioneth it, that is considerate, as to an indefinite charge in the Church universal? But what's that to the question? Are all the Ministers in the world bound to be the Pastors of this Parish or Diocess? Our question is what constituteth the relations between a Pastor and his Particular flock? Doth not the ordainer here say, *Take thou Authority to Preach the Word of God, &c. when thou art thereto lawfully called?* Because a man is a Licensed Physician without me, doth it follow that he is my Physician without my consent? 2. Are all those Church-members that Ministers are authorized to preach to? Then all the Heathen-world are Church-members. 3. They receive not authority from the people; but their consent is necessary to make themselves capable receivers of the relation and right of Church-members. God, and not the Wife, giveth the Husband the superiority; but he is no such Husband to any that consenteth not.


§ 12. God hath laid mens rights and benefits on their wills, so that no man can have them against his will. It is a great priviledge to have right to communion with a particular Church, and to this or that faithful Pastors oversight: And its new Doctrine to say, that unwilling persons have this right, because they are willing of something else, *viz.* to be members of the Church universal.

§ 13. We conclude therefore that both extremes here are false; 1. That men can be adult members of a particular Church that consent not, or taken for such that no way signifie their consent, and that it is not useful *ad bene esse*, that this

consent be intelligent and expresse, and that the Offices consented to be truly understood. 2. That a written, or verbal covenant is of absolute necessity; or that men should tie themselves to any thing doubtful, or unnecessary, but only to the *relation* and *duties* of members (as of the universal so) of that particular Church. Both these extremes we do renounce. Mr. *Zachary Cawdry*, a Conformist, hath shewed in a particular Treatise for Church-covenanting, how far he is from the mind of those Objectors; for he would have the people engaged by covenant to their Bishops and Priests.

§ 14. To conclude, though we renounce fanatick Enthusiasts, yet serious consideration maketh some of us think, that too little notice is taken of the HOLY GHOST setting Pastors over the flocks, which the Scripture mentioneth: And though none on pretence of the Spirit must reject order or ordination, nor make themselves the sole Judges of their own sufficiency; yet 1. The due qualification of men with wisdom, faith, love, and heavenly zeal, and ability, is the most excellent part of our Calling to the Ministry. 2. *Ex quo vis ligno non fit Mercurius*; without necessary fitness no man is a true Pastor having not *dispositionem receptivam*: And without eminent fitness, few are eminently serviceable. 3. Experience assureth us, that though the Office hath supernumeraries, yet of worthy men God never yet raised up supernumeraries, but the scarcity is lamentably great. 4. All therefore that are duly qualified, and have opportunity, should be chosen, ordained, accepted, and accept the Call, if not offer themselves, in
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case they cannot otherwise enter. 5. The Ordainer doth but ministerially invest him with the power, whom the Spirit of God hath qualified for it, by the inward Call. 6. In case the Ordainers by envy, or malignity, or faction, refuse such, where there is true *Necessity*, and *Opportunity*, we conceive that mutual consent of the people and themselves, may suffice to the orderly admittance into the Office, much more if the Magistrate also consent: Of which see *Voetius de desparata Causa Papatus*, and a *Dispute of Ordination*, by R. B.



Three Venerable Monitors TO NON CONFORMISTS.

- I. *An Epistle of an African Council, (in Cyprian 68. p. 200.) to Fælix a Presbyter, and the Laity at Legio and Asturica: And to Lælius the Deacon, and the Laity at Emerita, concerning their Bishops Basilides and Martial who were Libellaticks*.*

* When persecution was hot, some that would not offer Incense at Idols Altars, nor renounce Christ, yet to save their lives did, through fear, in secret, hire another to subscribe their names to a sinful profession; and these were called *Libellatici*; and it troubled the Churches whether, and when they should be received to communion upon their repentance.

WHEN we were met together, most beloved Brethren, we read your Letters, which for (or in) the integrity of your faith, and the fear of God you wrote to us by our Bishops, *Felix* and *Sabinus*, signifying that *Basilides* and *Martial* being blotted (or defiled) with *Libels* of Idolatry, and guilty of heinous crimes, ought not to exercise the Office of Bishops, and administer the Priesthood of God: And you desired us to write back to you hereof, and that your necessary sollicitude might be

be eased either by the comfort, or the help of our judgment or sentence. But to this your desire, not so much *our Counsels* as *Gods Precepts* give an answer, in (or *by*) which it is long ago (or already) by the heavenly voice commanded, and By the Law of God prescribed, *who*, and *what* sort of men must serve at the Altar, and celebrate the Divine Sacrifices. For in *Exodus* God speaketh to *Moses*, and warneth him, saying, Let the Priests who draw neer to the Lord God be sanctified, lest God forsake them; and when they come neer to minister at the Altar of the Holy, let them not bring themselves into sin, lest they die. And in *Leviticus* God commandeth and saith, Let not the man that hath a blemish or vice draw neer to offer gifts to God.

2. Which things being already spoken and manifest to us, it is necessary that our obedience attend to God's commands: Neither may mans indulgence accept the person, or grant any thing to any one in such things where God's prescription, intercedeth and giveth a Law. For we must not forget what God by the Prophet *Esaias* saith to the Jews, reproving them, and angry with them, that contemning the commands of God, they followed the doctrines of men. *This people*, saith he, *honoureth me with their lips, but their heart is far separated from me; and in vain do they worship me, teaching the commands and doctrines of men:* which the Lord also in the Gospel repeateth and saith, *Ye reject the command of God, that you may establissh your own tradition.* Having these things before our eyes, and carefully and religiously considering them, in the Ordinations of Priests, we ought to chuse no Bishops but men unspotted and entire, who holily and worthily offering the Sacrifices

fices to God, may be heard in the prayers which they make for the safety of the people of God; seeing it is written, that *God* heareth not a sinner, but if any man worship God, and do his will, him he heareth. 3. For which reason, with full diligence, and sincere tryal, those men must be chosen to the Priesthood, whom it is manifest God doth hear. And let not the Lay-people flatter themselves, as if they could be free from the Contagion of the crime, when they communicate with a sinful Priest, and give their consent to the unjust and unlawful Episcopacy of their Governour, seeing by the Prophet *Hosea* God's censure threatneth, and saith, *Their Sacrifices are as the bread of sorrow; all that eat of it shall be defiled*: Teaching and shewing that all they do sin who are defiled by the sacrifice of a prophane and unjust Priest; which we find also manifested in *Numbers*, where *Corah*, *Dathan* and *Abiram* challenged to themselves against *Aaron* the license of sacrificing. The Lord there by *Moses* commandeth that the people be separated from them, lest being joyning to the offenders, they be guilty of their crimes. Be separated, saith he, from the Tents of those obdurate men, and touch nothing which is theirs, lest ye perish with them in their sins. 4. Wherefore the Lay-people, obeying the Lords commands, and fearing God, must separate themselves (*a peccatore prapósito*) from a sinful Prelate (or Pastor) and must not mix themselves at the sacrifices of a sacrilegious Priest; because *they chiefly have the power either to chuse Priests that are worthy, or to refuse those that are unworthy*: Which very thing, we see, descendeth from Divine Authority, that the Priest, the Lay-people being present, be chosen under the Eyes of

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All, and by the publick judgment and testimony be approved worthy and meet : As in *Numbers* the Lord commanded *Moses* saying, *Take Aaron thy Brother, and Eleazer his Son, and set them before all the Congregation on the Mount, and take off Aarons stole, and put it on Eleazer his Son, and let Aaron die there.* God commandeth that the Priest be made before all the Congregation; that is, he instructeth us, and sheweth that the Priestly Ordinations should not be done, but under the conscience of the assisting people; that the Lay-people being present, either the crimes of bad men may be detected, or the deserts of good men predicated; that so that Ordination may be just and legitimate, which hath been examined by the judgment and suffrage of *All*. 5. Which thing is after observed according to the Divine Magistracies in the Acts of the Apostles, when *Peter* spake to the Lay-people about Ordaining a Bishop in the place of *Judas*, *Peter*, saith the Text, stood up in the midst of the Disciples, for the multitude was together in one. And it was not only in the Ordinations of Bishops and Priests, but of Deacons also, that we note the Apostles to have observed this. Of which also in their Acts it is written, and the twelve, saith the Text, called together the whole Laity of the Disciples, and said to them. And the whole business is managed thus diligently and cautelously, the whole Laity being convocate, lest any unworthy person should creep into the Ministry of the Altar, or the place of Priesthood. For God himself manifesteth by the Prophet *Osee*, saying, *They have made themselves a King, but not by me;* that unworthy men are sometimes ordained by mans presumption, and that these things are displeasing

pleasing to God, which come not of a legitimate and just Ordination. 6. For which cause it is diligently to be observed and held as of Divine Tradition, and Apostolical Observation, which is held also with us, and in a manner (or almost) through all the Provinces, that to the right celebrating of Ordinations, all the next Bishops of the Province *come together to the Lay-people to whom the Bishop (propositus) is ordained*, and that a Bishop be made, the Lay-people being present, who most fully know every mans life, and discern every mans acting by his conversation; which we see done also with your selves in the Ordination of our Colleague *Sabinus*, that by the *suffrage* of the whole fraternity, and by the judgment of the Bishops, who at the present met, and who wrote Letters of it to you, the Episcopacy should be delivered to him, and hands should be laid on him instead of *Basilides*. Nor can it rescind the Ordination which was rightly perfected, that *Basilides*, after his crimes detected, and his conscience laid bare by his own confession, going to *Rome*, deceived our Colleague *Stephen*, who lived far off, and was ignorant of the matter of fact, and of the silenced truth, that he might compass to be unjustly replaced in his Bishoprick, from which he had been justly deposed. 7. The effect of this is, that the offences of *Basilides* are not so much abolished, as cumulate, that to his former sins, the crime of deceit and circumvention is added. For he is not so much to be blamed, that was negligently deceived, as he to be execrated that fraudulently deceived him. But if *Basilides* can deceive men, he cannot deceive God. For it is written, *God is not mocked*. Nor will fallacy profit *Martial* to keep him

him who is involved in great offences, from a right-
ful losing of his Bishoprick. Seeing the Apostle
warneth us, and saith, A Bishop must be without
crime as the Steward of God: Wherefore, see-
ing (as you wrote, beloved brethren, and as *Fa-
lix* and *Sabinus* our Colleagues assevere, and as
another *Felix* of *Cesar Augusta*, an honourer of
the Faith, and a defender of the Truth, signifieth
by his Letters) *Basilides* and *Martial* are conta-
minated by a wicked Libel of Idolatry. And *Ba-
silides*, besides the blot of this Libel, when he lay
sick blasphemed God, and confessed that he blas-
phemed, and because of the wound of his con-
science voluntarily deposing his Episcopacy, turned
himself to a repentance, begging pardon of God,
and being satisfied, if he might but communicate
as a Lay-man. And *Martial*, besides the filthy
and dirty feasts of the Gentiles, and the oft fre-
quenting of their Colledges, and the deposing his
Sons in the same Colledge after the manner of the
exterior Nations, in prophane Sepulchres, and bu-
rying them with aliens, did also by publick acts
with the Ducenary Procurator, testifie that he
obeyed Idolatry: And seeing there are many
other and great offences in which *Basilides* and
Martial are held guilty; in vain do such men en-
deavour to usurp to themselves the Office of Bi-
shops, when it is manifest that such kind of men
may neither be Guides of the Church of Christ,
nor ought to offer Sacrifices to God: Especially
when *Cornelius* also our Colleague, a pacifick and
just Priest, and honoured by God's vouchsafement
with Martyrdom, did with us, and all the Bishops
settled in the whole world, decree, that such men be
not admitted to Repentance, but that they be pro-
hibited

hibited from Clergy Ordination, and Priestly honour. 8. And let not this move you, most beloved Brethren, if with some in the last times, their slippery Faith do nod, and their irreligious fear of God do shake, or pacifick Concord persevere not: It was foretold that these things would be towards the end of the world; and by the joynt-witness of the Apostles it was foretold, that the world declining, and Antichrist drawing near, all good things would fail (or decay) and evil and adverse things increase (or prosper.) And yet, though it be in the last times, neither is Evangelical vigor so fallen in the Church of God, or doth the strength of Christian Virtue or Faith so languish, but that there remaineth a *portion* of *Priests*, which yields not to these ruines of things, and shipwrack of Faith, but as strong and stable do with observation of fear maintain the honour of the Divine Majesty, and the Priestly dignity. We remember and hold, that when the rest did yield and fall, *Mathathias* did valiantly defend the Law of God: And that when the Jews failed and departed from Divine Religion, *Elias* stood and strove sublimely: That *Daniel*, neither deterred by the solitude of a strange Country, nor by the infestation of daily persecution, did frequently and valiantly give glorious testimonies (or Martyrdoms) and that the three young men, neither broken with years, nor threats, did faithfully stand out against the *Babylonian* fires, and even in their captivity conquered the conquering King. 9. The number (or party) of prevaricators or trayors that now *rise up in the Church against the Church*, and have begun to spoil both Faith and Verity, shall see it; that yet with the most there remaineth

eth a sincere mind, and entire Religion, a soul devoted to none but their Lord and God ; and that other mens perfidiousness doth not depress the Christian Faith to ruine, but doth more excite it, and exalt it unto glory. Even as the blessed Apostle *Paul* exhorteth and saith, *What if some of them have fallen from Faith? shall their unbelief make void the faith of God? God is true, and every man a lyar: And if every man be a lyar, and God only be true, what else should we, Gods servants, do, and specially his Priests, but relinquish the errours and lies of men, and keeping the Lords commands, remain in the truth of God? 10. Therefore, most beloved brethren, though there have been some of our Colleagues, who think that the Divine Discipline should be neglected, and do rashly communicate with Blasphemes and Martial, that ought not to trouble our Faith, seeing the Holy Ghost in the Psalms doth threaten such, saying, Thou hatedst Discipline, and hast cast my words behind thee: If thou sawest a Thief, thou concurredest with him, and didst place thy portion with Adulterers. It sheweth that they are made Consorts and partakers of other mens sins, who have been coupled with the sinners. And *Paul* the Apostle writeth the same thing, and saith [*Whisperers, detractors, haters of God, injurious, proud, boasters of themselves, inventers of evil things; who when they knew the judgment of God, they understood not that they that do such things are worthy of death; not only they that do them, but they that consent to them that do them. He saith, that They that do such things are worthy of death.. He manifesteth and averreth that not only they are worthy of death, and come to punishment who do the evils, but they**

they also who consent to them that do such things; who while by unlawful communication they are mingled with bad men, and sinners, and impenitent persons, they are polluted by the contact of the guilty; and while they are joyned in the fault, they are not separated in the punishment. Wherefore, most beloved brethren, we both praise and approve the religious care of our integrity and faith; and as far as we are able by our Letters, exhort you, that you do not by sacrilegious communion mingle your selves with prophane and blotted Priests (or Bishops;) but in religious fear do keep entire and sincere the firmness of your Faith. I wish, most dear Brethren, your continual welfare.

II. *A Letter of the famously Learned and Holy Robert Grosthead, Bishop of Lincoln, to Pope Innocent the fourth, and his Cardinals, containing the reasons of his Nonconformity to their Commands; Translated out of Matth. Paris, An. 1253. pag. 871, 872.*

SAith *M. Paris*, In these daies when the Lord Pope Innocent the 4th. had signified by his Apostolick Writings, commanding the Bishop of Lincoln that he should do somewhat which he took to be unjust, and dissonant to reason, as he frequently did to him and other English Prelates; he wrote back to him in these words [*Be it known to your discretion, that I devoutly and reverently, with filial affection, obey the Apostolical Precepts: And being zealous of the paternal honour, I am against and resist the things which are against the Apostolical mandates* For

For I am bound to both by Gods Commands: For the Apostolick mandates, neither are, nor can be any other, than consonant and conform to the Apostles Doctrine, and to the Doctrine of our Lord Jesus Christ himself, the Master and Lord of the Apostles, whose type and person the Lord Pope chiefly beareth in the Hierarchy of the Church*. For our Lord Jesus Christ himself saith, He that is not with me, is against me. But the most Divine Sanctity of the Apostolical Seat, is not, nor cannot possibly be against him (Jesus Christ) Therefore the tenor of the foresaid Letter is not consonant to the Apostolick Sanctity; but very much absouant and discordant: First, because of the superaccumulated Non obstante of that Letter, and such like, that are dispersed far and wide, not brought in by any necessity of observing the Law of Nature; whence a deluge of inconstancy, audaciousness, and proacuity, immodesty, lying, deceiving, hardly believing or trusting any doth arise: And from these a deluge of innumerable vices, moving and troubling the purity of the Christian Religion, and the tranquility of social humane conversation.

Moreover, next after the sin of Lucifer, which in the later times will be also the sin of Antichrist the Son of perdition, which the Lord will destroy with the spirit of his mouth, there neither is, nor can be any other kind of sin so adverse and contrary to the Apostles and the Evangelical Doctrine, and so hateful, detestable and abominable to our Lord Jesus Christ himself, as to kill and destroy souls by defrauding them of the care of the Pastoral Office and Ministry: Which sin they are by most evident

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* It must be known that this Bishop lived in the depth of Popery, and acknowledged the Popes Power, as men do now the Bishops.

testimonies of Sacred Scripture known to commit, who being placed in the power of Pastoral Care, do get the salary of the Pastoral Office and Ministry, from the milk and fleece of the Sheep of Christ, who are to be made alive and saved, but administer not their dues. For the very not administering of the Pastoral Ministeries, is, by the Scripture Testimony, the killing and destroying of the Sheep. And that these two sorts of sins (though with disparity) are the worst, and inestimably superexcelling every other sort of sin, is manifest by this, in that they are (though with disparity and dissimilitude) directly contrary to the two said existent things that are best: For that is the worst thing that is contrary to the best: And as much as lieth in the said sinners One of these sins is the destruction of the very Deity, which is superessentially, and supernaturally Best; the other is the destroying of the Deiformity and Deification, which is Best Essentially and Naturally by the gracious participations of the beams of the Deity. And because, as in good things, the Cause of good is better than its Effect; so also in evils, the Cause of evil is worse than its Effect. And it is manifest that the Introducers of such most evil Murderers of this Deiformity and Deification in the Sheep of Christ, in the Church of God, are worse than these most evil Murderers themselves, and neerer to Lucifer and Antichrist; and in this peiority they are gradually the worst, by how much they superexcel, who were more obliged to exclude and extirpate such destroyers from the Church of God, by the greater and diviner power, given them by God for Edification, and not for Destruction. It cannot be therefore that a most holy Apostolick Seat (to which

by our most holy Lord Jesus Christ, all power is given, as the Apostle witnesseth, for Edification, and not for Destruction) should ever command, bid, or any way endeavour any such thing, or any thing verging towards such a sin, so odious, detestable and abominable to our Lord Jesus Christ, and so utterly pernicious to mankind. For this were either a defection, or a corruption, or an abuse of his evidently most holy and full power, or an utter elongation from the Throne of the Glory of our Lord Jesus Christ, and the nearest coassession in the Chair of Pestilence, to the two foresaid Princes of darkness, and of the pains of Hell. No one that in immaculate and sincere obedience is subject and faithful to the same Seat, and not by Schism cut off from the Body of Christ, and the same holy Seat, can obey (such) Mandates or Precepts, or any endeavours whatever, whencesoever they flow, though it were from the Supreme Order of Angels*, but must necessarily with his whole power contradict them and rebel: Wherefore, Reverend Lords, from the duty of obedience and fidelity, which I owe to the Parent of the holy Apostolical Seat, and out of the Love of Union in the Body of Christ with it, I do alone (unice) filially and obediently disobey, contradict and rebel against the things contained in the foresaid Letter, and especially as is before touched; they most evidently verge towards the sin which is most abominable to our Lord Jesus Christ, and most pernicious to mankind; and are altogether adverse to the sanctity of the Apostolical Seat, and are contrary to the Catholick Faith. Nor may your discretion therefore determine any thing hard against me, because all my contradiction and action in this Cause is not in-

* Or Anglorum, for its a various Lesson.

deed contradiction or rebellion, but a filial honouring of Gods command due to a Father, and of you. Briefly recollecting all; I say, that the holiness of the Apostolick Seat can do (or hath power to do) nothing but that which tendeth to edification, and not to destruction *.

* But a Papist will say, who shall be judge? As if all men were not to be discerning Judges of truth & duty.

For this is the plenitude of power, to have power to do all to Edification. But these that they call [Provisions] are not for Edification, but for most manifest Destruction. Therefore the Apostolick Seat cannot accept them, because flesh and blood, which shall not possess the Kingdom of God, hath revealed them, and not the Father of our Lord Jesus Christ, who is in Heaven.

III. *Bishop Sanderson in his Oxford Prelections de Juramento, saith, as followeth, (The Reader is desired to see his whole words, that he say not they are mangled, or any thing omitted which he would have had put in; and to consider how far the case of Oaths, and Covenants, Promises or Professions is the same.)*

PAge 30, 31. 1. Simplicity above all things becometh an Oath: That is, The nature and obligation of an Oath is such, that whoever shall bind himself by so sacred a bond to do any thing, he may be altogether held by the Religion of an Oath, and seriously from his heart intend, and as much as in him lieth, diligently endeavour faithfully to do all that which he hath promised

to do, without all craft, fraud, or ill deceit or dissimulation. (See the rest there.)

Page 32 33, 34. Contrary to this simplicity of an Oath, are two sorts of simulation; one as to the foregoing part, which is either antecedent or concomitant with the act of swearing: of which, though the former be the worser, yet neither of them is free from perjury. *David* seemeth to comprehend both in *Psal.* 15. and 24. [*He that sweareth not deceitfully, that is, with a mind to deceive---And He that sweareth to his own hurt, and changeth not*] that is, who when he hath bound himself by an Oath, will rather, even to his own great loss, perform that which he incommodiously swore, than for any temporal commodity violate his faith,---These things the greater part of men now in being, seem to me not to think of, or not seriously; who fear not to swear without any ambage prolixly, and in the very words, whatsoever is proposed to them, by such as have power to do them hurt: Yea and think themselves the only wise men, and disdainfully deride their simplicity and vain fear, who, lest they hurt their consciences, forsooth, do seek a knot in a rush, and vex (or solicit) the *forms prescribed* by such as can proscribe them: And they securely free themselves from all crime and fear of Perjury, and think they have well cared for themselves and their consciences, if when they swear, like the Jesuits, they can but any how defend themselves, by tacite equivocations, or mental reservations, or subtle forced interpretations, and quite alien from the words: Or else after they have sworn, can find out some artificial evasion, as a hole to get out by, as the *σποδὶν ἀπομνησκον*, by which so to defraud the Oath,

that taking the words, yet the sense may be eluded by some Sophism, and all the force of it wholly be enervated. The old Christians received not this Theology: The sounder Heathens received not this Moral Philosophy: Much otherwise out of them, saith *Augustine* ["*They are perjured who keeping the words, deceive the expectation of them that they swear to*] And otherwise, saith *Cicero*, ["*That is to be kept which is so sworn as the mind of the Imposer conceived it should be done.*] Read the proofs, p. 34, &c. 1. From many Texts of Scripture: 2. From God's own example: 3. From the nature of Truth: 4. From the end of an Oath, p. 38. which is the confirmation of a doubtful matter; that is, that of things otherwise uncertain and depending on humane credit, there should be had such certainty as humane affairs require. For an Oath was instituted by God, by force of the Light of Nature, for a remedy of humane defects about Truth; that among mortals it should be Truths last garrison as oft as all other kinds of proof do fail. But this end would be wholly overthrown, and there could be no certain credit among men, if it were free for the swearer, at his own arbitrement, what he speaketh in words to cause belief, by some tacite ambiguity in swearing, or after he hath sworn, by finding out some new, and as it were, posthumous comment so to disble it, as that it shall lose all its force, and be utterly ineffectual. If either of these were lawful, an Oath should not be the end of strife, but the beginning, and should rather give occasion for new contradictions and strifes, than end the old ones. Open but this window once, and then what can be thought of so false, for the defence
whereof

whereof some effuge or lurking-hole may not be devised, whereby it may be freed from being a lie. In the mean time, what perverseness is it that That should by dishonest men be turned into an instrument of deceiving, which was instituted by the most wise God to be a help to credit (or mens belief of one another?) Verily, unless one will rather use God's sacred institution to another purpose, than that to which it was instituted (which a godly man will not easily do) that which is the end of an Oath, the same ought to be the end of the swearer: And that is, so to make the hearer to believe, that he may become more certain and secure of the Truth of that which before was doubtful. But he that dissembleth, studieth to breed a false belief in the hearers, and so doth not only suffer another to be deceived (which yet is contrary to Charity when he may and ought to hinder it;) but also intendeth to deceive; which is not only against all Justice and Honesty, but it is also conjoynd with the greatest wrong to God, and contempt of his name. And verily to me scarce any other sort of *Perjury* doth more diametrically seem to be against either the scope of the third Commandment, or the very words (of not taking the name of God in vain) than that which ariseth from this dissimulation. For as the word Vanity doth properly and adequately comprehend all that which is any way false; so in a certain peculiar sort, and most properly, that which is so false as yet to bear a shew of Truth. (See the rest.)

The second which pertaineth to the interpretation of an Oath, is this, *The Obligation of an Oath is of strict right.* That is of so just an interpretation

tion of right, that the words of the Law may not be drawn further than is meet for the sake, or favour of any party; nor constrained to serve any mans fact or commodity. In a word, *strict Right*, is not here taken so as to exclude an interpretation tempered with equity, but to exclude an interpretation of Law (or right) corrupted by favour (or for any ones sake)---The extreams are *A Rigid* interpretation, and *A Favourable*---*A Just* interpretation is the mean between both, which searcheth after the true and genuine sense of the Law, without respect at all to persons, out of natural equity and justice, and from the words themselves, as they agree with equity and justice. And if this may be plainly made out in the words themselves, that it is in every case simply to be retained.--- See the rest.

P. 45. When I say that an Oath is of *strict right*, it is so to be understood, that the meaning of the Oath, which is plain enough in the words, is always to be held. But where the sense is doubtful, every one must take great heed, lest we too much indulge our selves, and our own affections; and lest we grant our selves too liberal and lax a license of interpreting, that we may the easilier get our selves out of the bond of the Oath which we are tyed by; and lest we fasten (or feign) any sense on the Oath taken, or on any part of it, for our own commodity or profits sake, which any other pious and prudent man, of a freer judgment as not interested in the cause, would not easily draw from the very words themselves.

The Reason is twofold; one in respect to others, for fear of scandal, lest any that is weak, drawn by our example, think he may do that which he seeth

us do, though unacquainted with those subtilties, by which only we use to defend our selves from the crime of Perjury. The other in respect of our selves, for fear of perjury; which most grievous crime undoubtedly we commit, if that more benign interpretation chance to deceive us, which made us bold to take the Oath. This reason resteth on that general, and most profitable rule, which bids us *[in doubtful cases take the safer side:]* But it is the safer *not to swear, when the words of the proposed Oath, according to the common and obvious sense of the words, seem to contain somewhat unlawful in them;* rather than by a *Lax Interpretation* so to soften them for our own use, that we may the more securely swear them: Seeing we know that such an Oath may be refused without danger of perjury, but we know not that it can be taken without danger or fear of it.

P. 46, 47, 197. Yet we must take heed that this *strict* interpretation turn not into a Rigid one-- of common right these exceptions and conditions (of promissory Oaths) are ever understood: *[1. If God permit: 2. Saving the Right of others. And, as far as is lawful; saving the Right of Superiours: 3. Things standing as they do, or in the same state: As far as I am able, &c.]*

P. 49. But if any admit more dubious exceptions-- he boldly and rashly removeth God's boundaries of an Oath, and openeth a wide door to all kind of Perjury.

P. 193. The third Case is, when one imposeth an Oath of an ambiguous sense, only requiring that those words be sworn, permitting the swearer to understand the words in what sense he will: I say, it must deservedly be suspected that an Oath offered

offered on such a condition hath some latent ill deceit, and therefore is to be refused by a pious and prudent man; & to me seemeth to be disallowed for three causes: 1. In respect to the Oath it self, in which *Truth* is first required: But a speech of indefinite and ambiguous sense before distinction made, is no true proposition; yea, no proposition at all; when a proposition, as Boys know, should signifie truth or falsehood without ambiguity. 2. In respect of him to whom we swear: For the proper end of an Oath is, that he to whom it is made have some certainty of a thing before uncertain. 3. In respect to the swearer himself, who if he take an Oath in such condition, prepareth either a scandal for his neighbour, or a snare for himself. For such collusion cannot be imagined to look any other way, than either to draw others by our example to take the same Oath (though with a reluctant conscience) which is to scandalize our neighbour: or that somewhat else be after required of us to be done by virtue of that Oath, which is either unlawful, or incommodious; which is to lay a snare for our selves. Let a wise man therefore take heed that he suffer not himself to be imposed on by these Arts; or lest he so much value the favour or fear of any other man, as to swallow the bait when he knoweth that the hook is under it. Verily, that all may be rightly done when you swear, it is expedient that all parties be clearly agreed of the sense of the words that are interested in the matter; which by the Antients was called [*Liquido jurare*]

Scis tamen, & liquido juratus dicere posses.
And in the old form, he that imposed the Oath was wont to say to the swearer [*Qui de re peto liquido*

liquido jures] (that is, [Of which I require thee to swear plainly.]

P. 55, 56. The question, *Whether this or that Oath be lawful?* much differeth from this, [Whether this or that Oath bind?] For though it be certain that we ought not to take the Oath, which we know that we ought not to keep; yet it may come to pass, and often doth, that we ought to perform that which we ought not to have taken. *Joshuas* Covenant with the *Gibeonites*, is a most clear example of this. -- An Oath may be said to be unlawful two waies; either as to the *matter sworn*, or as to the *Act of swearing*. An Oath unlawful as to the matter sworn, bindeth not at all. An Oath unlawful in respect to the *Act of swearing*, bindeth, unless otherwaies hindered.

P. 74, 75. A thing lawful in it self may be unlawful by accident; -- as by the error of the swearer, or the ill effect of the thing sworn. The third Case is, *When one promiseth by an Oath to do somewhat perhaps lawful in it self, which yet he thinketh unlawful, or at least feareth lest it be not lawful:* As if any one before these times, admitted to an Ecclesiastical Benefice, had *promised* to observe in Publick Worship all the Rites commanded by the Ecclesiastical Laws, as the Surplice, the sign of the Cross at the sacred Font, kneeling in receiving the Sacrament, and such like, which yet by some light prejudice he thought were superstitious and Popish. The question is, *What obligation there is in this case?* I say, 1. Such an Oath cannot be taken during such error, without grievous sin. For he sinneth grievously that sinneth against his conscience, though erroneous. For when the Judgment of the Intellect is every ones nearest Rule

Rule of action, the will, if it follow not, that judgement failing from its Rule, must needs be carried into sin. It's a common saying, [*He that doth against his conscience, buildeth to Hell.*] Verily he that sweareth what he thinketh unlawful, would swear if it were indeed unlawful; & that becometh unlawful to him that is lawful to another; as the Apostle judgeth, *Rom. 14. 14.* ---2. *I say, such an Oath doth not bind*--- Because an Oath cannot take away a former obligation, nor induce another obligation contrary to it. But that Oath which is taken against the dictate of conscience, had a former obligation arising from that dictate. For the dictate of conscience, whether right or erroneous, alwaies obligeth, at least not to act against it. But a following Oath cannot remove that obligation, but is it self invalid, and loseth its obliging force. 3. But if the swearer after better taught, do see and correct his error, the Oath which bound him not before, beginneth then to bind him.

P. 77. Other Cases there are of things by Accident unlawful, by reason of ill effects of the thing it self; as it may be a hinderer of a greater good, or a cause, at least an occasion of evil.--- The fourth Case is, when the thing sworn seemeth unlawful, as hindering the effect of some antecedent good, as of a Vow or Promise made before: As if one that had before-hand bound himself to some work of Piety or Charity, after take an Oath that hindereth the fulfilling of the former Vow. As if one that vowed to give half his gain weekly to the poor, shall after swear to give it all to the war:--- This case hath no difficulty; I plainly answer,--- such an Oath is neither lawful nor obligatory, because that the former obligation,

whence-

whencesoever contracted, whether by Covenant, or by Vow, or by bare Promise, or by meer Office (or Duty) remaineth valid, and puts a bar to every following contrary act.---

(Read *Præl.* 4. § 11, 12, 13, 14, 15. what he saith for the obligation, 1. Of spontaneous Oaths; 2. Of Oaths caused by fraud; 3. Or by fear extorted; 4. Even of Oaths to Robbers.)

P. 110. 3. He that taketh an Oath imposed by one that had no just authority, but not otherwise vicious, is bound to perform what he swore.

(Read p. 175, &c. what he saith at large against equivocation, stretching reservations, as opening the door to all lying and perjury, and frustrating the end of Oaths.)

P. 195. Of the latitude and extent of an Oath,

How far the sense is to be measured by the scope *: As when the Cause of the Oath was particular, but the words are general, e. g. The Popes Usurpation was the Cause

* As of Assent and Consent to the Use of the Liturgy, &c.

of the Oath of the Kings Supremacy: --- But the words of the Oath so assert the Kings Supremacy, as exclude all others as well as the Pope, from exercising supreme Power in this Kingdom: *Ans.* Such an Oath obligeth as to the words themselves in their utmost latitude: The Reason is, because the intention of the Law, though made on a particular occasion, is general, to hinder all inconveniences of the same kind for the future.---As Lawyers fetch not the sense of Laws from the Proem, but from the body of the Statute, so we must judge of the just interpretation of an Oath, not by the promised recognition, or other preface, but by the body of the Oath it self.

P. 208.