

T H E
COVENANTERS PLEA
A G A I N S T

Absolvers.

Or, a M o d e s t

DISCOURSE

S H E W I N G

Why those who in *England & Scotland*
took

The Solemn League and Covenant,

cannot judge their *Consciencs* discharged from the *Obligation* of it,
by any thing heretofore said by the OXFORD MEN , or lately by
Dr *Featly*, Dr. *Gauden*, or any others.

In which also several Cases relating to

PROMISORY OATHES,

and to the said C O V E N A N T in special, are spoken to, and
determined by Scripture, *Reason*, and the joynt Suffrages of
Casuists, Contrary to the indigested
Notions of some late Writers; yet much to the
sense of the Rev. Dr. SANDERSON .

Written out by THEOPHILUS TIMORCUS a Well-wisher to Students
in Casuistical Divinity.

(*Greek sentence here*)

Menander,

L O N D O N

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The Portraiture of his Sacred Majesty in his Solitudes &c. Chap. 14. upon the Covenant;

“As things now stand, good men shall least offend God or me, by keeping their Covenant, by good and lawful means, since I have the Charity, to think, that the chief End of the Covenant in such mens Intentions, was to preserve Religion in Purity, and the Kingdom in Peace.”

AUTHOR'S PREFACE

Honourable Senators!

§.1. THE Name of a GOD hath ever been esteemed so sacred, the Reverence of Oathes so great, and the sin of Perjury so infamous, even amongst those *who knew* not God, but *knew by nature the things contained in his LAW*, that if any man speaks at an advantage to his brother, he may promise himself the highest improvements of it, who pleads, that the holy Name of the Lord may not be profaned, that the highest security for mens faith may not be violated, and that the guilt of Perjury may not be incurred.

§.2. Thus (*Noble Senators*) is the argument of the following sheets, and we think ourselves happy that we shall speak for our God, and for our own souls before you, touching all things whereof we are accused; and touching a most sacred oath which we have taken with the highest Solemnities that have ever attended any publick action; especially because we know that many of your souls are bound in the same Bond with us, and that our selves were brought into it by that *Authority* which God hath now devolved into your hands, and that you are expert in all *customs and questions*, which relate to the *English Laws and Liberties*, and we know also, that you *believe the Scriptures*; We beseech you therefore to hear us patiently.

§.3. We fear the great and living God, who hath said, *You shall not swear by my Name falsely, neither shalt thou profane the Name of thy God*: Having therefore *at the Command of Lords and Commons Assembled in-Parliament*, Anno 1643, 1644. *lift up our hands unto God, and sworn; that we would endeavour the extirpation of Popery. and Prelacy, that is, the Government of the Church by Archbishops, Bishops, Deans, Deans and Chapters, Prebends, Chancellors, Commissaries, Archdeacons, and other officers depending upon that Hierarchy*; we cannot go back, either by endeavouring to *build what we have destroyed*, or by any positive owning of any such Ecclesiastical Authority; though we acknowledge our selves obliged by all sacred Bands, to be actively obedient both to the *King as Supream*, and likewise *to the Parliament* in all things where he *who is higher than the Highest*, hath not by his Command superseded such our *Allegiance*, and where the salvation of our immortal souls is not hazarded: And (which God forbid) if any thing of that nature (should by any mistake) be commanded by you, we humbly acknowledge it our duty (without any thoughts of rebelling against you) to exercise our *Faith and Patience* in suffering what shall be imposed upon us, committing the cause of our souls to him who *judgeth righteously*.

§.4. For our Consciences in this thing (*most noble Senators!*) are we this day called in question, and judged for what we do in *obedience* (as we humbly conceive) to the holy Law of God: For this *Conscience sake* in reference to our oath are we accused by our Brethren.

§.5. Out of the Conscience of that Oath it was, that many of your selves have suffered and done many things, both in opposition to the late usurpations of Government, and for the restoring of his most Sacred *Majesty*; you have not also wanted Companions in your Sufferings, from our inferior Orbe, where many have been found, who that they might keep their souls clear from so high a guilt, as that of *Perjury*, have not only been content, to deny themselves advantages of preferment, but to suffer the loss of *Life, Livelihood, Liberty*, to be *Exiles* in a strange Land, and to forsake whatsoever hath been dear to them.

§.6. We are now told (Right *Honourable*)that all your and our Sufferings upon this account were *in vain*, for the *Oath of God*, which we so reverence, was *ab initio* null and void; That the matter of it was *sinful and unlawful, seditious, schismatical*, That *the power imposing it, was unlawful, the design of it, Rebellion and Faction, that it was a forced Oath, &c.*

§.7. We know, and are assured, that this cannot be the sense of your Honours concerning it; For *whose were the votes and Ordinances*, by which our souls were engaged in that Sacred Bond: Certainly by the men whose these were, our Consciences are *with child with this Oath*, and we have so reverent thoughts of your *Honours* charity, that you will so far contribute to our safe delivery, that we shall not die for want of that help which you can give us.

§.8. Yet because not only our private *Honour*, but the *Honour* also of the *English Parliament* and Nation are (as we humbly conceive) deeply concerned, in our vindication as to this Point, we have thought it our duty, to lay at your *Honours feet* a just *Apology* for our selves, and for the *Oath* which at the command of some of your *Honours*, we have taken; together with our PLEA in vindication of the Parliament of *England*, from that *Irreligion* which some have charged upon them, in imposing an Oath *contrary to the Law of God*; that *Ignorance* which others charge them with, for commanding an Oath *contrary to the Laws of the Nation*; yea, from that want of *common sense*, which others impute to them in the contrivement of an Oath so full of *contradictions*, both to former Oaths, and within itself, that (forsooth) it must needs be *felo de fe*, and die, if not by the wounds of *former Obligations*, yet by the ill-favoured hands of its own *nonsense or self-contradiction*.

§.9. As to our concernment (most noble Patriots) upon whom, *the ends of the time of Reformation* are come, we are not so much concerned now to enquire, *whether the imposing and taking of that Covenant, at first, were lawful yea or no?* Our Question is, *Whether we having taken it, are not now bound to keep it?* The most therefore of Dr. *Featly's* and the *Oxford Reasons* against the Covenant, signifie nothing to our present case. Dr. *Gawden's* late Arguments signifie as little, many of them were considerable before the taking of *the covenant*, but argue insufficiently for the *violation or irritation* of it, but as to that Point, are clearly, (*greek word*)

§.10. It is agreed by the eminently Learned and Reverend Dr. *Sanderson* and all Casuists, That an Oath may be unlawful *respectures juratae, or respectu actus jurandi* ; with respect to the thing sworn, (*ie. the matter of it*) or in respect of the *Act of swearing*; What Oath soever a man

takes (unlawful in the first sense) doth not oblige; But an Oath unlawful in the second sense, when once taken, doth oblige. Our question is not about the lawfulness of taking the Covenant, but the necessity of keeping of it, by such as have no desire to seal up their souls to damnation, and sacrifice their honour to a reproach before the world.

For, Perjurii poena divina est exitium, humana dedecus (saith Tully.)

§.11. Dr. *Gawden*, and one Mr. *Rowland* have expresly spoken (or at least pretended to speak) to the true question, but with what success, the first hath done it, will be discerned by that excellent Answer which Mr. *Crofton* hath given him, which might have superseded any further pains, if there had been no cause to add something to some Pleas made or further improved by others, and to second Mr. *Crofton* with the Suffrages of Casuists, and especially, of Dr. *Sanderson* in the case; and for the other, we judge him not worthy our notice.

§.12. It was *Augustines* opinion, that although *Pelagius* was fully answered, yet every one should write against such a common enemy of the Gospel. It is our Opinion, that those who any waies contribute, to bring souls under the dreadful guilt of swearing falsly, are such common enemies to *Christianity*, yea to *mankind* (an Oath being the common security of the Sons of men) that those who go about to invalidate it, having their hands against all men, deserve to have *all mens hands against them*; as doing that which is *not pleasing to God*, and *contrary to all men*.

§.13. We cannot but admire the Religion of our Late Famous Sovereign, *Ch. the First*, a man of much sorrow and Afflictions, and to whom it was continually suggested, that the *Covenanting Party of the Nation* were the Causers of them (though indeed some of the *Prelates* were the true and proper cause, by exasperating his Subjects, by their illegal and enormous actions) yet in the midst of these sufferings, he is found thus speaking in his *Meditations* upon the Covenant :

"As things now stand, good men shall least offend God or me, by keeping their Covenant in good and lawful waies; since I have the Charity to think, that the chief end of the Covenant in such mens intentions, was to preserve Religion in purity, and the Kingdoms in peace."

§.14. By which expression, not only your Honours, and all sober men may judge, what an insufficient Plea in conscience they bring, to absolve us from the Covenant, who plead his Majesties *dissent* at first declared, and afterwards continued, as to the imposing of it upon others: But you may also discern, that his Sacred *Majesty* had more Charity, for those of your *Honours*, who took *that Covenant*, than our late *Absolvers* have, who can see no end in the giving or taking of it, but *Faction and Rebellion*, and we know not what: As also that his *Majesty* had more Godly jealousy for the soules of his people ingaged in it, that they might not be destroyed by *Perjury*, than some late *Casuists*, whose proper Office it should be to *watch over soules*. The Lord lay not their sin to their charge.

§.15. But (Right Honourable) above all things that they talk, there is nothing (considered as a Reproach) more intolerable unto us, or (considered as an Argument) more ridiculous to all that shall hear of it, than what they urge (in order to the absolution of their credulous Proselytes) from the high presumptions of those, who having engaged in the same Covenant with us, so horridly violated the Oath of God, in the murder of his Majesty (of Glorious Memory)&c.

§.16. His Majesty (in the midst of his Exile) was pleased (in his Instructions to him who is now Lord *Chancellor*) when he was sent Ambassador for him into *Spain*, to do the Nation of *England* that justice, as to declare those Actions, as Actions only of an inconsiderable Faction of *Miscreants*; and your Honours have been pleased to take notice of his Majesties justice in it; as likewise (in your first answer to his Majesty) to declare, That if the *Parliament* (the *Covenant-imposing Parliament*) had not been broken by A mutinous Army, those things could never have been done. Our Brethren know, that divers of those who took the Covenant, sacrificed their lives unto death, in opposition to the violaters of the Covenant: That for their adherence to it, the *House of Lords* was broken up, 200 Members of the *House of Commons* were secluded, that of those who remained, the number was very few, that consented to those horrid actions; that our Brethren of *Scotland* offered their lives and liberties in that Sacrifice; that the Ministry of *England* openly declared against it, to that height which caused the ruine of some of them, & made their whole Party odious to the Usurpers, and such as they would never own or trust: And therefore we cannot but think it a great want of Truth and Charity in our Brethren, to charge those things so generally upon the *Covenanting Party* of the Nation; who (we humbly conceive) have done more in order to the Ends of the *Covenant*, relating to his Majesties Concernments, in the day wherein the *Covenant* was to be pleaded on their behalf , than any of those did, who now are now so free to lay these things to their charge.

§.17. It is a piece of new Divinity to us, that if five hundred take an Oath, and five of them violate it, the rest are all absolved from the Obligation of it: Yet the disproportion is far greater betwixt those who took that Covenant, and those who so violated it, both as to their number and quality.

§.18. The Oath of God (Right Honourable) is upon us, and we are afraid because of it; we have sworn to endeavour the Reformation of the Church of God in *England* in Doctrine, Worship and Discipline, according to the example of the word of God, & the best Reformed Churches: To endeavour the extirpation of Popery, Prelacy: If this Oath be obligatory, we cannot break it, without the highest presumption of wickedness, and therefore must be Sufferers under the old Constitution of Ecclesiastical Government, and forms of Worship in *England*, if it be restored. We know your Honours will be tender of enforcing any to suffer for Conscience sake; and therefore humbly beg, that you would weigh our Answers to the flighty and Atheological Pleas of those who pretend to prove the Covenant void and not obligatory. What they say, appears to us to be against Scripture, Reason, and the judgment of all sober Casuists, and we believe will so appear to you.

§.19. The Princes of the greatest Congregation of *England* (Right Honourable) i.e. The Lords and Commons Assembled in Parliament, were those who sware, and who engaged us to swear. If our Adversaries may be believed, the design of the Oath was to engage the Scots in the Parliaments quarrel (His Majesty then living, as we said before, had more charitable thoughts) sure it is, that it was a mutual stipulation between the Scots and us. Casuists say, that my Oath doth not bind my Heir (which is true in some cases) but they as generally agree the real obligation of an Oath, is to the person to whom we swear for their advantages. We are sure, the Jews which were punished with three years famine in Saul's time, were none of those who had personally sworn to the Gibeonites, in the time of Joshuah, yet God revengeth their Breach of their Fathers Oath upon them. It may be worthy of your Honours consideration, whether the

Obligation contracted by Oath, by the *Lords* and *Commons* Assembled in Parliament, 1643, 1644. do not bind the Noble *Lords* with your selves, who this day make up those *Honourable Assemblies*, though personally you never were engaged in it.

§.20. However, we know and believe, that your Honours will be so jealous for the Glorious Name of God, so tender of the Souls of the People in these Nations engaged in that Sacred Bond, and so afraid of the wrath of God revealed in his Word, and by his Providence, against those who have made others Sufferers for righteousness sake, and so careful for the Honour of the Nation, that you will not by any Act of yours, contribute to any of these ends, which will all be the certain consequents of the violation of that Sacred Oath;

§.21. For as it cannot be imagined, but that your *Honours* Authority, establishing any thing contrary to that Oath, will be a temptation to many, to break that sacred Bond; so it can as little be thought, but that there will be many thousands in England, who will believe that nothing can discharge their Consciences from the Obligation of the Oath of God which is upon them, and therefore will be obliged to go chearfully into the Prisons which shall be provided for them, and to suffer any thing, rather than to sin against the Lord by such a presumptuous transgression.

§.22. Besides this, we most humbly beseech your *Honours* to consider, whether the things endeavoured to be restored, have upon former experience proved, or may probably be judged like to prove of such advantage, either to the civil or religious interests of *England*, as may be fit to be laid in the Ballance with the laying aside so many hundreds (if not thousands) of Godly Ministers, and the sufferings and undoing, of so many peaceable and godly people as will be laid aside, and made sufferers by the restoring of things, in the Church to their former state, after an Oath taken to the contrary.

§.23. Many of your Honours we know have not yet forgotten, how many hard things were suffered in former times, by many Godly people in this Nation; because in Conscience they could not submit to these things; how many of the *Kings* Subjects were (to the weakening of the Nation) driven into Forreign Lands, to the undoing of themselves and their Families; how by this means divers. Mysteries of Trades of manufacture (in which the wealth of this Nation much lay) Were communicated to other People; all which things formerly were judged worthy of *Parliamentary* Consideration.

§.24. We humbly beseech your *Honours* to consider, whether the same persons, in most places of *England*, be not again endeavouring to be possessed (if they be not already invested) with the same power, and whether (after twenty years suffering) it be probably to be conceived, that they are less full of rage, than formerly: And if any hath so much Charity, as to think, that their sufferings have taught them more moderation, we desire your *Honours* would enquire, what *specimens* they have any where already given of it. This we humbly move to your *Honours*, that you may represent it to his Majesty, whose Royal *Grandfather* was such a Zealous Defender of the free Grace of God, against *Arminians*, and who himself hath declared such a Zeal against *vitious, prophane and debauched persons*, that we cannot but believe him not truly informed; either concerning the Principles or conversations of divers persons, to whom advantages are given against their Brethren.

§.25. We are not *Right Honourable*, against the *use of an unimposed Lyurgy*, nor against *Primitive Episcopacy*; we can submit to both, we do not think the Covenant was intended against either of these: But we are against the divine Right of *Archbishops, Bishops, &c.* We believe, that in the Primitive Church there might be *Episcopus praeses*; a Grave Minister, President over his Brethren, living within a Circuit proportionate to his Ability for inspection, and that without him, nothing was ordinarily done, in Ordination or Jurisdiction: But that he alone could do any thing in either, we utterly deny. We are sure, that in the Primitive Church, there was no *Archbishops, Deans; Deans and Chapters, Prebends, Chancellors, Commissaries, Archdeacons.* We are against those *Forms of Worship*, contained in the *Service-Book, ordinary to be had*; We believe they are not established by the Lawes of the Land (as we have heretofore in a Book for that purpose published) made evident to your *Honours*. We are sure that we have lifted up our hands to God, that we will endeavour a Reformation in that Point: We know that they are offensive in an high degree, to the generality of godly and sober men, that there are many things in, those Books not to be justified in Divinity. We are not against the 39 Articles, which is usually called the Doctrine of the Church of *England*: We are ready to subscribe all of them, so far as they concern matters of *Doctrine*. But we are against *Arminianism*; against which not only King *James*, (of Glorious Memory) gave an open testimony, but the *Parliament of England* hath also heretofore openly declared : And in regard the Patrons of those Points, take advantage of some doubtful terms in those Articles, as patronizing those their Tenets (though the *Kings and Parliaments of England* have heretofore declared their detestation of those Points) We could heartily wish a further *explanation* of them: We are against *moral and Significant Ceremonies*, such as the *Surplice, the Cross in Baptism, Bowing at the Name of Jesus , Cringing to Altars, &c.* We believe that these things are not only *scandalous, and unprofitable (things that perish with the using)* but also unlawful and against the purity and *simplicity of Gospel-worship*, and such, against which we are highly engaged by the Oath of God which we have taken.

§.26. We humbly beseech your *Honours*, to compassionate the many thousands of Souls in *England, who* must be Sufferers, to the undoing of their Persons, their *Wives and Children*, if these things be restored again amongst us. We acknowledge our selves obliged (if these things be established by your Act) passively to obey, and rather to seek our bread in a *howling wilderness*, than any waies to contribute to the disturbance of civil Authority. *Prayers and Tears* are our only weapons. But oh let not the Cry of the Innocents be against the *Parliament of England*; because God hath said he will *hear their cry, and help them*. If our *Brethren* think that no Government may be set up in the Church of God in *England*, but the ancient Form, and that the whole Nation is not concerned in the *Covenant*, for which we plead, and themselves be not personally engaged in it; let them enjoy their humors: But oh! Let them not by your *Honours, be* cloathed with power to *suspend, silence, excommunicate, deprive godly Ministers* and people, (who are faithful Subjects to his *Majesty*, and pray daily for him, and for your *Honours*) because they cannot comply with them in these things expresly contrary to the Oath of the Lord which is upon them.

§.27. We here lay at your *Honours feet* our Answers to their pitiful Pleas against us, by which they would cajole us into Perjury. If our *Brethren* have any more *strong Arguments, let them bring them forth*; only let us say with Dr. *Featly, Audiamus non phalerata sed fortia*, we have had enough gay words. If notwithstanding all which hath been said, our *Brethren* by misrepresentations to his *Majesty*, or to your *Honours* shall obtain any power against us, and

shall make their old Furnace yet seven times hotter (in which we yet trust his Sacred Majesty, and your Honours will fail their expectations) *We know that the God whom we serve is able to deliver us*: But whether he shall please to do it or no, *we dare not deal falsly in our Covenant with him*.

§.28. But give us leave to plead with your *Honours* (as somtimes the Psalmist did with God, *Psal.30.9.*) *What profit is there in our blood ?* Suppose we should with our Wives and Families be driven from our Possessions and Countreys, to seek our Bread in other Lands; Suppose that the Prisons erected for Thieves and Murderers, should be filled with Conscientious Christians, lying there, because they durst not forswear themselves, what profit would his Sacred Majesty or your *Honours* have from the blood of Innocents? What pleasure in the ruine and undoing of so many thousand Souls, only because in the matters of their God, they differ from some mens sense? What loss would his Sacred Majesty have, by pleasing all the more sober part of his Subjects, by a new unimposed Form of Prayer, void of all offence? by multiplying the *Bishops of England*, so that they may be able to do their work? by restraining them from their *sole jurisdiction* not to be justified, by any *Scripture, Reason, Antiquity*, or the example of any Reformed Church?

§.28. We humbly leave our Groans before your *Honours*, begging the Spirit of Wisdom and Government for every Soul in your great *Assemblies*, professing our selves ready to hear any *strong Arguments*, which our Brethren have yet to bring, to prove the *Covenant* not obligatory, and humbly desiring, that in so Grave an Assembly, where hitherto not obstreperous Clamours, *but Religion and Reason* have ruled, we may not be condemned, for not doing that, which we profess we dare not do, because of that Bond, wherewith (at the Command of the *Lords and Commons Assembled in the Parliament of England*) we are bound unto the Great and Holy God, who hath said, *I will not hold him guiltless that takes my Name in vain*.

..... CIPPUS [*is the title of two pages of Latin verse that are not replicated here. LD*]

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The Covenanter's Plea

AGAINST

ABSOLVERS

CHAP. I.

The ancient and just Reverence of Oathes evinced, from the Light of Nature, the Revelation of Scripture. The contempt of Perjury arguing Atheism worse than that of Pagans.

§. 1 **W**HEN we consider the superlative *Religion* of those who knew not God, for *Fidelity*, which was so *sacred* among the *Sabines*, that they made it an *Idol*, in which superstition, the *Romans* did not only comply with them, but assigned her a place in their *Capitol* next to *Jupiter* himself; teaching their Orator to cry, *Colunto illa propter que datur homini ascensus in Coelum, Mentem, Virtutem, Pietatem, Fidem*; Let them worship the stairs by which men ascend unto heaven, *Vertue, Piety and Fidelity*: Insomuch that *Augustine* in his book *de Civitate Dei*, is put to the charge of a Chapter, to dethrone this noble *Vertue* a little, by removing it from the *Seat of God*. When we find so much honesty in *Livy*, as to determine, *That faith and Oathes were sufficient to rule a city, though there were no laws or Magistrates*; and *Tully* concluding, that *Faith* should be kept with the worst of men, *ne queratar latebra perjurio*, that there might be no sanctuary for perjury in the world: we cannot but fear lest the men of *Tyre and Sidon* should rise up against this generation and condemn it, in which not only the *Godly men seem to be ceased*, but the *faithful also seem to be failed from amongst the children of men. They speak vanity every man with his neighbor; with flattering lips, and a double heart do they speak.*

§. 2. But when we further read that the heathens did not only hallow the name of their idol *Fides* or *Fideus*, and authorize it to be invoked in swearing, but affirm also *Quod.....pertinet*: That whatsoever men promised to do before God, as a witness, that they should do, not for fear of the God's anger, but out of reverence to *Faith and Justice*. When we remember the pretty stories of *Jupiter's fountain of Tyana*, the waters in *Sardinia* and *Bithynia*, and the *Acadine Well*, mentioned by *Aristotle*; all which had their several Malignant Influences (as they fabled) upon such odious transgressors as had broken their faith once sealed by the contestation of an *Idol*; we are ready to cry out *sit anima nostra cum Philosophis*: Let our soules portion rather be With those old Philosophers, than with those *quibus* { as *Baldwin* saith) *nec ara, nec fides, nec ulla pactio firma est*, to whom indeed nothing is firm, nothing possible to be sealed. *Hear oh Heavens! and be astonished oh Earth !*: Have any people under heaven been so vile prostitutes

of the Faith of men, or so irreverent to an acknowledged Deity, that having sworn by those, who were no Gods, they would go back, and despise their Obligation? Yet in these dayes, men think it nothing, and that in Oaths taken by the dreadful name of the *true and living God*, to mock, and play with their Sacred Bands, and (as *Lysander* in *Plutarch*) to justify it as lawful as to *cheat Boyes with false Dice*. And Were this done by the unhallowed rabble of men, it would not be such an astonishment to us, as to see it done by *Rabbies* in our *Israel*, straining their wits upon the Tainters of carnal Sophistry, beyond all due staples of reason, inventing vain distinctions, and asserting unheard of *Atheological* Positions, and all to cheat silly soules into the highest presumptions of wickedness almost imaginable, and to publish these things in the face of the Sun; shining too in the Noonday of Gospel-light.

§. 3 . Is it not the true and living God (whom we serve) who hath said, *You shall not swear by my Name falsly, neither shalt thou prophane the Name of thy God, I am the Lord*. Is it not he who *curseth*, and *no man blesseth*: who hath said he will be *a swift witness against him* Mal.3. *that sweareth falsly*. And again, *The curse shall come into the house of him that sweareth falsly, by the Lords name, and consume it with the timber thereof and the stones thereof*. Do not we serve the same God who so severely revenged the violation of the Oath to the Gibeonites (into which *Joshuah* and the *Israelites* were cheated) upon all *Israel* and then upon the Family of *Saul*? who so severely declared himself against *Zedekiah* for the violation of an Oath imposed upon him Ezek. 16:17 by a foreign Prince, who had conquered his Brother, though the Oath tended to enslave the people of God, to an Idolatrous Prince ? When we think of these things, trembling takes hold upon us, and we are ready to say concerning such as discourse for the nullity and violation of Oaths, as he did; *Aut hoc non est Evangelium, &c*. Either we are mistaken in that sacred Book, which we have hitherto called *the Word of God*, and owned as the Rule of our *Faith and Life*, or these men are not the Servants of this God, such as make this *Word a light to their feet and a lanthorn to their paths*.

§. 4. What can it argue less than *Atheism* or *an high contempt of God*, lightly to esteem his sacred Name ? for men to be of the prophane temper condemned by the Poet;

*Nil metuunt jurare, nihil promittere parcunt, Sed simulac cupidae
mentis satiata libido est Dicta nihil metuunt: nihil perjuriam curant,*

The *truth* and *fidelity* of a man was by the Heathen accounted so noble a piece of the *demesne* and *patrimony* of a *rational* and *vertuous* soul, that if at any time, a *Regulus*, or any other had pawned it to an enemy, they thought it worth the redeeming at the price of their head. But if an *Idol-god* had been called to witness the *Obligation*, they thought scarce any punishment severe enough for him that presumed to violate it, as having broken the strongest *Ligament* of humane society (*nullum enim vinculum ad astringendam sidem jurejurando majores arUluf effevolmm*, saith *Tully*) and denied that God who ruleth the world. *Juvenal* could set it upon no other foot.

*Sunt qui in fortunae casibus nunc omnia ponunt Et nullo credunt
mundnm Rectore moveri Natura volvente Vices, & lucis & Anni Atq; ideo
intrepidi qtU:jthcf\ Altearia tangunt.*

§. 5. Can we therefore hold our peace at the reading of divers late Pamphlets tending to *Absolve* men from, the *Sacred Oath*, first taken, by the *Lords and Commons Legally assembled in Parliament, Anno 1643.* then by the generality of the people of *England*, (at their command) with the highest solemnity imaginable; after this by his *Sacred Majesty* (that now is) * *Anno 1649, or 1650.* who was pleased likewise by his Declaration (then emitted) to approve it in every *Branch thereof, and to ratifie his Subjects taking of it, in his other Dominions.* After which for any to put us upon an enquiry, whether our *Souls be bound with that Bond*, must certainly be that *Snare to our Souls*, against which *Solomon* of old gave us a Caution, and to tempt men to the highest contempt and profanation of the Sacred Name of God.

§. 6. But the presumption is yet aggravated in our apprehensions, when we consider that this is done in a day, when a Righteous God is taking *exemplary vengeance* upon them, who after they had taken that Sacred Oath themselves, and been Instruments rigorously to press it upon others, could satisfie their Consciences, in destroying the Person of the *King*, whom they(in it) had sworn to preserve, and tooting out his *Authority*, which it obliged them to maintain: We say, for men in *this day*, to bid others *go and do likewise*, appears to us, like *the cutting of a Purse in the face of a Judge*, and an open proclaiming, that we have no degree of the fear of God before our eyes.

§. 7. Especially when we consider that the *thing* wherein some of this generation, would have that Sacred Oath violated and contemned, appeareth to us, the main business of that Sacred Oath, *viz., the Reformation of the Church and Preservation of the Purity of Religion and Worship*, to which most other things in the Covenant seem to us (according to the phrase of it) to be subordinated.

§. 8. This certainly should engage every true Englishman, who thinks himself concerned in the honour of his Nation, and every *righteous Lot* more especially, who must be grieved at the evil conversation of his Neighbours, to cry out, *I pray you Brethren do not so wickedly:* And the height of the wickedness, will be more evident, if we consider that Sacred Engagement, either in its own nature, or under its more than ordinary circumstances,

CHAP. II.

The several Forms of verbal obligations simple and mixt, of a Promise, an Oath, a Vow, a Covenant, the distinct Nature of each. The Covenant proved to be a Compound of all, and therefore highly obligatory.

§. 1. **B**ESIDES the natural ties of every soul unto God, by which (as a Creature) it is bound in a duty of universal homage to its *Creator*, as it is directed by the light of Nature, or *Revelation* in Scripture, and the natural obligation, of *Brotherly love*, by which a man is indebted to his Neighbour, we are told by *Moses*, Numb. 30.2, that we may either inhance this hereditary debt, or contract a new one, to God, or men, by the words of our lips, *binding our Souls in a bond*, which (without *prophaning* our selves) we cannot violate. Which Bond, according to the different seal affixed to it, or the different Parties to whom it is delivered as our Act and *Deed*,

according to the various matter, Form, or circumstances of it, hath obtained several names, and hath more or less obliging vertue.

§. 2. There are 4 more noted Terms used in Scripture (and by Divines interpreting Scripture) expressive of such Obligations: A *Promise*, an *Oath*, a *Vow*, and a *Covenant*. A *Promise* (saith *Aquinas*) is a rational Act of a man, by which he declareth and ordereth his purposes to another; as a Superiour by his precept ordereth others, as to what he would have them do for him: So by a *Promise* a Superiour, inferiour or equal ordereth himself, as to what he will do for others. This when made freely, is by *Criticks* called, *pollicitatio*: when at the importunity of another, *promissio*; either way, *lex privata*, it becometh a private law, obliging the soul morally vertuous, or religiously good, to a strict performance.

§. 3. An *Oath* is a religious Act *ubi Deus testis invocatur*; where for further security to others of what we believe, or have done or engage to do, God is called in for a witness; which ought not to be, but in weighty matters, and in doubtful matters: But all the future actions of men, being such as are subjected to various accidents and contingencies, through the mutability of our minds, the bottomless deceit of our hearts, and the power which temptations from the world, the flesh and the Devil, have upon us, they are justly allowed by Divines, both as to their matter "and circumstances, to be the proper matter of an *Oath*, whose formality lieth in the invocation of the dreadful Name of God, to attest to the sincerity of our intentions, as to future performances; which sacred invocation of the name of God, annexed to a promise, addeth highly to the obligation of it; for it being a piece of Divine worship, so to invoke Gods sacred Name, the security is highly advantaged by such a label annexed. Let vain Orators cant what they please, it is determined by all *Casuists* which we ever yet saw, *That an Oath doth add to a promise a special obligation*. *Filiucius*, and others make it an Article of our Creed, by telling us, that it is *de fide* to believe that it doth so. .

§. 4 A *Vow* (saith *Richardus*) *est propositis supererogative bom promissio Deo facta propter bonum finem, ex deliberatione firmata*. By which description, nothing necessary by the necessity of a Divine Precept can be the proper matter of a *Vow*; no it must (according to him) *be supererogative bonum*, some good thing which God hath not required at our hands ; but we (not well understanding what good thing can be assigned, which falleth under no Divine precept) do rather close with their more ordinary and justifiable description of it, who tell us, *It is a promise made to God* ; And indeed thus it differs from a promise, which may be made to men, and that as to the things of this world: A *Vow* can only be made to God, and that *in rebus Dei*, in the things of God. Not to trouble our selves with the niceties of the description of it, certain it is that the Obligation resulting from it is great, *Aquinas*, *Sayrus*, *Filiucius*, *Layman* and others, determine the obligation of a *Vow*, to exceed that of an *Oath*; because (saith *Aquinas*) the obligation of an *Oath* ariseth only from that *reverence* which we owe to the *Sacred Name of God*: But the obligation of a *Vow* ariseth from that fealty which we owe to God, the violation of which is alwaies attended with irreverence. Not to dispute the strength of their ratiocinations, we think this (which some *Casuists* have also hit upon) may be Superadded: That although in every *Vow* there be not a formal invocation of God (God being the proper *correlate*, and as it were, a Party to every *Vow*, and therefore not formally to be invoked for the contention of it) yet there is in every *Vow* an implicit calling God to witness; so that certainly the obligation arising from a *Vow* is not beneath that of an *Oath*.

§. 5. A *Covenant* (strictly taken) is a *mutual stipulation of two or more parties*, and in that lies its specific difference, both from a naked promise, and from an Oath and a Vow ; all which may be made by single persons: But the nature of a Covenant is such, as requireth at least two parties mutually engaging each to other. This obligation may be either contracted with *God*, or with our *neighbour*, and that concerning any kind of things, from whence are the several sorts of *Covenants* treated on by *Civilians* and *Politicians*, concerning which we shall speak nothing in this place. The *Jews* contracted a formal Covenant with God, when upon the promulgation of the Law by *Moses*, they said, whatsoever the Lord speaketh, that we will do; whence it is (as we conceive) that they are so often charged in holy Writ, with *breaking Covenant* ; in the violation of the Divine Law. And God having given us in his Word, an everlasting Rule of righteousness, to the obedience of which we are engaged, by immutable promises (although God hath left off to speak from Heaven to us) yet we are still left in a capacity to make formal *Covenants with God*, which we do as often as we by solemn promises engage our selves to the stricter observance of the Divine Law in whole or in part. The obligatory vertue of a *Covenant* (separated from the additional force of an Oath, by which it may be also further confirmed) seems to be increased from the mutual *consideration*, upon which it is necessary that each part of a Covenant should be entred; which makes every Covenanter to have a *quid pro quo*, and adds an obligation from justice to a due performance; so that as he who breaks a naked promise, sins against his *Truth* and *Fidelity*, and he who violates his *Oath*, highly sins against that reverence which he owes to the sacred name of God ; so he that breaks a Covenant, sinneth against *Justice*, which every man is obliged to maintain, as that which joynteth all humane society, and keepeth the world in order.

§. 6. Now besides these simple bonds, which should be sufficient to hold vertuous and religious men, there may be compounded Formes, in which there may be a mixture of two or three or all of these: And reason will easily teach us, that if any of these single cords, be sufficient to hold a soul which hath any value for *Truth*, any *Reverence for the Name of God*, or professeth any fealty to him, or in whom any love of common justice may be found, and who hath not, without regard either to *God* or *man* without any conscience of *Religion* or moral Honesty, taken up a resolution, to break all sacred bonds asunder, and cast all cords behind his back: Certainly, when two, three, or all of these are twisted into one cord, they must be stronger than *Sampsons* seven green withs, and like *Solomons* threefold cord which cannot easily be broken.

§. 7. And if we mistake not, such is the nature of this sacred *Cord* (the strength of which we are trying) The style of the whole is promissory, and argues all the force of a promise in it: The Preamble to it concluding thus,— *With our hands lifted up to the most High God, we do swear*; together with that Clause the last Paragraph — *And this Covenant we make in the presence of Almighty God the searcher of all hearts*, sufficiently prove it to be an Oath, and to have in it all the vertue of that sacred Obligation: If a Vow according to the common notion of it) be *Sponsio facta Deo in rebus Dei*, a promise made unto God in the things of God, who so reads the first, second or last Paragraphs, must certainly see much of a Vow in it: And if the imposing of it under penalty, delivers any that have taken it, from the obligation of a Vow (either through want of *freedom* or *deliberation*) yet certainly this will not excuse the first Contrivers, and Composers. *The Lords and Commons assembled in Parliament* at that time, did not only make a *Promise*, and confirm it with an *Oath*, but vowed in it a Vow to the mighty God of *Jacob*, and stand concerned to do according to the *Vow which they have vowed*. That it is a *Covenant*, both with *God*, and *men*, is so evident, that he who runs may read it. So far as it contains in it any promise

made on our part, for the doing of those things which the Word of God revealeth to be his will concerning us, that we should do, either relating to the Reformation of the Church, or our own personal Reformation, or for the declining of what is contrary thereunto (of which nature is much both in the first, second and last Paragraphs of it) it is unquestionably a *Covenant with God*. Besides this, The *King, Parliament, and People of the Three Nations*, by it mutually covenant each with other, for the performance of those things which respect them in their several stations, either respecting Reformation, or the Preservation of each others mutual Rights. The King covenanteth with his People, that he will *reform Religion, in Doctrine, Worship, and Discipline according to the Word of God,, and the example of the best Reformed Churches: That he will preserve the Doctrine, Worship, and Discipline of the Church of Scotland, &c.* In this also the *Parliament* joynes with him, as also for the preservation of the peoples Liberties; *King and People* covenant, to preserve the *Priviledges of Parliament*. The People covenant with the King, to preserve his Majesties *Person, Honour and Authority, &c.* Throughout the whole, there is a mutual stipulation of the People of the Three Nations each with other.

§. 8. So that if there be any vertue in a promise, from *the truth of men by it* laid to pawn, and not to be redeemed without a just fulfilling of the thing promised : If any Religion in an *Oath*, because of the *Reverence* we owe to the Sacred Name of God, and because *the Lord will not hold him guiltless that taketh his Name in vain*. If any Obligation resulteth from a *Vow*, because of the Fealty which we owe unto God before, and above all others: If finally a man be obliged to keep his Covenant, from the consideration either of *truth or justice*; it all contributeth to the strength of this Sacred Bond, by which all the Souls that have taken it in the Three Nations, are this day bound to the Almighty, and each to other.

§. 9. And certainly for those who are not so immediately concerned, but can glory, that either they were not of age, or that they were only standers by, when others thus obliged themselves ; if there be any Ingenuity in them, any Reverence of God, any Brotherly Love, or any good will to the Land of their Nativity, they will be obliged to be jealous for their Brethren (who have thus bound themselves) with a godly jealousy, lest whiles for such a presumptuous transgression, as the violation of this sacred Bond must be, the wrath of the Lord shall burn up the dwellings of Transgressors, their contiguity of habitation expose them to the danger in which it is ordinary for the Justice of a Righteous God to involve the neighbourhood of sinners: To say nothing of their concernment, in the profaning of the Lords Name, whose honour is equally impeached by our Neighbours sins, as by our own : If they be *Lots*, their righteous soules will be vexed with the evil conversation of their Neighbours : *If Davids, their eyes will run down with rivers of waters* because others *keep not Gods Laws*. Which makes the bold discourses of some not only to grate upon our ears, but to pierce our hearts, whilst we hear them not only content to dispense with their own Engagements, but reviling others, whose Consciences cannot allow them that Latitude, or who take themselves concerned , to warn the souls committed to their charge, to beware of so great a sin as that of Perjury. Nay, whilst we see them so ill employing their wits, and Pens, as to invent strange distinctions , and assert positions contrary to all Divinity, that they may not only break Gods Commandments themselves, but imbolden others so to do, as if they had an ambition to be degraded into the order of such, as shall be called *the least in the Kingdom of God*, Mat. 5.19.

CHAP. III.

Containing a Corollary from the Premises, concluding the mistake of those who say, an Oath adds no special obligation beyond the Reason and Religion of the Matter.

FROM what hath been already said, 'tis not hard to conclude, That a *Promise*, a *Vow*, an *Oath* or *Covenant*, or any *form of Obligation*, compounded of two or more of these, engaging us to any future performance, addeth to any previous Obligation, which might before be upon us from the Law of Nature, or from the Law of Gods eternal Righteousness: For whereas the matter of these may be either *impossible* or *unlawful*, (in which cases the obligations are *ipso facto* null and void, and we are only bound to repentance) Or 2. *Indefinite* and *uncertain*, (in which case, the obligation must be adjudged and determined, when the true nature of the matter appeareth to us.) Or, 3. *Necessary*, previously required of us by some Divine Law. Or, 4. Lastly, *Free and indifferent*, neither part being determined by the Divine Law. Certain it is, that where the thing which we have promised, sworn, vowed or covenanted for, is such as is in our own power: Our Promise, Vow, Oath or Covenant, createth in us an obligation, to that part which we have so bound our selves for, and depriveth us of our former liberty in it, and hence an Oath or Vow is called by Divines *lex privata*, a By-law which man hath made unto himself. And where the matter is *necessary*, viz. such as Gods Law before hath required of us, any of these *encrease* our Obligation. All *Casuists* (I think) are thus far agreed. *Ad qua praestanda vel injuratitenemur*, (saith Dr. *Sanderson*) *jurati certe multo magis tenemur*. What we are bound to do although we had never sworn to the performance, we are much more obliged to when once we have swom it. Nor are they the *bare Words, Letters or sillables, of Covenants or Oaths, which as Charms bind any mans Conscience* : But it is the *rational Act of the man*, who promiseth, *voweth* or *sweareth*, yea, his *religious Act*, which obligeth him, and that beyond the *innate Reason and Religion of the matter*, to the performance of which he *sweareth*, *voveth*, or *covenanteth*. And for any to say, that nothing in an *Oath* or *Covenant*, obligeth, but the *Reason and Religion of the thing to be done*, is indeed to destroy the use of all Oaths, and to abolish that Act of Religion which is performed by them, and to assert that which certainly never can be believed by any sober Christian, as being contrary to all *Scripture* and *Reason*, and to the determinations of all *School-men, Casuists*, and *Divines* of any rank whatsoever.

CHAP. IV.

The further Obligatory Vertue of the Covenant argued, from the Solemnities of it, arguing the Violation deliberate , and infamous.

§. 1. **A**LTHOUGH (after thus much said) it might be needless to enquire if there be any other auxiliary strength to be added, in plea for it, yet we cannot but take notice of that known Maxim which we find in *Sayrus*, and other *Casuists* ; *Quanto creseunt solennitates, tanto majus est juramentum*, by how much more solemn an oath , by so much the greater is the obligation of it. *Sayrus* is so confident of the truth of it that he asserteth this, That an *Oath made by the Creature, if solemnly taken, is more obligatory than an Oath made by the Creator, without such a solemnity*: and determineth him only *infamously perjured*, who violateth a solemn Oath. But

we think Dr. *Sanderson* hath hit the mark, in telling us, that the *solemnity* of an Oath contributeth nothing to the intrinsic value and Obligation of it, but accidentally contributeth to its vertue, as it importeth *deliberation* in those that took it; and exposeth the *Violater* to a greater *Scandal*: The truth of which is obvious enough to every vulgar capacity.

§. 2. But if the *solemnity* of the Act, can any waies contribute to a Sacred Bond, certainly the Covenant (for which we are pleading) is as much advantaged as is imaginable for any thing of that nature. It was first solemnly debated, branch by branch, and phrase by phrase, in the greatest *Convention* of the Nation, and by a *Reverend Assembly* of Divines, then taken in the *Parliament House*, and in that *Assembly* of Divines, by *hands lifted up to the most High God*, after this, *Printed*, by their Order, and with their Names subscribed to it. After this, by them ordered to be taken by all grand Officers of State, and by all Masters and Fellowes of Colledge:, by all Ministers, and by all such as should enter into the Ministry, and by the people in all Congregations: To which purpose it is advantaged by an Exhortation to the taking of it, printed with it by Order of the said *Lords* and *Commons*. After this, Ministers are designed by the Countrey-Committees, to give it to the several Congregations (having first preached a Sermon to quicken people to the taking of it) It was then taken both by Ministers and people, with hands *lifted up to the most High God*, in the face of the *publick Congregation*. After this, ordered to be hung up in Churches, and at certain times to be renewed, &c.

§. 3. So that certainly, whether we consider the *complex nature of the Covenant in itself*, having in it some ingredients of all sacred Bonds, or the Circumstances which attended the taking of it, never was there an higher Obligation laid upon a Nation owning God, never a stronger Bond laid upon Christian Souls. *Poeni foedi fragi* of old grew into a Proverb; Let not *Englands* Coat be so stained ; for certainly it is not capable of a greater blot, than that of a false and *Covenant-breaking Nation*.

CHAP V.

Rules in general concerning the Interpretation of Oaths: These applied to the Covenant and the true sence of it evinced from them.

§. 1. **I**T may seem very unreasonable after sixteen years digestion of the Covenant, to fetch it back into our mouths that we may make a judgment of the true tast of it, which the wise man foresaw, when he told us it was a snare *after vowes to make inquiry* : The corrupt humours of our stomachs (in this time) may have much altered it or us from what at first we should have (possibly) pronounced concerning it. And the more unreasonable, because the proper Interpreters of it are ceased ; The *Lords* and *Commons* who first imposed it (if the Rule be good, *ejusdem est interpretari ac condere*) yet because there are not a few, who will not believe it so edged a tool, but that it may be played withal, and who apply to the Covenant , the Rabbinical Fable of *Manna*, which they say had a quality in it which fined every Pallat, we cannot reasonably proceed further, till we have enquired, whether indeed we hugged a *Proteus*, when we rejoiced in that sacred Oath, or whether this be not an ill report, without any just cause brought up upon a good action, that by it, the Adversaries of Reformation., might either

discharge others from its observance (under pretence of its uncertain found) or please themselves with a dream at least, that they shall be secure in the most presumptuous violation of it.

§. 2. Only in regard that *Obligatio juramenti est onerosa*, the obligation of an Oath (if any at all) is exceeding heavy, though the luxuriant vanity of some mens wits, and the strong predominancy of lust in others, constrain us to an enquiry, yet we shall stand concerned to make it exceeding strictly and narrowly, being under this assurance ; That every soul which hath taken it, is highly engaged either to the severest observance of it, or to a more than ordinary humiliation for his prophane attempt to mock that God so solemnly, who hath told us that *he cannot be mocked*. Nor are we concerned to enquire the just sense of every Branch in the Covenant, but only of the Second Article, in which is contained the chieftest matter of our present Debate.

§. 3. It is true, *Molina, Tabiena, Sylvester, Layman, and Navarrus* and some others (with what consistency to themselves, in other places of their Writings may be judged by comparing *Navarrus*. his *cap. r8. cum cap. I*) maintain a strange Principle *viz . That none is further bound by an Oath or Vow, further than he would have obliged himself, if he had either foreseen or observed the necessary, or contingent issue of it*: By which means they set up a Chancery in every particular soul, to relieve it from the rigour of that [*Lex privata*] private Law of an Oath. But *Cajetan, Lopez, Sotus*, and others, reasonably oppose this licentious Principle, as that which laies a Foundation, to enervate all sacred and civil Obligations— *quia faepe contingunt aliqua quae si fuissent praevifa contractus non celebrarentur, nec ad cum eventum contrahentes se obligaffent*. Hence *Sanches* limits that Rule, [That what would at first have hindred our obliging of our selves by an Oath or Vow, had it been foreknown, or had it first happened, will also discharge us (when known, or come to passe) from our Obligation to the performance of it] To those things only which (had they been known) had made the entring into such sacred bond unlawful, *ratione materiae, inhabilis ad producendam obligationem*, in regard of the matter being such to which an obligation could not be created. *Filiucius* tels us that an Oath must be interpreted, according to the nature of the act to which it is annexed; *because he who sweareth, intendeth to swear only that which he promiseth, in the same manner and under the same conditions as he promiseth*. We much doubt the truth of this (which dependeth upon another question, *Wether an oath may not bind a man beyond his intention* when he swears) Undoubtedly an Oath may oblige a man beyond his private intention ; and in this we think all Protestant Casuists agree. That other Rule therefore given by Casuists, is better, *Juramenti obligatio est stricte Juris*. That an Oath must be strictly interpreted, *quoad materia & verba permiserint* ; as strictly as the matter and words will bear; and thus *Filiucius* agrees at last, and *Suarez* with him. And it were a woful shame for us Christians to dispute this, when *Tully* tels us, that an Oath must be kept in that sense ----*sicut verbis concipitur more nostro*. Yet Divines here ordinarily distinguish, betwixt *spontaneous, arbitrary Oaths*, and such as are by others imposed upon us: and concerning each, determine thus : 1. *That such Oaths as we voluntarily take , must be interpreted (ex ipsius jurantis mente)* by our selves, best Judges of our own sense. 2. *But such as are imposed by others, must be by us interpreted, according to the sense of those that imposed them upon us*. Thus Dr. *Sanderson* rightly determineth, and quoteth *Augustine* in the case, *Ep. 224, 225*. He adds this irrefragable reason ; *Because the end of imposing Oaths upon others, is to create or beget to the Imposers, an assurance from him or*

those that take them, that they will fulfil what they swear, or promise, which assurance none can have who imposeth an Oath upon another, if he that takes the Oath, have a Latitude of interpretation left unto him, with a liberty to abound in his own sense.

§. 4. Yet both these rules must be limited; so, that neither our *private sense* of our Spontaneous Oathes, nor yet the *sense of those that impose Oathes upon others*, must be other then will comport with the just signification of the *words or phrases* in the *Oath, Vow, or Covenant*, for this were to destroy the *simplicity* necessary to every Oath, and indeed not to *interpret*, but to coin an Oath, or *new Obligation*.

§. 5. We must conclude then, That the *sense of the Covenant* (being at the will of others imposed upon us for their security, that we would do as we there promised) *must be no other then what* (comporting with the significancy of the words in which it was conceived) *was the sense of the Lords and Commons then assembled in Parliament concerning it*. And from a strict Obligation to the performance of it in their sense, we see nothing can discharge the soul, unless some *publick Declaration* at the taking of it; we say *publick*, for otherwise there was a deliberate, voluntary deceiving the expectation of those that imposed it: and we think *Augustine* speaketh a great deal of reason, when he tells us that----*Whosoever deceiveth the expectation of him to whom he swears, can be no less then a perjured person*. (Which passage Dr. *Sanderson* quoteth out of him.)

§. 6. Nor (that *Parliament* being now extinct) can we imagine how we should better conclude their sense, then by considering the words themselves, in which they expressed this obligation, and taking a view (so far as we can) of their precedent and subsequent Acts or Ordinances. The words of the *Covenant*, so far as concerns our purpose, are found in the 2^d Article thus,

"That we shall in like manner, without respect of persons, endeavour the extirpation of Popery and Prelacy, (i.e.,) Church-Government "by Arch-Bishops, Bishops, their Chancellors, And Commissaries, " Deans, Deans and Chapters, Archdeacons, and all other Ecclesiastical Officers, depending upon that Hierarchy ; Superstition, Heresie, Schism, " Prophaness, and whatsoever shall be found to be contrary to sound Doctrine, and the power of Godliness, lest we partake in other mens sins, and thereby be in danger to receive of their plagues: and that the Lord may be one, and his Name one in these three Kingdoms."

§. 7. The thing here Covenanted for, is an *Indeavour to extirpate Popery and Prelacy*: That we might the better understand what they meant by *Prelacy*, they tell us, *It is the Government of the Church by Arch-Bishops, Bishops, their Chancellors, Commissaries, Deans, Deans and Chapters, Archdeacons, and all other Ecclesiastical Officers depending upon that Hierarchy*. Certainly he that runs may read, and here is no great need of an *Interpreter*. We have not Covenanted against *Bishops* (every Minister is a Bishop) but against the *Prelacy* of Bishops; but in regard that the *Prelacy of Bishops* is of several kinds, there possibly may remain a question, What *Prelacy* the *Lords and Commons* intended in the *Covenant* ?

§. 8. There is a *Prelacy of Jurisdiction*, and a *Prelacy of meer order*. The *Prelacy of Jurisdiction* is of two kinds; for distinction sake we may call the first *Pontifical*, the second *Paternal*. The first is such a *Prelacy*, where the single *Prelate* assumes to himself a sole power in

Ordination and Jurisdiction; and though (it may be in a complement) he calls in a Presbyter or two to his assistance, yet it is *ex abundanti*, what he judgeth not himself obliged to do. It is not reasonable to imagine that the *Parliament* intended only the *extirpation* of this Prelacy; for although *Bilson* and some others tell us, that the Presbyters joyning with the Bishop in the imposing hands upon Presbyters, was rather *ad consensum* than *consecrationem*; yet Dr. *Field* speaks more soberly, and tels us, *There ought to be a concurrence of other Ministers hands as well as the Bishops, in Ordinations, they having an equal Ministry, and power of order with him.* Nor had any such *Prelacy* as this, ever any footing in *England* (other then what the arrogance of some single persons gave it.)

§. 9. We call that a *Paternal Prelacy*, where the Colledge of Presbyters hath a *Prelate* who must concur with them (ordinarily) in Ordinations, and acts of Jurisdiction. This (say the *most* sober men was all the *Prelacy* which ever was allowed in the *Church of England* ; we are sure this is all for which there can be the least presence of any *divine* or *Apostolical authority*.

§. 10. The *Prelate of meer order*, nothing differs from a *continued Moderator*, having no more power than his brethren in *Ordination* or *Jurisdiction*, but for order sake praesiding amongst them.

§ 11. There being no question but that the Covenant is to be interpreted against the first ; the question only remains concerning the two latter, Whether, together with the *Popish Prelacy of sole and single Jurisdiction*, it was not the design of the *Lords and Commons* then assembled, to oblige the people of *England* to extirpate also that *Paternal Prelacy*, for which some plead, yea both the name and thing of *Prelacy*, though meerly respecting order in Ecclesiastical Conventions ? That we may make up a just judgement in the case, let us take a view of their preceding and subsequent Acts.

§. 12. Anno 1641. They had by an Act (wherein the King joyned with them) taken from the *Hierarchy*, all powers of *inflicting Penalties, Fines, Amercements, Imprisonments,*. or any *corporal punishment upon any of the Kings subjects, for any matter or thing whatsoever, as also all power of administring Oaths to any persons in any case belonging to Ecclesiastical cognisance.* In the year 1643 the *Covenant is made and imposed, in the terms before expressed.* In the year 1646. they first establish the *Presbyterian government for three years by their Ordinance (which 1648. they renew again, and make it sine Die.)* In the year 1646. They (by their Ordinance)

abolish, *the Name, Title, Stile and Dignity* of all Bishops within the *Kingdom of England and Dominion of Wales.* We must confess, we should have been very inclinable to have judged, that the *sense of the Parliament* imposing the Covenant, was against all manner of *Prelacy*, and that they designed no less, than the engaging of the whole Nation upon the highest security imaginable, to endeavour the total extirpation of all the kinds of it; had we not been informed, that at that time, *the Scruple* was made by some Members in Parliament, and resolved (with the consent of our Brethren in *Scotland*) that it was only intended against *Episcopacy*, as then established in *England*, which gives us a Latitude, for a *Prelacy of meer order* (as a civil constitution)

§. 13. In the mean time, the Covenant apertly obligeth us against *Arch-Bishops, Deans, Deans and Chapters, Arch-Deacons, Chancellors, Commissaries, &c.* (there is no ambiguity in those terms) And

1. *Against all such exercise of Prelacy, as is by any single person, arrogating to himself sole and single Jurisdiction, or sole and single power in Ordinations.* 3. *Against all such exercise of Prelatical power, as is taken away by the Statute of 17 Caroli, for the taking away the High-Commission-Court. As to all these, the Parliaments sense is clear enough, and can admit of no dispute. Nor is this a rigid interpretation of the Covenant, but as favourable as the words can bear, or reason allow upon the view of what hath been already urged to evince the sense of the Imposers.*

§. 14. We conclude then, That *our Solemn Covenant* was the highest security wherein it was possible, that the Eternal God, could have us engaged to him; or which the Lords and Commons, then assembled in Parliament, or our Brethren in *Scotland* could then take of us, *That we would in our Callings and Places endeavour to root out that Prelatical form and exercise of Church-Government, which was exercised in England, by Archbishops (tyrannical) Bishops, their Chancellors, Arch-Deacons, Commissaries, &c,* From which every reasonable Christian must conclude, that if we fail in the performance, by establishing that Government again, or desiring the establishment of it, by promoting, owning, or countenancing of what we have thus solemnly sworn to extirpate : Not only our Brethren will have an Action in the case against us for the violation of our truth to them; But the Righteous God will also have a just action against us for the irreverence shewed to his most Sacred Name. And if ever any of our Brethren with whom we are engaged, who possibly shall not be able, so easily to obtain a discharge of their Consciences, shall be brought into a suffering state, by those whom we (contrary to our solemn Oath) shall help to set up, they will doubtless have a just occasion, to prefer a sad Bill of complaint against us, to the just *Judge of the whole Earth*, who useth to hear the cry of the Afflicted. And whatsoever we may now think, or talk in the distempers of our mind, & in the rantings of our foolish passions; whensoever the day of Gods vengeance shall come upon us, according to his Word, *Zech. 5.3,4.* Or whensoever we shall have recovered our wits again, and we can give our Consciences awaked out of sleep, leave to speak freely to us; it will be very hard to relieve them, unless we can assign such an error in the Covenant (and that too, as to the matter sworn) as will be allowed by the Divine Law, as a sufficient discharge, as to our observance, and leave us nothing to do, but to humble our soules before the Lord for our taking of it. It will therefore be the just concernment_of every Soul bound in that sacred Bond, to sit down, and advisedly think (before they resolve upon the violation of such an Oath) whether there were any such errors: And if those who think they have found them, would avoid the *Infamy*, which else will fall upon them , they will stand concerned, to set down *these errors*, and publish them to the world *in plain* words of truth and soberness, not in the insignificant figures of wanton Rhetorick, wofully blurred too with foolish passion, which may possible, satisfie such as were before resolved to be satisfied, and make a Bumble sufficient for the eyes of some silly souls, and give the wiser sort of people opportunity to make themselves merry ; but can never stop the mouth, or darken the light, of a waky and well-informed Conscience.

CHAP. VI.

The Absolvers pretended Errours in the Covenant examined, in part. The Covenant as to the matter of it (so far as respecteth Prelacy) not contrary to the Word of God. The Plea of its contrariety, to the Lawes of the Church or State, examined, and proved insufficient for the irritation of it.

§. 1. **WE** said before, that whoso fancieth, an escape for his soul from the obligation of the Covenant, once taken, must be put to the trouble , to assign some *errour* sufficient to discharge him, the sufficiency of which , must be also judged by the Word of God, because from that an Oath derives its Obligatory vertue. That there may be such errours in Oaths that we have taken is granted, whether in this Oath, there be or no, is the question. If there be any, we must find it either *in the formal* or *material*, or *efficient* or *final* cause: For we shall hardly find any in any appendant circumstance, which will be of such force.

§. 2. And verily there is a variety found out (relating to the three latter Causes) by such as have spent their time to seek them. *They have sought false witnesses against the Covenant*, to put it to death, but we hope before we have done, to prove not only *that they have found none* (for their testimonies have neither agreed to the Propositions of the Covenant, nor yet to the matters of fact, relating to Divine Providence, nor yet each with other) but also to discharge them from their useless employment in *seeking knots in so even a rush*, by proving that none can be found, so that they must: be forced to cut this *Gordian* knot, because it cannot be untied.

§. 3. As to the material cause. The matter of every Oath or Covenant being either *necessary*, *unlawful* or *indifferent*: And each of these again being *possible* or *certain*, or impossible, or uncertain. If the matter of the Oath (to which we are speaking) be necessary, as commanded us by the Word of God; or *indifferent*, where Gods Word hath left us at a liberty, except it be impossible, we are certainly bound to the performance of it, by our Oath, in the judgment of all Divines that we ever yet met with. From whence every conscientious Christian (by the way) must needs conclude thus.

I. If the Officers as to the external administration of the Church of Christ under the Gospel, be so determined by the Word of God, That no Church under Heaven, nor any other powers , can make any alteration in them, but only ratifie and confirm what God hath there appointed. Then, unless we can find that Archbishops, Bishops, Deans, Deans and Chapters, Prebends, Chancellors, Commissaries, Archdeacons, are the Officers appointed by Gods Word, for the Government of his Church, we are most certainly obliged by our Oath, to endeavour their extirpation : The reason is, because although we had not sworn, yet we are bound as Christians, to endeavour in our place and calling, that the Church to which we belong, have in it no Plants which are not of our Heavenly Fathers planting, and according to our former rule, what we are bound to do without an Oath, we are much more (having sworn) obliged to.

2. Suppose the Government of the Church be not so determined by the Word of God, as to the external Administrators of it, but it be in the power of the *Magistrate*, or the *Church* to add some Officers, not there mentioned, or to chuse what Form they please; yet we having sworn

against this *Form of Government*, and against *these Officers*, we cannot set them up nor own them, but must, if they be imposed upon us, suffer under them: The reason is, because the matter of the Oath was indifferent & *libera*, and *Juramentum tollit libertatem*, we having sworn, it is to us no longer free.

§. 4. No one can challenge the Covenant as giving an uncertain sound, at least, not as to this Branch of it; What we swore to, was not the *general will* of another, nor the unknown *Rights, Statutes, and Priviledges of a Society* (yet many Oaths of that kind are judged lawful by *Casuists*, and generally judged obligatory though not without some exceptions) but the thing in this Oath is expressed, *Prelacy*, and the particular species of *Prelacy*, set down as plainly as can be imagined; so that there can be no escape, for any soul that *feareth an Oath*.

§. 5. It remaineth therefore, that those who plead the *non-obligation* of this Oath, and have set up this new trade of *absolving* souls from it, must assert the matter of it *unlawful*, either *primarily*, or *secondarily*, either in its *own nature*, or in respect of some accident.

§. 6. Dr. *Sanderson* tells us, that an Oath (as to the *matter of it*) is unlawful in its own *nature*, *primarily*, when it is *contrary to the Word of God*. (Secondarily) *When it is contrary to the just Lawes of any community in which we are involved*: That an Oath may as to the matter of it be unlawful (*ex accidenti*) when it *hinders some good*, or occasioneth some evil to our selves, or to others, when a mans own Conscience judgeth it unlawful. Others add, when it is *contradictory* to itself, or to some *former Oaths*, &c.

§. 7. But the *Casuists* generally agree, that every *unlawful Oath* is not presently void (if once taken) it will be necessary therefore not only to examine, whether the Covenant (as to the matter of it), were, unlawful, but whether it were so *unlawful*, that it doth not (now being taken) oblige, which unquestionably it was, if (as some pretend) it were contrary to the Word of God, in this particular; for no soul can be by an Oath bound to sin against God, according to that known Rule, *Juramentum non potest esse vinculum iniquitatis*.

§. 8. But those who plead the *Obligation of the Covenant* (upon this account) null, will easily understand, "that they will stand concerned to prove from the Word of God, That God hath somewhere determined, that either his *Church Catholick*, or his *particular Church in England*, should inalterably be governed by *Archbishops, Bishops, Deans, Deans and Chapters, Prebends, Chancellors, Commissaries, Arch-Deacons*, &c. Which when they have done, we will freely grant them that the Covenant in that Point doth not oblige: But this is such a task, as none we have met with durst undertake.

§. 9. That therefore which they chiefly insist upon, is, that the matter of the Covenant was secondarily unlawful, as contrary to the Lawes of the *Church* or *State*-communities in which we are involved, where we have two-things to do, 1. To examine, *Whether what they say be truth*. And 2. To examine whether it be *conclusive*.

§. 10. The Church is either *Catholick and Universal*, or *particular*: Either *Entitive, Ministerial* or *Organical*. When we speak of a Church supposed to be in a capacity to make Lawes, obliging

others, we must understand an *organnical, representative Church, either Catholick or National, or Provincial.*

§. 11. The Catholick Church in this sense, must consist, *of a due proportion of Members sent from all particular Churches in the world, who meeting in a Synod, shall determine, or have determined such and such things,* and we do confess (though we dare not assert such Lawes universally obliging to all Christian People to to the worlds end) that we have and should have a great reverence, for such constitutions. But we do not believe that ever any such an Assembly met upon the earth, nor do we believe the world in a capacity to convene such an one, we have indeed read of some Councils called General Councils, but besides that, we find no such Law made by them, neither do we believe them to have been such Assemblies, strictly considered.

§. 12. They must therefore understand the *National Church of England* : Which may be taken (as we said before) *entitively, or organically.* In the first sence, *The Church of England is the whole number of Christian people in England, professing the Christian Faith:* But when we speak of a Church making Lawes, we must not underhand Church in this Notion; but must understand it considered as *organical;* and then their power of making *Constitutions or Canons,* obligatory to others, must be derived either from the *Word of God, or from the Civil Magistrate.* What power can be pretended from the Word of God, must be bottomed upon *Acts 15.* From whence all that is possible to be concluded, is this, *That particular Churches of Christians have a power given them by the Word of God, to chuse fitting Messengers, which being so chosen, and met together, may consult and determine, in some Ecclesiastical cases.* But certain it is, there was never such a National Convention in *England;* so that we need not enquire the matter of Fact, nor the force and power of such decrees, how far, and in what cases, they do oblige either present or future Generations.

§. 13. The power which any *Synod, Convocation, or Convention* met at any time in *England,* can pretend to have had, must be either from the Pope before the Reformation in the time of King *Hen. the 8th.* or by vertue of some Act of Parliament: since that time.

§. 14. Our *Absolvers* talk so much of *the Church of England,* and the Lawes of the *Church and Sons of the Church,* by which they mean the *Hierarchy* (though it will be hard for them interpreting the *Church,* in that notion to answer the Papists, asking them where our Church was before *Luther;* for I am sure we had no Protestant Prelacy before that time) that it will not be amiss for us to take a view of the *Church of England* under this Notion, and consider what power she had (and from whom derived) to make any Ecclesiastical Lawes, that should be this day so obligatory, that an Oath taken against them must be forthwith void.

§. 15. We are indeed told by some Ecclesiastical Writers of King *Lucius,* who about the year 170. was an Instrument of planting the Gospel in *England,* and that he in stead of the Paganish *Arch-Flamins and Flamins,* established 28 *Archbishops and Bishops,* but the evidence of it is so feeble, that we find few giving any credit to it, much less was the Nation so early christianized so far, as to have any Synod so full, as to make Lawes obliging the whole Nation : Nor indeed is there any Authentick Records of any considerable *English Synod* till near the year 600; then Pope *Gregory* sent over *Augustine the Monk* to convert the *Brittains,* and he made hast in his work, baptizing 10000 in a day. This doubtless was the man who first founded *Prelacy in*

England (himself being the first Archbishop) in conformity to the Order of the Romish Church, whence he came; we know that it is said by some, that when he came, he found here one Archbishop and seven Bishops, but no such thing appears in his Letters, nor are their Names, or places of residence expressed.

§. 16. This *Augustine* by Authority derived from the Pope, appointeth Bishops, calleth a Synod, and enacteth Lawes, &c. From that time, which was the year 586. to the year 1205. we have no Record of any Ecclesiastical Lawes, made in England, the Christians here were doubtless governed by the Popish Canon Law. Although in that time there were 43 Archbishops of *Canterbury* (if we may believe Chronologers) yet have we no Record of any obligatory Canons were made by them.

§. 17. Betwixt 1205. and 1414. were 14 Archbishops of *Canterbury*, beginning with *Steph. Langton*, and ending with *H. Checkly*), these all made some Provincial Lawes, which are gathered together , and put into some method by *Lindwood*. Within that time the Pope sending over two Legates ; *Otho*, in the year 1226, 11 *Hen.* 3. and *Othobonus*, in the year 1248. which was the 32 *Hen.* 3. They also each of them made parcels of *Canons*, which were after collected by *Johannes de Aton*, and were all the Lawes of the *Church of England* (as they call it) in force. Nor do we read of any more done till the 25 *Hen.*8. which was the year 1533. Till this time the *Church of England* was lost in the Popish rubbish (according to our Brethrens sense of Church, for the Prelates, there was none other, no not one)

§. 18. In that year the Reformation of the Church was begun by Parliament, who made an Act (printed in our Statute Book,) *forbidding any of the Clergy from that time, to presume to attempt, alledge, claim, or to put inure, any constitutions or Ordinances, Provincial or Synodal, or any other Canons; or to enact, promulge or execute any such Canons, &c or assemble to enact them, without the Kings Writ calling them together, and the Kings Highness his consent ratifying them, &c.* So that, from that day, no Laws made by the Church could oblige us, unless *K. Hen.* 8. first called the Church-men together, and then ratified what they Decreed.

§. 19. As to all former Church-laws, the Parliament in that Act gave power to *K. Hen.* 8. to call together 32 persons to review all old Canons, and to collect a body of Canons out of them, being not contrary to the Laws of God, nor the Laws of the Land, which when they had done, *K. Hen.*8. was to confirm them ; and immediatly upon the review of the old Canons, they were all by that Act Abrogated, and nulled, and so all Canons also after to be made contrary to the Laws of the Nation, &c.

§. 20. Before these 32 persons could be called, and meet and finish their work, *K.Hen.*8. dieth. The former Act not giving power to the *King* his *Heirs* and *Successors* to call the 32 persons, *K.Edw.* did not do it, till the *Parliament* meeting in the 3^d and 4th year of his Reign, by a new Act, gave him also power with the advice of his Council, within three years to name the 32 persons, which his father should have named.

§. 21. King *Edw.* the 6. by his Letters Patents, bearing date, at *Westminster*, 11 *Nov.* in the 5th. year of his Reign, authorizeth the 32 Persons (whose Names and Powers may be seen by the Copy of those Letters Patents, prefixed to a Book called, *Reformatio Legum Ecclesiasticarum.*)

They met, and within the three years time, reviewed all, and compiled that Book called as aforesaid, (upon which according to the Statute 25 *Hen.* 8. The old Canon Lawes were utterly abrogated; but before King *Edward* had confirmed this new Book, he died : So that there was no Lawes of the Church of *England* left in any force.

§. 22. Q. *Mary* succeeds, she revives the old Popish *Canon Law*. Q. *Eliz.* after her reviveth the Reformation: In her time, several Injunctions and Canons were made. After her time, K. *James* summoned a Synod, *Anno* 1603. which made 141 *Canons*, but as Q. *Elizabeths* (to our knowledge) were never confirmed so much as by the *Royal assent* so the latter were never yet confirmed by Act of Parliament:, by which alone (we are told) that our Consciences can be obliged, as perfect Lawes.

§. 23. It is observeable, That in the Statute 25 *Hen.* 8. authorizing such *Canons*, as should hereafter be made in Convocations assembled by the *Kings Writ*, being first confirmed by the *King*; It is not said, *by the Kings Majesty*, his *Heirs* or *Successors*, though in other parrs of the fame *Act*, those words are added. It is very probable, that the want of those words in the following part of the *Act*, concerning his *Majesties* chusing the 32 persons to view the old *Canons*, was the reason why King *Edward* did not do it (King *Hen.* 8. being dead) till anew *Act* was made to the same purpose, to which latter *Act*, K. *Edw.* 6. in his *Letters Patents* refers, not to that of 25 *Hen.* 8. Nor is it yet determined whether a *Kings confirmation* of *Canons*, makes them *Law* (according to that Statute of 25 *Hen.* 8. supposing that K. *Hen.* 8. his *Heirs* and *Successors*, as well as himself were intended in the Statute) any longer than his *Majesties* Person lives, who so *ratifies* and *confirms* them. So that it is far from being so clear, that we may adventure the violation of an Oath upon it, that we have this day any *Canons*, or *constitutions Ecclesiastical*, of force, either by the Lawes of God or of the Nation.

§. 24. But admit this, where shall we find any such Canon as this ? *That the Government of the Church of God in England, is, and shall be by Archbishops, Bishops, Deans, Deans and Chapters, Prebends, Chancellors, Commissaries, Arch-Deacons; so that it shall be unlawful, either for the People of England, in their callings and places, to endeavour the extirpation of that Form of Government, or for the Lords and Commons assembled in the Parliament of England, to move for, or to Vote the alteration of it, and to engage People against it by an Oath* : Something of this nature must be proved, before the Covenant will be proved contrary to the Lawes of *the Church of England*; and if such a *Canon* could be shewed, it is no Law, for it is contrary to the *Fundamental Laws of the Nation*, giving power to the *Parliaments* of *England*, to repeal or alter any *Lawes, Statutes, &c.* And all *Canons*, contrary to the Lawes and Statutes of the Nation, are aforehand declared void and null by the Statute , 25 *Hen.*8.

§. 25. By what hath been said, appears the vanity of their Plea, who plead that the Covenant is *null* and void, because against the Lawe; of the Church : Let us come now to consider whether they speak more sense or truth, who pretend it is void , because contrary to the just Lawes of the Nation.

§. 26. It being apparent from the former discourse, that there was *no Canon-Law of England* in any force at the time of the *composing , imposing, and taking of the Covenant*, the question

only lies concerning the civil Lawes of the Nation; which according to the Statute, 25 Hen. 8. must give all the obligatory vertue, which any Ecclesiastical deliberations can have amongst us.

The Lawes of our Nation are usually distinguished into, The *Common-Law* and the *Statute Law*. The first is not written, and (Greek) uncertain, as may appear, from the different senses of Judges in their Book-cases, its matter and form is no other than the ancient *Customs* and *Usages* of the *English Nation*; which having been retained for many years, have been so familiarized with the People of the Nation, that by a Common consent they have passed, and do pass for Law, till they are corrolled by *Statute*. Our *Statute Law* is made up of the several Acts of about 260 Parliaments and yet is capable of daily augmentation.

§. 27. If those who plead the *Covenant* contrary to the *Laws of the Nation*, mean, *The Common Law of England*, their sense is no more than this, *That by the constant usage of the Nation of England, the Government of the Church in that Nation, hath been by Arch-Bishops, Bishops, Deans, Prebends, Chancellors, Commissaries, &c. and an Oath* (imposed by the Lords and Commons legally assembled in Parliament) *taken by the People, tending to the destruction of that ancient usage, is void and null, yea though the King of England* (disliking the first imposing of it) *yet afterwards, approveth his Subjects taking of it, and himself joynes with them, and also taketh it.*

Yet neither will this evidence the *matter of the Covenant contrary to Law*. For in the *Covenant* we have sworn, *to endeavour the extirpation, &c.* The Law which must be contrary to this, must say, *You shall not endeavour, &c.* Now we appeal to all the Lawyers in *England*, whether there be any piece of the *Common Law of England*, which saies to the *Lords and Commons* assembled in a *Legal Parliament*, or to the *People of England*, concerning any *custom or usage* in the *English Nation*,—*You shall not endeavour in your callings and places the extirpation and alteration of it*: If there be, sure we are, the Statute 25 Hen.8.21 doth control it, declaring a full power in the *Parliament of England, with his Majesties consent, to dispense, abrogate, null, diminish, amplifie any Lawes, &c.* But there can no such thing be alledged.

§. 28. So that here's no contrariety to the *Common Law*: Here is only, *The Lords and Commons assembled in Parliament (by his Majesties Writ legally) taking notice that the external Form of Ecclesiastical Government amongst us, according to a long usage of the Nation, in the times of Popery* (viz. from about the year 600. till the time of reformation, in the Reign of Hen. 8. and since that time, after some regulation of it by Statutes) *was upon experience found at least very disconvenient to the reformed state of the Church amongst us, and having power in them (with the Kings consent to be afterwards had) to abrogate, null, diminish, or amplifie, any English Lawes, usages, &c. agreeing to extirpate this usage, and swearing, and causing the People of England to swear with them, that they would in their callings and places endeavor to extirpate it.* Whether the *King* pleased to consent, or no, certainly, they had power, *in their callings and places to endeavour such a thing.* The *Covenant* engageth no further: We cannot understand any contrariety in this to the *Common Law of England*.

§. 29. For the *Statute-Law of England*, we shall only say this; That the *Statute-Law* which must be contrary to the *Covenant*, must speak to this effect; *The Lords and Commons assembled in Parliament upon a Legal Summons, shall not swear themselves, nor make others swear, to*

endeavour the extirpation of Popery and Prelacy, i.e. the Church-Government, by Archbishops, Bishops, &c. Where to find such a Law we cannot tell: No, nor yet such a Statute, as positively determines, That the Government of the Church in England is, and shall be by Archbishops, Bishops, Deans, Deans and Prebends, Chancellors, Commissaries, &c. It is true we often in the Statutes meet with these Names, and we find the Statutes supposing them, Ecclesiastical Officers, and telling us, That the Kings of England formerly founded this Church in Prelacy (what kind of Prelacy, and with what circumstances they say not) but we are at a loss for any other (save this implicit) establishment by any Statute Law.

And we further believe, that the *Spiritual Lords* before the time of K. *Hen*, the 8, would have taken it in fowle scorn, that any *secular powers* should have gone about by a *civil Law* to establish them: We have read of the heavy stir in King John's time when the King of England did but pretend to the Nomination of the *Archbishop of Canterbury*, and to what a base degree of condescension the *Pope* and his *children* here in England, humbled their *Sovereign* for that offer.

§. 30. The truth is no more than this.: The *Parliament of England* in the beginning of our Reformation, being engaged in prudence to drive no further nor faster in Reformation, than (*the Lambs could go*) the present state of the Nation could bear, which at that time was but very little, the Popish party being then the greatest by far, the Reformed Party such as did but see (*men like trees*) imperfectly discerning the things that differ in Religion, were pleased to proportion the Reformation, accordingly, so as neither, the newly *Reformed Party* might be lost by too much seeming innovation, nor the remaining *Popish Party* exasperated too far. Hence in matter of Doctrine, nothing was agreed till the year 1562. which was the 4 of *Eliz.* nor ratified by Parliament till 1571. viz. 13 *Eliz.* (near thirty years after the first beginning of Reformation) Hence in the matter of *Worship*, the same *Liturgy* was continued, which was used in the *Popish Mass*, only leaving out the Prayers to *Saints*, and for the *Pope*; and the second Edition of the *Common-Prayer, Anno 5 & 6 Edw. 6.* was much amended in many things, from that 2 *Edw.* only in the business of *Kneeling at the Sacrament, Didoclavius* observeth, it was left at liberty by the *Common-Prayer-Book, 2 Edw.* but commanded in the *Edition* of it 5 & 6 *Edw. 6.* yet not without an excellent *Rubrick*, to expound the usage of it (still to be seen in the *Common-Prayer-Book, Edit. 5 & 6 Edw.6. viz. Anno 1552.* but left out in our ordinary Books, for what Reasons, let any one read and judge) As to the Form of *Church-Government*, the reforming *Parliaments* in the time of *Hen. 8.* found one in being, and the persons exercising it, in great power; they therefore thought fit not to dispute that Point, only to regulate that power, which the former usages of the Nation, and the Canon-Law, had invested them with, requiring them, to seal with the Kings Arms in their Seales, to do nothing without his Writ, &c. Other Parliaments since have denied them any assistance from the civil power to back their censures, but in some particular cafes, and forbade them to administer any *Oath, to fine, amerce, or imprison any of the Kings Subjects*, removing the Bishops out of the *Parliament-House*, &c. This is all the establishment we can find, that the ancient *Hierarchy of England*, had by any Law of England.

§. 31. But suppose they were so established, do our Brethren take it for such an undoubted Gospel-Maxim, that an *Oath taken against the Lawes of a Nation, of what kind soever, written, or not written, consonant to, or dissonant from the Law of God, is forthwith null, and void, and no waies obliging* ? Do they believe this such a truth, that men may venture the damnation of

their soules upon it ? and venture , *the curse of God cleaving to their house, till it hath consumed the timber thereof and the stones thereof*, Zech. 5.3. upon the truth of it? They may talk thus in drollery to their friends, or credulous Proselytes, they may (to shew their grandiloquence, and liberty of phrase) in laxe discourses thus speak in Pamphlets; but we are so well perswaded of some of their skill in divinity, and of their other Learning too , that we believe they know, that *no Scripture, no reason, no creditable authority*, will justifie any such thing, and they would be loath, that their crime, in these swelling words of vanity (by which the soules of people are ensnared) should be expiated, by that slight penance, of any of their standing two or three daies in any of our schooles, to defend such an atheological maxim, against what Arguments would be brought against it, nor would we desire fairer play in our cafe.

§. 32. In the first place, they will certainly grant, that it is false, *if the Lawes of the Nation to which an Oath pretended contrariant, be contrary to the Lawes of God* : For the contrary assertion were to set up one *Higher than the Highest* : So that if he who hath taken the Covenant, doth believe that the *Government of the Church in England by Archbishops, Bishops, Deans , Prebends , Archdeacons, Chancellors Commissaries*, be contrary to *Gods Word*, suppose that it be established by Law, or were so established , the Oath doth bind against the Law. And certainly if Gods Word establisheth any Form , it is so, for there is in it *ne xu quidem of Deans, Prebends, Archbishops, Chancellors, &c.*

§. 33. 2. In the second place, Our Brethren will certainly grant, *that in case the King had immediatly consented with his Parliament, and imposed the Covenant, though it had been expresly, apertly , positively against any Law or Lawes of the Nation, yet the Oath had obliged ,* because they altogether had a power to *suspend annul, and abrogate any Law*. It is true, this Oath was only imposed by *Lords and Commons*, the King at present not consenting: We are no Lawyers, nor can we tell how far the power of *Lords and Commons* extends, as to the suspending of the *exercise of Lawes*, or giving of *Oaths*. But we have heard , that 2 parts of the *legislative power of England* lies in the *Lords and Commons*, and that they have of themselves given Oaths in many cases, in what cases, we know not: After this, his *Majesty* declares, That *those who had taken the Oath, should least offend God and him in keeping of it*. His Majesty that *now is, takes the same Oath*, declares *his approbation*, &c. Shall it yet be told us, that the Oath is void, because against the Lawes, when all 3 States to whom the *legislative power* belongs, have approved of it: Certainly they must have an easie Faith, that part with it, to such kind of Assertions.

§. 34. 3. But suppose there had been no such thing, but the Oath had been meerly *spontaneous*; Our Brethren speak without their books, in discharging mens Soules, upon this Plea. Dr. *Sanderson* will tell them, that if the Law be *poenal*, and hath in it an *election*, either of doing the thing, or suffering the penalty, an Oath will bind against the active part. *Fortassis possunt dari casus in quibus juramentum, quod videtur alicui legi communitatis aut vocationis adversari et si non debuerit suscipi, susceptum tamen potest obligare : ut exempli causa, in lege poenali disjunctiva*. He puts the case concerning the Law of a City ; That he *who is chosen Mayor by the Freemen, shall hold, in case he refuseth, he shall pay 100 lb*. Suppose such a Law, and this Law respecting this City established by Act of Parliament; A particular Citizen hath taken a private Oath, *that he will never bear the Office of Mayoralty* in that City, this man is chosen by the Freemen; What shall he do ? Not hold (saith Dr. *Sanderson*) but pay his money ; his Oath will

bind here against the active part of the Law: So that if there were 40 penal Lawes, which might seem to establish the *Hierarchy* against which the *Covenant* is directed ; the *Covenant* will bind us against them all, thus far, *viz, to suffer the penalty annexed for not owning them*, rather than to own and acknowledge them. But yet further :

§. 35. 4. Let us examine the reason , why an Oath should not bind against Law: There can be no other pretended, but *the dominion which God hath reserved to Superiors over their Inferiors*. So that if this which we call Law, be not clearly an establishment of our Superiors, to whom *legislative power* belongs (which meer usage and custom is not arguing no more than *permission of Superiors*) or if the Law be an exercise of dominion in things *ubi non habent dominium* ;where Gods Word allows them no such dominion, an Oath will certainly bind against such pretended Lawes. Hence *Azorius* well notes, that *boni mores sunt varii, i.e. good manners or customs are various, some commanded by the written Law of God, some by the written Canon Law, some by the Civil Law*. And (saith he) that maxim, that *Juramentum contra bonos mores non obligat*. An Oath against good manners, customs, lawes, doth not oblige, is to be understood, if it be *contra bonos mores juris naturalis, vel divini Scripti,vel Canonici, secus autem, si Juramentum contra bonos mores jure civili institutos, i. e. against good Lawes or manners , commanded by the divine Law of God written, or by the Canon Law; but 'tis otherwise, if those good manners be only commanded by Civil Lawes*. To the same purpose determine, *Sanches, Layman*, and many other *Casuists*. The reason why they add the *Canon-Law, is, because they believe their Church cannot erre*; so that an *Oath* against their Church Canons, is to them equivalent with an Oath against the *Law of God*.

§. 36. 5. Yet it must be granted, that Oaths, in some cases, against Civil Lawes, may be *void*, but it is far from being granted, to be an universal Truth: *Abbas, Sylvester, Azorius, Molina, Lessius, Layman, Sanches, Suarez,*, all agree that an Oath will bind against any *civil Law*, if the Law doth *obligare ad poenam , non ad culpam necessario, i. e. oblige not necessarily to sin in case of refusal, but to punishment*: (which is what we said before) nay the most of them add further, that it will bind against them, ---*ubi materia legibus opposita sine peccato fieri potest; i.e. where the matter of it can without sin be performed ; being not contra jus naturale aut divinum*.

6. *Bartolus* , the great Lawyer gives several Rules in the case.

1. He saies, *an Oath taken against the Civil Lawes of a Nation, made chiefly for a publick good, will not oblige* : which Rule, yet *Azorius* doth not think proved by *Covarrnvius* or *Imolas*, the friends of *Bartolas*, in the case.

2. *An Oath taken to confirm a Bargain. which Bargain is contrary to the Law, will (saith he) bind, till the Church absolves. As if one swears to pay an Usurer more than the Law alloweth the Usurer to take ; or to pay a Thief a Summe of Money, to redeem his life, (supposing a Law to make such a Contract void) yet the Oath would bind*. Upon this *Gregor. Sayrus* determines, That (supposing a Law) *that all contracts, for the payment of money won by play, shall be void*, yet if one have sworn to pay his Fellow-gimester, he is *bound to pay it*. He quotes with him in this opinion, *Navarus, Bannez, Salon, Lopez, Medina, &c*. A third Rule he gives is this; 3. *If the Oath be only contrariant to a civil Law, made only for the advantage of him that sweareth, the Oath*

will bind against the Law. We dare not justify all these Rules: But we will put a case or two to our Brethren, who are so free of their pardons and absolutions in this case. All know that it is against the Law of *England*, that a woman (under *Covert Baron*) should dispose of her estate which she hath in *Joynture*. Suppose now her husband proves a *Bankrupt*, or be *imprisoned for debt*, or suppose the woman her self wants money, and she to furnish herself, or deliver her husband, borrowes a sum of money, swearing to him of whom she borrows it, that if God lets her live to enjoy her joynture, some Deed which she makes (against Law) for the security of the Creditor, shall be made good (though against Law) Shall not her Oath bind her ? The Law of England expressly forbids giving above *6lb per cent.* for Interest: Suppose one swears, (in his necessity to give *8^{lb} per cent.*) Will not this Oath bind, think we? in short, *Azorius* determines bluntly ; *Quando contractus est solum jure civili interdictus , jurejurando confirmatur:* That an oath will bind to fulfil a contract only forbidden by a civil Law.

§. 37. We are not altogether satisfied in the Popish Casuists reasons, for this determination, we judge this question cannot be well resolved, without the resolution of another very weighty question ; *viz. How far humane Lawes bind the Conscience;* We do believe, that *all such humane Lawes as do necessarily tend to preserve the Government, and tranquility of a civil state, because they are confirmed by the Law of nature, and the divine Law revealed, do apertly bind the Conscience,* so that an Oath taken against them, is forthwith void. But for Lawes, *not plain and certain and express, nor having such necessary tendency, to the being of a civil state, nor being so conformable to the Law of Nature, or written Law of God,* whether they lay such an hold on the Conscience as to make void an Oath, we think deserves our *Absolvers* second thoughts, possibly the *taking of such Oaths,* might be at first inadvised and unlawful, but being taken, that they are voided by second thoughts, that the matter of them was against Law, we cannot but a little doubt and believe our Brethren have few *Casuists,* or other *Divines* of their minds in the case.

§. 38. Nor yet is this our case, where the *Lords and Commons legally assembled in Parliament,* to whom (though not solely) the legislative power belongs, do themselves take, and require others to take an Oath, to endeavour the extirpation of a Form of Government, which they apprehended inconvenient; which it is true was established by the usage of a long tract of time, but no positive Law was existent, directing it as the Government of the Church in *England* (though several indeed supposed it) that an Oath so directed and imposed, doth not oblige against such a pretended imperfect legal establishment, is we confess, a piece of divinity, the depth of which we cannot fathom, nor yet believe that there is any truth in it. If any of our Brethren in earnest think otherwise, they should do well to bring forth their *strong Reasons,* or to tell us what one Divine, Ancient, or Modern is of their minds: till that time, it is sufficient for us out of a reverence to the sacred Name of God, to dissent from them in this notion, proved as yet, by no *Scripture,* no *reason,* nor any *creditable authority.*

§. 39. For what some tell us, that this Covenant was against *Magna Charta,* the *Petition of Right,* &c. they appear to us scarce to have read either. The latter saith not a word of the Government of the Church. In the former, there is only this general Article; —*We have granted to God, and by this our present Charter, have confirmed for us, and our heirs for ever, That the Church of England shall be free, and have all her whole Rights and Liberties inviolable* : And may she not be so, though Prelacy be extirpated? Are *Archbishops* and *Bishops,* &c. more

concerned in *Magna Charta*, than *Abbots and Priors* ? Yet what are become of their Liberties ? Was not the privilege of *Sanctuary*, of making *Canons*, &c. some of those Rights ? Yet are they not taken away by Act of Parliament? Surely so may the Church-Governours mentioned in the Covenant.

CHAP. VII.

The Absolvers Plea from Schisme considered. The nature of Schisme. No guilt of Schisme, by endeavouring to extirpate Prelacy. Their Plea also from the supposed contradiction in the matter of the Covenant, to the matter of former Oaths, particularly, the Coronation Oath, the Oaths of Allegiance, Supremacy, and Canonical Obedience, answered and found vain.

§. 1. **O**UR Absolvers foreseeing these easie Answers to their afore-mentioned Pleas, or at least being aware, that if Prelacy be left to stand only upon a *Parliamentary* Foundation, it will be liable to extirpation by succeeding Parliaments, have not rested here, but raised their Plea higher; telling us, "That *Episcopacy hath no Original but from the Apostles, and looks very like an immediate institution of Christ's, either preceptive and explicit, or tacit, and exemplary, so that to abjure it runs us upon a Rock of Schism, and dasheth us both in Opinion, and practise, against the judgment and custom of the Catholick Church, in all places and ages (till of later daies) from the Apostles daies, with whom we ought to keep communion in all things of so ancient tradition, and universal observation.*" In these words, or to this sense they speak all.

§. 2. It is very observable, that if there were any truth in this Plea, it would not only conclude all our Brethren of the Reformed Churches, in *France, Holland, Geneva, Scotland, N. England*, most parts of *Germany, Schismatics* : (For that is nothing with those with whom we have to do) but it would also supersede all *civil power's* thoughts for ever meddling with the Government of the Church, for fear of *violating* an Institution of Christ, and the order of the whole *Catholick Church*, and being posted up for Schismatics.

§. 3. But is it so indeed? Or is this the noise of those who thunder thus, because they cannot hope with any solid Arguments to do much ; let us a little consider these *big phrases*, and see what they signifie. The Papists have so enured us to this suffering under the reproach of Schismatics, for breaking off from the order of their *Catholick Church*, that we begin not so much to regard the Charge, or at least, not to believe every one who calls out *Schism* and Schismatics; when they have nothing else to say.

§. 4. *Schism* properly signifies, a *Rent* or *Breach*, which when it is from or in the community of a Church, is very sinful, both because against the Command of God directly, and interpretatively ; but it must be from the Communion of a Church walking according to the Divine Rule, otherwise (if the Churches deviation especially be great) there's no great fear of any guilt by Schism , in departing from it.

§. 5. If indeed God by his Word, hath any where appointed , that the Government of his Universal Church, shall be by *Archbishops, Bishops, Archdeacons, Chancellours*,

Commissaries, &c. and the Church hath alwaies walked in that order, we confess then that our Oath againft it, is *Schismatical*: But we desire our Brethren to prove this.

§. 6. Nay if God hath left the Church to its liberty, to setup what Form of *Government* she pleases, and the Universal Church hath at any time met in a perfect General Council, and determined this inalterable form, or by an universal practice hath kept to such a Form, there may be some colour to charge us, but neither shall our Brethren prove this to us.

§. 7. We challenge all the friends of *Prelacy*, to make it good from any authentick Record, that for three hundred years after Christ, there were any such Creatures known in the Church of God, as *Archbishops, Archdeacons, Prebends, Commissaries, Chancellors*. Pope *Stephen* indeed in the 3 Century, is called the *chief Bishop of Rome* (in the fabulous decretal Epistles) but *Cyprian* writing to him, calls him no more than his Colleague. In the 4 Century , we read of *Bishops, Elders* and *Deacons*, *Ambrose* mentions them. *Dionisius* and *Optatus* mention no more in this age. *Hierom* (in his Epistle to *Nepotianus*, tells us, that *Bishops and Presbyters were the same* , only the latter were the younger men. *Ambrose* tells us they had one and the same *Ordination*. Indeed towards the end of 4 Century (which was 400 years after Christ) they began to multiply Ecclesiastical Officers, then came in *Readers* and *Exorcists, Subdeacons, Archdeacons, and Archbishops, &c.* But we have already forsook the Order of the Church at that time, when it was wofully declined from its Primitive Purity, and shall be no more guilty of Schism in going a little further.

§.7.a? We said before, that we find in Ecclesiastical story early mention of *Bishops*, but not of such as ours were in *England*.

Our Bishops, 1. *Lay claim to a sole and single power in Ordination and Jurisdiction.*

2. *They are not chosen by the People nor Clergy.*
3. *They are attended with Deans and Prebends, Archdeacons, &c.*
4. *They execute their power by Lay Chancellours, Commissaries, &c.*

5. *They have used to exercise a power in depriving Ministers, suspending, silencing, excommunicating,* for trivial cases; not paying a Tythe *Goose or Pig, &c.* Let our Brethren shew us such an Episcopacy, (before Antichrist was up in his Throne) if they can ; if not, they vainly charge us with *Schism*, in swearing to endeavour the extirpation of such a *Prelacy*, for which is no foundation, in the practise, either of the Primitive or any Reformed Church.

§. 8. We are further told (how truly comes next to be examined) that the Covenant was void, because the matter of it contradicted former *Oaths*. They mention four: of *Allegiance, Supremacy*, of *Canonical obedience*, and that taken by the *Kings of England*, at their Coronation. If this be true, it is unquestionably void , for *Juramentum prius prejudicat posteriori*: But considering, that the Covenant was agreed and taken, by the Members of the gravest Convention of the Nation, and by so many Reverend Divines, it will not be amiss to enquire whether of a truth it be so, or no, that if we find it true, both *King and Parliament* and People, may all do obeisance to *Prelacy*, as having unwarily suffered their grave and sacred ears to be nailed to the doors of its house, and obliged themselves to be its Servants for ever.

§. 9. As to the Oath of Allegiance, there is no mention of *Archbishops* nor *Bishops* in it, we have only sware *Faith* and *Allegiance* to his Majesty; which we hope we may give, and yet endeavour in our callings to extirpate *Popery* and *Prelacy*, &c. If any one say, What if he shall command the setting of it up ? We would fain know of our Brethren, what we should do, if *Popery* should be hereafter by any Prince commanded ? But to speak directly. 1. We believe that *Prelacy* had no just footing in England, but what it had by Authority of Parliament. 2. We believe it in the power of King and Parliament, to suspend or abrogate any Lawes , and to engage people by Oaths for ever obliging , against the matter of them, 3. We know both King and Parliament by their Act 17 Car. did take away much of the Prelates jurisdiction. 4. We know that the two Houses of Parliament did suspend all other power of Arch-bishops , &c. and engage the people of England by Oath against the restoring of it. * Which * Oath his sacred Majesty afterwards ratified and confirmed for ever. We beleeve none can absolve us from an Oath but God onely. Our Allegiance therefore can onely (in case of such commands) be shewed, in our patient, humble submission to such penalties, as shall be inflicted upon us, for not yielding active Obedience, contrary to our Oaths.

§. 10. So that a man might, and may bear *Faith*, and true *Allegiance* to his Majesty, and yet take an Oath to endeavour in our callings, the Extirpation of *Episcopacy* or *Prelacy* , in two cases.

1. In case our Allegiance to God, required such an endeavour of us in our places.

2. In case his Majesties command of submission to that Prelacy , comes after my Oath to the contrary (ratified by himself.) And I can find no more in that Oath which can be pretended as contradictory to the Covenant.

§. 11. The next Oath which they mention, is that of *Supremacy*, This Oath was established by the Statute 1 Eliz. I. being devised to secure the Subjects of England to the Supreme Civil Magistrate of England, from acknowledging the forreign jurisdiction of the Pope. What can be fetched from this Oath must be either from the first part; where having declared, that we do-in confidence beleeve the King is the onely Supreme Governour in England , as well in things Spiritual and Ecclesiastical as Civil, in opposition to any forreign Prince, person, Prelate, State , or Potentate; and thereupon we renounce such pretended forreign Jurisdiction, and promise Faith and Allegiance. Or else it must be in the latter clause, where we promise to assist

and defend all jurisdictions , priviledges, &c. annexed to the Imperial Crown of England. For the former part we are not able to understand what in the Covenant is contrary to it ? The Covenant allows the King the supreme moderation of all Ecclesiastical and Spiritual causes (if Gods word will allow it) for there's nothing any can pretend against it, except they plead that then our Reformation cannot be according to the word of God (which for our parts we think very false.) The Covenant doth not in the least acknowledge the Jurisdiction of any forreign Princes, Prelates, &c. For the latter part, where we promise to assist and defend the Jurisdictions and Priviledges annexed to the Imperial Crown. So saith the Covenant ; —his Majesties Person, Honour, and Authority—. Ah! but the second Article must be contrary to this Oath, because it is the Right of the Crown to chuse Bishops, &c. (How this Plea will stand with their Episcopacy of Apostolical right let them consider.) I would fain (to make the business

short) know, *whether some of these Rights of the Crown may not by consent of the King be parted with ? and whether his Majesty when he took the Covenant did not part with them ?* We had before only sworn to endeavour the extirpation of these Officers, in all our callings by lawfull means and wayes: (Such now as *Petitioning the King, &c.*) His Majesty that now is, at the entreaty of his Subjects in *Scotland*, parts with this *Right*, by swearing to extirpate those Officers, to the nomination of which he before had a right. May not we now keep the *Oath of Supremacie* and the *Covenant* too ?

Nor can that general terme oblige us any further, than to a defence , and maintaining all such Jurisdictions, Priviledges, and Rights, *annexed to the Imperial Crown*, which are not contrary to the Word of God. But there needs no more be urged against this vain plea ; especially considering that very few men in *England* of those that took the Covenant had ever taken the *Oath of Supremacy* , which onely belonged to *Ecclesiastical persons, Graduates in Universities, and publique Officers*. Which did not make the hundredth part of those who took the Covenant in *England*.

§. 12. The third Oath , to which (it is pretended) the Covenant is contrary, is the *Oath of Canonical Obedience*, which concerns no more than such as were made Ministers before 1641. or at least very few, so that much need not be said to it now. Indeed all those, or at the least most of those that have been in the Ministry twenty yeares, when they were Ordained , did promise, Reverently to *Obey their Ordinary* : And after this (by what Law I cannot tell) did swear (at least when they had Institution granted them by the Bishops to any living) that *they would obey him in things lawfull and honest*. And also did subscribe the 39 Articles, where the 36. Article doth approve of the *form of Consecration of Arch-Bishops, Bishops*.

Here now is 1. a *Promise* of Obedience to the Ordinary.

2. An *Oath* to the same purpose.

3. A *Subscription*, that the form of the Consecration of *Arch-Bishops, &c.* contains in it nothing *contrary to the Word of God*. Now it is said, that he who took the Covenant, bound himself in a contrary bond, which latter bond by that reason is voyd *ipso facto*.

§. 13. But (besides that, this Plea will absolve very few , as we said before) we are not able to fathom the depth of this Argument, for the Absolution of any. The Question is here, *viz.* Whether he that hath subscribed , that the form of Consecration of *Arch-Bishops, Bishops, &c.* expressed in the Common-Prayer book, contains nothing in it contrary to the Word of God; and who hath promised Obedience to his Ordinary, and sworn to it, may not (after this) take an oath in his calling to endeavour the extirpation of the Government by *Arch-Bishops, &c.*

§. 14. First, suppose that upon mature deliberation , the Ministers that subscribed, and took that Oath of Canonical Obedience , find that it was an unlawfull Oath or Subscription, as obliging them to the acknowledgement of such a power in the Church, as is by no means allowed in the Word of God , they are in such a case onely obliged to be humbled for their rash subscription and taking of that Oath, and their Second Oath against them will hold valid.

Nay, secondly; suppose that that Oath of *Canonical Obedience* was imposed *without authority of Parliament*: And the *Parliament* as soon as they took notice of it, declared their dissent to it, and to all *Oathes* imposed without their *authority* : Certainly this should go far with them, who make the like plea against us, as to the Obligation of the Covenant.

§. 15. But, thirdly ; we will for once suppose the Oath materially good and lawfull as to the efficient cause; yet certainly the Oath is irritated and made voyd by the *Parliaments* taking away of the matter of it. Nor do we understand how any person by a *promise or an oath to be obedient in things lawfull and honest, to this or that Governour*, doth oblige himself whatever evil he seeth in such a Governour, either through want of just title, or male-administration of his trust, never to endeavour *to free himselfe from that servitude*. If indeed we had sworn in the Oath of *Canonical Obedience*, never to have endeavoured the *Extirpation of the Government*, then to have taken the Covenant, had been to have sworn to contradictions, and the first Oath would have made the latter voyd, unless the matter of the first had been proved to have been unlawfull, and so the first Oath had been *Vinculum iniquitatis*. But we shall need add no more in answer to this Plea, which if it were good, could absolve very few.

§. 16. The next Oath, to which they pretend the Covenant to be contradictive, is *the Oath* which the Kings of *England* take at their Coronation. We must confess we are not so fit to speak to this, (being no Lawyers) onely thus much at first offers its self.

1. That his Majesty who now is, hath not taken it as yet, but hath taken the Covenant.
2. We cannot find, that the King doth swear, to maintain and uphold the Government of the Church by Arch-Bishops, Bishops, and never to consent to an Act of Parliament for the extirpation of them, there is certainly no such thing. *Ah but he swears to defend the rights of the Church (they will say) and Episcopacy is one of the rights of the Church.*— The *Oxford men* quote the passages of the *Coronation Oath*, which they conceive the Covenant contradicting: Thus He swears,

That he will keep, grant, and confirm the Laws , Customs, and Franchises granted to the Clergy by the glorious King, St. Edward : And that he will grant and preserve unto the Bishops, and to the Churches committed to their charge, all Canonical priviledges, due Law and Justice. And that he will protect and defend them, as every good King in his Kingdom ought to be protectour and defender of the Bishops and the Churches under their Government.

§. 17. We doubt whether both these clauses be to be found in any Coronation Oath which our Princes have taken. If Mr. *Prin* gives us a true relation, neither of them were promised by *Edw. 6.* We find them indeed both, the first in the Oath which King *James* took at his *Coronation in England* : the second in the Oath which K. *Charles* the first took in *Scotland*, they might (for ought I know) be put together in the Oath which K. *Charles* the first took in *England*; where there was certainly an alteration made in the forms of prayer lately used (some were added which were omitted ever since *Hen. 6.* time, saith Mr. *Le-Strange*) the same Gentleman avows there was no alteration made in the oath. It seems strange to us that the *Reverend Bishops*, should put the King to swear the *Confirmation* of the *Liberties and Rights* granted to the Church by *Edward the Confessor*, many of which were before taken away by *Act of Parliament*, as may be seen by comparing the Acts of Parliament since the time of *Hen. 8.* with the Records of those

Grants of *Edw. the Confessor*, which the Reader may find in the close of Sir *H. Spilmans Concilia Pambrittanica*.

§. 18. However it is certaine that one thing which the King also sware, was the Government of the Nation, according to the *Laws of the Land made, or to be made*, so that his Oath for confirming the Churches *Rights*, and *Priviledges* must be interpreted, as to those Rights which were , and should continue ratified by the Laws of the Land; otherwise there was a manifest contradiction in the Oath, as to those two passages.

§. 19. For the Kings Oath, to maintain *the Bishops and their Churches*, it contradicts not the Covenant, which strikes at nothing but *Prelacy of Bishops, Arch-bishops, Chancellors, Deans, Prebends, &c. Bishops and their Churches* may be preserved in *England*, though these be extirpated. But no more need be said as to our present case; for the Oath which any former King of *England* took concerned onely himself. *Obligatio juramenti est personalis non realis*, (as I think all Casuists agree.) His Majesty that now is, is obliged by no such Oath.

§. 20. For the contradiction which Doctor *Featly* assigns in the Covenant to the *Protestation* (by which we sware to preserve the *Liberties of Subjects* (out of which number *Arch-Bishops, Bishops, Deans, Deans and Chapters* are not to be excepted) it is not worthy of; an answer; for by the same Argument (after that *Protestation* taken) the Parliament could not have questioned any one Minister of State , or any other person (at least not annull their office) which certainly none will assert, since their Liberties, as Subjects, might be preserved sure , and yet their Liberties as Prelates, abridged.

CHAP. VIII.

The Absolvers Plea for the irritation of the Covenant, from the supposed Contradictions in itself, Confuted: and the Covenant (notwithstanding this suggestion,) proved valid, and obligatory.

§. 1. HAVING reconciled the Covenant to former Oathes, it is time that We should reconcile it to it self : for, as through its fighting with its elders and betters , 'tis possible an Oath may so lose its strength, that it cannot hold a soul; so by hard conflictings within it self too, 'tis possible it may contract that weakness; no man being bound to do things contradictory, which indeed were impossible, at least in this case which we have before us. And this seems a task reasonable for us , considering that the Adversaries of the Covenant, have arraigned it of this before the World, and pronounced sentence against it.

§. 2. I shall onley premise this, *That where a man by an Oath, Vow, Covenant obligeth himself unwarily to do many things , though afterwards he finds that two of those things are contradictory, and the contradiction of them dischargeth his observance, yet he will stand bound to do the other thing contained in that bond.* An Oath may be unlawfull in some part, and yet Obligatory; unlawfull as to some part, and yet obligatory as to other parts *Aquinas* of old, and

Dr. *Sanderson* tell us that in case a man *hath sworn to things which he finds impossible to be performed, yet he is obliged, ad faciendum quantum potest*, to perform as much of it as he can. So that those who would discharge people from the obligation of the Covenant, as to *the extirpation of Prelacy*, must shew us, that there is something in the Covenant contradictory to that particular, or else they say nothing to our purpose. By reason of other allegations the first taking of the Covenant might be unlawfull, but (being taken) as to this, it will be found obliging.

§. 3. Both for this, and the other Branches of the Covenant, we must confess our selves to have so much reverence for the *Lords and Commons then* assembled in Parliament, for the *Reverend Assembly of Divines*, for the *Parliament and Church of Scotland*, for all those Ministers, and judicious Christians *in England*, who so freely took the Covenant, that we are not easie to beleeve, that an Oath upon mature deliberation, could have been swallowed and imposed by them, guilty of so palpable a fault, as contradicting it self in any thing. But, as to this particular (which is onely our concern to examine) Those that plead this, must produce another branch of the Covenant, obliging us to preserve and maintain, or at least not to oppose the Government of the Church *in England by Prelacy of Arch-Bishops, and Bishops, Deans, Deans and Chapters, Prebends, &c.* which for our part we cannot find, but beleeve there is no such thing (as not in the letter of it, so neither) by any just consequence to be concluded.

§. 4. Whereas Doctor *Featly* assigns this *seeming contradiction*, in that, the first branch bindeth us to a *Reformation of the Church according to the Word of God, and the example of the best Reformed Churches*. The second branch bindeth us, to the *Extirpation of Schism* as well as *Prelacy*. And the third, to preserve and defend *his Majesties Person and Authority, without any diminution of his just Power and Greatness*; and to preserve the *Rights and Privileges of Parliament*, and the *Liberties of the Kingdom*. And then he tels us, that *Bilson, Downham, Armagh*, and others (never answered by any) have proved *Episcopacy to be most conformable to the Word of God*. 2. That *Prelacy is a means, if not the only means to extirpate Schism*: And thirdly, That the Government of *Arch-Bishops and Bishops*, are comprised (with the Rights and Liberties of the Church) both in *Magna Charta*, and in the *Petition of Right*, the two great Records of English Liberties.

The answer to all this we think is very easie.

§. 5. To the first what the Doctor meant by *answering Bilson, &c.* we cannot tell; all the world knows there have been many have called their Writings *Answers* to them. However, *Bilson's*, and the others Arguments have been answered many times over. Besides that, 'tis one thing to say *Episcopacy* (against which the Covenant is not directed) is conformable to the Word of God : Another thing to assert, that our English Prelacy was. If any will undertake to prove the latter, The Government of the Church most conformable to the Word of God, or direct us to any who hath pretended to a Scriptural proof of it, we dare undertake he shall be answered, or the Covenant (by all sober men) confessed null and voyd. But this is an hard task.

§. 6. Supposing Prelacy were a means to *extirpate Schism* (which good effect of it we never yet saw) yet if it were an unlawfull or inexpedient mean, and there were better that might be used, and more agreeable to the Word of God, we might as well swear against that means, and

for the extirpation of Schism , as against the *Spanish Inquisition* (if it were amongst us) which yet will knock down *Schism* as good Club-law as ever *Prelacy* did. As to our case now, the advicing of it will certainly make as great a Schism as ever was in any Church, and those judged Schismatics must live with it, or else the most bloody persecution of innocent soules must follow, that ever any Christian Nation knew. The asserting of *Prelacy*, as *the onley means* (by the Doctor) is not *onely gratis dictum*, not proved at all, but most falsly said , witness the Church of *Scotland*, which under Presbytery hath had fewer Schisms than we in *England* under *Prelacy* have had, or are like to have.

§. 7. For the last allegation : It is true, we have sworn to defend his *Majesties Rights* , *the Parliaments Priviledges*, and the *Subjects Liberties*. But,

1. Surely they must be judges (we mean the King and Parliament) both of their own *Rights*, and *Priviledges*, and also of our *Liberties*.

They have also power to disclaim their Rights, and give away our Liberties (we being included in them.) And if they will please to give away , or part with their own *Rights and Priviledges*, and to disclaim for some of us, some particular *Liberties*, and then impose an Oath upon us; for ought we know, we are bound up by such Oath, nor is there any contradiction to be found here. Nor can we find the Government of the Church by *Arch-Bishops, Bishops, Deans, Deans and Chapters, Prebends, Chancellors, Commissaries, Archdeacons*, either in *Magna Charta*, or the *Petition of Right*, asserted as pieces of the *Liberties of England*: Nor were they such *Liberties*. Certain it is, Dr. *Layton*, Dr. *Bastwick*, Mr. *Prin*, and many others, had no reason to judge so, no more had any other person indeed, witness the proceedings in the *High Commission*, and *Star Chamber*, their frequent Excommunications of persons for not paying a tythe Goose; not appearing at their Courts, their Oath *ex officio* (their Churchwardens Oath, impossible to be kept by any that took it) with many other things'. God be mercifull to the poor people of *England*, if these horrid things be appurtenances to their Liberties: If these be the things they have petitioned for, in their desires so often renewed for the confirmation of *Magna Charta*, and the *Petition of Right*. But let those who make this Plea, write out the words of *Magna Charta*, &c . upon which they insist, when they tell us such pretty stories as these, and then we shall shape a more particular answer to that cavil.

CHAP. IX.

Whether the Error of any mans Conscience that took the Covenant can discharge him from the observance of it.

§. 1. **H**AVING thus far cleared the Covenant (as to the matter of it) from any guilt of unlawfulness *per se*, either *primario*, or *secundario*; and shewed, that it is neither contrary to the holy Laws of God, nor yet to the good laws of any community wherein we are involved, that it doth not bring us under the guilt of *Schism*, nor at all thwart any former Oaths, nor yet kill it self by any private quarrel of any member or branch of it with this, which is the matter of our debate: we must in the next place enquire whether it be not unlawfull, *ex accedenti*. Thus (saith our Reverend Dr. *Sanderson*) an *Oath* may be , *ex errore persone jurantis* , or *ex effectu malorei*

juratae; from the error of the person swearing, or some ill effect of the thing sworn: Either as it is *impeditiva boni*, an hindrance of some good, or *occasionativa mali*, occasioning some evil, . either *temporal* to our selves, or *spiritual* to another, giving him just cause of stumbling and scandal.

§. 2. Every reasonable Christian will understand, that it is possible that an Oath, as to the first taking of it, might be *unlawful*, upon some of these accounts, which yet *being taken, ought to be kept*. Thus the Reverend Dr. *Sanderson* determines concerning *Oaths taken*, exposing our selves to some great temporal damage (which the *Psalmist* also determines, *Psal.15.*) or which expose us to great temptations, and concerning *Oaths taken*, which give *scandal* and *offence to others*. It may possibly be that in regard of some such things it might at first have been judged unlawful for some to have taken such Oaths, but being taken (saith he) they are obligatory, and ought to be kept.

§. 3. There are therefore onely two questions can be made here: 1. Whether an *Oath obligeth* where the matter is accidentally unlawfull (at least presumed to be so) either from the error of the person *swearing*; or, 2. *when it appeareth an obstacle to some good*.

§. 4. As to the first; the case is this, Whether (supposing the matter of the Covenant lawfull) if any mans conscience told him, when he took it, that it was unlawfull ; or if it now tels him so, he be yet obliged in conscience to do according to his Oath.

§. 5. This case *Dr.Sanderson* thus determines. 1. He saith, *That the soul that takes an Oath, concerning which he is, when he takes it, perswaded in his own conscience that it is unlawfull* (though it be an error of his conscience so to judge) *sins grievously*. 2. He tels us, *Such an Oath doth not oblige* (his erroneous perswasion still continuing.) 3 *.But in case he hath taken the Oath, and his conscience be afterwards better informed, his Oath upon his better information obligeth*: Because in every Oath there is an obliging virtue, natural and inseparable, &c.

§. 6. There is no doubt to be made of the first and third Branch of this determination , from whence this follows: That suppose any did take the Covenant at first contrary to the dictate of his conscience, yet if since he hath seen his conscience was at that time in an error, he is by virtue of his first taking of it perpetually obliged to a just observance of it. The only thing in question here is this; *Whether supposing that any, when they first took the Oath, Were under temptations of fear or profit, &c. and so took an Oath, which their Consciences told them was unlawfull, and they, bona fide, think so still. This error of their conscience (supposing the matter of the Covenant never so lawfull in it self) doth not discharge them from any obligation to doe according to what they have sworn to the most high God.*

§. 7. *Dr. Sanderson* saith *it doth discharge him , and that such an Oath doth not oblige him*. The reason he gives is this : *Because an Oath cannot take away a former obligation, nor superinduce a contrary obligation, to any which was before upon us*. But who so by swearing opposeth the *dictate of his conscience crosseth that same dictate, which was a former obligation upon him , which this subsequent Oath could not remove*. He therefore concludes concerning such an Oath, *quin ipsum potius invalidum sit, & vim obligandi amittit*. The term

potius speaks to us, that the Reverend Dr. doubteth himself, whether indeed the error of conscience made voyd the Oath.

§. 8. It is a very hard case, the hinge of the question is, *How far the dictate of an erroneous conscience doth oblige.* We know Divines say with Dr. *Sanderson*, that it does alwaies oblige, *ad non faciendum contra*, to doe nothing against it. So also Dr. *Ames* concerning things that are but lawfull, *ie.* which may be done, or not be done, he gives this reason for it, *Because a man is not bound to doe all that is lawfull.* But suppose the thing to be necessary, *i.e.* such as Gods Word obligeth a man to doe; and a mans erroneous conscience tells him, that he ought not to doe it; or having done it, his conscience tells him hee ought not to persist. What shall he do in this case? We doubt whether in this case he be discharged from the obligation of his Oath, by the error of his conscience. And this is the cafe; For when a man hath sworn, the fulfilling of his Oath is a thing no longer free to him, but necessary, in regard of the many precepts of God charging him, to take heed of swearing falsly, of taking Gods name in vain, &c. and that under the highest penalties. So that he manifestly sins if he does it not. Now it seems to us very hard to assert, *That a mans error of conscience (which is his fin) should absolve him from sin, and discharge him of the obligation of his Oath.* We suppose upon second thoughts, no sober Divine will maintain it.

§. 9. The truth is, The misery of an erroneous conscience is very great. If any man hath taken the Covenant, and his conscience now tels him, that he took an Oath, which at that time was unlawfull for him to take, and being taken, is unlawfull to be kept. If he doth not keep it, he most undoubtedly sinneth against God, whose Oath he hath violated, and whose precepts he hath disobeyed, and contemned his threatnings against such as swear falsly; and yet the Oath seems ""greek"" him unclean. So that if he doth observe it

he sinneth against the will of God (saith Dr. *Ames*) though not materially, and truly, yet *formally*, and *interpretatively*, because what a mans conscience dictateth to him, it dictateth under the notion of Gods will concerning him, whether it be so or no. So that he is under a necessity of sinning contracted by his own fault, and upon supposition, *that he retains this conscience*, which he is bound to acquit himself of.

§. 10. We presume this is the case of very few in truth. If it be the case of any, we are afraid, that at the Great day they will find their Oath obliging, notwithstanding the error of their conscience. If any onely pretend such a thing to get quit of their Oath, *Let not our soul enter into their secrets! unto their Assemblies, Let not our honour be united!*

CHAP. X.

The Absolvers Plea against the Covenant as Impeditivum boni, false; and if true, not conclusive, according - to Casuists.

§. 1. **W**E are now come to the last pretence for the unlawfulness of the Covenant, as to the matter, from which some would inferre the non-obligation of it. Some late Absolvers, have confidently told the world, *That none are bound to the Observance of Oaths, farther, than till*

they see, that their Observance would hinder some good, which might accrue from the violation of them; which being once laid down for a Principle, it is but telling their Proselytes, That their persisting in endeavours to extirpate the Government of the Church by Archbishops, Bishops, Deans, Deans and Chapters, Prebends, Chancellors, Commissaries, Archdeacons, will hinder the great good, settlement, order, Communion with the Catholick Church, &c. and they have presently discharged all mens Soules, as they think, from the Obligation of the Covenant.

§. 2. It were no dangerous matter, we think, to grant their Principle, and to challenge all of them, to instance in any one particular piece of good, which the restoring of this Government, would put us in possession of, more than any other Government would do.

Is it conformity to the Apostolical or Primitive Church? We challenge them all to prove any such Form of Government, either in the *Apostles times, or for some hundred of years after*. Is it conformity with the Reformed Churches? Are there any Bishops in the Churches of God in *Scotland, Holland, France*? Are there any *Archbishops*, or any single Persons challenging sole power in Ordination or Jurisdiction in any other Reformed Church whatsoever? Are there any *Deans, Prebends, Chancellors, Commissaries, Archdeacons, &c.* to be found amongst them? Indeed in the Popish Church there are, no where else, we think. Is the good they talk of, *order, suppression of Schism* and error? Will not Presbytery do the same, think we? If not, what hinders? Certainly with the help of the civil powers it will; without it, Prelacy can do nothing.

§. 3. If we may judge by what is past, we have no great reason to promise our selves any such *eminent Good* by *Prelacy*. Under that Government it was, that so many godly, learned and able Ministers, were silenced, suspended, imprisoned, banished, so many thousands of godly people, forced to leave their Countreys, imprisoned, hunted from one place to another, they and their Families undone, and all, because they could not *allow humane impositions in the worship of that God, who is a Spirit, and will be worshipped in spirit and truth*, who requires to be *sanctified* of them *that draw nigh unto him*, Lev. 10.3 and hath revealed his wrath of old against the *Jews*, for doing or allowing that in his Sanctuary, which *he commanded not*. This is the good, *England* hath formerly had by them: for *Deans* and *Prebends*, all the good they did, was to eat up the Fruits of the Land, enjoying profits and great Revenues, for no considerable Service at all.

§. 4. But it must not be granted, *That our apprehending the observance of an Oath, as hindring some good which might accrue by the violation, will discharge us of our Obligation to observe it*. Indeed *Gregor. Sayrus* resolves that every private person hath a power to commute an Oath, for something better; but *Sylvester*, and others, oppose him, and think the *Pope* must first determine the good to be better. *Soto, Sanches, Cajetan, Panormitane, Arragon*, and others; do allow some cases, wherein they say, an *Oath hindring some other good, is void*. But they are all agreed in several limitations.

1. *It must be a greater good which is hindred.*
2. *This greater good must be no otherwise attainable, than by the violation of the Oath: For if we can keep our Oath, and obtain the good too, unquestionably we ought to do it.*
3. *That melius bonum, that greater good must be certain, not: doubtful and disputable, and only possible.*

4. They all agree, *That the Oath thus irritated and made void must be only made to God.* For say they, if it be made to our Brother also, for his advantage (much more if it be a Covenant made with him upon a valuable consideration) *his consent is necessary to the commutation* , before the Oath can be made void. Now when our Abfolvers shall have shewed us a good certainly greater *than the peace of Conscience*, which may be had from the keeping of a lawful Oath ; and make it appear to us, that this good can no other way be attained, than by breaking our Covenant, and that if we break it, we may certainly be put into possession of it, and lastly, that all the people of *Scotland and England*, mutually engaged in this Covenant, have consented to the violation, they have said something; and till that time, this Plea consists of nothing, but airy, nonsignificant words,

§. 5. To return to our eminent Dr. *Sanderson* ; He determines this case more like a Divine, than some others, Thus *Juramentum non esse illicitum aut obligandi vim amittere prae ob hoc quod videatur esse impeditivum majoris boni, i. e.* An Oath is not unlawfull nor doth it lose its obligatory vertue precisely for this, because it seems an obstacle to a greater good, unless (saith he) other circumstances also concur (as usually there do) which either evince it unlawful, or non-obliging. He gives this reason, because in all cases, it is not true that every one is obliged to do what is best. So that our Brethren must desert this Plea, and find out something else to prove the Oath unlawful or non-obligatory, And indeed to grant that the Prospect of a greater Good to be obtained by the violation of an Oath, would discharge us from its observance, is to open such a gap for all manner of perjury, as all might creep out at ; and to take away all manner of security, which either God could have of his Creatures, or man of his Brother, by any verbal obligation whatsoever. But we have said enough to prove, that nothing hath been said against the matter of the Covenant, sufficient to prove it either *unlawful*, or void and not obligatory.

CHAP. XI.

The Covenant cleared from any faults, as to the Efficient Causes, whether external, or internal, sufficient to make it void, being once taken. The Plea from the supposed unlawfulness of the Power imposing, if true, proved insufficient.

§. 1. **H**AVING hitherto cleared the matter of the Oath which is upon us, from any exceptions against it, pretending to evince it so far unlawful, that we having taken it, are not obliged by it. We come in the next place, to consider it as to the *efficient Cause*, to clear it from any exceptions made against it, upon that account; following the Method of the aforementioned Reverend Professor, Dr. *Sanderson*, who in his Book, *de Juramento promissorii* hath (Greek) at least) acquitted himself to all Learned and Conscientious men, whatever he hath done in his latter Book, *de obligatione Conscientia* (which we have not so well weighed.)

§. 2. There are several cases which the Dr. puts, relating. to the efficient cause of promissory Oaths, under which he comprehends both the. *external and internal cause*, : The *Agent and impulsive* causes. As,

First, Whether, and how far, the Oaths of *Children, fools, and Madmen or such as are drunk, either with wine or passion, are lawful, and oblige* (none of which concern us in this discourse.) There are only 2 or 3 cases under this head to be spoken to, viz.,

1. *How far an Oath may be lawful or binding, taken as imposed by an unlawful Authority.*

2. *How far the Oath of one who is under the power of another, is lawful or obligatory.*

3. *How far an Oath is lawful or obligatory to which we are forced, or into which we are frightened through fear of danger, in case we refuse it.* For all these things are improved to the height against the Covenant, by our Absolvers. They tell us, *it was imposed upon us by an unlawful Power; That we were Subjects, and could not take it without the Kings consent lawfully, and he dissenting, though we have taken it, it is null, and doth not oblige us: That the generality were forced to it; yea that his Sacred Majesty (who now is) was frightened into the taking of it, by the Scottish force and threatning, and is therefore discharged from any obligation to it.* How truly this is spoken, and how consonantly to the judgment of Dr. Sanderson, and all sober Casuists, let us now enquire.

§. 3. As to the former part of the first case, whether it be *unlawful to take an Oath from an usurped power?* Dr. Sanderson determines it affirmatively, *because it becomes not a pious and courageous Christian to make himself a slave;* yet the same Dr. allows it lawful, if we cannot avoid it *without great danger, provided that the Oath be other wise lawful, and, that we do not shew too much forwardness in the doing of it, but do it with some testimony of reluctancy.*

§. 4. But how far this is applicable to the present case, we are not able to determine. Lawyers must first resolve us, whether the Lords and Commons of *England* assembled in Parliament, have not a power to make a new Oath, and impose it upon people, unless the King first consent: When that point of Law is determined, the Doctors determination may be applied to it, which will much help the Covenanters in Conscience, if the case be in Law determined against them.

§. 5. The third Conclusion of Dr. Sanderson's determination in the case, is sufficient to our purpose: *Qui juramentum susceperit, a persona justam auctoritatem non habente delatum sed nulla alia ex parte vitiosum omnino teneri ad implendum quod juravit, i.e.* He who hath taken an Oath from one who had no authority to give it, if the Oath be not otherwise faulty, is fully bound to perform what he hath sworn. So that our Absolvers may see they are beside their divinity, in discharging men from the Obligation of the *Covenant*, because those who imposed it, (as they pretend) had no lawful power to impose it, for supposing that, the Oath being taken (saith Dr. Sanderson) doth oblige.

CHAP. XII.

The Absolvers Arguments from the present dissent of the King, who then was, Argued. The Case stated and resolved. The Rules applied to the present Case. The Argument from hence for the irritation of the Covenant, proved vain.

§. 1. WE are now come to our *Absolvers* strong Forts, whatsoever they talk, that the Covenant is *Schismatical*, that it was against the *Lawes of the Nations*, they know, & are convinced in their own Consciences, that there is nothing in these Pleas, sufficient to discharge any Conscience, and therefore being pursued, hither they run, as to their strong Castle: It was unlawful, being given and taken without the Kings consent, and is therefore null and void. Or else, 2. It was a *forced Oath, extorted by fear, and such Oaths do not oblige*; this is the Doctrine they preach to their hearers. How true it is, let us now enquire.

§. 2. The foundation of any case here, *whether an Oath taken by an Inferior, be void or obliging*, lies in that known place of Scripture *Numb. 30*. And indeed Oaths so strictly obliging by *divine Institution*, it is reasonable that the *irritation or obligation* of them, should also from thence be determined: and by the Scripture, we freely will be tried, it being the proper Bar for judgment in things of Conscience.

§. 3. That Chapter beginneth thus; *And Moses spake unto the Heads of the Tribes, concerning the Children of Israel. This is the thing which the Lord hath commanded. V. 2. If any man vow a vow unto the Lord, or swear an Oath to bind himself in a bond, he shall not break his word, he shall do according to all that proceedeth out of his mouth.* This is the general Rule, and Law of God concerning Oaths. But God is pleased to reserve some Cases: *The case of a woman in her fathers house, v. 3. The case of a woman who hath an Husband living, v. 6,7,8,11,12.*

§. 4. Concerning these cases, God thus determines, that if the Father of such a Daughter vowing or swearing, v.5. Or the Husband of such a wife, v.7. *shall hold his peace at her, v.4;7 then such vows shall stand.* 2. But if the Father of such a Child, or the *Husband of such a wife*, shall disallow it *in the day he hears thereof v. 5,8. then not any of their vows shall stand, v.4.* but shall be of *none effect, v. 8.* But v.14. *If the Husband altogether hold his peace at his wife from day to day, then he establisheth all her vowes, or all her bonds which are upon her, he confirmeth them, because he held his peace at her, in the day that he heard them, v.15. But if he shall any way make them void, after that he hath heard them, he shall bear her iniquity.*

§. 5. Divines do grant by *Analogy*, in respect of parity of reason, that the case is the same concerning Subjects in some cases, as to the Oaths they take, without the knowledge or previous consent of their Superiors, though it be observable, that although *Moses* at this time was speaking to the *Heads of the Tribes*, concerning the Children of *Israel*, yet he omits this case, as having no special Command from the Lord in it, and it will be granted that in many things wherein the Magistrate hath not power over his Subjects, the Husband hath power over his wife, and the Father over the Child.

§. 6. That the words of this Text are not to be understood in their utmost Latitude, is universally acknowledged by *Casuists*.

§. 1. *The matter of the Vow must be such wherein the Law of God hath subjected us to the power of our Superiors.* Thus *Aquinas, Sanchez, Agorius, Filiucius, Dr. Ames, Dr. Sanderson*, and indeed all others agree. *Dr. Featly* discouraging against the Covenant, saith, that *to fulfil the express Command of God, no man doubteth but that a Covenant may be made, not only without, but even against the Command of a Prince.* And indeed the reason is evident, because

the dominion of the Superior, is the reason of the discharge or the suspension of the obligation of such Oaths: But saith Dr. *Sanderson*, there is none so much under the power of another, but as to some things he is, *sui juris*, in his own power, and not under his dominion.

§. 2. The Superior when he hears of his Subjects Oaths in such matter, *must declare openly his dissent*. For saith the Text *if he holds his peace, he hath confirmed the Oath*. To the ratification of an Inferiors Oath, a praecedaneous express consent is not necessary, but a tacit consent is sufficient.

§. 3. The Superior must declare *his dissent presently*. The Text saith, *in the day that he heard thereof*. If he hath omitted it but one day, saith the *Doctor*, he hath ratified the Oath. *Qui serose nolle significat putandus est aliquandiis voluisse*. The dissent must be not only *palam*, but *statim*.

§. 4. It must be a *constant dissent*. For suppose an Inferior hath sworn an Oath, and his Superior hearing of it, saith to him presently, *you shall not do it*; and the next day, or at any time afterwards, saith *he shall*, or *gives him leave to do it*, the Inferiors Oath will from that day bind again; the reason of this is here; Because the Superiors power doth not extend so far as to cancel the *obligation of an Oath*, but only to *suspend it*. Dr. *Sanderson* saith excellently, That there is in every Oath, *a natural and inseparable obliging virtue*, the operation of which may be hindred ; but that impediment being removed, the Bowl returns to its Byas, the Oath binds; and this as naturally, as water runs in its channel, when the dam is thrown down that hinders it, or a stone moves to its center, when the thing that staid it, is removed, God himself cannot make a thing that is, not to have bin: The Oath having been made, hath its natural and inseparable vertue, the operation of which, in some cases indeed the Superiors dissent may hinder ; but cannot deprive it of its obliging vertue: So that though at first he dissents, and so stops the Oath from its present working upon the Conscience, yet he cannot destroy the nature of it; and when his dissent is removed upon second thoughts, the Oath obligeth.

§. 5. If once the Superiour hath *consented*, either *tacitly* or *expressly*, praecedaneously, or *subsequently*, he can never by *his dissent again*, either *discharge us from the Oath*, or *suspend the Obligation* of it. In this case, saith Dr. *Sanderson*, it is a true Rule, *Quod semel placuit, amplius displicere non debet* : The reason is, because Gods Word in this case, declares the Oath established for ever. Dr. *Sanderson* saith truly, *That if the Superior hath either consented to the Oath before the taking of it, or at any time after the taking of it, he can never afterwards make it void , or take away its Obligation*. An Oath is not a thing to be jested with. *Lisdere cum sacris prophanum est*.

§. 6. To apply this to the present case of the Covenant: *Is it clear, that people are under the power of Magistrates so far, as to the things of God, that the Magistrates may set up what Government in the Church they please, and under what Officers they please? Or hath not Christ in the Gospel determined the Substantials of Government, as to Officers, and Rules of Government ?* If the latter be true, Dr. *Featly* saith , none doubts, but people may covenant

Without their *Superiors*, to fulfil the *Laws of God*. If there be no *Law of God* in the case, why do our Brethren plead *Episcopacy* by *divine right*, and not tell the *Parliament* that they may alter that Form if they please.

§. 7. *Secondly*, We must profess our selves no *Lawyers*, but may it be taken for an undoubted truth, That the *Lords* and *Commons* legally assembled in *Parliament*, have no power to impose an Oath upon people (otherwise good and lawful) without the King of *Englands* consent first had ? If it be so, we freely submit, and have nothing to say against it; but then it will only follow, that it was sinfully imposed and taken: not, that it doth not oblige. If it be not so, the want of the *Superiors* consent is not to be pleaded in the case

§. 8. Did his Sacred Majesty in *the day that he heard thereof presently and openly* declare his disallowance of it ? If not, it is *ratified for ever*. We have heard indeed, but never saw his Majesties Proclamation against it: We are sure that Printed with Dr. *Featly's* Book, relates not to it, but to a former *Vow and Covenant* quite of another nature.

§. 9. However it is certain, that his Sacred Majesty (if that Book called *Egrgr grx*, be his, which we think none in their wits doubt) after it was taken, declares, *That good men should least offend God and him in keeping of it*. Though indeed his Sacred Majesty liked not to impose it upon those of his Subjects, who might in Conscience scruple it, yet he certainly ratifies the obligation of the Oath in Conscience to those that had taken it. He was not willing (by making his Peoples Oath void) according to Numb. 30.25. to bear their iniquity.

CHAP. XIII.

Where the Absolvers Plea from the force attending the Covenant, is considered, and proved vain. Oaths extorted by fear, do oblige in Conscience, proved from Scripture, Reason, the opinions of Dr. Sanderson, Aquinas, Azorius, and all sober Casuists, for their Obligation.

§. 1. **WE** are told in the next place, that the Covenant was forced and extorted by *penalties*, and that not only from *Ministers*, and *Fellowes of Colledges*, and from the vulgar people; but even from his *Sacred Majesty*: and therefore it is null and void, and *no* Obligation can arise from it, it being against *reason*, that *from a wrong, any should raise up to themselves a right*, any more than a meer passivity in a rape, can oblige her that is so forced, to marry him who hath so abused her.

§. 2. As to his *Sacred Majesty*, how truly any say this, we cannot tell, neither knowing whether his *Majesty* did indeed take the Covenant in *Holland*, before he came under the *Scottish* power; nor how he was treated in *Scotland*. If when his Majesty came into *Scotland*, the *Covenant* were by them imposed upon his *Majesty*, (he having not in *Holland* promised to take it.) Or (supposing that) if the *Scots* used any rough and disloyal Arguments to fright his *Majesty* into the taking of it (though indeed our Allegiance and reverence for his Majesty, constrains us to think, that (according to Dr. *Sandersons* determination of the duty of a good and valiant man in such cases) no fear could ever have wrought upon his *Majesty*, so far as to have engaged him in anything, which his Conscience told him was *sinful and unlawful*) yet the *Scots* are not to be

excused in point of Loyalty and good manners, to their Sovereign. For many in *England*, there is no doubt but many Ministers and people (though not all, nor the major part engaging) took it in such a fright. But we will at present suppose all, *viz.* That both his *Majesty* and many of the people took it, as being *feared to it*. The Question still is, whether such Oaths once taken (however sinfully offered and imposed) do not oblige those who took them, to a just performance.

§. 3. Divines in this case do distinguish, betwixt *simple promises*, and *Oaths*, betwixt natural and *divine Law*, and *Civil and Ecclesiastical Law*) and betwixt *metus levis & gravis*, a light fear and fright, and a solid and weighty case of fear, as where a man is threatened with the loss of his life, &c. in case he take not the imposed Oath, Hence (saith *Baldwin*) it is that divines and civilians differently determine the case with respect to the difference of *Natural* and *Divine Law*, and that which is purely Civil and Ecclesiastical. And Divines here speak to many cases ; As that of a promise or an oath made to a Thief upon the Road, when for fear of a mans life, he promiseth the Thief a Sum of money. Whether he that is imprisoned justly or unjustly, and goeth out upon his Parol, swearing to return, be bound by his Oath to do it though his returne shall certainly, or may probably cost him his life, &c.

§. 4. Divines also do here distinguish, betwixt such *Oaths*, if imposed by *Lawful Powers*, and if *administered by Usurpers*. *Sanchez* saith 'tis no question but such Oaths do oblige, if the powers imposing have a just authority over us; and we suppose none will deny this, for there are very few Oaths imposed by lawful Magistrates, upon people, but policy directs them to annex a penalty in case of refusal, which as it is more or less, ingendreth a lesser or greater degree of fear: And indeed to deny this, were to take away all possibility of Magistrates securing themselves by the Oaths of their Subjects: For it were no more, but for the Subject to say he sware his Allegiance *out of fear*, and according to such new divinity, he hath absolved himself. So that (although the *Scots* had no power to impose any such Oath upon their Sovereign under a penal fright, unless he had first given them that power) yet as to all the People of *England*, in case the Lords and Commons of *England*, legally assembled in Parliament, have any such priviledge to impose an Oath upon the people, although the King doth not consent ; we say (which we profess our selves not to know) in case they have any such lawful power, the Argument from force signifieth nothing at all in the case.

§. 5. But allowing our Absolvers all advantage possible, supposing that the *Lords and Commons Assembled in the Parliament of England legally*, have no such power, but did injuriously impose it: The Question is, whether it being taken at this disadvantage, doth not yet oblige all that took it, to a just and religious observation of it; To which we say;

§. 6. The Third Commandment saies, *Thou Shalt not take the Name of the Lord thy God in vain, for the Lord will not hold him guiltless, that takes his Name in vain*. This Commandment is further interpreted by divers Scriptures, *You shall not swear by my Name, falsly, neither shalt thou prophane the Name of the Lord thy God*, Lev. 19.12. *If a man vow a Vow unto the Lord, or swear an Oath to bind his soul with a Bond, he shall not break his word , he shall do according to all that hath proceeded out of his mouth*, Numb. 30.2. *It was said of old time, thou shalt not forswear thy self, but shalt perform unto the Lord thy Oaths*, Mat. 5.33. And as to the penalty; *I will be a swift witness against the Sorcerers, and against the Adulterers, and against the False*

swearers, Mal.3.5. And again, The Curse of God shall enter into the house of him that sweareth falsely by the Lords name, and it shall remain in the midst of his house, and shall consume it with the timber thereof, and with the stones thereof, Zech.5.3. It is the observation of Filicius, that the Precept is negative, and therefore no pretence of force can discharge us from our obedience to it: Not to dispute the force of his Argumentation, It is plain from those Texts, that every man is severely obliged to perform his Oaths; and the express obligation of an Oath appearing from Divine Institution, so highly onerosa, (as the Casuists speak) loading the Soul with curses that neglecteth it. It cannot but to every sober Christian appear, highly reasonable, that before we conclude, That Oaths extorted by fear, are not obligatory, we should find either from Scriptural Precepts or Presidents, a plain discharge from the obligation of them : Which we think will be very, hard to find.

§. 7. Yea, if we mistake not, we shall find some Scriptural Instances, which appear to us strong evidences to the contrary : We shall instance but in two: That concerning the Spies sent by *Joshua to Jericho*, whose story we read *Josh. 2. & 5.* and that of *Zedekiah*, which we have recorded, *2 Kings 24. Ezek. 17 &c.*

§. 8. As to the former we read, *Josh 2.* That he sent two-men to spie out *Jericho*: The King of *Jericho* by some of his Ministers of State, gains intelligence, that they were come, and to what end they were come, and that they were lodged at the house of *Rahab*; he sends Messengers to *Rahab*, to deliver them, she acknowledgeth that such were come, but saies they were gone again, (while in the mean time they were hidden in the top of her house) she comes to them before they went to bed; and v.12. requires of them *to swear unto her by the Lord*, that as *she had shewed kindness unto them*, so that when they had conquered *Jericho*, they would save alive *her Father and her Mother, and her Brethren and her Sisters, and all that they had* ; They swear accordingly. In the 6th of *Joshua*, you read that *Jericho* was *taken by the Israelites: V. 22. Joshua* commands these Spies to *go into the Harlots house*, and, to bring out the woman and all that she had as they *sware unto her*. If *Joshua* and the rest of the *Israelites* had been of the Religion of our late *Absolvers*, how much might they have pleaded in discharge of this Oath?

1. As to the *matter of it*, there is an *appearance* of unlawfulness in it because of the Command of God to destroy the *Canaanites*, and not to *pity* or *spare* them.
2. It was made without *Joshuas* advice.
3. *It was imposed by an unlawful power.*
4. The men could not but fear, that if they had refused, *Rahab* might have discovered them, which had she done, they must unquestionably have died. But that age it seems was not so cunning to quit themselves of Oaths. It is the probable opinion of *Magalianus*, that the Precept of God for destroying the *Canaanites*, was with an exception, to such of them as should express signal kindness to the *Israelites*. And for other things they were to learn that an Oath taken (otherwise lawful) was discharged by any such pretences.

§. 9. The second Instance is that of *Zedekiah*: The story is this; *Zedekiah* was a third Son of *Josiah*. The Scripture mentioneth three Sons of that good King ; *Jehoahaz* (who succeeded *Josiah* immediatly) *Jehoiachim* and *Zedekiah*, called by his Father *Mattaniah* ; *Jehoahaz* having reigned wickedly *three moneths* was overcome, and carried into captivity by *Pharaoh Necho*, King of *Egypt*, where he died (for ought we know) childless, *2 Kings 23.32, 33, 34.*

The King of Egypt setteth up in his stead *Eliakim*, a second Son of *Josiah*, and turns his Name to *Jehoiachim*: he reigneth 11 years. In his daies *Nebuchadnezzar*, King of *Babylon* conquers his Land; He dieth also, and leaveth only one Son (mentioned in Scripture) *Jehoiachin*, called by the Prophet *Jeremy* also *Jeconiah* (and so ordinarily by the 70 Interpreters) *Jeremiah* also in contempt, calls him *Coniah*. (*Domini nomen a Regis nomine avulsum fuit*, saith *Hierom*) This man died *childless*, according to that, *Jer.32.30. Write this man childlesse*. Where and when he dyed, the Scripture speaketh not: probably he died a prisoner in *Babylon*, *2 Chron. 36.13*. The King of *Babylon* makes *Mattaniah* (a third Sonne of *Josiah*, brother by Father and Mothers side to *Jehoahaz*, (they were both the sons of *Humutal*, the daughter of *Jeremiah of Libnah*, *2 Kings 23.31. ch. 24.18.*) King in his stead. He took an Oath of *Zedekiah* by God, *2 Chron. 36.13*. That this Oath was extorted by fear is past denial. *Zedekiah* was of the Kings seed, *Ezek.17. 13*. Son of *Josiah*, Brother to *Jehoahaz*, Uncle to *Jehoiachin* or *Jechoniah*. There appears nought to the contrary, but that he was the right heir to the Crown, *Jehoahaz*, and *Jehoiachim* being dead (and probably *Jeconiah* dead too) sure we are he had a right to his liberty: He could neither have this Crown, nor yet his Liberty without taking this Oath to the Usurper the King of *Babylon*: he must else have alwaies lived a slave to a Pagan Prince, and have been in daily danger of his life, and the more, as the refusing such an Oath, would have rendered him to the King of *Babylon* as suspicious, for hatching some designe; for the recovery of his own, and his Countreyes Liberty. He takes it. And 'tis very like that he had some about him of the complexion of our late *Casuists*, who might tell him, it was an Oath against the *Lawes of Israel*, imposed by an *Usurper*, forced upon him as a Prisoner, and therefore did not bblige. What ever the motive was, he brake it, and *Ezech. 17.15. sent Ambassadors into Egypt to .give him horses, and much people*. But observe how God takes this, whether he also concurred, that *Zedekiahs* Oath and Covenant was null and void. God declareth his sense of it by the Prophet *Ezech. chap.17* under the Parable of *two Eagles* and a *Vine*, from v.1. to v.11. he expounds this Parable, *ver. 11. & sequent. Say now to the Rebellious house, &c.*

V.12. *Behold the King of Babilon is come to Hierusalem, and hath taken the King thereof, and the Princes thereof, and led them with him into Babilon.*

V. 13. *And hath taken of the Kings seed and made a Covenant with him, and hath taken an Oath of him, he hath taken also the might of the*

Land.

V. 14. *That the Kingdome might be base: that it might not lift up it self, but that by keeping of his Covenant it might stand.*

V. 15. *But he rebelled against him, sending Embassadors into Egypt, that they might give him chariots and horses, &c.* Might he not do so (nothwithstanding his Oath?) According to our new *Casuists* the Oath was null and void, *Zedekiah* was a prisoner, the *Jews* in captivity, *Zedekiah* had never sworn to be tributary to the King of *Babylon*, surely, if it had not been to recover his rights, if he had not been afraid of death, or imprisonment, or perpetual exile, certainly he could not offend God in violating such a forced Oath. But it seems the thoughts of God were otherwise; for the Prophet goes on: *Shall he prosper? shall he escape that doth such things? or shall he break the Covenant, and be delivered?*

V. 16. *As I live saith the Lord God, surely in the place where the King liveth, that made him King, whose Oath he despised, and whose Covenant he brake, even with him in the midst of Babilon he shall dye.*

V. 18. *Seeing he despised the Oath, by breaking the Covenant, when, lo he had given his hand, and done all these things, he shall not escape.*

V. 19. *Therefore thus saith the Lord God, as I live surely, mine Oath that he hath despised, and my Covenant that he hath broken, even it will I recompence upon his head.*

Is it possible now that any owning the name of Divines, and Interpreters of Scriptures, should tell us, that Oaths extorted by fear do not oblige?

§. 10. Nor have our *Absolvers* any better encouragement from the suffrage of Divines in the case, whether they be *Ancient* or *Modern*, *Papists* or *Protestants*. *Azorius* tells us, it is *Communis sententia*, the common sense of Divines, that Oaths so extorted do binde in conscience : *Sanches* saith, that *Quidam antiqui*, some old Divines did think they doe not oblige, but who they are, we cannot find. Sure we are, that *Aquinas*, *Sayrus* , *Azorius*, *Filiucius*, *Sanches*, *Al. Hales*, *Bonaventure* , *Richardus* , *Gabriel*, *John Bacon*, *Panormitan*, *Durandus*, *Scotus*, *Estius*, *Soto*, *Cajetan*, *Navarrus*, *Suarez*, *Valentia*, *Layman*, *Antoninus*, *Dr.Ames*, *Dr.Sanderson*, *Baldwin*, &c all determine that such Oaths do oblige. Some of them indeed dispute whether the violation of such Oaths be a *mortal sin*, or only *venial*; whether they bind *in foro Ecclesiastico*, or no (according to *Civil* and *Canon Law*) whether the Pope can absolve in the case or no; but that such Oaths *bind in the Court of Conscience*, we finde none doubting. There is indeed in the *Canon Law* a case of a Bishop mentioned, from whom Count *Arnulph* took some goods belonging to his Church, and made to swear, that he would never endeavour the restoring of them. The Bishops case was brought before the Pope, he determines *the Bishops Oath void*, and dischargeth him by a formal *Absolution*. It is true, that *Bassianus*, and some others conclude, that the Pope determined the Oath void (*in foro Ecclesiastico*) because of the force he was under. But the *Glossator* upon the Canon Law, and so *Sanches* and others, determine better, that the reason why their *Holy Father* determined, the *Bishops Oath* void, was not because of the force (under which the Bishop was) but because the matter of the Oath was unlawfull, he might not alienate the Churches goods, he being but a termer in them. And it seems that the Pope himself judged his case such, that he stood in need of his *Absolution*.

§. 11. But to leave the Authorities of men, which We must confess signifie very little to us in such a case as this is (the obligation of an Oath resulting from divine institution.) Let us inquire what may be said in reason, either for, or against the *Obligation of such Oaths*. We never read, or heard, nor are able to phansie more than two reasons in the case.

1. Because, what one does under a force, he doth not freely and spontaneously.

2. Because, he who by threatning forceth us to swear to his pleasure, doth us an injury, and it is against all reason , that any should from a wrong, raise up to himself a right. Both which reasons have been considered by the Schoolmen and Casuists, and determined insufficient. *Sanches* tells us, that *Spontaneitas non est necessaria ad obligationem Juramenti*. Spontaneity is

not necessary to make an Oath obliging, and *Filiucius* tells us, *coacta voluntas est voluntas*; A will compelled is a will still: *Aliquis timoracus potest velle jurare*, saith *Suarez* ; one under a fear may will an an of swearing.

§. 12. And for the latter reason, it is determined of no value; because the injury done us by men , cannot discharge the obligation resulting from an oath unto God. *Dous jusjurandtum sibi delatum non extorquet* (saith *Azorius*) God doth no man injury by forcing him, and hence they determine , *That a naked promise made upon a force doth not oblige , because that is onely made to men, and no obligation to God resulteth from it, but an Oath doth.* Though we must confess, rather to agree with *Azorius*, who saith such promises do bind, *jure naturali & divino*, by a natural and divine right, but not by Ecclesiastical and Canon Law. But for Oaths in such cases, they generally agree them obligatory: And hence *Filiucius* and others tell us, That an Oath added to a Promise so forced from us, is not *confirmative* of an obligation, but *introductive* of an *obligation*. They consider a promise two wayes.

1. As it contains an *assertion or proposition* relating to matter of fact to be after done by us.

2. In its *proper form*, as it is our engagement to our Brother, tending to his advantage : The Oath added to a promise forced from us, they say doth not confirm the promise in its proper form, nor oblige us to do the thing, as the doing of it is advantageous to our brother ; but it obligeth us to make good the assertion or proportion.

§. 13. The truth is, an Oath obligeth by vertue of Gods Law, and the same Law of God must provide exceptions to discharge the obligation of it. The Word of God no where saith, that the injury done us by our neighbour, or the want of perfect liberty when we do the act, shall discharge us from the performance of it. We shall further offer several reasons against this novel Divinity concerning the nullity of forced Oaths: Seven or eight we shall instance in, most of which have been pleaded by Divines, and we shall give them their honour as we mention them.

§. 14. First in all Reason , an *Oath into which a man is cheated*, is *lesse obligatory* than one by fear extorted. *Sanches* gives the reason, *quia dolus aufert consensum* , a man in such a case cannot be said to have consented; but that such an oath is obligatory, is plain from the instance of the *Gibeonites*, upon which we have the Judgement of all the *Princes of the Congregation*, Jos. 2. 19. (when the cheat was difcover'd) delivered in these words, *We have sworn unto them by the Lord, therefore we may not touch them, because of the Oath which we sware unto them* : God himself resolves this case, 2 *Sam.* 21. 1. punishing all *Israel* first with three years Famine, for the violation of their Fathers Oath, and then *Saul* eminently, in the Sacrifice of ten of his Sons to appease Gods wrath for the violation of that Oath. *Ergo*, Oaths extorted by fear much more oblige.

§. 15. Secondly, *The injuries and infirmities of men cannot discharge any obligation upon us unto God. But fear concludes onely, the injury and infirmity of men.* We find the Schoolmen and Casuists generally agreeing in this.

That from every promissory Oath , there results a double *Obligation*. The one to men whom the promise concerneth ; the other to *God*, whose Sacred Name is invoked. *Aquinas, Sanches, Azorius, Sayrus, Filiucius*, all agree in this, and most of them use it: as an Argument to prove the Obligation of such Oaths. Mens injury in forcing us, may diminish the Obligation to them, but it cannot acquit us from our debt to God.

§. 16. Thirdly, Every Oath which is *licitum & possibile* (lawful and *possible*) doth oblige, but fear doth not make an Oath either materially *unlawful* or *impossible* : *Baldwin, Dr. Sanderson*, with many others urge this Argument.

§. 17. Every Oath to which a man consents (if otherwise lawful) is (notwithstanding any pretence of fear) obliging; *Baldwin* and *Dr. Sanderson* both urge this: The latter urgeth well, that the person so swearing, hath his choyce, whether he will swear, or suffer the penalty like to be inflicted upon him for refusing the Oath ; the will cannot be forced : He that thus swears (saith *Dr. Sanderson*) chuseth what at that time appeared best to him, and is therefore bound by it: *Gregorius Sayrus* agrees in the same reason.

§. 18. Fifthly, Because an Oath (notwithstanding any circumstance of force) may be kept *without any hazard to a mans Salvation*. This Argument is urged by *Filiucius*, the *Glossator* upon the *Canon- Law*. It seems it was a Rule in Divinity in former times (however forgotten now) *That every Oath which any man had made, and could keep without the hazard of his eternal salvation, he was obliged to keep:* in this Rule also agree *Sanchez, Suares, Molina, &c.*

§. 19. Sixthly, *Because the performance of a Promise ratified by such an Oath, is a vertuous action*, supposing the matter of the promise lawful, though it be not necessary, yet when we have promised it, the performance becomes *actus virtutis*, for no act *individuo* is indifferent, whatever it may be *in specie*. *Sanches* saith truly, that it is not necessary to make an Oath oblige, that the matter be necessary; it is enough if it be *free* and *indifferent*, and if no more, yet an Oath makes it necessary as to us, and a Promise in such a matter, saith *Cajetan* (whose Argument this is, is a vertuous Act, and such must the fulfilling of it be.

§.20. Seventhly, *A multiplication of ineffectual causes, though it implieth an addition to their number, yet it adds nothing to their weight*, saith *Filiucius*. Here are two causes in the present case, which may be pretended, why such Oaths should not oblige. 1. *The Injury*. 2. *The Fear*. Both these are inoperative and ineffectual singly ;

1. Fear alone will not nullifie an Oath (as we said before) an Oath into which a lawful power doth fright his Subjects by penalties is yet obligatory, and granted so by all. 2. The injury of an usurped power, will not do it, without fear. Casuists agree, that Oaths (otherwise lawful) imposed by unlawful powers (if once taken) do oblige. Now it is against reason, that these two ineffectual causes should joyntly do what it is granted, that they cannot singly and apart: This is *Filiucius* his Argument.

§. 21. Eightly, *Justice requires, that a condition* (lawful to be performed by me) *should be made good to another, when I have obtained the end, for which I so engaged*. *Dr. Sanderson* speaks like a Divine in this case ; *Every conditional Covenant, the condition being fulfilled,*

obligeth : Whence both he and others conclude, that if any man hath sworn to a Thief, that upon consideration that he shall spare his life, he will pay to him such or such a sum of money, he is bound to pay it.

§. 22. Ninthly (saith Dr. *Sanderson*) We ought *alwaies to suspect our carnal wisdom and reason, as contrary to purity of heart, and peace of Conscience*. But what can be called wisdom of the flesh, if this be not, to oppose our own reason without any warrant of Scripture, to the express and severe Letter of Scripture, concerning the Obligation of Oaths.

§. 23. Lastly (saith Dr. *Sanderson*) which is also observed by *Baldwin* in the case, The Heathens stand upon Record commended to posterity, for the not violating such *Oathes* : Amongst whom is *Regulus* (so highly as we remember, commended by *Augustine*) and *Pomponius* the *Tribune*, honoured by *Tully*, who yet elsewhere seems to be of a different mind to Divines in this Case.

§. 24. Upon these and the like Reasons, we (with the generality of Divines of all sorts, and in all ages) conclude against the *Sciolists* and *Novellists* in Divinity, of this present age, *That Oaths extorted by fear, are (if otherwise lawful, notwithstanding such frights, or pretended force) obligatory*.

§. 25. In which Conclusion Divines are so highly agreed, that they not only determine, the Traveller bound to pay the sum of money, which he hath sworn to pay to a Thief, for the sparing of his life ; but also *That he who is justly imprisoned, and in danger, yea, certain to lose his life (if he return to his Keepers hands, having sealed his Parol with his Oath, that he might have a liberty of breathing in the open Air) is bound in Conscience to return* : Yea, the most (though *Vasquez, Corruvias*, and some others dissent) determine him so bound, though he be unjustly and unlawfully imprisoned.

§. 26. We shall only add this; That if this new Divinity be allowed in the world, *that Oaths to which one is frightened, do not oblige*; the widest flood-gate imaginable will be set open to Perjury. It is but for any Subject to say, he was (by the penalty annexed) frightened into the taking of his Oaths of *Allegiance* and *Obedience* to his Superiors , and he *will be discharged*. But enough for such a piece of licentious Doctrine, not fit to be mentioned amongst Christians.

CHAP. XIV.

The Absolvers Plea, from the pretended sinfulness of the End of the Covenant examined, whether the deformity of the end of an oath can make it not obligatory: The contrary proved. The Absolvers Plea from hence Atheological and vain.

§. 1. **H**aving thus far patiently heard the Clamours of our new Casuists, against the Obligatory vertue of the Covenant, because of the supposed Failers, as to the *material* and efficient causes of it, whether more external or internal. We should in the next place, examine it as to

the *formal cause*: Under which Head, Casuists examine, *whether those Oaths be Lawful or Obligatory, where no words are used, or where men swear, not by the Living God, but by some Creatures, how far the intention of him that sweareth is necessary ?* and discourse concerning *equivocations and mental reservations*, with many others. But we do not find any of them snarling at the Covenant upon any of these accounts, though we believe too many of them had *mentem injuratam*. Ther's only one case more relating to the *Causes* of the Covenant, which needs be spoken to.

§. 2. A great *Absolver* much improves a Fancy (in order to the irritation of the Covenant) that the design of it was only to engage the *Scots with the Parliament* ; and the *End of the Covenant* being meerly *Politick* and *Unlawful*, the Covenant must needs also be void and null.

§. 3. His Sacred *Majesty*, who had as much reason as any other to judge uncharitably of the end in imposing, and taking that Covenant, yet was more charitable : He (as we said before) professeth himself to have so much Charity, as to believe, *that many good mens Intentions in taking that Covenant, was to preserve Religion in purity, and the Kingdoms in peace.*

§.4. But (for once) suppose that the End of the Covenant had some obliquity in it, it is worthy the enquiring where our modern *Casuists* learned this Divinity, *that the obliquity or unlawfulness of the end of an Oath did render it* (once taken) *void and not obliging* ; I am sure, not of Dr. *Sanderson*, he teacheth them the quite contrary. *Baldwin* would have learned them to distinguish betwixt the *unlawfulness* of an *Act*, and the *lawfulness* of the good *might result from it*: He would have told them, That if an Adulterer had sworn, that *if he should have a Child by an Adulteress, he would then do some high Service for God, he is bound* (having that child) *to do the good Service. If a Prince swears a Service to God, if he returns safe from an unlawful War; he is bound by his Oath* (returning safe) *to do what he hath sworn*. It is true, we may not do evil that good may come of it ; but we are yet to learn, that when an evil is done, *we may not embrace, and do the good* which should come of it. A Failer in the end makes an Action unlawful or sinful to him that doth it, but surely it doth not nullifie an Action done. *Sanches, Cajetan, Corruvias, Molina, Soto, Arragon, &c.* all agree, that a

man is obliged to the performance of an Oath at first made for a sinful end. *Sanches* allowes no dispensation in the case (*nisi solutio fit iniqua*) unless it be sinful to do the thing which we have sworn to do, which is nothing to the present case. *Patrato crimine obligamur*, is their joynt Suffrage. Dr. *Sanderson* gives this excellent reason for it, *quia et si pactum fuit illicitum, respecta licet*, the thing sworn to do is lawful, though the pact were at first unlawful.

CHAP. XV.

Where it is proved, that the Bond of the Covenant cannot be suspended by any Dispensation, altered by any Commutation, or dissolved by any Relaxation of Parties.

§.1. WE have yet one case more to speak to, which we little thought would ever have been a question amongst *Scholars*, who call themselves *Protestants*, viz. *Whether supposing the Covenant obliging hitherto, his Sacred Majesty, or the present and succeeding Parliaments, severally , or joyntly, may not make it void and not obliging, by their Acts or Acts to that*

purpose? We most freely and humbly give unto *Caesar* what is *Caesars*, and to the *Parliament of England*, what is theirs; but to give them a power of dissolving *the Obligation of Vows and Oaths*, is to give them what *only belongs to God*, and which was never yet challenged by them.

§. 2. The *Popish Casuists* have found five or six waies to quit men of Oaths. 1. By *Dispensation* from the *Pope* or *Prelate*. 2. By *Commutation*. 3. By *the power of the Superior*, according to *Num.30*. 4. By the *Cessation of the matter*. 1. By *the Relaxation of the Party*.

Our Brethren cannot but know, that the power, challenged for the *Pope* (as *Christs Vicar*) to *dispense with Oaths*, or to order the *Commutation* of them, is most justly *exploded and abhorred* by all *Protestants*, who generally judge Oaths *de jure naturali*, and so not to be dispensed with, save only by him who is the *God of Nature*. Besides, as *Dr. Sanderson* well urgeth, *it is to destroy the end of all Oaths, viz, the security aimed at in them, by them who impose them, and to take away anothers right, which he hath acquired with whom the Covenant is made, confirmed by the Oath, yea , and the Obligation to God also* which results from every Oath, (according to *Aquinas* and the generality of *Schoolmen*, and *Casuists* in the Case) and *to subject the Conscience immediatly to an humane Judicature*. All which Reasons of *Dr. Sanderson* will strictly hold against any such pretended power of *dispensation* in the case of Oaths.

§. 3. The Learned Doctor determines the same against any *commuting of the matter of Oaths*, for some other thing, which we *judge*, or is *revera* better. *Neutro istorum modorum silvi potest juramenti vinculum, aut obligatio tolli* (saith that *Reverend Person*) and he saies right, that the whole Doctrine of *commuting Oaths*, and the truth of it, depends upon their *dispensability*, and both Doctrines are most notoriously false, and destroyed by the same Reasons.

§. 4. How far a *Superior* hath power to *suspend the Obligation of an Oath*, taken by those under his power, and *whose matter is subjected to his power*, and how this *irritation* must be *circumstantiated*, and how long it lasts; and how little relief is for us from hence, we have shewed before, and may therefore pass it over in this place.

§. 5. A *Fourth* way by which the *Gordian knot* of an Oath may be untied, according to the *Schoolmen*, is by the *Cessation of the matter*; in which case, all *Casuists, Popish or Protestants*, judge the *Obligation* to cease. The *Oath of the Souldier* to his *General*, ceaseth, when he is not *General*, &c. The reason is evident, because *the root of it is pulled up*: But this is no way applicable in our case.

§. 6. There is therefore no dispute, save only *de relaxatione partis* : whether the Parties in the *Covenant*, *releasing the Bond of it, it may not be dissolved* ? We perceive that some think, that if it shall please his *Majesty* and the *Parliament* to release those who have taken the *Covenant*, from the observation of it, there needs no further care about it: To determine this business, betwixt our Brethren and us, we will refer our selves to *Dr. Sanderson* and, but translate part of his excellent determination in the case.

First, (Saith he) *There can be no such release in Vows; in Oaths confirming humane Pacts , Covenants, and Bargains, there may. The reason of the difference is, because Vows are made to God, as to one Party*. Now we shewed before, that the *Covenant* as to the first and second

Branch; of it, did partake of the nature of a *Vow*, it was *sponsio facta Deo in rebus Dei*, a Promise made to God, as well as to men, *in the things of God*, relating immediatly to his *Worship and Glory*.

Secondly, (saith Dr .*Sanderson*) *If the Oath taken be [in gratiam alterius] i.e. for the honour, profit, or commodity of another, or the giving an homage to another, it doth not oblige, unless that other to whom we swear, **accepts** and confirms it.*

Thirdly, (saith he) *If he or they to whom such Oath is made, for his or their profit and advantage, will have it stand good, no third person can discharge us from the obligation of it.*

Fourthly, (saith he) *If the person to whom we swear will release us the Oath doth not oblige us after such Release.*

Fifthly, (saith he) *The Oath is in such case only discharged so far as he doth release it.*

Sixthly, (saith he) *The Release of any Party in an Oath, only takes away the Obligation of it as to his particular Interest, but prejudiceth no third Person.*

§.7. From the *Grave Determinations* of this Learned man, by a *review* of what we have already said in our *Second Chap.* concerning the nature of the *Covenant*, it is no hard thing to conclude, what Lamentable Divinity they publish, that tell us, that it is in the power of any man or men, to discharge us from the Obligation of the *Oath of God* which is upon us.

1. The *Oath* confirming the *Covenant*, did not only confirm a *Contract* made with *King and Parliament*, and with the *Nation of Scotland*, and our Brethren in *England*, engaging with us, but it confirmed a Solemn *Vow* and *Promise* made to God, in the things of God (for such certainly is the Government of his Church, Reformation in *Doctrine, Worship and Discipline, according to his Word, &c.*) Now *ab homine ea sola relaxati fas est, qua homini facta sunt*, (saith Dr. *Sanderson*) Men can only release for themselves.

2. According to the Doctors sixth Determination; Supposing that God were not interested as a Party, but the *Covenant* was a meer *civil Pact between men and men*, yet all Parties must release, before the *Relaxation* can be good , as to the whole Obligation. We have sworn to maintain the Kings *Person, Honour and Authority*. 2. *The Priviledges of Parliament*. If indeed his *Majesty* or the *Parliament* shall please, in whole or in part, by any of their *Acts* to release us, they may do it as to their own peculiar *Concern and Interest*: But we have also in the *Covenant* sworn to the *Nation of Scotland*; and to our Brethren in *England*, for their *profit* and *advantage* : and unquestionably our *Brethren in Scotland*, looked upon the *Abolition of the English Hierarchy* (as to its ancient Form) as a thing highly tending to their advantage, and so did many in *England*, both *Ministers* and *People* (who had wofully suffered under it) Now how a *Release* should be good, unless from all persons and *Parties* concerned, we are yet to learn. If any one say ; *what the Parliament of England or Scotland doth, all the People are bound up in*. We Answer, Not as to *releasing Obligations* contracted by *Oaths*. We presume our *Brethren* will not determine so in other cases, we have sworn out the *Popes Supremacy in England*, we hope *our Brethren* will not

say, that an *Act of Parliament*, if (which God forbid) any such should hereafter be, will discharge those that have taken that *Oath* , from the observance of it,

3. Concerning Dr. *Sanderson's* 2, 3, and 4th. Determinations, there may be some question : *If a man swears to another for his advantage, we are apt to believe the Oath binds in Conscience, though he to whom we swear, knows not of it, much less apertly accepts and ratifies it.* Suppose a man swears to *breed up his Child to Learning*, or to a Trade, &c. we believe the Oath will bind, though the Child doth not like it, &c. There may also appear some doubt about the power of him, to whom we swear, *to release us in whole or in part*, because as we have said before, from every such *Oath* there resulteth a double Obligation ; 1. To man. 2. To God. Now it doth not seem reasonable, That man should discharge Gods Debts. Dr. *Sanderson* (aware of this exception) answers, *That in a promise made, meerly for the advantage of another, and confirmed by an Oath, God is only invoked, as a witness of the truth of our hearts in promising, and challenged as a revenger, in case we violate our Faith so confirmed, but if the Party releaseth us, our Faith is not violated, so that no injury is done to God in it.* We think this as much as can be said, whether sufficient or no, we will not here enquire, this not at all concerning our case.

We conclude then, that as we can see no error in the *Efficient, material, formal or final* causes of this Oath of God which is upon us, sufficient to discharge us from the Obligation of it (considering things as they are now stated, and that the Oath is taken) so we cannot believe it in the power of any (save God alone) by *dispensation, irritation, commutation, or relaxation* , to discharge us from an endeavour to perform it. The *Compass* of that term, *endeavour*, remaineth yet to be measured by us, with a *Reed from the Sanctuary*, and that shall be our last Task.

CHAP. XVI.

Concerning the Limitations of the Covenant, common to all Promissory Oaths, or particularly relating to this. What endeavour as to the matter of the Covenant, is not required.

§.1. SUCH is the Sovereign power of God over all, such the power which the Divine Law hath reserved to Superiors, such our own ignorance and infirmity (of which yet in due time we may be convinced) and such the mutability of humane affairs, that Divines reasonably say, *that to all promissory Oaths*, certain conditions (though not exprest) are yet necessarily to be supposed, *viz. Si Deus voluerit*, if God will (otherwise the performance will be impossible) 2. *If lawfully I may*: Otherwise the Oath will be *vinculum Iniquitatus*, and make us Debtors to Hell, 3. *Saving the right of my Superior*: For as we said before, God hath reserved to some Superiors, a power of irritation (or *suspending* rather) such Obligations. 4. *If things continue in their present state.*

§. 2. As the third must not be understood otherwise than we have before proved; so the last must not be taken in its Latitude; For then (such are the contingencies and vicissitudes of humane affairs) that very few promissory Oaths relating to things to be done at any distance of time, would be found obliging. It is true, if the state of the case be so altered, that it will be *sin*

for us to fulfil our Oaths, the Oath will not oblige, such is the instance Casuists give of an Oath, to give a sword to one, who before he receives it from us, proves mad. 2. And *when the state of the case is so altered, that the plain end of the Oath, and the expectation upon which it is founded, appears frustrate* (the Oath being only made to a Creature, for his or her advantage) it may be a question, whether the Oath obligeth yea or no? Such is that other Case put by Casuists, *where one hath sworn marriage to another, and before the time of Marriage comes, he discerns she hath been defiled by another* (in which case his refusal to marry, is little other, than a Bill of Divorce, allowed by Gods Law in case of Adultery, as this is after such a Contract in Gods sight) But none of these will at present gratifie our Absolvers.

§. 3. Some therefore have observed the express Limitations in the terms of the Covenant: 1. *We will endeavour*, 2. *In our Callings and Places*. 3. *So far as lawfully we may*. And God forbid the terms should have been any other. Far be it from us to assert, that a man is tied by his Oath, beyond his *endeavour*, yea, and *lawful endeavour*, and in his *Calling* too. We say that the utmost that any conscientious Christian is by the Oath tied to, *is, his utmost lawful endeavour in his Calling*, as a *Parliament-man*, as a *Magistrate*, as a *Minister*, as a *private person*, according to his *present capacity or future capacity*, and if by endeavouring, honestly and lawfully he cannot attain his end, it is his duty, to sit down, and commit his soul and his cause to God, who doubtless will accept the sincerity of his heart. Only we hope it will not be pleaded in Bar to the lawfulness of endeavour in this case, that it is not lawful to endeavour if the contrary shall by a Law be established: For it was never thought yet unlawful, lawfully to endeavour the annulling', and regular repeal of a Law, which was found grievous to the Subjects outward concern, much less to his Conscience (as any Law must be after an Oath to the contrary, as to the matter of the Law.) This being foreprized, our Brethren and we are agreed, as to this Limitation. And we freely acknowledge ourselves obliged, either actively to do, what Lawes require, or like Christians, to suffer the penalties which they inflict: Than which, nothing more was ever pleaded as the duty of good Subjects.

§. 4. We do therefore conclude, professing, that we do believe it the duty of every conscientious private Christian, who hath taken the Covenant, when once he hath endeavoured what in him lies, in all things (lawful to be done by him) for the obtaining the ends of the Covenant, as to the Reformation of the Church. If at last he should be so unhappy, as to see all his endeavours frustrated, and (to put the case at the worst, which we hope will never be) he should at last, see Popery set up (*i.e.* the highest corruption in Ecclesiastical Administrations) to sit down, and mourn before the Lord for it, but not to make any resistance to the Lawful Magistrate, because he is the *Ordinance of God*: We hope none would say in such a case, he were obliged to own Popery, or that he might do it, but he is unquestionably bound to suffer as a wel-doer, rather than to disturb the Civil Peace (What hath *Peter* to do with the Sword?)

And if this be our sense of his duty in so high a case, every one will conclude us (we hope) of that mind in case of the old *Prelacy*, which we are told is the great Bar to *Popery*, whatever else is to be said against it.

CHAP. XVII.

Wherein is a sleighty notice taken of a Late Pamphlet, wrote by one Mr. Russel, called, The Covenant discharged; and it is proved, that in stead of his finding the Snare broken, as he saith, he hath but resolved to break the Bonds, and to cast the Cords behind him.

§.1. WE had thought our work had been done, and sufficient Answer given, not only to what our *Absolvers* had said, but also to what they reasonably could say: But while these sheets were in the Press, we have seen a new Pamphlet; *Qualem proculdubio mundus literatus nunquam prius vidit, nec unquam posthac visurus est.* The Author hath done well to tell us, it was wrote from his Study at *Chinkford in Essex*, we should else have been so uncharitable, as to have thought it had come from some other place ; but he hath neglected to tell us, what Books are in that Study, for we cannot in any of our Studies, find any wrote, either by *Jews* or *Gentiles*, *Greeks* or *Barbarians*, whose Divinity will agree with the Authors Positions.

§. 2. We do not think our selves beholden to the Author, for his promised forbearance of Passion, for besides that, he now and then bestows upon us a *prophane Scoffe* (according to the proportion of his faculty that way) as where he tels us, that *the Faith of removing and settling Mountains are two Gifts, the latter of which we want, &c.* In very deed the Author hath consulted himself, in not being too free with his passion, according to the Poets Caution,

Carpere vel noli nostra, vel ede tua.

intending to publish such a piece as this to the world, he stood concerned to take heed what measure he meted to others, least it should be meted to him again, we think he is liable enough to have *it even pressed down and running over.*

§. 3. In divers things we confess he hath spoken truth: 1. *As to himself*, in what he saies, p. 57 intending to batter the Covenant, *he hath made his approaches at a reasonable (indeed unreasonable) distance*, such a distance, that no shot hath come near it. 2. *As to the matter* ; as where he saith, 1. That none can release a *Civil Contract*, but the *Parties* with whom it is *contracted*: That *where an Oath is made to God, so that he is Judge and Party, only God can absolve it*, p.14. And p. 15. *He would not be thought to plead for a Papal power in any, to discharge men from Oaths, &c.* which would be enough for us, who have already proved, that the Covenant was *Sponsio facta Deo in rebus Dei*, a Vow made (though at the Command of others) to God, as to the things which concern God ; and giving unto God a right to exact the performance from us ; as also, That it was a mutual stipulation with our Brethren in *Scotland* and *England*, with our *King* and *Parliament*, and according to Mr. *Russel's* own Doctrine, if there were nothing of a Vow in it, yet all Parties must release: So that what he saies more, is to no purpose, because he argues *ex ignoratione Elenchi*, and lamentably mistakes the nature of the thing of which he speaks.

§. 4. But because though he seems to grant this, yet up and down his Book, he scatters suggestions of another nature, and indeed maintains such Positions as we are sure Dr. *Gawden* durst not justifie, and runs into so abominable mistakes, as if once believed by others, would make all Oaths no stronger than strawes, ; we will add a few animadversions, upon what he

saith, intreating our Brethren hereafter to bring forth other Champions, who may bring more credit to the *Church of England*, than we conceive this Author in a capacity to do (if we may guess at *Leonem ex ungue.*)

§. 5. As to our Brother *Crofton*, whom he mentions in his Epistle, we conceive him of age, and therefore shall only desire the *Reader* to take notice; 1. That the Author can produce no Vote of Parliament in his terms, viz.. *That the Kings Concessions were sufficient to establish a well-grounded Peace.* The Vote passed *Die Martis, 5 Dec. 1648*, in these terms :

Resolved upon the Question, That the Answers of the King, to the Propositions of both Houses, are a GROUND, for the Houses to proceed upon, for the settling the Peace of the Kingdom.

What is this to *sufficient to establish* ? But suppose this Absolver had not stumbled here, but the Vote had been as he would have it, Why then (if you will believe him) the same power that established the Covenant, tacitly discharged it. For— *The continuation of Bishops was included* (in those Concessions we suppose.) This is again a most impudent falsehood. For the King in termes granted as follows;

" And we will likewise for three years confirm by Act of Parliament the Form of Church-government you have presented to be used for the Churches of England and Ireland, and Dominion of Wales. Provided that his Majesty, and those of his Judgement, or any others who in conscience cannot submit, &c. be not in the mean time obliged, &c. And that a free consultation and debate be had with the Assembly of Divines at Westminster in the mean time (twenty of his Majesties nomination being added unto them) whereby it may be determined by His Majesty, and his two Houses how the said Church-Government, and Form of publike Worship after the said time may be settled, or sooner, if differences be agreed. We wonder where Episcopacy was here included? Sure we are, the Propositions sent were for the utter abolishing of it. By this first Essay, the Reader may judge what to conclude of M. Russel's assertions, and to shew that that Parliament never intended to annul the bond of the Covenant. They no sooner met, anno 1659. but ordered it to be hung up before their eyes in the Parliament House for a continual monitor to them. It was urged by Mr. Prin, & doubtless highly prevailed, both with the consciences of the members, and also of the friends of the Long Parliament, to further the restoring of his Sacred Majesty, therefore surely it was not annulled by that Parliament, 1648. in any mens understanding, but only according to the peculiar intellect of this Absolver.

§ 6. In the first Page of his Book we cannot but take notice, that though his zeal appears high for the Religion of an Oath, it must not (he saies) be *imposed without great Prudence*, nor *taken without great care*, &c. nor *handled without great fear*, &c.) Yet he hath omitted one main thing, viz. this, *Nor violated without just warrant from Gods Word*; Let that be put in, and we are so far agreed.

§. 7. In his second Page he seems to be wonderfully free, he will grant us (by way of supposition) all but one point ; he will suppose it to have been, 1. *Imposed by a lawful authority.* 2. *Not defective in Circumstances,* 3. *Clear from Ambiguity.* 4. *Perfect in form.* 5. *Pious in the End.* 6. *Fair in the manner, without fraud, violence, with deliberation, and consent.* 7. *As to the matter lawful.* Only he will not grant us, *That it cannot be released by any humane act or power.*

That it may not be said, *This man hath made us rich*, we will yield him all again, but the seventh, and if he will not give us *that*, we will buy it of him, at a full price of Reason and Argument, (such as shall be currant with all divines) we will suppose that at first, *it was not imposed by a lawful authority*, 2. *That there was a defect in the Circumstances*. 3. *That as to some parts there was Ambiguity*. 4. *That it was not perfect in the Form*. 5. *That the End was not pious*. 6. *That there might be fraud or force, or too much haste in the taking, or imposing it*, and yet (what the Books in *Chinkeford Study* say we cannot tell) our Divinity Books tell us, that an Oath taken (notwithstanding all these) *will oblige*. As for what he hugs so fast that he will not grant it us, though it were enough to tell him, all learned men that ever we heard of, would; yet we will endeavour to unclasp his hands, and try if we can get it by fair wrestling with this great Champion, being well assured, he will refuse upon any fair ground to try a fall with us upon this issue, and that all Divines, of judgement, will hiss at him that doth it. But he tells us, Page 2. *That he will by sufficient arguments and testimonies prove that the same specifical power, or an higher than that which imposed this Vow upon us, may release us from the same either tacitly or expressly*. When he hath done that, he must prove too that they have done it.

§. 8. 'Tis Reason we should listen to this great undertaking, only we desire the Reader to take notice, that himself, both here, and elsewhere calls it a *Vow*, which according to all Divines *is a solemn promise made to God in the things of God*. From such an obligation as this he undertakes to prove our discharge, and yet as he tells us, p. 14. *In those Oaths where God is judge and party there are none that can release from the binding power but God alone* ; We would fain know whether in a *Vow* God be not *Judge and Party*; and what Divines ever said otherwise ? Or to whom a *Vow* is made if not to God ? And then let this Author advise how to reconcile himself to himself, and he will be more likely to agree with us.

§. 9. The foundation of his Argumentation is. *The power of men in some cases to release the Bond of an Oath to their Neighbours*. The truth of which we shall declare in the words of Dr. Sanderson. Having first determined that none *can discharge us from Vows*. He tells us 2. *That if we swear for the good and advantage of our brother (meerly) viz. with respect to his single honour, obedience, profit, &c. if he, to whom we swear, (for such his sole profit, and advantage) will release us, we are discharged from our Oath, and not bound in conscience to fulfil it*: The Reason is, *because our Brother may yield us his right, and so we have paid the debt, which done, we are not obliged*. As for God; *in an Oath made (praecise in favorem alterius) meerly for our Brothers advantage, God is only concerned us a witness of our fidelity, and a revenger in case we be not faithfull, but if our brother hath discharged us, we are not unfaithful, in not doing the thing, and so no transgressors before God*.

§.10. But although we have said this before, and now again to let our Absolver know we have no such desire (as he suggests, p.2.) to snare peoples consciences, yet we do not think any thing of this is proved from the instance of *Abraham* and his *Servant*, *Gen.24*, which he makes the whole business of his Book, how fitly will appear by giving the Reader a just view of the Text.

§. 11. In the 24. of *Genesis*, *Abraham* calls the *eldest Servant of his house*, and bids him *put his hand under his thigh*, and he would make him swear, That he should not take a *Wife for Isaac* of the *Daughters of the Canaanites*, &c. But v. 4. *Thou shalt go unto my Country, and to my Kindred and take a Wife to my Son Isaac*. Ver. 5. *And the Servant said unto him, per*

*adventure the Woman will not be willing to follow me unto this Land, must I needs bring thy Son again unto that Land from which thou camest ? And Abraham said, beware that thou bring not my Son thither again. V. 8. And if the Woman will not be willing to follow thee, then thou shalt be clear from my Oath, &c. After all this, v.9. The Servant put his hand under the thigh of Abraham his Master, and sware to him concerning that matter. Here we have Abraham discovering to his Servant a design he had to send him for a Wife for his Son, and for security of his faithfulness, that he intended to put an Oath upon him, that he should not take a Canaanite, but one of Abraham s Kindred. The Servant fearing the Oath of God, desires before he sware, fully to know his sense, that he might not swear a thing either *impossible* or *unlawful*, it might have been impossible to have brought her without her consent, to be sure it had been unlawful (for two words must go to make the lawfulness of such bargains,) *Abraham* tells him that in that case (*Hebrew text*) *Thou shalt be free from the Oath. i.e.* My design is not to engage thee in such a case, nor indeed could he engage him. After this the Servant takes the Oath.*

§. 12. Now (Reader!) what dost thou think this should prove? That which it naturally proves is this; *That an Oath doth not oblige contrary to the declared sense of the imposers before it is taken.* But what is this to the thing in question? 'Tis brought by this *Casulist* to prove that *Abraham had power to discharge his Servant of his Oath when he had taken it; yea, and this is again, and again , and again repeated, and made the foundation of all the discourse by vertue of the Authors quodlibetical abilities, when as there is not a tittle in the text looking this way, the passage being only an explication of the sense of an Oath before it was taken; we cannot but believe, that either the Printer or the Author hath abased the World, in telling it, that such lamentable stuff as this is, was attested by Dr. Gawden. We are ashamed to think what opinion will by such scriblings as these be begot in the World, of the Church of England ? We shall need say no more we hope to any thing he urgeth upon this foundation. He tells us, *Jacob* might have discharged *Esau* too of his Oath, nor (though he hath not proved it) will we deny it, it being only made to a man, and *for his advantage*, which is nothing as to our case; he promised us more examples, but *p.6.* he tells us he hath none. Yet, *p. 7.* he hath found out, such a one as it is, and tells us (but take heed of believing him good Reader!) That *Mr. Crofton saith, that we had our first president for the Covenant from the Holy League ;* He that will read a little in *Grimstons translation of the French History, p. 823,824.* will quickly understand the nature of the *Holy League.* And though this *Gentleman* betrayeth no such depth of Judgement, yet we know our Brother *Crofton* is able to distinguish betwixt a *League made by a pack of Popish Nobles, not lawfully Convened, and that for the raising of a war against their lawful Sovereign; and whoever else should oppose their ungodly designs.* And a Solemn Covenant made by the *Lords and Commons legally assembled in Parliament, for the reformation of Religion according to the Word of God, &c.* For his instance in *Scotland,* his question how the Scots came to be released, needs no answer, till he hath proved they were released at all.*

§. 13. In the next place, he argues from the *abuse of the Covenant,* here he tells us of the *abolishing the Brazen Serpent, the destruction of the Temple, &c.* when they were abused ; he should have done well to have told us of the abolishing of a *Vow taken, because some* that took it did not keep it, then he had said something to the purpose ; we shall not meddle with his quibbling about the *unblest effects* of the Covenant; we are sure that it hath had some *blest effects,* and we are sure that his talk of *abolishing the obligation of an Oath lawful as to its matter, &c.* is a parcell of *unblest Divinity* if it be good sense.

§. 14. For his next Argument, fetcht from *Eccl. 7. 16. Be not righteous overmuch, &c.* if he had understood that Scripture with the Context, he would have spared that instance where *Solomon* (having instituted a Dialogue between his flesh and spirit) brings in the flesh giving him that saving advice, we are yet to learn *how* any can be *Righteous overmuch*. *Solomon* tells us there what his heart said unto him in the daies of his vanity, not what is our duty.

§. 15. We see nothing more in his Tract till he comes to his notion, in which he highly triumpheth, That an *Oath is no more than a Bond*, where are parties, and a witness. The taking of the *Oath* he saies, p. 14. is a *bringing of the trial into Gods Court*. Here he tells us, that in some *Oaths God is a party, and a Judge too. And from such Oaths he is so just as to tell us, none but God can release us. But he will have the Covenant to be such an Oath where God is only a Judge,* (he forgot his being a witness too) *not a party;* (and it must be so because he saies so, for he adds not a word to prove it;) To omit his impertinent discourse of Assertory Oaths, p. 15.(which is wild enough,) He tells us, p.16. *That in promisory Oaths* (such as he confesseth the Covenant to be) *the Party sworn stands continually in Gods Court, and is upon continual trial till he or they that put him upon trial are willing to withdraw, and so he saies we are at this time released from the bond of the Covenant.* Question, *How doth this appear ? The same powers that imposed it are willing to put US upon no further trial,* p. 18. He distinguisheth between making a Covenant *before God, and with God;* and tells us *there are but two waies now of making a Covenant with God.* 1. In the Sacraments. 2. By Vows p. 19. He distinguisheth betwixt *taking an Oath willingly;* and taking it spontaneously, p, 19, 20. To resolve the question, *How the Parliament men, who have taken it, shall be released ?* He wipes the Enquirers mouth with an Egge shell, telling us, That every *Parliament man* hath a *private, as well as publike capacity,* and if the *Parliament* repeal the *Ordinance for the Covenant,* it is then *Void,* and Conscience is discharged, &c. To all which a short answer will serve the turn.

§. 16. *Casuists* say, that an Oath is *Lex privata,* a private Law, which Creatures lay upon themselves, or upon one another; The transgression of which is indeed highly cognoscible before the Judge of the whole Earth, who in every Oath is invoked, as a witness, and as a Judge and Revenger of our violation of our faith. 2. In Oaths which are meerly to assert truths, or confirm contracts between man and man, wherein we make no bargain with God to do ought which immediately concerns his worship and glory; God indeed is only invoked as a swift witness, and as a severe judge, but is not a party, we only promise to men for their advantage. 3. *We deny the Covenant to be meerly such,* it was partly a *Vow,* partly a *Covenant,* and that both with God and men, as we have already shewed, we do not understand what makes a *Vow* if it be not this, that it is a *promise to God, as to the things of God.* When *Abraham* lifted up his hands to the most high God, *possessor of heaven and earthy that he would take nothing from the King of Sodom,* Gen. 14.22. *We beleeve he made a Vow,* and none but God could release him, yet this was not purely *in rebus Dei.* We think they have lost their common sense that say, those do not vow that *solemnly lift up their hands to God, promising an endeavour to fulfil his Commandments.* 4. Nor doth it at all hinder, that the *Parliament* first commanded it, and then it was taken, for on the Commanders part this still was a *perfect Vow.* 2. On the *peoples part* it was still a *Covenant with God,* as well as *with men; with God;* as the things in it which concern Gods worship and glory immediately : *With men;* as to other things, If the Command of the *Parliament* in a *Critical* notion, hinder it (as to those commanded) from being strictly called a *Vow,* it yet remains a *Covenant with God* confirmed by an *Oath.* There are examples enough in

Scripture of *Magistrates* commanding people to make and renew *Covenants with God*, and of such Spontaneous Covenants; so that it is false, that it was merely an Oath *before God*, it was a *Covenant with God*. 5. 'Tis false that he saith, that a people can make a *Covenant with God* only two waies: 1. *In the Sacraments*; 2. *Spontaneously*. They may be commanded by *Magistrates* to do it, and do it in such obedience. Nor have any power when it is done to release them as to what concerns God, *Ez.* 10.3.5 There is a president of such a *Covenant made with God* at the command of *Ezra*. 6. It is true, we can do no action unwillingly, but we may do something not *freely & spontaneously*; But suppose we have once (whether spontaneously or no) made a *Covenant with God*, and confirmed it by *oath*; we are bound by it, and God only can release it, for there is a debt accruing to God. 7. The Parliament may indeed by their Act hinder others, not engaged, from engaging, or at least forbear their obliging men, yet free, to engage. But to say, that any Act of men can discharge the debt already contracted to God is such Divinity as needs none to confute it.

§. 17. We do therefore conclude, that this *Theologaster* hath handled this weighty subject *weakly*, and *imperfectly* enough (as he prophesied, p.2.) if nevertheless (we having now discovered his failings) any be provoked to handle it, better and more like a divine, we shall be willing to hear what he saith : In the mean time we leave Mr. *Russel* to imitate the good example (as he calls it) of that holy and learned Doctor, St. *Augustine*, viz. to *retract*, and publish his retractions, lest he have (at the Great Day) the guilt of more souls sins to answer for than his own.

A Postscript to the ingenuous Reader.

Reader, Least any should put a misinterpretation upon what we have said, we have thought fit to let thee know, that we have not seen our Papers since the third or fourth of *October* last, since which time (thou knowest) is come out His *Majesties gracious Declaration concerning Ecclesiastical affairs*. In reference to which we crave leave to add a few words, that thou mayest know, that we are none of those who desire it may not pass into an *Act*, or think our selves by the *Covenant obliged to hinder* so good a work.

The *Covenant* obligeth us in our callings to endeavour a *Reformation according to the Word of God*, &c. 2. To endeavour the extirpation of *Popery, Prelacy, i.e.* The Church-government by *Archbishops, Bishops, Archdeacons, Deans, Prebends, Chancellors, Commissaries*. We suppose none dreams us to have covenanted against *names, buz things, viz.* exorbitances of power either *practiced* by these men, or *with* which they were *invested*.

There were two things in point of Discipline, wherein, as to *practice at least*, the Administration of *Church-Government* here in *England* was heretofore apparently against Gods Word; a third, wherein it was against *right reason*.

1. The first was, *That persons, not ordained, were trusted with the Keys of the Kingdom of heaven, viz. Excommunication, &c.* Such were *Chancellours, Commissaries, &c.*

2. The second was, *That Prelates arrogated a sole power to themselves, both in Ordination, and in the Exercise of Jurisdiction.*

3. That which was against *Reason and Conscience* was, that the *Bishops* charge was such as an Angel from heaven could not have discharged with a good conscience.

In matter of *Worship*, two things call'd for Reformation: 1. *The frame of the Lyturgie*, against which there were sufficient exceptions. 2. *The imposed Ceremonies*, those we mean which were *mystical* and *Sacramental*.

How far his *most Excellent Majesty* hath taken care in these things is now evident to all; and we are most humbly thankful to his *Majesty*, for his endeavours in it, and to our Brethren, for their endeavours with his *Majesty*, relating to it ; what his *Majesty* hath already done, is a great evidence to us, that if hereafter it shall be made appear to His *Majesty*, that ought yet remains to be farther done, in order to the fulfilling of the Ends of the Covenant, He who (under these Circumstances) hath freely and *honourably* done this, will not be wanting to it, and we are not so hasty, as to think *Hierusalem* can be built in a day. The God of Heaven requite into His *Majesties* bosome a thousand fold that love and tenderness to His People which He hath in this shewed; and we are fully assured, that it will be no grief of heart to His *Majesty* that He hath thus far condescended.

As to the *Common-Prayer*, we profess our selves not against a *Lyturgy*; and we doubt not but His *Majesty* will appoint such persons to review our *Lyturgie* as will agree in one, which shall not be liable to just exceptions; till that time His *Majesty* grants a liberty.

But we can never be sufficiently thankful for the liberty His Majesty hath granted us, in reference to the *Oath of Canonical Obedience, Subscription*, and the *Ceremonies*.

Though indeed, His *Majesty* hath been pleased to deny something of this liberty to *Cathedralls*, and to *Colledges* ; yet we doubt not, but when His *Majesty* shall truly understand, that the continuance of those *Ceremonies* in both those places, makes the generality of sober and consciencious people never come at *Cathedral* Churches, to attend the devotion which His *Majesty* hath there provided dayly for them, and that were they abated, and, the *Deans* and *Prebends enjoyned*, in person, there to *Expound Scripture, Preach, or Catechize, or read Divinity Lectures* there daily, instead of meer doing that which every Child might do at home; and that not by themselves neither, but oft times by mean persons of no esteem with sober and good people. His *Majesty* will quickly otherwise order things there, and not suffer so great a part of the Churches revenue to be consumed in such a way, as is not like to be much profitable, while it is so little acceptable.

And when His *Majesty* shall truly understand, by His faithful Ministers of State, that the retaining the *Ceremonies* in *Colledges* makes many sober, learned, and consciencious young men leave the *Universities*, (at furthest, as soon as they can but get a degree) and many of His Subjects resolve against breeding their Children there, as not thinking those Ceremonies lawful; His *Sacred Majesty*, who hath thus far expressed so great a tenderness to his People, will (as to these reserved Cases) also further provide for them.

In the mean time, though we must some of us profess our selves to be of the number of those who dare not submit our Children to an Education in our Universities (under those

circumstances) yet we humbly submit to his *Majesties* pleasure: So we may sit in our houses and worship God in peace according to his Will; we shall be content to purchase that our liberty with the denial of our Children the liberty of ingenuous breeding, or at least paying for it in some other places: hoping that his *Sacred Majesty* will in time also take this thing into his mature deliberation.

But we must profess, that if *His most excellent Majesties gracious Declaration* had in every tittle fully answered the utmost of our desires, we should have yet seen a need of some such Discourses as these are for these Reasons:

1 .To recover to our *God* the due *Reverence* which the World hath had, and ought to have for *his Sacred Name*: The Violation of Oaths is in Scripture called, *A prophaning of the Name of the Lord*, Num. 30.

2. That the World may know, that all the *Divines* in *England* are not so meanly versed in *Divinity*, as to *assert*, or *believe*, those Principles, concerning the dissolving the *bonds of Oaths*, which some have lately vented amongst us, and are, we are sure, to be justified by no *Father*, *School-man*, *Casuist*, or *Textuary*, that ever we heard of in the World.

3. For the security of his *Majesty*, and all *Princes*, and *Christian Magistrates* ; for we believe, that it will be evident to all that duly consider it, that *promisory Oaths* from their Subjects will be of little use to establish their Thrones, if once their People believe, that they are discharged from their Oaths, 1. If their Oaths were against *The Laws of the Church* : Or 2. *If they hinder greater good* : Or 3. If they swear *through fear* of losing their Estates, else, &c. Or, 4. *For an evil end*: Or 5. *That the same Power, or a greater than that which commanded them to swear, can in all cases discharge them*. The Papist shall be free from the *Oath of Supremacy* by *Principle* because against the Laws of his Church ; and as soon as seditious Subjects can but persuade themselves, that a *greater good* will come by *Rebellion* than by *Obedience*, and that the maintaining of a *Monarchical Government is finis turpis*; he shall plead, his Oath of Allegiance was a *forced Oath*, and there's an end of his duty, and his erroneous practice is justified by these erroneous Principles. 4. Finally, (to say nothing of the Vindication of our selves from our *Antagonists* reproaches) *for the maintaining of humane Society*, and keeping the bonds of *truth* between man and man in their perfect strength; Of what use(as to this) *assertory and promisory Oaths* are, every one knows: and we leave it to every reasonable Christian to judge of how little use they will be found to be if these Principles be once thoroughly drank in.

We shall only add, that since we read his *Majesties Declaration* we are troubled that we have had any occasion so much as to mention *His Majesties Declaration in Scotland*, (though it was never in our secret thoughts to do it with any reflexion upon his *Majesty* ,) the sheets being some of them printed, we could not blot out what was written; what is said was in the simplicity of our hearts.

That paper was commonly exposed to sale, without any check; as we knew not the *Circumstances* of his *Majesties* first *signing* it, so neither knew we of the Printing of it, nor any thing, but that it was free for any to *buy* or *read* it; We are of the number of those (we confess) who cannot think our consciences discharged from the *Covenant* ; Our Brethren, who have

undertaken to absolve us, continually alledge, that the *Covenant*, being taken without his *Majesties* consent, is *void*. There is a great shew in this Argument, if 1. *The Lords and Commons assembled in Parliament have not a power in any cases to require an Oath upon people*, except 2. *His Majesty, or his Successors (at first dissenting) did not afterwards consent*. In either of these Cases our Brethren know that Argument is of no value. We (not knowing the powers and priviledges of *Parliament*, nor willing to dispute them; though to engage us to swear we were told they had such a power) were not willing to insist upon that Plea, (which must be made good by Presidents, or Law principles, not proper for Divines) and therefore chose to mention the latter as sufficient to enervate that Argument, (for our Brethren, whatever they say, will not stand to justifie, that *Juramentum metu extortum non obligat* ;) we heartily wish our Brethren would insist upon that Plea no more, they know they have a full answer to it.

Having (good Reader !) thus far advertized thee, we have nothing to say, but only to pray, that *God would give thee a good understanding in all things*, and *keep thee* in awe of *Oaths*, as knowing that when once (as to the Religion of them) thou hast got a mastery over thy Conscience, nothing will remain sacred to thee, and the strongest ligament of humane Society is broken; And this we dare aver,

That he who feareth not an Oath, but can take every slight pretence to quit himself of the bond of it, can neither be a good Servant to God, nor a good Subject to his Prince, nor a good man to his Neighbour.

Blessed therefore is he who feareth alwaies, though the simple pass on, and are punished.

FINIS.

WE are credibly informed, that when his late *Majesty* was Prisoner in the *Isle of Wight*, he was under some fears that Violence should there be offered to his Sacred Person, and he should be secretly murdered ; which fear was no other *quam qui poterat cadere in virum fortem & prudentem*, considering the Principles and Complexion of the men in whose Custody he was; Hereupon he sends for the Minister of the place, to which *Carisbrook* Castle belonged, by name Mr. *Jeremiah French*, acquaints him with the danger apprehended, and desired to know of him, whether he would be willing to endeavour his rescue if such an attempt should be: He told him yes, he would willingly lose his life to preserve his *Majesties*; only he desired his *Majesty* to direct what way he should serve him in: *His Majesty* replied, that the way he conceived as most probable to do the work: was to prepare and engage the People before hand, that if any such thing should be attempted by that part of the Army that was upon the place, the People might rise to his rescue; and to that end, he advised to do no more but Preach the *Covenant*, and press the *Covenant* upon the People. Mr. *French* did so, and thereupon was apprehended, and brought up Prisoner to *London*, and for some time endured very ill handling: This Story we had not from Mr. *French* himself, he living above 100 Miles from us, but we had it from divers credible Witnesses, to whom Mr. *French* told it many years before the return of *His Majesty*, that now is, to the possession of his Throne ; And by this it appears, how fully *His Majesty* was persuaded that the *Covenant* was one of the greatest securities of his precious Life, and that those of his Subjects would be most faithful to him who were most faithful to the *Covenant*.