

## Queries Concerning the Etcaetera Oath (1640)

Clergy of the Disocese of London

### Transcript

British Library, Harley MS 4931, ff. 52v–53v

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Quæres propounded by sundry of [th]e Clergy of [th]e Diocesse of London, & parts adjacent touching [th]e Oath enjoy\_ned by [th]e last Synode Can 6. wherein they unfainedly desire satisfaction, that so they may more hearti\_ly, & willingly take [th]e said Oath when Authority shall tender it unto them, as by that Canon it is injoyed. /

[*Left margin:1.*] Whether this Oath be legally imposed, so as to bind all [th]e Clergy to take it?

The ground of this Quære is, because [tha]t since [th]e submission of [th]e Clergy of this Kingdome [th]e Conuocation is bound by [th]e statute of 25. Hen: 8. 19. from decreeing, or executing ought repugnant to [th]e Customes, Lawes, or Statutes of this Realme; Now we finde not [tha]t this Oath is warranted by [th]e Lawes, or Statutes, & so we cannot tell whether it be contrary to [th]e Answer of [th]e Petition of Right 3 Caroli, & we beleiue it to be contrary to [th]e Customes of [th]e Realme, bec[ause] we take [*Left margin: The Title is An Oath for preuenting of all Inno\_uations &c. ]* it to be altogether new, & never before imposed in this Church, & so it crosseth [th]e very<sup>x</sup> Title of [th]e Canon whereby it is enjoyed. Yea we finde [*Left margin: Tom: 3. Concil: par:1: sec: 2. cap. 13 pa: 193. edit: Binian: 4o. 1618. Dictum est interea de quibusdam fratribus, quod eos, quos ordinaturi sunt, jurare cogant, quòd digni sint, et contra Canones non sint, facturi et obedientes sint Episcopo, qui eos {-rdinat}, & Ecclesiæ in qua ordinan\_tur. Quod juramentum quia periculo\_sum est, omnes una inhibemus. ]*] [tha]t in<sup>x</sup> Concil[ium] Cabilon[ese] 2 sub Carolo magno cap: 13 such an Oath was con\_demned, & cashiered *quia periculosum*. Notwithstanding w[hi]ch Councell we doe not scruple [th]e Oath of Canonically Obedience time out of mind continued, & by laudable Custome in this Church duely administred to Ministers taking Institution, or receiuing Collation to any Bene\_fice w[i]th Cure of soules./

[*Left margin:2*] What is meant by [th]e Doctrine, & Discipline, or Gouernment established in [th]e Church of England.

The Reasons of this Quære are, 1. we know not whether [th]e Synode meant by Doctrine [th]e 39. Articles of 1562. only, according to his Ma[jes]ties Declaration before [th]e Articles anno. 1629. or doe extend it further to other Doctrine authorized, or established; according as his Ma[jes]tie in his late Commission under his great seale to [th]e Conuocation directed to enable them to make Canons, seemes to enlarge it; & if they doe so extend it, we know not what [tha]t other Doctrine is, & so cannot safely sweare to it, or for it, till it be decla\_red; nor then further then it may be declared to be taken out of [th]e holy Scriptures. Seing by [th]e 21 Article of 1562. we finde not other suffi\_cient warrant to ground an Oath upon, although propounded by a Gene\_rall Councell.

[*Left margin:2*] We know not whether by Discipline they meane only [th]e Canons & Constitu\_tions of [th]e Church, or other things beside; & if [th]e Canons, then what Canons? some of [th]e ancient ones being growne out of use, & others altered; neither of w[hi]ch (as

we conceiue) ought to be, if [th]e Discipline be necessary to salvation, & [th]e Canons being so many, & at so many, & different times (so far asunder) made, how can any man sweare to [tha]t part unlesse it be *in terminis* set forth, what those be w[hi]ch we sweare unto? If [th]e Discipline containe ought else, why is not [tha]t clearely expressed *in terminis terminatibus*?

[Left margin:3] Whether is meant [tha]t [th]e Doctrine, & Discipline containe all things necessary to salvation *Coniunctim, or Diuisim*?

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The Reasons of this Quære, 1. If *Coniunctim*, we doubt of it because we take all things necessary to salvation to be contained in [th]e Articles of 1562. as grounded on holy Scripture (else [th]e Doctrine of [th]e Church of England should be insufficient to saluation) & not at all in [th]e Discipline as distinct from [th]e Doctrine. Not but [tha]t we yeeld [th]e Discipline to be lawfull, but cannot admitte it to be necessary to saluation. And he [tha]t will directly sweare it to be in both (as we are required by [th]e Coniunctio[n] & yet beleiueth it to be but in one<sup>of</sup> [th]e two, doth (as we conceiue) coast upon perjury; as he [tha]t sweares a summe of mon<sup>e</sup>y to lye hid in this heape, & [tha]t heape of sand, when yet he beleiueth it to be hid on one heape only.

2 If *diuisim*, then it must be understood of [th]e Doctrine only, or of [th]e Discipline only; or of both in different respects seuerally, & apart. If in this last sense, we thinke it needfull [tha]t those severall respects be explained, & declared to take away ambiguity, w[hi]ch must not crowd into an Oath. And if it be meant but of one of these only, [tha]t ought to be expressed, & [th]e other cashiered as superfluous, [tha]t it may not be, as to [tha]t branch a vaine Oath. *Qui absq[ue] necessitate iurat, peccat*, say [th]e Casuists, w[hi]ch holds in every part of an Oath, as well as in [th]e whole. And how ever it be ta\_ken, to enjoyne all to sweare [th]e Discipline to be necessary to salva\_tion implieth a Condemnation of all Protestant=Churches abroad, [tha]t haue not [th]e same Discipline, or Government, as wanting something ne\_cessary to salvation, & [th]e essentiall Being of a true Church. And it seemes to be a large, & wide step at first, since [tha]t we haue not yet read, nor heard any such position in those termes, so much as by bare assertion maintained. And [th]e newnes of [th]e expression makes us afraid, especially considering [tha]t ancient Constitution under ArchB[isho]p Arundell. *Statuimus, et sub obtestatione diuini iudicij inhibemus, nè quis, vel qui cuiuscunq[ue] gradus, status, aut conditionis existat, con\_clusiones, aut propositiones de fide Catholicâ, aut bonis moribus aduersè sonantes, præter necessariam doctrinam facultatis suæ in scholis, aut extra, disputando, aut com[m]unicando, protestatione præmissâ, aut non præmissâ asserat, vel proponat, etiamsi quadam verborum, aut terminorum curiositate defendi possint. Nam teste Beato Hugone desacram: Sæpius quod benè dicitur, non benè intelligitur* And if nouell expressions must be auoyded in ordinary discourse, how much more in an Oath? /

[Left margin:4] What is meant by [tha]t clause (Nor will I ever giue my consent to alter [th]e Gouernment of this Church by Arch-Bi[sho]ps, B[isho]ps &c?)

The Reasons of this Quære, If this promissory clause, I will never giue my consent to alter, be sworne absolutely, so as no Reuocation, or alteration made herein by his Ma[jes]tie in or out of Parliament at any time (if there shall be cause so to doe) shall make us consent to such an alteration, we thinke this to be contrary to our Oathes of allegiance, & supremacy,

& a binding ourselues to resi<sup>s</sup>t Authori\_ty if any alteration shall be hereafter made upon any reason whatsoever. If it intend only to binde us till such an alteration & abrogation of [th]e present Gouernment be made, why is it so peremp\_torily sayd, I will never consent, w[hi]ch in ordinary construction is for perpetuity, & admitts of no termination unlesse it be expressed.

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And albeit Casnists tell us, [tha]t such an Oath (if not limited so inter\_mes) binds not if [th]e Gou<sup>e</sup>rnment be altered by Authority; yet they dare not acquitt him of rashnes & sinne, who doth not in swearing so limit his words as [tha]t such an alteration be clearely expressed.

[*Left margin:5*] Whether there be [th]e same reason of not consenting to alteration of Gou<sup>e</sup>rnment by Deanes, & Arch=Deacons, as there is of not consenting to alter [tha]t of Bi[sho]ps?

The Reason, because Deanes, & Arch=Deacones were never esteemed such helps in Gouernment, as if they were of [th]e <sup>same</sup> Institution, & founda\_tion. with B[isho]ps, & therefore may more easily be changed, if Autho\_rity finde cause, so [tha]t we <sup>see</sup> not cause to riuett them into <sup>th</sup>e unalterable [*Left margin: Canon: 7: ] Order by [th]e sacred bond of an Oath. The Canon of 1603. requires no more but to acknowledge [th]e Gouernment of [th]e Church not to be repug\_nant to [th]e word of God. w[hi]ch Canon is part of [th]e Discipline establi\_shed (as we conceiue) & so [tha]t acknowledgement may suffice w[i]thout an Oath.*

[*Left margin:6*] What is meant by &c. /

The Reason, because we neuer read, or heard, [tha]t an &c was euer put into [th]e body of any Oath either among Christians, or Pagans, & doe beleiue it to be without all president, & contrary to [tha]t plainenes & per\_spicuity w[hi]ch ought to be in all Oathes, for either it imparts some other persons or things, w[hi]ch are not named, & then it is an ambiguous Clause, w[hi]ch ought not to be admitted into an Oath; or else it signifies nought at all, & then it is too vaine, & triuiall for men in so graue an action to pawne their soules upon, & cannot be lesse then taking Gods name in vaine, w[hi]ch Clergy=men of all others should most shun, especi\_ally in such solemne swearing.

[*Left margin:7*] What is meant by [tha]t clause (As it stands now established, & as by Right it ought to stand?

The Reasons of this Quære are; 1 It is not cleare whether {Tò vlu[m]} be meant of any new establishment by [tha]t Synode, or [th]e establishment by Parliament 1: Eliz: & 8. Eliz: 1 If it be meant of [th]e lat\_ter, then 2ly it appeares not what is [tha]t Right by w[hi]ch it ought to stand, but only [tha]t w[hi]ch it hath from such an establishment, viz: by [th]e positieue Lawes of [th]e Kingdome, w[hi]ch is a meere Tautologye (if [tha]t be [th]e meaning) for who doubts, but [tha]t w[hi]ch is established by [th]e Law of [th]e Land ought to stand by [th]e Law of [th]e Land? & whether [tha]t will content [th]e Reuerend B[isho]ps we much doubt. And if any other Right were intended, w[hi]ch we verely beleiue) then ought [tha]t Right to be expressed, [tha]t we may know what we sweare unto, especially in a poynt so much questioned, & disputed in [th]e world, & not positi\_uely decided by this Synode, or any other in this Church of England for ought we know.

[*Left margin:8*] Whether our Consents, & suffrages are so inuolued in [th]e New Canons & [th]e Oath before mentioned, [tha]t we cannot refuse this Oath?

The Reason of this Quære, because we conceiue [th]e late Conuocation whereunto we sent our Votes (in [th]e persons of those Clerks chosen

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by us to assist therein) ended w[i]th [th]e Parliament May 5th & [tha]t by [th]e dissolution of [tha]t Parliament our Votes, & suffrages returned backe to us againe es\_pecially considering, [tha]t [th]e first Commission granted to [th]e Conuocation April 15. was of force no longer then during [tha]t then present Parliament, & [tha]t [th]e persons same persons formerly elected for our Clerkes & Procuratours in [th]e lower house (*ut vulgo dicitur*) of Conuocation had no new Election by [th]e rest of [th]e Clergy, nor any new writt for enabling them to continue their Assembly (for ought we can yet finde) but on\_ly a new Commission to goe on with [th]e Canons not concluded upon by [th]e Synode before [th]e dissolving of [th]e Parliament. And [tha]t their 2d Com[m]ission beares date May 12th so [tha]t they were not only without au\_thority of a writt, & new Election thereupon to continue a lawfull Synode, representing [th]e whole Prouince of Cant[erbury] but also without a Com[m]ission to make, or perfect Canons formerly begun by [th]e space of a whole weeke after [th]e Parliament was dissolved.

These Quære's we finde the more <sup>cause</sup> to insist upon because of [th]e last Clause of [th]e Oath, viz, [tha]t we must sweare all this (according to [th]e plaine, & com\_mon sense, & understanding of [th]e same words, & [tha]t heartily, willingly, & truly, upon [th]e faith of a Christian, w[hi]ch we cannot doe till [th]e former doubts be cleared, & [th]e Oath made so plaine, [tha]t we cannot mistake [th]e meaning, w[hi]ch is now so amphibolos [tha]t we cannot understand [th]e meaning so as to aduenture an Oath upon it, in case it should appeare to be law\_full, & meete (w[hi]ch we doubt) to multiply Oathes, or Decisions de fide beyond great, & unauoydable necessity./

### Other manuscript witnesses

- British Library, Additional MS 28011, ff. 60r–61v
- British Library, Lansdowne MS 1232, ff. 69v–73r
- British Library, Lansdowne MS 489, ff. 119r–120v
- British Library, Additional MS 32093, ff. 30x–31x
- British Library, Harley MS 1219, ff. 252r–262r
- Bodleian Library, MS Jones 17, ff. 247r–248v
- Bodleian Library, MS Nalson 22, ff. 1r–3r
- Bodleian Library, MS Rawlinson C 785, ff. 1r–2v
- Bodleian Library, MS Rawlinson D 353, ff. 144r–145v
- Bodleian Library, MS Tanner 65, ff. 42r–43v
- Cambridge University Library, MS Gg.1.29, reversing the volume, 124v–127v
- Cambridge University Library, MS Mm.4.10, ff. 1r–5r
- Durham University Library, VMP 1, pp15–19
- Hertfordshire Archives and Local Studies, XII.A.42, ff8
- Lambeth Palace Library, MS 943, ff. 595–598
- Queen's College, MS 121, ff. 360–361
- The National Archives, SP 16/461, /89 [ff.187r–191v]
- The National Archives, SP 16/461, /90 [ff.193r–v]

## Manuscript Pamphleteering in Early Stuart England

- The National Archives, SP 16/461, /90 [ff.194r–195v]
- The National Archives, SP 16/461, /91 [ff.196r–197r]
- The National Archives, SP 16/461, /92 [ff.198r–199r]
- The National Archives, SP 16/461, /93 [ff.200r–201v]
- Woburn Abbey, MS 25

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<https://mpese.ac.uk/t/QueriesClergyLondonOath1640.html>