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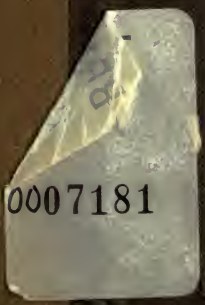
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HAE

RE

June.

C. Stanfield
1902.

E. B. Denison Esq.
With the Editor's Regards

A

TREATISE

OF

EQUIVOCATION:

WHEREIN IS LARGELY DISCUSSED

The Question

whether a Catholicke or any other person before a magistrate beyng demaunded uppon his oath whether a Preiste were in such a place, may (notwthstanding his perfect knowledge to the contrary) wthout Periury and securely in conscience answere, No, wth this secreat meaning reserued in his mynde, That he was not there so that any man is bounde to detect it.

EDITED BY

DAVID JARDINE, ESQ.
OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW.

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PREFACE.

THE Treatise of Equivocation now printed from a manuscript in the Bodleian Library at Oxford, was first publicly noticed at the trial of the several persons engaged in the Gunpowder Plot. In enumerating the means used by the conspirators for the secret contriving and carriage of that treason, Sir Edward Coke mentions "their perfidious and perjurious equivocating, abetted, allowed and justified by the Jesuites, not onely simply to conceale or denie an open trueth, but religiously to averre,—to protest upon salvation, —to swear that which themselves know to be most false;—and all this by reserving a secret and private sense inwardly to themselves, whereby they are by their ghostly fathers perswaded, that they may safely and lawfully delude any question whatever."

"And here," says the authorized Report of the Proceedings, "was shewed a booke written not long before the Queene's death, at what time Thomas Winter was employed into Spaine, intituled 'A Treatise of Equivocation;' which booke being seene and allowed by Garnet, the Superior of the Jesuits, and Blackwell, the Archpriest of England, in the beginning thereof Garnet with his owne hand put out these words in the title 'of Equivocation,' and made it thus: 'A Treatise against Lying and Fraudulent Dissimulation;' whereas in deede and trueth it makes for both, Speciosaque nomina culpæ imponis, Garnette, tuæ. And in the end thereof, Blackwell besprinkles it with his blessing, saying: Tractatus iste valde doctus, et vere pius, et Catholicus est. Certe S. Scripturarum, Patrum, Doctorum, Scholasticorum, Canonistarum, et optimarum rationum præsidiis plenissime firmat æquitatem æquivocationis. Ideoque dignissimus est qui typis propagetur ad consolationem afflictorum Catholicorum et omnium piorum instructionem." *

* A True and Perfect Relation of the whole Pro-

A copy of the Treatise above described was long ago stated both by Anthony Wood* and Dodd† to be among the papers given by Archbishop Laud to the Bodleian Library; and attention having been directed to the subject by inquiries in "Notes and Queries," the Manuscript has recently been brought to light by an anonymous writer in that useful publication. It appears upon inspection to be a document of much curiosity, being the identical copy of the Treatise which was produced on the trial of the Conspirators in the Gunpowder Treason, containing the alteration of the title, and various other corrections and additions in the hand-writing of Father Garnet, and also the imprimatur of Blackwell, the Archpriest. The following note on the first fly-leaf of the manuscript, in the hand-writing of Sir Edward Coke, records the occasion on which it came into his possession:—

"This Booke, containing 61 pages, I

ceedings against the late most barbarous Traitors, Garnet, a Jesuit, and his Confederats." Printed by the King's Printer, 1606.

* Athenæ Ox., vol. ii. p. 123.

† Church History, vol. ii. pp. 381. 428.

founde in a Chamber in the Inner Temple, wherein Sir Thomas Tresham used to lye, and which he obteyned for his two younger sonnes. This 5 of December, 1605. Edw. Coke.

"'Os quod mentitur occidit animam.'"

Sir Thomas Tresham mentioned in this note, died in September, 1605, a few weeks only before the meeting of Parliament at which the catastrophe of the Gunpowder Plot was to have occurred, and for two or three years previously to his death occupied the Chamber in the Inner Temple, which he had taken for his sons. Although a zealous Catholic, and a conspicuous sufferer by the severe penal laws passed against recusancy at the latter part of Elizabeth's reign, there is no reason to suppose that he was party or privy to that treason; but Francis Tresham, his eldest son and heir, was not only one of the ascertained associates in the Gunpowder Plot, but was implicated in all the Catholic conspiracies of the time. With Garnet, Catesby, and several others, who subsequently became confederates with him in the

Gunpowder Plot, he promoted the treasonable correspondence with Spain immediately before Queen Elizabeth's death, known by the name of the "Spanish Treason," and he was a party to the mission of Christopher Wright, soon after the accession of James, to invite the King of Spain to invade England with an army, and to promise him the support of the English Catholics.* He was also actively engaged in the Earl of Essex's rebellion, and his deliverance from attainder on that occasion was obtained with much difficulty by the payment of a large sum of money.† While occupied with these dangerous plots, Francis Tresham frequently resorted to the chamber in the Temple in which the Treatise of Equivocation was discovered; and in a letter to Lord Salisbury, which will be presently noticed, Sir Edward Coke says, that "it was found in his desk."

From the examinations‡ of the two younger sons of Sir Thomas Tresham, taken

* Stat. 3 Jac. 1. c. 2., and also Examinations in the State Paper Office.

† See Criminal Trials, vol. ii. pp. 53, 54, and *note*.

‡ Examinations of Lewis and William Tresham, 9th and 10th Dec. 1605. State Paper Office.

a few days after the discovery of the Treatise by Sir Edward Coke, it appears that two copies of it were found in the chamber, — one in folio and the other in quarto — the latter being the manuscript now in the Bodleian Library. The folio copy was stated to be in the hand-writing of George Vavasor, who had been a servant of Sir Thomas Tresham, and who was retained in the service of Francis Tresham after his father's death. And Vavasor himself being examined*, admitted that he had made the folio copy from the quarto, "about four or five years past, at the request of Mr. Francis Tresham, who willed him to write it out that we may see what they can say of this matter." In the same examination, Vavasor, when describing the quarto book found in the chamber, says that "the last leafe of that booke, being torne with carrying and using of it, and yet legible, he did write out with his owne hand, the last, being the 61st page, and putt a newe leafe, faire written, instead of the olde that was torne." The appearance of the manu-

* Examination of George Vavasor, 9th Dec. 1605. State Paper Office.

script at the Bodleian Library entirely agrees with this statement, the Imprimatur of Blackwell the Archpriest, not being his autograph, and being written in a different hand from that of the Treatise.

There can be no doubt that the alteration of the title of the manuscript, as above described by Sir Edward Coke, and also the several corrections of the text, are in Garnet's hand-writing. Among the documents in the State Paper Office relating to the transactions of this period, there are many papers written and signed by him; and as the character of the hand is peculiar, a comparison of these writings with the corrections on the manuscript produces an entire conviction that the latter were written by him. But we have the direct testimony of Garnet himself to the fact. He was first examined before the Lords of the Council on the 12th of February, 1605-6, and his autograph answers to the interrogatories then exhibited to him, are preserved at the State Paper Office. The "Treatise of Equivocation" was placed in his hands, and being asked when and where he perused and corrected that book, and

whether the corrections and animadversions were not in his own hand-writing, he answers as follows: — "The title of the book of Equivocation was altered by me with my own hand, but only in the way of consultation, whether it was not better to have it so entitled 'A Treatise against Lying and Fraudulent Dissimulation,' because no equivocation can justify or maintain lying or fraudulent dissimulation, as appears by a chapter there of purpose. And the marginal note in the 47th page is of mine own writing; and I corrected the book in divers other places." Now the manuscript at the Bodleian Library contains a variety of corrections, all of which are in the same hand-writing; and in page 47, there is a marginal correction of a sentence referring to Queen Elizabeth.* And although the object of Garnet in pointing out to the examiners this particular correction does not appear, it is quite evident that it was considered important, as the page in which it occurs is carefully designated by a catch-mark attached to the leaf, upon which the

* See post, p. 85.

letter B is written apparently in Sir Edward Coke's hand-writing.

The facts above stated identify the manuscript beyond all reasonable doubt; but by the accidental preservation of a memorandum in the State Paper Office, we are enabled to show distinctly the mode by which this document was transferred from that depository to the Bodleian Library.

Among the numerous writings in defence of Garnet, which appeared after his execution, the "Apologia pro Henrico Garneto," published in 1610, by L'Heureux, a Jesuit, under the assumed name of "Eudæmon-Joannes," attracted great attention throughout Europe. In refutation of the confident assertions and plausible arguments of this writer, Dr. Robert Abbott, at that time Regius Professor of Divinity at Oxford, and subsequently Bishop of Salisbury, composed his "Antilogia versus Apologiam Andreæ Eudæmon-Joannis." It is manifest, from a perusal of this work, that all the original examinations and confessions now in the State Paper Office, and some others, which have been lost, as well as the Treatise of Equivocation,

were in this author's hands. Dr. Abbott was a brother of Dr. George Abbott, the Archbishop of Canterbury, and through him would have ready access to these papers; but they are traced to the actual possession of the Archbishop by a curious piece of evidence. Among the documents relating to the Gunpowder Plot at the State Paper Office, is a small slip of paper containing a "memorandum of papers, 51 in number, sent by Jo. Pepys, on the 9th of October, 1612, to my Lord's Grace of Canterbury." Then follows a list of the documents sent, and a "memorandum of other papers subsequently delivered, namely, one other examination of Thomas Wintour, on the 10th of October, and 9 others on the 13th November, 1612; and the *Treatise of Equivocation*, and a copy of the indictment." At the foot of the paper are these words:—"Received all back, except the copy of indictment and *the Treatise*, on 1 July, 1614." As the Antilogia was published in 1613, while these papers were absent from the State Paper Office, the coincidence of time renders it probable that they were entrusted to the Archbishop for

the purpose of being used by his brother, Dr. Abbott, in the composition of that work. The Treatise of Equivocation, not being returned with the others, remained at Lambeth; and being found there by Laud, Abbott's immediate successor in the Primacy, was given by him, with other manuscripts, to the Bodleian Library.

Such is the history of the manuscript; but of the history of the composition itself nothing is certainly known. Sir Edward Coke, in a Note respecting the Treatise, to be seen at the State Paper Office, says it was "suggested to have been written by Gerard, the Jesuit." Thomas Morton, Dean of Winchester, and afterwards successively Bishop of Lichfield and Coventry, and of Durham, in his "Full Satisfaction concerning a Double Romish Iniquity, Rebellion, and Equivocation," published in 1606, attributes the Treatise to Cresswell or Tresham. Casaubon, in the Letter to Fronto Ducæus*, cites it as "Libellus ab eruditis Pontificiis in hoc ipso regno scriptus," without naming the author; and Dr. Abbott, who in the Anti-

* P. 109.

logia*, criticises the doctrine of the Treatise at great length, merely designates the writer as "Sacerdos quidam Satanæ." By more recent writers who have noticed it, it has been variously ascribed to Garnet, to Tresham, and to Blackwell; but there is no better reason for supposing either of these last-mentioned persons to be the author, than the fact that all of them are brought into connexion with the manuscript. The presumptions of time and other circumstances would point strongly to Robert Southwell, the Jesuit, as the author, who is said to have asserted the doctrine of Equivocation at his trial, with some of the illustrations employed in this Treatise; but such presumptions are conclusively opposed by the dedication of the Treatise to Southwell, and the allusion it contains to a "particular instruction of this matter," which is said to have been long before written by him, and the publication of which at some future time is promised.† Those who lived at the time of the first appearance of the Treatise must have had access to more evidence upon this subject

* P. 13. † See post, p. 3, 4.

than we can now expect to find. In fact, repeated and searching examinations were instituted for the purpose of discovering the writer; and if the anxious and interested inquiry of contemporaries, assisted by the forensic experience and acuteness of such men as Popham, Coke, and Bacon, could attain to nothing beyond conjecture, we must be content at the present day to leave the matter in uncertainty.

But although the author of the Treatise is unknown, the date of its composition may be fixed within the compass of a few years. In the Introduction to the Treatise, and also in the ninth chapter, Southwell is mentioned in terms which make it somewhat doubtful whether he was at that time living. In the former passage, his arraignment appears to be referred to (on which occasion Parsons says*, that he "defended this point of Equivocation at the barre"); and the latter evidently relates to his apprehension. Southwell is also mentioned in p. 46., as being "in heaven;" but this passage is added by Garnet, and therefore determines nothing as to the date of the

* Briefe Apologie, p. 193.

Treatise itself. The Southwell here mentioned was unquestionably Robert Southwell, the Jesuit, who was appointed to the English Mission with Garnet, in 1586, and who was arrested in 1592 as a Seminary Priest, and executed in 1595.* If, therefore, the Treatise were written during Southwell's lifetime, it must have been written between 1592 and 1595. It is clear also that it was written, and that Garnet's corrections were made, in the time of Queen Elizabeth, from the passage† above referred to in Garnet's examination. He declares in the same examination that "his correction was made in Queen Elizabeth's time, soon after Mr. Southwell's death." At that period the severe laws against recusants were most rigorously enforced; and the object of the Treatise ob-

* There is a life of Southwell in Challoner's "Missionary Priests," vol. i. p. 324., but the best account of him is to be found in the "Gentleman's Magazine" for November, 1798. He was one of the numerous religious enthusiasts who were cut off by the severe laws of Elizabeth, but he was distinguished among them by an unusual degree of refinement. Some of his poems are printed in Ellis's "Specimens of Early English Poets," vol. ii. p. 199.

† See *antè*, p. x.

viously was to impede the execution of these laws by furnishing scrupulous or conscientious Catholics with a system of concealment, by the use of which the discovery of Seminary Priests and Jesuits might be prevented, and judicial examination baffled. By the concurrence of these circumstances, it becomes manifest that the work was written during the last ten years of Elizabeth's reign.

After a diligent inquiry in many public and private repositories, no printed copy of the Treatise of Equivocation has been discovered. In the examination of Garnet above referred to, he denies all knowledge of Blackwell's Imprimatur, but says that "some others would have had it divulged in print,—which divulgation he (Garnet) prevented." No reliance can of course be placed upon his statement, that he had prevented the printing of the Treatise; and, at all events, his intention is clear, his corrections upon the manuscript being obviously corrections for the press. And there is some evidence that it was in print not long after it was written. Morton, in his "Full Satis-

faction," written in 1606*, apparently cites it as a printed book, although he does not distinctly say that it was printed; and he also alludes to the usual Imprimatur of the Jesuits, "Permissu Superiorum," as being placed upon it. But Casaubon, in his Epistle to Fronto Ducæus, written in 1611, expressly says that it was "publicatus ac typis expressus."† If it was printed at that time, its rarity and limited circulation may be accounted for by the probable supposition that it was printed at one of the private presses which were in use among the Catholics, and from which many religious tracts and books relating to their communion were issued. Thus Southwell, the Jesuit, is said to have had a printing press in his house at London, at which his poems and other works were printed.

It was well known to the Government, for several years before the discovery of the Treatise, that the Jesuits in England, and those who were subject to their influence, constantly practised equivocation when examined on charges of treason, founded on the penal laws against missionaries and seminary

* Pp. 88, 89. † P. 109.

priests. The fact had been publicly avowed and justified by Southwell, on his trial; and by Gerard, Strange, Andrews, and other Catholic priests, who were examined expressly upon the subject. Nevertheless, the discovery of the "Treatise of Equivocation," under circumstances which undeniably fixed upon the archpriest and the superior of the Jesuits in England, not only a recognition of the most extravagant doctrine on this subject, but a recommendation and injunction to practise it on all occasions when attempts were made to enforce the penal laws recently passed, was justly considered by the government of James I. as an event of great importance. The positive assertions of Catholic witnesses, and the solemn protestations of innocence by accused persons at their trials and on the scaffold, had raised doubts, even amongst Protestants, respecting the truth of the numerous charges of Roman Catholic plots and conspiracies in the latter years of Queen Elizabeth's reign; but doubts of this kind were converted into ready and willing belief by the exposure of this manual of contrivances for deception and jus-

tifications of falsehood. Sympathy for the supposed victims of religious persecution was exchanged for suspicion and dislike of the votaries of a system as inconsistent with morality as with civil government. These sentiments too were excited in the midst of the general indignation and horror produced by the recent detection of a Catholic plot of unexampled atrocity. The timid and wavering king, from whose disposition to moderate measures the Catholics at first entertained lively hopes of a toleration for their religion, was fixed in his adherence to the Protestant party; and thus the public exposition of these Jesuitical doctrines, combined with a variety of other facts and circumstances,—all directed with consummate art by the statesmen of those days to the same design,—enabled the government of James I. not only to continue the severe laws of Elizabeth against the Roman Catholics, but to enact others of equal rigour. In order to confirm this important impression, the declaration of the opinions contained in the "Treatise of Equivocation" formed a prominent part in the "visible anatomy of Popish doctrine,"

which Lord Salisbury declared* to be a principal object of the Government in the proceedings against the conspirators in the Gunpowder Plot. And to satisfy the world by this exhibition, that these dangerous doctrines were not merely the abstract speculations of divines, two notable examples of their practical application in the course of these very proceedings were shown in the conduct of Garnet and Tresham; both of them principal actors in the conspiracy, and both of them brought immediately into connexion with this Treatise.

Garnet repeatedly declared his assent to the full doctrine of Equivocation as contained in the Treatise. Thus in an examination †, dated March 20. 1605–6, he says as follows: — "Concerning equivocation, this is my opinion. In moral affairs, and in the common intercourse of life, when truth is required among friends, it is not lawful to use equivocation, for that would cause great mischief in human society; wherefore, in such cases,

* See Garnet's trial in the "True and Perfect Relation," &c.

† Epistola ad Frontonem Ducæum, p. 111.

there is no place for this remedy. But in cases of necessary defence, or for avoiding any injury or loss, or for obtaining any considerable advantage, without danger to any other person, then equivocation is lawful." In an examination * taken after his trial, dated April 28. 1606, he avows that "in all cases where simple equivocation is allowable, it is lawful, if necessary, to confirm the untrue statement by an oath." "This," says he, "I acknowledge to be according to my opinion, and the opinion of the schoolmen; and our reason is, for that in cases of lawful equivocation, the speech, by equivocation, being saved from a lie, the same speech may be, without perjury, confirmed by oath, or by any other usual way, though it were by receiving the sacrament, if just necessity so require."

These were his declared opinions; and they were precisely in accordance with the opinions developed and justified in the Treatise. To his avowal of them an enlightened Catholic historian ascribes his execution. "By seeking shelter under equivocation,"

* State Paper Office.

says Dr. Lingard*, "he had deprived himself of the protection which the truth might have afforded him; nor could he, in such circumstances, reasonably complain if the King refused credit to his asseverations of innocence, and permitted the law to take its course."

But great care was taken in the conduct of Garnet's trial to show that he entertained these extreme opinions, not as theories only, but that he was prepared to act upon them, and did in fact act upon them. The instance selected for this purpose, and strongly pressed against him at his trial, was as follows: —

Having failed by the ordinary mode of examination to draw the truth from him, and torture being forbidden by the King, a stratagem was prepared in order to obtain evidence that he had knowledge of the plot, by other means than sacramental confession. Garnet, and Oldcorne, another Jesuit, were placed in adjoining chambers in the Tower, and the means of communication were treacherously pointed out to them. Two persons were then stationed in a covered way close enough to them to overhear their

* History of England, vol. ix. p. 67.

discourse. In this mode many facts were elicited, which were previously unknown. Oldcorne and Garnet were afterwards separately charged with these conferences before the Lords of the Council. Oldcorne admitted that such conferences had taken place; but Garnet being asked, not as to the matters of the conferences, but whether he and Oldcorne had held any conference together, and being reminded not to equivocate, utterly denied it "upon his soul;" and as the Earl of Salisbury said at the trial, "reiterated his denial with so many detestable execrations, as it wounded the hearts of the Lords to hear him." But finding that Oldcorne had confessed, and that there was overwhelming proof of the fact, "he cried the Lords' mercy, and said he had offended, if equivocation did not help him."

The second instance of equivocation referred to upon the trials was that of Francis Tresham, in whose possession the Treatise was found. In an examination taken on the 29th of November, 1605, Tresham had stated that Garnet was a party to the treasonable mission of Thomas Winter to Spain, shortly

before the death of Queen Elizabeth. In making this admission, he probably supposed, either that Garnet had escaped beyond sea, or that he was protected by a general pardon granted on the accession of James I., from all prosecution for treasons committed in the preceding reign. Shortly after he was sent to the Tower, Tresham was attacked by a strangury, of which he died some time before the trials of his confederates. A few hours before his death, he delivered a paper to his wife, charging her to convey it to the Earl of Salisbury. In this paper* he says, that he had made his former statement respecting Garnet only "to avoid ill usage," and declares, "*upon his salvation*, that it was more than he knew that Garnet was privy to the sending of Thomas Winter into Spain;" and adds, "that he had not seen Garnet for sixteen years before, nor never had letter nor message from him." There is no doubt ~~but~~ that this dying declaration was a falsehood; as Garnet himself admitted, and numerous witnesses and documents incontestably proved, that Tresham and he had been

* State Paper Office. Criminal Trials, vol. ii. p. 101.

in constant and intimate connexion for many years, until a few days before the discovery of the Gunpowder Plot. "This," says Sir Edward Coke, in a letter to Lord Salisbury*, inclosing an account of this transaction, "is the fruit of equivocation, the book whereof was found in Tresham's desk, — to affirm manifest falsehoods upon his salvation, *in ipso articulo mortis.* It is true that no man may judge in this case, for *inter pontem et fontem*, he might find grace; but it is the most fearful example that I ever knew." On the trial of Garnet, he was asked by Lord Salisbury, "what interpretation he made of this testamental protestation of Tresham"? To which he answered, "It may be, my lord, he meant to equivocate."

It would be equally unnecessary and foreign to the object intended by the publication of this Treatise, to attempt a refutation of the doctrines it contains. The shallowest thinker can hardly fail to perceive that the fallacy which pervades the whole is a misapprehension of the nature of a

* State Paper Office. Criminal Trials, vol. ii. p. 102.

lie. The Jesuits adopted, in the most rigid and literal sense, the doctrine that a lie is always a sin, and that a falsehood is not to be told, even for the saving of a life, or averting a calamity, however great. Without considering whether this rule is entirely inflexible and universal, or whether some exceptions are not, of necessity, to be allowed, they justified the evasion of it by distinguishing between a lie in terms and a lie in intention and effect. Regardless of the general principle upon which the moral obligation to truth is founded, namely, the maintenance of that confidence which is essential to the intercourse between man and man, they held the intentional conveyance of a false impression to the mind of the hearer to be immaterial, provided the speaker guarded himself by some ambiguous expression, or some mental reservation from the utterance of a false proposition. If "the speech (to use Garnet's language) were thus, by equivocation, saved from a lie," the intention to deceive and actual deception were not a sin. So likewise the supposed Jesuit in Pascal's Ninth Letter, after praising one of these forms of mental reser-

vation, says, "Vous voyez bien que c'est dire la vérité." "Je l'avoue," replies Pascal; "mais nous trouverions peut-être que c'est dire la vérité tout bas, et un mensonge tout haut." And there can be no doubt that the "suppressio veri," with an intention to deceive, is as much a lie as the "expressio falsi." "La suppression d'une vérité est un mensonge effectif," says Bayle, "toutes les fois qu'elle est destinée à faire de faux jugemens à l'auditeur, et que, selon l'usage de la langue dont on se sert, il ne peut que faire un faux jugement." *

It is improbable that a doctrine so absurd, as well as mischievous, is entertained at the present day, by any enlightened members of the Church of Rome. But however this may be, the object contemplated by the publication of this Treatise is not controversial, but historical. The reality of the mysterious plots which were charged upon the Catholics at the latter part of Queen Elizabeth's reign and the commencement of that of James I. is still a debateable problem; and as the evidence on the negative side of the question consists, for the most part, of assertions of facts and pro-

* Bayle's Dict. ad verb. Sara, Note D.

testations of innocence by accused religionists, it is conceived that the exhibition of an instrument for the perversion of truth, extensively used at the time amongst precisely that class of persons, may be of some importance in estimating their testimony. Independently of this object, a connected work in the English language, of the time of Shakspeare, evidently written by a person of education and experience in composition, ought, in a philological point of view, to be more generally accessible than it could be in the form of a manuscript.

With these objects alone, the Tract is now printed; and to obviate any misapprehension of the design in publishing it at a time when events of a peculiar character have drawn much animadversion upon the principles of Roman Catholics, it should be stated, that the Treatise would have been published ten years ago, had the inquiries then made led to its discovery; and that it is now published, within a few weeks after the manuscript has been brought to light at the Bodleian Library.

May 1. 1851.

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A

TREATISE

AGAINST

LYING AND FRAUDULENT DISSIMULATION:

NEWLY OVERSEEN BY THE AUTHOR,

AND PUBLISHED FOR

THE DEFENCE OF INNOCENCY AND THE INSTRUCTION OF IGNORANTS.

[*This is the Title as altered by Garnet.*]

Whether a Catholicke or any other person before a magistrate beyng demaunded uppon his oath whether a Preiste were in such a place, may (notwthstanding his perfect knowledge to the contrary) wthout Periury and securely in conscience answere, No, wth this secreat meaning reserued in his mynde, That he was not there so that any man is bounde to detect it.

ALTHOUGH Mr. Southwell hym selfe with a moste fitte allegation * of the example of or

* The examples here alluded to as cited by Southwell from Scripture, were the several declarations of our Lord to his disciples that he knew not the day of judgment, and that he would not go up to Jerusalem at the Feast, both of which are largely discussed in the Treatise, chap. 4. ss. 8 and 9. The example of the Queen is thus stated by Parsons: "M. Southwell, of blessed memorie, proposed this question at his arraignment at the barre unto his accusers, 'that if the Queene upon a sudden insurrection were pursued by her enemies with intention to deprive her of her crown and life, and A. B., knowing where she was, was asked where she was, what must he do? He could not discover her, for that would be against his duty. If he denied that he knew, it would be a

Saviour and of the case of her Maties owne royall person (beyng not permitted to say in that behalfe so much as he coulde and was desyerous) did yet sufficiently putt to sylence those wch spake against hym; yet because I perceave this kynd of doctrine seemeth straunge both to Heretickes and also to divers Catholickes, I haue thought it necessary to discusse it more exactly. Wherein, for that I am principally to deale wth Heretickes, my purpose is not to trouble them much with the testimony of schoolemen and canonistes (except in places where we may geve more light vnto the matter w^thout vrging theire authoritye at all); but our proofes shall all be brought out of the Scriptures and holy ffathers, and where neede shall require, out of philosophy and the very light of reason. Mr. Southwell hym selfe wrote long synce a particuler instruction of this matter, and no better defender could we haue of Mr. Southwell then Mr. Southwell hym selfe, if eyther that wryting weare easy

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lie (which we all hold to be unlawful even for the saving of life). Or shall he deny it by some equivocation which avoids the lie?' "—*Treatise tending to Mitigation*, p. 288.

to be founde, or it were not rather an instruction for the well meaning Catholickes, then a confutation of the ꝑverse Heretickes, of whome that sentence of o^r^ Saviour may very well be sayed, *Excolantes culicem camelum autem deglutientes.*

Lett the Reader therfore serve his turne in the meane while of this, if he thincke it worthy the reading; and that other labour of Mr. Southwell shalbe (God willing) wth conuenient leasure published as a ꝑticuler testimony of his synceryty in this very same case. As for this my small travaile, I thincke it well bestowed if I may dedicate it vnto no other than vnto hym selfe; and vnto hym selfe I doubte not but I may humblye offer it as a token of my auncient affection and ꝑsent dewtifull reverence and honour toward hym.

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CAP. 1m.

OF THE CONDITIONS REQUIRED IN EVERY LAWFULL OATHE.

Hier. 4. THOU shalt swear (sayeth the Prophett Hieremy) our Lord liveth, in trewth and in iudgement, and in justice. Uppon wch place the holy doctour St. Hierom noteth that there must be three companions of euery oath, truth, iudgement, and justice. Of whome all the deuines have learned the same, requiring these three conditions in every lawfull oath, and condemning all oathes wch are made without all or any one of them. The reason heareof is, for that an oath beyng an invocation of the soueraigne matie of God for testimony of that wch is sworne, wee ought alwayes in such invocations to vse judgement or discretion to see that wee do nothinge rashly, or wthout dew reverence, devotion, and faith, towards so great a matie. But we

must especially regard that wee make not hym, who is the chiefe and soveraigne veritye and inflexible justice, a witnesse of that wch eyther is false or an uniust promise; for otherwise an oath wanting iudgement or discretion, and wisedome, is a rashe oath; that wch wanteth justice is called an vniust oath; and that finally, where there is not truthe is adiudged a false or lyinge oath, and is more properly then all the rest called Periurye. Than therefore shall wee haue proved that this oath above expressed is to be esteemed a lawfull oath, whan we shall have shewed, that it is accompagned with these three companions, verety, justice, and judgement: wch we will attempt to do by the helpe of God, and wth the favour and good leave of our new devines of the Kinges bench, who call into question, and bitterlye inveigh against that doctrine, wch is not onely approved in schooles of trewe divinity, but practised also in all courtes of Civill and Canon Lawe in the world. And first we will begynne wth veretye. P. 4. of MS.

CAP. 2m.

OF THE VARIETY OF PROPOSITIONS IN WHICH VERETYE MAY BE FOUND.

VERITYE and falsitye beyng proprietyes of an enunciative speech, as Aristotle teacheth vs, that is, of that speech eyther conceived onely in the mynde or vttered by wordes or wrytinge, by whch we affirme or deny any thinge — whchwe call a Proposition — that we may the better discerne this veritye and falsitye, we must needes consider the varietye of propositions. And we may say wth the Logitians, that there be four kyndes of propositions. The first is a mentall ꝑposition, onely conceived in the mynde, and not vttered by any exteriour signification; as whan I thincke wth my selfe these wordes, "God is not uniust." The second is a vocall proposition, as whan I vtter those wordes wth my mouthe. The thirde is a written propo-

sition, as if I should sett the same downe in wrytinge. The last of all is a mixte proposition, whan we mingle some of these ꝑpositions [or parts of them]* togeather, as in our purpose, whan beyng demaunded whether John at Style be in such a place, I knowinge that he is there in deede, do say neverthelesse "I know not,"— reserving or vnderstanding wthin myselfe these other wordes (to th'end for to tell you). Heare is a mixte proposition conteyning all this,—"I knowe not to thende for to tell you." And yet part of it is expressed, part reserved in the mynde. Navar. in cap. Humanæ aures.

Now vnto all these propositions it is comoun, that than they are trewe, whan they are conformable to the thinge it selfe; that is, whan they so affirme or denye as the matter it selfe in very deede doth stande. Wherof we inferre that this last sorte of proposition, wch partlye consisteth in voyce, and partlye is reserved in the mynde, is then to be adiudged trewe, not whan that parte onely P. 5. in MS.

* The words in brackets are interlined in Garnet's hand.

wch is expressed, or the other onely wch is reserved, is trewe, but whan both togeather do contayne a truthe. Ffor as it were a perverse thinge in that vocall proposition, "God is not vniuste," to saye that ꝑposition is false, because if we leave out the last worde, the other three contayne a manifest heresye, as if we affirmed God were not at all; — the trewth of every vocall proposition beyng to be measured not according to some partes but according to all togither; — even so that other proposition of wch wee spake, beyng a mixte proposition, is not to be examined according to the veretye of the part expressed alone, but according to the part reserved also, they both togither compounding one entyre proposition.

Hearein therfore consisteth the difficulty. And this will we endeavour to prove,— that whosoever frameth a trew ꝑposition in his mynde and vttereth some part therof in wordes, wch of them selves, beyng taken severall from the other parte reserved, were false, doth not say false or lye before God, howsoever he may be thought to lye before

men, or otherwyse committ therin some other synne. Ffor yet we will not cleare this partye of synne hearein, wherof wee will speake heareafter; but only at this present we defend hym not to haue lyed.

P. 6. in MS.

CAP. 3m.

THAT THERE ARE SOME PROPOSITIONS WHOSE VERETYE IS NOT TO BE IUDGED ACCORDING TO THAT WCH IS VTTERED IN WORDES SEUERALLY, BUT ACCORDING TO THE WORDES AND SOME OTHER THINGE VNDERSTOOD OR RESERUED.

FIRST therfore, that such a mixte ꝓposition is to be found, the very nature of a ꝓposition doth sufficientlye proove. Ffor the essence or whole nature of every ꝓposition, as we learne out of Aristotle, is in the mynde ; and voyces and wrytinges are ordayned as instruments or signes to expresse that ꝓposition wch is in the mynde. Therfore as I may expresse all in word or all in wryting, and the ꝓposition of the mynde remayneth the same, so may I by an other kind of mixte ꝓposition expresse part and reserve part, and yet the ꝓposition of the mynde beyng not altered at all.

Pv. de interpr.

Besides there may be a mixture of a written and vocall ꝓposition : as if I should, intend-

inge to speake this ꝓposition, "God is not vniuste," loose sodainely my speech before I had spoken the last worde, or of sett purpose holdinge my peace, exhibite the last worde in wryting, — who doubteth but all that were but one ꝓposition, whose verety were to be adiudged according to both partes togither? Even so is it in a mixt ꝓposition, wherof eyther for impossibility or other respectes part is reserved in the mynde. Neyther skylleth it that the partye to whom I speake vnderstandeth not that wch I reserve as he did that wch was written for the supplye of the vocall proposition; for at the least God vnderstandeth the speech of the mynde, and so he seeth also this wch I reserve, and knoweth all to be trewe. And whether there be any faulte in deceiving of the hearer or no we will examine heareafter; onely this we affirme, that there is no lye; but as the altering of the signes wch do expresse o^{r} mynde, partly speaking and partly wryting, alter not the verety of the ꝓposition, so the expressing part and reserving part doth not make before God the ꝓposition of any other condition than before. P. 7. in MS.

Finally there is never falshood in the voyce but there is first falshood in the mynde. Wheras verety and falsitye are principally in the vnderstanding, and than secundarylye in the voyce, as in an expressive instrument of that which was false in the mynde. But here is no falshood in the vnderstanding, whan I say inwardly, "I knowe not for to tell yo^{u}," for it is most trewe; — than is there none in the wordes. And yet those wordes wch are vttered, if they be taken alone, are most false; therfore that we may cleere them of falshood, we must say of necessitye that they be but part of a proposition, the rest beyng reserved in the mynde. And so are we constrayned to acknowledge such a kinde of mixt proposition wch we haue defended.

And hence we may vnderstand the difference betweene these very same wordes (I knowe not) whan they be an absolute vocall ꝑposition by themselves, and when they are but onlye a part of that other mixte ꝑposition, consisting partly of that wh^{ch} is reserved or vnderstood. Ffor whan it is an absolute vocall ꝑposition, it is false, because false is that ꝑposition in the mynde, to

wh^ch it fully aunswereth. But whan it is onely a part of this ꝓposition (I knowe not to tell you) than is it not false, neither maketh it an entyre sense of it selfe, wh^ch woulde be false; but togither wth the part reserved maketh a very trewe and ꝓfect meaninge.

Two other reasons, or at the least otherwise vttered, I will bring of 2 great Devines, wh^ch will more declare that wh^ch hath bene sayed. In case that a man be not lawfully asked (wh^ch whan it may happen we will after declare), it is as lawfull for a man to use wordes for to signifye what sense he will as if he were asked by no manner of person, or of no determinate thinge, — as for example, if he were alone or before others, and for recreation sake or for other end should talke wth hym selfe. But whan a man is asked of none he may w^thout a lye speake, and by his speech vnderstand a farr different matter than that wh^ch others vnderstand whan he aunswereth them to theire demand; therfore he may w^thout lyinge do the same whan he is unlawfully asked. Neyther is this a lye, but it is to conceale one determinate trewth, and to tell an other truth farre diverse from

Greg. de Val. to. 3. disp. 5. pun. 2.

P. 8. in MS.

the other. As in a familiar example,—if a man whan he is asked "how many myles it is to London," should aunswere that "it is than noone;"—this were no lye but a trewth (although discurteously vttered), yet no lye. Besides (sayeth this Author) it is not a lye to vse wordes wh^ch according to the commoun custome in such a matter as is in question cannot be rightly vnderstood, or in a trewe sense to the purpose; but a lye doth consiste in this, that a man do intend to deny wth wordes that very trewth wh^ch he conceiveth in his mynde. But this is not so in this case, for he contraryeth not the truth wh^ch to hym selfe he conceiveth, but rather he signifyeth an other divers truth, as we sayed before. As for example, one asketh me "whether I heard masse such a day:" I aunswer "No." If I should meane heareby to denye that I heard masse absolutely, I shoulde lye; but I meane not to denye that, but an other thinge wh^ch trewlye I conceave and trewely may be denyed, as that "I heard it not at Paules" or such like. And it skylleth not, whether those wh^ch I speake to vnderstand it amisse

or no, as long as vniustlye and rashely and wickedlye I am asked by them.

An other Devine thus defendeth such speeches from a lye, whan according to the circumstance of place, tyme, and persons, some particles may in a ꝓposition be vnderstood and supplyed, wh^{ch}, if they were expressed, woulde make a manifest truth. In such case it is all one whether those particles bee expressed or concealed. As for example— A farmer hath come to sell. He selleth all that he can sell because he reserveth the rest for his owne necessary vse. Than cōmeth one and desyereth to buy corne. He may trewly say and sweare (if it be needeful) that he hath none; for the circumstance of the person interpreteth the meaning to be, that he hath none *to sell.* In like manner sayeth o^{r} Savio^{r} (Mat. ix), "The ghirle is not deade, but sleapeth;" and yet the ghirle was in deede deade, but considering the circumstance of the person of o^{r} Savio^{r}, this ꝓposition was trewe; because in respect of his power and will, it was as much as if she had beene but a sleepe. Even so in this case of

Bannez. 2. 2. q. 69. ar. 2.

P. 9. in MS.

examination before a magistrate, if the partye accused and vniustly asked should expresselye say, "I, as one subiect by lawfull ꝓceeding of lawe vnto thy interrogation, have not heard masse;" this ꝓposition were trewe (sayeth this Authour), for it is as the Logitians call it a negative ꝓposition *de subjecto non supponente.* Or if he should expresselye aunswere*, "I did not heare masse so that I can be lawfully charged therfore, or accused by any," who can deny but this is trew? Than is it all one to suppresse these particles and to aunswere onely thus, "I did not heare masse." And the judge, if he be wise, hath cause alwayes to vnderstand these particles; for so the circumstance of place, tyme, and ꝑson do iustely afforde, as shalbe sayed hereafter.

But what needeth this metaphisicall consideration, whereas we have irrefragable examples, whereby we may not onelye prove

* Here is written by Garnet, in the margin, for insertion in the text: [Nego ꝓposita sicut ꝓposita sunt, w^{ch} (as Soto sayeth) was the auncient answer and contented all good iudges: or]

that such ꝓpositions may be founde, but free them also from all manner of falsehoode, except we will blasphemouslye condemne of falsehoode the most sacred word of God and the authour therof hym selfe.

P. 10. in MS.

CAP. 4m.

THAT SUCH MIXTE PROPOSITIONS ARE PRACTISED OFTENTYMES BOTH IN GOD'S WORDE AND BY OUR SAVIOUR HYM SELFE, AND BY HIS SAINTES, WHERE SOME DIUERSITYE OF OPINION AMONGST SCHOOLEMEN IS EXAMINED.

Psal. 1. "THE wicked (sayeth Dauid) shall not arise againe in the iudgement." It is a false and hereticall ꝓposition, except we vnderstand that they shall not arise againe vnto euerlasting lyfe, wch undoubtedly was ment by Dauid in that place, and yet not expressed. "Est oratio mixta, ex illa parte scripta vel vocali, Non resurgent impii in iudicio, et ex illa mentali et subintellecta, Ad gloriam eternam, quæ est de fide." Thus sayeth Navar.

See Navar. in cap. Humanæ aures, § 3.

Jo. 15. 2. The infallible verety sayeth to his disciples, "You I have called freindes, because all thinges whatsoeur I heard of my ffather I have notifyed vnto you." And yet in the

Jo. 16.

chapter followinge he affirmeth that he had many thinges to say vnto them, but they could not beare them at that present. Than must the first ꝑposition be vnderstoode according to his meaning reserved, that he had notifyed all thinges which he had heard of his ffather, and were fitt for them to heare, as St Chrysostome expoundeth.

3. The like restrictions are used in infinite places of holy Scriptures. As that whatsoeu^r^ two faythfull persons should aske, it shal be doen to them. And that the holy ghoste should teache all trewth. And yet we know that not eu^r^ye thinge wch is asked is graunted, except there be all manner of dew circumstances. And the holye ghoste teacheth not the Church all trewth; for than shoulde the Church know also the day of judgement and the secreates of hartes; but only such trewth as pertayneth to the necessary instruction of the same Church. Mat. 18. Jo. 16.

4. Our Saviour sayeth, in like manner, that he was not sent but to the sheepe wch were loste of the house of Israel; and yet must not we wh^ch^ were Gentils dispaire of our salvation; for he meaneth that he was P. 11. in MS. Mat. 15.

first sent vnto the Jewes, as St Hierome expoundeth, and afterward to the Gentyles, thoughe he vttered not so much.

Jo. 11. 5. Herevnto we may adde the wordes, "Non est mortua puella sed dormit," wch were cited in the chapter before, [and Lazarus his infirmity is not to death].*

Jo. 8. 6. He likewise sayed unto the Jewes, "Quò ego vado uos non potestis venire," and the same words againe to his disciples afterward, "Et sicut dixi Judæis, Quo ego vado, uos non potestis venire," — in farre different sense to the one and to the other. The first should never go whither he went, the other were to come, but not yet; and therfore o^r^ Saviour expounded hym selfe, after saying to St Peter, "Quò ego vado, non potes me modo sequi, sequeris autem postea." So that in the first speech*† when he sayed [to ye apostles], "As I sayed to the Jewes, whither I go you cannot come," [in that speech] was vnderstood the worde (modo)

* These words in brackets are added by Garnet.

† These words "in the first speech" are deleted by Garnet, who has inserted the corrections marked within brackets.

now, or as yet, w^th^out wch the saying had bene false. Ffrom the disciples non abstulit spem sed prædixit dilationem. But the Jewes were never to goe, quibus præscius dixit, "In peccato vestro moriemini," as St Augustine noteth, tract. 28. in Joan.

7. The apostle speaking of God sayeth, "Quem nullus hominum vidit, sed nec videre potest," whome no man ever hath seene nor can see. The first particle must haue some exposition; for if Moses, as most holy ffathers do affirme, and our blessed Ladye, as most schoolemen holde, or St Paule hymselfe, before that time sawe the very essence of God; and absolutely, whereas sowles in heaven did then see God; — then the meaning must be, No man hath seen God wth corporall eyes, or by the naturall power of his sowle; or so that he comp^s^hended him wch is incomp^s^hensible, or in this lyfe p̄manently, but as it were by passage. The second also must needes have the same conditions vnderstood, for the tyme will come when "uidebimus eum sicuti est. Videmus nunc per speculum in ænigmate, tunc autem facie ad faciem." P. 12. in MS. 1 Tim. 6. Jo. 3. Cor. 13.

Mar. 13. 8. Our Saviour sayed to his disciples that he hym selfe knewe not the day of judgment, but his ffather onlye, wch by consent of the holy ffather is to be vnderstood that he knewe it not for to vtter it, although they were never so desyerous to knowe it, wheras his ffather knowing it had vttered it, vnto hym as man: for otherwise we knowe that Joan. ult. St Peter trewly said, "O Lord, thou knowest all thinges." And St Paule affirmeth that in Christ were hydden all the treasures of the wisdome and knowledge of God. So that it is a Catholycke veritye that he knewe the day and hour of his dreadfull iudgement, notw^thstaunding^ this equivocall sentence, wherin he seemeth to deny that he had anye such knowledge.

Trewe it is that some holy ffathers do geve other expositions of this place of St Marke; yet none condemneth this. Yea, all that treate of this texte do bring such expositions as necessarylye requier a supplye of some thinge not expressed but vnderstoode. St Gregorye, though he bring the former exposition, yet doth he bring also an other. He knew not (sayed he) that daye, — not in his

owne person, but in the person of his Churche.

The same St Gregory and also St Ambrose, St. Gregory Nazianzen, and St Cirill expound it thus; — he knewe not by humane knowledge but by divine revelation or infusion.

St Epiphanius, St Chryostome, St Bernard thus; — he knewe not practically, as Adam before he synned had no practicall knowledge of synne. But God the ffather knewe practically the day of judgement, because "omne iudicium dedit filio;" and so in a manner he had alreadye iudged. Gen. 3.

But the best exposition wch almost all do bringe is the first, — that he knew not for to vtter it, — wch is of St Gregory, St Ambrose, St Hierom, St Chrysostome, Theophylact, St Basil, St Augustine. Yet neverthelesse all these expositions (as I sayed before) do confirme the lawfull use of these mixt ꝑpositions.* P. 13. in MS.

Two obiections may be here propounded.

* Vide loca apud Bellar. l. 4 de Xp̃o. c. 5. et plura apud Suarez, 3 p. q. 10. ar. 2°. in cōmentario.

The first that these wordes were thought to be putt in by the Arrians (neq, filius), for to derogate to the Divinity of our Saviour; and so in deede do St Ambrose and St Hierome suspect. But to this two answeres may be made; ffirst, that although these two ffathers had absolutely thoughte so, yet so many others do not. And yet St Hierome only suspecteth this fraude in the 24 of St Mathew, where in deede neither the best copyes Greeke nor any Latyn have it; [but all copyes both Greek and Latyn have it] * Mar. 13, wch St Hierome doth not denye. Secondly, not onely the other ffathers alleaged, but these two also admitte the verity of the proposition "neq, filius scit," although it had been added by the Arrians, and expound it so many ways, as we have shewed, all wch be sounde enough. Yea, those 2 fathers approve our exposition. St Ambrose vppon the 17th of St Luke, "Novit sibi, mihi autem nescit," he knoweth it to hym selfe but not to me; and lib. de Fide, cap. 8., "Pone tamen

* The words in brackets have been interlined by Garnet.

ab Euangelistis scriptum;"admitte, sayeth he, that the Evangelistes did write (neq, filius), yet doth he expounde it as we do, shewinge that it nothing prejudiceth the divinity of Christe.

St. Hierome also vppon the 24th of St. Mathew hath these wordes, wch we will wholly putte downe. After that he hath admitted that in the texte there is " neq, filius, Igitur (sayeth he) quia probauimus non ignorare filium hominis consummationis diem, causa reddenda est cur ignorare dicatur. Apostolus super Saluatore scribit (in quo sunt omnes thesauri sapientiæ et scientiæ absconditi). Sunt ergo omnes thesauri sapientiæ et scientiæ in Xp̃o: sed absconditi sunt. Quare absconditi sunt? Post resurrectionem interrogatus ab apostolis de die manifestius respondit, ' Non est vestrum scire tempora vel momenta quæ pater posuit in sua potestate.' Quando dicit 'Non est vestrum scire,' ostendit quod ipse sciat, sed non expediat nosse apostolis; vt semper incerti de adventu Judicis, sic quoq, viuant, quasi die alia iudicandi sint. Deniq, et consequens Evangelii sermo id ipsum cogit intel- P. 11. in MS.

ligi, dicens quoq; Patrem solum nosse, in Patre comprehendit et filium. Omnis enim Pater filii nomen est." Thus much to Heretickes. Now if any Catholick would thrust those wordes out of the text, he must have
Sess. 5. patience, and be content to lett them alone, and remember the approbation of the Councell of Trent of the vulgate edition as autenticall, and ꝓhibition " ut eam nemo rejicere quovis pˢtextu audeat vel pˢsumat." Yea Sotus 4°. dist. 43. q. 2. ar. 2. sayeth it were hereticall to deny those wordes to be of the text, although Suarez [and Medina*] thincke hym herein too rigorous. (See Suarez 3ª parte, q. 10. ar. 2. in com.)

The† second obiection concerning this place of St. Marke is, that albeit all schoolemen

* Interlined by Garnet.

† From here to the words " where we use," the passage is written by the same hand as the rest of the book, on a slip of paper, and pasted over another and a longer passage, which commences thus: " The 2. obiection concerning the place of Sᵗ. Marke is that diverse schoolemen who deny the lawfulnes of equivocations do also deny that in this saying of our Saviour, 'Neq filius scit,' the Sonne of man knows not, is any equivocation at all."

do graunt that in this place there is some equivocation (as Sotus hym selfe who is the most and first scrupulous in this poynte doth confesse), as doth also Petrus de Aragone, a late Professour of Salamanca [& all others];* and consequently by all good Devines' opinion and judgement some ordinary equivocations are lawfull [and in some cases necessary, — for so sayeth Sotus] †, yet do some great Devines, as those two above named, and some other which follow them, distinguishe two kyndes of equivocations. The one is when we vse such wordes as according to the accustomed manner of speech may have two senses, wch may happen in two sortes, eyther because one worde of it selfe hath two significations, or because somewhat is vnderstood according to the ordinary custome of comoun speech. P. 15. in MS.

An example of the first may be, — if I be asked whether such a one be in my howse, who is there in deede, I may answere in Latin, "Non est hic," meaninge that he eateth not here, for so doth (Est) signifye.

* Interlined by Garnet. † Interlined by Garnet.

And example of the second may be, — if I be asked whether such a one was ever in my howse, I may say, "I knowe not," or "I remember not," vnderstandinge in my mynde, that I knowe not or remember not for to vtter it; ffor this addition (say they) accordinge to the comoun manner of speech and nature of the wordes may be vnderstoode. And so there is no lye, but such equivocation is lawfull, as is evidently convynced by this speech of our Saviour, who is the infallible trewth, and by other places which we will cite hereafter, as "Omnia quæ audiui a Patre meo, nota feci vobis;" that is, "omnia quæ audiui (ut vobis manifestem modo"), and the speech of God to Abraham, "Nunc cognoui," &c., that is, "now I have made thee knowe, or made thy posterity knowe, that thou fearest God."

Gen. 22.

P. 16. in MS.

But there is an other kynd of extraordinary equivocation, wch these Doctors in no case allow, — when besides the wordes vttered we vnderstand some thinge, wch according to the usuall speech cannot be vnderstood; and such equivocations do not excuse from a lye.

Such is (say they) "Non feci," I did not, vnderstandinge "vt tibi dicam," that I may or ought to tell you, or I did it not yeasterday. "Non habeo," I have it not, vnderstandinge for to geve you. "Dabo," I will geve you an hundred pounds; vnderstandinge, if I fynd it in Cheapeside; — and such other like, where there is no respect vnto knowledge.

The reason these Doctors alleage for that knowledge hath a certaine relation or connexion wth the vttering of our knowledge, but so hath not doynge, or having or beyng, or such other speeches. And so they say that this place or other like of o^{r} Saviour maketh nothing for these extraordinary equivocations which we defend. This is Sotus his opinion, and a few wch follow hym, who was the firste wch made scruple in this poynte, so far as we can fynd by any Authour.

But this opinion seemeth to other great Devynes, and almost to all of our age too severe and scrupulous, and Nauar sayeth that Sotus "trepidauit timore ubi non erat timor," and that worthely. Ffor first, they

cannot assigne any sufficient ground of this distinction betweene knowledge and other actions or trewthes. Some knowledge is not to be vttered; even so some actions and other veretyes are to be concealed, and on the other side some of these to be vttered as well as our knowledge is sometymes. And wheras they bring for ꝓfe of this distinction the example of our Sauiour in this very place, and where he sayed, "Omnia quæ audiui a Patre meo, nota feci vobis," meaning that he had made knowen to his disciples all thinges wch he knewe wch were to be tolde them at that p^r^sent, we can in like manner bringe other places of o^r^ Savio^r^ and holy Scripture, where somethinge is vnderstood in other matters then of knowledge, as appeareth by the places alleaged and by the next wch we will bringe.

P. 17. in MS.

Jo. 15.

In like manner, wheras they bringe as a special grounde of this opinion the sayinge of God to Abraham, "Nunc cognoui quod times Deum," now I know that thou fearest God; that is, now I have made thee know that thou fearest God (wch is the cōmoun exposition of that place); this trewlye seemeth

Gen. 22.

not to argew* necessaryly that "nescio" may more properly signify "scire te non facio," or that wch is all one, "nescio vt dicam tibi," then "non ascendo," or "non facio," may signifye "non ascendo," or "non facio vt dicam tibi;" but in both speeches the circumstances of tyme, place, matter, person, intention, and such like, may alike make a supply of some thinges to be vnderstood. Besides, let there be two men, the one that knoweth a trewth, the other that knoweth it not. Let both be examined. They both answere, "I know not." What is there, if we regard the ꝑper sense of the word "nescio," why in one it should signifye "I knowe not" simply, and in the other "I knowe not to tell you"? wheras, accordinge to the rule of Logick, a negation doth absolutely take away all that followeth it. If yo^u^ say, because he that knoweth is not bound to tell, therfore that is vnderstoode, I say the like of the other answeres, "I did it not," nor "I haue it not," in cases in wch the like reasons may move to vse these mixt propositions of wch we speake.

* Written "agree" in the MS., but corrected by Garnet.

P. 18. in MS.

[Also* lett one wch hath certain knowledge of a truth wch he is not bond to discouer, but ought to conceale,—let this man answer "Nescio," yet hauing no reseruation in his mind, that he knoweth not for to vtter. This man surely hath lyed. Then it is not ye nature of ye word to allow some reseruation, and so to save frō a lye, but it is the free conceit of the speaker; therfore the like is in others also.]

Ffurthermore, the most Devynes allow, and sometymes it is necessary that a Confessour do say, that such a one did not confesse such a synn vnto him, vnderstandinge so that he is bound to tell. Neither doth it serve heare to vnderstand it thus, "he confessed it not to me as to a man." Both because the negation doth absolutely signifye that he did not at all, and also for that it is false that he did not confesse it as to a man, as Nauar proveth. Therfore here must be vnderstood, "vt dicam," or "vt dicere tenear."

* This paragraph between brackets, from "also lett," to "others also," is written by Garnet at the foot of the page, and marked for insertion in this place.

Ffynally, although they did convince that this sayinge of o^r^ Saviour is not extraordinarily equivocall, if we vnderstand it so that he knoweth not the day for to tell his disciples, yet they cannot say so accordinge to the other expositions wch we haue brought out of the ffathers. So that the ffathers allow such kynd of ꝓpositions w^th^out any order of vttering or not vtteringe, as yo^u^ may easely see if you runne over the other expositions, "Nescit in persona Eccl̄iæ, non humana scientia, non practicè." What naturall connexion is here betweene the wordes expressed and vnderstood? So that we must needes iustefye these kyndes of speeches not by any necessary connexion or illation of the wordes vnderstood, but by the free conceipte of the speaker, vnderstandinge what he listeth; — whether it be nescio (vt dicam tibi), or nescio (hominem illum), or non feci (vt dicam tibi), or non feci (aperte), or non feci (ut tenear respondere tibi), or non habeo (ut tibi donem), or dabo (s̄cz̄ si invenero in platea), or such like; yet, as we will say hereafter, with dew regard of the matter, intention, person, and other like circumstances. So that

to be an ordinary or extraordinary equivocation, altereth the verety of o^{r} speech nothing at all.

I haue bene large in the exposition of this text as also I must be in the next, for to fortefye both these places, wch serve much for our turne, against all cavilles of such as are ready to condemne the opinion and practise of the most learned men wthout iust foundation.

9. The last place wch we will bringe is, phaps, of greater force, because evidently it concerneth a matter of action, not of knowledge, as the former did, and so it is not subiect to the former distinction. Christ sayeth vnto his bretheren, "Goe you vpp to this festivall day, I goe not vpp to this festivall day." And yet the Evangelist sayeth he went afterward. For wch cause Porphyrius, an enemy of Christ, as St. Hierome reporteth, reprehendeth blasphemously o^{r} Saviour of inconstencye and levytye, as one who chaunged his mynde, wch were wickednes to imagine. Neyther neede we to take out these wordes out of the text, as some rashely woulde, or take away the worde (this), as if

Jo. 7.

Lib. 2.cont. Pelag.

P. 19. in MS.

he had sayed, "I goe not vpp to a festivall day," meaning of some vncertaine festivall daye, but not of that p^s^sent. Ffor the wordes are to be expounded thus; "I will not go vpp yet," or "to this feast," or "I will not goe wth yo^u^," or "manifestly [as the Messiah]*, but in secrett;" which is an evident defence of our cause, for the use of such ꝑpositions wch have somewhat reserved or vnderstoode in the mynde for theire verefication.

Ffor a full confirmation of this doctrine we must examine, first, two poyntes about this text, and then see howe the holye ffathers do concurre wth vs vppon the same.

The somme of the text is this: Jesus woulde not goe into Jeurye because the Jewes sought to kill hym, and the feaste of the Jewes called Scenopegia was at hand. His bretheren sayed vnto hym, "Depart from hence and goe into Jeury, that thy disciples also may see thy workes wch thou dost; manifest thyselfe to the worlde." Neyther did his Jo. 7.

* The words in brackets are interlined by Garnet, who adds in the margin, "ita interpretat. Bell^s^ in Dictatis."

bretheren beleeve in hym. Jesus therefore sayeth to them, "My tyme is not yet come, your tyme is always readye," &c. "Goe you vpp to this festivall day; I goe not vpp to this festivall daye, for my tyme is not yet fulfilled." Whan he had sayed these thinges, he stayed in Galiley; but so soone as his bretheren did goe vp, he also went vpp to the festivall day, not openlye, but as it were in secreate.

Ffirst, therfore, we must examine whether, in the speech of o^r^ Saviour, "Ego autem non ascendo ad diem festum hunc," the word (ascendo) have the force of the p^s^sent tense or of the future; for albeit in some textes it be (ascendam), yet the best Vulgate edition and all the Greeke hath the p^s^sent tense. Yet notw^th^standing [I say that]* it hath the force of a future; as if our Saviour had sayed "Non ascendam," I will not goe vpp. This is no vnusuall thinge in Holy Scripture. "I ascend vnto my father," sayeth our Saviour; also, "Ego pono animam meam." And againe, "Vado ad eum qui misit me;" also, "Etiam venio cito," and infinite such like. This is a

P. 20. in MS.

Jo. 20.

Jo. 10.

Jo. 16.

Apoc. ult^o^.

* The words in brackets are interlined by Garnet.

thinge well knowen to the Grammarians, who have a certaine figure wch they call Enallage; one kynd wherof is Enallage temporum, when one tense is putt for an other, wherof we may reade Lynacre and Emanuell's grammer, and such as haue written of figures at large. Neyther is this unknowen to our countrey speech: "Doe this, and yo^u^ haue gott the victory," the p^s^terperfect tense for the future; "Gett my father's consent, and I geve myne," the p^s^sent tense for the future; "I goe not to London this terme," for "I will not goe." Even so doth o^r^ Saviour say, "I goe not vpp to this festivall day," insteede of, "I will not goe," wch is most manifest: for first, all the ffathers vnderstand it so, as shalbe shewed; Porphyrius also, as was sayed before. And it had bene impertinent to aunswere his bretheren that he went not vpp at that very instant, for they sawe it well enoughe.

Secondly, we must determine whether our Saviour sayd non ascendo, or nondum ascendo; for if he sayed, "I goe nott vpp yet to this feaste," then is there not so great strength

in this argument by the force of the wordes them selves as would otherwise be. Although it be very ꝑbable that our Savior spoke in sorte that his bretheren vnderstoode that he woulde not go at all at that feaste, insomuch that we may very well take those wordes, "nondum ascendo ad diem festum hunc," that he would not goe at all at this tyme. And so the argument may still be of force; for he sayed he would not goe, and yet afterward he went. And some ꝑbabilitys may be had therof; First, because his bretheren knewe that the Jewes hated hym, and therfore by his aunswere thoughte that he ment not to goe. Secondly, because if they had not vnderstood hym that he would not goe at all, they beyng desyerous of some vaine estimation by our Saviour's working miracles in theire companye (as noteth* an expositour), they would have stayed longer for hym. Thirdly, because our Saviour geveth his reason, "quia tempus meum nondum est impletum," wch mañer of speech he alwayes vseth of his passion, wch was then

P. 21. in MS.

* A blank space had been left for the name, which Garnet has filled up by these words, "an expositour."

farr of; neither could his bretheren vnderstand, but that he ment to stay a longer tyme then was the continuance of the tyme of that feaste. So that we ꝑbably defend that o^{r} Saviour vsed such words (although he sayed nondum), as made them vnderstand that he woulde not come to that feaste, and yet went after, wch if it be so it skylleth not whether we reade (non) or (nondum). But letting this passe, I saye, that albeit in all the Greeke copyes now extant it be οὔπω, nondum, and so did St Chrysostome and Eutinius reade, yet did St Cirill, a Greeke authour, read enegatively (non). Also all the Latyn ffathers reade (non), and therfore the very Heretickes them selves oughte to admitte this readinge, at the least so farre forth as to seeke out some sufficient and trewe exposition therof; and all Catholickes are bounde to admitte (non), because so it is in the Vulgate edition.

Then doth it remaine that o^{r} Saviour Christe sayinge that he would not goe, and goyng after, did reserve some secreat wordes to make a ꝑfect explycation of his trew meaninge (for we cannot wthout blasphemye say

that he chaunged his mynde, or was at that tyme irresolute what to do, beynge the infinite wisdome of his ffather), and so do the holy ffathers expounde.

[*St. Cirill, l. 4. c. 3., expoundeth it thus; I will not goe (that is) to this feaste, as to celebrate it solemnely after the judaicall maner, for it was a figure of him, and he being come which was the truth, ye figure was fulfilled.

P. 22. in MS.

S. Aug. Tract. 21. I will not go vp (to seek my glory) for my time is not yet come to manifest my glory.

The same againe vpō those wordes (ubi est ille?) sayeth he meant not to ascend against the first or second day, but about ye middest of ye weeke. So also expound Eutherius, S. Cirill, and Ammonius.

So that we have now most sufficiētly ꝓved, both out of scriptures and fathers, the lawfulnes of these mixt ꝓpositions.

To these we adde ye opinions of many Deuines. Adrian † sayeth it was ye cōmon

* From this paragraph to the end of the chapter is in Garnet's handwriting.

† 4°. q. de sig. cōf.

opinion in his time of Doctours. Caietan.* Nauar † sayeth, without any scruple a man may sweare such equivocations, and he citeth for himself, S. Hierom, S. Greg, S. Thomas, Richardus Scotus, Henricus de Gandauo, Paludan, Maior, Angelus de Perusia, Joan. ab Arania, and the glosse receiued by all canonists, 22. q. 2. in cap. ne quis. See the oth^r^ places in Nauar.

Besides Siluester ‡, Henriquez §, Decisiones aureæ of Jacobus de Graphiis, a very grave authoure ||, Greg^s^. de Valencia ¶, Emanuel Sà * *, and Bannez ††, who herin forsaketh Soto, and alleageth one Penna a predecessour of his in ye chaire of Salamāca, and setting downe Soto his reason, sayth, "Sed quātū ponderis habeat ista ratio, non est facile ītel-

* Opusc. 17. qq. resp. 5.

† In cap. Humanæ aures, et in man. c. 8. n. 19. c. 12. n. 19. et 14. et c. 18. n. 61. et cap. 25. n. 44.

‡ Verbo accusat^ɔ^ 10, et Juramentū 3°. § 2. et Juram^n^ 4°. q. 7. et Mendaciū. § 6.

§ l. 3. de pœnit. c. 19. n°. 7°. lit. 0. et in glossa, H. I. K. O.

|| l. 2. c. 17. n°. 9 and 12.

¶ Ubi supra.

** Verbo Juramentū, et v°. Mendaciū.

†† q. 69. ar. 2.

ligere," as in deed it is not; Toletus*, and diuerse others.

I see not then how without arrogāt temerity any Catholick can condemne this o^r opiniō as imp̄bable, or (it being p̄bable) affirme ye practise therof in time and place to be sinfull. For although it be cōmendable in matters onely concerning o^r selues, of 2 p̄bable opinions, alwayes to chuse ye more p̄bable, and so if the cōtrary opiniō in this our cōtrouersy be more p̄bable then ours (wch I think is not) it were better to follow it in practice, in o^r owne affaires, then this wch we defend; yet is it certain that when both opinions are p̄bable, a man may without sinne folow either, if it may be done without preiudice of o^r neighbour; and if one be lesse p̄bable then ye oth^r, yet so long as it is within ye cōpasse of p̄bability, wch it is if it have 2 or 3 grave autours (as ours hath very many)

P. 23. in MS.

Nauar, c. 27. N°. 281 and 284, and 288. SA. χθο, Dubiū. et alii.

* l. 4. instr. sac. c. 21.

Serarius in cap. 13. Judith, who citeth Michael Salomius, whome I have not seene, but it seemeth he handleth this matter exactly. Also Binsfeldius, Alphonsus Villagut. l. 1. c. 5.

En quātæ nubes testiū gravissimorum.

then may a man be bound vnder sinne eith^{r} of disobedience, or iniustice, or omissiō of dew charity, to chuse ye lesse ꝑbable, in case a supio^{r} cōmaund or o^{r} neighbour may be otherwise notably indamaged; wch doctrine is manifest.

But of this question of chusing an opinion, where 2 cōtrary be ꝑbable (for in all things to seek equall certainty, illiberalis ingenii est), see D. Rich. Hall. l. 2. de consciētia, c. 7. 8. 9. who in his 10. chapter very lernedly noteth that y^{e} ꝑbability of an opiniō is not alwayes to be measured by ye multitude of Doctours, but by their gravity, mature iudgemēt, indifferency, incorruptiō, and ꝑfect knowlege of ye case ꝑpounded; and he bringeth a notable example of the vniuersity of Paris, where, when ye greater part of ye theologicall faculty had concluded against ye autority of ye Pope in dispensing ut aliquis ducat relictam fratris, ye Deane of ye faculty would in no case subscribe. Wher vpō being charged that by his oath he was bound to subscribe and putt his seale to any decree of ye greater part of Doctours, he very wisely uttered his sentence, worthy to preponderate P. 24. in MS.

all the rest, and subscribed thus: "Ego N. Decanus facultatis Theologicæ in alma Universitate Parisiensi, ut Decanus subscribo maiori parti Doctorum aliorum, nō ex mea ꝑpria sētētia et opinione."

Then do I conclude that, cōsiderīg y^e ꝑbability of this o^r opiniō, wch as Bannez saith, is ꝑbabilissima, a man may not only lawfully, but ought also to practise it in many cases occurrēt in these o^r dayes, if he cannot otherwise auoide such inconueniences as may ofte insew to himself or to his neighbour. And this was that Blessed Father Southwell his doctrine, whom some would glad with their calumniations fetch out of heaven if they could. But wheras we, vpon dew care of o^r consciences for to auoide euē veniall vntruthes in ye iust defence of o^r selues frō iniuries, are so curiouse to examine this verity wch we hope we have found out, by the grave definition of so many Doctours, we do in all Christian charity beseech ye impugners of this opinion that what care and industry they bestow in carping at iust equiuocations, the same they will vse in auoiding to vtter so familierly as they do most manifest lyes.

For otherwise, as hereticks need not to feare Purgatory, because hell is to be their home if they dye out of the Catholick vnity, so need not lyars to dispute of ye lawfull vse of equiuocation, they taking a readier way to serue their turne, by plaine vntruthes and euident pjuries.]

P. 25. in MS.

CAP. 5m.

OF SOME OTHER WAYES OF EQUIUOCATION PRACTISED BY THE SAYNTES OF GOD, BESIDES THAT WCH PRINCIPALLY WE DEFENDED IN THE CHAPTER BEFORE.

BESIDES these kyndes of propositions wch we haue hitherto defended not to be lyes, although by them alwayes some trewth is concealed, there be some other wayes, wherby wthout a lye a trewth may be covered, which I will breifely sett down.

1. Ffirst, we may vse some equivocall word wch hath many significations, and we vnderstand it in one sense, wch is trewe, although the hearer conceave the other, wch is false. So did Abraham and Isaac say, that theire wives were theire sisters, wch was not trewe as the hearers vnderstood it, or in the ꝑper meaning, wherby a sister signifyeth one borne of the same father or mother, or

Gen. 19. and 20. Et 26.

of both, but in a generall signification, wherby a brother or sister signifyeth one neere of kynred, as Abraham called Lott his brother, who was but his brother's sonne; and our Lord is sayed to haue had brothers and sisters, wheras ꝑperly he had neyther. The like vnto this were if one should be asked whether such a straunger lodgeth in my howse, and I should aunswere, "he lyeth not in my howse," meaning that he doth not tell a lye there, althoughe he lodge there. Gen. 13. Gen. 12.

2. Secondly, whan vnto one question may be geven many aunsweres, we may yeelde one and conceale the other. So Samuel, beyng comaunded by God to go to Bethlehem to annoynte Dauid kinge, sayed vnto God, "How shall I goe? for Saul will heare of it and kyll me." And o^{r} Lord sayed, "Thou shalt take a calfe out of the hearde and shalt say, I come to do sacrifice to o^{r} Lord." And Samuel did as our Lord sayed vnto hym, and came into Bethlehem. But the auncients of the cittye, wondring therat, mett hym and sayed, "Is thy cōming peaceable?" who aun- 1 Reg. 16.* P. 26. in MS.

* This is a mis-reference; the passage being taken from 1 Samuel, xvi.

swered, "It is peaceable; I am come to do sacrifice vnto o^{r} Lord." Here Samuel vttered the secundary cause of his cōming, and warely dissembled the principall, wch notwthstanding they principally intended to knowe, and by this aunswere were put out of suspition therof. So may it happen that one cōming to a place to heare masse may aunswere them who aske the cause of his cōminge, that he came to dynner or to visitt some ꝑson wch is there, or with some other trewe alleaged cause satisfye the demaunders.

3. Thirdly, the whole sentence wch we pronounce, or some word therof, or the mānер of poynting or deviding the sentence, may be ambiguous, and we may speake it in one sense trewe for o^{r} owne advantage. So it is recorded of St Frauncis, that beyng asked of one who was sought for to death, whether he came not that way, he aunswered (putting his hand into his sleeve, or as some say into his eare), "He came not this waye." St Athanasius, first flying by water his persecutors, and beynge so narrowly pursued that he coulde not escape, turned his course backwardes, and meeting the enemyes shipp,

Simeon Metaph. apud Surium. To. 3.

asked whome they sought for; who aunswering that they sought for Athanasius, he toulde them that he was a little before them, flying as it seemed some wch pursued hym. And the angell Raphael beyng demaunded of what stocke or lynage he was, aunswered, "I am Azarias, the sonne of great Ananias," wch the good old Toby so verely beleeved, that he sayed he was of a great stocke. But the angell meant it in a misticall sense, according to the signification of those names.* Neither were it reprehensible in one wch had just cause to say his ffathers name were Peter or Paule, because the apostles are the spirituall ffathers of the worlde. After wch māner also Jacob sayed he was Esau his brother, because mistically he was so in deede; whereas God had ordeyned that the elder should serve the younger, signifying, by spiritt of prophesye, that the people of the Gentylls, wch was figured by Jacob, should be p^r^ferred before the Jewes. So if one should say to a theefe, "Juro tibi numeraturū me 200 aureos," the word (tibi) maye be ioyned w^th^ (iuro) or with

Tob. 5.

P. 27. in MS.

Gen. 27.

Reg. 9. Aug. contra mendac. c. 10.

* Azarias is a helper of God; Ananias, the grace of God.— *Note in MS.*

numeraturū. In like manner a man may cunningly alter the ꝑnuciation, as if, according to the Italian manner of ꝑnunciation, a man should say, "tibi vro," for "tibi juro," wch two examples Bellarmin bringeth in his Dictates 2. 2. q. 89. ar. 7. dub. 2° [as also before, q. 69. ar. 2. dubio 2.].* He allowed equivocations wthout oath bringinge for proofe the speech of our Sauiour, Non ascendo, &c.

4. To these three wayes of concealing a trewth by wordes if we adde the other of wch we spoke before, that is, whan we vtter certaine wordes, wch of themselves may engendre a false conceite in the mynde of the hearers, and yet wth somewhat wch we vnderstand and reserve in our myndes maketh a true ꝑposition, than shall we have fower wayes how to conceale a trewth wthout makinge of a lye. But how iustlye or wthout any other offence we will now examine.

* The words in brackets are interlined by Garnet.

CAP. 6m.

WHETHER IT BE ALWAYES LAWFULL TO VSE THESE EQUIUOCATIONS.

THAT the vse of these ƙyndes of concealing of trewth contayneth no falsehood or lye (wch alwayes were a synne), but is altogither lawfull in places and seasons, sufficiently may be gathered out of that wch hath been sayed before. Ffor if all these manners of ambiguous or impfect speeches have been vsed eyther by Chryst hym selfe, who is the patterne of all pfection, or by such holy psons as have bene in holy Scripture ppounded as samplars of our lyffe and actions, who doubteth but there may be the tyme and place whan vnto vs also it may be lawfull to do the like? and so much the more, for that we live for the most pte amongst more violent and continuall adversaryes. P. 28. in MS.

And yet is it very necessary that we applye here certaine fitte lymitations, and vse

that convenient moderation, w^th^out the wch neyther God could be pleased, nor the lyncke and coniunction of humane societyes, eyther sivill or ecclesiasticall and spirituall, could be dewly maynetayned. Ffor yo^u^ shall fynde some more inconstant then Proteus, more variable than the cameleont, more deceiptfull than Simon, who in all theire speeches will equivocate. These amongst straungers wilbe flatterers, amongst theire freindes are scoffers and gesters, toward theire superiours duble dissemblers, and toward theire equalls or inferioures deceiptfull cosyners; yo^u^ shall never knowe where to fynde them, howe to creditt them in theire assertions, or to truste them in theire promises. These psons, as they are not fitte for any honest conversation, so may they be, and that not selldome, pnicious to any comōun wealthe.

We must therefore vnderstand that there is a certaine vertewe, wch not onely Catholicke Devynes but the heathen Phylosophers them selves haue required in a mans lyfe, wch is called veretye; not in that strict signification wherby it signifyeth that condition of o^r^ speech wch is that it be trewe, but as it

Arist. l. 2. et 4. Eth.

P. 29. in MS.

signifyeth a generall disposition of the mynde, wherby a man as well in speech as in action, and generally in his whole lyfe, w^th^out equivocation or dissembling, sheweth hym selfe such as verely he is, and neither more nor lesse. Such māner of men we may call sincere, playne, and honest dealing men, who not onely eschewe wth great diligence all manner of lyinge, but have also a speciall care to shewe exactly w^th^out that wch is w^th^in; whence have growen those ordinary ꝑtestations "in veretye," "in trewth," "in good fayth," and such other like, more forcible bondes wth them than wth others most deepe and straunge swearinges.

Yet as all vertewes consiste in a meane wch is the avoyding of two extreemes, so do not these men eyther deceiptfully conceale that wch should be vttered, knowinge that the Scripture sayeth, "Væ duplici corde;" or on the other syde rashely blabb out whatsoever they knowe, the same Scripture so teachinge them, "Causam tuam tracta cū amico tuo, et secretum extraneo ne reveles, ne forte insultet tibi cū audierit et exprobrare non cesset." And againe, "Qui ambulat fraudulenter reuelat

Eccles. 2.

Prou. 25.

Prou. 11.

arcana, qui antea fidelis est celat amici consilium." So that as they are alwayes ready to deale sincerely, whan reason vrgeth them, so will they in warres lay ambushes, vse theire enemyes ensignes and armour, conterfeyte theire habite and language, and if neede be, also madnes, wth Dauid, for iuste polycye and honest advantage.* This vertew of syncerytye or veretye, as it always condemneth a lye and vnseasonable dissimulation, so on the other syde reprooving supfluous layinge open of our owne or others secreetes.

1 Reg. 21.

Because, therfore, as the wise man sayeth, there is "tempus tacendi et tempus loquendi," lett vs see the convenient tymes of this kynde of honest dissimulation, wch St. Hierome affirmeth to be profitable "et in tempore assumendum," for to be vsed in dewe tyme. Where we may frame this generall pposition, that albeit these equivocations do make that our speech be not in deede and before God a lye, yet is it not sufficient in our speeches to avoyde a lye, but we are bounde to deale syncerely and playnely, so ofte as eyther this

P. 30. in MS. Eccl. 3.

In cap. 2. ad Gal.

* S. Aug. 9. 10. in Iosue. This reference is added by Garnet.

vertew of veretye alone, or wth all any other vertew of a morall or Christian lyfe, doth so require. I saye that this vertew of verety alone may sometymes require it; for in all our conversation we ought to deale sincerely, so that whansoeū eyther the health of o^r^ bodye or sowle, pietye, charytye, iust profitt or necessitye, vrgeth vs not, these equivocations are vtterlye to be abolished, as veniall synnes at the leaste, if not mortall, as they may oftentymes be, though not in respect of this vertew alone, as we will say heareafter, yet in respect of the omission of some other notable dewtye wth all.

Ffor oftentymes in respect of other vertewes we are bound to deale syncerely. The first whereof is fayth; wch although we may hyde ordinarily by ꝑmitting others to thincke that we are of a false religion, or by not shewinge ourselves what we are, except eyther some notable glory of God, or great profitt of our neighbour, may seeme to bynde vs ther vnto, yet may we never, no, not for to save our lyfe, or goods, or the whole worlde, eyther expressely make any shewe in worde or deede of a false religion, or geve any suffi-

cient cause that probablye others may thincke
P. 31. in MS. so of vs. Ffor this beyng a thinge so neerely concerning the honour wch we owe to God and the ꝑfitt of our neighbour, we are bound to shewes no other than we are; which although in other cases it be not alwayes necessarye, yet in matters of fayth and religion we must neither denye nor blushe at our Saviour, and the ꝑfession of his faythe and religion, least he denye and blushe at vs before his ffather and the holye Angels; neyther is
Ro. 10. it sufficient "corde credere ad iustitiam, nisi ore etiam confessio fiat ad salutem."

This may also be confirmed by the example of St Peters denying of o^r Saviour, whose wordes all of them, albeit they might haue had some trew sense if he had intended the same, as he did not; — for he knew not Christe ꝑfectlye, wheras none knoweth the sonne but the ffather; neither did he knowe the man whom they spake of, wheras he was not a pure man, but also God; neither did he follow Jesus of Nazareth as one of Galiley or of Nazareth, but as the sonne of God, and the Messias of the worlde; and whan, beyng charged to be a disciple of Christe, he

aunswered "I am not," his wordes might also have had a trew sense, for God is he onely wch is, in respect of whome all creatures are nothinge; — although, I say, S^t. Peter had intended all these and other meaninges, as St Ambrose largely discourseth, yet had he synned. "Non enim satis est involuta responsio confitentis Jesum, sed aperta confessio; quid prodest verba inuoluere, si videris denegasse?" where that holy ffather most gravely condemneth all equivocation, whan we may seeme to deny our faythe [and yet cõfirmeth o^r opiniõ in oth^r lawful causes].* Amb. l. 20. in 22 Luc.

And generally we must establishe this as a sure ground, that whansoever that wch outwardly soundeth as a lye in the eares of the hearer, may tend to any dishonour of Almightye God, or to any notable breach of dewetye towardes our neighbour in sowle, bodye, honour, fame, or any exteriour goodes, equivocation, although it may take away the lye wch may seeme to sounde in the wordes, yet can not it hynder but the whole speech is otherwise left in it nature as it would of it selfe be interpreted, although no such P. 32. in MS. (*sic.*)

* The words in brackets are added by Garnet.

equivocall sense were intended. So that if it were hurtefull to any person or dishonorable to God w^th^out the equivocation, it remayneth so notw^th^standinge the equivocation. Wherfore it is manifest that we may not equivocate in matters wch concerne the ꝑfession of our faythe, w^th^out the incurringe of mortall synne.

Neyther doth fayth onely bynd vs to this synceryty, but oftentymes also charitye, as we towched before; the breach wherof in not manifestinge a knowen truth in the behalfe of o^r^ neighbour, eyther in matter of doctrine and religion, or in any politicke and civill matter, whan reason requireth it, may be eyther a mortall or veniall synne, according to the qualitye of that helpe wch we vncharitablye w^th^drawe from them concerning theire spirituall or temporall good.

Justice also in this poynte may in like manner be transgressed, whan eyther we seeke by equivocation to iniury them in theire fame, although in trewe things, so longe as they be secrett, or by duble speeches, as wrongfully testefye against them, or refuse to cleare them by o^r^ iust testemony whan we

are bounde, or pervert the vpright order of lawful judges and magistrates proceeding accordinge to lawe, wherof we will speake more hereafter.

Ffynally, these equivocations may be esteemed vnlawfull in respect of the violatinge of the trewe worshipp wch we owe vnto God, by any periury, of w^{ch}, because it contayneth a particuler difficultye, whether the oathe be privately taken or in an open courte, we will afterward severally, intreate. P. 33. in MS.

CAP. 7m.

OF THE LAWFULL VSE OF THESE EQUIUOCATIONS, TOGITHER WTH AN OATHE CONFIRMINGE OUR SPEECHES EYTHER TO A PRIUATE PERSON OR BEFORE A LAWFULL MAGISTRATE, AND HOW SUCH OATHES DO BYNDE VS.

BECAUSE of the variety of cases wch may happen in this matter we must needes proceede by divers propositions.

1. The first shalbe this. Whan any person is asked vppon his oath, in cases wherin he is bounde to deale playnely, it is a synne to vse any equivocation; and in judgement, or before a competent judge lawfully examininge, it is alwayes a mortall synne. This is manifestly inferred of that wch was sayed in the former chapter. Ffor if it be not lawfull in such case to equivocate wthout an oathe, much lesse wth an oathe. St Isidorus also confirmeth the same wth this cōmoun sentence, to be vnderstood onely in cases wherein

l. 2. de summo bono. c. 31.

we are bound to deale playnly, as we will shewe afterwardes. "Quacunque arte verborum quis juret, Deus tamen qui conscientiæ testis est, ita hoc accipit sicut ille cui juratur intelligit." So that in such a case a man is bounde to fulfill his oath in the sounde meaning of hym to whome he sweareth. And that in iudgment it is a mortall synne not to aunswere directly (I meane whan otherwise we may pervert the iudgement in any notable sorte) it needeth no proofe at all, consideringe how daungerous a thinge it is in a cōmoun wealth to have the order and ꝓceedings of iustice to be wronfully hyndered. Wherfore we reade in the holy Scripture that wᶜʰ Josue sayed vnto a malefactour, "Fili mi da gloriam Dño Deo Israel, et confitere atq; indica mihi quid feceris, ne abscondas"; whereby we are taught our dewtye, in the like cases, to confesse the truth, although it be to our owne pˢiudice. P. 34. in MS. Jos. 7.

2. Secondly, whan a man is vrged to sweare that he will do a thinge, wᶜʰ although he be not bound otherwise to do, yet it is such a thinge as he may do or omitte if he will, it beyng no synn at all, than is he

alwayes bound to pfourme it, except he had some equivocall meaninge whan he sware, having also iust cause of such equivocation. An example hereof may be as if any person promise an uniuste persecutour a hundreth poundes; if he had that trew meaninge verely to give it hym, than doth his oath bynd hym (except he should therby notablye demnifye his famely or creditoures, for in such case the oath byndeth hym not; wheras it is a synn to promise that wch may be iniuriouse to others, and so he synned also in swearing). But if he did equivocate, meaning that he would give hym so much if he ought it hym, or such like, than because he was driven heare vnto by iust feare and had iust cause to defend his right by equivocation, he is not bound to performe his promise by vertew of his oath, howsoever he may be bound to p^s^vent scandall therein, wch seldome happeneth. But if w^th^out iust cause he should equivocate in swearing the like to any other, than is he bound, notw^th^staunding his equivocation to pfourme his oath accordinge to the sounde and ordinary vnderstaundinge of his wordes; accordinge to that wch we alleaged

out of St Isidorus, whose rule is taken for a sure grounde in the canon lawe. As for the lawfullnes of such equivocation in this oath whan we are wronged, we will p^s^ently prove it. P. 35. in MS.

3. Thirdly, if a man sweare to do or say that wch is vnlawfull, as beyng against the dewtye we owe to God or our neighbour, — if he intended to do it whan he did sweare, he synned in two manners, both by having a purpose to do evell, and by swearing it; but if he intended not to do it, but by some equivocation deluded his adversary, than may he be excused from synne in cases where there were no scandall or hurte of his neighbour, or dishonour of God, the thinge beyng of it selfe indifferent, though vnlawfull because of the circumstances. But in neyther case is he bound to fulfill his oath,—yea he is bound not to fulfill it at all. An example of the second case we may bring in this manner; the magistrate sweareth me to bring a recusant to the assizes, wch is vnlawfull; yet I, seeyng there is no other way for the recusant to escape, sweare to bring hym to the assises, having this meaninge w^th^in me,

that I will bring hym if he will go with me, and so lett hym escape. So long as here is no scandall (for I suppose the case to stand so, that I shall not herein seeme to persecute or hate his religion), this same no doubte were a charitable acte. But that in these cases a man is bounde not to do that wch he sweareth, it is manifest; for the thinge wch he sweareth is a synne, and an oath cannot make a synne no synne.

4. Ffourthlye, if a man take a generall oath to do whatsoever he is commaunded, or aunswere to what he is asked, wth a playne and syncere mynde to fulfill it, whether it be of a competent judge or no, it never byndeth hym but to do or say so farre as lawfully he may; and if he ment otherwise he synned in swearinge; neither yet may he in that respect fulfyll his oathe. Wherfore, if the whole forme and substance of the oathe be of thinges manifestly evell and scandelous, he is bound to refuse the oath; but if it be tendered in indifferent wordes, he may take it. And whether he thought at the begynning expressly or not of that exception "I will do or aunswere in thinges lawfull," yet is he not

P. 38. in MS.

bound but onely in thinges lawfull. This is also manifest; for no man may make God a witnesse of a synne, or bynd hymselfe by oath to cōmitte the same, "Cum juramentū non fuerit vt esset iniquitatis vinculū institutum." Also, "Non est obligatorium contra bonos mores præstitū juramentū." And in the civill lawe it is a most cleare case, as appeareth in many lawes wch might be alleaged, and are by the glosse cited in these two places.

De jurejur. c. i. in 6°. Reg^a. iuris. 58.

But because, in the first ꝑposition, we made mention of the cases in wch we are bound to deale playnely, those we must more ꝑticulerly expounde; ffor although we may generally say that we are bound to deale playnely in swearinge in the same cases in wch we are bound w^thout an oath, yet we reserved the case of judegment or examination by a superiour vnto this place, as having for the most ꝑte an oath annexed, wch now we will breifelye declare.

It is most certaine that every man is bounde to aunswere directly, whansoever he is asked, according to order of lawe, wch order of law requireth these five thinges.

P. 37. in MS.

1. Ffirst, that the party who examineth must be a lawfull superiour, who hath received autority by the commission of the publicke power, eyther of an absolute prince, or of a coñoun wealth where there is no monarchy.

2. Secondly, he must have autority over the pson whome he examineth; for it may be that the judge be a competent judge, and yet not in respect of such a person, as it happeneth often tymes that a man be of an other terrytory, kingdome, or diocese, and than cannot the judge alwayes deale wth hym, except in some pticuler cases, wch the lawes of every countrey do assigne. "Falcem iudicij mittere non potes (as sayeth St Gregory) in eam segetem quæ alteri videtur esse commissa."

Respons. 9. ad August.

3. Thirdly, the matter it selfe must be subiect vnto the judge; for sometymes both the judge is competent and the person not exempted, and yet the matter wherof there is controversye is exempted. As when it happeneth that a religiouse man, beyng ordinarily exempted from the bishoppes autority, yet, by reason of some cryme coñitted in the diocese, becommeth the bishoppes subiect

D. Tho. 22. 9. 67. ar. 1. ad. 3^{m}.

in respect of that cryme, yet cannot the bishopp intermedle wth his administration of the goods of his monasterye. The like were if the cheife justice should intermedle in matters of wardes, or mariages, or testamentes, wch belonge not to his courte.

4. Ffourthly, he must procede according to a iust law. Ffor whereas a judge is, as Aristotle calleth hym, a living lawe, as the law it selfe is a *dumme** judge; even as the law whan it is vniust is no lawe, so a judge in the execution of an vniust law is no judge. P. 38. in MS.

5. Ffynally, it is very necessary, for the dew observation of order of law, that the judge do not ꝓceede against a man to examine hym or call hym into question, but in cases which are publicke and manifest, or whan great suspitions and pˢsumptions, or commoun reportes, do seeme to condemne the partye, or sufficient testimony convince hym; ffor otherwise it were against the law of nature. Ffor how can there be greater disturbance of cōmoun wealth than to have honest men molested or called into question

* Altered by Garnet from "*devine*."

at every one's fancye? Neyther was that
Luc. 16. steward in the Gospell called into question before he was infamous; and therfore his Lord sayed unto hym, "What is this that I
Gen. 18. heare of thee?" Neyther did God hym selfe punishe the Sodomites before theire crye
C. qualiter et quando 2°. De accusationibus. was multiplyed before hym;—wch two places of Scripture doth Innocentius the thirde, in a generall Laterane Councell, alleadge to such effect.

In these cases, whan order of law is not observed, a man is not onely not bound to confesse any thinge of hym selfe, but he is also bound to confesse nothing at all; for it were to p^siudice hym selfe w^thout necessitye. And no man maye p^siudice his owne fame, or goodes, or lyffe, w^thout at the least a veniall synne, except he be bound therevnto by order of law. But whan all these thinges concurre, whether a man be bound to confesse the trewth or no in any criminall matter it may be a question. Ffor in the civill law it is evident he is. In our cōmoun, I dare
P. 39. in MS. not defyne that it is a mortall synne not to confesse or to denye, so long as he vseth no fraude or periurye, or any such plea as may

pervert the judgement. Ffor in the civill law the whole judgem^{t} dependeth on the ptyes confession; in the com̄oun law it consisteth in the tryall of the countrey, wch if the defendant accept, it seemeth no more is required of hym. And so we see that in all ages it was the custom of never so notorious thieves to pleade not guyltye, neyther have I ever heard of any doctour wch hath reprehended it. Wherfore in this I referre my selfe (as I sayed) vnto the skylfull. Sure I am that the com̄oun law neyther doth nor can bynd a man to aunswere but wth the former conditions.

But to confesse any notable thinge of an other pson other than of my selfe, whan it is not iuridically asked, although never so enormous (except the cryme were such as tended to the notable hurte of the com̄oun wealth and the partye were not amended, and had not altered his naughtye purposes), were alwayes a mortall synne.

CAP. 8m.

THAT THIS OATH PROPOUNDED VNTO A CATHOLICK AND TAKEN BY HYM WITH EQUIUOCATION, WANTETH NOT THE FIRST CONDITION OF AN OATH, THAT IS, VERETYE.

But lett vs now come to the resolution of the principall question. Mr. Southwell is accused of most wicked and horrible doctrine, because he taughte a gentlewoeman that if shee were examined whether he were at her ffather's house, she might sweare no, wth this intention to herselfe, that he was not there so that she was bound to tell them.* And

* There is no detailed account of Southwell's arraignment. Parsons, in his "Treatise tending to Mitigation," &c. chap. vii. sect. 2. p. 279., says, that "the Protestants first fell upon the doctrine of Equivocation at the arraignment of Mr. Robert Southwell." It appears from an Examination of Gerard the Jesuit, on the 13th of May, 1597 (a copy of which is printed in "Notes and Queries," vol. ii. p. 446. from the Smith MSS. in the Bodleian Library), that "upon the arraignment of Southwell of high treason, one of

how happye had this gentlewoman bene, if she never had learned worse doctrine of others than eyther this or any other she learned of Mr. Southwell. But who are those which accuse hym? Even those wch would haue no refuge or evasion for innocentes to defend them selves from their cruell oppressions. But we will as easely shewe this kynde of oath to be lawfull, as it is manifest that the practise thereof was cōmoun in all Christian courtes, and in all polyticke governements, before these accusers or their P. 40. in MS.

the witnesses, being asked upon her oath by one of the judges in open court, whether Southwell were ever in Bellamie's house, said that she had been persuaded by Southwell to affirm upon her oath that she did not see Southwell in Bellamie's house, and to keep this secret in her mind, *of intent to tell you;* whereas, in truth, she had seen him divers times in Bellamie's house. And Southwell being charged therewith, openly confessed the same, and sought to justifie the same by the place out of Jeremie, that a man ought to swear in judicio, justitiâ et veritate." This is no doubt the circumstance referred to in the text. It is remarkable that in the above examination Gerard admits that he agrees to Southwell's opinion, and cites the examples of our Saviour given in the text, namely, his declarations that he would not go up to the feast, and that he did not know the day of judgment.

great grandfather Luther was borne, whan the worlde was governed wth as great pietye, justice, and learninge as these scrupulous psons will ever establishe in this realme, though they vse never so great diligence. We will therfore prove that this oath hath all the necessary conditions of an oath: trewth, justice, and judgement, or discreete wisdome.

1. And first of trewth, I frame this argument. All lawfull equivocation maketh an oath of that equivocall ꝑposition a trew oath; but this is a lawfull equivocation, therfore is the oath trewe. The maior is manifest by that wch hath been sayed above. Ffor such equivocall ꝑpositions are trewe; and the oath confirmeth nothinge but that wch was in the ꝑposition, therfore it is trewe.

2. St Gregory, also, handling a certaine controversye betweene the iust and patient Job, and his freindes who had misvnderstood some of his ꝑpositions, hath these wordes: "Quid obest si a rectitudine veritatis humano iudicio verba nostra superficie tenus discrepant, quando in cordis cardine ei compaginata concordāt? Humanæ aures verba

l. 26. Mar. c. 7.

nostra talia iudicant, qualia foris sonant, diuina vero iudicia, talia ea audiunt qualia ex intimis proferuntur. Apud homines cor ex verbis, apud Deum vero verba pensantur ex corde. Beatus ergo Job dum hoc ait exterius, quod interius Dominus dixit, omne quod locutus est, tanto iusto exterius intulit quanto ab interna sententia non recessit." Wherby we learne this rule wth St Thomas, that whan he wch sweareth is not in dolo, that is, whan he doth not vniustly deceave hym that he sweareth vnto, every oath is to be vnderstoode according to the intention of hym wch sweareth; wheras, contrarywise, if he be in dolo, than is he bound to sweare vnto the others intention. And so must his oath be vnderstood, accordinge to the rule of Isidorus alleaged in the next chapter before; wch rule that that doctour vnderstood onely in case that the swearer vseth fraude, it appeareth by his reason wch he bringeth. Ffor he sayeth, that he wch vseth a fraudulent oath "dupliciter reus fit, quia et nomen Dei in vanum assumit, et proximum dolo capit."

P. 41. in MS.

22. q. 89. ar. 7 ad 4.

3. Besides, if there be any falsehood in such an oath or proposition, it is onely

because I make them wch heare me to conceave otherwise than the thinge is; but in case that a man is not bound to make them knowe the matter as it is, that skylleth not; ffor Dauid, Abraham, and Isaac and Jacob, the angell Raphael, Samuel, and o^{r} Sauio^{r} hym selfe pmitted those wth whome they delte to haue an other conceipte than the thing was; and so is it in all stratagemes of warre amongst never so godly psons. Therfore that cannot make it a lye. St Augustine also excellently sheweth the same, that is, that these misteries of the Scripture made a false opinion in the myndes of the hearers, and yet were no lyes. "Putantur autem mendacia (sayeth he) quoniam non ea quæ vere significantur dicta intelliguntur, sed ea quæ falsa dicta esse creduntur. Hoc ut exemplis fiat planius, id ipsum quod Jacob fecit attende. Hædinis certe pellibus membra contexit. Si causam proximam requiramus, mentitum putabimus. Hoc enim fecit ut putaretur esse qui non erat. Si autem hoc factum ad illud propter quod significandum revera factum est referatur; per hædinas pelles, peccata; per eum vero qui eis se

Cont. Mend. c. 10.

P. 42. in MS.

operuit, ille significatus est qui non sua sed aliena peccata portauit. Verax ergo significatio nullo modo mendacium recte dici potest. Vt autem in facto, ita et in verbo. Nam cū ei pater dixisset, quis es tu fili? Ille respondit, Ego sum Esau primogenitus tuus," etc. And so he saveth that from a lye, as we sayed above, applying it to the misticall sense. And he concludeth thus: "Cum enim quæ significantur non vtiqȝ non sunt in veritate, sed sunt seu præterita seu p^{s}sentia seu futura, proculdubio vera significatio est nullumqȝ mendacium." That is, whan those thinges wch are signifyed are not such thinges as verely are not at all, but they be eyther past or p^{s}sent or to come, it is vndoubtedly a trewe signification and no lye. Even so may we say that whan they are not such thinges as verely are not at all, but they be in our meaning trew, there is no lye. Ffor as Isaac, not vnderstaundinge the meaning of Jacob, made not his speech a lye, — and as o^{r} Saviour's speech, "Solvite templum hoc, et in tribus diebus excitabo illud," was trew, although the Jewes vnderstoode them of the temple of Hierusalem, and accused him

therfore to the cheife preistes, — even so others conceaving false by our speech maketh not our speech a lye.

4. Moreover, in every oath is vnderstood a condition that I will do or say so farr as I may lawfully do or say, or else the oath is vniuste and indiscrete. So that if I do take an oath to aunswere directly, yet whan they come to vniust questions, I am not bound to answere, although I thought not expressely of that condition whan I sware. Therfore if I thincke of it at the first whan I sweare, I am not bound to disclose this my knowledge or intention at the beginninge, sayinge that I will not answere them in such or such a question; wheras if I had not thought of it vntill I came to the question, I should not then haue needed to say, "In this my oath byndeth me not, I may not tell, I will not tell, It were iniustice;"—but I might haue answered according to that condition of lawfullnes, even as if they had offered me the oath wth that lymitation, "you shall sweare to answere directly in what is lawfull"—wch condition in deede they were bounde eyther to expresse or not to exclude. Than my con-

P. 43. in MS.

ceaving of that condition before is but an acte of prudence and discretion, and maketh me no more periured than I should haue bene if I had not foreseene the same. But if I had not foreseene it, beyng not bounde vnder my oath to aunswere it, I might haue sayed No, at the leaste wthout periury, although phaps it had bene a lye. Therfore conceaving of it at the first doth not make it piurye although it were a lye; and so it is no false oath. Neyther in deede is it a lye, if there be some fitte sense reserved and vnderstood in the mynde, as hath bene shewed before.

* 5. Ffynally, it is also a generall rule, that be the magistrate never so competent and

* Here a small piece of paper is pasted on the margin of the MS. as a mark, and underneath is the letter "A," apparently in Sir E. Coke's handwriting. At the State Paper Office there is a memorandum, also in his handwriting, headed, "Concerning the Booke of Equivocation theise thinges are to be observed;" and in the paper, among other *notanda*, is this, referring to page 43. of the MS.: "That equivocation is not only by this Booke allowed in cases of relligion, but in cases civill between man and man, as by the examples of the plague in London, &c., and the case of the pre-contract, &c. appeareth."

iuste, yet whan I am in case that if he knewe thoroughly my estate he would not, or at leaste, according to right and law, should not, hynder my advantage, I may sweare vnto his fynall intention although not to his immediate intention. As for example: — A man cōmeth vnto Couentry in tyme of a suspition of plaugue. At the gates the officers meete hym, and vppon his oath examine hym whether he come from London or no, where they thincke certainly the plaugue to be. This man, knowing for certaine the plaugue not to be at London, or at least knowinge that the ayre is not there infectious, and that he only ridd through some secure place of London, not stayinge there, may safelye sweare he came not from London, answering to theire fynall intention in theire demaund, that is, whether he came so from London that he may endaunger theire cittye of the plaugue, although theire immediate intention were to knowe whether he came from London or no. This man the very light of nature would clear from piurye. In like manner one beyng convented in the Bishopps courte,

P. 44. in MS.

because he refuseth to take such a one to his wyfe as he had contracted wth per verba de præsenti, having contracted wth an other privyly before, so that he cannot be husband to her that claymeth hym, may answere that he never contracted wth her per verba de præsenti, vnderstandinge that he did not so contract that it was a mariage; for that is the fynall intention of the judge to knowe whether there were a sufficient mariage betweene them or no, that so he may geve trew sentence. And otherwise the judge would geve sentence that he should be wth that woeman wch is not his wyfe, and so there shoulde be an error in the judgement. Even so may one in this case answere to the remote intention of the lawe and of the judge, if he be an honest man, wch is to apprehend *a traytour* or to know who hath harboured hym, and I know that the same partye is no traytour.

Thus much of the maior, that an oath of an equivocall proposition is a trew oath;— P. 45. in MS.
because of the trewth of the ꝓposition alone,—
because of the doctrine of ffathers,—because it skylleth not that the ꝓposition is conceived

as false,—because in every oath there is vnderstood this condition, that I will doe so farre as it is lawfull, and because in not meaninge to ꝑforme the oath in the immediate sense of the judge, I have no contrary meaning to the principall meaning and intention wch he hath or should have.

Lett vs now, wth Gods helpe, and to his glorye and our owne most iust defence, see whether we can ꝓve the minor; that is, that there is most iust cause of equivocatinge in the answere to this demaund.

There is no doubte but when a pursevant cōeth to search a howse, whether it be for a preist or for a purse, he would be most willing that every one should deale playnly wth hym, and directly answere hym in those ordinarye questions: "Have you a preist? where is he?" "Have you any money? where is your purse?" And no mervayle; ffor if we may gather petigrees by the likenes of names, it is very likely that pursyvantes are nearer in kynred to purses than theeves. And although preistes have no very deepe purses, yet it may be that fyndinge preistes in houses, they may the easyer be moved to hunt after

Robinhood's interest, wch they have therby to the howsehoulders purses.

But these base compagnions we will lett alone, and ꝑmitt them wth theire blowes to rent downe howses, and wth theire oathes to teare downe heaven, and leave theire barbarous actions, vnheard of in all former ages both before and synce Christe, to be reported freely in forraine countreyes, and to be registred trewly to our posterityes. P. 46. in MS.

But to her Maties more grave officers wee will seeke to geve such satisfaction, as we hope may declare the innocency of our conscience, and content theire vpright and indifferent myndes.

Ffor although we beare them all maner of civill reverence, and acknowledge them as our liege and most dread Soveraigne her lawfull officers, and are ready to obay them in any thinge not contrary to the lawes of God, and the necessary meanes of our everlasting salvation, yet in this case we say we are not lawfully convented, nor so demaunded for many respectes that we are bound to answere directly. We say that in this case of religion, we are by Gods lawes exempted from

all civill magistrates, and that that religion wch both hath enioyed and doth at this p^r^sent enioy pfect libertye vnder heathen princes and governours, ought much more to be fauoured of those wch pfesse the most holy name of Christ. We say that the law wch pseccuteth Christes preistes, doth pse-cute Christ hym selfe, and that they are the very eyes of the misticall bodye wherof we are part, and that w^th^out them we cannot maynetayne our religion, no more than our corruptible bodyes can exercise all necessary actions w^th^out the principall members therof. And we pswade ourselves that we cannot doubte of the vniustice of this lawe except we would w^th^all doubte of the most certaine verytye of our fayth, and live like atheistes and infidells in this worlde. [That we may say nothing of the invalydity of those parliaments wherin for the most pte, in cases of religion, a small number beareth the swaye, and wth might and terrour wrest ovt vnwilling voyces from the rest for the establishing of vniust lawes.]* We say that in case the law were

P. 47. in MS.

* This sentence within brackets is deleted by Garnet.

never so iust, yet are we convented w^th^out order of law, and in such sorte as neither theives nor murderers are convented, no nor those neyther who do iustly deserve the names of traytours (although that name of late doth seeme to be appropriated onely vnto vs, how vniustly God shall once make knowen); —by violent irruptions into our howses, vniust oathes, and subtill examinations, w^th^out any other p^s^sumption than that we are Catholickes. Besides the straung and barbarous torturing of men after they be apprehended, not for to vtter any treason to our countrey, or daunger to her Maties sacred ꝑson [who we wish with teares did knowe our loyall and most faythfull hartes]*, but onely to wringe out

* These words between brackets are deleted by Garnet, who has substituted for them in the margin, "whose princely hart detesteth hard ꝓceedings." Opposite to this correction a small piece of paper is pasted on the manuscript, as a catch-mark, on which the letter B is written in Sir Edward Coke's hand-writing. In the memorandum already noticed, *ante*, *p.* 79, *note*, "of things to be observed concerning the Booke of Equivocation," Sir E. Coke has this note: "Page 47. In the originall (the catholiques did wishe with teares that her Majestie did knowe there most loiall and most faithfull hartes). Those wordes Father Garnet

wth divers crueltyes the names of Catholickes, and such actions as may be subiect vnto penall statutes; a thinge most contrary to the myldnes of the com̄oun law *, by wch this realme hath so many ages bene maintayned in all mañer of felicitye [and a ready way to bring in other maners of civill regiment never heard of w^th^in our realme, wth manifest hazard of the subversion of the same; ffor there are no meanes more forceable to the maintenance of any state, than those by wch it was first erected; and no way more ready to the overthrowe therof, than the neglecting and breach of theire auncient customes].† "Væ qui condunt leges iniquas, et scribentes iniustitiam scripserunt ut opprimerent in iudicio pauperes, et vim facerent causæ humiliū populi mei, vt essent

Esa. 10.

P. 48. in MS.

put out, and put in others not concerning them but the Queene," &c. The reason for particularly noticing this alteration is not obvious; unless, indeed, it was intended to impute to Garnet that he considered the words in the text as likely to give offence to Catholics by expressing too much loyalty.

* Ffortescue of the lawes of Engl. This reference is in Garnet's writing.

† This passage within brackets is deleted by Garnet.

viduæ præda eorum et pupillos diriperent. Quid facietis in die visitationis et calamitatis de longe venientis? ad cujus confugietis auxilium, et vbi derelinquetis gloriam vestram, ne incurvemini sub vinculo et cum interfectis cadatis?"

So that for these reasons, amongst many others, we beyng not bound to deale playnely, and lay open our secrets to our owne p^siudice, but having iust cause to defend our selves,—we are resolved (especially beyng warranted by the doctrine of sound devynes and generall practise of Catholicke Courtes past and p^sent), that in this kynd of oathes there wanteth not the first condition of an oath, wch is veretye.

CAP. 9m.

THAT THIS OATH WANTETH NOT JUSTICE.

ANOTHER condition of an oath we sayed was iustice, wch may be considered two mañer of ways, eyther in respect of the matter of the oath, or in respect of the cause therof. In respect of the matter of the oath, or of that wch we sweare to do, there may be iniustice if we should sweare to do that wch is vnlawfull. In respect of the cause also, there is iniustice, if we sweare to affirme that wch, albeit it be trewe, yet cannot be revealed by me wthout iniustice towards my neighboure. Ffor there is iniustice in the cause of my swearinge, wheras I haue no iust cause to vtter that wch may hurte my neighbour. And the like iniustice may be in other cases.

Now in this our oath, if I were bound to confesse the trewth, than no doubte but I

should synne againste iustice in not confessing it vnto a magistrate lawfully askinge me. But wheras we have showed before that I am not so bound, there is no iniustice in the cause of the oath. Neither is there any iniustice in the matter of my oath, wheras I do not sweare to do any ꝑson harme, but rather I save an innocent from vniust harme. P. 49. in MS.

But for the more ꝑfect clearing of this poynte, we will heare avouch a thinge wch we towched before;—that admitte I had sworne most syncerely and w^th^out all equivocation, and wth a full resolution to detect whatsoever I knewe, yet were I, notw^th^standing my oath (wch undoubtedly was synfull, as having no iuste cause to vtter these secretts), vnder payne of everlastinge damnation, bound not to fulfill it. This we will prove breifly out of Scriptures and ffathers togither, for the very same Scriptures will be of more force to ꝓve our purpose, whan they are in the like cases alleaged and interpreted by so learned and holy doctours.

St. Ambrose. "Unusquisq3 nihil promittat inhonestum, aut si promiserit tolerabilius est l. 3. off. c. 12.

promissū non facere, quam facere quod turpe
Mat. 14. sit." And afterward, talkinge of Herod's oath whan he putt St John Baptist to death, he sayeth: "Sicut de Herode supra diximus qui saltatrici præmiū turpiter promisit, crudeliter soluit. Turpe, quod regnum pro saltatione promittitur; crudele, quod mors prophetæ pro iurisiurandi religione donatur. Quanto tolerabilius tali fuisset periurium sacramento?"

P. 50. in MS. Ser. 11. de Sanct. inter 17. 1 Reg. 25. St. Augustine, of Dauid, who had sworne to kyll Nabal: "Juravit temere, sed non impleuit iurationem maiore pietate." And in the same place he defendeth that Herode synned in observing his oath, and prayseth Daiud for not perfourming his.

c. 2. The 8 Councell of Toledo. "Si publicis sacramentorum gestis (quod Deus avertat) a quibuslibet illicita vel non bona extitisset conditio allegata, quæ aut iugulare animam Patris aut agere compelleret stuprum sacratissimæ virginis, nūquid non tolerabilius esset stultæ promissionis vota reijcere, quam per inutilium promissorum custodiam exhorrendorum criminum implere mensuram?"

l. 2. de Synonymis St. Isidorus. "In malis promissis rescinde

fidem, in turpi voto muta decretum; quod incaute vouisti, ne facias; impia enim est promissio quæ scelere adimpletur." vide lib. 2. de summo bo. c. 32.

St. Bede. Si aliquid forte nos incautius iurasse contigerit, quod obseruatum peiorem vergat in exitium, libere illud consilio salubriore mutandum nouerimus, ac magis instante necessitate peierandum nobis, quā pro vitando periurio, in aliud crimen grauius esse diuertendum. Deniqꝫ iurauit Dauid per Dominū occidere Nabal virū stultū et impium, sed reuocauit ensem in vaginam, neqꝫ aliquid culpæ se tali periurio contraxisse doluit." Ser. de decoll. St Joannis.

St. Gregory. "Cum male iuratur, iustius iusiurandum dimittitur quam compleantur crimina quæ iurantur." And afterward: "E contra autem reprobi: et incauti quidem sunt et discreti non sunt. Nam sæpe se acturos male repromittunt, et reuocare promissa quasi periuriū incursuri non satagunt. Hinc est quod Herodes incaute iurauit, et nefariū iusiurandū quod protulit in Precursoris Domini morte compleuit. Cauti ergo in nostris dispositionibus esse debemus, sed si cauti esse negligimus, pretermittenda sunt proposita, In p^m. lib. reg. c. 14. P. 51. in MS.

non implenda. Sic quippe a proposito desistere, non est vitium levitatis sed virtus discretionis."

Lett vs therfore admitte that it is not lawfull to take this or any oath wth a purpose of equivocation. Than whan they are come to this pticuler question, "Was Mr. Southwell at your ffathers house?" the respondent may behave hym selfe in one of these 3 wayes, if he take the oath at all (for phaps it were most convenient not to take any oath, and than our disputation were at an ende; for we examine whether he may wth an oath equivocate, except in case that the oath were vrged in that onely thinge: for than the refusing of the oath would geve the examiners sufficient argument of the trewth of his beyng there, who would p^sently inferre, that if he had not bene there the respondent would easely be induced to sweare). But supposing that he tooke the oath at the first to answere directly, than he must needes answere to that question, eyther yea, or no, or hould his peace. If he answere yea, than doth he comitte iniustice, as we have proved; and if he foresaw that vniust question at the

first, and meant to answere it w^th^out any equivocation, he synned also in swearing an vniust oath. If he holde his peace, than, besides that it is a kynd of confession, why will not these scrupulous casistes as well condemne hym of periurye for not answeringe, as for not answeringe directly and trewlye, according to theire intention, wheras he swore both as they will have it? Than is there no other answere but to say "No." And here, for to content these religiouse consciences, I am willing to remitte all manner of equivocations, as ptely was towched in the next chapter before. Lett the party wch is examined simply take the oath, lett hym not equivocate at all, lett hym intend to answere directly to all thinges "Yea;" and whan they come to that pticuler question, "Was Mr. Southwell there?" lett hym also answere w^th^out any equivocation, and yet he shall answere directly "No." Ffor why, in his generall oath he excluded not that condition comoun to all oathes, and comounlye included of all honest oathgevers, that he would answere so farre as it were lawfull; for had he expressely

P. 52. in MS.

excluded it, he had synned in swearinge. Than whan he is asked of that particuler question, "Was he there?" what hyndereth that he may not say "No"? Not his oath; for that falleth not vppon that question, beyng an vnlawfull question. Than it is onely the lye; and beyng hurtefull to no bodye, the most that these canonistes can make of it, is but an officiouse lye, wch is but a small veniall synne, and rather to be incurred than the other of p^s^iudicing so highly our neighbour. And yett if he did equivocate, meaninge "No, to tell yo^u^," than was it no lye at all, and it was bvt an equivocation not sworne; for the oathe, as I sayed, did not nor could fall vppon that question, so that it is an equivocation very farre from piurye; wheras that equivocall ꝑposition is not sworne at all, nor no matter of that generall oathe.

But what if one be putte to his oath, not generally at the begynning to answere to all, but ꝑticulerly to this, "Whether Southwell was at thy ffather's howse?" I answere than, if he meant to answere w^th^out equivocation, he synned in swearinge, and is yet bound not to tell or to disclose it, wch he must needes doe

P. 53. in MS.

and cannot avoyde but by saying "No." And although it were piury to sweare other thinges wth equivocation, yet here is no piurye, for the oath beyng once taken, the synne is past in swearinge to do an vnlawful thinge, but there remayneth no bonde to do according to the oath; and so it were but a veniall lye, if equivocation did not excuse it from a lye. But certaine it is, that he ought to equivocate in the takinge of the oath, and so all synne is avoyded, the lye beynge excused.

To conclude, I would very fayne knowe of this scrupulous gentlewoman*, what she would haue doune if shee had been in the steede of another ꝑson of her owne sexe called Rahab the harlott; ffor shee wth a flatt lye saved those wch were reputed spyes by the king of Jericho, and so were in deede, and though in her lye she cõmitted a veniall synne, yet was she exceedingly rewarded for her fidelitye [and made a progenitour of our Saviour] † and highly commended in the Jos. 2.

* This, do doubt, refers to the admission of the lady that Southwell was in Bellamy's house. See antè, p. 72, *n.*

† The words between brackets are interlined by Garnet, who adds in the margin the reference, "Mat. 1."

Jac. 2. Heb. 11. Scripture for the same. But lett her haue no scrupull the next tyme to equivocate for so good a cause, and so shee may sooner come to the heavenly land of ꝑmise, and be numbered amongst God's elect, than by betrayinge a faythfull servant and messenger of Almighty God (and if they will needes have it so, a spyall, but a spyall of Christe to wynne the possession of men's sowles) gett any honour or creditt in the worlde.

CAP. 10m.

THAT THIS OATH WANTETH NOT JUDGMENT OR DISCRETION.

WE have sufficiently proved, I hope, to such as have in them any veretye and justice, that this oath wch we intreate of, wanteth neither verety nor justice. There remayneth onely that we in like manner shewe that it cannot be voyde of judgement, wch is the third condition required in an oath; that is, that wthout all rashenes or indiscretion, such an oath may be taken. P. 54. in MS.

Ffor if there be any tyme in wch wthout any temerity, wth iust necessity and reverence towardes the most holy name of God, we may vse an oath, there is no doubte but ryther the pservation of an innocent, the defence of whole famelyes, and the maintenance of our most trewe and auncient and apostolicall religion, do require the same; or else lett no man adventure by oathes to defend his fame, to recover his goods, or to

confirme any lawfull ꝑmise wch he maketh to his neighboure.

Two thinges onely it com̃eth here into my mynde to note. Ffirst, that wheras the Devynes do generally say that a man may not equivocate in an oath whan he sweareth of his owne accord, or by his owne offer, beyng not constrayned therevnto by others, yet this is not so strictly to be vnderstood, that as the case standeth wth us a man may not offer an oath of some lawfull thinge, and equivocate therin, for to eschew any p^{s}ent wrong or imminent daunger for his religion. We will expound the matter wth an example. A man lyeth in prison, or is like to be caryed to prison, because he is accused to haue brought a preist to some certaine place, or for other suspitions. Now if this person be brought before the justice or com̃issioner and putt to his oath whether he brought the preiste or no, all agree that he may sweare wth equivocation that he did not. But if he be not examined at all, or putt to his oath, there may be a question whether he may, wthout rashenes, offer this or no, that so he may receave his discharge, sayinge in this manner:—

P. 55. in MS.

"Good Syr, I beseech you to have regard of my estate, I am in deede a Catholicke, but as for the bringinge this man to the place yo^{u} mention, I will take my oath that I never brought hym." And I do nothing doubte but the Devynes never meant to reprove this, but rather that he may safely do it. Ffor although he be not violented to sweare, yet doth he suffer vniust violence; from w^{ch}, consideringe the circumstances, he cannot be freed but by swearinge. And the like I say of other cases. And generally, so long as there is in the sense of that wch I sweare, veretye and justice, I may wthout all rashenes sweare in this mañer so ofte as, having the feare of God before my eyes, I probablye repute that eyther my owne iuste ꝑfitt or of my neighbour, or the honour of God, doth so require. W^{ch} doctrine is manifest by the enumeration of the conditions of a lawfull oath; ffor in such an oath there is veretye, justice, and judgement.*

The second thing wch here may be observed is this: That as we sayed before of

* Nauar, in cap. Humanæ aures. This reference is added in the margin by Garnet.

justice, so may we say now of judgement, that if by forgetfulnes I shoulde chaunce to take an oath, wch afterward I ꝑceave that if it be generally fulfilled it would breede some great inconvenience or losse wch I foresawe not, although it were in such a matter as I might lawfully ꝑfourme, yet am I not bounde to fulfill it; and if it be a synne, I am bounde not to fulfill it. Whence may be gathered a necessary instruction for such as any way may be circumvented wth generall oathes, or deceived for want of consideration of future eventes in any particuler oathe.

P. 56. in MS. 3 Reg. 2.

This we will confirme wth an example of the wise Salamon, and at that tyme also vertuous, so that we may boldely imitate hym herein, who whan he had willed his mother to aske what she would, yet whan he saw how ꝑsiudiciall her demaund was to his whole kingdome, and his owne securitye, he ꝑsently swore to do cleane contrary to his promise. And this is a generall rule in all oathes*, that whan there is perceaved any

St. Tho. 4°. d. 38. q. 1. ar. 3.

* This sentence stood in the original MS. as follows :—"And this is a general rule, as well in oathes as vowes, that whan," &c., and was altered by Garnet as it now appears in the text.

thinge in the matter wch is promised, wch if it had been knowen at the begynninge, it was such in it selfe (not for the bare* alteration of mynde or affection in the swearer or promiser), but as I say in it selfe, that it would never have bene sworne or promised, except, phapps, wth some equivocation, than there is no bond at all in respect therof, and contrarywise phaps a bond not to perfourme it. As if a man sweare that he will marry such a one, and afterward he cōmeth to the knowledge that long before his promise she was of a naughtye fame, he is not bound to marry her, although he may if he will. Also, one prince sweareth to take the part of another in such a warre; now it happeneth that that princes quarrel was good at the begynninge, but afterward becometh vniust, because of breach of truce, or not acceptinge iust satisfaction offered, wherby he were bound in conscience to fynishe the warre. In this case the oath byndeth the other no more, yea he is bound not to perfourme it. [These examples are ordinarily brought by Deuines.†]

And now because we have brought this

* Interlined by Garnet. † Added by Garnet.

our discourse [towards]* an end, and we are yet intreating of iudgement or discretion in these oathes, we will, by way of a generall recapitulation, although very breife, of many things wch have bene sayed, sett downe a short instruction how a man may behave him selfe iudiciouslye and discreetely in his examinations by oath, w^thout^ p^s^iudice to his sowle, or iniury to his neighbour.

P. 57. in MS.

Ffirst, therfore, if he be not vrged thervnto by the necessitye of the cause, lett hym refuse to sweare; for so shall he be sure to avoyde scandall and daunger of beyng chalenged of piurye, if phaps they fynd the matter sworne to be false in that sense wch the wordes did make.

Secondly, if he sweare, than eyther the oath is generally ministred to answere to all demaunds, or pticulerly that he sweare to do or say this or that. In both cases the securest way is to sweare in these formall wordes, if they may be admitted: "I sweare that I will syncerely and directly answere whatsoever I knowe;" ffor, as we sayed in the 4. chapter, although there be diversity of

* Altered by Garnet from "unto."

opinion [in this point]* amongst Devynes, yet do all agree that in matter of knowledge, [either] the very ꝑpriety of the worde, "I knowe," or "I knowe not," hath a relation vnto the vtteringe of the same knowledge [or at ye least in such speeches one may lawfully retaine so much in mind]. And this they thincke necessaryly to be deduced out of those 2 speeches of o^r Saviour, "I know not the day of judgement" (to tell yo^u), and, "all that wch I haue heard of my ffather (for to tell yo^u) I haue toulde yo^u." So that all allow this speeche †, "I will aunswere whatsoeū I knowe" [meaning]‡ (for to tell yo^u). If they will not admitte that lymitation, then, according to Bannez, they are bound to vnderstand it, notw^thstaunding, in all his answeres. But for further direction of the partye examined, if the oath be ministred generally, lett hym admitte the oath wth this intention, that he will answere di-

* The words in brackets are inserted by Garnet.

† This sentence stood in the original MS. thus:—"So that the very property of the words doth afford this speeche, I will," &c., and was altered by Garnet as in the text.

‡ Inserted by Garnet.

P. 58. in MS. rectly and trewelye (and if so they vrge hym), w^th^out all equivocation, so farre as he is assured, w^th^out all doubte or scruple, that he may or is bounde. And if they make hym sweare that he hath no private intention, or secreat meaning, lett hym sweare it also wth that very same secrett vnderstandinge, that he hath no such meaning to tell them. And with this generall meaning at the begynning whan he tooke the oath, lett hym not doubte but he shalbe safe from all piury, although he answere* trewly to nothinge, because in these cases he is bound to aunswere directlye to nothing. Yet for to save hym selfe from lyinge (wch notw^th^standinge were but a venyall synne in these matters, and of farre lesse accounte than phaps many other synnes wch he howerly cõmitteth), lett hym vse some reasonable kynd of equivocation, as he may easelye learne, of the wiser sorte; that is, lett hym speake some wordes wch may satisfye the hearers, and wth some other wordes wch he conceiveth may make a trewe sense. And lett hym as-

* Garnet had here inserted the words "in their vnderstanding," but afterwards crossed them out.

sure hym selfe that by no way he can sinne more haynously in these matters than to disclose that wch is in deede, whether he have sworn to do it or no.

But if he had no intention of equivocation at the first whan he tooke the oath, yet lett hym psuade hym selfe neverthelesse that he is not bounde by his oath to do any thinge wch becommeth not an honest man; and so if he equivocate in the pticuler questions, he synneth not at all. If he tell playne lyes w^th^out any trewe sense reserved, those do not so much offend God wth theire falsitye, as he is wont to reward such fidelitye, as we reade in the midwives of Ægipt, and in that honest harlott [if so we may call her]* Rahab, to whome God hym selfe shewed speciall favoures. P. 59. in MS.

Ffynally, if he be vrged to sweare the truth of some pticuler matter, lett hym intend to sweare to tell the trewth so farre as he is bound.† If to do any pticuler vnlawfull matter, if it be such a thinge as may [be] well interp^s^ted, and not to tend to any scandall or dishonour of God, lett hym sweare it

* Inserted by Garnet. † See cap. 7. prop. 3.

wth equivocation, but not meaning to do it. If it be scandalous or manifestly contrary to Christian dewtye, he must needes refuse it, as hath been declared before.

Thus much haue I thought good to say in this question, wishing that Mr. Southwell hym selfe had had the handling therof. The tyme will come whan he shall, togither wth all the Sayntes of God, stare in magna constantia (face to face) aduersus eos qui se angustiauerunt, at wch tyme God graunte that wee may abide his lookes, and fynde hym a more favorable advocate than he hath found others here, that we may all togither at the length meete in the pfect vnitye of the knowledge and sight of God, and be consummated in Christe our Saviour.

[*Page* 60. *of the MS. is blank.*]

THE END.

Tractatus iste ualde doctus et uere pius & Catholicus est. Certe S. Scripturarum, patrum, doctorum, scholasticorum, Canonistarum & optimarum rationũ præsidijs plenissime firmat æquitatem æquiuocationis. Ideoq; dignissimus est qui typis propagetur ad consolationem afflictorũ Catholicorum and omnium piorum instructionem. P. 61.

Ita censeo
GEORGIUS BLACKEWELLUS Archipresbitr
Angliæ & Protonotarius Apostolicus.*

* This imprimatur is not in Blackwell's handwriting, but is a copy made by one Vavasor, a servant to Francis Tresham. See Preface, p. viii.

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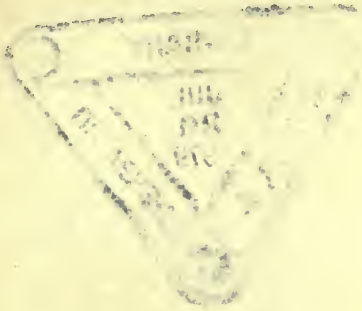

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