

ments severe in revenge of their folly. Howbeit for fear (as we may conjecture) lest much should be derogated from the baptism of the Church, and baptism by Donatists be more esteemed of than was meet, if on the one side that which heretics had done ill should stand as good, on the other side that be reversed which the Catholic Church had well and religiously done, divers better minded than advised men thought it fittest to meet with this inconvenience by rebaptizing Donatists as well as they rebaptized Catholics. For stay whereof the same emperors saw it meet to give their law a double edge¹, whereby it might equally on both sides cut off not only heretics which rebaptized whom they could pervert, but also Catholic and Christian priests which did the like unto such as before had taken baptism at the hands of heretics, and were afterwards reconciled to the Church of God. Donatists were therefore in process of time, though with much ado, wearied and at the length worn out by the constancy of that truth which teacheth, that evil ministers of good things are as torches, a light to others, a waste to none but themselves only, and that the foulness of their hands can neither any whit impair the virtue nor stain the glory of the mysteries of Christ.

[11.] Now that which was done amiss by virtuous and good men, as Cyprian carried aside with hatred against heresy, and was secondly followed by Donatists, whom envy and rancour covered with show of godliness made obstinate to cancel whatsoever the Church did in the sacrament of baptism, hath of later days in another respect far different from both the former, been brought freshly again into practice. For the Anabaptist rebaptizeth, because in his estimation the baptism of the Church is frustrate, for that we give it unto infants which have not faith, whereas according unto Christ's institution, as they conceive it, true baptism should always presuppose actual belief in receivers, and is otherwise no baptism.

[12.] Of these three errors there is not any but hath been

¹ "Siquis." C. "Ne Sanct. "crimen commisit, si tamen criminis
"Baptis." circa an. 413. [Cod. "per ætatem capax sit, cui persua-
Justin. lib. i. tit. 6. 2. "Siquis re- "sum sit, statuti prioris supplicio
"baptizare quempiam de ministris "ultimo supplicio, ed. 1663) percel-
"(Godefroi, *mysterijs*) (not in ed. "latur." Thus the passage stands
"1663) catholicæ sectæ fuerit de- in the latter part of the law of Hono-
"tectus, una cum eo qui piaculare rius and Theodosius, just quoted.]

able at the least to allege in defence of itself many fair probabilities. Notwithstanding, sith the Church of God hath hitherto always constantly maintained, that to rebaptize them which are known to have received true baptism is unlawful; that if baptism seriously be administered in the same element and with the same form of words which Christ's institution teacheth, there is no other defect in the world that can make it frustrate, or deprive it of the nature of a true sacrament; and lastly, that baptism is only then to be readministered, when the first delivery thereof is void in regard of the fore-alleged imperfections and no other; shall we now in the case of baptism, which having both for matter and form the substance of Christ's institution, is by a fourth sort of men voided for the only defect of ecclesiastical authority in the minister, think it enough that they blow away the force thereof with the bare strength of their very breath by saying, "We take such "baptism to be no more the Sacrament of Baptism, than any "other ordinary bathing to be a sacrament?"

[13.] It behoveth generally all sorts of men to keep themselves within the limits of their own vocation¹. And seeing God from whom men's several degrees and pre-eminences do proceed, hath appointed them in his Church, at whose hands his pleasure is that we should receive both baptism and all other public medicinable helps of soul, perhaps thereby the more to settle our hearts in the love of our ghostly superiors, they have small cause to hope that with him their voluntary services will be accepted who thrust themselves into functions either above their capacity or besides their place, and over-boldly intermeddle with duties whereof no charge was ever given them. They that in any thing exceed the compass of their own order do as much as in them lieth to dissolve that order which is the harmony of God's Church.

Suppose therefore that in these and the like considerations the law did utterly prohibit baptism to be administered by any other than persons thereunto solemnly consecrated, what necessity soever happen. Are not many things firm² being

¹ Numb. xvi. 10; Levit. x. 1; 1 [Decr. Gratian. pars ii. caus. ix.
Sam. xiii. 11; 2 Sam. vi. 6; 2 Chron. qu. 2. p. 860. ed. Lugd. 1572. In
xxvi. 16; Heb. v. 4. which the ordination of an intruding

² 9. q. 2. c. "Lugdunensis." bishop is held good, and persons so

done, although in part done otherwise than positive rigour and strictness did require? Nature as much as is possible inclineth unto validities and preservations. Dissolutions and nullities of things done, are not only not favoured, but hated when either urged without cause, or extended beyond their reach.

If therefore at any time it come to pass, that in teaching publicly, or privately in delivering this blessed Sacrament of regeneration, some unsanctified hand contrary to Christ's supposed ordinance do intrude itself, to execute that whereunto the laws of God and his Church have deputed others, which of these two opinions seemeth more agreeable with equity, ours that disallow what is done amiss, yet make not the force of the word and sacraments, much less their nature and very substance to depend on the minister's authority and calling, or else theirs¹ which defeat, disannul, and annihilate both, in respect of that one only personal defect, there being not any law of God which saith that if the minister be incompetent his word shall be no word, his baptism no baptism? He which teacheth and is not sent loseth the reward, but yet retaineth the name of a teacher; his usurped actions have in him the same nature which they have in others, although they yield him not the same comfort. And if these two cases be peers, the case of doctrine and the case of baptism both alike, sith no defect in their vocation that teach the truth is able to take away the benefit thereof from

ordained are declared admissible to sacred offices with certain precautions.] c. "ex literis." Decretal. [Gregor.] de Matrim. contrac. [lib. iv. tit. 16. cap. 2. col. 1400; where is a similar decision with regard to a marriage contracted after espousals with another person, the espousals being first renounced on both sides.] Damas. Burchard. [Brocarda Damasi. *Brocarda*, = a collection of legal axioms, or general rules: this one, of rules of Canon Law, by Damasus the Bohemian, a teacher at Bologna. about 1210-1215, von Schulte, ii. 194, von Savigny, iii. 553, 567-70. Du Cange ad voc. The forms, *Burchard*, and *Brocard* were interchanged, v. von Schulte, i. 81.

n. Förstemann, *Altdeuches namenbuch*, p. 295.] 1887.—Reg. 109. "Prohibita fieri si fiant non tenent. In prohibitionibus autem circa res favorabiles contrarium obtinet." [ap. Tract. Illustr. Jurisc. t. xviii. p. 511. Venet. 1584.]

¹ T. C. lib. i. p. 144. [114.] "As St. Paul saith, that a man cannot preach which is not sent; (Rom. x. 15.) no not although he speak the words of the Scripture and interpret them: So I cannot see how a man can baptize unless he be sent to that end, although he pour water and rehearse the words which are to be rehearsed in the ministry of baptism."

him which heareth, wherefore should the want of a lawful calling in them that baptize make baptism to me vain?

[14.] They¹ grant that the matter and the form in sacraments are the only parts of substance, and that if these two be retained, albeit other things besides be used which are inconvenient, the sacrament notwithstanding is administered but not sincerely. Why persist they not in this opinion? When by these fair speeches they have put us in hope of agreement, wherefore sup they up their words again, interlacing such frivolous interpretations and glosses² as disgrace their sentence? What should move them, having named the *matter* and the *form* of the sacrament, to give us presently warning, that they mean by the *form* of the sacrament the *institution*, which exposition darkeneth whatsoever was before plain? For whereas in common understanding that *form*, which added to the element doth make a sacrament, and is of the outward substance thereof, containeth only the words of usual application, they set it down (lest common dictionaries should deceive us) that the *form* doth signify in their language the *institution*, which institution in truth comprehendeth both form and matter. Such are the fumbling shifts to enclose the minister's vocation within the compass of some essential part of the sacrament.

A thing that can never stand with sound and sincere construction. For what if the minister be "no circumstance "but a subordinate efficient cause" in the work of baptism³? What if the minister's vocation be a matter⁴ "of perpetual necessity and not a ceremony variable as times "and occasions require?" What if his calling be "a principal part of the institution of Christ?" Doth it therefore follow that the minister's authority is⁵ "of the substance "of the sacrament," and as incident into the nature thereof as

¹ T. C. lib. i. p. 165. [131.] "If "either the matter of the sacrament, "or the form of it, which is the "institution, (which things are only "substantial parts,) were wanting, "there should then have been no "sacrament at all ministered. But "they being retained and yet other "things used which are not convenient, the sacrament is ministered, but not sincerely."

² *Glosses*, A 1616: v. xxii. 10.

³ T. C. lib. iii. p. 117, [and 138.]
⁴ T. C. lib. iii. 127. ["This is a "matter of doctrine, and a matter "of faith: . . . this is none of the "variable ceremonies, which alter "by the diversity of times, of countries, and of persons."]
⁵ T. C. lib. [i. 114. and] iii. 135. "The minister is of the substance "of the Sacrament, considering that "it is a principal part of Christ's "Institution."

the matter and the form itself, yea more incident? For whereas in case of necessity the greatest amongst them¹ professeth the change of the element of water, lawful, and others which like not so well this opinion could be better content that voluntarily the *words* of Christ's institution were altered, and men baptized in *the name of Christ* without either mention made of the Father or of the Holy Ghost, nevertheless in denying that baptism administered by private persons ought to be reckoned of as a sacrament they both agree.

[15.] It may therefore please them both to consider that Baptism is an action in part moral, in part ecclesiastical, and in part mystical: moral, as being a duty which men perform towards God; ecclesiastical, in that it belongeth unto God's Church as a public duty; finally mystical, if we respect what God doth thereby intend to work.

The greatest moral perfection of baptism consisteth in men's devout obedience to the law of God, which law requireth both the outward act or thing done, and also that religious affection which God doth so much regard, that without it whatsoever we do is hateful in his sight, who therefore is said to respect *adverbs* more than *verbs*², because the end of his

¹ Beza, Epist. 2. [t. iii. 196. ed. 1582.] "Desit aqua et tamen baptismus alicujus differri cum ædificatione non possit nec debeat, ego certe quovis alio liquore non minus rite quam aqua baptizarim." T. C. lib. iii. p. 138. "Shew me why the breach of the institution in the form should make the sacrament unavailable, and not the breach of this part [which concerneth the minister]?" T. C. ibid. "Howsoever some learned and godly give some liberty in the change of the elements of the holy Sacrament, yet I do not see how that can stand." Idem, p. 137. "I would rather judge him baptized which is baptized into the name of Christ without adding the Father and the Holy Ghost when the element of water is added, than when the other words being duly kept, some other liquor is used."
² [Camden (Ann. pars i. p. 368. A. D. 1584.) in his summary of

Parry's confession, mentions that he was deterred for a while from practising on the Queen's life by the scruples of his spiritual advisers. "Creictonus etiam Scotus Jesuita, docendo mala non perpetranda ut inde bonum proveniret, Deum magis *Adverbis*, quam *Minibus*, delectari, magisque quod bene ac legitime factum, quam quod bonum, ei placere; nec unius exitio multas animas redimendas sine expresso Dei mandato." The paper referred to may be found in Holinshed, iii. 1388. It is a letter of Creighton's to Walsingham. "He, Parry, alleged the utility of the deed for delivering of so many Catholics out of misery, and restitution of the Catholic religion. I answered, that the Scripture answered thereto, Non sunt facienda mala, ut veniant bona. So that for no good, how great that ever it be, may be wrought any evil, how little that ever it be. He replied, that it was not evil to

law in appointing what we shall do is our own perfection, which perfection consisteth chiefly in the virtuous disposition of the mind, and approveth itself to him not by *doing* but by doing *well*. Wherein appeareth also the difference between human and divine laws, the one of which two are content with *opus operatum*, the other require *opus operantis*, the one do but claim the deed, the other especially the mind. So that according to laws which principally respect the heart of men, works of religion being not religiously performed, cannot morally be perfect.

Baptism as an ecclesiastical work is for the manner of performance ordered by divers ecclesiastical laws, providing that as the sacrament itself is a gift of no mean worth, so the ministry thereof might in all circumstances appear to be a function of no small regard.

All that belongeth to the mystical perfection of baptism outwardly, is the element, the word, and the serious application of both unto him which receiveth both; whereunto if we add that secret reference which this action hath to life and remission of sins by virtue of Christ's own compact solemnly made with his Church, to accomplish fully the Sacrament of Baptism, there is not any thing more required.

Now put the question whether baptism administered to infants without any spiritual calling be unto them both a true sacrament and an effectual instrument of grace, or else an act of no more account than the ordinary washings are? The sum of all that can be said to defeat such baptism is, that those things which have no being can work nothing, and that baptism without the power of ordination is as judgment without sufficient jurisdiction, void, frustrate, and of no effect¹. But to this we answer, that the fruit of baptism dependeth

"take away so great evil and induce so great good. I answered, that all good is not to be done, but that only 'quod bene et legitime fieri potest.' And therefore, 'dixi Deum magis amare adverbium quam nomina. Quia in actionibus magis ei placent bene ac legitime, quam bonum. Ita ut nullum bonum liceat facere, nisi bene et legitime fieri possit. Quod in hoc casu fieri non potest.'" ¹ [T. C. iii. 128. "It is all one as if he should say, that if there be

"no magistrate at hand, or none that will do his duty in executing justice against a murderer, that then a private man may take upon him to hang the murderer." 239. "As a private man, killing a murderer, hath himself murdered, and executed no justice, because he had no calling thereunto; even so those, which without all calling have taken in hand to baptize, have made a profane washing, and made no sacrament of the Lord."]

only upon the covenant which God hath made ; that God by covenant requireth in the elder sort Faith and Baptism, in children the Sacrament of Baptism alone, whereunto he hath also given them right by special privilege of birth within the bosom of the holy Church ; that infants therefore, which have received baptism complete as touching the mystical perfection thereof, are by virtue of his own covenant and promise cleansed from all sin, forasmuch as all other laws concerning that which in baptism is either moral or ecclesiastical do bind the Church which giveth baptism, and not the infant which receiveth it of the Church. So that if any thing be therein amiss, the harm which groweth by violation of holy ordinances must altogether rest where the bonds of such ordinances hold.

[16.] For that in actions of this nature it fareth not as in jurisdictions may somewhat appear by the very opinion which men have of them. The nullity of that which a judge doth by way of authority without authority, is known to all men, and agreed upon with full consent of the whole world, every man receiveth it as a general edict of nature ; whereas the nullity of baptism in regard of the like defect is only a few men's new, ungrounded, and as yet unapproved imagination. Which difference of generality in men's persuasions on the one side, and their paucity whose conceit leadeth them the other way, is not risen from a difference easy to observe in the things themselves. The exercise of unauthorized jurisdiction is a grievance unto them that are under it, whereas they that without authority presume to baptize, offer nothing but that which to all men is good and acceptable. Sacraments are food, and the ministers thereof as parents or as nurses, at whose hands when there is necessity but no possibility of receiving it, if that which they are not present to do in right of their office be of pity and compassion done by others, shall this be thought to turn celestial bread into gravel, or the medicine of souls into poison? Jurisdiction is a yoke which law hath imposed on the necks of men in such sort that they must endure it for the good of others, how contrary soever it be to their own particular appetites and inclinations ; jurisdiction bridleth men against their wills ; that which a judge doth prevaieth by virtue of his very power, and therefore not without great reason, except the law have given him authority,

whatsoever he doth vanisheth. Baptism on the other side being a favour which it pleaseth God to bestow, a benefit of soul to us that receive it, and a grace which they that deliver are but as mere vessels either appointed by others or offered of their own accord to this service ; of which two if they be the one it is but their own honour, their own offence to be the other ; can it possibly stand with equity and right¹, that the faultiness of their presumption in giving baptism should be able to prejudice us, who by taking baptism have no way offended ?

[17.] I know there are many sentences found in the books and writings of the ancient Fathers to prove both ecclesiastical and also moral defects in the minister of baptism a bar to the heavenly benefit thereof. Which sentences we always so understand, as Augustine understood in a case of like nature the words of Cyprian². When infants baptized were after their parents' revolt carried by them in arms to the stews of idols, those wretched creatures as St. Cyprian thought were not only their own ruin but their children's also ; " Their children," whom this their apostasy profaned, " did lose what Christian baptism had given them being newly born." " They lost," saith St. Augustine, " the grace of baptism, *if we consider to what their parents' impiety did tend* ; although the mercy of God preserved them, and will also in that dreadful day of account give them favourable audience pleading in their own behalf, ' The harm of other men's perfidiousness it lay not in us to avoid.' " After the same manner whatsoever we

¹ " Factum alterius alii nocere non debet *." Ulp. l. De Pupillo. sect. " Si plurium." [Dig. xxxix. 1, 5. p. 558.] Item, Alphen. l. " Paterfamilias" de Hæred. Instituend. [Dig. xxviii. v. 44. 402.] " Maleficia teneant auctores suos non alios †." l. " Sancimus," 22. C. de Pœn. [Cod. Just. ix. 47. 22. p. 305.]

² August. Epist. 23. [al. 98. § 3. t. ii. 264, quoting Cypr. de Laps. (t. i. 125.)] " Infantes quoque parentum manibus impositi vel attractati, amiserunt parvuli, quod in primo

" statim nativitatis exordio fuerant consecuti." Amiserunt, dixit, quantum attinuit ad illorum scelus, a quibus amittere coacti sunt. " Amiserunt in eorum mente ac voluntate, qui in illos tantum facinus commiserunt. Nam si in seipsis amisissent, remansissent utique divina sententia sine ulla dubitatione damnandi. Quod si sanctus Cyprianus arbitraretur, non eorum defensionem continuo subjiceret, dicens, ' Nonne illi, cum judicii dies venerit, dicent, *Nos nihil fecimus ?*' "

* The text is—" Neque enim debet nocere factum alterius ei qui nihil fecit." (1887.)

† The text is—" Peccata igitur suos teneant auctores: nec ulterius progrediatur metus, quam reperiat delictum." (1887.)

read written if it sound to the prejudice of baptism through any either moral or ecclesiastical defect therein, we construe it, as equity and reason teacheth, with restraint to the offender only, which doth, as far as concerneth himself and them which wittingly concur with him, make the sacrament of God fruitless.

[18.] St. Augustine's *doubtfulness*¹, whether baptism by a layman may stand or ought to be readministered, should not be mentioned by them which presume to define peremptorily of that wherein he was content to profess himself unresolved. Albeit in very truth his opinion is plain enough, but the manner of delivering his judgment being modest, they make of a virtue an imbecility, and impute his calmness of speech to an irresolution of mind. His disputation in that place is against Parmenian, which held, that a Bishop or a Priest if they fall into any heresy do thereby lose the power which they had before to baptize, and that therefore baptism by heretics is merely void. For answer whereof he first denieth that heresy can more deprive men of power to baptize others than it is of force to take from them their own baptism²; and in the second place he farther addeth that if heretics did lose the power which before was given them by ordination, and did therefore unlawfully usurp as often as they took upon them to give the Sacrament of Baptism, it followeth not that baptism by them administered without authority is no baptism. For then what should we think of baptism by laymen to whom authority was never given³? "I doubt," saith St. Augustine, "whether

¹ T. C. lib. iii. p. 136. "Augustine standeth in doubt whether baptism by a layman be available or no." [Cont. Lit. Parm. lib. ii. c. 13.] [t. ix. 44.] "Where by all likelihood he was out of doubt, that that which was ministered by a woman, whose unaptness herein is double to that of a layman, was of no effect."

² ["Nulla ostenditur causa cur ille qui ipsum baptismum amittere non potest, jus dandi potest amittere. Utrumque enim sacramentum est; et quadam consecratione utrumque homini datur, illud cum baptizatur, istud cum ordinatur: ideoque in Catholica utrumque non licet iterari. Nam si

"quando ex ipsa parte venientes etiam præpositi pro bono pacis correcto schismatis errore suscepti sunt, . . . non eis in populo manus imponitur, ne non homini sed ipsi sacramento fiat injuria.]"

³ ["Quanquam etsi laicus aliquis pereunti dederit necessitate compulsus, quod cum ipse acciperet, quomodo dandum esset addidit, nescio an pie quisquam dixerit esse repetendum. Nulla enim cogente necessitate si fiat, alieni muneris usurpatio est: si autem necessitas urgeat, aut nullum aut veniale delictum est. Sed et si nulla necessitate usurpetur, et a quolibet cuilibet detur, quod datum fuerit non dici potest non

"any man which carrieth a virtuous and godly mind will affirm that the baptism which laymen do in case of necessity administer should be iterated. For to do it unnecessarily is to execute another man's office; necessity urging, to do it is then either no fault at all" (much less so grievous a crime that it should deserve to be termed by the name of sacrilege¹) "or if any, a very pardonable fault. But suppose it even of very purpose usurped and given unto any man by every man that listeth, yet that which is given cannot possibly be denied to have been given, how truly soever we may say it hath not been given lawfully. Unlawful usurpation a penitent affection must redress. If not, the thing that was given shall remain to the hurt and detriment of him which unlawfully either administered or received the same, yet so, that in this respect it ought not to be reputed as if it had not at all been given." Whereby we may plainly perceive that St. Augustine was not himself uncertain what to think, but doubtful whether any well-minded man in the whole world could think otherwise than he did.

[19.] Their argument taken from a stolen seal² may return to the place out of which they had it, for it helpeth their cause nothing. That which men give or grant to others must appear to have proceeded of their own accord. This being manifest, their gifts and grants are thereby made effectual both to bar themselves from revocation, and to assure the right they

"datum, quamvis recte dici possit illicite datum. Illicitam autem usurpationem corrigit reminiscens et pœnitentis affectus. Quod si non correxerit, manebit ad pœnam usurpatoris quod datum est, vel ejus qui illicite dedit, vel ejus qui illicite accepit: non tamen pro non dato habebitur." Cartwright does not seem to have been aware of the force of the common idiom "nescio an:" otherwise he could hardly have missed the true construction; "Augustine standeth in doubt, whether a man could rightly as a Christian say that lay baptism is invalid in case of necessity.]"

¹ T. C. lib. iii. p. 116. "The sacrilege of private persons, women especially, in administering

"the holy sacrament of baptism." ² T. C. lib. iii. p. 139. "As by the seal which the prince hath set apart to seal his grants with, when it is stolen and set to by him that hath no authority, there groweth no assurance to the party that hath it: So if it were possible to be the seal of God which a woman should set to, yet for that she hath stolen it and put it to not only without but contrary to the commandment of God, I see not how any can take any assurance by reason thereof." [This image was also, as it may seem, borrowed from St. Augustine, *ibid.* p. 45. "Neque ullo modo per devotum militem, quod a privatis usurpatum est signum regale violabitur." &c.]