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 edge, 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 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 obstate 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

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 vocation. 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 firm being

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1 "Siquis," C. "Ne Sanct. Baptiz.," circa an. 413. [Cod. Justin. lib. 1. tit. 6. 2. "Siquis re- baptizare quemiam de ministris " (Godefroi, mystieris) (not in ed. "1603) catholicae sectae fuerit de- tecus, una cum e quid quia paculare

2 Numb. xvi. 10; Levit. x. 1; 1 Sam. xiii. 11; 2 Sam. vi. 6; 2 Chron. xxvi. 16; Heb. v. 4.

3 9. q. 2. c. "Lugdenensis." [Decr. Gratian, pars ii. caus. ix. qu. 2. p. 860, ed. Lugd. 1572. In which the ordination of an intruding bishop is held good, and persons so
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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 whereby unto 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 theirs which defeat, disannul, and annullilike 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 defec: 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 Matrimon. 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. [Brodard. Damas. Brocard., a collection of legal axioms, or general rules: this one, of rules of Canon Law, by Damas 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, l. 81. n. Förstemann, Altduches Namenbuch, p. 295.] 1857. — Reg. 109. "Prohibitis fieri si fiat non tenet. In prohibitionibus autem circa res favorables contrarium obtinet." [Ap. Tract. 11. Jur. t. xviii. p. 511. Venet. 1584.]

T. C. lib. i. p. 144. [114.] "As St. Paul saith, a man cannot "preach which is not sent; (Rom. x. 15) so 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."

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 con-

2 Ch. xlii. 14.

3 Ch. xlii. 14.

4 T. C. lib. iii. 117. ["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 coun-

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."
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the matter and the form itself, yea more incident? For whereas in case of necessity the greatest amongst them 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, because the end of his

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. "Criestomus etiam Scotus Jesusta, docendo mala non perpetra, ut inde non proveniret, ut Deum magis Adversos, quam Noi Minibus, delectari, magisque quod bene ac legitem factum quam quod bonum, ei placere nec unius exito multis animas redimendas sine expresso Dei mandato." The paper referred to may be found in Holinshed, iii. 138. 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 facientiada 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 talk away so great evil and injury so great good. I answered, that all good is not to be done, but that only 'quod bene et legitem fieri potest.' And therefore, 'dixi Deum magis amare adversia quam nomina. Qua in actionibus magis ei placent bene ac legitem, quam bonum. Ita ut nullem bonum liceat facere, nisi bene et legitem fieri possit. Quod in hac casu fieri non potest.'

[15. 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 he then a private man may take upon himself to hang the murderer." 239. "As a private man, killing a murderer, derer, 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."]
The Case of usurped Jurisdiction irrelevant

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.

But for that in actions of this nature it farreth not as in jurisdictions may somewhat appear by the very opinion which men have of them. The nullity of 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, nay 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 prevaileth by virtue of his very power, and therefore not without great reason, except the law have given him authority,
The Case of a stolen Seal irrelevant.

any man which carrieth a virtuous and godly mind will affirm
"that the baptism which laymen do in case of necessity ad-
minister 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
sacilege) "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 hur; and detriment
"of him which unlawfully either administered or received
"the same, yet so, that in this respect it ought not to be re-
puted 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 seal 2 may return
to the place out of which they had it, for it helpeth their cause
nothing. That which they 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

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 which was ministered by a woman, whose unaptness therein
is double to that of a layman, was of no effect." 2 Th. et al. ostenditur caus cur ille qui ipsum sacramentum amittere non potest, jus dandi potest amitere. Utrumque enim sacramen-
tum est; et quidam consecracione utrumque homini datur, illud cum baptismatur, istud cum ordinamitur: ideoque in Catholica utrumque non licet litterari. Nam si
"quando ex ipsa parte venientes etiam prepositi pro bonopacis correcto schismatis errore suscepti sunt, ... non eis in populo manus impingitur, ne non homini sed ipsi sacramentum fiat injuria." 3 [Qua. eti al. aliquis per eundem deberet necessitate com-
pulsus, quod cum ipse acciperet, quomodo dandum non dedit, "nescio an ipsum sacramentum dixerit esse repetendum." Nullo enim cogente necessitate sit fiat, alieni musus usurpatio est; sic autem necessitates urget; aut nullum aut veniale delictum est. Sed et si nulla necessitate usurpatur, et a quolibet cuiuslibet deiur, quod dam-
tum fuerit non dici potest non

1 T. C. lib. iii. p. 116. "The sacriilege of private persons, wo-
men 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
growth 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 devo-
turn mission, quod a privatis usurpatum est sigillum regale violabi-
tur." sc.]

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