

our faith and religion. Now because religion and the cure of souls was their general charge in common over all that were near about them, neither had any one presbyter his several cure apart till Evaristus¹ Bishop in the see of Rome about the year 112, began to assign precincts unto every church or title which the Christians held, and to appoint unto each presbyter a certain compass whereof himself should take charge alone, the commodiousness of this invention caused all parts of Christendom to follow it, and at the length among the rest our own churches about the year 636 became divided² in like manner. But other distinction of Churches there doth not appear any in the Apostles' writings save only according to those³ cities wherein they planted the Gospel of Christ and erected ecclesiastical colleges. Wherefore to ordain κατὰ πόλιν throughout every city, and κατ' ἐκκλησίαν throughout every church⁴ do in them signify the same thing. Churches then neither were nor could be in so convenient sort limited as now they are; first by the bounds of each state, and then within each state by more particular precincts, till at the length we descend unto several congregations termed *parishes* with far narrower restraint than this name at the first was used.

[3.] And from hence hath grown their error, who as oft as they read of the duty which ecclesiastical persons are now

¹ [Anastasius Biblioth. (writing in the 8th century, and as appears, without any good authority) de Vit. Pontif. Rom. c. vi. "Evaristus. . . titulos in urbe Roma divisit presbyteris." But afterwards in the life of Dionysius, A.D. 261, he says, "Hic presbyteris ecclesias divisit, et coemeteria et parochias [et] dioceses instituit." Accordingly Whitgift (Answ. 40. ap. Def. 249,) ascribes the regulation to Dionysius. T. C. i. 50. al. 69. says, "The matter is plain, that the Lord himself divided national churches into parishes and congregations."]

² [Referred by some to the time of Archbishop Theodore. "Excitabat Theodorus Archiepiscopus fidelium devotionem et voluntatem in quarumlibet provinciarum civitatibus, nec non villis, ecclesias

"fabricandi, *parochias distinguendi, assensus eisdem regios procurando: ut si qui sufficientes essent, et ad Dei honorem pro voto haberent, super proprium fundum ecclesias construere, earundem perpetuo patronatu gauderent.*" Elmham, ap. not. ad Bed. E. H. v. 8. p. 399. ed. 1645. (Hist. Monast. S. August. Cant. p. 285. § 115. ed. Hardwick. Cf. Haddan and Stubbs, *Councils*, vol. iii. p. 122. note f.)—E. M. But see Stillington, "Duties &c. of the parochial Clergy," p. 124-130: who seems to prove that the institution was in gradual progress from some time before the death of Bede till the Norman Conquest: when it received a check from the monastic interest.]

³ Acts xv. 36; Apoc. i. 20.

⁴ Tit. i. 5; Acts xiv. 23.

to perform towards the Church, their manner is always to understand by that church some particular congregation or parish church. They suppose that there should now be no man of ecclesiastical order which is not tied to some certain parish¹. Because the names of all church-officers are words of relation, because a shepherd must have his flock, a teacher his scholars, a minister his company which he ministereth unto, therefore it seemeth a thing in their eyes absurd and unreasonable that any man should be ordained a minister otherwise than only for some particular congregation.

Perceive they not how by this mean they make it unlawful for the Church to employ men at all in converting nations? For if so be the Church may not lawfully admit to an ecclesiastical function unless it tie the party admitted unto some particular parish, then surely a thankless labour it is whereby men seek the conversion of infidels which know not Christ and therefore cannot be as yet divided into their special congregations and flocks.

[4.] But, to the end it may appear how much this one thing amongst many moe hath been mistaken, there is first no precept requiring that presbyters and deacons be made in such sort and not otherwise. Albeit therefore the Apostles did make them in that order, yet is not their example such a law as without all exception bindeth to make them in no other order but that.

Again if we will consider that which the Apostles themselves did, surely no man can justly say that herein we practise any thing repugnant to their example. For by them

¹ [Adm. ap. Whitg. Def. 216. "Then none admitted to the ministry, but a place was void beforehand, to which he should be called." T. C. i. 42. al. 60. "There are by the word of God at this time no ordinary ministers ecclesiastical, which be not local, and tied to one congregation; therefore this sending abroad of ministers which have no place is unlawful." And p. 43. al. 61. "For the Pastor or Bishop which is here mentioned, which name soever we consider of them, they do forthwith . . . imply and infer a certain

"and definite charge, being, as the Logicians term them, actual relatives. For what shepherd can there be, unless he have a flock? and how can he be a watchman, unless he have some city to look unto?" Whitg. Def. 219. "He is also a shepherd that hath no flocks, and he is a shepherd that hath a general care and oversight of many shepherds and many flocks." See also T. C. ii. 298, 299; and Eccl. Disc. f. 28. "Vocatio . . . nunquam libera valetur, sed cum certi aliqujus loci atque ecclesiae provisione conjuncta sit."]

there was ordained only in each Christian city a college of presbyters and deacons to administer holy things. Evaristus did a hundred years after the birth of our Saviour Christ begin the distinction of the church into parishes. Presbyters and deacons having been ordained before to exercise ecclesiastical functions in the church of Rome promiscuously, he was the first that tied them each one to his own station. So that of the two indefinite ordination of Presbyters and Deacons doth come more near the Apostles' example, and the tying of them to be made only for particular congregations may justlier ground itself upon the example of Evaristus than of any Apostle of Christ.

[5.] It hath been the opinion of wise men and good men heretofore that nothing was ever devised more singularly beneficial unto God's Church than this which our honourable predecessors have to their endless praise found out, by the erecting of such houses of study as those two most famous universities do contain, and by providing that choice wits after reasonable time spent in contemplation may at the length either enter into that holy vocation for which they have been so long nourished and brought up, or else give place and suffer others to succeed in their rooms, that so the Church may be always furnished with a number of men whose ability being first known by public trial in church labours there where men can best judge of them, their calling afterwards unto particular charge abroad may be according. All this is frustrate, those worthy foundations we must dissolve, their whole device and religious purpose which did erect them is made void, their orders and statutes are to be cancelled and disannulled, in case the Church be forbidden to grant any power of order unless it be with restraint to the party ordained unto some particular parish or congregation.

[6.] Nay might we not rather affirm of presbyters and of deacons that the very nature of their ordination is unto necessary local restraint a thing opposite and repugnant? The emperor Justinian doth say of tutors¹, "Certæ rei vel causæ tutor dari non potest, quia personæ non causæ vel rei tutor datur." He that should grant a tutorship restraining his grant to some one certain thing or cause should do

¹ Inst. lib. i. tit. 14. sect. 4.

but idly, because tutors are given for personal defence generally and not for managing of a few particular things or causes. So he that ordaining a presbyter or a deacon should in the form of ordination restrain the one or the other to a certain place might with much more reason be thought to use a vain and a frivolous addition, than they reasonably to require such local restraint as a thing which must of necessity concur evermore with all lawful ordinations. Presbyters and deacons are not by ordination consecrated unto places but unto functions. In which respect and in no other it is, that sith they are by virtue thereof bequeathed unto God, severed and sanctified to be employed in his service, which is the highest advancement that mortal creatures on earth can be raised unto, the Church of Christ hath not been acquainted in former ages with any such profane and unnatural custom as doth hallow men with ecclesiastical functions of order only for a time and then dismiss them again to the common affairs of the world: whereas contrariwise from the place or charge where that power hath been exercised we may be by sundry good and lawful occasions translated, retaining nevertheless the selfsame power which was first given.

[7.] It is some grief to spend thus much labour in refuting a thing that hath so little ground to uphold it, especially sith they themselves that teach it do not seem to give thereunto any great credit, if we may judge their minds by their actions. There are amongst them that have done the work of ecclesiastical persons sometime in the families of noblemen¹, sometime in much more public and frequent congregations, there are that have successively gone through perhaps seven or eight particular churches after this sort, yea some that at one and the same time have been, some which at this present hour are in real obligation of ecclesiastical duty and possession of commodity thereto belonging even in sundry particular churches within the land, some there are amongst them which will not so much abridge their liberty as to be fastened or tied unto any place, some which have bound themselves to one place only for a time and that time being once expired have afterwards voluntarily given unto other places the like experience and trial of them. All this

¹ [As Travers in the household of Burghley.]

I presume they would not do if their persuasion were as strict as their words pretend.

[8.] But for the avoiding of these and such other the like confusions as are incident into the cause and question whereof we presently treat, there is not any thing more material than first to separate exactly the nature of the ministry from the use and exercise thereof; secondly to know that the only true and proper act of ordination is to invest men with that power which doth make them ministers by consecrating their persons to God and his service in holy things during term of life whether they exercise that power or no; thirdly that to give them a title or charge where to use their ministry concerneth not the making but the placing of God's ministers, and therefore the laws which concern only their election or admission unto place of charge are not appliable to infringe any way their ordination; fourthly that as oft as any ancient constitution, law, or canon is alleged concerning either ordinations or elections, we forget not to examine whether the present case be the same which the ancient was, or else do contain some just reason for which it cannot admit altogether the same rules which former affairs of the Church now altered did then require.

[9.] In the question of making ministers without a *title*, which to do they say is a thing unlawful, they should at the very first have considered what the name of *title* doth imply, and what affinity or coherence ordinations have with titles, which thing observed would plainly have showed them their own error. They are not ignorant that when they speak of a title they handle that which belongeth to the placing of a minister in some charge, that the place of charge wherein a minister doth execute his office requireth some house of God for the people to resort unto, some definite numbers of souls unto whom he there administereth holy things, and some certain allowance whereby to sustain life; that the Fathers at the first named *oratories* and houses of prayer titles¹, thereby

¹ [Ducange, voc. *Titulus*. "*Titulos apponere*, seu Tabulas inscriptas: "quo ritu res privatorum aut reorum fisco addicebantur." (Cf. Fleury, *Droit Ecclés.* (1771.) i. 91. and S. Aug. *Enarr.* ii. in Ps. 21. No. 31. *Serm.* 146. (= 62.) No. 2.) The manner

in which the word may have passed from its civil to its ecclesiastical meaning is explained in the following ordinance of a Roman synod under S. Gregory. "Consuetudo "nova et in hac ecclesia valde "reprehensibilis erupit, ut cum

signifying how God was interested in them and held them as his own possessions. But because they know that the Church had ministers before Christian temples and oratories were, therefore some of them understand by a title a *definite congregation* of people only, and so deny that any ordination is lawful which maketh ministers that have no certain flock to attend, forgetting how the Seventy whom Christ himself did ordain ministers had their calling in that manner, whereas yet no certain charge could be given them. Others referring the name of a title especially to the *maintenance* of the minister infringe all ordinations made¹, except they which receive orders be first entitled to a competent ecclesiastical benefice, and (which is most ridiculously strange) except besides their present title to some such benefice they have likewise "some "other title of annual rent or pension, whereby" they may be "relieved in case through infirmity, sickness, or other lawful "impediment" they grow unable "to execute" their "ecclesiastical function." So that every man lawfully ordained must bring a bow which hath two strings, a title of present right and another to provide for future possibility or chance.

[10.] Into these absurdities and follies they slide by misconceiving the true purpose of certain canons², which indeed

"rectores ejus patrimonii urbana "vel rustica prædia juris illius com- "petere posse suspicantur, *fiscali* "more *titulos imprimant*." Concil. v. 1586. *Titulus* in its modern sense appears in a canon of a synod of Braga about A. D. 572. Ibid. 901. The decretal letter of Pius I. (i. 576.) in which also we find the word, seems to be spurious.]

¹ "Unlawful to ordain a minister "without a title." Abstract ["An "Abstract of certaine Acts of Par- "liament; of certaine her Majesties "Injunctions; of certaine Canons, "Constitutions and Synodalles pro- "vinciall; established and in force, "for the peaceable government of "the Church within her Majesties "dominions and countries, for the "most part heretofore unknown "and unpractized." No date, but it came out 1584. Strype, *Ann.* iii. I. 338.] p. 243, and p. 246. "The "law requireth that every one ad-

"mitted unto orders having for his "present relief some ecclesiastical "benefice should also have some "other title unto some annual rent "or pension, whereby he might be "relieved in case he were not able "through infirmity sickness or other "lawful impediment to execute his "ecclesiastical office and function."

² [Vid. Bishop Gibson's *Codex*, I. 140, tit. iii. 3. note. "One of the "earliest and most strict among " [these decrees] is that of the coun- "cil of Chalcedon, *Μηδένα δὲ ἀπολε- "λυμένως χειροτονείσθαι, μήτε Πρεσ- "βύτερον, μήτε Διάκονον, μήτε ὄλωσ "τινὰ τῶν ἐν ἐκκλησιαστικῷ τάγματι, "εἰ μὴ ἰδικῶς ἐν ἐκκλησίᾳ πόλεως, ἢ "κώμης, ἢ μαρτυρίῳ, ἢ μοναστηρίῳ, ὃ "χειροτονοῦμενος ἐπικηρύττειτο. Τοῦς "δὲ ἀπολίτως χειροτονοῦμένους ὀρι- "σεν ἡ ἅγια σύνοδος ἄκρον ἔχειν "τὴν τοιαυτὴν χειροθεσίαν, καὶ μη- "δαμοῦ δύνασθαι ἐνεργεῖν, ἐφ' ὕβρει "τοῦ χειροτονήσαντος." [Conc. ix.*

BOOK V. have forbidden to ordain a minister without a title, not that
Ch. lxxx. 11n simply it is unlawful so to ordain, but because it might grow to an inconvenience if the Church did not somewhat restrain that liberty. For seeing they which have once received ordination cannot again return into the world, it behoveth them which ordain to foresee how such shall be afterwards able to live, lest their poverty and destitution should redound to the disgrace and discredit of their calling. Which evil prevented, those very laws which in that respect forbid, do expressly admit ordinations to be made at large and without title, namely if the party so ordained have of his own for the sustenance of this life, or if the bishop which giveth him orders will find him competent allowance till some place of ministration from whence his maintenance may arise be provided for him, or if any other fit and sufficient means be had against the danger before mentioned.

[11.] Absolutely therefore it is not true that any ancient canon of the Church which is or ought to be with us in force doth make ordinations at large unlawful, and as the state of the Church doth stand they are most necessary. If there be any conscience in men touching that which they write or speak, let them consider as well what the present condition of all things doth now suffer, as what the ordinances of former ages did appoint; as well the weight of those causes for which our affairs have altered, as the reasons in regard whereof our fathers and predecessors did sometime strictly and severely keep that which for us to observe now is neither meet nor always possible. In this our present cause and controversy whether any not having title of right to a benefice may be lawfully ordained a minister, is it not manifest in the eyes of all men, that whereas the name of a benefice doth signify some standing ecclesiastical revenue taken out of the treasure of God and allotted to a spiritual person, to the end he may use the same and enjoy it as his own for term of life unless

144.] "Which rule was transferred into the body of the canon law; and afterwards into the constitution of the English Church by Egbert Archbishop of York." "Nullus absolute ordinatur, et sine pronuntiatione loci ad quem ordi-

"nandus." And it was accordingly "prohibited in the several bodies of our canons, made since the Reformation and before the canons of 1603." Compare Bingham, Antiq. iv. 6. § 2; Fleury, Droit Ecclésiastique, i. 91-6.]

his default cause deprivation, the clergy for many years after Christ had no other benefices¹ but only their canonical portions, or monthly dividends allowed them according to their several degrees and qualities out of the common stock of such gifts, oblations, and tithes as the fervour of Christian piety did then yield? Yea that even when ministers had their churches and flocks assigned unto them in several, yet for maintenance of life their former kind of allowance continued, till such time as bishops and churches cathedral being sufficiently endowed with lands, other presbyters enjoyed instead of their first benefices the tithes and profits of their own congregations whole to themselves²? Is it not manifest that in this realm, and so in other the like dominions, where the tenure of lands is altogether grounded on military laws, and held as in fee under princes which are not made heads of the people by force of voluntary election, but born the sovereign lords of those whole and entire territories, which territories their famous progenitors obtaining by way of conquest retained what they would in their own hands and divided the rest to others with reservation of sovereignty and capital interest, the building of churches and consequently the assigning of either parishes or benefices was a thing impossible without consent of such as were principal owners of land; in which consideration for their more encouragement hereunto they which did so far benefit the Church had by common consent granted (as great equity and reason was) a right for them and their heirs till the world's end to nominate in those benefices men whose

¹ [S. Cypr. Ep. t. ii. p. 2, calls them "sportulantes fratres." Ep. 39. p. 78, he mentions his purpose of ordaining certain confessors to be presbyters, "ut et sportulis iisdem cum Presbyteris honorentur, et divisiones mensurnas æquatis quantitativis partiantur." Ep. 34. p. 68, he enjoins that certain clerical persons whose conduct had been questionable should not present themselves to receive their monthly dividend,—"se a divisione mensur-

tion as monthly: "Modicam unusquisque stipem menstrua die, vel quum velit, et si modo velit et si modo possit, apponit." See Bingham, v. 4. § 2, 3.]

² [E. g. In the church of Constantinople, about A. D. 460, Genadius then patriarch made Marcian a Novatianist (οικονόμος) steward or treasurer of the church: ὅς ἄμα τῷ γενέσθαι οικονόμος, τὰ προσφερόμενα ἐν ἑκάστη ἐκκλησίᾳ τοῦς τοῦ τόπου κληρικούς κομίζεσθαι διετύπωσεν, ἕως τούτου τῆς μεγάλης ἐκκλησίας πάντα κομιζομένης. Theod. Lector. lib. i. ad calcem Theodoret. E. H. ed. Vales. p. 553.]

BOOK V. quality the bishop allowing might admit them thereunto¹?
 Ch. lxxx. 12, 13. Is it not manifest that from hence inevitably such inequality
 of parishes hath grown, as causeth some through the multi-
 tude of people which have resort unto one church to be more
 than any one man can wield, and some to be of that nature
 by reason of chapels annexed, that they which are incumbents
 should wrong the church if so be they had not certain stipen-
 daries under them, because where the corps of the profit or
 benefice is but one, the title can be but one man's, and yet the
 charge may require moe?

[12.] Not to mention therefore any other reason whereby
 it may clearly appear how expedient it is and profitable for
 this Church to admit ordinations without title, this little may
 suffice to declare how impertinent their allegations against it
 are out of ancient canons, how untrue their confident asseve-
 rations that only through negligence of popish prelates the
 custom of making such kind of ministers hath prevailed in the
 church of Rome against their canons, and that with us it is
 expressly against the laws of our own government when a
 minister doth serve as a stipendary curate, which kind of
 service nevertheless the greatest Rabbins of that part do alto-
 gether follow. For howsoever they are loth peradventure to
 be named curates, stipendaries they are and the labour they
 bestow is in other men's cures, a thing not unlawful for them
 to do, yet unseemly for them to condemn which practise it.

[13.] I might here discover the like oversight throughout
 all their discourses² made in behalf of the people's pretended
 right to elect their ministers before the bishop may lawfully
 ordain. But because we have elsewhere³ at large disputed
 of popular elections, and of the right of patronage wherein is
 drowned whatsoever the people under any pretence or colour

¹ [Justinian Novell. lvii. § 2. "Si
 "quis ædificans ecclesiam, aut etiam
 "aliter expendens in ea ministranti-
 "bus alimenta, voluerit aliquos cle-
 "ricos statuere, non esse ei fiduciam
 "ullam quos vult pro potestate de-
 "ducere tuæ reverentiæ ad ordinan-
 "dos eos, sed examinari a tua sanc-
 "titate." And Nov. cxxiii. § 18.
 "Si quis oratorii domum fabricave-
 "rit, et voluerit in ea clericos ordi-
 "nare aut ipse aut ejus hæredes; si

"expensas ipsis clericis ministrant,
 "et dignos denominant, denomina-
 "tos ordinari."]

² [Adm. ap. Whitg. Def. 156.
 "Then no minister placed in any
 "congregation, but by consent of
 "the people. Acts xiv. 13. (23.)
 "2 Cor. viii. 19." T. C. i. 29-33.
 al. 43-49. ii. 193-265. Eccl. Disc
 fol. 31-43.]

³ [See Book vii. 14.]

may seem to challenge about admission and choice of the pas-
 tors that shall feed their souls, I cannot see what one duty
 there is which always ought to go before ordination, but only
 care of the party's worthiness as well for integrity and virtue
 as knowledge, yea for virtue more, inasmuch as defect of
 knowledge may sundry ways be supplied, but the scandal of
 vicious and wicked life is a deadly evil.

LXXXI. The truth is that of all things hitherto mentioned
 the greatest is that threefold blot or blemish of notable igno-
 rance, unconscionable absence from the cures whereof men
 have taken charge, and unsatiable hunting after spiritual pre-
 ferments without either care or conscience of the public good.
 Whereof to the end that we may consider as in God's own
 sight and presence with all uprightness, sincerity and truth,
 let us particularly weigh and examine in every of them first
 how far forth they are reprobable by reasons and maxims of
 common right; secondly whether that which our laws do per-
 mit be repugnant to those maxims, and with what equity we
 ought to judge of things practised in this case, neither on the
 one hand defending that which must be acknowledged out of
 square, nor on the other side condemning rashly whom we
 list for whatsoever we disallow.

[2.] Touching arguments therefore taken from the principles
 of common right to prove that ministers should be learned¹,
 that they ought to be resident upon their livings, and that
 more than one only benefice or spiritual living may not be
 granted unto one man; the first² because St. Paul requireth
 in a minister ability to teach, to convince, to distribute the
 word rightly, because also the Lord himself hath protested
 they³ shall be no priests to him which have rejected know-
 ledge, and because⁴ if the blind lead the blind they must both
 needs fall into the pit: the second because teachers are shep-
 herds⁵ whose flocks can be at no time secure from danger,
 they are watchmen whom the enemy doth always besiege, their
 labours in the Word and Sacraments admit no intermission⁶,

¹ T. C. lib. i. p. 70. 66. 69. [51, Disc. 89-100; Eccl. Disc. 68-76,
 46, 50; Def. 235-246. T. C. ii. and 30-32.]
 330-356. The references to the
 Scriptures here are all from T. C. ii. 15.
 On Pluralities see also Def. 246-
 251; T. C. ii. 356-361; Decl. of

² 1 Tim. iii. 2; Titus i. 9; 2 Tim.

ii. 15.

³ Hosea iv. 6. ⁴ Matt. xv. 14.

⁵ Luke ii. 8. ⁶ Acts xx. 2.