

BOOK V.  
Ch. lxxxii. 2.

their duty requireth instruction and conference with men in private<sup>1</sup>, they are the living oracles of God to whom the people must resort for counsel, they are commanded<sup>2</sup> to be patterns of holiness, leaders<sup>3</sup>, feeders<sup>4</sup>, supervisors<sup>5</sup> amongst their own, it should be their grief as it was the Apostle's<sup>6</sup> to be absent though necessarily from them over whom they have taken charge: finally the last because plurality and residence are opposite, because the placing of one clerk in two churches is a point of merchandise and filthy gain<sup>7</sup>, because no man can serve two masters<sup>8</sup>, because every one should remain in that vocation whereto he is called<sup>9</sup>; what conclude they of all this? Against ignorance, against nonresidence, and against plurality of livings is there any man so raw and dull but that the volumes which have been written both of old and of late may make him in so plentiful a cause eloquent?

For if by that which is *generally* just and requisite we measure what knowledge there should be in a minister of the Gospel of Christ; the arguments which light of nature offereth, the laws and statutes which scripture hath, the canons that are taken out of ancient synods, the decrees and constitutions of sincerest times, the sentences of all antiquity, and in a word even every man's full consent and conscience is against ignorance in them that have charge and cure of souls.

Again what availeth it if we be learned and not faithful? or what benefit hath the Church of Christ if there be in us sufficiency without endeavour or care to do that good which our place exacteth? Touching the pains and industry therefore wherewith men are in conscience bound to attend the work of their heavenly calling even as much as in them lieth bending thereunto their whole endeavour, without either fraud, sophistication, or guile; I see not what more effectual obligation or bond of duty there should be urged than their own only vow and promise made unto God himself at the time of their

<sup>1</sup> 1 Sam. i. 19. [9-18.]

<sup>2</sup> 1 Tim. iv. 12.

<sup>3</sup> S. John x. 4.

<sup>4</sup> 1 Pet. v. 2.

<sup>5</sup> Acts xx. 28.

<sup>6</sup> 1 Thess. ii. 17.

<sup>7</sup> Concil. Nic. can. 15. [i.e. of the second Nicene Council, 787. ed. Labb. vii. 609. Κληρικὸς ἀπὸ τοῦ παρόντος μὴ κατατασσέσθω ἐν δυσὶν

ἐκκλησίαις ἐμπορίας γὰρ καὶ αἰσχροκερθείας ἴδιον τοῦτο, καὶ ἀλλότριον ἐκκλησιαστικῆς συνθηθείας. ἠκούσαμεν γὰρ ἐξ αὐτῆς τῆς κυριακῆς φωνῆς, ὅτι οὐ δύναται τις δυσὶ κυρίοις δουλέειν. . . ἕκαστος οὖν κατὰ τὴν ἀποστολικὴν φωνήν, ἐν ᾧ ἐκλήθη, ἐν τούτῳ ὀφείλει μένειν.]

<sup>8</sup> Matt. vi. 24.

<sup>9</sup> 1 Cor. vii. 24.

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ordination. The work which they have undertaken requireth both care and fear. Their sloth that negligently perform it maketh them subject to malediction. Besides we also know that the fruit of our pains in this function is life both to ourselves and others.

And do we yet need incitements to labour? Shall we stop our ears both against those conjuring exhortations which Apostles, and against the fearful comminations which Prophets have uttered out of the mouth of God, the one for prevention, the other for reformation, of our sluggishness in this behalf? St. Paul<sup>1</sup>, "Attend to yourselves and to all the flock whereof the Holy Ghost hath made you overseers, to feed the Church of God which he hath purchased with his own blood." Again<sup>2</sup>, "I charge thee before God and the Lord Jesus Christ which shall judge the quick and the dead at his coming, preach the word; be instant." Jeremy<sup>3</sup>, "Wo unto the pastors that destroy and scatter the sheep of my pasture, I will visit you for the wickedness of your works, saith the Lord, the remnant of my sheep I will gather together out of all countries and will bring them again to their folds, they shall grow and increase, and I will set up shepherds over them which shall feed them." Ezekiel<sup>4</sup>, "Should not the shepherds, should they not feed the flocks? Ye eat the fat, and ye clothe yourselves with the wool, and the weak ye have not strengthened, the sick ye have not cured, neither have ye bound up the broken nor brought home again that which was driven away, ye have not inquired after that which was lost, but with cruelty and rigour ye have ruled. Wherefore, as I live, saith the Lord God, I will require my sheep at their hands, nor shall the shepherds feed themselves any more, for I will deliver my sheep from their mouths, they shall no more devour them."

Nor let us think to excuse ourselves if haply we labour though it be at random, and sit not altogether idle abroad. For we are bound to attend that part of the flock of Christ whereof the Holy Ghost hath made us overseers. The residence of ministers upon their own peculiar charge is by so much the rather necessary, for that absenting themselves

<sup>1</sup> Acts xx. 28.

<sup>2</sup> 2 Tim. iv. 1.

<sup>3</sup> Jer. xxiii. 1-4.

<sup>4</sup> Ezek. xxxiv. 2, 8, 10.

from the place where they ought to labour they neither can do the good which is looked for at their hands, nor reap that comfort which sweeteneth life to them that spend it in these travails upon their own. For it is in this as in all things else, which are through private interest dearer than what concerneth either others wholly or us but in part and according to the rate of a general regard.

As for plurality it hath not only the same inconveniences which are observed to grow by absence, but over and besides, at the least in common construction, a show of that worldly humour which men do think should not reign so high.

[3.] Now from hence their collections are as followeth, first a repugnancy or contradiction between the principles of common right and that which our laws in special considerations have allowed; secondly a nullity or frustration of all such acts as are by them supposed opposite to those principles, an invalidity in all ordinations of men unable to preach, and in all dispensations which mitigate the law of common right for the other two. And why so? Forsooth because<sup>1</sup> whatsoever we do in these three cases and not by virtue of common right, we must yield it of necessity done by warrant of peculiar right or privilege. Now "a privilege is said to be that, that "for favour of certain persons cometh forth *against* common "right; things *prohibited* are dispensed with because things "permitted are despatched by common right, but things *for-* "bidden require dispensations. By which descriptions of "a privilege and dispensation it is," they say, "apparent,"

<sup>1</sup> Abstract, p. 117. ["Whatsoever ratifieth a thing monstrous and against nature, the same may not be privileged by the law of man. But dispensations for pluralities ratify monstrous things, and things against nature. Therefore, &c. . . The second proposition . . . I prove from the etymology or description of a privilege or dispensation: for a privilege and a dispensation in effect signify both one thing. 'Privilegium dicitur, quod emanat contra jus commune in favorem aliquorum personarum: super prohibitis dispensatur, quia permissa jure communi expediuntur, prohibita

"vero dispensatione essent." [1. "egent."] 'A privilege is said,' &c. "By which descriptions of a privilege and dispensation, it is apparent, that a privilege and dispensation for pluralities must license and authorize that that the law against plurality doth infringe and disallow, and so be a law contrariant and repugnant to the law against pluralities; but the law against pluralities is the law of nature and the law of God. Therefore a privilege or dispensation for pluralities is against the law of nature and against the law of God: a more monstrous law was never established."]

that a privilege must license and authorize the same which the law against ignorance, nonresidence and plurality doth infringe, and so be a law contrariant or repugnant to the law of nature and the law of God, because "all the reasons "whereupon the positive law of man against these three was "first established are taken and drawn from the law of nature, "and the law of God." For answer whereunto we will but lead them to answer themselves.

[4.] First therefore if they will grant (as they must) that all direct oppositions of speech require one and the selfsame subject to be meant on both parts where opposition is pretended, it will follow that either the maxims of common right do enforce *the very same things* not to be good which we say are good, grounding ourselves on the reasons by virtue whereof our privileges are established; or if the one do not reach unto that *particular subject* for which the other have provided, then is there no contradiction between them. In all contradictions if the one part be true the other eternally must be false. And therefore if the principles of common right do at any time truly enforce *that particular* not to be good which privileges make good, it argueth invincibly that such privileges have been grounded upon some error. But to say that every privilege is opposite unto the principles of common right, because it dispenseth with that which common right doth prohibit, hath gross absurdity. For the voice of equity and justice is that a general law doth never derogate from a special privilege, whereas if the one were contrariant to the other, a general law being in force should always dissolve a privilege.

The reason why many are deceived by imagining that so it should do, and why men of better insight conclude directly it should not, doth rest in the *subject or matter* itself, which matter *indefinitely* considered in laws of common right is in privileges considered as *beset and limited with special circumstances*, by means whereof to them which respect it but by way of generality it seemeth one and the same in both, although it be not the same if once we descend to particular consideration thereof. Precepts do always propose perfection, not such as none can attain unto, for then in vain should we ask or require it at the hands of men, but such perfection as all men must aim at to the end that as largely as human providence and

care can extend it, it may take place. Moral laws are the rules of politic, those politic, which are made to order the whole Church of God, rules unto all particular churches, and the laws of every particular church rules unto every particular man within the body of the same church. Now because the higher we ascend in these rules the further still we remove from those specialties; which being proper to the subject whereupon our actions must work are therefore chiefly considered by us, by them least thought upon that wade altogether in the two first kinds of general directions; their judgment cannot be exact and sound concerning either laws of churches or actions of men in particular, because they determine of effects by a part of the causes only out of which they grow, they judge conclusions by demi-premisses and half-principles, they lay them in the balance stripped from those necessary material circumstances, which should give them weight, and by show of falling uneven with the scale of most universal and abstracted rules, they pronounce that too light which is not, if they had the skill to weigh it. This is the reason why men altogether conversant in study do know how to teach but not how to govern; men experienced contrariwise govern well, yet know not which way to set down orderly the precepts and reasons of that they do.

He that will therefore judge rightly of things done must join with his forms and conceits of general speculation the matter wherein our actions are conversant. For by this shall appear what equity there is in those privileges and peculiar grants or favours which otherwise will seem repugnant to justice, and because in themselves considered they have a show of repugnancy, this deceiveth those great clerks which hearing a privilege defined to be "an especial right brought in by their power and authority that make it for some public benefit against the general course of reason<sup>1</sup>," are not able to comprehend how the word *against* doth import *exception* without any *opposition* at all. For inasmuch as the hand of justice must distribute to *every particular* what is due, and judge what is due with respect had no less of

<sup>1</sup> "Jus singulare est, quod contra tenorem rationis propter aliam quam utilitatem auctoritate constituentium introductum est." Paulus ff. de Legib. [Dig. lib. i. tit. iii. 16.]

particular circumstances than of general rules and axioms, it cannot fit all sorts with one measure, the wills, counsels, qualities and states of men being divers.

For example, the law of common right bindeth all men to keep their promises, perform their compacts, and answer the faith they have given either for themselves or others. Notwithstanding he which bargaineth with one under years can have no benefit by this allegation, because he bringeth it against a person which is exempt from the common rule. Shall we then conclude that thus to exempt certain men from the law of common right is against God, against nature, against whatsoever may avail to strengthen and justify that law before alleged; or else acknowledge (as the truth is) that special causes are to be ordered by special rules; that if men grown unto ripe age disadvantage themselves by bargaining, yet what they have wittingly done is strong and in force against them, because they are able to dispose and manage their own affairs, whereas youth for lack of experience and judgment being easily subject to circumvention is therefore justly exempt from the law of common right whereunto the rest are justly subject? This plain inequality between men of years and under years is a cause why equity and justice cannot apply equally the same general rule to both, but ordereth the one by common right and granteth to the other a special privilege.

Privileges are either transitory or permanent. Transitory such as serve only some one turn, or at the most extend no further than to this or that man<sup>1</sup> with the end of whose natural life they expire; permanent such as the use whereof doth continue still, for that they belong unto certain *kinds* of men and causes which never die. Of this nature are all immunities and preeminences which for just considerations one sort of men enjoyeth above another both in the Church and commonwealth, no man suspecting them of contrariety to any

<sup>1</sup> "Privilegium personale cum Digest, L. xvii. 196, is the following: "persona exstinguitur, et privilegia quædam causæ sunt, "gium dæam actioni transit cum "quædam personæ: et ideo quædam ad hæredem transmittuntur, "actione." Op. de Regulis, par. i. "quæ causæ sunt: quæ personæ 227. [The editor has not been able to verify this reference. In the "sunt, ad hæredem non transeunt.]"\*]

\* [Cf. *De regulis juris* (Sext. lib. v. ad fin. v. supra, p. 262, n. 1), regula 7. "Privilegium personale personam sequitur, et extinguitur cum personâ." But the second clause does not appear.]

branch of those laws or reasons whereupon the general right is grounded.

[5.] Now there being general laws and rules whereby it cannot be denied but the Church of God standeth bound to provide that the ministry may be learned, that they which have charge may reside upon it, and that it may not be free for them in scandalous manner to multiply ecclesiastical livings; it remaineth in the next place to be examined, what the laws of the Church of England do admit which may be thought repugnant to any thing hitherto alleged, and in what special consideration they seem to admit the same.

Considering therefore that to furnish all places of cure in this realm it is not an army of twelve thousand learned men that would suffice, nor two universities that can always furnish as many as decay in so great a number, nor a fourth part of the livings with cure that when they fall are able to yield sufficient maintenance for learned men<sup>1</sup>, is it not plain that unless the greatest part of the people should be left utterly without the public use and exercise of religion there is no remedy but to take into the ecclesiastical order a number of men meanly qualified in respect of learning? For whatsoever we may imagine in our private closets or talk for communication's sake at our boards, yea or write in our books through a notional conceit of things needful for performance of each man's duty, if once we come from the theory of learning to take out so many learned men, let them be diligently viewed out of whom the choice shall be made, and thereby an estimate made what degree of skill we must either admit or else leave numbers utterly destitute of guides, and I doubt not but that men endued with sense of common equity will soon discern that besides eminent and competent knowledge we are to descend to a lower step, receiving knowledge in that degree which is but tolerable.

When we commend any man for learning our speech importeth him to be more than meanly qualified that way; but when laws do require learning as a quality which maketh capable of any function, our measure to judge a learned man

<sup>1</sup> ["Of almost 10,000 parishes "books." Sutcliffe, *False Sem-*  
"there are not much above 500 blant, &c. p. 69.]  
"that are above 30% in the Queen's

by must be some certain degree of learning beneath which we can hold no man so qualified. And if every man that listeth may set that degree himself, how shall we ever know when laws are broken, when kept, seeing one man may think a lower degree sufficient, another may judge them insufficient that are not qualified in some higher degree. Wherefore of necessity either we must have some judge in whose conscience they that are thought and pronounced sufficient are to be so accepted and taken, or else the law itself is to set down the very lowest degree of fitness that shall be allowable in this kind.

So that the question doth grow to this issue. St. Paul requireth learning in presbyters, yea such learning as doth enable them to exhort in doctrine which is sound, and to disprove them that gainsay it. What measure of ability in such things shall serve to make men capable of that kind of office he doth not himself precisely determine, but referreth it to the conscience of Titus<sup>1</sup> and others which had to deal in ordaining presbyters. We must therefore of necessity make this demand, whether the Church lacking such as the Apostle would have chosen may with good conscience take out of such as it hath in a meaner degree of fitness them that may serve to perform the service of public prayer, to minister the sacraments unto the people, to solemnize marriage, to visit the sick and bury the dead, to instruct by reading although by preaching they be not as yet so able to benefit and feed Christ's flock. We constantly hold that in this case the Apostle's law is not broken. He requireth more in presbyters than there is found in many whom the Church of England alloweth. But no man being tied unto impossibilities, to do that we cannot we are not bound.

It is but a stratagem of theirs therefore and a very indirect practice, when they publish large declamations to prove that learning is required in the ministry, and to make the silly people believe that the contrary is maintained by the Bishops and upheld by the laws of the land; whereas the question in truth is not whether learning be required, but whether a church wherein there is not sufficient store of learned men to furnish all congregations should do better to let thousands

<sup>1</sup> Titus i. 9.

of souls grow savage, to let them live without any public service of God, to let their children die unbaptized, to withhold the benefit of the other sacrament from them, to let them depart this world like Pagans without any thing as much as read unto them concerning the way of life, than as it doth in this necessity, to make such presbyters as are so far forth sufficient although they want that ability of preaching which some others have.

[6.] In this point therefore we obey necessity, and of two evils we take the less; in the rest a public utility is sought and in regard thereof some certain inconveniences tolerated, because they are recompensed with greater good. The law giveth liberty of non-residence for a time to such as will live in universities, if they faithfully there labour to grow in knowledge that so they may afterwards the more edify and the better instruct their congregations. The Church in their absence is not destitute, the people's salvation not neglected for the present time, the time of their absence is in the intendment of law bestowed to the Church's great advantage and benefit, those necessary helps are procured by it which turn by many degrees more to the people's comfort in time to come than if their pastors had continually abidden with them. So that the law doth hereby provide in some part to remedy and help that evil which the former necessity hath imposed upon the Church. For compare two men of equal meanness, the one perpetually resident, the other absent for a space in such sort as the law permitteth. Allot unto both some nine years' continuance with cure of souls. And must not three years' absence in all probability and likelihood make the one more profitable than the other unto God's Church, by so much as the increase of his knowledge gotten in those three years may add unto six years' travail following? For the greater ability there is added to the instrument wherewith it pleaseth God to save souls, the more facility and expedition it hath to work that which is otherwise hardlier effected.

As much may be said touching absence granted to them that attend in the families of bishops, which schools of gravity, discretion and wisdom, preparing men against the time that they come to reside abroad, are in my poor opinion even the fittest places that any ingenuous mind can wish to enter into between departure from private study and access to a more

public charge of souls, yea no less expedient for men of the best sufficiency and most maturity in knowledge, than the very universities themselves are for the ripening of such as be raw.

Employment in the families of noblemen or in princes' courts hath another end for which the selfsame leave is given not without great respect to the good of the whole Church. For assuredly whosoever doth well observe how much all inferior things depend upon the orderly courses and motions of those greater orbs, will hardly judge it either meet or good that the Angels assisting them should be driven to betake themselves unto other stations, although by nature they were not tied where now they are, but had charge also elsewhere, as long as their absence from beneath might but tolerably be supplied, and by descending their rooms above should become vacant. For we are not to dream in this case of any platform which bringeth equally high and low unto parish churches, nor of any constraint to maintain at their own charge men sufficient for that purpose; the one so repugnant to the majesty and greatness of English nobility, the other so improbable and unlikely to take effect that they which mention either of both seem not indeed to have conceived what either is. But the eye of law is the eye of God; it looketh into the hearts and secret dispositions of men, it beholdeth how far one star differeth from another in glory, and as men's several degrees require, accordingly it guideth them, granting unto principal personages privileges correspondent to their high estates, and that not only in civil but even in spiritual affairs, to the end they may love that religion the more which no way seeketh to make them vulgar, no way diminisheth their dignity and greatness, but to do them good doth them honour also, and by such extraordinary favours teacheth them to be in the Church of God the same which the Church of God esteemeth them, more worth than thousands.

It appeareth therefore in what respect the laws of this realm have given liberty of non-residence; to some that their knowledge may be increased and their labours by that mean be made afterwards the more profitable, to others lest the houses of great men should want that daily exercise of religion wherein their example availeth as much yea many times peradventure more than the laws themselves with the common sort.