P. 79. “Exhorted Nepotian.” How this doth prove that for which it is alleged I do not perceive; for it may be granted that Nepotian was a preaching presbyter, and yet their distinction of presbyters not contradicted.

“Priests and BB.” Did Arius make BB? beeing him self but a B. [P, P] for so I conceave he was no more.

P. 82. “A layman may baptize.” It were not amisse to say, Wherein as they thought a layman might baptize.

THE SIXT BOOKE.

Edwin Sandys

In Mr. Cranmer’s notes, those wherein I thoroughly agree with him, I will note with this mark +. If I happen clearly to dissent, I will note them with this mark —. The rest I will leave unmarked.

P. 3. “Yea or no.” The affirmative is included in the former woords. And although I disallow not this form of speach; yet perhaps you use it verie often, as in your printed bookes.

“Why causes matrimoniall—is not obscure.” Nor verie plaine. And therefore I pray you set it down. And add with all the reason why causes of legitimacion and bastardie are spirituall. Moreover if you can, why matters testamentarie, which is the greatest point of all other. Wherein the nature and difference of causes meerely ecclesiastical and mixt is to be opened.

These points are at this day verie strongly impugned; and therefore the truth in them most necessarie to be thoroughly unfolded.

1 [Edwin Sandys in Fulman’s hand; the rest in Sandys’ own hand.] 2 Vid. in p. 16. [referring to Hooker’s MS.]

of the Laws of Ecclesiastical Polity.

“Non intendimus1” Translate this and the rest.
P. 4. “When they can take.” When they can securely take.

“Unto the form.” Here may fitly be handled the way of proceeding to these tryalls by oath: which the Precisians so much impugne. Some where it must needes be handled. But if the controversy of this and those other points you handle somewhere els: then neede they to be here only briefly touched, as conclusions of truth.

In marg. “The courte, which in former tymes.” For ought that I know they were the same courtoes then. And the spirituall courtoes were called Curiae Christianitatis by the civill courtoes. And so it is often in our temporall law-bookes.

P. 5. “To this purpose.” These woords either are needes, or their use is obscure.

“Our Saviour’s speech in the Gospell.” Add Tell the Church or of complaing to the Church.

P. 8. “Last of all it worketh.” Put out it woorketh.

P. 10. “Yet swearing apart.” Quote the psalme “All that swear “by him shall be commended.”

“Prejudice of acceptation.” This should be some other woord: execution I think.

P. 12. “Same kynd of anathema.” It seems by that which goeth before and cometh after that you make Anathema the genus of the three degrees: although most properly used for the second degree. And so may this shew of repugnancie be reconciled, which would be specified immediately after the proposing of the three kyndes.

P. 13. “Paul may probably.” I like your opinion marvailously well: on condition that you can interpret Moses’ speech to the same effect. Which it is fit you either doe: or shew reason of the diversitie. For my own part I must confesse it could never sink into my beleefe, that anie man would redeem the happiness of other men with his own spirituall And therfore I conceived of those [The last line of the page is worn out.]


“Towards thy self.” And offend thee.

“Of private admonition.” Here you must needes insert the second degree which seemes omitted by the writers falt.

1 [“Non intendimus judicare de feudo” is Innocent the Third’s disavowal of temporal jurisdiction in the dispute between king John and Philip Augustus, A.D. 1204. See Decretal, ix. i. 13. col. 489. ed. Lugd. 1572.]
P. 16. "Is everie open." Add and grievous; for so you seeme to say and verie truly, page 3. And on that word you may ground an answer to the returning of your oblication against the precisians in your preface upon yourself: where you say that seeing in most civill controversies and suites in law, the law of charitie is broken on the one part or the other, they were likelie to draw all these causes to their consitories. Indeease as all things of this lyfe have their reference to the life to come; so all civill causes have something in them spiritual: whereupon riseth the difficultie of distinguishing the one kynd from the other. But I take first these two rules necessarie to be observed: one that in criminall cases where the temporall court doeth proccede to the punishing of anie man, there the ecclesiasticall forbeare, least one falt be twise punished: an other, that in causes litigious and not criminall, where the parties proccede by course of civill law, their doings be not censured by the ecclesiasticall court, to avoid oppositions of the one court to the other. This ground being layd, and these rules set down; the distinguishing of causes doth ensue of his own accord. Some are meerely civill, as the tryall of title of land: some meerely ecclesiastical, as crimes of heresie and schisme: other mixt, as matter of slander, incontinencie, testamentes; wherein perhaps nature directing that the part predominant in the mixture doe carrie the cause with it to that court which this part predominant belongs to, yet the declaration hereof is to be made by positive lawe of the whole state: which positive lawe itself is neither ecclesiastical nor civill, but mixt of both, even as the prince is a mixt person: which was verie well proved by Mr. Speaker 1 in the Parliament.

The canon law I know greatly urgeth that all mixt causes be ecclesiastical, for honour of that part: which seemes hard to yeald to, at least wise it would be now hardly taken to require it. These things you must needs handle somewhere or other.

P. 17. "Both separation and execution" You make these two the divers kynds of excommunication, and seeme so to distinguish them, as that excommunicatio a judice is separation, and excommunicatio a canone, execution. If this be a true and an only distinction in the use of excommunication I would wishe it to be so playly recollected in the end of this passage. But if there be any other use of the differencie of these kynds, it is verie necessarie that it be set down here. And perhaps there is some more, as you seeme to insinuate pag. 19, i. 9.

P. 19. "Beeing the subject of holy things." Interdiction seemes to be only separation, and so you seeme to make it here. Yet doe it somewhat more playny.

P. 23. "Chiefly of dominion." Chiefly of dominion. In this discourse of Beza one may smel that which hath beeene allwaies suspected of the Precisians that they confound their ecclesiastical jurisdiction and dominion: and so exclude the soveraine of the estate from bearing anie soveraigntie in the Church. Which in England is to denye the princes supremacie in causes ecclesiastical. And you know they hold the authoritie of their pesbyterie immediately from God: and make the prince (even as the papists doe) a meere lay person. It seemeth verie necessarie that this be touched in this place, for els when you answer them by this distinction, they will say that you doe petre principium.

P. 24. "Are weaker." Are for the most part weaker. It cannot be simply held for truth that the mixt regiment is of his own nature best: but by reason of the wickednes of men, and δυνατό, that is his for the most part are.

"Is either so good or so durable." Is lightely both so good and so durable.

P. 26. "A great deale better." A great deale fitter because of the repenting of the woord better afterward.

P. 27. "By ministeriall power." By the bare ministeriall power.

P. 28. "His nephewes." Set this note in the margin [that is his sonnes sonnes] because in English we abuse the word for brothers sonnes.

"And here the Jewish nobilitie." What meane you by here? If you meane these first persons, then after the death of these they had no nobilitie. If all descended from these, then had they no communalitie. If the first born descended from these, then must you expresse it so.

P. 31. "Out of this number." You make here an exceeding greate number of the gentrie: which could afoord Decurions [?] to the whole armie. You must therefore make proofe of these things by the quotations in the margint.

"Were the chief Chiliarcs." Wherein was their chiefy, unless they were over the Chiliarcs, which should be likely? Else their chiefy was but ordinis. Expressse it in particular if you can, and quote it.

1 [Probably Mr. Serjeant Yelverton, who was chosen Oct. 27, 1597, and continued in office till the 9th Feb. following, when the parliment was dissolved. Cobot's Parliamentary Hist. i. 895, 905.]
P. 33. "Seeing Moses and Aaron." Add and the successors of Aaron (as you say afterward that the high priest was alwaie of this senate): This, if you continue of the opinion that Levi was excluded. But this seemeth verie harc, that in the soveraigne of the estate consisting of so manie persons, all the priests should be excluded but only the high priest. For Moses successour was not necessarily of that tribe, or of anie other. Are not the priests often mentioned as judges in the highest causes? [marg.] This is holpen after p. 37 and 38, for deciding of causes of greatest doubt. But that point is the least part of soveraigne. [Text.] As for the choosing of 6 out of each tribe, seeing it is but conjectural; consider whether of the two is more weightie: especially seeing that number dooth not precisely meete, and that of Eldad and Medad is but likewise conjectural. Lastly may not both stand, by uniting the tribe of Joseph? for perhaps the dividing of it tooke no effect in the wildernes, but then when they came to division of the land: where Levi was then otherwise provided for then like the rest. But two things here are to be farther considered if it may be declared. One whether the high judge and the high priest were allwaies of the 70, or besides that number, as you seeme afterwards to say, so that the whole were 72. And then what needes there anie excluding by lott? for they may be reckoned with the rest of their tribes. An other by whom these 70 were chosen and by what meanes. If it fall out that Levi was excluded, then have the Precisians an argument that ministers may not deale in civill causes. But truth must be [only?] aymed at.

P. 34. "Was the high priest." Was allwaies the high priest.

P. 35. "In which law." Concerning which law.

P. 36. "Hurt and hurt." Before it is translated plague and plague; afterwards you interpret it damage. Looke that all these agree; which must be set downe in some marginall note. Remember your adversaries.

P. 37. "If it should not." If in other cities and inferiour courts it should not.

P. 38. "Of this sort." Of these sorts.

"Of priests only and of an high priest the chief judge." It should be I think of priests only and of an high priest and the chief judge, for so it is in the law. But in all this law here being no mention of the 70 auncients, how prove you that the priests were annexed to those 70, and that they were not a coort by themselves. Do not some devines interpret the lawe to be of causes ecclesiastical only and mixt? I would wish this point somewhat strengthened if it may be.

of the Laws of Ecclesiastical Polity.

"That the high priest in such cases was to assemble." This isproved only for that the high priest is named before the judge and so would be specified.

"The auncients of Israel." Whom means you here, the auncients personally or representatively, namely the 70 auncients?

"In marg. permisum erat juris dictio." Search the place. I think you have miscited it. [Marg.] It should be de iure respondere.

P. 39. "Of the high priest." Or judge saith the text: which you must well consider.

P. 42. "The 12 princes." Where have you prooffe of these 12 princes now? If you have any, quote it.

P. 46. "Contempest." I would never have Greeke authors cited in Latin.

P. 47. "First of twelve." You say this may playnly be gathered. Not playnly the number of 12 out of that place.

"Alludeth." Seemeth to allude. And perhaps best so to qualitative your assertions of like nature immediately ensuing.


"First named prophets, and afterwards scribes." I think there is an other and a greater difference of these names; for prophets were men extraordinarily inspired.

P. 49. "Lacarnim." Cite your authorities, both for this and other like antiquities. A bare narration, unquoted, uncredited.

"These are." These seeme to be.


P. 51. "Power of lyfe and death they had not." You may note here in the margent, that for this cause they were faigne to have Pilate's consent for the crucifying of Christ.

P. 52. "Such ecclesiastical auncients." Such peculiar ecclesiastical auncients. Mr. Cranmer's conclusion upon this narration I cannot here but very especially commend unto you.

"Arch priests." In your note in the margent you say priests simply. Take heed you misinterpret their opinion: but rather set it down more playnly and fully.

"Auncients of Jerusalem which are the same with auncients of the people." But not simply as auncients of the people are opposite to auncients of the priests as you say in the line before: for these auncients of Jerusalem comprehend also the auncients of the priests. It must therefoe be qualified.


"At the south part." This discourse of the place of the greate
senate seemes to me either unperfect or obscure. You seeme first
to make 2 places, one generall in the sanctuarie, an other particular
for causes of lyfe and death adiointing to the south part. After-
wards having no use of this they choose out 2 third place Hanith,5
which hath the same use with the first. I pray you cleare these
matters and quote your authorities.

P. 54. "11 of Numbers—10 of Levit." Set the chapters in the
margent.

P. 56. "Ut probabilis est." Quote him upon the margent.

P. 58. "500 synagogus." Quote your author.

"Haddaishan." Quote this and the rest.

P. 59. "As these men doe imagine." As these men upon so
slender coniecture so untruly imagine. If so then in the next line, for
have they had they.

P. 61. "Recte omnia nostra facimus." Doe there not want some
woords after these, namely, per eos, or quod ab ipsis fiant 1

P. 62. "T. C." I will here put you in mynd once for all, that
you must needs set down Mr. Cartwrights and W. T. 2 woords at
large in the margent of this booke wheresoeuer they are impugned.
Els will your discourse want much credit of sincerity: which in your
former it hath especially by that meanes.

P. 65. "Let him that fasteth." They will replie that there is a
difference in these speaches: for that St. Faule's woords are in
publick functions and services of the Church wherein επε λογον ευ to be
observed: yours in private duties of all Christians, whose duties
towards God and men are manifold. You must therfore either
anticipate this objection, or rather if you can frame a meeter
similitude.


P. 67. "Two divers kynds." This answer of yours I think the
only true answer, although not so plausible as some other: because
it seems to encline to the tolerating of an unlearned ministrie: but
it is only to a toleration thereof and that in case of necessitis, which
is as far from absurditie as this world and the church in this world
are from perfection. Only I could wish you did somewhat more
strength in your interpretation. Two points for which purpose I
will offer to your remembrance. One that St. Paule denieth that he
used to baptize: and saith that he came not to baptize but to preach.
And although he add, Least any man should think I baptized in my

1 [Qu. Hanoth? vid. Lightf. t. i. p. 1662, and Buxtorf. voc. m177.]
2 [i.e. Walter Travers.]
“saving to minister the sacraments only.” Their function was also to govern. And here it is fit that somewhat be added, both generally to show how far forth every pastor is to govern his flock (in which respect our law doeth term persons of parishes rectores: which was objected in the Parliament house to shew that our persons not being governors were declined from their auncient degree in the church, having suffered bishops to usurp upon their office:) and also in particular to show how in the first Church their government was a point of great weight and necessitie; by reason of the estate of persecution.

These points being added, I shall think your answer to this objection very perfect: which I greatly wish, by reason that this is their only argument of arie show.

P. 73. “Tertullian’s word’s.” It seemeth necessarie that you ad some briefe answer here likewise to their exception. But especially have care of well knitting together seniores and presidentes.

P. 76. “Honor fratrum sportulantium.” It doeth not appear to me in which of the texts before allaged these wordes are found. Neither know I which is that other plan of more plainnes, whereof you speake page 73. This must be holpen by exact quotations, and setting text down at full in the margent. Without which the whole booke will greatly want perspicuitie. I have noted for the most part such places with my mark.

P. 79. “The selfsame heresie.” This I take it is a rule in the cannon law: that ordinatus ab herechis beeing reconciled to the catholick church, shall notwithstanding never teach or administer. Consider well hereof. Indeede the pope may dispense; and so I take it and no otherwise is their preaching.

P. 80. “This one is brought.” Add for more perspicuity [on their side].

P. 81. “Receiveveth not the spirit.” Are these St. Jerome’s direct wordes? Is it possible he should with one breath speake so apparent contradicctories; as to receive the spirit in baptism, and not to receive it but by confirmation? 1

P. 82. “A lay man may baptize.” A layman (so they thought) may baptise.

“Should authorize.” Add and license, for that is St. Jerome’s word, which by interpreting thus you answer.

1 [Si queres quare in ecclesia baptizatus nisi per manus Episcopi non accipiat Sp. Sanctum, &c. Ubi supra; (speaking of baptism;) “Frequentare, (si tamen ne- cessitas cogit,) scriimus etsiam licere.”] 2 [licet,] t. ii. 139. ed. Frob. Basil.

of the Laws of Ecclesiastical Polity.


P. 84. “Which may be thought.” Add by men that way allreadie affected.

“Ambrose last mentioned.” Add but more than they have any sound peace of prove for. For so I would you wish it awaie where you graunt any thing to them &c. verie plainly to signifie that you graunt it not for truth’s sake, but admitt it by way of disputation to shew their utter weakenes.

P. 85. I like very well that you close up this tract as Mr. Cranmer adviseth. Provided that you leave not out such other points touching their new officers and consistorie as are yet unhandled.

1 [On 1 Tim. v. 1.]