

ordination. They whom the whole Church hath from the beginning used as her agents in conferring this power, are not either one or more of the laity, and therefore it hath not been heard of that ever any such were allowed to ordain ministers: only persons ecclesiastical, and they, in place of calling, superiors both unto deacons and unto presbyters; only such persons ecclesiastical have been authorized to ordain both, and to give them the power of order, in the name of the whole Church. Such were the Apostles, such was Timothy, such was Titus, such are bishops. Not that there is between these no difference, but that they all agree in preeminence of place above both presbyters and deacons, whom they otherwise might not ordain<sup>1</sup>.

[11.] Now whereas hereupon some do infer, that no ordination can stand but only such as is made by bishops, which have had their ordination likewise by other bishops before them, till we come to the very Apostles of Christ themselves; in which respect it was demanded of Beza at Poissie<sup>2</sup>, "By what authority he could administer the holy sacraments, being not thereunto ordained by any other than Calvin, or by such as to whom the power of ordination did not belong, according to the ancient orders and customs of the Church; sith Calvin and they who joined with him in that action were no bishops:" and Athanasius maintaineth the fact of Macarius a presbyter<sup>3</sup>, which overthrew the holy table

<sup>1</sup> "Neque enim fas erat aut liceret, ut inferior ordinaret majorem." Comment. q. Ambros. tribuuntur, in 1 Tim. 3 [§ 7.]

<sup>2</sup> [A. D. 1561. Thuanus, lib. 28. t. ii. p. 45. Gen. 1620. "Claudius Espencæus, vir doctus et pacis ecclesiæ studiosus, a Lotaringo loqui jussus, postquam præfatus est expetivisse jam a multo tempore ut colloquendi copia fieret, et interea semper a suppliciis, quibus ob religionem miseri homines antea afficiebantur abhorruisse; demirari se subinde sæpius dixit, qua auctoritate Protestantes et a quo vocati et instituti ad ministerium essent: et cum neminem citarent, a quo manus impositionem suscepissent, quomodo legitimi pastores censerent: nam

"manifestum esse, vocatione ordinaria minime institutos; cum autem ad extraordinarium miraculis opus sit, nec ea ipsi edant, nec sario sequi, nec secundum ordinem nec extra ordinem eos in domum Dei ingressos esse.]

<sup>3</sup> [Apol. con. Arian. c. 12. sqq. t. i. 134. ed. Bened. Πόθεν οὖν πρεσβύτερος Ἰσχυράς; τίνος καταστήσαντος, ἢρα Κολλοῦθου; τοῦτο γὰρ λοιπόν' ἀλλ' ὅτι Κόλλουθος πρεσβύτερος ὦν ἐτελεύτησε, καὶ πᾶσα χεὶρ αὐτοῦ γέγονεν ἄκυρος, καὶ πάντες οἱ παρ' αὐτοῦ κατασταθέντες ἐν τῷ σχίσματι λαικοὶ γεγονᾶσι, καὶ οὕτως συνάγονται, δῆλον, καὶ οὐδενὶ καθέστηκεν ἀμφίβολον πῶς οὖν ἰδιώτης ἄνθρωπος, καὶ οἰκισκὸν οἰκῶν ἰδιωτικόν, ποτήριον ἔχειν μυστικὸν πιστευθεῖν;]

whereat one Ischyras would have ministered the blessed Sacrament, having not been consecrated 'thereunto by laying on of some bishop's hands<sup>1</sup>, according to the ecclesiastical canons; as also Epiphanius inveigheth sharply against divers for doing the like, when they had not episcopal ordination: to this we answer, that there may be sometimes very just and sufficient reason to allow ordination made without a bishop.

The whole Church visible being the true original subject of all power, it hath not ordinarily allowed any other than bishops alone to ordain: howbeit, as the ordinary course is ordinarily in all things to be observed, so it may be in some cases not unnecessary that we decline from the ordinary ways.

Men may be extraordinarily, yet allowably, two ways admitted unto spiritual functions in the Church. One is, when God himself doth of himself raise up any, whose labour he useth without requiring that men should authorize them; but then he doth ratify their calling by manifest signs and tokens himself from heaven: and thus even such as believed not our Saviour's teaching, did yet acknowledge him a lawful teacher sent from God: "Thou art a teacher sent from God, otherwise none could do those things which thou doest."<sup>2</sup> Luther did but reasonably<sup>3</sup> therefore, in declaring that the senate of Mulhuse should do well to ask of Muncer, from whence he received power to teach, who it was that had called him; and if his answer were that God had given him his charge, then to require at his hands some evident sign thereof for men's satisfaction: because so God is wont, when he himself is the author of any extraordinary calling.

Another extraordinary kind of vocation is, when the exigence of necessity doth constrain to leave the usual ways of the Church, which otherwise we would willingly keep: where

<sup>1</sup> Ἐπισκοπῆς χειροθεσίαν.

<sup>2</sup> John iii. 2.

<sup>3</sup> [Sleidan. Comment. v. p. 58. Argent. 1556. "Cum ejectus e Saxonia finibus. . . . Muncerus oberrat, ac rumor increbuisse eum cogitare Mulhusium, Lutherus. . . datis ad senatum literis, graviter monet, ne recipiat. . . recte facturum senatum, si roget ex illo, quis docendi munus ipsi commiserit,

"quis evocavit? et si Deum nominet authorem, tum jubeant hanc suam vocationem aliquo evidenti signo comprobare, quod si representare non possit, ut tum repudietur: hoc enim esse Deo proprium et familiare, quoties formulam consuetam et rationem ordinariam velit immutari, ut tum voluntatem suam aliquo signo declaret." v. Fleury, l. 128. c. 45. a. 1523.]

the church must needs have some ordained, and neither hath nor can have possibly a bishop to ordain; in case of such necessity, the ordinary institution of God hath given oftentimes, and may give, place. And therefore we are not simply without exception to urge a lineal descent of power from the Apostles by continued succession of bishops in every effectual ordination. These cases of inevitable necessity excepted, none may ordain but only bishops: by the imposition of their hands it is, that the Church giveth power of order, both unto presbyters and deacons.

[12.] Now when that power so received is once to have any certain subject whereon it may work, and whereunto it is to be tied, *here cometh in the people's consent, and not before.* The power of order I may lawfully receive, without asking leave of any multitude; but that power I cannot exercise upon any one certain people utterly against their wills; neither is there in the church of England any man, by order of law, possessed with pastoral charge over any parish, but the people in effect do choose him thereunto. For albeit they choose not by giving every man personally his particular voice, yet can they not say that they have their pastors violently obtruded upon them, inasmuch as their ancient and original interest therein hath been by orderly means derived into the patron who chooseth for them. And if any man be desirous to know how patrons came to have such interest, we are to consider, that at the first erection of churches, it seemed but reasonable in the eyes of the whole Christian world to pass that right to them and their successors, on whose soil and at whose charge the same were founded<sup>1</sup>. This all men gladly and willingly did, both in honour of so great piety, and for encouragement of many others unto the like, who peradventure else would have been as slow to erect churches or to endow them, as we are forward both to spoil them and to pull them down.

It is no true assertion therefore in such sort as the pretended reformers mean it<sup>2</sup>, "That all ministers of God's word

<sup>1</sup> [See b. V. c. lxxx. § 11.] "picketh out for himself some notable good benefice, he obtaineth the next advowson, by money or by favour, and so thinketh himself to be sufficiently chosen."  
<sup>2</sup> [1 Adm. p. 2. ed. 1617.] "Then election was made by the elders with the common consent of the whole Church: now every one

"ought to be made by consent of many, that is to say, by the people's suffrages; that ancient bishops neither did nor might ordain otherwise; and that ours do herein usurp a far greater power than was, or than lawfully could have been granted unto bishops which were of old."

[13.] Furthermore, as touching spiritual jurisdiction, our bishops, they say, do that which of all things is most intolerable, and which the ancient never did. "Our bishops excommunicate and release alone<sup>1</sup>, whereas the censures of the Church neither ought, nor were wont to be administered otherwise than by consent of many." Their meaning here, when they speak of *many*<sup>2</sup>, is not as before it was; when they hold that ministers should be made with consent of many, they understand by *many*, the multitude, or common people; but in requiring that many should evermore join with the bishop in the administration of church censures, they mean by *many*, a few lay-elders chosen out of the rest of the people to that purpose. This they say is ratified by ancient councils<sup>3</sup>, by ancient bishops<sup>4</sup> this was practised.

"Then, the congregation had authority to call ministers; instead thereof now they run, they ride, and by unlawful suit and buying prevent other suitors also. Then no minister placed in any congregation but by the consent of the people; now that authority is given into the hands of the bishop alone." Whitg. Answ. 42; T. C. i. 28, al. 43, &c.; Def. 154, &c.; T. C. ii. 194, &c.]

<sup>1</sup> [1 Adm. ap. Whitg. Def. 662. "Then it was said, 'Tell the Church;' now it is spoken, 'Complain to my lord's grace, primate and metropolitan of all England, or to his inferior my lord bishop of the diocese; if not to him, shew the chancellor or official or commissary.'" Answ. ibid. "In that place of Matthew, as all learned interpreters both old and new do determine, the Church signifieth such as have authority in the Church." T. C. i. 146, al. 183, &c.; Def. 662-671; T. C. iii. 77-88.]

<sup>2</sup> [T. C. i. 147. al. 184. "It must

"needs be the meaning of our Saviour Christ that the excommunication should be by many and not by one; and by the Church and not by the minister of the Church alone." Ibid. 183. "That the charge of excommunication becometh not unto one, to the minister, but chiefly to the eldership and pastor, it appeareth by that which the authors of the Admonition allege out of St. Matthew, xviii. 17; which place I have proved before to be necessarily understood of the elders of the Church."]

<sup>3</sup> Concil. Carthag. iv. c. 23. [A. D. 398. "Ut episcopus nullam causam audiat absque presentia clericorum suorum; alioquin irrita erit sententia episcopi, nisi clericorum presentia confirmetur." i. 980. ed. Harduin.]

<sup>4</sup> Cypr. lib. iii. Ep. 10. [5. ed. Baluz. p. 11. "Solus rescribere nihil potui, quando a primordio episcopatus mei statuerim nihil sine consilio vestro et sine consensu plebis mea privatim sententia

BOOK VII. And the reason hereof, as Beza supposeth<sup>1</sup>, was, "Because  
Ch. xiv. 13. "if the power of ecclesiastical censures did belong unto any  
"one, there would this great inconveniency follow, eccle-

"gerere." 14. [11. Baluz. p. 21. "Audio quosdam de presbyteris, "nec evangelii memores, nec quid "ad nos martyres scripserint cogi- "tantes, nec episcopo honorem sacerdotii sui et cathedræ reser- "vantes, jam cum lapsis communi- "care cœpisse et offerre pro illis et "eucharistiam dare, quando oportet ad hoc per ordinem perveniri. "Nam cum in minoribus delictis "quæ non in Deum committuntur "pœnitentia agatur justo tempore, "et exomologesis fiat inspecta vita "ejus qui agit pœnitentiam, nec ad "communicationem venire quis possit nisi prius illi ab episcopo et "clero manus fuerit imposita: quanto "magis in his gravissimis et extremis "delictis caute omnia et moderate "secundum disciplinam Domini ob- "servari oportet! . . . Audiant quæso "patienter consilium nostrum, expectent regressionem nostram, ut "cum ad vos per Dei misericordiam "venerimus, convocati cœpiscopi "plures, secundum Domini disciplinam et confessorum præsentiam "et vestram quoque sententiam, "beatorum martyrum literas et desideria examinare possimus." Lib. ii. Ep. 8. [59. Baluz. p. 97. "Significasti de Victore quodam presbytero, quod ei, antequam pœnitentiam plenam egisset, et Domino Deo, in quem deliquerat, satisfecisset, Therapius collega noster immaturo tempore et præpropere festinatione pacem dederit. Quæ res nos satis movit, recessum esse a decreti nostri auctoritate, ut ante legitimum et plenum tempus satisfactionis, et sine petitu et conscientia plebis, nulla infirmitate urgente ac necessitate cogente, pax ei concederetur. Sed librato apud nos diu consilio, satis fuit objurgare Therapium collegam nostrum, quod temere hoc fecerit, et instruxisse, ne quid tale de cætero faciat. Pacem tamen quomodocunque a sacerdote Dei semel

"datam non putavimus auferendam." These passages are produced by T. C. i. 149. al. 187, and maintained, iii. 87-89, in order to shew that the bishop might not absolve alone. Comp. Whitg. Def. 674.]

<sup>1</sup>[Compare *De Presbyterio et Excommunicatione*: p. 112, 113. Gen. 1590. "Hoc veluti fræno, (sc. presbyterio) coercebatur tum ipsorum "pastorum tum etiam populi potestas, ne illa quidem in oligarchiam, ista vero in ochlocratiam degeneraret. Itaque mihi quidem "ecclesia Christiana, ut et vetus illa "Israelitica, ex illo triplici statu divinisime constituta videtur: cujus "caput est et monarcha longe supra "omnia eminentis unicus ille noster "Pontifex æternus, cujus figura fuit "Leviticus ille Pontifex. . . Isti vero "cœtus divinissimam aristocratiam "referunt. Universa denique multitudo, qua conscia, et ex cujus "consensu cœtus ipsi aristocratici "constituuntur, cœlestis democratæ "perfectum exemplum præbet." And Epist. xii. p. 220. A. D. 1567. Tract. t. iii. Gen. 1582. "Ajunt. . . "excommunicationes et absoluti- "ones in curiis quibusdam episcopali- "bus in Anglia fieri non ex "presbyterii (quod nullum ibi sit) "sententia, neque ex Dei verbo, sed "ex quorundam jurisconsultorum "et aliorum ejusmodi, immo etiam "interdum unius cujuscumque auctoritate. . . Respondemus, nobis pæne "incredibile videri, ejusmodi abusum perversissimi moris et exempli adhuc in eo regno usurpari, "ubi puritas doctrinæ vigeat. Jus "enim excommunicandi ante papisticam illam tyrannidem nunquam "penes unum fuisse comperietur, "sed penes presbyterium, et quidem "non excluso penitus populo." This is the epistle to the leading Puritans, which was so industriously circulated in England. Vid. vol. ii, p. 133, note 3.]

"siastical regiment should be changed into mere tyranny, or "else into a civil royalty: therefore no one, either bishop "or presbyter, should or can alone exercise that power, but "with his ecclesiastical consistory he ought to do it, as may "appear by the old discipline." And is it possible, that one so grave and judicious should think it in earnest tyranny for a bishop to excommunicate, whom law and order hath authorized so to do? or be persuaded that ecclesiastical regiment degenerateth into civil regality, when one is allowed to do that which hath been at any time the deed of more? Surely, far meaner witted men than the world accounteth Mr. Beza do easily perceive, that tyranny is power violently exercised against order, against law; and that the difference of these two regiments, ecclesiastical and civil, consisteth in the matter about which the actions of each are conversant; and not in this, that civil royalty admitteth but one, ecclesiastical government requireth many supreme correctors. Which allegation, were it true, would prove no more than only that some certain number is necessary for the assistance of the bishop; but that a number of such as they do require is necessary, how doth it prove? Wherefore albeit bishops should now do the very same which the ancients did, using the college of presbyters under them as their assistants when they administer church-censures, yet should they still swerve utterly from that which these men so busily labour for, because the agents whom they require to assist in those cases are a sort of lay-elders, such as no ancient bishop ever was assisted with.

Shall these fruitless jars and janglings never cease? shall we never see end of them? How much happier were the world if those eager taskmasters whose eyes are so curious and sharp in discerning what should be done by many and what by few, were all changed into painful doers of that which every good Christian man ought either only or chiefly to do, and to be found therein doing when that great and glorious Judge of all men's both deeds and words shall appear? In the meanwhile, be it one that hath this charge, or be they many that be his assistants, let there be careful provision that justice may be administered, and in this shall our God be glorified more than by such contentious disputes.

XV. Of which nature that also is, wherein Bishops are over and besides all this accused "to have much more excessive power than the ancient, inasmuch as unto their ecclesiastical authority, the civil magistrate for the better repressing of such as contemn ecclesiastical censures, hath for divers ages annexed civil<sup>1</sup>. The crime of bishops herein is divided into these two several branches; the one, that in causes ecclesiastical they strike with the sword of secular punishments; the other, that offices are granted them, by virtue whereof they meddle with civil affairs."

[2.] Touching the one, it reacheth no farther than only unto restraint of liberty by imprisonment (which yet is not done but by the laws of the land, and by virtue of authority derived from the prince). A thing which being allowable in priests amongst the Jews, must needs have received some strange alteration in nature since, if it be now so pernicious and venomous to be coupled with a spiritual vocation in any man which beareth office in the Church of Christ. Shemaiah writing to the college of priests which were in Jerusalem, and to Zephaniah the principal of them, told them they were appointed of God, "that they might be officers in the house of the Lord, for every man which raved, and did make himself a prophet<sup>2</sup>," to the end that they might by the force of this their authority "put such in prison and in the stocks." His malice is reproved, for that he provoketh them to shew their power against the innocent. But surely, when any man justly punishable had been brought before them, it could be no unjust thing for them even in such sort then to have punished.

[3.] As for offices by virtue whereof bishops have to deal in civil affairs, we must consider that civil affairs are of divers

<sup>1</sup> [Adm. ap. Whitg. Def. 749. "In that they have civil offices joined to the ecclesiastical, it is against the word of God. As for an archbishop to be a lord president, a lord bishop to be a county palatine, a prelate of the garter, who hath much to do at St. George's feast when the Bible is carried before the procession in the cross's place, a justice of peace, a justice of quorum, an high com-

missioner, &c. And therefore they have their prisons, as Clinks, Gatehouses, Colehouses, towers and castles; which is against all the Scriptures; Luke ix. 60, 61; xii. 14; Rom. xii. 7; 1 Tim. vi. 11; 2 Tim. ii. 3, 4;" Answ. 114, &c.; T. C. i. 206, al. 165, &c.; Def. 749, &c.; T. C. iii. 1-31; Decl. of Discipl. 39-44, ed. 1617.]

<sup>2</sup> Jer. xxix. 26.

kinds, and as they be not all fit for ecclesiastical persons to meddle with, so neither is it necessary, nor at this day haply convenient, that from meddling with any such thing at all they all should without exception be secluded. I will therefore set down some few causes, wherein it cannot but clearly appear unto reasonable men that civil and ecclesiastical functions may be lawfully united in one and the same person.

First therefore, in case a Christian society be planted amongst their professed enemies, or by toleration do live under some certain state whereinto they are not incorporated, whom shall we judge the meetest man to have the hearing and determining of such mere civil controversies as are every day wont to grow between man and man? Such being the state of the church of Corinth, the Apostle giveth them this direction, "Dare any of you having business against another be judged by the unjust, and not under saints? Do ye not know that the saints shall judge the world? If the world then shall be judged by you, are ye unworthy to judge the smallest matters? Know ye not that we shall judge the angels? how much more things that appertain to this life? If then ye have judgment of things pertaining to this life, set up them which are least esteemed in the Church. I speak it to your shame; is it so that there is not a wise man amongst you? no not one that can judge between his brethren, but a brother goeth to law with a brother and that under the infidels? Now therefore there is utterly a fault among you, because ye go to law one with another; why rather suffer ye not wrong, why rather sustain ye not harm<sup>1</sup>?" In which speech there are these degrees: better to suffer and to put up injuries, than to contend; better to end contention by arbitrement, than by judgment; better by judgment before the wisest of their own, than before the simpler; better before the simplest of their own, than the wisest of them without; So that if judgment of secular affairs should be committed unto wise men, unto men of chiefest credit and account amongst them, when the pastors of their souls are such, who more fit to be also their judges for the ending of strifes? The wisest in things divine may

<sup>1</sup> 1 Cor. vi. 1-7.

BOOK VII. be also<sup>1</sup> in things human the most skilful. At leastwise they  
Ch. xv. 3. are by likelihood commonly more able to know right from  
wrong than the common unlettered sort.

And what St. Augustine did hereby gather, his own words do sufficiently shew. "I call God to witness upon my soul," saith he<sup>2</sup>, "that according to the order which is kept in well-ordered monasteries, I could wish to have every day my hours of labouring with my hands, my hours of reading and of praying, rather than to endure these most tumultuous perplexities of other men's causes, which I am forced to bear while I travel in secular businesses, either by judging to discuss them, or to cut them off by entreaty: unto which toils that Apostle, who himself sustained them not, for any thing we read, hath notwithstanding tied us not of his own accord, but being thereunto directed by that Spirit which speaks in him. His own apostleship which

<sup>1</sup> Vide Barnab. Brisson. [Bernabé Brisson, an eminent French lawyer under Henry III, hung by the Leaguers Nov. 1591.] Antiq. Jur. lib. iv. c. 16. ["Conjunctam olim fuisse juris divini et humani scientiam. Ridiculum videtur nonnullis jurisprudentiam rerum divinarum et humanarum notitiam ab Ulpiano definiri, quod existimant rerum divinarum cognitionem nihil cum juris civilis scientia commune habere. Atqui ex veteribus memoriis certissimum est in utriusque facultatis cognitione consultos pares fuisse, tenuisseque et edocuisse eos quibus hostiis, quibus diebus, quo ritu, ad quæ templa sacra facienda essent, quæ sepulchrorum monumentorumque jura, quæ justorum funebrium solemnia essent. Quæ ad jus publicum et divinum referebantur omnia." p. 136. Paris. 1606.]

<sup>2</sup> Aug. de Oper. Monach. c. 29. [t. vi. 499. "Dominum Jesum, in cujus nomine securus hæc dico, testem invoco super animam meam, quoniam quantum attinet ad meum commodum, multo mallem per singulos dies, certis horis, quantum in bene moderatis monasteriis constitutum est, aliquid

"manibus operari, et cæteras horas habere ad legendum et orandum aut aliquid de divinis literis agendum liberas, quam tumultuosissimas perplexitates causarum alienarum pati, de negotiis sæcularibus vel judicando dirimendis, vel interveniendo præcidendis: quibus nos molestiis idem affixit Apostolus, non utique suo, sed ejus qui in eo loquebatur arbitrio; quas tamen ipsum perpessum fuisse non legimus: aliter enim se habebat Apostolatus ejus discursus... Sapientes ergo qui in locis consistebant, fideles et sanctos, non qui hac atque illac propter evangelium discurrebant, talium negotiorum examinatores esse voluit. Unde nunquam de illo scriptum est quod aliquando talibus vacaverit, a quibus nos excusare non possumus, etiamsi contemptibiles sumus, quia et hos collocari voluit, si sapientes de fuissent, potius quam ut negotia deferrentur in forum. Quem tamen laborem non sine consolatione Domini suscipimus, pro spe vitæ æternæ, ut fructum feramus cum tolerantia." Quoted by Bp. Jewel in Whitg. Answ. 325. See T. C. i. 171; Def. 771; T. C. iii. 26; Sarav. de Hon. Præs. c. 20.]

BOOK VII. "drew him to travel up and down, suffered him not to be  
Ch. xv. 4. 5. "any where settled to this purpose; wherefore the wise, faithful and holy men which were seated here and there, and not them which travelled up and down to preach, he made examiners of such businesses. Whereupon of him it is no where written, that he had leisure to attend these things, from which we cannot excuse ourselves although we be simple: because even such he requireth, if wise men cannot be had, rather than the affairs of Christians should be brought into public judgment. Howbeit not without comfort in our Lord are these travels undertaken by us, for the hope's sake of eternal life, to the end that with patience we may reap fruit." So far is St. Augustine from thinking it unlawful for pastors in such sort to judge civil causes, that he plainly collecteth out of the Apostle's words a necessity to undertake that duty; yea himself he comforteth with the hope of a blessed reward, in lieu of travel that way sustained.

[4.] Again, even where whole Christian kingdoms are, how troublesome were it for universities and other greater collegiate societies, erected to serve as nurseries unto the Church of Christ, if every thing which civilly doth concern them were to be carried from their own peculiar governors, because for the most part they are (as fittest it is they should be) persons of ecclesiastical calling? It was by the wisdom of our famous predecessors foreseen how unfit this would be, and hereupon provided by grant of special charters that it might be as now it is in the universities; where their vice-chancellors, being for the most part professors of divinity, are nevertheless civil judges over them in the most of their ordinary causes.

[5.] And to go yet some degrees further; a thing impossible it is not, neither altogether unusual, for some who are of royal blood to be consecrated unto the ministry of Jesus Christ, and so to be nurses of God's Church, not only as the Prophet<sup>1</sup> did foretell, but also as the Apostle St. Paul was. Now in case the crown should by this mean descend unto such persons, perhaps when they are the very last, or perhaps the very best of their race, so that a greater benefit they are not able to bestow upon a kingdom than by accept-

<sup>1</sup> Isaiah xlix. 23.