By dependency we mean subordination and subjection. A manifest token of which dependency may be this: as there is no more certain argument that lands are held under any as lord, than if we see that such lands in defect of heirs do fall by escheat unto him; in like manner it doth rightly follow, that seeing dominion, when there is none to inherit it, returneth unto the body, therefore they which before were inheritors thereof did hold it with dependency upon the body. So that by comparing the body with the head, as touching power, it seemeth always to reside in both; fundamentally or radically in the one, in the other derivatively; in the one the habit, in the other the act of power.

May then a body politic at all times withdraw in whole or in part that influence of dominion which passeth from it, if inconvenience doth grow thereby? It must be presumed, that supreme governors will not in such case oppose themselves, and be stiff in detaining that the use whereof is with public detriment: but surely without their consent I see not how the body should be able by any just means to help itself, saving when dominion doth escheat. Such things therefore must be thought upon beforehand, that power may be limited ere it be granted; which is the next thing we are to consider.

[11.] In power of dominion, all kings have not an equal latitude. Kings by conquest make their own charter: so that how large their power, either civil or spiritual, is, we cannot with any certainty define, further than only to set them in general as the law of God and nature for bounds. Kings by God's own special appointment have also that largeness of power, which he doth assign or permit with approbation. Touching kings which were first instituted by agreement and composition made with them over whom they reign, how far their power may lawfully extend, the articles of compact between them must shew: not the articles only of compact at the first beginning, which for the most part are either clean worn out of knowledge, or else known unto very few, but whatsoever hath been after in free and voluntary manner condescended unto, whether by express consent, whereof positive laws are witnesses, or else by silent allowance famously notified through custom reaching beyond the memory of man. By which means of after-agreement, it cometh many times to pass in kingdoms, that they whose ancient predecessors were by violence and force made subject, do grow even by little and little into that most sweet form of kingly government which philosophers define to be regency willingly sustained and endured, with chiefy of power in the greatest things.

[12.] Many of the ancients in their writings do speak of kings with such high and ample terms, as if universality of power, even in regard of things and not of persons only, did appertain to the very being of a king. The reason is, because their speech concerning kings they frame according to the state of those monarchs to whom unlimited authority was given: which some not observing, imagine that all kings, even in that they are kings, ought to have whatsoever power they find any sovereign ruler lawfully to have enjoyed. But the most judicious philosopher, whose eye scarce any thing did escape which was to be found in the bosom of nature, he considering how far the power of one sovereign ruler may be different from another's regal authority, noteth in Spartan kings, that of all others lawfully reigning they had the...
BOOK VIII. "most restrained power." A king which hath not supreme power in the greatest things, is rather entitled a king, than invested with real sovereignty. We cannot properly term him a king, of whom it may not be said, at the leastwise, as touching certain the very chiefest affairs of state, αὐτῶν ἰδίων ἄρχειν, ἅρχειν ὑπὸ αὐτοῦ, "his right in them is to "have rule, not subject to any other predominant." I am not of opinion that simply always in kings the most, but the best limited power is best: the most limited is, that which may deal in fewest things; the best, that which in dealing is tied unto the soundest, perfectest, and most indifferent rule; which rule is the law; I mean not only the law of nature and of God, but every national or municipal law consonant thereunto. Happier that people whose law is their king in the greatest things, than that whose king is himself their law. Where the king doth guide the state, and the law the king, that commonwealth is like an harp or meôdous instrument, the strings whereof are tuned and handled all by one, following as laws the rules and canons of musical science. Most divinely therefore Archytas maketh unto public felicity these four steps, every later whereof doth spring from the former, as from a mother cause; ὁ μὲν βασιλεὺς νόμωσι, ὁ δὲ ἄρχειν ἀδίκως ὁ δὲ ἀρχέμενος εὐθείως ὁ δὲ ἀδίκως κουναία εἰδαίμονας, adding on the contrary side, that "where this order is not, it "cometh by transgression thereof to pass the king "growth" a tyrant; he that ruleth under him abhorreth

How far Papists allow the King's Supremacy.

"to be guided and commanded by him; the people subject "under' both, have freedom under neither; and the whole "community is wretched."

[13.] In which respect, I cannot choose but commend highly their wisdom, by whom the foundations of this commonwealth have been laid; wherein though no manner person or cause be unsubject to the king's power, yet so is the power of the king over all and in all limited, that unto all his proceedings the law itself is a rule. The axioms of our regal government are these: "Lex facit regem: " the king's grant of any favour made contrary to the law is void; "Rex nihil potest nisi "quod jure potest." Our kings therefore, when they take possession of the room they are called unto, have it painted out before their eyes, even by the very solemnities and rites of their inauguration, to what affairs by the said law their supreme authority and power reacheth. Crowned we see they are, and enthroned, and anointed: the crown a sign of military; the throne, of sedentary or judicial; the oil, of religious or sacred power.

[14.] It is not on any side denied, that kings may have such authority in secular affairs. The question then is, "What "power they lawfully may have, and exercise in causes of "God." "A prince, a magistrate, or community," saith D. Stapleton, "may have power to lay corporal punishment on "them which are of perversity things; power to "make laws for the peace of the Church; power to proclaim, "to defend, and even by revenge to preserve from violation "dogmata, very articles of religion themselves." Others

* by him, or commanded E. unto E.Q.L. the E.C. manner of person E.Q.C.L. the om. D. are to take E.C. crown E. pointed E.Q.L. same E.Q.C.L. power and authority E.Q.C.L. and om. E. military dominion E.Q.C.L. and E.Q.L. such om. E.C.L. may lawfully E.C. punishments D. from violation om. E. which inserts it after themselves. the very E.


* Choppin. [René Chopin, 1537-1605] de Sacra Politia foresenti. Fab. 1577, and 1589. Praefat. [This reference is from the Dublin MS. Hooker quotes from the dedication of the edition of 1589, addressed to Cardinal Bourbon under the name of Charles X. "Regnum istud est, civiliumque magistro-

* This English in text of E. om. D. in marg. Q.C.L.
in allowing a Kind of Supremacy to the King.

BOOK VIII. 
Ch. ii. 15.

The prince and civil magistrate, saith one of them, hath to see that the laws of God touching his worship, and touching all matters and orders of the Church be executed, and duly observed; and to see that every ecclesiastical person do that office whereunto he is appointed, and to punish those which fail in their office accordingly. Another acknowledgeth, that the magistrate may lawfully uphold all truth by his sword, punish all persons, enforce all to do their duties unto God and men; maintain by his laws every point of God's word, punish all vice in all men; see into all causes, visit the ecclesiastical estate, and correct the abuses thereof; finally, to look to his subjects, that under him they may lead their lives in all godliness and honesty. A third more frankly professeth, that in case their church-discipline were established, so little it shorteneth the arms of sovereign dominion in causes ecclesiastical, that her gracious Majesty, for any thing which they teach or hold to the contrary, may no less than now remain still over all persons, in all things supreme governance, even with that full and royal authority, superiority, preeminence, supremacy, and prerogative, which the laws already established do give her, and her Majesty's injunctions, and the articles of the Convocation house, and other writings apologetical of her royal authority and supreme dignity, do declare and explain."

[15] Posidonius was wont to say of the Epicure, "That he thought there were no gods, but that those things which he spake concerning the gods were only given out for fear of growing odious amongst men; and therefore that in words he left gods remaining, but in very deed overthrew them, inasmuch as he gave them no kind of motion, no kind of action." After the very selfsame manner, when we come ing any jot of that which with reason may be thought due.

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[4] D. Bridges, contained in his answer to the preface before the Discourse. [c. 44.] "Posidonius dissentit in
of order, and of that power of jurisdiction, which is with it unseparably joined; power to administer the word and sacraments, power to ordain, to judge as an ordinary, to bind and loose, to excommunicate, and such like: thirdly, that even in these very actions which are proper unto dominion, there must be some certain rule, whereunto kings in all their proceedings ought to be strictly tied; which rule for proceedings in ecclesiastical affairs and causes by regal power, hath not hitherto been agreed upon with so uniform consent and certainty as might be wished. The different sentences of men herein I will now go about to examine, but it shall be enough to propose what rule doth seem in this case most reasonable.

[17.] It hath been declared already in general, how “the best established dominion is where the law doth most rule” “the king:” the true effect whereof particularly is found as well in ecclesiastical as in civil affairs. In these the king, through his supreme power, may do great things and sundry himself; both appertaining unto peace and war, both at home, by command and by commerce with states abroad, because so much the law doth permit. Some things on the other side, the king alone hath no power to do without consent of the lords and commons assembled in parliament: the king of himself cannot change the nature of pleas, nor courts, no not so much as restore blood; because the law is a bar unto him; not any law divine or natural, for against neither it were though kings of themselves might do both, but the positive laws of the realm have abridged therein and restrained the king’s power; which positive laws, whether by custom or otherwise established without repugnancy unto the law of God and nature, ought no less to be of force even in the spiritual.*


[1 Vid. supra, § 2, 3]
Limitations of the King's Ecclesiastical Power:

BOOK VIII.

affairs of the Church. Wherefore in regard of ecclesiastical laws, we willingly embrace that of Ambrose, "Imperator bonus intra ecclesiam, non supra ecclesiam, est; kings have dominion to exercise in ecclesiastical causes, but according to the laws of the Church." Whether it be therefore the nature of courts, or the form of pleas, or the kind of governors, or the order of proceedings in whatsoever spiritual businesses; for the received laws and liberties of the Church the king hath supreme authority and power, but against them, none.

What such positive laws have appointed to be done by others than the king, or by others with the king, and in what form they have appointed the doing of it, the same of necessity must be kept, neither is the king's sole authority to alter it.

Yea even as it were a thing unreasonable, if in civil affairs the king (albeit the whole universal body did join with him) should do any thing by their absolute supreme power for the ordering of their state at home, in prejudice of any of those ancient laws of nations which are of force throughout the world, because the necessary commerce of kingdoms dependeth on them; so in principal matters belonging to Christian religion, a thing very scandalous and offensive it must needs be thought, if either kings or laws should dispose of the affairs of God, without any respect had to that which of old hath been reverently thought of throughout the world, and wherein there is no law of God which forceth us to swerve from the way wherein so many and so holy ages have gone.

Wherefore not without good consideration the very law itself hath provided, "That judges ecclesiastical appointed under the king's commission shall not adjudge for heresy any thing but that which heretofore hath been so adjudged..."

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analagous to those of his civil Prerogative.

BOOK VIII.

by the authority of the canonical scriptures, or by the first four general councils, or by some other general council wherein the same hath been declared heresy by the express words of the said canonical scriptures, or such as hereafter shall be termed heresy by the high court of parliament of this realm, with the assent of the clergy in the convocation! By which words of the law who doth not plainly see, how in that one branch of proceeding by virtue of the king's supreme authority, the credit which those four general councils have throughout all churches evermore had, was judged by the makers of the foresaid act a just cause wherefore they should be mentioned in that case, as a requisite part of the rule wherewith dominion was to be limited. But of this we shall further consider, when we come unto that which sovereign power may do in making ecclesiastical laws.

[18.] The cause of deriving supreme power from a whole With what entire multitude unto some special part thereof, is partly the necessity of expedition in public affairs; partly the inconvenience of confusion and trouble, where a multitude of equals dealeth; and partly the dissipation which must needs ensue in companies, where every man wholly seeketh his own particular (as we all would do, even with other men's hurt) and haply the very overthrow of ourselves in the end also, if for procurement of the common good of all men, by keeping every several man in order, some were not armed with authority over all, and encouraged with prerogatives of honour to sustain the weight burden of that charge. The good which is proper unto each man belongeth to the common good of all, as a part of the whole's perfection; but yet these two

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9 determined to be E.Q.C.L. [The phrase of the statute is, "as adjudged to be." I that in E.Q.C.L. four first E.C. church, and eremore E. making E.L. 2 it D. the E.C. E. This marginal note om. E.C. [Fulm. For what inconvenience.] four case E. 2662. into E.C.L. inconvenience E.L. hurts E. themselves E. * the procurement E.C. invested E. arrayed suarg. Q. prerogative honour E. 2 as part to the whole perfection E. as part of L.C. as part to Q. yet om. E.C.L.

1 An. 1. Reg. Eliz. [1 Eliz. c. 1. "of 16 Car. I. c. 11, yet these rules § 36.] 2 It hath been generally held in ecclesiastical courts in relation to "that although the high commission "resy." Hawkins. 4. ap. Burn. "court was abolished by the statute Eccl. Law, II. 277. ed. 1786.]