

external and visible; this likewise being spiritual in regard of the matter about which it dealeth, and being his, inasmuch as he approveth whatsoever is done by it, must notwithstanding be distinguished also from that power whereby he himself in person administereth the former kind of his own spiritual regiment, because he himself in person doth not administer this. We do not, therefore, vainly imagine, but truly and rightly discern a power external and visible in the Church, exercised by men, and severed in nature from that spiritual power of Christ's own regiment, which power is termed spiritual, because it worketh secretly, inwardly, and invisibly; his, because none doth or<sup>o</sup> can it personally exercise, either besides or together with him. So<sup>p</sup> that him only we may name our Head, in regard of this<sup>q</sup>, and yet, in regard of that other power differing<sup>r</sup> from this, term others also besides him heads, without any contradiction at all.

[11.] Which thing may very well serve for answer unto that also which they further allege against the foresaid distinction, namely<sup>1</sup>, "that even in<sup>a</sup> the outward society<sup>t</sup> and "assemblies of the Church, where one or two are gathered<sup>u</sup> "in his name, either for hearing of the word, or for prayer, "or any other church-exercise, our Saviour Christ being in "the midst of them as Mediator, must needs be there as "head<sup>x</sup>: and if he be there not<sup>y</sup> idle, but doing the office of "the head fully, it followeth that even in the outward society<sup>z</sup> "and meetings of the Church, no mere man can be called the "head of it, seeing that our Saviour Christ doing the whole "office of the head himself alone, leaveth nothing to men by "doing whereof they may obtain that title."

Which objection I take as being made for nothing but only to maintain argument. For they are not so far gone as to argue thus in sooth and right good earnest. "God standeth," saith the Psalmist, "in the midst of gods;" if God be there present, he must undoubtedly be present as a God<sup>a</sup>; if he be there not<sup>b</sup> idle, but doing the office of a God fully, it followeth,

<sup>o</sup> nor E.Q.C.L.    <sup>p</sup> seeing E.    <sup>q</sup> his E.    <sup>r</sup> differing om. E.    <sup>s</sup> in om. E.  
<sup>t</sup> societies E.Q.    <sup>u</sup> gathered together E.L.    <sup>x</sup> must be their head E.    must needs be their head C.L.    <sup>y</sup> not their E.C. there E'.    <sup>z</sup> societies E.Q.C.  
<sup>a</sup> as God E.C.    <sup>b</sup> not there E. there om. C.

<sup>1</sup> T. C. lib. ii. p. 415.

that God himself alone doing the whole office of a God, leaveth nothing in such assemblies unto any other, by doing whereof they may obtain so high a name. The Psalmist therefore hath spoken amiss, and doth ill to call judges gods. Not so; for as God hath his office differing from theirs, and doth fully discharge it even in the very<sup>c</sup> midst of them, so they are not thereby<sup>d</sup> excluded from all kind of duty for which that name should be given unto them also, but in that duty for which it was given them they are encouraged religiously and carefully to order themselves. After the self-same manner, our Lord and Saviour being in the midst of his Church as Head, is<sup>e</sup> our comfort, without the<sup>f</sup> abridgment of any one duty, for performance whereof others are termed heads in another kind than he is.

[12.] If there be of the ancient Fathers which say, "There<sup>g</sup> "is but one Head of the Church, Christ; and that the minister "which<sup>h</sup> baptizeth cannot be the head of him which<sup>i</sup> is bap- "tized, because Christ is the head of the whole Church: and "that Paul could not be the<sup>k</sup> head of the Churches<sup>l</sup> which "he planted, because Christ is Head<sup>m</sup> of the whole body<sup>1</sup>;" they understand the name of head in such sort as we grant that it<sup>n</sup> is not applicable to any other, no not in relation to the

<sup>c</sup> very om. E.C.    <sup>d</sup> hereby E.C.L.    <sup>e</sup> as D.    <sup>f</sup> and not the D.    <sup>g</sup> that there E.Q.C.L.    <sup>h</sup> that E.Q.C.L.    <sup>i</sup> that E.    <sup>k</sup> the om. E.L.    <sup>l</sup> Church E.    <sup>m</sup> the head E.Q.C.L.    <sup>n</sup> it om. D.

<sup>1</sup> T. C. ii. 413. ["As it hath certain ground in the Scripture that this title of Head of the Church is too high to be given unto any man, so hath it been confirmed from time to time by writers both old and new, which have had the honour of Christ in any convenient estimation... Cyprian saith, "there is but one head of the Church." De Simplicitate Prælatorum," (i.e. de Unitate Ecclesiæ: "Ecclesia Domini... ramos suos in universam terram copia ubertatis extendit... Unum tamen caput est, et origo una." p. 195. ed. Baluz.) "The bishop of Sarisbury affirmeth the same. Apol. p. 2. c. 2. div. i." ("Christ alone is the prince of this kingdom; Christ alone is the head of this body; Christ alone is the

"bridegroom of this spouse.") "Augustine proveth that the minister which baptizeth cannot be the head of him which is baptized, "because Christ is the Head of the whole Church. Contr. Lit. Petil. "i. [4.] 5." ("Id enim agunt isti, "ut origo, radix, et caput baptizati non nisi ille sit a quo baptizatur... "O humana temeritas et superbia "... Cur non sinis ut semper sit "Christus origo Christiani, in "Christo radicem Christianus infigat, Christus Christiano sit caput?... An vero Apostolus Paulus "caput est et origo eorum quos "plantaverat... cum dicat, nos multos unum esse corpus in Christo, "ipsumque Christum caput esse "universi corporis?" t. ix. 208. comp. lib. iii. c. 42. p. 322.)

least part of the whole Church : he which baptizeth, baptizeth into Christ : he which converteth, converteth unto<sup>o</sup> Christ ; he which ruleth, ruleth for Christ. The whole Church can have but one to be head as lord and owner of all : wherefore if Christ be Head in that kind, it followeth, that no other can be so<sup>p</sup> else either to the whole or to any part<sup>q</sup>.

\* \* \* \* \*

V. [1.] <sup>r</sup>The consuls of Rome Polybius affirmeth<sup>1</sup> to have had a kind of regal authority, in that they might call together the senate and people whensoever it pleased them. Seeing therefore the affairs of the Church and Christian religion are public affairs, for the ordering whereof more solemn assemblies sometimes are of as great importance and use, as they are for secular affairs ; it seemeth no less an act of supreme authority to call the one than the other. Wherefore amongst sundry other<sup>s</sup> prerogatives of Simon's dominion over the Jews, this<sup>t</sup> is reckoned as<sup>2</sup> not the least, "that no man might gather any "great assembly in the land without him." For so the manner of Jewish regiment had always been, that whether the cause for which men assembled themselves in peaceable, good, and orderly course<sup>u</sup>, were ecclesiastical or civil, supreme authority should assemble them. David gathered all Israel together unto Jerusalem, when the ark was to be removed ; he assembled the sons of Aaron and the Levites<sup>3</sup>. Solomon did the like at such time as the temple was to be dedicated<sup>4</sup>: when the Church was to be reformed, Asa in his time did the same : the same upon like occasions done afterwards by Joas, Ezekias, Josias, and others<sup>5</sup>.

[2.] <sup>x</sup>The ancient imperial law<sup>6</sup> forbiddeth such assemblies

<sup>o</sup> into E. <sup>p</sup> besides can be so E. <sup>q</sup> Here the Dublin MS. goes back to p. 386. "The last difference . . . . spiritual government." p. 388. <sup>r</sup> E.C.L.Q. begin this paragraph with the word "amongst," in lin. 14, transposing all that goes before it so as to come in after "and others." <sup>s</sup> other om. E.C. <sup>t</sup> there E. <sup>u</sup> sort E.Q.C.L. <sup>x</sup> Before this paragraph two insertions are made in E.Q.C.L. 1. From "The Consuls" to "Wherefore," noticed above note <sup>r</sup>. 2. From "The clergy" to "shall not need," as below, p. 395. The two are connected thus: "Wherefore the clergy," &c.

<sup>1</sup> Polyb. lib. vi. de Milit. ac Domest. Rom. Discipl. [c. 12.]  
<sup>2</sup> 1 Macc. xiv. 44.  
<sup>3</sup> 1 Chr. xv. 3, 4.  
<sup>4</sup> 1 Reg. viii. 1.  
<sup>5</sup> 2 Chr. xv. 9 ; xxiv. 5 ; xxx. 1 ; xxxiv. 29.  
<sup>6</sup> Dig. xvii. 22. De Collegiis Illicitis [et Corporibus.] L. i. [1. "Mandatis principalibus præcipitur præsidibus provinciarum, ne patiantur esse collegia sodalitia, neve milites collegia in castris habeant . . . ne sub prætextu hujusmodi illicitum collegium coeant . . . Sed religionis causa coire non prohibentur : dum tamen per hoc non fiat contra senatus con-

as the emperor's authority did not cause to be made. Before BOOK VIII. emperors became Christian<sup>r</sup>, the Church had never any synod Ch. v. 2. general<sup>s</sup>; their greatest meetings<sup>a</sup> consisted<sup>b</sup> of bishops and others the gravest in each province. As for the civil governor's authority, it suffered them only as things not regarded or accounted<sup>c</sup> of, at such times as it did suffer them. So that what right a Christian king hath as touching assemblies of that kind we are not able to judge, till we come unto later times, when religion had won the hearts of the highest powers. Constantine (as Pighius<sup>1</sup> doth grant) was not only the first that ever did call any general council together, but even the first that devised the calling of them for consultation about the business<sup>d</sup> of God. After he had once given the example, his successors<sup>2</sup> a long time followed the same ; in-somuch that S. Jerome, to disprove the authority of a synod which was pretended to be general, useth<sup>e</sup> this as a forcible argument<sup>3</sup>, "Dic quis imperator hanc synodum jusserit con-vocari." Their answer hereunto is no answer, which say, "that <sup>f</sup>emperors did not this without conference had with

<sup>r</sup> Christians E.C.L. <sup>s</sup> general synod E.C. <sup>a</sup> meeting E.Q.C.L.  
<sup>b</sup> consisting E. consists C. <sup>c</sup> not accounted E.Q.C.L. <sup>d</sup> businesses E.  
<sup>e</sup> used D. <sup>f</sup> the om. D.

"sultum." 3. "Nisi ex senatus consulti auctoritate, vel Cæsaris, collegium, vel quodcunque tale corpus coierit: contra senatus consultum, et mandata, et constitutiones collegium celebrat." Cod. Just. i. 3. De Episc. et Presbyt. [et Cler. L. 15.] De Illicit. Conventiculis. ["Conventicula illicita etiam extra Ecclesiam in privatis aedibus celebrari prohibemus; proscriptionis domus periculo imminente, si dominus ejus in ea clericos nova ac tumultuosa conventicula extra ecclesiam celebrantes suscepit." A.D. 404.]

<sup>1</sup> Hieron. cont. Ruffinum, lib. ii. [§ 20. St. Jerome, as appears by the context, was rather disputing the existence than the authority of the alleged synod. "Responde, quæso, synodus, a qua excommunicatus est (S. Hilarius), in qua urbe fuit? "Dic episcoporum vocabula; profer sententias subscriptionum . . . Doce qui eo anno consules fuerint, quis imperator hanc synodum jusserit congregari: Galliæ tantum episcopi fuerint, an et Italiæ et Hispaniæ: certe quam ob causam synodus congregata sit. Nihil horum nominas." t. ii. 513. ed. Vallars.]

\* These references are in part supplied by the MSS. D. and L.

BOOK VIII. "bishops:" for to our purpose it is enough, if the clergy  
Ch. v. 2. alone did it not otherwise than by the leave or<sup>s</sup> appointment  
of their sovereign lords and kings.

Whereas therefore it is on the contrary side alleged, that Valentinian the elder<sup>1</sup> being requested by Catholic bishops to grant that there might be a synod for the ordering of matters called in question by the Arians, answered, that he being one of the laity might not meddle with such affairs<sup>h</sup>, and thereupon wished<sup>i</sup>, that the priests and bishops, to whom the care of those things belonged<sup>k</sup>, should meet and consult thereof<sup>l</sup> by themselves wheresoever<sup>m</sup> they thought good: we must together<sup>n</sup> with the emperor's speech weigh the occasion and the<sup>o</sup> drift thereof. Valentinian and Valens, the one a Catholic, the other an Arian, were emperors together: Valens the governor of the east, Valentinian<sup>p</sup> of the west empire. Valentinian therefore taking his journey from the east part into the west<sup>q</sup>, and passing for<sup>r</sup> that intent through Thracia, the bishops there<sup>s</sup> which held the soundness of Christian belief, because they knew that Valens was their professed enemy, and therefore if the other were<sup>t</sup> once departed out of those quarters, the Catholic cause was like to find small<sup>u</sup> favour, moved presently Valentinian about a council to be

<sup>1</sup> the *om.* D. <sup>s</sup> and E.Q.C.L. <sup>h</sup> matters E.C. <sup>i</sup> willed E.Q.L. called C. <sup>k</sup> belongeth E.Q.C.L. <sup>l</sup> together E.C. <sup>m</sup> where E. <sup>n</sup> together *om.* E. <sup>o</sup> the *om.* E.Q.C. <sup>p</sup> and Valentinian E.C. <sup>q</sup> east unto the west parts E. <sup>r</sup> to D. <sup>s</sup> there the bishops E. <sup>t</sup> was E.C. <sup>u</sup> very small E.C.L.Q.

<sup>1</sup> Sozomen. lib. vi. cap. 7. [Οἱ περὶ Ἑλλησποντον καὶ Βιθυνίαν ἐπίσκοποι, καὶ ὅσοι ἄλλοι ὁμοούσιον τῷ Πατρὶ τὸν Υἱὸν λέγειν ἤξιουν, προβάλλονται πρεσβεῖν ὑπὲρ αὐτῶν Ὑπατιανὸν . . . ὥστε ἐπιτραπήναι συνελθεῖν ἐπὶ διορθώσει τοῦ δόγματος προσελθόντος δὲ αὐτοῦ, καὶ τὰ παρὰ τῶν ἐπισκόπων διδάξαντος, ὑπολαβὼν Οὐλαεντινιανός, ἐμοὶ μὲν, ἔφη, μετὰ λαοῦ τεταγμένῳ, οὐ θέμις ἐστὶ τοιαῦτα πολυπραγμανεῖν. οἱ δὲ ἱερεῖς οἷς ταῦτα μέλει καθ' ἑαυτοὺς ὅπη βούλονται συνίτωσαν.] Ambros. Epist. 32. [21. t. ii. 860. Ad Valentinian. ii. "Augustæ memorizæ pater tuus "non solum sermone respondit sed

"etiam legibus suis sanxit, in causa "fidei vel ecclesiastici alicujus ordinis eum judicare debere, qui "nec munere impar sit nec jure dissimilis; hæc enim verba rescripti "sunt, hoc est, sacerdotis de sacerdotibus voluit judicare . . . Pater "tuus, Deo favente . . . dicebat, Non "est meum judicare inter episcopos."] Quanquam longe aliter Nicephorus, lib. vii. c. 12\*. [xi. 3. where Valentinian is represented as saying, Ἐμοί, πράγμασιν ἐνεληγμένῳ, καὶ τὰ τοῦ πλήθους ἐπιτετραμμένῳ, οὐκ εὐχερὲς τὰ τοιαῦτα διερευνᾶσθαι.]

\* This reference *om.* E.C.

assembled under the countenance of his authority; who by  
BOOK VIII. likelihood considering what inconvenience might thereby  
Ch. v. 2. grow<sup>x</sup>, inasmuch as it could not be but a mean<sup>y</sup> to incense  
Valens the more against them, refused himself to be author  
of, or present at any such assembly; and of this his denial  
gave them a colourable reason, to wit, that he was although  
an emperor, yet a secular person, and therefore not able in  
matters of so great obscurity to sit as a competent judge; but,  
if they which were bishops and learned men did think good  
to consult thereof together, they might. Whereupon when  
they could not obtain that which they most desired, yet that  
which was<sup>z</sup> granted them<sup>a</sup> they took, and forthwith had a  
council. Valentinian went on towards Rome, they remaining  
in consultation till Valens which accompanied him returned  
back; so that now there was no remedy, but either to incur a  
manifest contempt, or else at the hands even<sup>b</sup> of Valens  
himself to seek approbation of that they had done. To him,  
therefore, they became suitors: his answer was short, "Either  
"Arianism, or else<sup>c</sup> exile, which they would;" whereupon  
their banishment ensued. Let reasonable men therefore  
now<sup>d</sup> be judges, how much this example of Valentinian doth  
make against the authority, which we say that sovereign  
rulers may lawfully have as concerning synods and meetings  
ecclesiastical.

<sup>e</sup>The clergy, in such wise gathered together, is an ecclesiastical senate, which with us, as in former times the chiefest prelate at his discretion did use to assemble, so<sup>f</sup> afterwards in such considerations as have been before specified, it seemed<sup>g</sup> more meet to annex the said prerogative unto the crown. The plot of reformed discipline not liking hereof<sup>h</sup> so well, taketh order that every former assembly before it break<sup>i</sup> up should itself appoint both the time and place of their after meeting again. But because I find not any thing on that side particularly alleged against us herein, a longer disputation about so plain a cause shall not need.

<sup>x</sup> grow thereby E.C. <sup>y</sup> means E.C.L. <sup>z</sup> he E.Q.C.L. <sup>a</sup> unto them E.Q.C.L. <sup>b</sup> even *om.* E. <sup>c</sup> else *om.* E.C.L. <sup>d</sup> now therefore E.Q.C.L. <sup>e</sup> This passage, from "The clergy" to "shall not need," in E.C.L.Q. occurs before, viz. after "the other. Wherefore" in p. 392. <sup>f</sup> that afterward E. [Fulm. del.] <sup>g</sup> seemeth D. <sup>h</sup> thereof E.C. <sup>i</sup> breaketh E.Q.C.L.

VI. [1.] The natural subject of power<sup>1</sup> civil all men confess to be the body of the commonwealth: the good or evil estate whereof dependeth so much upon the power of making laws, that in all well settled states, yea though they be monarchies, yet diligent care is evermore had that the commonwealth do not clean resign up herself and make over this power wholly into the hands of any one. For this cause William, whom we call the Conqueror, making war against England in right of his title to the crown, and knowing that as inheritor thereof he could not lawfully change the laws of the land by himself, for that the English commonwealth had not invested their<sup>m</sup> kings before with the fulness of so great power; therefore he took the style and title of a conqueror. Wherefore, as they themselves cannot choose but grant that the natural subject of power to make laws civil is the commonwealth; so we affirm that in like congruity the true original subject of power also to make church-laws is the whole entire body of that church for which they are made. Equals cannot impose laws and<sup>a</sup> statutes upon their equals. Therefore neither may any one man indifferently impose canons ecclesiastical upon another, nor yet one church upon another. If they go about at any time to do it, they must either shew some commission sufficient for their warrant, or else be justly condemned of presumption in the sight both of God and men. But nature itself doth abundantly authorize the Church to make laws and orders for her children that are within her. For every whole thing, being naturally of greater power than is any part thereof, that which a whole church will appoint may be with reason exacted indifferently of any within the compass of the same church, and so bind all unto strict obedience.

[2.] The greatest agents of the bishop of Rome's inordinate sovereignty strive against no one point with such earnestness as against this, that jurisdiction (and in the name of jurisdiction they also comprehend the power of dominion spiritual)

<sup>t</sup> This whole §, down to the words "laws thereof," is inserted here from the Dublin MS. [It does not appear in E. 1648, 1651, or Gauden, 1662.] It might not improperly be marked as a fragment, as it evidently has not been brought into coherence with what comes before and after. It appears to be the introduction of this part of the treatise, as re-written by the author, but not yet finished off so as to smooth the transitions and avoid repetition. The marginal heading is transferred, as the subject seemed to require, from the beginning of the following section, "The case is," &c. <sup>1</sup> will E.Q.C.L. <sup>m</sup> hir D. <sup>a</sup> or E.Q.C.L.

should be thought originally to be the right of the whole Church; and that no person hath or can have the same, otherwise than derived from the body of the Church.

The reason wherefore they can in no wise brook this opinion is, as friar Soto confesseth<sup>1</sup>, because they which make councils above popes do all build upon this ground, and therefore even with teeth and all they that favour the papal throne must hold the contrary. Which thing they do. For, as many as draw the chariot of the pope's preeminence, the first conclusion which they contend for is<sup>2</sup>: The power of jurisdiction ecclesiastical doth not rest derived from Christ immediately into the whole body of the Church, but into the prelacy. Unto the prelacy alone it belongeth; as ours also do imagine, unto the governors of the Church alone it was first given, and doth appertain, even of very divine right, in every church established to make such laws concerning orders and ceremonies as occasion doth require.

[3.] Wherein they err, for want of observing as they should, in what manner the power whereof we speak was instituted. One thing it is to ordain a power, and another thing to bestow the same being ordained: or, to appoint the special subject of it, or the person in whom it shall rest. Nature hath appointed that there should be in a civil society power to make laws; but the consent of the people (which are that society) hath instituted the prince's person to be the subject wherein supremacy of that power shall reside. The act of instituting

<sup>1</sup> Soto in 4 Sent. [ubi infra. "Gerson in Tract. Potest. Eccles." (cons. iv, xi.)... "atque alii fautores "illius opinionis, quod concilium "est supra papam, arbitrati suam "opinionem ex hoc fundamento "pendere, aiunt, potestatem eccle- "siasticam jurisdictionis in utroque "foro residere in tota universitate "Ecclesie, hoc est, in toto corpore "... Jure enim naturæ potestas re- "gendi rempubl. in tota ipsa est, "et in nullo seorsim membro, nisi "ab ipsa eligatur, ut est videre in "antiquo regimine Romanorum... "Nisi quod illæ quæ rege guber- "nantur ipsum elegerunt, in quem "suam transtulerunt auctoritatem, "quæ jure hæreditario perpetuo "succederet in suam sobolem, juxta

"tenorem legis, *Quod principi pla- "cuit.* Sic ergo aiunt existere po- "testatem in corpore Ecclesie im- "mediate." Which opinion he pro- ceeds to combat on the ground of the apostolical charter granted in Scripture.] <sup>2</sup> Potestas jurisdictionis ecclesiasticæ non residet in toto corpore im- mediate, sed in prælatis. Caiet. [Thomas de Vio, of Gaeta, Dominican theologian, 1469-1534.] in Opusc. de comp. Pap. et Concil. [t. i. tract. i. c. xii.] Turrecr. [John Torquemada of Valladolid, Dominican theologian, 1388-1468.] Summ. Eccl. l. 2. c. 71. [fol. 196, 197. Venet. 1561. apud] Soto in 4 Sent. Dist. 20 q. 1. art. 4.

BOOK VIII.  
Ch. vi. 4.  
—+—  
such power may and sometimes doth go in time before the act of conferring or bestowing it. And for bestowing it there may be order two ways taken: namely, either by appointing thereunto some certain person, one or many; or else, without any personal determination, and with appointment only of some determinate condition touching the quality of their persons (whosoever they be that shall receive the same), and for the form or manner of taking it.

Now God himself preventeth sometimes these communities, himself nominateth and appointeth sometimes the subject wherein their power shall rest, and by whom either in whole or in part it shall be exercised; which thing he did often in the commonwealth of Israel. Even so Christ having given unto his Church the power whereof we speak, what she doth by her appointed agents, that duty though they discharge, yet is it not theirs peculiarly, but hers; her power it is which they do exercise. But Christ hath sometimes prevented his Church, conferring that power and appointing it unto certain persons himself, which otherwise the Church might have done. Those persons excepted which Christ himself did immediately bestow such power upon, the rest succeeding have not received power as they did, Christ bestowing it upon their persons; but the power which Christ did institute in the Church they from the Church do receive, according to such laws and canons as Christ hath prescribed, and the light of nature or Scripture taught men to institute.

But in truth the whole body of the Church being the first original subject of all mandatory and coercive power within itself, in case a monarch of the world together with his whole kingdom under him receive Christianity, the question is whether the monarch of that commonwealth may without offence or breach of the law of God have and exercise power of dominion ecclesiastical within the compass of his own territories, in such ample sort as the kings of this land may do by the laws thereof.

\* \* \* \* \*  
1 [4.] °The case<sup>p</sup> is not<sup>a</sup> like when such assemblies are

° This portion of the work, to "assent not asked?" p. 407, is omitted in the edition of 1651, but found in part in Clavi Trabales, p. 73-76, &c. and was

1 [Possibly this paragraph might case it should stand as § 1 of this be meant as a transition from the chapter. It is here given as in the former chapter to this: in which Dubl. MS.]

BOOK VIII.  
Ch. vi. 5.  
—+—  
gathered together by supreme authority concerning other affairs of the Church, and when they meet about the making of<sup>r</sup> ecclesiastical laws or statutes. For in the one they are only to advise, in the other they are<sup>s</sup> to decree. The persons which are of the one, the King doth voluntarily assemble, as being in respect of gravity<sup>t</sup> fit to consult withal; them which are of the other he calleth by prescript of law, as having right to be thereunto called. Finally, the one are but themselves, and their sentence hath but the weight of their own judgment; the other represent the whole clergy, and their voices are as much as if all did give personal verdict. Now the question is, Whether the clergy alone so assembled ought to have the whole power of making ecclesiastical laws, or else consent of the laity may thereunto be made necessary, and the King's assent so necessary, that his sole denial may be of force to stay them from being laws.

[5.] If they with whom we dispute were uniform, strong and constant in that which they say, we should not need to trouble ourselves about their persons to whom the power of making laws for the Church belongeth<sup>u</sup>. For they are sometimes very vehement in contention, that from the greatest thing unto the least about the Church, all must needs be immediately from God. And to this they apply<sup>1</sup> the pattern of the ancient tabernacle which God delivered unto Moses, and was therein so exact, that there was not left so<sup>x</sup> much as the least pin for the wit of man to devise in the framing of it.

What laws may be made for the affairs of the Church, and to whom the power of making them appertaineth.

inserted by Bishop Gauden in his edition of Hooker's works, 1662. It occurs in MSS. Q.C.L. but much later, viz. where Bishop Gauden inserted it, after the words "defence of the truth therein," at the end of c. viii. On the authority of the MS. D, confirmed by internal evidence, it is now placed here. <sup>p</sup> cause E. <sup>r</sup> of om. Cl. <sup>s</sup> they are om. E. <sup>t</sup> quality E.Q.C.L. <sup>u</sup> belongs E. <sup>x</sup> as E.Q. Cl. Trab.

1 [Eccl. Disc. transl. by T. C. p. 4. ed. 1617; comp. T. C. i. 84. al. 63. ap. Whitg. Def. 305. "Moses that was the overseer of the work was a wise and a godly man; the artificers that wrought it, Bezaleel and Aholiab, most cunning workmen: and yet observe how the Lord leaveth nothing to their will, but telleth not only of the boards, "of the curtains, of the apparel; "but also of the bars, of the rings, "of the strings, of the hooks, of the "besoms, of the snuffers," &c. . . . "If in the shadows, how much more "in the body. . . Is it a like thing. . . "that he that then remembered the "pins did here forget the master "builders?"]