by the hand of Moses, without their free and open consent. 

Wherefore to define and determine even of the church's affairs by way of assent and approbation, as laws are defined of in that right of power, which doth give them the force of laws; thus to define of our own church's regiment, the parliament of England hath competent authority.

Touching the

supremacy of power which our kings have in this case of making laws, it resteth principally in the strength of a negative voice; which not to give them, were to deny them that without which they were but kings by mere title, and not in exercise of dominion. Be it in states of a regiment popular, aristocratical, or regal, principality resteth in that person, or those persons, unto whom is given the right of excluding any kind of law whatsoever it be before establishment. This doth belong unto kings, as kings; pagan emperors even Nero himself had not less, but much more than this in the laws of his own empire. That he challenged not any interest in giving voice in the laws of the church, I hope no man will so construe, as if the cause were conscience, and fear to encroach upon the Apostles' right.

If then it be demanded by what right from Constantine downward, the Christian emperors did so far intermeddle with the church's affairs, either we must herein condemn them utterly, as being over presumptuously bold, or else judge that by a law which is termed Regia, that is to say royal, the people having derived into the emperor their whole power for making of laws, and by that mean his edicts being made laws, what matter soever they did concern, as imperial dignity endowed them with competent authority and power to make laws for religion, so they were taught by Christianity to use their power, being Christians, unto the benefit of the Church of Christ. Was there any Christian bishop in the world which did then judge this repugnant unto the dutiful subjection which Christians do owe to the pastors of their souls? to whom,

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410 Papal Sanction to Parliamentary Church Legislation.

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Puritan Claims self-contradictory.

BOOK VIII. in respect of their sacred order, it is not by us, neither may be
denied, that kings and princes are as much as the very meanest
that liveth under them, bound in conscience to shew them-

selves gladly and willingly obedient, receiving the seals of
salvation, the blessed sacraments, at their hands, as at the
hands of our Lord Jesus Christ, with all reverence, not dis-
\n
daining to be taught and admonished by them, not withholding
\n
from them as much as the least part of their due and
decent honour. All which, for any thing that hath been
alleged, may stand very well without resigniation of supremacy
of power in making laws, even laws concerning the most
spiritual affairs of the Church.

Which laws being made amongst us, are not by any of us
so taken or interpreted, as if they did receive their force from
power which the prince doth communicate unto the parliament,
or to any other court under him, but from power which the
whole body of this* realm being naturally possessed with, hath
by free and deliberate assent derived unto him that ruleth over
them, so far forth as hath been declared. So that our laws
made concerning religion, do take originally their essence from
the power of the whole realm and church of England, than
which nothing can be more consonant unto the law of nature
and the will of our Lord Jesus Christ.

[12.] To let these go, and to\ return to our own men,
"Ecclesiastical governors," they say\, "may not meddle with
"the\ making of civil laws, and of laws for the commonwealth;
"nor the civil magistrate, high or low, with making of orders
"for the Church." It seemeth unto me very strange, that
\n
those men which are in no cause more vehement and fierce,

than where they plead that ecclesiastical persons may not
•reve\ view, be lords\, should hold that the power of making
ecclesi\lal laws, which thing is of all other\ most proper unto

* nor E.Q.C.L. * the E. \, to em. E.C.L. \, the om. E.Q. \, of all other is E. is most
\n
proper of all other C. 1 T. C. lib. i. p. 92. (292 D.) [al.
154. ap. Whig. Def. 695. "As for
1 the making of the orders and ce-
\n
renonies of the Church, they do
1 (where there is a constituted and
1 "ordered church,) pertain unto the
1 ministers of the Church and to
1 the ecclesiastical governors; and
1 "as they meddle not with the
1 "making of civil laws for the com-
1 "monwealth, so the civil magistrate
1 "hath not to ordain ceremonies per-
1 "taining to the Church."

Their oversight growth herein for want of exact observation,
what it is to make a law. Tully, speaking of the law of nature,
saith, "That thereof God himself was inventor, disce\p\tor, la\tor,
1 the devisor, the discusser, the deliverer:" wherein he
plainly alluded unto the chiefest parts\ which then did apper-
tain to this\ public action. For when laws were made, the
first thing was to have them devised; the second, to sift them
with as much exactness of judgment as any way might be used;
the next, by solemn voice of sovereign authority to pass them,
and give them the force of laws. It cannot in any reason seem
otherwise than most fit, that unto ecclesiastical persons the
care of devising ecclesiastical laws be committed, even as the
care of civil unto them which are in those affairs most skilful.
This taketh not away from ecclesiastical persons all right of
giving voice with others, when civil laws are proposed for
regiment of that\ commonwealth, whereof themselves, (how-
soever now the world would have them annihilated,) are
notwithstanding as yet a part: much less doth it cut off that
part of the power of princes, whereby, as they claim, so we
know no reasonable cause wherefore we may not grant them,
without offence to Almighty God, so much authority in making
all manner of laws within their own dominions, that
\n

neither civil nor ecclesiastical do pass without their royal

assent. In devising and discussing of laws, wisom is spe-
cially\ required: but that which establisheth\ and maketh
them, is power, even power of dominion; the chiefy whereof,
amongst us, resteth in the person of the king. Is there any
law of Christ's which forbiddeth kings and rulers of the earth
to have such sovereign and supreme power in the making of
laws, either civil or ecclesiastical? If there be, our contro-
versy hath an end.

[13.] Christ in his church hath not appointed any such law
to concerning temporal power, as God did of old deliver\ unto
the commonwealth of Israel; but leaving that to be at the

1 [De Rep. iii. ap. Lactant. vi. 8.]

\n
defi of om. E.C.L. * especially is E. * establisheth them E.C.L.Q.
\n
deliver om. E.Q.C.L.
414 Absurdity of excluding Kings from Church Legislation.

They that received the law of Christ, were for a long time people scattered in sundry kingdoms, Christianity not exempting them from the laws which they had been subject unto, saving only in such cases as those laws did enjoin that which the religion of Christ forbade. Hereupon grew their manifold persecutions throughout all places where they lived: as oft as it thus came to pass, there was no possibility that the emperors and kings under whom they lived, should meddle any whit at all with making laws for the Church. From Christ therefore having received power, who doubteth, but as they did, so they might bind themselves to such orders as seemed fittest for the maintenance of their religion, without the leave of high or low in the commonwealth; forasmuch as in religion it was divided utterly from them, and they from it.

But when the mightiest began to like of the Christian faith, by their means whole free states and kingdoms became obedient unto Christ. Now the question is, whether kings by embracing Christianity do therein receive any such law, as taketh from them the weightiest part of that sovereignty which they had even when they were heathens: whether being infidels they might do more in causes of religion, than now they can by the law of God, being true believers. For whereas in regal states, the king or supreme head of the commonwealth, had before Christianity a supreme stroke in the making of laws for religion: he must by embracing Christian religion utterly thereof deprive himself, and in such causes become a subject to his own subjects, having even within his own dominions them whose commandment he must obey; unless this power be placed in the hand of some foreign spiritual potentate: so that either a foreign or domestical commander upon earth he must needs admit more now than before he had, and that in the chiefest things whereupon commonwealths do stand. But apparent it is unto all men, who are not strangers in the doctrine of Jesus Christ, that no state in the world receiving Christianity is by any law therein contained.

bound to resign the power which they lawfully held before; but over what persons and in what causes soever the same hath been in force, it may so remain and continue still. That which as kings they might do in matter of religion, and did in matter of false religion, being idolaters or superstitious kings, the same they are now even in every respect as fully authorized to do in all affairs pertinent unto the state of true Christian religion.

And concerning their supreme power of making laws for all persons in all causes to be guided by, it is not to be let pass, that the head enemies of this headship are constrained to acknowledge the king endowed even with this very power, so that he may and ought to exercise the same, taking order for the Church and her affairs of what nature or kind soever, in case of necessity: as when there is no lawful ministry, which they interpret then to be (and this surely is a point very markable), wherein the ministry is wicked. A wicked ministry no lawful ministry; and in such sort no lawful ministry, that what doth belong to them as ministers by right of their calling, the same to be annihilated in respect of their bad qualities; their wickedness in itself a deprivation of right to deal in the affairs of the Church, and a warrant for others to deal in them which are held to be of a clean other society, the members whereof have been before so peremptorily for ever excluded from power of dealing with the affairs of the Church.

T. C. lib. iii. p. 159 (51 E.) T. C. i. 193. al. 155. ap. Whitg. Def. 701, says, "We say, that if there be no lawful ministry to set good orders, 'as in ruinous decay and overthrow of religion,' that then the prince ought to do it; and if (when there is a lawful ministry) it shall agree of any unlawful or unmeet order, that the prince ought to stay that order, and not to suffer it, but to drive them to that which is lawful and meet." And iii. 159: (quoting Jewel and Nowell:)

Christian princes have rather to do with these matters than ignorant and wicked priests. In case of necessity (meaning when the ministry is wicked) the prince ought to provide for convenient remedy: the very selfsame thing which we maintain, in saying, when there is no lawful ministry, that then the prince ought to take order in these things.
They which have once thoroughly learned this lesson, will quickly be capable perhaps of another equivalent unto it. For if the wickedness of the ministry transfer its right unto the king; in case the king be as wicked as they, to whom then shall the right descend? There is no remedy, all must come by devolution at the 6th length, even as the family of Brown will have it, unto the godly among the people; for confusion unto the wise and the great, the poor and the simple, some Knipperdolgh with his retinue, must take the work of the Lord in hand; and the making of church laws and orders must prove to be their right in the end. If not for love of the truth, yet for very 1 shame of so gross absurdities, let thesecontentions and shifting fantasies be abandoned.

The cause which moved them for a time to hold a wicked ministry no lawful authority; and in this defect of a lawful ministry, kings authorized to make laws and orders for the affairs of the Church, till the Church be well established, is surely this: First, they see that whereas the continual dealing of the kings of Israel in the affairs of the Church doth make

...now very strongly against them, the burden thereof they shall in time well enough shake off, if it may be obtained that it is for kings lawful indeed to follow those holy examples, howbeit no longer than during the foresaid case of necessity, while the wickedness, and in respect thereof the unlawfulness of the ministry doth continue. Secondly, they perceive right well, that unless they should yield authority unto kings in case of such supposed necessity, the discipline they urge were clean excluded, as long as the clergy of England doth thereunto remain opposite. To open therefore a door for her entrance, there is no remedy but the tenet must be this: that now when the ministry of England is universally wicked, and, in that respect, hath lost all authority, and is become no lawful ministry, no such ministry as hath the right which otherwise should belong unto them, if they were virtuous and godly as their adversaries are; in this necessity the king may do somewhat for the Church: that which we do imply in the name of headship, he may both have and exercise till they be entered which will disburden and ease him of it; till they come, the king is licensed to hold that power which we call headship. But what afterwards? In a church [well] ordered, that which the supreme magistrate hath, is to see that the "laws of God touching his worship, and touching all matters and orders of the Church, be executed and duly observed; to see that every ecclesiastical person do that office wherever unto he is appointed; to punish those that fail in their "office." In a word, (that which Allen himself acknowledged) unto the earthly power which God hath given him it doth belong to defend the laws of the Church, to cause them to be executed, and to punish the transgressors of the same. On all sides therefore it is confessed, that to the king belongeth power of maintaining laws made for church regiment,
What Part the King takes in appointing Bishops.

BOOK VIII.

Ch. vi. 16.

and of causing them to be observed; but principality of power in making them, which is the thing that we attribute unto kings, this both the one sort and the other do withstand: although not both in such sort but that still it is granted by the one that albeit ecclesiastical councils consisting of church officers did frame the laws whereby the church affairs were ordered in ancient times, yet no canon, no not of any council, had the force of a law in the Church, unless it were ratified and confirmed by the emperor being Christian. Seeing therefore it is acknowledged, that it was then the manner of the emperor to confirm the ordinances which were made by the ministers, which is as much in effect to say that the emperor had in church ordinances a voice negative;—and that without his confirmation they had not the strength of public ordinances;—why are we condemned as giving more unto kings than the Church did in those times, we giving them no more but that supreme power which the emperor did then exercise with much larger scope than at this day any Christian king either doth or possibly can use it over the Church? The Prince's power in the advancement of Bishops unto the rooms of prelacy.

VI. Touching the advancement of prelates unto their rooms by the king; whereas it seemeth in the eyes of many a thing very strange that prelates, the officers of God's own sanctuary, than which nothing is more sacred, should be made by persons secular; there are that will not have kings be altogether of the laity, but to participate that sanctified power which God hath endued his clergy with, and that in such respect they are anointed with oil. A shift vain and needless. For as much as, if we speak properly, we cannot say kings do make, but that they only do place, bishops. For in a bishop there are these three things to be considered; the power whereby he is distinguished from other pastors; the special portion of the clergy and people over whom he is to exercise that bishoply power; and the place of his seat or throne, together with the profits, preeminences, honours thereunto belonging. The first every bishop hath by consecration; the second his election investeth him with; the third he receiveth of the king alone.

[2.] With consecration the king intermeddieth not further than only by his letters to present such an elect bishop as shall be consecrated. Seeing therefore that none but bishops do consecrate, it followeth that none but they only do give unto every bishop his being. The manner of uniting bishops as heads, unto the flock and clergy under them, hath often

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