

BOOK VIII. grave<sup>d</sup> authentical words<sup>1</sup>, "Be it enacted by the authority  
Ch. vi. xx. "of this present parliament, that all and singular articles  
"and clauses contained in the said dispensation, shall remain  
"and be reputed and taken to all intents and constructions in  
"the laws of this realm, lawful, good and effectual to be  
"alleged and pleaded in all courts ecclesiastical and temporal,  
"for good and sufficient matter either for the plaintiff or  
"defendant, without any allegation or objection to be made  
"against the validity of them by pretence of any general  
"council, canon, or decree to the contrary." Somewhat belike  
they thought there<sup>e</sup> was in this mere temporal court, without  
which the pope's own mere ecclesiastical legate's dispensation  
had taken small effect in the Church of England; neither did  
they or the cardinal himself, as then, imagine<sup>f</sup> any thing com-  
mitted against the law of nature or of God, because they took  
order for the Church's affairs, and that even in the court of  
parliament.

The most natural and religious course in making of<sup>g</sup> laws  
is, that the matter of them be taken from the judgment of the  
wisest in those things which they are to concern. In matters  
of God, to set down a form of public<sup>h</sup> prayer, a solemn con-  
fession of the articles of Christian<sup>i</sup> faith, rites<sup>j</sup> and ceremonies  
meet for the exercise of religion; it were unnatural not to  
think the pastors and bishops of our souls a great deal more  
fit, than men of secular trades and callings: howbeit, when all  
which the wisdom of all sorts can do is done for devising<sup>k</sup> of  
laws in the Church, it is the general consent of all that giveth  
them the form and vigour of laws, without which they could  
be no more unto us than the counsels of physicians to the sick:  
well might they seem as wholesome admonitions and instruc-  
tions, but laws could they never be without consent of the  
whole Church, which is the only thing that bindeth each mem-  
ber of the Church<sup>l</sup>, to be guided by them. Whereunto both  
nature and the practice of the Church of God set down in  
Scripture, is found every way so fully consonant, that God  
himself would not impose, no not his own laws upon his people

<sup>d</sup> grand D.    <sup>e</sup> there om. D.    <sup>f</sup> neither did they or the cardinal imagine E.  
or the cardinal himself, as they imagine, any thing commit Q; commit any thing  
C.L.    <sup>g</sup> of om. E.Q.C.L.    <sup>h</sup> public om. E.C.L.    <sup>i</sup> the Christian E.  
<sup>j</sup> rites om. E.    <sup>k</sup> the devising E.    <sup>l</sup> This clause om. E.

<sup>1</sup> An. 1 et 2 Phil. et Mar. c. 8.

by the hand of Moses, without their free and open consent. BOOK VIII.  
Wherefore to define and determine even of the church's affairs Ch. vi. xx.  
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<sup>1</sup> 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<sup>m</sup> by mere title,  
and not in exercise of dominion. Be it in states of<sup>n</sup> regi-  
ment popular, aristocratical, or regal, principality resteth in  
that person, or those persons, unto whom is given the<sup>o</sup> right  
of excluding any kind of law whatsoever it be before esta-  
blishment. This doth belong unto kings, as kings; pagan  
emperors even Nero himself had not<sup>p</sup> less, but much more  
than this in the laws of his own empire. That he challenged  
not any interest in<sup>q</sup> 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 down-  
ward, the Christian emperors did so far intermeddle with the  
church's affairs, either we must herein condemn them utterly<sup>r</sup>,  
as being over presumptuously bold, or else judge that by a  
law which is termed *Regia*, that is to say royal<sup>s</sup>, the people  
having derived into<sup>t</sup> the emperor their whole power for  
making of laws, and by that mean<sup>u</sup> his edicts being made laws<sup>1</sup>,  
what matter soever they did concern, as imperial dignity en-  
dowed<sup>x</sup> them with competent authority and power to make laws  
for religion, so they were taught<sup>y</sup> 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,

<sup>1</sup> that E.Q.C.L.    <sup>m</sup> kings but E.    <sup>n</sup> states of om. E.    <sup>o</sup> the om. E.  
<sup>p</sup> no E.C.L.    <sup>q</sup> of E.Q.C.L.    <sup>r</sup> utterly om. E.C.L.    <sup>s</sup> regal E.C.  
<sup>t</sup> unto their emperors E.Q.C.L.    <sup>u</sup> means E.C.L.Q.    <sup>x</sup> endued E.    <sup>y</sup> thought E.

<sup>1</sup> "Quod principi placuit, legis  
"habet vigorem: cum lege Regia, Inst. [lib. i. t. 2.] de J. N. G. et C.  
"quæ de ejus imperio lata est, po- [§ 6.]  
"pulus ei et in eum omne imperium

\* "cum . . . concedat" om. E.C.L.

BOOK VIII. in respect of their sacred order, it is not by us, neither may be  
Ch. vi. 12. denied, that kings and princes are as much as the very meanest  
that liveth under them, bound in conscience to shew themselves 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 disdain- ing to be taught and admonished by them, not<sup>2</sup> withhold- ing 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 resignation 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<sup>a</sup> 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<sup>b</sup> return to our own men; "Ecclesiastical governors," they say<sup>1</sup>, "may not meddle with "the<sup>c</sup> 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 those<sup>d</sup> men which are in no cause more vehement and fierce, than where they plead that ecclesiastical persons may not *κυριεύειν*, *be lords*<sup>e</sup>, should hold that the power of making ecclesiastical laws, which thing is of all other<sup>f</sup> most proper unto

<sup>a</sup> nor E.Q.C.L.      <sup>b</sup> the E.      <sup>c</sup> to om. E.C.L.      <sup>d</sup> the om. E.Q.  
<sup>e</sup> these E.Q.C.L.      <sup>f</sup> *be lords* om. D.      <sup>g</sup> of all other is E. is most proper of all other C.

<sup>1</sup> T. C. lib. i. p. 92. (292 D.) [al. 154. ap. Whitg. Def. 695. "As for "the making of the orders and ce- "remonies of the Church, they do " (where there is a constituted and "ordered church,) pertain unto the "ministers of the Church and to "the ecclesiastical governors; and "as they meddle not with the "making of civil laws for the com- "monwealth, so the civil magistrate "hath not to ordain ceremonies per- "taining to the Church."]

BOOK VIII. dominion, belongeth to none but persons ecclesiastical<sup>g</sup> only. Their oversight groweth herein for want of exact observation, Ch. vi. 13. what it is to make a law. Tully, speaking of the law of nature, saith, "That thereof God himself was *inventor, disceptator, lator*, "the deviser, the discussor, the<sup>h</sup> deliverer<sup>1</sup>:" wherein he plainly alludeth unto the chiefest parts<sup>i</sup> which then did apper- tain to this<sup>k</sup> 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<sup>l</sup> commonwealth, whereof themselves, (how- soever<sup>m</sup> 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 of<sup>n</sup> all manner of laws within their own dominions, that neither civil nor ecclesiastical do pass without their royal assent. In devising and discussing of laws, wisdom is spe- cially<sup>o</sup> required: but that which establisheth<sup>p</sup> and maketh them, is power, even power of dominion; the chiefly 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 concerning temporal power, as God did of old deliver<sup>q</sup> unto the commonwealth of Israel; but leaving that to be at the

<sup>g</sup> ecclesiastical persons E.C.      <sup>h</sup> and E. and the C.L.      <sup>i</sup> part D.      <sup>k</sup> his  
E.C.L. [Fulm. this.]      <sup>l</sup> the E.L.      <sup>m</sup> though E. however C.  
<sup>n</sup> of om. C.L.      <sup>o</sup> especially is E.      <sup>p</sup> establisheth them E.C.L.Q.  
<sup>q</sup> deliver om. E.Q.C.L.

<sup>1</sup> [De Rep. iii. ap. Lactant. vi. 8.]

BOOK VIII. world's free choice, his chiefest care was<sup>q</sup> that<sup>t</sup> the spiritual  
 Ch. vi. 13. law of the Gospel might be published far and wide.

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<sup>n</sup>. 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<sup>x</sup> 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<sup>v</sup> 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<sup>z</sup> 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<sup>a</sup> making of laws for religion: he must by embracing Christian religion utterly thereof deprive himself<sup>b</sup>, and in such causes become a<sup>c</sup> subject to his own<sup>d</sup> subjects, having even within his own dominions them whose commandment he must obey; unless this<sup>e</sup> power be placed in the hand<sup>oo</sup> of some foreign spiritual potentate: so that either a foreign or domestical commander upon<sup>f</sup> earth he must needs<sup>g</sup> admit, more now than before he had, and that in the chiefest things whereupon commonwealths do stand. But apparent it is unto all men which are not strangers in<sup>h</sup> the doctrine of Jesus Christ, that no state in<sup>i</sup> the world receiving Christianity is by any law therein contained

<sup>q</sup> is E. <sup>t</sup> that om. D. <sup>u</sup> did forbid E. <sup>x</sup> them E. <sup>y</sup> thereby E.Q.  
<sup>z</sup> laws E.C. <sup>a</sup> the om. E.Q.C.L. <sup>b</sup> deprive himself thereof E. <sup>c</sup> a om.  
 E.Q.C.L. <sup>d</sup> own om. E.Q.C.L. <sup>e</sup> his E. [Fulm. this] L. <sup>oo</sup> head E'.  
 Gauden, '62, '76, '82. <sup>f</sup> on D. <sup>g</sup> needs om. E.Q.C.L. <sup>h</sup> unto E.Q. <sup>i</sup> of E.

BOOK VIII. bound to resign the power which they lawfully held before: but over what persons and in what causes soever the same hath  
 Ch. vi. 14. been in force, it may so remain and continue still. That which as kings they might do in matter<sup>k</sup> of religion, and did in matter of false religion, being idolaters<sup>l</sup> or<sup>m</sup> superstitious kings, the same they are now even in every respect as<sup>n</sup> fully authorized to do in all affairs pertinent unto the state of true Christian<sup>o</sup> religion.

[14.] <sup>p</sup>And concerning their<sup>q</sup> supreme power of<sup>r</sup> 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<sup>l</sup> the king endowed<sup>s</sup> 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<sup>t</sup>), whensoever<sup>u</sup> the ministry is wicked. A wicked ministry no<sup>x</sup> lawful ministry<sup>y</sup>; 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<sup>z</sup>; 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<sup>a</sup> of the Church.

<sup>k</sup> matters E.C.L. <sup>l</sup> idolatrous E.Q.C.L. <sup>m</sup> and E.C. <sup>n</sup> as om. E.  
<sup>o</sup> true and Christian D. <sup>p</sup> The passage which follows, down to "over the  
 "Church," p. 419, is placed by the Dublin MS. before "There are which wonder,"  
 &c. c. vi. 9. The margin of D. has, "Power to make laws." <sup>q</sup> the E.C.L.  
<sup>r</sup> for D. <sup>s</sup> endowed E. <sup>t</sup> remarkable E.C.L. <sup>u</sup> wheresoever E.Q.C.L.  
<sup>x</sup> is no E. <sup>y</sup> ministry? D. <sup>z</sup> quality? D. <sup>a</sup> dealing for ever with affairs E.

<sup>1</sup> T. C. lib. iii. p. 159 (51 E.) [T. C. 159: (quoting Jewel and Nowell);  
 i. 193. al. 155. ap. Whitg. Def. 701, "Christian princes have rather to  
 says, "We say, that if there be no  
 "lawful ministry to set good orders  
 "as in ruinous decays and over-  
 "throws 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.  
 "do with these matters than igno-  
 "rant 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<sup>b</sup> their 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<sup>c</sup> length, even as the family of Brown will have it<sup>1</sup>, unto the godly among the people; for confusion unto<sup>d</sup> the wise and the<sup>e</sup> great, the poor and the simple<sup>f</sup>, some Knipperdoling<sup>g</sup> with his retinue, must take the<sup>h</sup> work of the Lord in hand; and the making of church laws and orders<sup>h</sup> must prove to be their right in the end. If not for love of the truth, yet for very<sup>i</sup> shame of so<sup>k</sup> gross absurdities, let these contentions<sup>l</sup> and shifting<sup>m</sup> fancies be abandoned.

The cause which moved them for a time to hold a wicked ministry no lawful ministry; and in this defect of a lawful ministry, kings authorized<sup>n</sup> to make laws and orders for the affairs of the Church, till the Church be well<sup>o</sup> 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

<sup>b</sup> transfers E. <sup>c</sup> the *om.* E.C.Q. <sup>d</sup> to D. <sup>e</sup> and to the D.E.  
<sup>f</sup> the great, by the poor and the simple; some Knipperdoling, &c. E. Gauden. Kimperdoling E. G. Knipperdoling 1676. *But all the MSS. omit by: which seems to indicate the change of punctuation here adopted.* <sup>g</sup> this E.C.L. <sup>h</sup> and orders *om.* D. <sup>i</sup> very *om.* E. <sup>k</sup> so *om.* E. <sup>l</sup> *qu.* contentious?  
<sup>m</sup> stifling E. [trifling Fulm. Q. *in marg.*] <sup>n</sup> authorized kings E. <sup>o</sup> till it were well E.

<sup>1</sup> [See at the end of Greenwood's "Answer to G. Gifford's pretended "Defence of Read Prayers," 1590, a circular letter from the bishop of London (Aylmer) to his clergy, with "A Brief of the Positions holden by "the new sectory of Recusants:" of which the 10th is, "That if the "prince, or magistrate under her, "do refuse, or defer to reform, such "faults as are amiss in the Church, "the people may take the reforming "of them into their own hands, before or without her authority." And in a subsequent paper, Art. 6. "They affirm that the people must "reform the Church and not tarry "for the magistrate." Their own reply is, "We go not about to reform your Romish bishopricks, "deans, officers, advocates, courts, "canons, neither your popish priests, "half priests, ministers, all which

"come out of the bottomless pit: "but we leave those merchantmen "and their wares with the curse of "God upon them until they repent "... We are to obey God rather than "man, and if any man be ignorant "let him be ignorant still. We are "not to stay from doing the Lord's "commandment upon the pleasure "or offence of any."]

<sup>2</sup> [Bernard Knipperdoling, of Munster, one of the leaders of the anabaptists in the tumult of 1533, and designated by Sleidan as "facile "primus ejus factionis." Commentar. b. x. f. 106. ed. Argentorat. 1559. "Vaticinatur Cnipperdolingus, fore "ut in summo gradu collocati deturbentur, alii autem e sordibus "et infimis emergant subselliis: deinde jubet omnia templa destrui." Ibid.]

now very strongly<sup>p</sup> against them, the burden thereof<sup>q</sup> they shall in time well enough shake off, if it may be obtained that it is for kings lawful indeed<sup>r</sup> to follow those<sup>s</sup> holy examples, howbeit no longer than during the foresaid<sup>t</sup> 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<sup>u</sup> 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<sup>1</sup>, 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 whereunto he is appointed; to punish those that fail in their "office<sup>x</sup>." In a word, (that which Allen himself acknowledgeth<sup>2</sup>), 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<sup>y</sup> of the same.

On all sides therefore it is confessed, that to the king belongeth power of maintaining laws<sup>z</sup> made for church<sup>a</sup> regiment,

<sup>p</sup> strong E.Q.C.L. <sup>q</sup> whereof E. hereof C. <sup>r</sup> indeed lawful for kings E.C.L. <sup>s</sup> these E.C.L. <sup>t</sup> foresaid *om.* E.C.L.Q. <sup>u</sup> reason C. <sup>x</sup> *vid.* p. 17. [marg. D.] <sup>y</sup> punish rebels and transgressors E.Q.C.L. <sup>z</sup> the laws E.Q.C.L. <sup>a</sup> the church D.

<sup>1</sup> T. C. lib. i. p. 192. [al. 153. ap. Whitg. Def. 694.] "ecclesie leges defendere, negotiorum suscipere executionem, et  
<sup>2</sup> Apol. fol. 40\*. p. 2. [c. iv. p. 67. "Ad terrenam spectat potestatem, quam Deus illis largitus est, "punire rebelles atque transgressores."]

BOOK VIII. and of causing them to be observed; but principality of  
Ch. vi. 14. power in making them, which is the thing that\* we attribute  
unto kings, this both the one sort and the other do<sup>a</sup> with-  
stand<sup>1</sup>: although<sup>2</sup> 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<sup>3</sup>, 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 em-

\* that *om.* E. Q. C. L.

<sup>a</sup> doth D.

<sup>1</sup> [Here in E. Q. C. L. ends the treatise on Legislative Supremacy, and the section "Touching the king's supereminent authority," &c. (c. viii.) begins. But in D. the following passage is inserted: which, occurring as it does afterwards, the first part of it almost *verbatim*, was probably put here *as a note* in the copy from which that MS. was transcribed, and got by mistake into the text. (It appears also in Cl. Trab. p. 71.) "Wherein it is, from the purpose altogether, alleged, that Constantine," &c. (as in c. viii. § 8. to "a matter of theirs :) all which hereupon may be inferred reacheth no further than only unto the administration of church affairs, or the determination of strifes and controversies\* rising about the matter† of religion: it proveth that in former ages of the world it hath been judged most convenient for church officers to have the hearing of causes merely ecclesiastical, and not the emperor himself in person to give sentence of them. No one man can be sufficient for all things. And therefore public affairs are divided, each kind in all well-ordered states allotted unto such kind of persons as reason presumeth fittest to handle them. Reason cannot presume kings ordinarily so skilful as to be personal judges meet for the com-

\* controversy Cl. Tr.

† matters Cl. Tr.

mon hearing and determining of church controversies; but they which are hereunto appointed, and have all their proceedings authorized by such power as may cause them to take effect. The principality of which power in making laws, whereupon all these things depend, is not by any of these allegations proved incommunicable unto kings."

<sup>2</sup> [In a second instance here the order of the Dublin MS. fol. 107; and of Cl. Trab. p. 72, has been departed from; the following passage to the end of this section, as they give it, is quite incoherent, following the extract given above, (note 1,) in this way: "The principality of which power in making laws whereupon all these things depend, is not by any of these allegations proved incommunicable unto kings, although not both in such sort," &c. This being clearly wrong, and the passage as it stands in the text fitting in tolerably well, perhaps the insertion of it on conjecture may not seem too bold.]

<sup>3</sup> T. C. lib. i. p. 193. [al. 154. ap. Def. 698. "By the emperor's epistle in the first action of the council of Constantinople... it appeareth that it was the manner of the emperors to confirm the ordinances which were made by the ministers, and to see them kept."]

peror 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<sup>b</sup>?

VII. 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<sup>1</sup> 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<sup>d</sup> 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<sup>e</sup> election investeth him with; the third he receiveth of the king alone.

[2.] With consecration the king intermeddeth 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<sup>f</sup> do give unto every bishop his being. The manner of uniting bishops as heads, unto the flock and clergy under them, hath often

<sup>b</sup> These sentences from "although not both," p. 418, l. 4, occur only in D. They are followed by the passage "There are which wonder," &c. c. vi. 9. to "Christian religion," p. 415. After which *at an interval*, that MS. proceeds with the words "Touching the advancement," &c. as in the text. <sup>c</sup> This side-note from Cl. Trab. as are all the various readings in this seventh chapter. <sup>d</sup> the people. <sup>e</sup> the. <sup>f</sup> only *om.*

<sup>1</sup> [Vid. Sarav. De Imp. Auct. et Christian. Obedient. lib. iii. c. 37. "Sacredotii præcipua pars relicta regibus." In the coronation of the emperors of Germany at Aix la Chapelle, after their anointing, they put on a deacon's habit: (Goldast. Polit. Imp. p. 71, 80, 95.) "quem amictum quondam imperator Carolus Magnus gestaverat." *ibid.* p. 144.]

BOOK VIII.  
Ch. vii. 1, 2.

The Prince's power in the advancement of Bishops unto the rooms of prelacy.