

pulling down oratories, use the selfsame argument with as much countenance of reason? "If it were needful that we should assemble ourselves in churches, would that God which taught the Jews so exactly the frame of their sumptuous temple, leave us no particular instructions in writing, no not so much as which way to lay any one stone?" Surely such kind of argumentation doth not so strengthen the sinews of their cause, as weaken the credit of their judgment which are led therewith.

[5.] (3.) And whereas thirdly, in disproof [of]^b that use^h which episcopal authority hath in judgment of spiritual causes, they bring forth the verdict of Cyprian, who saith¹, that "equity requireth every man's cause to be heard, where the fault he was charged with was committed, forasmuch as there they may have both accusers and witnesses in the cause;" this argument grounding itself on principles no less true in civil than in ecclesiastical causes, unless it be qualified with some exceptions or limitations, overturneth the highest tribunal seats both in Church and commonwealth; it taketh utterly away all appeals; it secretly condemneth even the blessed Apostle himself², as having transgressed the law of equity, by his appeal from the court of Judæa unto those higher which were in Rome. The generality of such kind of axioms deceiveth, unless it be construed with such cautions as the matter whereunto they are applicable doth require. An usual and ordinary transportation of causes out of Africa into Italy, out of one kingdom into another, as discontented persons list, which was the thing that Cyprian disalloweth, may be unequal and unmeet; and yet not therefore a thing unnecessary to have the courts erected in higher places, and judgment committed unto greater persons, to whom the meaner may bring their causes either by way of appeal or otherwise, to be determined according to the order of justice; which hath been always observed every where in civil states, and is no less requisite also for the state of the

^b So edd. 1676, 1682.

"insuper subruī oportere, nec esse necessaria Christianis sacra loca ad orandum, quoniam æque in taberna et in ecclesia, in foro et in templo, ante altare vel ante stabulum invocatus Deus audit, et

"eos qui merentur exaudit." Fleury, E. H. lxix. 24. t. xiv. 600.]

¹ Cypr. lib. i. Ep. 3. [al. 59. c. 10. vid. supr. c. xii. p. 215, note 1.]

² Acts xxv. 11.

Church of God. The reasons which teach it to be expedient for the one, will shew it to be for the other at leastwise not unnecessary.

Inequality of pastors is an ordinance both divine and profitable: their exceptions against it in these two respects we have shewed to be altogether causeless, unreasonable, and unjust.

XIV. The next thing which they upbraid us with, is the difference between that inequality of pastors which hath been of old, and which now is. For at length they grant, that "the superiority of bishops and of archbishops is somewhat ancient, but no such kind of superiority as ours have." By the laws of our discipline a bishop may ordain without asking the people's consent, a bishop may excommunicate and release alone, a bishop may imprison, a bishop may bear civil office in the realm, a bishop may be a counsellor of state; these things ancient bishops neither did nor might do. Be it granted that ordinarily neither in elections nor deprivations, neither in excommunicating nor in releasing the excommunicate, in none of the weighty affairs of government, bishops of old were wont to do any thing without consultation with their clergy and consent of the people under them. Be it granted that the same bishops did neither touch any man with corporal punishment, nor meddle with secular affairs and offices, the whole clergy of God being then tied by the strict and severe canons of the Church to use no other than ghostly power, to attend no other business than heavenly. Tarquinius was in the Roman commonwealth deservedly hated, of whose unorderly proceedings the history¹ speaketh thus: "Hic regum primus traditum a prioribus morem de omnibus senatum consulendi solvit; domesticis consiliis rempub. administravit; bellum, pacem, fœdera, societates, per seipsum, cum quibus voluit, injussu populi ac senatus, fecit diremitte." Against bishops the like is objected, "That they are invaders of other men's rights, and by intolerable usurpation take upon them to do that alone, wherein ancient laws have appointed that others, not they only, should bear sway."

[2.] Let the case of bishops be put, not in such sort as it

¹ Liv. lib. i. [c. 49.]

is, but even as their very heaviest adversaries would devise it. Suppose that bishops at the first had encroached upon the Church; that by sleights and cunning practices they had appropriated ecclesiastical, as Augustus did imperial power; that they had taken the advantage of men's inclinable affections, which did not suffer them for revenue's¹ sake to be suspected of ambition; that in the meanwhile their usurpation had gone forward by certain easy and unsensible degrees; that being not discerned in the growth, when it was thus far grown as we now see it hath proceeded, the world at length perceiving there was just cause of complaint, but no place of remedy left, had assented unto it by a general secret agreement to bear it now as a helpless evil; all this supposed for certain and true, yet surely a thing of this nature, as for the superior to do that alone unto which of right the consent of some other inferiors should have been required by them; though it had an indirect entrance at the first, must needs, through continuance of so many ages as this hath stood, be made now a thing more natural to the Church, than that it should be oppressed with the mention of contrary orders worn so many ages since quite and clean out of ure.

[3.] But with bishops the case is otherwise; for in doing that by themselves which others together with them have been accustomed to do, they do not any thing but that whereunto they have been upon just occasions authorized by orderly means. All things natural have in them naturally more or less the power of providing for their own safety: and as each particular man hath this power, so every politic society of men must needs have the same, that thereby the whole may provide for the good of all parts therein. For other benefit we have not any by sorting ourselves into politic societies, saving only that by this mean each part hath that relief which the virtue of the whole is able to yield it. The Church therefore being a politic society or body, cannot possibly want the power of providing for itself; and the chiefest part of that power consisteth in the authority of making laws. Now forasmuch as corporations are perpetual, the laws of the ancients Church cannot choose but bind the latter, while they are in force. But we must note withal, that because the body of the Church

¹ [So edd. Query, reverence.] 1886.

continueth the same, it hath the same authority still, and may abrogate old laws, or make new, as need shall require. Wherefore vainly are the ancient canons and constitutions objected as laws, when once they are either let secretly to die by disusage, or are openly abrogated by contrary laws.

[4.] The ancient¹ had cause to do no otherwise than they did; and yet so strictly they judged not themselves in conscience bound to observe those orders, but that in sundry cases they easily dispensed therewith, which I suppose they would never have done, had they esteemed them as things whereunto everlasting, immutable, and undispensable observation did belong. The bishop usually promoted none which were not first allowed as fit, by conference had with the rest of his clergy and with the people: notwithstanding, in the case of Aurelius², St. Cyprian did otherwise. In matters of deliberation and counsel, for disposing of that which belongeth generally to the whole body of the Church, or which being more particular, is nevertheless of so great consequence, that it needeth the force of many judgments conferred; in such things the common saying must necessarily take place, "An eye cannot see that which eyes can³." As for clerical ordinations, there are no such reasons alleged against the order which is, but that it may be esteemed as good in every respect as that which hath been; and in some considerations better; at leastwise (which is sufficient to our purpose) it may be held in the Church of Christ without transgressing any law, either ancient or late, divine or human, which we ought to observe and keep.

[5.] The form of making ecclesiastical officers hath sundry parts, neither are they all of equal moment.

When Deacons having not been before in the Church of

¹ [Not "ancients:" comp. b. v. lxi. 1; infra, xiv. 13. xv. 1, 12.] "illustris adolescens, a Domino jam probatus et Deo carus... bis confessus et bis confessionis suae victoria gloriosus, &c. . . Merebatur talis clericæ ordinationis ultiores gradus et incrementa majora... Sed interim placuit ut ab officio lectoris incipiat."]
² [Ep. xxxiii. p. 46. ed. Baluz. "Presbyteris et diaconibus et universæ plebi salutem. In ordinationibus clericis, fratres clarissimi, solemus vos ante consulere, et mores ac merita singulorum communi consilio ponderare. Sed expectanda non sunt testimonia humana cum præcedunt divina suffragia. Aurelius frater noster, "Plus vident oculi quam oculus" vid. Erasm. Colloq. Opp. t. i. p. 824. ed. Clerici. Lugd. Bat. 1703.]

Christ, the Apostles saw it needful to have such ordained, they first, assemble the multitude, and shew them how needful it is that deacons be made : secondly, they name unto them what number they judge convenient, what quality the men must be of, and to the people they commit the care of finding such out : thirdly, the people hereunto assenting, make their choice of Stephen and the rest ; those chosen men they bring and present before the Apostles : howbeit, all this doth not endue them with any ecclesiastical power. But when so much was done, the Apostles finding no cause to take exception, did with prayer and imposition of hands make them deacons. This was it which gave them their very being ; all other things besides were only preparations unto this.

[6.] Touching the form of making Presbyters, although it be not wholly of purpose any where set down in the Apostles' writings, yet sundry speeches there are which insinuate the chiefest things that belong unto that action : as when Paul and Barnabas are said¹ to have fasted, prayed, and made presbyters : when Timothy is willed to "lay hands suddenly " on no man², for fear of participating with other men's sins. For this cause the order of the primitive Church was, between choice and ordination to have some space for such probation and trial as the Apostle doth mention in deacons³, saying, "Let them first be proved, and then minister, if so be they be " found blameless."

Alexander Severus⁴ beholding in his time how careful the Church of Christ was, especially for this point ; how after the choice of their pastors they used to publish the names of the parties chosen, and not to give them the final act of approbation till they saw whether any let or impediment would be alleged ; he gave commandment that the like should also be done in his own imperial elections, adding this as a reason

¹ Acts xiv. 23.

² 1 Tim. v. 22.

³ [1 Tim. iii. 10.]

⁴ Lamprid. in Alex. Sever. [p. 130. B. ed. Salmas. Paris. 1620. "Ubi " aliquos voluisset vel rectores pro- " vincii dare, vel præpositos facere, " vel procuratores, i.e. rationales, " ordinare, nomina eorum propone- " bat, hortans populum ut siquis

" quid haberet criminis, probaret " manifestis rebus ; si non probas- " set subiret pœnam capitis : dice- " batque, grave esse, quum id Chris- " tiani et Judæi facerent in prædi- " candis sacerdotibus qui ordinandi " sunt, non fieri in provinciarum " rectoribus, quibus et fortunæ " hominum committerentur et ca- " pita."]

wherefore he so required, namely, "For that both Christians and Jews being so wary about the ordination of their priests, " it seemed very unequal for him not to be in like sort circum- " spect, to whom he committed the government of provinces, " containing power over men's both estates and lives." This the canon itself doth provide for, requiring before ordination scrutiny¹ : "Let them diligently be examined three days to- " gether before the Sabbath, and on the Sabbath [i.e. Satur- " day²] let them be presented unto the bishop." And even this in effect also is the very use of the church of England, at all solemn ordaining of ministers ; and if all ordaining were solemn, I must confess it were much the better.

[7.] The pretended disorder of the church of England is, that bishops ordain them to whose election the people give no voices, and so the bishops make them alone ; that is to say, they give ordination without popular election going before, which ancient bishops neither did nor might do. Now in very truth, if the multitude have hereunto a right, which right can never be translated from them for any cause, then is there no remedy but we must yield, that unto the lawful making of ministers the voice of the people is required ; and that accord- ing to the adverse party's assertion³, such as make ministers without asking the people's consent, do but exercise a certain tyranny.

At the first erection of the commonwealth of Rome, the

¹ Dec. *Quando Epis. sect. Igitur.* [pars i. distinct. 24. p. 114. Lugd. 1572. from the council of Nantes, of uncertain date. "Episcopus quan- " do ordinationem facere disponit, " omnes qui ad sacrum ministerium " accedere volunt, feria quarta ante " ipsam ordinationem evocandi sunt " ad civitatem, una cum archipres- " byteris qui eos repræsentare de- " bent. Et tunc episcopus e latere " suo dirigere debet sacerdotes et " alios prudentes viros, gnaros legis " divinæ, et exercitatos in ecclesias- " ticiis sanctionibus, qui ordinando- " rum vitam, genus, patriam, æta- " tem, institutionem, locum ubi edu- " cati sunt, si sint bene literati, si in " lege Domini instructi, diligenter " investigent. Ante omnia, si fidem " catholicam firmiter teneant, et

" verbis simplicibus asserere queant. " Ipsi autem, quibus hoc committi- " tur, cavere debent, ne aut favoris " gratia, aut cujuscunque muneris " cupiditate allecti, a vero devient, " ut indignum et minus idoneum ad " sacros gradus suscipiendos epi- " scopi manibus applicent. Quod si " fecerint ; et ille qui indigne ac- " cessit ab altari removebitur, et " illi qui donum Sp. sancti vendere " conati sunt, coram Deo jam con- " demnati ecclesiastica dignitate " carebunt. Igitur per tres conti- " nuos dies diligenter examinentur ; " et sic sabbato, qui probati inventi " sunt, episcopo repræsententur." Concil. Harduin. vi. pars i. 459.]

² Cf. V. lxxii. 8.

³ Eccl. Discipl. p. 34. [or p. 22. Cartwright's Translation, 1617.]

people (for so it was then fittest) determined of all affairs: afterwards this growing troublesome, their senators did that for them which themselves before had done: in the end all came to one man's hands, and the emperor alone was instead of many senators.

In these things the experience of time may breed both civil and ecclesiastical change from that which hath been before received, neither do latter things always violently exclude former, but the one growing less convenient than it hath been, giveth place to that which is now become more. That which was fit for the people themselves to do at the first, might afterwards be more convenient for them to do by some other: which other is not thereby proved a tyrant, because he alone doth that which a multitude were wont to do, unless by violence he take that authority upon him, against the order of law, and without any public appointment; as with us if any did, it should (I suppose) not long be safe for him so to do.

[8.] This answer (I hope) will seem to be so much the more reasonable, in that themselves, who stand against us, have furnished us therewith. For whereas against the making of ministers by bishops alone, their use hath been to object, what sway the people did bear when Stephen and the rest were ordained deacons; they begin to espy how their own platform swerveth not a little from that example wherewith they control the practice of others. For touching the form of the people's concurrence in that action, they observe it not; no, they plainly profess that they are not in this point bound to be followers of the Apostles. The Apostles ordained whom the people had first chosen. They hold, that their ecclesiastical senate ought both to choose, and also to ordain. Do not themselves then take away that which the Apostles gave the people, namely, the privilege of choosing ecclesiastical officers? They do. But behold in what sort they answer it. "By the sixth and the fourteenth of the Acts¹" (say they) "it doth appear that the people had the chiefest power of choosing. Howbeit that, as unto me it seemeth, was done upon special cause which doth not so much concern us, neither ought it

¹ Eccl. Discipl. fol. 41. [or p. 27 of Cartwright's version.]

"to be drawn unto the ordinary and perpetual form of governing the Church. For as in establishing commonweals, not only if they be popular, but even being such as are ordered by the power of a few the chiefest, or as by the sole authority of one, till the same be established, the whole sway is in the people's hands, who voluntarily appoint those magistrates by whose authority they may be governed; so that afterward not the multitude itself, but those magistrates which are chosen by the multitude, have the ordering of public affairs: after the selfsame manner it fared in establishing also the Church; when there was not as yet any placed over the people, all authority was in them all; but when they all had chosen certain to whom the regiment of the Church was committed, this power is not now any longer in the hands of the whole multitude, but wholly in theirs who are appointed guides of the Church. Besides, in the choice of deacons, there was also another special cause wherefore the whole Church at that time should choose them. For inasmuch as the Grecians murmured against the Hebrews, and complained that in the daily distribution which was made for relief of the poor, they were not indifferently respected, nor such regard had of their widows as was meet; this made it necessary that they all should have to deal in the choice of those unto whom that care was afterwards to be committed, to the end that all occasion of jealousies and complaints might be removed. Wherefore that which was done by the people for certain causes, before the Church was fully settled, may not be drawn out and applied unto a constant and perpetual form of ordering the Church."

[9.] Let them cast the discipline of the church of England into the same scales where they weigh their own, let them give us the same measure which here they take, and our strifes shall soon be brought to a quiet end. When they urge the Apostles as precedents; when they condemn us of tyranny, because we do not in making ministers the same which the Apostles did; when they plead, "That with us one alone doth ordain, and that our ordinations are without the people's knowledge, contrary to that example which the blessed Apostles gave:" we do not request at their

hands allowance as much as of one word we speak in our own defence, if that which we speak be of our own; but that which themselves speak, they must be contented to listen unto. To exempt themselves from being over far pressed with the Apostles' example, they can answer, "That which was done by the people once upon special causes, when the Church was not yet established, is not to be made a rule for the constant and continual ordering of the Church." In defence of their own election, although they do not therein depend on the people so much as the Apostles in the choice of deacons, they think it a very sufficient apology, that there were special considerations why deacons at that time should be chosen by the whole Church, but not so now. In excuse of dissimilitudes between their own and the Apostles' discipline, they are contented to use this answer, "That many things were done in the Apostles' times, before the settling of the Church, which afterward the Church was not tied to observe." For countenance of their own proceedings, wherein their governors do more than the Apostles, and their people less than under the Apostles the first Churches are found to have done, at the making of ecclesiastical officers, they deem it a marvellous reasonable kind of pleading to some [say?] "That even as in commonweals, when the multitude have once chosen many or one to rule over them, the right which was at the first in the whole body of the people is now derived into those many or that one which is so chosen; and that this being done, it is not the whole multitude, to whom the administration of such public affairs any longer appertaineth, but that which they did, their rulers may now do lawfully without them: after the selfsame manner it standeth with the Church also."

How easy and plain might we make our defence, how clear and allowable even unto them, if we could but obtain of them to admit the same things consonant unto equity in our mouths, which they require to be so taken from their own! If that which is truth, being uttered in maintenance of Scotland and Geneva, do not cease to be truth when the church of England once allegeth it, this great crime of tyranny wherewith we are charged hath a plain and an easy defence.

[10.] "Yea, but we do not at all ask the people's appro-

bation, which they do¹, whereby they shew themselves "more indifferent and more free from taking away the people's right." Indeed, when their lay-elders have chosen whom they think good, the people's consent thereunto is asked, and if they give their approbation, the thing standeth warranted for sound and good. But if not, is the former choice overthrown? No, but the people is to yield to reason; and if they which have made the choice, do so like the people's reason, as to reverse their own deed at the hearing of it, then a new election to be made²; otherwise the former to stand, notwithstanding the people's negative and dislike. What is this else but to deal with the people, as those nurses do with infants, whose mouths they besmear with the backside of the spoon, as though they had fed them, when they themselves devour the food? They cry in the ears of the people, that all men's consent should be had unto that which concerns all; they make the people believe we wrong them, and deprive them of their right in making ministers, whereas with us the people have commonly far more sway and force than with them. For inasmuch as there are but two main things observed in every ecclesiastical function, Power to exercise the duty itself, and some charge of People whereon to exercise the same; the former of these is received at the hands of the whole visible catholic Church. For it is not any one particular multitude that can give power, the force whereof may reach far and wide indefinitely, as the power of order doth, which whoso hath once received, there is no action which belongeth thereunto but he may exercise effectually the same in any part of the world without iterated

¹ [Eccl. Discipl. transl. by T. C. p. 28. "I would not that the judgment of the rest of the Church should be contemned and neglected, or that the council or elders of the Church should of their own authority set one over the Church whom they list against the Church's will, but that the elders going before the people also follow, and having heard and understood their sentence and decree, may either by some outward token or else by their silence allow it if it be to be liked of, or gainsay it if it be not just and upright."]
² Eccles. Discipl. p. 41. [Ibid. "And not only gainsay it, but if just cause of their disliking may be brought, make it altogether void and of none effect, until at the last a meet one may be chosen by the authority and voices of the elders, and allowed of by the consent and approbation of the rest of the Church. So that herein there is no cause to complain that by the bringing in of the rule of a few the majesty of the whole Church is diminished."]