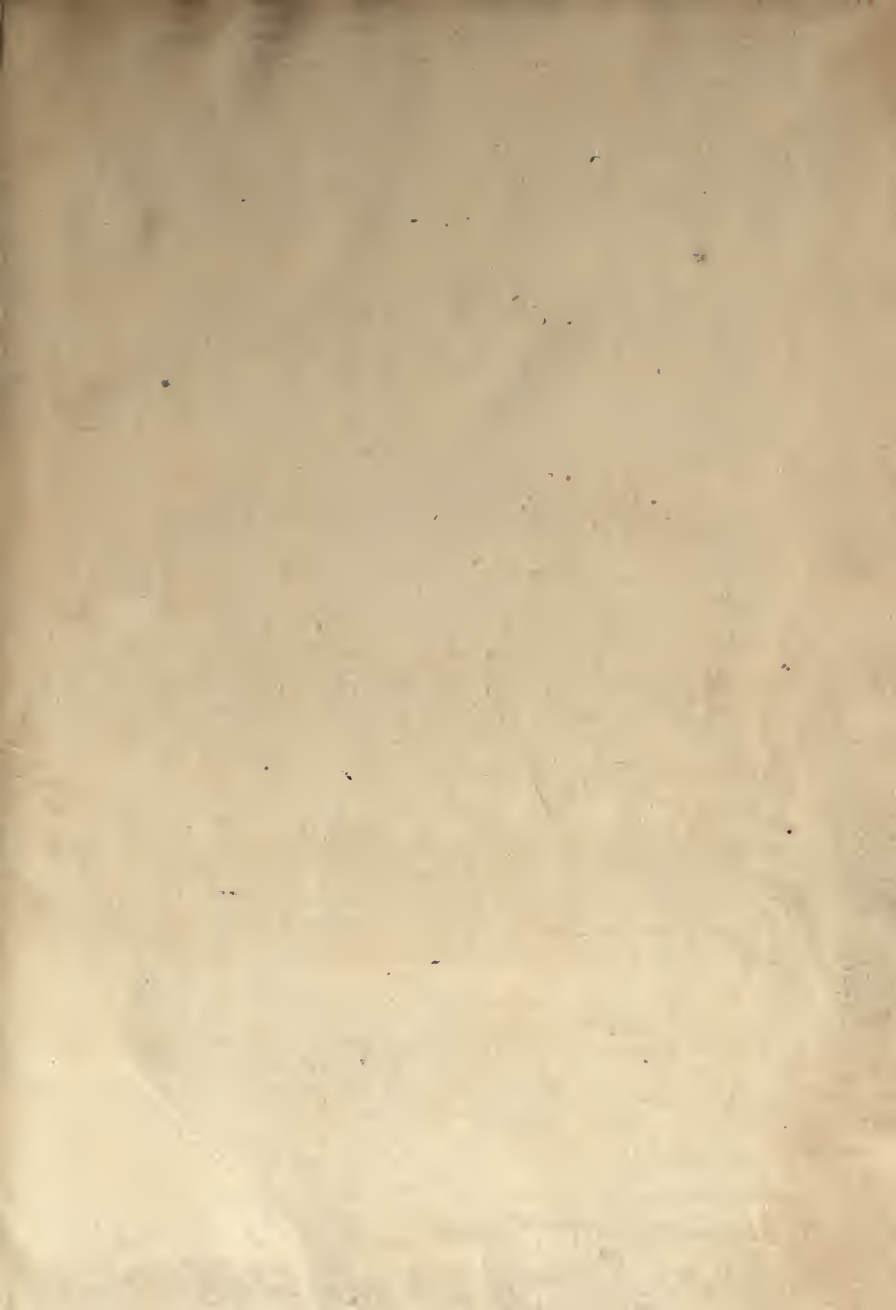


57-



John Myddelton Esq.



PROBATION ACT

Chapter 100

1850

Section 1

Every person who is convicted of a crime...

shall be liable to be committed to the custody of the sheriff...

for a period of not less than one year...

nor more than five years...

unless the court shall otherwise order...

and the court may, at any time...

during the term of imprisonment...

order that the prisoner be discharged...

on such conditions as the court may think fit...



IRENICUM,
A
WEAPON-SALVE
FOR THE
Churches WOUNDS.

OR THE
DIVINE RIGHT
OF

Particular Forms of CHURCH-GOVERNMENT;

(Discussed and examined according to the Principles of the Law of Nature, the positive Laws of God, the practice of the Apostles and the Primitive Church, and the judgment of Reformed Divines.

Whereby a foundation is laid for the Churches peace, and the accommodation of our present differences.

Humbly tendered to Consideration.

By *Edward Stillingfleet*, Rector of *Sutton* in *Bedfordshire*.

The Second Edition, with an Appendix concerning the Power of Excommunication in a Christian Church.

Let your Moderation be known unto all men; the Lord is at hand,
Phil. 4. 5.

Si ad decidendas hodiernas controversias — jus divinum à positivo seu Ecclesiastico candidè separaretur; non videretur de iis que sunt absolute necessaria, inter pios aut moderatos viros longa aut acris contentio futura. Isaac. Casaub. ep. ad Card. Perron.

Multum refert ad retinendam Ecclesiarum pacem inter ea que jure divino præcepta sunt, & que non sunt, accuratè distinguere. Grotius de Imper. sum. Potestat. circa. sacra. cap. 11.

London, Printed by *R. W.* for *Henry Mortlock*, at the *Phoenix* in *St. Paul's Church yard* near the little North door. 1662.

THE NEW
A
WEAPON-SALVE

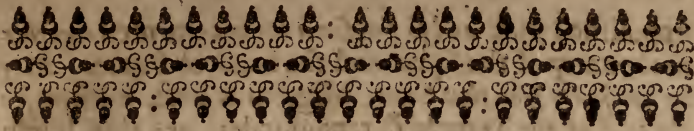
Churches V. V. V.

ON THE
DIVERSE

Particular Towns of Church Government
The following is a list of the
Churches of Christ in the
State of New York
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State of New York

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State of New York



THE
P R E F A C E
TO THE
READER.



Write not to increase the Controversies of the times, nor to foment the differences that are among us ; the one are by far too many, the other too great already. My only design is to allay the heat and abate the fury of that Ignis sacer, or Erysipelas of contention, which hath risen in the face of our Church, by the overflowing of that bilious humour which yet appears to have too great predominancy in the Spirits of men. And although with the poor Persian I can only bring a hand-full of water, yet that may be my just Apology, that it is for the quenching those flames in the Church, which have caused the bells of Aaron to jangle so much, that it seems to be a work of the greatest difficulty to make them tunable. And were this an Age wherein any thing might be wondred at, it would be matter of deserved admiration, to hear the noise of these Axes and Hammers so much about the Temple, and that after these nigh twenty years carving and hewing, we are so rude and unpolished

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unpolished still, and so far from being cemented together in the unity of the Spirit and the bond of Peace. May we not justly fear that voice, *Migremus hinc*, when we see the vail of the Temple so rent asunder, and the Church its self made a Partition-wall to divide the members of it? And since the wise and gracious God hath been pleased (in such an almost miraculous manner) so lately to abate the Land-flood of our civil intestine divisions, how strange must it needs seem, if our sacred contentions (if contentions may be called sacred) like the waters of the Sanctuary, should rise from the Ankle to the Knee, till at last they may grow unpassable? Must only the fire of our unchristian animosities be like that of the Temple, which was never to be extinguished? However I am sure it is such a one as was never kindled from Heaven, nor blown up with any breathings of the Holy and Divine Spirit. And yet that hath been the aggravation of our divisions, that those whose duty it is to lift up their voyces like Trumpets, have rather sounded an Alarm to our contentious spirits, than a Parley or Retreat, which had been far more suitable to our Messengers of Peace. In which respect it might be too truly said of our Church, what is spoken of the Eagle in the Greek Apologue:

Βλέπει τὸ σῆθος ἀετὸς τραπὲν πάλαι,
 Ἄλγῶν ὃ λοιπὸν, ἦν πολλὰ δακρύων.
 Βλέπων ὃ οἶσεν, εἶπεν ἐπ'ερρωμένον,
 Βαβαί, πέραν με τὴν πέρατον οὐδέεις.

The Eagle saw her breast was wounded sore,
 She stood, and weeped much, but grieved more:
 But when she saw the dart was feather'd, said,
 Woe's me, for my own kind hath me destroy'd.

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It is so long since that version of the vulgar Latin, Psal. 68. 15. inter Dominicleros, might have been sadly rendered to lye among the Pots: and Pierius Valerianus might have met with too many examples to have increased his book De Literatorum Infœlicitate; and in the next age it might have been true again what Matthew Paris observes of the Clergy in the Conquerours time; adeò literaturâ carebant ut ceteris stupori esset qui Grammaticam didicisset. But blessed be God who hath freed us from that Dœmonium meridianum of Ignorance and Barbarism; may we be but as happily delivered from the plague of our divisions and animosities! Than which, there hath been no greater scandal to the Jews, nor opprobrium of our religion among Heathens and Mahumêtans, nor more common objection among the Papists, ntr any thing which hath been more made a pretence even for Atheism and Infidelity. For our Controversies about Religion have brought at last even Religion its self into a Controversie, among such whose weaker judgements have not been able to discern where the plain and unquestionable may to heaven hath layn, in so great a Mist as our Disputes have raised among us. Weaker heads when they once see the battlements shake, are apt to suspect that the foundation its self is not firm enough; and to conclude, if any thing be call'd in question, that there is nothing certain. And truly, it cannot but be looked on as a sad presage of an approaching Famine, not of bread, but of the Word of the Lord, that our lean Kine have devoured the fat, and our thin ears the plump and full; I mean our Controversies and Disputes; have eaten so much out the life and practice of Christianity. Religion hath been so much rarified into airy notions and speculations, by the distempered heat of mens spirits, that its inward strength, and the vitals of it have been

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much abated and consumed by it. Curiosity, that Green sickness of the soul, whereby it longs for novelties, and loaths sound and wholesome truths, hath been the Epidemical distemper of the age we live in. Of which it may be as truly said as ever yet of any, that it was sæculum fertile religionis, sterile pietatis; I fear this will be the character whereby our Age will be known to Posterity, that it was the Age wherein men talked of Religion most, and lived it least. Few there are who are content with that Dimensum which God hath set them; every one almost is of the Spanish Jesuites mind; Beatus qui prædicat verbum inauditum, seeking to find out somewhat whereby he may be reckoned, if not among the Wise, yet among the Disputers of this world. How small is the number of those sober Christians, of whom it may be said as Lucian of his Parasites, ἢ κ' ἠρέλαζον νοσέειν, they were not at leisure to be sick of this pica (1 Tim. 6. 4.) such as longed more to tast of the Tree of life, than of the Tree of knowledge: And as Zenophon speaks of the Persians, τὸ ὑγρὸν ἐκποιεῖντες ἀνήλισκεν, they consume the fomes morbi, the root of this distemper by their serious endeavours after peace and holiness. But instead of this, the generality of men let all their Religion run up into bryers and thorns, into contentions and parties, as though Religion were indeed sacramentum militiæ, but more against fellow-Christians than the unquestionable hinderances of mens eternal happiness. Men being very loth to put themselves to the trouble of a Holy life, are very ready to embrace any thing which may but dispence with that, and if but listing mens selves under such a party, may but shelter them under a disguise of Religion, none more ready than such to be known by distinguishing names; none more zealous in the defence of every tittle and punctilio that lies most remote from those essential duties

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duties wherein the Kingdom of God consists, viz. righteousness, and peace, and joy in the Holy Ghost. And hence all the several parties among us have given such glorious names only to the outward Government of the Church; the undoubted practice of the Apostles, the Discipline of Christ, the order of the Gospel, and account only that the Church where their own method of Government is observed; just as the Historian observes of Brutus and Cassius, ubicunque ipsi essent prætexentes esse rempublicam, they think the Church can never be preserved but in that vessel they are embarked in: As though Christ could not have caused his flock to rest sub Meridie, unless the Pars Donati had been in the South. And from this Monopolizing of Churches to parties, hath proceeded that strange uncharitableness towards all who come not up to every circumstance of their way and method, which is a piece of prudence like that of Brutus, who when he had raised those flames in the Commonwealth, was continually calling Cæsar Tyrant; ita enim appellari Cæsarem, facto ejus expediebat. So when men have caused such lamentable divisions in the Church, by their several parties and factions, it concerns them to condemn all others besides themselves, lest they most of all condemn themselves for making unnecessary divisions in the Church of God. This uncharitableness and ill opinion of all different parties, only gathers the fuel together, and prepares combustible matter, which wants nothing but the clashing of an adverse party, acted upon principles of a like nature, to make it break out into an open flame. And such we have seen, and with sadness and grief of heart felt it to be in the bowels of our own Church and Nation, by reason of those violent Calentures and Paroxysms of the spirits of men, those heart-burnings and contentions which have been among us, which will require both time

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and skill to purge out those noxious humours which have been the causes of them. I know no prescriptions so likely to effect this happy end, as an Infusion of the true Spirits of Religion, and the Revulsion of that extravasated blood, into its proper channels: Thereby to take men off from their eager pursuit after ways and parties, notions and opinions, (wherein many have run so far, that they have left the best part of their Religion behind them) and to bring them back to a right understanding of the nature design and principles of Christianity.

Christianity, a Religion, which it is next to a miracle men should ever quarrel or fall out about; much less that it should be the occasion, or at least the pretence of all that strife and bitterness of spirit, of all those contentions and animosities which are at this day in the Christian world. But our only comfort is, that whatever our spirits are, our God is the God of peace, our Saviour is the Prince of peace; and that wisdom which this Religion teacheth, is both pure and peaceable. It was that which once made our Religion so amiable in the judgement of impartial heathens, that *nisi nisi justum suadet & lene*, the Court of a Christians conscience was the best Court of equity in the word. Christians were once known by their *εὐειρία καὶ γαλήνη πνεύματος*, the benignity and sweetness of their disposition, by the Candor and ingenuity of their spirits, by their mutual love, forbearance, and condescension towards one another. But *Aut hoc non est Evangelium, aut nos non sumus Evangelici*, Either this is not the practice of Christianity, or it was never calculated for our Meridian, wherein mens spirits are of too high an elevation for it. If pride and uncharitableness, if divisions and strifes, if wrath and envy, if animosities and contentions were but the marks of true Christians, Diogenes never need light his lamp at noon to find out such among

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us. But if a spirit of meekness, gentleness and condescension, if a stooping to the weakness and infirmities of others, if a pursuit after peace even when it flies from us, be the indispensable duties and the Characteristical notes of those that have more than the name of Christians, it may possibly prove a difficult inquest to find out such for the crowds of those who shelter themselves under that glorious name. Whence came it else to be so lately looked on as the way to advance Religion, to banish peace, and to reform mens manners by taking away their lives? whereas in those pure and primitive times when Religion did truly flourish, it was accounted the greatest instance of the piety of Christians not to fight but to dye for Christ. It was never thought then that Bellona was a nursing Mother to the Church of God, nor Mars a God of Reformation. Religion was then propagated, not by Christians shedding the blood of others, but by laying down their own. They thought there were other wayes to a Canaan of Reformation besides the passing through a Wilderness of Confusion and a red Sea of blood. Origen could say of the Christians in his time, ἐκέν τῷ λαῷ βασιλεὺς ἐπ' ἑθνος μάχασθαι, ὃ δὲ μανθάνομεν ἐπὶ πολέμῳ ἡρώμενος διὰ τὸ Ἰησοῦν ὑπὸ τῆς εἰρήνης. They had not yet learnt to make way for Religion into mens minds by the dint of the sword, because they were the disciples of that Saviour who never pressed followers as men do Souldiers, but said, If any man will come after me, let him take up his Cross (not his Sword) and follow me. His was ἡμεῖς ἢ οὐδὲν δεσπότης νομοθεσία, his very commands shewed his meekness; his Laws were sweet and gentle Laws; not like Draco's that were writ in blood, unless it were his own that gave them.

c. Celsum.
l. 3.

His design was to ease men of their former burdens, and not to lay on more; the duties he required were no other

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but such as were necessary, and withal very just and reasonable. He that came to take away the insupportable yoke of Jewish ceremonies, certainly did never intend to gall the necks of his Disciples with another instead of it. And it would be strange the Church should require more than Christ himself did; and make other conditions of her communion, than our Saviour did of Discipleship. What possible reason can be assigned or given why such things should not be sufficient for communion with a Church; which are sufficient for eternal salvation? And certainly those things are sufficient for that, which are laid down as the necessary duties of Christianity by our Lord and Saviour in his word. What ground can there be why Christians should not stand upon the same terms now which they did in the time of Christ and his Apostles? Was not Religion sufficiently guarded and fenced in them? Was there ever more true and cordial reverence in the worship of God? What Charter hath Christ given the Church to bind men up to more than himself hath done? or to exclude those from her society who may be admitted into Heaven? Will Christ ever thank men at the great day for keeping such out from communion with his Church, when he will vouchsafe not only Crowns of glory to, but it may be aureolæ too, if there be any such things there? The grand commission the Apostles were sent out with, was only to teach what Christ had commanded them. Not the least intimation of any power given them to impose or require any thing beyond what himself had spoken to them, or they were directed to by the immediate guidance of the Spirit of God. It is not Whether the things commanded and required be lawful or no? it is not whether indifferencies may be determined or no? it is not How far Christians are bound to submit to a restraint of their Christian liberty? which I now inquire after, (of those things in the
treatise

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treatise its self) but whether they do consult for the Churches peace and unity who suspend it upon such things? How far either the example of our Saviour or his Apostles doth warrant such rigorous impositions? We never read the Apostles making Laws but of things supposed necessary. When the Council of Apostles met at Jerusalem, for deciding a case that disturbed the Churches peace, we see they would lay no other burden $\pi\lambda\acute{\iota}\nu\ \tau\acute{\omega}\ \epsilon\pi\acute{\alpha}\gamma\alpha\gamma\mu\epsilon\varsigma\ \tau\acute{\epsilon}\tau\omega\upsilon$, besides these necessary things, Acts 15. 29. It was not enough with them that the things would be necessary when they had required them, but they looked on an antecedent necessity either absolute or for the present state, which was the only ground of their imposing those commands upon the Gentile Christians. There were after this great diversities of practice and varieties of observations among Christians, but the Holy Ghost never thought those things fit to be made matters of Laws, to which all parties should conform; All that the Apostles required as to these, was mutual forbearance and condescension towards each other in them. The Apostles valued not indifferences at all, and those things it is evident they accounted such, which whether men did them or not, was not of concernment to salvation. And what reason is there why men should be so strictly tyed up to such things, which they may do or let alone, and yet be very good Christians still? Without all controversie, the main in-let of all the distractions, confusions and divisions of the Christian world, hath been by adding other conditions of Church-union than Christ hath done. Had the Church of Rome never taken upon her to add to the rule of faith, nor imposed Idolatrous and superstitious practices, all the injury she had done her self had been to have avoided that fearful Schism which she hath caused throughout the Christian world. Would there ever be the

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less peace and unity in a Church, if a diversity were allowed as to practices supposed indifferent? yea there would be so much more as there was a mutual forbearance and condescension as to such things. The unity of the Church is an unity of love and affection, and not a bare uniformity of practice or opinion. This latter is extremely desirable in a Church; but as long as there are several ranks and sizes of men in it, very hardly attainable, because of the different persuasions of mens minds as to the lawfulness of the things required. And it is no commendation for a Christian to have only the civility of Procrustes, to commensurate all other men to the bed of his own humour and opinion. There is nothing the Primitive Church deserves greater imitation by us in, than in that admirable temper, moderation, and condescension which was used in it, towards all the members of it. It was never thought worth the while to make any standing Laws for rites and customs that had no other original but tradition, much less to suspend men her communion for not observing them.

Εἰσὶντες γὰρ καὶ μάλα δικαίως ὑπέλαβον ἰθαῶν ἐνεκεν ἀλλήλων χρεῖζεσθαι, ἀεὶ τὰ καίρια τῆς θεοσεβείας συμφωνούντες, as Sozomen tells us. They judged it, and that very justly, a foolish and frivolous thing, for those that agree in the weighty matters of Religion, to separate from one anothers communion for the sake of some petty customs and observations.

Ὅτι γὰρ τὰς αὐτὰς παραδόσεις καὶ πάντα ὁμοίως καὶ ὁμόδοξοι εἶναι, ἐν πάσαις τῆς ἐκκλησίας εὐρεῖν ἐστίν. For Churches agreeing in the same faith, often differ in their rites and customs. And that not only in different Churches, but in different places belonging to the same Church; for as he tells us, many Cities and Villages in Egypt, not only differed from the customs of the Mother Church of Alexandria, but from all other Churches besides in their publick Assemblies on the evenings of the

Hist. Eccl.
 1.7.c.15.

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the Sabbath, and receiving the Eucharist after dinner :
This admirable temper in the Primitive Church might be largely cleared from that liberty they allowed freely to dissenters from them in matters of practice and opinion : as might be cleared from Cyprian, Austin, Jerome, and others ; but that would exceed the bounds of a Preface. The first who brake this order in the Church, were the Arrians, Donatists, and Circumcellians, while the true Church was still known by its pristine Moderation and sweetness of deportment towards all its members. The same we hope may remain as the most infallible evidence of the conformity of our Church of England to the Primitive, not so much in using the same rites that were in use then, as in not imposing them, but leaving men to be won by the observing the true decency and order of Churches, whereby those who act upon a true Principle of Christian ingenuity may be sooner drawn to a compliance in all lawful things, than by force and rigorous impositions, which make men suspect the weight of the thing it self when such force is used to make it enter. In the mean time what cause have we to rejoyce, that Almighty God hath been pleased to restore us a Prince of that excellent Prudence and Moderation, who hath so lately given assurance to the world, of his great indulgence towards all that have any pretence from conscience to differ with their Brethren ! The only thing then seeming to retard our peace, is, the Controversie about Church-Government, an unhappy controversie to us in England, if ever there were any in the world. And the more unhappy, in that our contentions about it have been so great, and yet so few of the multitudes engaged in it, that have truly understood the matter they have so eagerly contended about. For the state of the controversie as it concerns us, lies not here, as it is generally mistaken, what form of

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Government comes the nearest to Apostolical practice; but Whether any one individual form be founded so upon Divine Right, that all ages and Churches are bound unalterably to observe it: *The clearing up of which by an impartial enquiry into all the grounds produced for it, being of so great attendency to an accommodation of our present differences, was the only motive which induced me to observe Aristotle's wild Politicks, of exposing this deformed conception to the entertainment of the wide world. And certainly they who have espoused the most the interest of a jus divinum, cannot yet but say, that if the opinion I maintain be true, it doth exceedingly conduce to a present settlement of the differences that are among us. For then all parties may retain their different opinions concerning the Primitive form, and yet agree and pitch upon a form compounded of all together as the most suitable to the state and condition of the Church of God among us: That so the peoples interest be secured by consent and suffrage, which is the pretence of the congregational way; the due power of Presbyteries asserted by their joynt concurrence with the Bishop, as it is laid down in that excellent model of the late incomparable Primate of Armagh: and the just honour and dignity of the Bishop asserted, as a very laudable and ancient constitution for preserving the peace and unity of the Church of God. So the learned H. Casaubon describes the Polity of the Primitive Church, Episcopi in singulis Ecclesiis constituti cum suis Presbyteriis, & propriam sibi quisque peculiari curâ, & universam omnes in commune curantes, admirabilis cujusdam Aristocratiaë speciem referebant. My main design throughout this whole Treatise, is, to shew that there can be no argument drawn from any pretence of a Divine Right, that may hinder men from consenting and yielding to such a form of Government*

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in the Church, as may bear the greatest correspondency to the Primitive Church, and be most advantageously conducive to the peace, unity, and settlement of our divided Church. I plead not at all for any abuses or corruptions incident to the best form of Government through the corruption of men and times. Nay, I dare not harbour so low apprehensions of persons enjoying so great dignity and honour in the Church, that they will in any wise be unwilling of themselves to reduce the form of Church-Government among us to its Primitive state and order, by retrenching all exorbitances of power, and restoring those Presbyteries which no Law hath forbidden, but only through disuse have been laid aside. Whereby they will give to the world that rare example of self-denial and the highest Christian prudence, as may raise an honourable opinion of them even among those, who have hitherto the most slighted so ancient and venerable an order in the Church of God; and thereby become the repairers of those otherwise irreparable breaches in the Church of God. I conclude with the words of a late learned, pious, and moderate Prelate in his Via media; I have done, and now I make no other account, but that it will fall out with me, as it doth commonly with him that offers to part a fray; both parts will perhaps drive at me for wishing them no worse than peace. My ambition of the publick tranquillity shall willingly carry me through this hazard; let both beat me, so their quarrel may cease; I shall rejoyce in those blows and scars which I shall take for the Churches safety.

THE T. S. ...

The first thing I noticed when I stepped
 out of the train was the cold. It was a
 sharp contrast to the warm, humid air of
 the South. I shivered as I pulled my
 coat tighter around me. The street was
 empty, save for a few straggling
 figures. The buildings were tall and
 imposing, their windows dark and
 unlit. I felt a sense of isolation,
 as if I were in a foreign land.
 I walked for what felt like hours,
 my feet aching from the unfamiliar
 pavement. The cold continued to
 bite at me, and I began to feel
 a little more than just a little
 nervous. I had no one to turn to,
 no familiar faces to guide me. I
 was alone in a strange, cold world.
 I tried to remember the directions
 I had been given, but they seemed
 to slip away from my mind. I
 stopped in front of a large, ornate
 building, its entrance grand and
 imposing. I had never seen it
 before, and I had no idea where
 it was. I stood there for a moment,
 my heart pounding in my chest.
 I had no choice. I had to go
 inside. I took a deep breath and
 pushed open the heavy double doors.
 The interior was vast and grand,
 with high ceilings and chandeliers.
 I felt a sense of awe as I stepped
 into the brightly lit hall. I was
 surrounded by people, some of whom
 I recognized from the train. I
 felt a sense of relief, as if I had
 found a familiar place. I walked
 towards the center of the hall, my
 feet feeling like they were on clouds.
 The cold was gone, replaced by a
 warm, golden light. I had found
 my way home.



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PART I.

CHAP. I.



Things necessary for the Churches peace, must be clearly revealed. The form of Government not so, as appears by the remaining controversie about it. An evidence thence, that Christ never intended any one form, as the only means to peace in the Church. The nature of a divine right discussed. Right in general either makes things Lawful, or else Due. For the former, a non-prohibition sufficient, the latter an express command. Duty supposeth legislation and promulgation. The Question stated. Nothing binds unalterably but by vertue of a standing Law, and that twofold. The Law of nature, and positive Laws of God. Three wayes to know when positive Laws are unalterable. The divine right arising from Scripture examples, divine acts, and divine approbation considered.

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SIX Hypotheses laid down as the basis of the following Discourse. 1. The irreversible obligation of the Law of nature, either by humane or divine positive Laws in things immediately flowing from it. 2. Things agreeable to the Law of nature

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- nature may be lawfully practised in the Church of God, enlarged into five subservient Propositions. 3. Divine positive Laws concerning the manner of the thing whose substance is determined by the Law of Nature, must be obeyed by vertue of the obligation of the natural Law. 4. Things undetermined, both by the natural and positive Laws of God, may be lawfully determined by the supreme authority in the Church of God. The Magistrates power in matters of Religion, largely asserted and cleared. The nature of indifferency in actions stated. Matters of Christian liberty are subject to restraints, largely proved. Proposals for Accommodation as to matters of Indifferency. 5. What is thus determined by lawful authority, doth bind the consciences of men subject to that authority, to obedience to those determinations. 6. Things thus determined by lawful authority, are not thereby made unalterable, but may be revoked, limited, and changed by the same authority.
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HOW far Church Government is founded upon the Law of Nature. Two things in it founded thereon. 1. That there must be a Society of men for the Worship of God. 2. That this Society be governed in the most convenient manner. A Society for worship manifested. Gen. 4. 26. considered. The sons of God and the sons of men who? Societies for worship among Heathens evidenced by three things. 1. Solemnity of Sacrifices; sacrificing how far natural. The antiquity of the Feast of first-fruits largely discovered. 2. The Original of Festivals for the honour of their Deities. 3. The secrecy and solemnity of their mysteries. This further proved from mans sociable nature, the improvement of it by religion, the honour redounding to God by such a Society for his worship.

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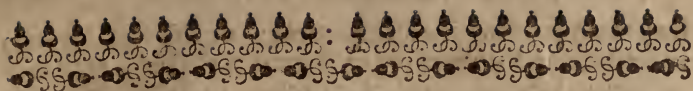
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A Weapon-Salve for the Churches wounds :

O R,

The Divine right of particular forms of Government in the Church of God, discussed and examined according to the principles of the Law of Nature, the positive Laws of God, the practice of the Apostles, and the Primitive Church: And the judgement of Reformed Divines.

P A R T I.

C H A P. I.

Things necessary for the Churches peace, must be clearly revealed. The form of Church Government not so, as appears by the remaining controversie about it. An evidence thence, that Christ never intended any one form, as the only means to peace in the Church. The nature of a divine right discussed. Right in general either makes things Lawful, or else Due. For the former, a non-prohibition sufficient, the latter an express command. Duty supposeth legislation and promulgation. The Question stated. Nothing binds unalterably but by vertue of a standing Law, and that twofold. The Law of nature and positive Laws of God. Three wayes to know when positive Laws are unalterable. The divine right arising from Scripture examples, divine acts, and divine approbation considered.



That imposeth any matter of opinion upon the belief of others, without giving evidence of reason for it, proportionable to the confidence of his assertion, must either suppose the thing propounded, to carry such unquestionable credentials of truth and reason with it, that none who know what

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they mean can deny it entertainment; or else that his own understanding hath attained to so great perfection, as to have authority sufficient to oblige all others to follow it. This latter cannot be presumed among any who have asserted the freedom of their own understandings, from the dictates of an infallible chair: but if any should forget themselves so far as to think so, there needs no other argument to prove them not to be infallible in their assertions, than this one assertion, that they are infallible, it being an undoubted evidence that they are actually deceived who know so little the measure of their own understandings. The former can never be pretended in any thing which is a matter of controversy among men, who have not wholly forgot they are reasonable creatures, by their bringing probable arguments for the maintaining one part of an opinion as well as another. In which case, though the arguments brought be not convincing for the necessary entertaining either part to an unbiassed understanding, yet the difference of their opinions is argument sufficient that the thing contended for is not so clear as both parties would make it to be on their own side; & if it be not a thing of necessity to salvation, it gives men ground to think that a final decision of the matter in controversy, was never intended as a necessary means for the peace & unity of the Church of God. For we cannot with any shew of reason imagine that our supreme Law-giver and Saviour, who hath made it a necessary duty in all true members of his Church, to endeavour after the peace & unity of it should suspend the performance of that duty upon a matter of opinion, which when men have used their utmost endeavours to satisfy themselves about, they yet find, that those very grounds which they are most inclinable to build their judgments upon, are either wholly rejected by others as wise and able as themselves, or else it may be they erect a far different fabrick upon the very same foundations. It is no wayes consistent with the wisdom of Christ in founding his Church, and providing for the peace and settlement of it; to leave it at the mercy of mens private judgments & apprehensions of things, than which nothing is more uncertain, and thereby make it to depend upon a condition never like to be attained in this world, which is the agreement and Uniformity of mens opi-

Chap. I. *Forms of Church Government, examined.*

ons. For as long as mens faces differ, their judgements will. And until there be an *Intellectus Averroisticus*, the same understanding in all persons, we have little ground to hope for such an universal Harmony in the Intellectual world; and yet even then the soul might pass a different judgement upon the colours of things, according to the different texture of the several Optick glasses in particular bodies which it takes a Prospect of things through. Reason and experience then give us little hopes of any peace in the Church, if the unity of mens judgments be supposed the condition of it; the next inquiry then is, how the peace of the Church shall be attained or preserved when men are under such different persuasions; especially if they respect the means in order to a peace and settlement. For the wayes to peace like the fertile soils of *Greece*, have been oft times the occasion of the greatest quarrels. And no sickness is so dangerous as that when men are sick of their remedy, and nauseate that most which tends to their recovery. But while Physicians quarrel about the Method of cure, the Patient languisheth under their hands; and when men increase contentions in the behalf of peace, while they seem to court it, they destroy it. The only way left for the Churches settlement and peace under such variety of apprehensions concerning the means and Method in order to it, is to pitch upon such a foundation, if possible to be found out, whereon the different parties retaining their private apprehensions, may yet be agreed to carry on the same work in common, in order to the peace and tranquillity of the Church of God. Which cannot be by leaving all absolutely to follow their own wayes; for that were to build a *Babel* instead of *Salem*, *Confusion* instead of *Peace*; it must be then by convincing men, that neither of those wayes; to peace and order which they contend about, is necessary by way of divine command, (though some be as a means to an end) but which particular way or form it must be, is wholly left to the prudence of those in whose power and trust it is to see the peace of the Church be secured on lasting foundations. How nearly this concerns the present debate about the Government of the Church, any one may quickly discern. The main plea for forms of Government in the Church, is their

necessity in order to its peace and order, and yet nothing hath produced more disorder and confusion than our disputes about it have done. And our sad experience still tells us that, after all our debates, and the evidences brought on either side, men yet continue under very different apprehensions concerning it. But if we more strictly inquire into the causes of the great distances and animosities which have risen upon this controversie, we shall find it hath not been so much the difference of judgments concerning the Primitive form of Government which hath divided men so much from one another, as the prevalency of faction and interest in those whose Revenues have come from the rents of the Church, and among others of greater integrity it hath been the Principle or hypothesis which men are apt to take for granted, without proving it, *viz.* that it is in no case lawful to vary from that form which by obscure and uncertain conjectures they conceive to have been the Primitive practice. For hereby men look upon themselves as obliged by an unalterable Law to endeavour the establishment of that Idea of Government which oft-times affection and interest more than reason and judgment hath formed within them; and so likewise bound to overthrow any other form not suitable to those correspondencies which they are already engaged to maintain. If this then were the cause of the wounds and breaches this day among us, the most successful Weapon-salve to heal them, will be, to anoint the sword which hath given the wound, by a seasonable inquiry into the nature and obligation of particular forms of Government in the Church. The main subject then of our present debate will be whether, any one particular form of Church Government be settled upon an unalterable divine right; by vertue whereof all Churches are bound perpetually to observe that individual form? or whether it be left to the prudence of every particular Church to agree upon that form of Government which it judgeth most conducive within its self to attain the end of Government, the peace, order, tranquillity, settlement of the Church. If this latter be made fully appear, it is then evident that however mens judgements may differ concerning the Primitive form of Government, there is yet a sure ground for
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men to proceed on in order to the Churches peace. Which one consideration will be motive sufficient to justify an attempt of this nature, it being a design of so great importance, as the recovery of an advantageous piece of ground whereon different parties may with safety not only treat, but agree in order to a speedy Accommodation.

We come therefore closely to the business in hand, and for the better clearing of our passage, we shall first discuss the nature of a divine right, and shew whereon an unalterable divine right must be founded, and then proceed to shew how far any form of Government in the Church is settled upon such a right. Right in the general is a relative thing, and the signification and import of it must be taken from the respect it bears to the Law which gives it. For although in common acception it be often understood to be the same with the Law its self, as it is the rule of actions (in which sense *Jus natura, gentium, civile*, is taken for the several Laws of Nature, Nations and particular States) yet I say *jus*, and so right, is properly something accruing to a person by vertue of that Law which is made, and so *jus natura* is that right which every man is invested in by the Law of nature, which is properly *jus persona*, and is by some call'd *jus activum*, which is defined by *Grotius* to be *Qualitas moralis persona competens ad aliquid juste habendum aut agendum*; by *Lessius* to be *Potestas Legitima ad rem aliquam obtinendam, &c.* So that by these descriptions, right is that power which a man hath by Law to do, have or obtain any thing. But the most full description of it is given by *Martinus*, that it is *adharens personæ necessitas vel potestas recta ad aliquid agendum, omittendum aut permittendum*, that whereby any person lies under a necessity of doing, omitting or suffering a thing to be, or else hath a lawful authority of doing, &c. For we are to consider that there is a twofold right, either such whereby a man hath liberty and freedom by the Law to do any thing; or such whereby it becomes a mans necessary duty to do any thing. The opening of the difference of these two, and the different influences they have upon persons and things, is very useful to our present purpose; *Jus* then is first that which is *justum*; so *Isidore*, *Jus dictum quia justum est*. So whatever is just, men have right to do it;

§. 2.

τὸ δίκαιον
ἀναλογον
π.
Arist. Eth.
l. 5. c. 6.

Grot. de ju-
re belli &
pac. lib. 1.
cap. 1. §. 4.
Less. de ju-
stit. & jure
l. 2. c. 2.
Dub. 1.
Etymol.
Philol. voc.
jus.

Etymol. l. 5.
cap. 3.

Now a thing may be said to be just either more generally, as it signifies any thing which is lawful, or in a more restrained sense, when it implies some thing that is equal and due to another. So Aristotle distributes τὸ δίκαιον into τὸ νόμιμον καὶ τὸ ἴσον. The former sense of it is here only pertinent, as it implies any thing which may be done according to Law, that is done *jure*, because a man hath right to do it. In order to this we are to observe that an express positive command is not necessary to make a thing lawful, but a non-prohibition by a Law is sufficient for that. For it being the nature of Laws to bound up mensrights, what is not forbidden by the Law is thereby supposed to be left in mens power still to do it. So that it is to little purpose for men to seek for positive commands for every particular action to make it lawful; it sufficeth to make any action lawful, if there be no bar made by any direct or consequential prohibition: unless it be in such things whose lawfulness and goodness depend upon a meer positive command. For in those things which are therefore only good because commanded, a command is necessary to make them lawful, as in immediate positive acts of worship towards God; in which nothing is lawful any further than it is founded upon a divine command. I speak not of circumstances belonging to the acts of worship, but whatever is looked upon as a part of divine worship if it be not commanded by God himself, it is no wayes acceptable to him, and therefore not lawful. So our Saviour cites that out of the Prophet, *In vain do they worship me, teaching for Doctrines, the commandments of men*, which the Chaldee Paraphrast and Syriack version render thus, *Reverentia quam mihi exhibent, est ex præcepto & documento humano*, plainly imputing the reason of Gods rejecting their worship to the want of a divine command for what they did. And therefore Tertullian condemns all those things to be *vacua observationis & superstitioni deputanda*, as *superstitious*, which are done *sine ullius Dominici aut Apostolici præcepti autoritate*, without the warrant of divine command. Although even here we may say too, that it is not merely the want of a divine precept which makes any part of divine worship uncommanded by God unlawful, but the general prohibition, that nothing should be done in the immediate

Ethic. l. 5. cap. 2.

Mat. 15. 9. Isa. 29. 11.

Tertull. de orat. Cap. 12. v. Herald. digress. lib. 2. cap. 2. in Tertull.

mediate

diate worship of God, but what we have a divine command for. However in matters of meer decency and order in the Church of God, or in any other civil action of the lives of men, it is enough to make things lawful, if they are not forbidden. But against this, that a non-prohibition is warrant enough to make any thing lawful, this objection will be soon levied, that it is an argument *ab autoritate negativè*, and therefore is of no force; To which I answer, that the rule if taken without limitation upon which this objection is founded, is not true; for although an argument *ab autoritate negativè* as to matter of fact avails not, yet the negative from authority as to matter of Law and command is of great force and strength. I grant the argument holds not here; we do not read that ever Christ or his Apostles did such a thing, therefore it is not to be done; but this, We read of no Law or precept commanding us to do it, therefore it is not unlawful not to do it; and we read of no prohibition forbidding us to do it, therefore it may be lawfully done; this holds true and good, and that upon this twofold reason. First, from Gods intention in making known his will; which was not to record every particular fact done by himself, or Christ, or his Apostles, but it was to lay down those general and standing Laws, whereby his Church in all ages should be guided and ruled: and in order to a perpetual obligation upon the consciences, there must be a sufficient promulgation of those Laws which must bind men. Thus in the case of Infant-baptism, it is a very weak unconcluding argument to say that Infants must not be baptized, because we never read that Christ or his Apostles did it; for this is a negative in matter of fact; but on the other side it is an evidence that infants are not to be excluded from baptism, because there is no divine Law which doth prohibit their admission into the Church by it; for this is the negative of a Law; and if it had been Christs intention to have excluded any from admission into the Church who were admitted before as Infants were, there must have been some positive Law whereby such an intention of Christ should have been expressed; For nothing can make that unlawful which was a duty before, but a direct and express prohibition from the Legislator himself, who

who alone hath power to rescind as well as to make Laws And therefore Antipædobaptists must instead of requiring a positive command for baptizing Infants, themselves produce an exprefs prohibition excluding them, or there can be no appearance of reason given why the Gospel should exclude any from these priviledges, which the Law admitted them to. Secondly, I argue from the intention and end of Laws, which is to circumscribe and restrain the natural liberty of man, by binding him to the observation of some particular precepts. And therefore where there is not a particular command and prohibition, it is in nature and reason supposed that men are left to their natural freedom; as is plain in positive humane Laws; wherein men by compact and agreement for their mutual good in societies were willing to restrain themselves from those things which should prejudice the good of the community; this being the ground of mens first inclosing their rights and common priviledges, it must be supposed, that what is not so inclosed, is left common to all as their just right and priviledge still. So it is in divine positive Laws; God intending to bring some of Mankind to happiness by conditions of his own appointing, hath laid down many positive precepts, binding men to the practice of those things as duties which are commanded by him. But where we find no command for performance, we cannot look upon that as an immediate duty, because of the necessary relation between duty and Law; and so where we find no prohibition, there we can have no ground to think that men are debarred from the liberty of doing things not forbidden. For as we say of exceptions as to general Laws and rules, that an exception expressed *firmat regulam in non exceptis*, makes the rule stronger in things not expressed as excepted; so it is as to divine prohibitions; as to the positives, that those prohibitions we read in Scripture make other things not prohibited to be therefore lawful, because not expressly forbidden. As Gods forbidding *Adami* to taste of the fruit of one tree did give him a liberty to taste of all the rest. Indeed, had not God at all revealed his will and Laws to us by his word, there might have been some plea why men should have waited for particular revelations to dictate the goodness or evil of particular actions, not determined

determined by the law of nature; but since God hath revealed his will, there can be no reason given why those things should not be lawfull to do, which God hath not thought fit to forbid men the doing of. Further we are to observe that in these things which are thus undetermined in reference to an obligation to duty, but left to our natural liberty as things lawful, the contrary to that which is thus lawful, is not thereby made unlawful. But both parts are left in mens power to do, or not to do them; as is evident in all those things which carry a general equity with them, and are therefore consonant to the Law of nature, but have no particular obligation, as not flowing immediately from any dictate of the natural Law. Thus community of goods is lawful by the law and principles of nature, yet every man hath a lawful right to his goods by dominion and propriety. And in a state of Community it was the right of every man to impropriate upon a just equality, supposing a preceeding compact and mutual agreement. Whence it is that some of the School-men say that although the Law of nature be immutable as to its precepts and prohibitions, yet not as to its demonstrations (as they call them) as, *Do, as you would be done to,* bind always indispensably; but *that in a state of nature all things are common to all;* This is true, but it binds not men to the necessary observance of it. These which they call demonstrations are only such things as are agreeable to nature, but not particularly commanded by any indispensable precept of it. Thus likewise it is agreeable to nature that the next of the kindred should be heir to him who dies intestate, but he may lawfully wave his interest if he please. Now to apply this to our present case; According to this sense of *jus* for that which is lawful; those things may be said to be *jure divino* which are not determined one way or other by any positive Law of God, but are left wholly as things lawful, to the prudence of men to determine them in a way agreeable to natural light, and the general rules of the word of God. In which sense I assert any particular form of Government agreed on by the Governours of the Church, consonant to the general rules of Scripture, to be by Divine right, *i. e.* God by his own laws hath given men a power and liberty to determine the particu-

*Alex. A-
lenfis. part.
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lar form of Church Government among them. And hence it may appear that though one form of Government be agreeable to the word, it doth not follow that another is not; or because one is lawful, another is unlawful; but one form may be more agreeable to some parts, places, people and times than others are. In which case that form of Government is to be settled which is most agreeable to the present state of a place, and is most advantagiously conducible to the promoting the ends of Church-Government in that place or Nation. I conclude then according to this sense of *jus*, that the *Ratio regiminis Ecclesiastici* is *juris divini naturalis*, that is, that the reason of Church-Government is immutable, and holds in all times and places, which is the preservation of the peace and unity of the Church: but the *modus regiminis Ecclesiastici*, the particular form of that Government is *juris divini permissivi*, that both the Laws of God and nature have left it to the Prudence of particular Churches to determine it. This may be cleared by a parallel instance. The reason and the science of Physick is immutable, but the particular prescriptions of that science are much varied, according to the different tempers of Patients. And the very same reason in Physick which prescribes one sort of Physick to one, doth prescribe a different sort to another, because the temper or disease of the one calls for a different method of cure, yet the ground and end of both prescriptions was the very same, to recover the Patient from his distemper. So I say in our present case; the Ground and reason of Government in the Church is unalterable by *divine right*, yea and that very reason which determines the particular forms; but yet those particular forms flowing from that immutable reason, may be very different in themselves, and may alter according to the several circumstances of times, and places, and persons, for the more commodious advancing the main end of Government. As in morality there can be but one thing to a man *in genere summi boni*, as the chief good, *quo tendit & in quod dirigit arcum*——to which he refers all other things, yet there may be many things *in genere boni conducentis*, as means in order to attaining that end. So though Church-Government vary not as to the ground, end and reason of it, yet it may as to the particular forms of it:

As is further evident as to forms of civil Government, though the end of all be the same, yet Monarchy, Aristocracy, and Democracy are in themselves lawful means for the attaining the same common end. And as *Aleosis* determines it in the case of Community of goods by the Law of nature, that the same reason of the Law of nature which did dictate community of goods to be most suitable to man in the state of innocency, did in his fallen estate prescribe a propriety of goods, as most agreeable to it; so that herein the *modus observantia* differed, but the *ratio præcepti* was the same still; which was mans comfortable enjoyment of the Accomodations of life: which in innocency might have been best done by community, but in mans degenerate condition, must be by a propriety. So the same reason of Church-Government may call for an equality in the persons, acting as Governours of the Church in one place, which may call for superiority and subordination in another.

Having now dispatched the first sense of a divine right, I come to the other, which is the main seat of the controversie, and therefore will require a longer debate. And so *jus* is that which makes a thing to become a duty: so *jus quasi jussum*, and *jussa jura*, as *Festus* explains it, *i. e.* that whereby a thing is not only *licitum*, in mens lawfull power to do it or no, but is made *debitum* and is constituted a duty by the force and vertue of a divine command. Now mans obligation to any thing as a duty doth suppose on the part of him from whose authority he derives his obligation, both *legislation* and *promulgation*. First there must be a *legislative power* commanding it; which if it respects only the outward actions of a man in a Nation imbodyed by Laws, is the supreme Magistrate; but if the obligation respect the consciences of all men directly and immediately, then none have the power to settle any thing by way of an universal standing Law, but God himself: Who by being sole Creator and Governour of the world, hath alone absolute and independent Dominion and authority over the souls of men. But besides legislation, another thing necessary to mans obligation to duty, is a *sufficient promulgation* of the Law made; Because though before this there be the ground of obedience on mans part to all Gods commands, yet there

§. 3.

must be a particular declaration of the Laws, whereby man is bound in order to the determination of Mans duty. Which in positives is so absolutely necessary, that unless there be a sufficient promulgation and declaration of the will of the Law-giver, mans ignorance is excusable in reference to them, and so frees from guilt and the obligation to punishment; but it is otherwise in reference to the dictates of the natural Law, wherein though man be at a loss for them, yet his own contracted pravity being the cause of his blindness, leaves him without excuse. Hence it is said with good reason, that though man under the moral Law, was bound to obey Gospel-precepts, as to the reason and substance of the duties by them commanded, as Faith, Repentance from dead works, and New obedience; yet a more full and particular revelation by the Gospel was necessary, for the particular determination of the general acts of obedience, to particular objects under their several Modifications expressed in the Gospel. And therefore faith and repentance under the moral Law, taken as a transcript of the Law of Nature, were required under their general notion as acts of obedience, but not in that particular relation which those acts have under the Covenant of Grace, Which particular determination of the general acts to special objects under different respects, some call New precepts of the Gospel, others New light; but taking that light as it hath an influence upon the consciences of men, the difference is so small, that it deserves not to be named a Controversie.

But that which I am now clearing is this, that whatsoever binds Christians as an universal standing Law, must be clearly revealed as such, and laid down in Scripture in such evident terms, as all who have their senses exercised therein, may discern it to have been the will of Christ, that it should perpetually oblige all believers to the Worlds end, as is clear in the case of Baptism, and the Lords supper. But here I shall add one thing by way of caution; That there is not the same necessity for a particular and clear revelation in the *alteration* of a Law *unrepealed* in some circumstances of it, as there is for the establishing of a *New Law*. As to the former, *viz.* the change of a standing Law as to some particular cir-
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cumstance, a different practice by persons guided by an inflexible spirit is sufficient; which is the case as to the observation of the Lords day under the Gospel: For the fourth Command standing in force as to the Morality of it, a different practice by the Apostles may be sufficient for the particular determination of the more ritual and occasional part of it, which was the limitation of the observation of it to that certain day. So likewise that other Law standing in force, that persons taken into Covenant with God should be admitted by some visible sign, Apostolical practice clearly manifested, may be sufficient ground to conclude what the mind of Christ was, as to the application of it to particular persons; and what qualifications are requisite in such as are capable of admission, as in the case of Infants. Whereby it is clear why there is no particular Law or command in reference to them under the Gospel, because it was only the application of a Law in force already to particular persons, which might be gathered sufficiently from the Apostles practice, the Analogy of the dispensation, the equal reason of exclusion under the Law, and yet notwithstanding the continual admission of them then into the same Gospel-Covenant; Circumcision being the seal of the righteousness of faith. But this by the way to prevent mistakes. We must now by parity of reason say, that either the former Law, in those things wherein it was not typical, must hold in reference to the form of Government in the Church of Christ, or else that Christ by an universal Law hath settled all order in Church Government among the Pastors themselves; or else that he hath left it to the prudence of every particular Church, to determine its own form of Government, which I conceive is the direct state of the Question about Divine Right, *viz.* Whether the particular form of Government in the Church be settled by an universal binding Law or no?

Rom. 4. 8.

But for a further clearing the state of the question, we must consider what it is that makes an unalterable Divine Right, or a standing Law in the Church of God: for those who found forms of Government upon a Divine Right, do not plead a Law in express terms, but such things from whence a Divine Right by Law may be inferred. Which I

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now come to examine; and that which I lay down as a *Postulatum*, or a certain conclusion according to which I shall examine others assertions concerning Divine Right, is, That nothing is founded upon a Divine Right, nor can bind Christians directly or consequentially as a positive Law, but what may be certainly known to have come from God, with an intention to oblige believers to the worlds end. For either we must say it binds Christians as a Law when God did not intend it should, or else Gods intentions to bind all believers by it must be clearly manifested. Now then, so many ways and no more as a thing may be known to come from God with an intention to oblige all perpetually, a thing may be said to be of an unalterable Divine Right; and those can be no more than these two; Either by the Law of Nature, or by some positive Law of God: Nothing else can bind universally and perpetually but one of these two, or by vertue of them, as shall be made appear. I begin with the Law of Nature. The Law of Nature binds indispensably, as it depends not upon any arbitrary constitutions, but is founded upon the intrinsic nature of good and evil in the things themselves, antecedently to any positive declaration of Gods will. So that till the nature of good and evil be changed, that Law is unalterable as to its obligation. When, I say, the Law of Nature is indispensable, my meaning is, that in those things which immediately flow from that Law by way of precept, as the three first commands of the Moral Law, no man can by any positive Law be exempted from his obligation to do them; neither by any abrogation of the Laws themselves, nor by derogation from them, nor interpretation of them; nor change in the object, matter, or circumstance, whatsoever it be. Now although the *formal reason* of mans obedience to the precepts of this Law, be the conformity which the things commanded have to the Divine Nature and goodness, yet I conceive the *efficient cause* of mans *obligation* to these things, is to be fetched from the Will, Command, and pleasure of God: Not as it is taken for an arbitrary positive will, but as it is executive of Divine purposes, and as it engraves such a Law upon the hearts of men. For notwithstanding mans reason, considered in it self, be the chiefest instrument of discovery what

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are these necessary duties of humane nature (in which sense Aristotle defines a natural Law to be that which *πανταχῆ τὴν αὐτὴν ἔχει δύναμιν*, hath every where the same force and strength, i. e. as *Andronicus Rhodius* very well interprets it, *πρὸς ἀνθρώποις τοῖς τε ὀρθοῦς καὶ ὑγροῦς ἔχουσι*, ἔδὲ τοῖς νοσῶσι τὰς ψυχὰς καὶ διεσαμύνο- νοις, among all that have the free use of their reason and faculties) yet I say, it is not bare reason which binds men to the doing of those things commanded in that Law, but as it is expressive of an eternal Law, and deduceth its obligation from thence. And so this Law, if we respect the rise, extent, and immutability of it, may be call'd deservedly the Law of Nature; but if we look at the emanation, efflux, and original of it, it is a divine Law, and so it is call'd by *Molina*, *Alphonsus à Castro*, and others. For the sanction of this Law of Nature, as well as others, depends upon the will of God, and therefore the obligation must come from him, it being in the power of no other to punish for the breach of a Law, but those who had the Legislative power to cause the obligation to it. It appears then from hence, that whatever by just consequence can be deduced from the preceptive Law of Nature, is of Divine Right, because from the very nature of that Law (it being indispensable) it appears that God had an intent to oblige all persons in the world by it.

Ethic. l. 5. cap. 10.

V. Selden. de jure nat. apud Ebra. lib. I. c. 7. & 8. Mol. de just. & jur. p. 1. disp. 3. Alphons. de leg. pur. l. 2. c. 14.

The second way whereby we may know what is of Divine Right, is by Gods positive Laws; for God being the Supreme Governour of the world, hath the Legislative power in his hands, to bind to the performance of what duties he please, which carry no repugnancy in them to his Divine Nature and goodness. Hence arise all those positive Laws of God which we have in Scripture; for Gods end in his written Law was, that man should have a copy of all Divine constitutions by him, that he might therein read what his duty was toward his Maker. The precepts of the Law of Nature, are by the Jews call'd *משפטים* and *מצות* absolutely, without any addition; because they are of such things as do perpetually bind, which because they are known to all by natural light, they sometimes call them *הרעה מצות* *præcepta scientia*; and being that their righteousness is so evident and apparent, they call them *דברים המישורים* *verba rectitudinis*:

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but the clearest difference between the precepts of the Law of Nature, and other positive commands, is that which the famous *Jf. Casaubon* takes notice of out of the Jewish Doctors. *Observant doctissimi è Rabbini inter מצות & חוקים hanc esse differentiam, quod Mitsvoth, sive præceptorum ratio aperta est, ut Deum cole, honora patrem & matrem, at Chukin statuta sive decreta earum rerum esse dicunt quarum טעם ratio soli Deo sit nota, ut circumcisionis & similibus.* The reason of the Laws of Nature is evident, but of positive Laws there is no reason to be given *אלהינו אלהינו גורר מן non est alia præter decretum regis: no other account to be given of them but the will of God.* The Laws of Nature are by the LXX. often call'd *δικαιώματα*, and so us'd, *Rom. 2. 16.* by *Justin Martyr*, *τὰ καθόλου καὶ φύσει καὶ αἰώνια κλάει* by *Josephus*, *τῆς φύσεως δικαιώματα* but Gods positive Laws are call'd *ἐπιτάλαι*, thence we read of *Zachary and Elizabeth*, *Luke 1. 6.* *πρεσβυμένοι ἐν πάσαις ταῖς ἐπιτάλαις καὶ δικαιώμασι, &c.* walking in all the ordinances and commandments of God blameless, and those are call'd *νόμοι ἐπιτάλων ἐν ὁγμασι*, by *S. Paul*, *Ephes. 2. 15.* The Law of commandments in ordinances. Now although this difference be not always observed in the words in Scripture, yet there is a vast difference between the things themselves, though both equally commanded by God. That which is most to our present purpose to observe, is, that positives being mutable and alterable in themselves, a bare Divine command is not sufficient to make them immutable, unless there be likewise express'd, that it is the will of God, that they should always continue. This was that which the Jews stumbled at so much, and do to this day, because they are assur'd their Law came once from God, therefore it must of necessity have a perpetual obligation: as may be seen in their two great Doctors *Maimonides* and *Abarbinel*, who both of them make the eternity of the Law one of the fundamental Articles of their Creed. But *Abarbinel* splits this Article into two; whereof the first is, that the Law of *Moses* shall never be changed; the other, that no other Law shall come in stead of it. The original of which grand error is from want of observing the difference between things commanded by God; some of which are good, and therefore

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Exercit. Ecclesi. advers. Bar. exer. 16. sect. 43.

Seld. de jure Nat. apud Ebr. l. 1. cap. 10.

Colloq. cum Tryph. Judæo. Origin. lib. 16. cap. 10. V. Grot. in Luc. 1. 6.

Maimon. de fundam. legis, cap. 9. sect. 1. Abarb. de Capit. fidei, cap. 8. p. 29. Ed. Vorstii.

commanded; others commanded, and therefore good. In which latter, if the reason of the command ceaseth, the command its self obligeth no longer. As the ceremonial Law was to be their *μυσταγωγὸς εἰς χριστόν*, which is not meant in regard of the sharp severe nature of the Law to drive them unto Christ, as it is by many interpreted, but the Law is a Pædagogues in regard of its tutorage and conduct, as it signified him whose office it was to conduct Noblemens Children to the School (as a learned man observes) This being then the office of the Law, when the Church was now entred into Christs School, the office of this Pædagogues then ceased. And so the ceremonial Law needed no abrogation at all, expiring of its self at Christs coming, as Laws made for the times of war do when peace comes. Only because the Jews were so hardly perswaded that it should expire (the believing Jews conceiving at first the Gospel came rather to help them to obey the Law of *Moses* than to cancel the obligation of it) therefore it was necessary that a more honourable burial should be given to it, and the Apostles should *pro rostris* declare more fully that believers were freed from that Yoke of ceremonies, under which the neck of their fore-fathers had groaned so long. It appears then that a positive Law coming from God doth not meerly by vertue of its being enacted by God, bind perpetually all persons unless there be a declaration of Gods will adjoynd, that it should do so.

Gal. 3. 24.

It will be here then well worth our inquiry to find out some *κρίσιμα* or notes of difference whereby to know when positive laws bind immutably, when not; I shall lay down these following. First, when the same reason of the command continyes still, then we cannot conceive how, that which was instituted upon such an account as remains still, should not have the same force now which it had at first. That positive Law under which *Adam* was in his state of innocency touching the forbidden fruit, did not bind any longer than his fall; because the reason of the command ceased, which was the tryal of mans obedience: For which, God made choice of a very facile and easie command, according to that rule of Politicians, *In minimis obedientia periculum faciunt Legislatores*, of which they give this rational account, *Quia legistato-*

§. 6.

ris ad obedientiam obligantis potius habenda est ratio quam rei de qua lex est lata: thence arose that Law of the Ephori at Sparta, *barbam condere*, to which no other reason was annexed but this, *obtemperare legibus*, to learn them to obey the Laws. This was Gods aim in that easie command given to Adam, to make thereon an experiment of mans willingness to obey his maker, and wherein man soon lost that *Obsequii gloria*, as he in Tacitus calls it, which as Pliny saith is *in eo major quod quis minus velit.* But had this Law been a standing Law for all mankind, it would have continued its obligation still; but since we see that it was only a personal, temporary, probative precept; for no sooner was man fallen but its obligation ceased. So likewise those precepts of the Judicial Law which immediately respected the Common-wealth of the Jews as such, their obligation reacheth not to Christians at all, nor (as it is generally conceived) to the Jews themselves, when out of the Confines of their own countrey, because the reason of those Laws doth neither descend to Christians, nor did travel abroad with the Jews. But those judicial Laws which are founded upon common equity do bind still, not by vertue of that *sanction*, but by vertue of common principles of equity, which certainly in the present shortness of humane reason cannot be fetched from a clearer fountain than those Laws which once came from the fountain of goodness: none of whose constitutions can any waies be supposed to deviate from the exactest rules of justice and equity. And upon this very ground too, some part of the fourth commandment is abrogated, and the other continues to bind still; For the reason of the ceremonial and occasional part is ceased, and the reason of what was moral, continues. Therefore the School-men say right of the Sabbath day, *Cultus est à naturâ, modus à lege, virtus à Gratiâ.* Nature dictates that God should be worshipped, the Law informs what day and time to spend in his worship, Grace must enable us to perform that worship on that day in a right manner. And because the same reason for Gods worship continues still, therefore it is a precept of the natural Law, that God should be worshipped. What time precisely must be spent in Gods worship (as one day in seven) though the reason be evident to the nature of it when it is made known, yet

it is hard to conceive that nature could have found out the precise determination of the time. Although I must confess the general consent of nations, as to the seventh part, (if it were fully cleared) would speak fair to be the voice of nature, or at least a tradition received from the Sons of *Noah*, which, if so, will be an evidence of the observation of the Sabbath before the Children of *Israels* being in the Wilderness. But granting that the seventh part of time was a positive Law of God, yet I say it binds immutably, because there is as strong a reason for it now as ever, and *ratio immutabilis precepti, facit preceptum immutabile*. This I take to be the sense of those who distinguish between *morale positivum*, and *morale naturale, i. e.* that some things are so moral, that even nature its self can discover them; as that God should be worshipped. Other things are so moral, that though the reason of them be founded in nature, yet there wants divine revelation to discover them to us; but when once discovered, are discerned to be very agreeable to common principles of reason. And these when thus discovered, are as immutably obligatory as the other, because the reason of them is immutable. And of this nature is the determination of the particular time for Gods worship, and limitation of it to one day in seven. But what was in that precept meerly occasional, as the first and original ground of its limitation to the seventh in order, *Gods resting on that day from the work of Creation*; and the further ground of its inforcement to the Jews, *viz. their deliverance out of Egypt*; these being not immutable but temporary and occasional, may upon as great ground given, and approved of God for that end (as is evident by the Apostles practice) be sufficient reason of the alteration of the seventh day to the first day of the week. By this may briefly be seen how irrationally those speak, who say we have no further ground for our observation of the Lords day now, than for other arbitrary Festivals in the Church, *viz.* The tradition of the Church of God. I grant, the tradition of the Church doth acquaint us with Apostolical practice; but the ground of our observation of the Lords day, is not the Churches tradition, but that Apostolical practice conveyed by universal Tradition) which setting aside the Festivals observed upon the Lords day, can very hardly be found for any other.) But supposing universal tradition

Gen. 2. 2.

Deut. 5. 15.

for other Festivals, I say here tradition is not only used as a testimony and instrument of conveyance, as in the other case of the Lords day; but is it self the only argument, and the very ground of the original observation: Between which two, what a wide difference there is, let any rational man judge. But for a further clearing this observation, we must consider, that the reason of the command, which we say is the measure of its obligation, must not be fetched from mens uncertain conjectures) among whom dreams often pass for reasons) but it must be either expressed in the Law its self, or deducible by apparent and easie collection from it; as is plain in the decrees of the Apostles about *things strangled, and offered to Idols*, where the reason of the command is plainly implied, to wit, for present compliance with the Jews; and therefore no sooner did the reason of the command cease, but the obligation of it ceased too: but of this more afterwards. This is one way then to discern the difference between positive Laws, as to the obligation of them, by the ground and reason of the command. And therefore it is well observed by Divines (which further confirms what I now prove) that no command doth bind against the reason of the command; because it is not the words, but the sence and reason of a command which hath the greatest obligatory force. Therefore Tully tells us that the *ratio juris & legislatoris consilium*; is the best interpreter of any Law: who excellently and largely proves that the reason of the Law is the Law, and not the words. So much for the first rule.

Act. 15. 29.

Orat. pro A.
Cecili.

§. 7.

Secondly, Another way to know when positive Laws are immutable, is, when Gods will is expressly declared that such Laws shall bind immutably. For it being granted on all hands that God may bind us to those things which are left indifferent by the Law of nature, and likewise for what term he please; the only inquiry left, is to see in his word whether he hath so bound us or no; and if he hath, whether he hath left it in mans power to revoke his laws. For as to positive Laws expressly laid down in Scripture, the ground of which is only as the Jews speak *לפי רצון המלך* the will of the King, i. e. Gods own pleasure, without any reason or occasion of it self expressed or necessarily implied, these do bind immutably, unless the same power which commanded them, doth

doth again revoke them. For we cannot in any wise conceive that the wise God should after the declaring his own will, leave it in the power of any corrupt fallible being to determine, or dispense with the obligation of his own Laws. Which to do, and instead of them to enforce others immediately upon the consciences of men, as standing Laws, is an attempt beyond that of the Gyants against Heaven (or the men at *Babel*) that being only an affectation of reaching Heaven, but this an actual usurpation of Gods supreme and legislative power and authority. But though man hath not, God always reserves to himself a power to relax, interpret, and dispence with his own positive Laws, which imply no repugnancy to his own nature. And this power is always to be understood in all Laws to be reserved to God, where he hath not himself declared that he will not use it; which is done either by the annexing an oath or a promise, which the Apostle calls the *two immutable things in which it is impossible for God to lie*: For though God be free to promise, yet when he hath promised, his own nature and faithfulness binds him to performance; in which sense I understand those who say, God in making promises is bound only to himself, and not to men; that is, that the ground of performance ariseth from Gods faithfulness. For else if, we respect the right coming by the promise, that must immediately respect the person to whom it is made, and in respect of which we commonly say that the promiser is bound to performance. But the case is otherwise in penal Laws, which though never so strict, do imply a power of *relaxation* in the Legislator: because penal Laws do only constitute the *debitum pœnæ*, and bind the sinner over to punishment, but do not bind the Legislator to an actual execution upon the debt. Which is the ground that the person of a Mediator was admittable in the place of fallen man, because it was a penal Law, and therefore relaxable. But because the debt of punishment is immediately contracted upon the breach of the Law, therefore satisfaction was necessary to God as Law-giver, either by the person himself, or another for him; because it was not consistent with the holiness of Gods nature and his wisdom as Governor, to relax an established Law, without valuable consideration.

Heb. 6. 18.

Now for the third kind of Gods Laws, besides promissory and penal, *viz.* such as are meerly positive respecting duties, which become such by vertue of an exprefs command: these, though they be revocable in themselves, yet being revocable only by God himself, and his own power, since he hath already in his word fully revealed his will, unless therein he hath declared when their obligation shall cease, they continue irreversible: This is the case as to the Sacraments of the New Testament, which being commands meerly positive, yet Christ commanding Christians as Christians to observe them, and not as Christians of the first and second ages of the Church, his mind can be no otherwise interpreted concerning them, than that he did intend immutably to bind all Christians to the observance of them. For although the Socinians say, that baptism was only a Rite instituted by Christ for the passing men from Judaism and Gentilism to Christianity, yet we are not bound to look upon all as reason that comes from those who profess themselves the admirers of it. For Christs command nowhere implying such a limitation; and an outward visible profession of Christianity being a duty now, and the Covenant entred into by that Rite of initiation, as obligatory as ever, we have no reason to think that Christs command doth not reach us now, especially the promise being made to as many as God shall call, and consequently the same duty required which was then in order to the obtaining of the same ends. A third way to discern the immutability of positive Laws, is, when the things commanded in particular are necessary to the being, succession, and continuance of such a society of men professing the Gospel, as is instituted and approved by Christ himself. For Christ must be supposed to have the power himself to order what society he please, and appoint what orders he please to be observed by them; what Rites and Ceremonies to be used in admission of Members into his Church, in their continuing in it; in the way, means, manner of ejection out of it; in the preserving the succession of his Church, and the administration of ordinances of his appointment. These being thus necessary for the maintaining and upholding this society, they are thereby of a nature as unalterable, as the duty of observing what Christ hath commanded

*Catech. Ra-
cov. cap. 4.*

Acts 3. 38.

manded is. How much these things concern the resolution of the Question proposed, will appear afterwards. Thus we have gained a resolution of the second thing, whereon an unalterable Divine Right is founded; *viz.* either upon the dictates of the Law of Nature, concurring with the rules of the written word; or upon express positive Laws of God, whose reason is immutable, or which God hath declared shall continue, as necessary to the being of the Church.

The next thing is to examine the other pretences which are brought for a Divine Right; which are either *Scripture examples*, or *Divine acts*, or *Divine approbation*. For *Scripture examples*: First, I take it for granted on all hands, that all Scripture examples do not bind us to follow them; such are the Mediatory acts of Christ, the Heroical acts of extraordinary persons, all accidental and occasional actions. Example doth not bind us as an example; for then all examples are to be followed, and so we shall of necessity go *qua iur*, *non qua eundum*; walk by the most examples, and not by rule. There is then no obligatory force in example it self. Secondly, there must be then some rule fixed to know when examples bind, and when not: for otherwise there can be no discrimination put between examples which we are to follow, and which to avoid. This rule must be either immediately *obligatory*, making it a duty to follow such examples, or else *directive*, declaring what examples are to be followed: And yet even this latter doth imply as well as the former, that the following these examples thus declared, is become a duty. There can be no duty without a Law making it to be a duty: and consequently, it is the Law making it to be a duty to follow such examples, which gives a Divine Right to those examples, and not barely the examples themselves. We are bound to follow Christs example, not barely because he did such and such things, (for many things he did we are not bound to follow him in) but because he himself hath by a command made it our duty to follow him in his humility, patience, self denial, &c. and in whatever things are set out in Scripture for our imitation. When men speak then with so much confidence, that Scripture examples do bind us unalterably, they either mean that the example it self makes it a duty, which I have shewn

§. 8.

Matth. 11.
28.

1 Joh. 2.6.

1 Pet. 2.22.

shewn already to be absurd; or else that the moral nature of the action done in that example, or else the Law making it our duty to follow the example, though in it self it be of no moral nature. If the *former* of these two, then it is the morality of the action binds us, without its being *incarnate* in the example: For the example in actions not moral, binds not at all, and therefore the example binds only by vertue of the morality of it, and consequently, it is the morality of the action which binds, and not the example. If the *latter*, the rule making it our duty, then it is more apparent that it is not the example which binds necessarily, but that rule which makes it a duty to follow it; for examples in indifferent things do not bind without a Law making it to be a duty: And so it evidently appears, that all obligatory force is taken off from the examples themselves, and resolved into one of the two former, the moral nature of the action, or a positive Law. And therefore those who plead the obligatory nature of Scripture examples, must either produce the moral nature of these examples, or else a rule binding us to follow those examples. Especially, when these examples are brought to found a New positive Law, obliging all Christians necessarily to the end of the world. Concerning the binding nature of Apostolical practice, I shall discourse largely afterwards. The next thing pleaded for a Divine Right, is by *Divine Acts*. As to this, it is again evident that all Divine Acts do not constitute such a Right; therefore there must be something expressed in those Acts when such a Divine Right follows them; whence we may infallibly gather, it was Gods intention they should perpetually oblige: as is plain in the cases instanced in the most for this purpose; as Gods resting on the seventh day, making the Sabbath perpetual: For it was not Gods resting that made it the Sabbath, for that is only expressed as the occasion of its institution; but it was Gods sanctifying the day, that is, by a Law setting it apart for his own service, which made it a duty. And so Christs resurrection was not it which made the Lords day Sabbath of Divine Right; but Christs resurrection was the occasion of the Apostles altering only a circumstantial part of a moral duty already; which being done upon so great reasons, and by persons

Gen. 2. 2.

11. 10. 11
 12. 1. 12
 13. 1. 13
 14. 1. 14

persons endued with an infallible spirit, thereby it becomes our duty to observe that moral command in this limitation of time. But here it is further necessary to distinguish between acts merely *positive*, and acts *donative* or *legal*. The former confer no right at all, but the latter do; not barely as acts, but as legal acts, that is, by some declaration that those acts do confer right. And so it is in all donations, and therefore in Law the bare delivery of a thing to another doth not give a legal title to it, without exprefs transferring of dominion and propriety with it. Thus in Christs delivering the Keys to *Peter* and the rest of the Apostles, by that act I grant the Apostles had the power of the Keys by Divine Right; but then it was not any bare act of Christ which did it, but it was only the declaration of Christs will conferring that authority upon them. Again, we must distinguish between a right confer'd by a *donative act*, and the *unalterable nature* of that Right; for it is plain there may be a Right *personal* as well as *successive*, *derivative*, and *perpetual*. And therefore it is not enough to prove that a Right was given by any act of Christ, unless it be made appear it was Christs intention that Right should be perpetual, if it oblige still. For otherwise the *extent of the Apostolical commission*, the *power of working miracles*, as well as the *power of the Keys* (whether by it we mean a power declarative of duty, or a power authoritative and penal) must continue still, if a difference be not made between these two: And some rule found out to know when the Right confer'd by Divine Acts is personal, when successive; which rule thus found out, must make the Right unalterable, and so concerning us, and not the bare donative act of Christ: For it is evident they were all equally confer'd upon the Apostles by an act of Christ; and if some continue still, and others do not, then the bare act of Christ doth not make an unalterable Divine Right. And so though it be proved that the Apostles had superiority of order and jurisdiction over the Pastors of the Church by an act of Christ, yet it must further be proved, that it was Christs intention that superiority should continue in their successors, or it makes nothing to the purpose. But this argument I confess, I see not how those who make a necessary Divine Right

Matth. 16.

19.

18. 18.

to follow upon the acts of Christ, can possibly avoid the force of. The last thing pleaded for Divine Right, is *Divine approbation*, but this least of all constitutes a Divine Right: For if the actions be extraordinary, Gods approbation of them as such, cannot make them an ordinary duty. In all other actions which are good, and therefore only commendable, they must be so, either because done in conformity to Gods revealed will, or to the nature of things good in themselves. In the one it is the positive Law of God, in the other the Law of Nature, which made the action good, and so approved by God, and on that account we are bound to do it. For God will certainly approve of nothing but what is done according to his will revealed, or natural; which will and Law of his, is that which makes any thing to be of Divine Right, *i. e.* perpetually binding, as to the observation of it: But for acts of a meerly positive Nature, which we read Gods approbation of in Scripture, by vertue of which approbation those actions do oblige us; in this case I say it is not Gods meer approbation that makes the obligation, but as that approbation so recorded in Scripture, is a sufficient testimony and declaration of Gods intention to oblige men: And so it comes to be a positive Law, which is nothing else but a sufficient declaration of the Legislators will and intention, to bind in particular actions and cases. Thus now we have cleared whereon a necessary and unalterable Divine Right must be founded; either upon the Law of Nature, or some positive Law of God, sufficiently declared to be perpetually binding.

C H A P. II.

Six Hypotheses laid down, as the basis of the following Discourse.

1. *The irreversible obligation of the Law of Nature, either by humane, or Divine positive Laws, in things immediately flowing from it.*
2. *Things agreeable to the Law of Nature may be lawfully practised in the Church of God, where there is no prohibition by positive Laws, enlarged into five subservient Propositions.*
3. *Divine positive Laws, concerning the manner of the thing whose substance is determined by the Law of Nature, must be obeyed by virtue of the obligation of the natural Law.*
4. *Things undetermined, both by the natural and positive Laws of God, may be lawfully determined by the supreme authority in the Church of God.*
5. *What is thus determined by lawful authority, doth bind the consciences of men subject to that authority, to obedience to those determinations.*
6. *Things thus determined by lawful authority, are not thereby made unalterable, but may be revoked, limited, and changed by the same authority.*

HAVING shewed what a Divine Right is, and whereon it is founded; our next great inquiry will be, how far Church Government is founded upon Divine Right, taken either of these two ways. But for our more distinct, clear, and rational proceeding, I shall lay down some things, as so many *Postulata* or general *Principles* and *Hypotheses*, which will be as the basis and foundation of the following discourse; which all of them concern the obligation of Laws, wherein I shall proceed gradually, beginning with the Law of Nature, and so to Divine positive Laws; and lastly, to speak to humane positive Laws. The first principle or hypothesis which I lay down, is,

That where the Law of Nature doth determine any thing by way of duty, as flowing from the principles of it, there no positive Law can be supposed to take off the obligation of it. Which I prove, both as to humane positive Laws and Divine: First as to humane. For first, the things commanded in the Law of Nature, being just and righteous in themselves, there can be no obligatory Law made against such things. *Nemo tenetur*

§. 1.

Hypothesis.

ad impossibile, is true in the sense of the Civil Law, as well as in Philosophy; as *impossibile* is taken for *turpe*, and *turpe* for that which is contrary to the dictates of nature. A man may be as well bound not to be a man, as not to act according to principles of reason: For the Law of Nature is nothing else but the dictate of right reason, discovering the good or evil of particular actions, from their conformity or repugnancy to natural light. Whatever positive Law is then made directly infringing and violating natural principles, is thereby of no force at all. And that which hath no obligation in it self, cannot dissolve a former obligation. Secondly, the indispensableness of the obligation of the Law of Nature, appears from the end of all other Laws, which are agreed upon by mutual compact, which is the better to preserve men in their rights and priviledges. Now the greatest rights of men, are such as flow from Nature it self; and therefore, as no Law binds against the reason of it, so neither can it against the common end of Laws. Therefore, if a humane positive Law should be made, that God should not be worshipped, it cannot bind, being against the main end of Laws, which is to make men live together as reasonable creatures, which they cannot do, without doing what Nature requires, which is, to serve God who made it. Again, it overturns the very foundation of all Government, and dissolves the tye to all humane Laws, if the Law of Nature doth not bind indispensably; for otherwise, upon what ground must men yield obedience to any Laws that are made? is it not by vertue of this Law of Nature, that men must stand to all compacts and agreements made? If Laws take their force among men from hence, they can bind no further than those compacts did extend, which cannot be supposed to be to violate and destroy their own natures. Positive Laws may restrain much of what is only of the permissive Law of Nature (for the intent of positive Laws, was to make men abate so much of their natural freedom, as should be judged necessary for the preservation of humane societies) but against the obligatory Law of Nature, as to its precepts, no after Law can derogate from the obligation of it. And therefore it is otherwise between the Law of Nature and positive Laws, than between

Laws.

Grot. de
jure belli,
&c. lib. 1.
cap. 1. s. 10.

Laws meerly civil : for as to these the rule is, that *posterior derogat priori*, the latter Law cassates and nulls the obligation of the former ; but as to natural Laws and positive, *prior derogat posteriori*, the Law of Nature, which is first, takes away the obligation of a positive Law, if it be contrary to it. As *Justellus* observes it was in the primitive Church, in reference to the obligation of the Canons of the Councils, that such as were inserted in the *Codex Canonum*, being of the more ancient Councils, did render the obligation of later Canons invalid, which were contrary to them, unless it were in matters of small moment. We see then, that supposing the Law of Nature doth not continue obligatory, the obligation of all humane positive Laws will fall with it (as the superstructure needs must when the foundation is removed) for if any other Law of Nature may be dissolved, why not that whereby men are bound to stand to Covenants and contracts made ? and if that be dissolved, how can the obligation to humane Laws remain, which is founded upon that *basis* ? And so all civil societies are thereby overturned. Thirdly, it appears from the nature of that obligation which follows the Law of Nature, so that thereby no humane Law can bind against this ; for humane Laws bind only outward humane actions *directly*, and internal acts only by vertue of their necessary connexion with, and influence upon outward actions, and not otherwise ; but the Law of Nature immediately binds the soul and conscience of man : And therefore *obligatio naturalis*, and *nexus conscientia*, are made to be the same by *Lessius*, *Suarez*, and others. For *Lessius* disputing, Whether a Will made without solemnity of Law, doth bind in conscience or no ? He proves it doth by this argument, from the opinion of the Lawyers, that without those solemnities there doth arise from it a natural obligation, and the *heres ab Intestato*, who is the next of Kin, is bound to make it good ; therefore it doth bind in conscience. So then there ariseth a necessary obligation upon conscience, from the dictates of the Law of Nature, which cannot be removed by any positive Law. For although there lye no action in the civil Law against the breach of a meerly natural Law, as in the former case of succession to a will not legally made ; in covenants made without condi-

*Prefat. in
Cod. Canon.
Eccles.
Afric. p. 14.*

*Less. de just.
& jure l. 2.
c. 19. dub.
3. n. 12.
Suarez de
leg. lib. 2.
cap 9. sect.
6.*

condi

conditions expressed, in recovery of debts from a person to whom money was lent in his Pupilage without consent of his Tutor ; in these cases though no action lie against the persons, yet this proves not that these have no obligation upon a man, but only that he is not responsible for the breach of moral honesty in them before civil Courts. In which sense those Lawyers are to be understood which deny the obligation of the Law of nature. But however conscience binds the offender over to answer at a higher tribunal, before which all such offences shall be punished. Thus then we see no positive humane Law can dispence with, or dissolve the obligation of the Law of nature. Much less, Secondly, can we suppose any positive divine Law should. For although Gods power be immense and infinite to do what pleaseth him, yet we must alwaies suppose this power to be conjoynd with goodness, else it is no divine power: and therefore *posse malum, non est posse*, it is no power, but weakness to do evil; and without this *posse malum* there can be no alteration made in the nature of good and evil; which must be supposed, if the obligation of the natural Law be dispensed with. Therefore it was well said by

Orig. lib. 3.
c. Celsum.
p. 154. ed.
Cont.

Origen when *Celsus* objected it as the common speech of the Christians, that with God all things are possible, that he neither understood how it was spoken, nor what all these things are, nor how God could do them: and concludes with this excellent speech, Δύναται ἢ καὶ ἡμᾶς πάντα ὁ θεός, ἀπερ δύναμεν ὁ θεός εἶναι, καὶ τὸ ἀγαθὸς εἶναι καὶ σοφὸς εἶναι ἐκ ἐξίσταται. We say. faith he, that God can do all things which are reconcileable with his Deity, Goodness, and wisdom. And after adds, That as it is impossible for honey to make things bitter, and light to make things obscure, so it is for God to do any thing that is unjust. Ἐναντίον γὰρ ὄντι αὐτῷ τῇ δειότητι καὶ τῇ κατ' αὐτὴν πάσῃ δυνάμει, ἢ τὸ ἀδικεῖν δύναμις. For the power of doing evil is directly contrary to the divine nature, and that omnipotency which is consistent with it.

c. Celsum.
l. 3. p. 247.

To the same purpose he speaks elsewhere, ὁ θεός, βέλεται, God wills nothing unbecoming himself: And again, φημὲν ἢ ὅτι ἔ δύναται ἀρετὰ ὁ θεός, ἐπεὶ ἔσται ὁ θεός δύναμεν ὁ θεός εἶναι καὶ ἀγαθὸς πᾶσα ὁ θεός ἐκ ὄντι θεός. We affirm that God cannot do evil actions, for if he could he might as well be no God. For if God should do evil, he would be no God. So then though

though God be omnipotent, yet it follows not that he can therefore dissolve the obligation of the preceptive Law of nature, or change the natures of good and evil. God may indeed alter the properties of those things from whence the respects of good and evil do result, as in *Abrahams* offering *Isaac*, the Israelites taking away the *Egyptians* Jewels; which God may justly do by vertue of his absolute dominion; but the change here is not in the obligation of the Law, but in the things themselves. Murther would be an intrinsecal evil still; but that which was done by immediate and explicate command from God, would have been no murther. Theft had been a sin still, but taking things alienated from their properties by God himself, was not theft. We conclude then, what comes immediately from the Law of nature by way of command binds immutably and indispenfably. Which is the first Hypothesis or Principle laid down.

The second Hypothesis is, *that things which are either deducible from the Law of nature, or by the light of nature discovered to be very agreeable to it, may be lawfully practised in the Church of God, if they be not otherwise determined by the positive Laws of God, or of lawful humane authority.* We shall first inquire into the nature of these things, and then shew the lawfulness of doing them. For the nature of these things, we must consider what things may be said to be of the Law of nature. They may be reduced to two heads, which must be accurately distinguished. They are either such things which nature dictates to be done, or not to be done necessarily and immutably; or else such things as are judged to be very agreeable to natural light, but are subject to positive determinations. The former are called by some *jus natura obligativum*; by others *jus natura proprium*, whereby things are made necessarily duties or sins; the latter *jus natura promissivum*, and *reductivum*, for which it is sufficient if there be no repugnancy to natural light. From these two arise a different obligation upon men; either strict, and is called by *Covarruvias obligatio ex justitiâ*; an obligation of duty and justice; the other larger, *obligatio ex communi equitate*, or *ex honestate morali*, an obligation from common equity, that is according to the agreeableness of things to natural light. The former I have shewn already

§. 2.

Covarr. c.
10. de te-
stam. n. 116

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dy do bind indispensably, but these latter are subject to positive Laws. For our better understanding the obligation of these (which is more intricate than the former) we shall consider men under a double notion, either in a state of absolute liberty, which some call a state of nature, or else in a state wherein they have restrained their own liberty by mutual compacts, or are determined by a higher Law. These things premised, I lay down these propositions:

1. *In a state of absolute liberty before any positive Laws were superadded to the natural, whatsoever was not necessarily determined by the obligatory Law of Nature, was wholly left to mens power to do it or not, and belongs to the permissive Law of Nature.* And thus all those things which are since determined by positive Laws, were in such a supposed state, left to the free choice of a mans own will. Thus it was in mens power to joyn in civil society with whom they pleased, to recover things, or vindicate injuries in what way they judged best, to submit to what constitutions alone they would themselves, to choose what form of Government among them they pleased, to determine how far they would be bound to any authority chosen by themselves, to lodge the legislative and coercive power in what persons they thought fit, to agree upon punishments answerable to the nature of offences. And so in all other things not repugnant to the common light of reason, and the dictates of the preceptive part of the Law of Nature.

2. *A state of absolute liberty not agreeing to the nature of man considered in relation to others, it was in mens power to restrain their own liberty upon compacts so far as should be judged necessary for the ends of their mutual society.* A state of nature I look upon only as an imaginary state, for better understanding the nature and obligation of Laws. For it is confessed by the greatest assertors of it, that the relation of Parents and Children cannot be conceived in a state of natural liberty, because Children as soon as born are actually under the power and authority of their parents. But for our clearer apprehending the matter in hand, we shall proceed with it. Supposing then all those former rights were in their own power; it is most agreeable to natural reason, that every man may

may part with his right so far as he please for his own advantage. Here now, men finding a necessity to part with some of their rights to defend and secure their most considerable ones, men begin to think of compacts one with another (taking this as a principle of the natural Law, and the foundation of society, that all Covenants are to be performed) When they are thus far agreed, they then consider the terms upon which they should enter into society one with another. And here men devote themselves of their original liberty, and agree upon an inclosure of properties, and the fences of those properties; I mean, upon living together in a civil state, and of the Laws they must be ruled by. This is apparently agreeable to natural reason, the things being in their own power, which they agree to part with.

Men entering upon societies by mutual compacts, things thereby become good and evil which were not so before. Thus he who was free before to do what and how he pleased, is now bound to obey what Laws he hath consented to; or else he breaks not only a positive Law, but that Law of nature which commands man to stand to Covenants once made, though he be free to make them. And therefore it is observable that the doing of things that were lawful before covenants made, and things thereby determined, may be so far from being lawful after, that the doing of them may contradict a principle of the obligatory Law of nature. Thus in a state of liberty every one had right to what he thought fit for his use, but Propriety and Dominion being introduced, which was a free voluntary act, by mens determining rights, it now becomes an offence against the Law of nature, to take away that which is another mans. In which sense alone it is that theft is said to be forbidden by the Law of nature. And by the same reason he that resists and opposeth the lawful authority, under which he is born, doth not only offend against the Municipal Laws of the place wherein he lives, but against that Original and fundamental Law of societies, viz. standing to Covenants once made. For it is a gross mistake as well as dangerous, for men to imagine that every man is born in a state of absolute liberty to choose what Laws and Governours he please; but every one being now born a subject to that au-

§. 3.
Prop. 3.

Paulus l.
1. D. de fur-
tis. Ulpian.
lib. Post. D.
de verb. sig.

*V. Grot. de
jure belli,
Etc.
lib. 2. cap. 4.
sect. 8.*

thority he lives under, he is bound to preserve it as much as in him lies; thence *Augustus* had some reason to say, He was the best Citizen, *qui presentem reipublica statum mutari non vult*, that doth not disturb the present state of the Common-wealth; and who as *Alcibiades* saith in *Thucydides*, *ὅπως ἐδέξατο νόμον τῆς πολιτείας, ᾧ αὐτὸν συνδιασάσκει*, endeavours to preserve that form of Government he was born under. And the reason of it is, that in contracts and Covenants made for Government, men look not only at themselves, but at the benefit of posterity; if then one party be bound to maintain the rights of the others posterity as well as of his person, the other party must be supposed to oblige his posterity in his Covenant to perform obedience, which every man hath power to do, because Children are at their parents disposal; And equity requires that the Covenant entred should be of equal extent to both parties: And if a man doth expect protection for his posterity, he must engage for the obedience of his posterity too, to the Governours who do legally protect them. But the further prosecution of these things belongs to another place to consider of; my purpose being to treat of Government in the Church, and not in the State. The summ of this is, that the obligation to the performance of what things are determined (which are of the permissive Law of nature) by positive Laws, doth arise from the obligatory Law of nature. As the Demonstration of the particular Problemes in the Mathematicks, doth depend upon the principles of the Theoremes themselves; and so whoever denies the truth of the Probleme deduced by just consequence from the Theoreme, must consequentially deny the truth of the Theoreme its self: so those who violate the particular determinations of the permissive Law of nature, do violate the obligation of the preceptive part of that Law: Obedience to the other being grounded on the principles of this.

4. *God hath power by his positive Laws to take in and determine as much of the permissive Law of nature as he please, which being once so determined by an universal Law, is so far from being lawful to be done, that the doing of them by those under an obligation to his positive Laws, is an offence against the immutable Law of Nature.* That God may restrain mans natural liberty, I suppose none who own Gods legislative power
over

over the world can deny; especially considering that men have power to restrain themselves; much more then hath God, who is the Rector and Governour of the world. That a breach of his positive Laws is an offence against the common law of nature, appears hence; because man being God creature, is not only bound to do what is in general suitable to the principles of reason in flying evil, and choosing good; but to submit to the determinations of Gods will, as to the distinction of good from evil. For being bound universally to obey God, it is implied that man should obey him in all things which he discovers to be his will: whose determination must make a thing not only good, but necessary to be done, by vertue of his supream authority over men. This then needs no further proof, being so clear in its self.

5. *Lastly. What things are left undetermined by divine positive Laws, are in the Churches power to use, and practise according as it judgeth them most agreeable to the rule of the Word.* That things undetermin'd by the word are still lawful, evidently appears: because what was once lawful, must have some positive Law to make it unlawful, which if there be none, it remains lawful still. And that the Church of God should be debar'd of any priviledge of any other societies, I understand not; especially if it belong to it as a society considered in its self, and not as a particular society constituted upon such accounts as the Church is. For I doubt not but to make it evident afterwards, that many parts of Government in the Church belong not to it as such in a restrained sense, but in the general notion of it, as a society of men imbodyed together by some Laws proper to its self: Although it subsist upon a higher foundation, *viz.* of divine institution, and upon higher-grounds, reasons, principles, ends; and be directed by other Laws immediately than any other societies in the world are.

The third Hypothesis is this, *Where the Law of nature determines the thing, and the divine Law determines the manner and circumstances of the thing, there we are bound to obey the divine Law in its particular determinations, by vertue of the Law of nature in its general obligation.* As for instance, the Law of nature bindeth man to worship God; but for the way,

way, manner and circumstances of worship, we are to follow the positive Laws of God : because as we are bound by nature to worship him, so we are bound by vertue of the same Law to worship him in the manner best pleasing to himself. For the light of nature, though it determine the duty of worship, yet it doth not the way and manner ; and though acts of pure obedience be in themselves acceptable unto God, yet as to the manner of those acts, and the positives of worship, they are no further acceptable unto God than commanded by him. Because in things not necessarily determined by the Law of nature, the goodness or evil of them lying in reference to Gods acceptance, it must depend upon his command, supposing positive Laws to be at all given by God to direct men in their worship of him. For supposing God had not at all revealed himself in order to his worship ; doubtless it had been lawful for men not only to pray to God and express their sense of their dependance upon him, but to appoint waies, time and places for the doing it, as they should judge most convenient & agreeable to natural light. Which is evident from the Scripture its self as to places : for as far as we can find, sacrificing in high places, (that is, such as were of mens own appointment) was lawful, till the Temple was built by *Solomon* ; as appears by the several examples of *Gedeon*, *Samuel*, *David*, and others ; indeed after the place was settled by Gods own Law, it became wholly sinful : but if so before we should not have read of Gods accepting sacrifices in such places as he did *Gedeons*, nor of the Prophets doing it, as *Samuel* and *David* did. It is a disputable case about Sacrifices, whether the offering of them came only from natural light, or from some express command : the latter seems far more probable to me, because I cannot see how natural light should any wise dictate that God would accept of the blood of other creatures as a token of mans obedience to himself. And *Rivet* gives this very good reason why the destruction of any thing in sacrifice cannot belong to the Law of nature, because it is only acceptable as a sign, and token of obedience, and not simply as an act of obedience ; and this sign signifying *ex instituto* (for mans destroying the life of a beast can never naturally signifie mans obedience to God) and therefore it must have some positive Law ; for those which signify

Judg. 6. 18.

1 Sam. 7.

1. 4.

16. 9.

10. 3.

2 Sam. 15.

18. &c.

Exercit. in
Gen. 42.

nise only by institution, and not naturally, cannot be referred to a dictate of the Law of nature. To which purpose it is further observable that God doth so often in Scripture slight the offering of Sacrifices, in respect of any inherent vertue or goodness in the action it self, or acceptableness to God upon the account of the thing done. In which sense God saith, *He that killeth a bullock, is as if he slew a man; and he that Sacrificeth a sheep, as if he cut off a dogs neck, &c.* For what is there more in the one than in the other, but only Gods appointment, which makes one acceptable and not the other? So that it is no ways probable that God would have accepted *Abels* sacrifice rather than *Cains*, had there been no command for their sacrificing. For as to meer natural light, *Cains* Sacrifice seems more agreeable to that than *Abels*, *Cains* being an Eucharistical offering without hurt to other creatures, but *Abels* was *cruentum Sacrificium* a Sacrifice of blood. But the chief ground of *Abels* acceptance, was his offering in faith, as the Apostle to the Hebrews tells us: Now faith is a higher principle than natural light, and must suppose divine revelation, and so a divine command as the principle and ground of his action. *Moses* his silence in reference to a command, is no argument there was none, it not being his design to write at large all the particular precepts of the oral Law, but to deduce the Genealogy of the Patriarchs down from *Adam* and the Creation. But supposing a command given from God, determining modes and circumstances of such things of which the substance depends on a natural Law, men are as well bound to the observation of them after their revelation, as the other before. The one being a Testimony of their obedience to God as clear and full as the other; yea and so much the clearer evidence of obedience, in that there could be no argument for the performing of those things but a divine command. And even in doing things intrinsically good, the ground of purely religious obedience is, because God commands men to do those things more than that they are good in themselves: Doing a thing because most suitable to nature, speaking morality; but doing because God commands it, speaks true religion and the obedience of faith. For as the formal reason of the act of faith is a divine Testimony discovered to our understandings, so the formal principle

Isa. 66. 3.

Gen. 4. 3. 4.

Heb. 11. 4.

of an act of spiritual obedience is a divine command inclining the will, and awing it to performance. So far then as divine Law determines things, we are bound to observe them from the dictates of the natural Law.

§ 5. The fourth Hypothesis: *In things which are determined both by the Law of nature, and divine positive Laws, as to the substance and morality of them, but not determined as to all circumstances belonging to them, it is in the power of Lawful authority in the Church of God to determine them, so far as they judge them tend to the promoting the performance of them in due manner.* So that not only matters wholly left at liberty as to the substance of them are subject to humane Laws and Constitutions, but even things commanded in the Divine Law, in reference to the manner of performance, if undetermined by the same Law, which enforce the duty. Thus the setting apart some time for Gods worship, is a dictate of the natural Law: that the first day of the week be that time, is determin'd under the Gospel; but in what places, at what hours, in what order, decency and solemnity this worship shall be then performed, are circumstances not determined in Scripture, but only by general rules: as to these then so they be done in conformity to those rules, they are subject to humane positive determinations. But this is not an *hypothesis* in the age we live in to be taken for granted without proving it: some denying the Magistrate any power at all in matters of religion, others granting a defensive, protective power of that religion which is professed according to the Laws of Christ, but deny any determining power in the Magistrate concerning things left undetermin'd by the Scripture. This *Hypothesis* then hath landed me into a Field of controversy, wherein I shall not so much strive to make my way through any opposite party, as endeavour to beget a right understanding between the adverse parties, in order to a mutual compliance; which I shall the rather do, because if any controversy hath been an increaser and fomentor of heart-burnings and divisions among us, it hath been about the determination of indifferent things. And, which seems strange, the things men can least bear with one another in, are matters of *liberty*: and those things men have divided most upon, have been matters of *uniformity*, and wherein they have differed most, have been pretended things

things of *Indifferency*. In order then to laying a foundation for peace and union, I shall calmly debate what power the Magistrate hath in matters of religion, and how far that power doth extend in determining things left undetermin'd by the word. For the clear understanding the first of these, we shall make our passage open to it by the laying down several necessary distinctions about it, the want of considering which hath been the ground of the great confusion in the handling this controversy. First then, we must distinguish between a power *respecting religion in it self*, and a power *concerning religion as it is the publick, owned and professed religion of a Nation*. For although the Magistrate hath no proper power over religion in it self, either taking it *abstractly* for the rule of worship, or *concretely* for the internal acts of worship; for he can neither add to that rule nor dissolve the obligation of it; nor yet can he force the consciences of men, (the chief seat of religion) it being both contrary to the nature of religion it self, which is a matter of the greatest freedom and internal liberty, and it being quite out of the reach of the Magistrates Laws, which respect only external actions as their proper object; for the obligation of any Law can extend no further than the jurisdiction and authority of the Legislator, which among men is only to the outward actions. But then if we consider religion as it is publickly owned and professed by a Nation, the supreme Magistrate is bound by vertue of his office and authority, not only to defend and protect it, but to restrain men from acting any thing publickly tending to the subversion of it. So that the plea for liberty of conscience, as it tends to restrain the Magistrates power, is both irrational and impertinent; because liberty of conscience is the liberty of mens judgements, which the Magistrate cannot deprive them of. For men may hold what opinions they will in their minds, the Law takes no cognizance of them: but it is the liberty of practice and venting and broaching those opinions which the Magistrates power extends to the restraint of. And he that hath the care of the publick good, may give liberty to, and restrain liberty from men as they act in order to the promoting of that good; And as a liberty of all opinions tends manifestly to the subverting a Nations peace, and to the imbroyling it in continual confusions, a Magistrate cannot

not discharge his office unless he hath power to restrain such a liberty. Therefore we find plainly in Scripture that God imputes the increase and impunity of Idolatry as well as other vices to the want of a lawful Magistracy, *Judges* 17. 5, 6. where the account given of *Micahs* Idolatry was, because there was no King in *Israel*; which implies it to be the care and duty of Magistrates to punish and restrain whatever tends to the opposing and subverting the true religion. Besides I cannot find any reason pleaded against the Magistrates power now, which would not have held under *David*; *Solomon*, *Asa*, *Jehosaphat*, *Hezekias*, *Josias*, or other Kings of the Jews, who asserted the publick profession, to the extirpation of what opposed it. For the plea of conscience (taken for mens judgements going contrary to what is publickly owned as religion) is indifferently calculated for all Meridians, and will serve for a Religion of any elevation. Nay stiff and contumacious Infidels or Idolaters may plead as highly (though not so truly) as any, that it goes against their judgements or their conscience to own that religion which is established by authority. If it be lawful then to restrain such notwithstanding this pretence, why not others, whose doctrine and principles the Magistrate judgeth to tend in their degree (though not so highly) to the dishonouring God, and subverting the profession entertained in a Nation? For a mans own certainty and confidence that he is in the right, can have no influence upon the Magistrate judging otherwise; only if it be true, it will afford him the greater comfort and patience under his restraint: which was the case of the primitive Christians under persecutions: The Magistrate then is bound to defend. protect and maintain the religion he owns as true, and that by vertue of his office, as he is *Custos utriusque tabulae*, The maintainer of the honour of Gods Laws, which cannot be if he suffer those of the first table to be broken without any notice taking of them. Were it not for this power of Magistrates under the Gospel, how could that promise be ever made good, that *Kings shall be nursing Fathers to the Church of God*? unless they mean such Nursing Fathers as *Astyages* was to *Cyrus*, or *Amulius* to *Romulus* and *Remus*, who exposed their nurslings to the Fury of wild Beasts to be devoured by them. For so must a Magistrate do the Church, unless he secure it from

Ia. 49. 23.

the incursion of Hereticks, and the inundation of Seducers. But so much for that which is more largely asserted and proved by others: The Magistrate then hath power concerning Religion, as owned in a Nation.

Secondly, we must distinguish between an *external* and *objective* power, about matters of Religion, and an *internal* *formal* power; which some call an imperative and elicitive power, others a power of order and a power of jurisdiction, others *potestas Ecclesiastica*, and *potestas circa Ecclesiastica*, or in the old distinction of *Constantine*, *ἐξ ἐκτὸς ἢ τῶν ἑσω τῆς ἐκκλησίας*, a power of things within and without the Church; the sense of all is the same, though the terms differ. The internal, formal, elicitive power of order, concerning things in the Church, lies in authoritative exercise of the Ministerial function, in preaching the word, and administration of Sacraments; but the external, objective, imperative power of jurisdiction, concerning the matters of the Church, lies in a due care and provision, for the defence, protection, and propagation of Religion. The former is only proper to the Ministry, the latter to the Supreme Magistracy: For though the Magistrate hath so much power about Religion, yet he is not to usurp the Ministerial function, nor to do any proper acts belonging to it. To which the instance of *Uzzias* is pertinently applied. But then this takes nothing off from the Magistrates power; for it belongs not to the Magistrate *imperare facere*, but *imperare faciendā*, as *Grotius* truly observes, not to do the things commanded, but to command the things to be done. From this distinction we may easily understand, and resolve that so much vexed and intricate Question, concerning the mutual subordination of the Civil and Ecclesiastical power: For as *Peter Martyr* well observes, these two powers are some ways *ἀντιστοιχαί*, are conversant several ways about the same thing; but the functions of both of them must be distinguished: For the Pastors of the Church are not to administer justice, but it is their duty to declare how justice should be rightly administered, without partiality, or oppression. So on the other side, the Magistrate must not preach the Gospel, nor administer Sacraments; but however, must take care that these be duly done by those to whose

Euseb. vit. Constant. l. 4. c. 24.

De Imp. Sum. Potest. sup. 2. l. 1.

In Jud. c. 19.

Sanctrot.
Cath. Tom.
2. l. 15.
cap. 6.

function it belongs : but for a clearer making it appear, these things are to be considered, both in a Magistrate and Minister of the Gospel. In a Magistrate the *Power it self*, and the *person bearing that power* : The power it self of the Magistrate is no ways subordinate to the power of the Ministry ; indeed if we consider both powers, in reference to their objects, and ends, there may be an *inferiority of Dignity*, as *Chamier* calls it, in the civil power to the other, considered *abstractly* ; but considering it *concretely*, as lodged in the persons, there is an *Inferiority of subjection* in the Ecclesiastical to the Civil. But still the person of the Magistrate, though he is not subject to the power of the Ministers, yet both as a Christian, and as a Magistrate, he is subject to the word of God, and is to be guided by that in the administration of his Function. So on the other side, in a Minister of the Gospel, there are these things considerable ; the object of his function, the function it self, the liberty of exercising it, and the person who doth exercise it. As for the *object of this function*, the Word and Sacraments, these are not subject to the civil power, being fetled by a Law of Christ ; for then for the *function it self*, that may be considered, either in the *derivation* of it, or in the *administration* of it. As for the derivation of the power and authority of the function, that is from Christ, who hath fetled and provided by Law, that there shall be such a standing function to the end of the world, with such authority belonging to it : But for the administration of the function, two things belong to the Magistrate : *First*, to provide and take care for *due administration* of it ; and to see that the Ministers preach the true doctrine, though he cannot lawfully forbid the true doctrine to be taught ; and that they duly administer the Sacraments, though he cannot command them to administer them otherwise than Christ hath delivered them down to us : This for due administration. *Secondly*, in case of *male-administration* of his function, or scandal rendring him unfit for it, it is in the Magistrates power, if not formally to depose, yet to deprive them of the liberty of ever exercising their function within his Dominions ; as *Solomon* did *Abiathar*, and *Justinian Sylverius*, as *Constantius* did *Vigilius* : For the liberty of exercise of the function is in the Magistrates.

strates power, though a right to exercise it be derived from the same power from which the authority belonging to the function was conveyed. And then lastly, as to *the persons exercising* this function, it is evident, as they are members of a civil society as well as others, so they are subject to the same civil Laws as others are. Which as it is expressly affirmed by *Chrysoſtom*, on *Rom.* 13. 1. Let every soul be subject to the higher powers, that is, saith he, καὶ ἀπόστολῶν ἡς, καὶ εὐαγγελιστῶν, καὶ ἱερέων, καὶ ἐπιπέων. *Be he an Apostle, Evangelist, Prophet, Priest, Monk, be he who he will.* So it is fully, largely, irrefragably proved by our Writers against the Papists: especially by the learned *J. Causabon* in his piece *de libertate Ecclesiastica*. So then we see what a fair, amicable, and mutual aspect these two powers have one upon another, when rightly understood, being far from clashing one with the other; either by a subjection of the civil power to the Ecclesiastical, or the civil powers swallowing up and devouring the peculiarity of the Ministerial function. And upon these grounds, I suppose *Beza* and *Erastus* may, as to this, shake hands; So that the Magistrate do not usurp the Ministerial function, which *Vedelius* calls *Papatus politicus*; nor the Ministers subject the civil power to them, which is *Papatus Ecclesiasticus*.

*In loc. Tb. 3.
Ed. Aton.
p. 189.
Ed. 1607.*

*De Episcop.
Const. Mag.*

Thirdly, we distinguish between an *absolute Architectonical* and *Nomothetical* power, independent upon any other Law, and a *Legislative* power, absolute as to persons, but regulated by a higher Law. The former we attribute to none but God; the latter belongs to a Supreme Magistrate, in reference to things belonging to his power, either in Church or Commonwealth. By an Architectonical, Nomothetical power, we mean that power which is distinguished from that which is properly call'd Political. The former lies in the making Laws for the good of the Commonwealth; the latter in a due execution and administration of those Laws for the common good. This we have asserted to the Magistrate already; we now come to assert the other; where we shall first set down the bounds of this power, and then see to whom it belongs. First then we say not, that the Magistrate hath a power to revoke, repeal, or alter any Divine positive Law; which we

§. 7.

*Aristot.
Ethic. lib.
6. c. 6.*

have already shewn. *Secondly*, we say not, that the Magistrate by his own will may constitute what new Laws he please for the worship of God. This was the fault of *Jeroboam* who made *Israel* to sin, and therefore by the rule of reason must be supposed to sin more himself: So likewise *Ahab*, *Abaz*, and others. Religion is a thing settled by a Divine Law; and as it is taken for the doctrine and worship of God; so it is contained in the word of God; and must be fetched wholly from thence. But then *thirdly*, The Magistrate by his power, may make that which is a Divine Law already, become the Law of the Land: Thus Religion may be incorporated among our Laws, and the Bible become our *Magna Charta*. So the first Law in the *Codex Theod.* is about the believing the Trinity, and many others about Religion are inserted into it. Now as to these things clearly revealed in the word of God, and withal commanded by the civil Magistrate, although the *primary obligation* to the doing them, is from the former determination by a Divine Law; yet the sanction of them by the civil Magistrate, may cause a *further obligation* upon conscience than was before, and may add punishments and rewards not expressed before. For although when two Laws are contrary the one to the other, the obligation to the higher Law takes away the obligation to the other; yet when they are of the same nature, or subordinate one to the other, there may a New obligation arise from the same Law, enacted by a New authority. As the commands of the Decalogue brought a New obligation upon the consciences of the Jews, though the things contained in them, were commanded before in the Law of Nature: And as a Vow made by a man, adds a new tie to his conscience, when the matter of his vow is the same with what the word of God commands; and renewing our Covenant with God after baptism, renews our obligation: So when the faith of the Gospel becomes the Law of a Nation, men are bound by a double cord of duty to entertain and profess that faith. *Fourthly*, In matters undetermined by the word, concerning the external Polity of the Church of God, the Magistrate hath the power of determining things, so they be agreeable to the word of God. This last clause is that which binds the Magistrates power, that it is not

not absolutely Architectionical, because all his Laws must be regulated by the general rules of the Divine Law. But though it be not as to Laws, yet I say it is as to persons; that is, that no other persons have any power to make Laws, binding men to obedience, but only the Civil Magistrate. This is another part of the controversie between the Civil and Ecclesiastical power, about the power of determining matters belonging to the Churches Government: But there is here no such breach between those two, but what may be made up with a distinction or two. We distinguish then between a *power declarative*, of the obligation of former Laws, and a *power authoritative*, determining a New obligation; between the *office of counselling and advising* what is fit to be done, and a *power determining what shall be done*; between the Magistrates *duty of consulting*, in order to the doing it, and his *deriving his authority* for the doing it. These things premised, I say: *First*, that the power of declaring the obligation of former Laws, and of consulting and advising the Magistrate for settling of New Laws, for the polity of the Church, belongs to the Pastors and Governours of the Church of God. This belongs to them, as they are commanded to teach what Christ hath commanded them, but no authority thereby given to make new Laws to bind the Church; but rather a tying them up to the commands of Christ already laid down in his word. For a power to bind mens Consciences to their determinations, lodged in the officers of the Church, must be derived either from a Law of God giving them this right, or else only from the consent of parties. For any Law of God, there is none produced with any probability of reason, but that, *Obeys those that are over you in the Lord*. But that implies no more than submitting to the Doctrine and Discipline of the Gospel, and to those whom Christ hath constituted as Pastors of his Church, wherein the Law of Christ doth require obedience to them, that is, in looking upon them, and owning them in their relation to them as Pastors. But that gives them no authority to make any new Laws, or Constitutions, binding mens consciences any more than a command from the supream authority that inferiour Magistrates should be obeyed, doth imply any power in them to make new Laws to bind them. But

Matth. 28.
18.

Heb. 13.
17.

V. Pet.
Martyr. in
1 Sim. 14
Whitaker,
cont. 4.9.7.
Cameron.
de Ecclef.
p. 386. To.
k. op.

thus far I acknowledge a binding power in Ecclesiastical constitutions, though they neither bind by vertue of the matter, nor of the authority commanding (there being no legislative power lodged in the Church) yet in respect of the circumstances and the end, they should be obey'd, unless I judge the thing unlawful that is commanded, rather than manifest open contempt of the Pastors of the Church, or bring a scandal to others by it. But as to the other power, arising from mutual compact and consent of Parties, I acknowledge a power to bind all included under that compact, not by vertue of any supream binding power in them, but from the free consent of the parties submitting; which is most agreeable to the Nature of Church-power, being not coactive but directive; and such was the confederate discipline of the primitive Church, before they had any Christian Magistrate: And thence the decrees of Councils were call'd *Canons*, and not Laws. Secondly, Though it be the Magistrates duty to consult with the Pastors of the Church, to know what is most agreeable to the word of God, for the settlement of the Church; yet the Magistrate doth not derive his authority in commanding things from their sentence, decree, and judgement, but doth by vertue of his own power cause the obligation of men to what is so determin'd, by his own enacting what shall be done in the Church. The great use of Synods, and Assemblies of Pastors of Churches, is to be as the Council of the Church unto the King, in matters belonging to the Church, as the Parliament is for matters of civil concernment. And as the King, for the settling civil Laws, doth take advice of such persons who are most versed in matters of Law; so by proportion of reason, in matters concerning the Church, they are the fittest Council, who have been the most versed in matters immediately belonging to the Church: In the management of which affairs, as much, if not more, prudence, experience, judgement, moderation, is requisite, as in the greatest affairs of State. For we have found by doleful experience, that if a fire once catch the Church, and *Aarons* bells ring backward, what a Combustion the whole State is suddenly put into, and how hardly the Churches instruments for quenching such fires, *lacryma & preces Ecclesia*, do attain their end. The

least

least peg scrued up too high in the Church soon causeth a great deal of discord in the state, and quickly puts mens spirits out of Tune. Whereas many irregularities may happen in the state, and men live in quietness and peace. But if *Phaetons* drive the chariot of the Sun, the world will be soon on fire. I mean such in the Church whose brains like the *Unicornus* run out into the length of the Horn; Such who have more fury than zeal, and yet more zeal than knowledge or Moderation. Persons therefore whose calling, temper, office, and experience hath best acquainted them with the state actions, Polity of the Primitive Church, and the incomparable Prudence and Moderation then Used, are fittest to debate, consult, deliberate, determine about the safest expedients for repairing breaches in a divided, broken, distracted Church. But yet I say when such men thus assembled have gravely and maturely advised and deliberated what is best and fittest to be done, the force, strength and obligation of the things so determin'd doth depend upon the power and authority of the Civil Magistrate for taking the Church as incorporated into the civil state, as *Ecclesia est in republicâ, non respublica in Ecclesiâ*, according to that known speech of *Optatus Milivetanus*; so though the object of these constitutions, and the persons determining them, and the matter of them be ecclesiastical, yet the force and ground of the obligation of them is wholly civil. So *Peter Martyr* expressly; *Nam quod ad potestatem Ecclesiasticam attinet, satis est civilis Magistratus: is enim curare debet ut omnes officium faciant* (But for the judgement of the reformed Divines about this, see *Vedelius de episcopatu Constant. M.* — *Officium Magistratus Christiani annexed to Grotius de Imper. &c.*) I therefore proceed to lay down the reason of it. *First.* That whereby we are bound either to obedience or penalty upon disobedience, is the ground of the obligation; but it is upon the account of the Magistrates power that we are either bound to obedience, or to submit to penalties upon disobedience. For it is upon the account of our general obligation to the Magistrate, that we are bound to obey any particular Laws or constitutions. Because it is

lib. 2. c.

Parmen.

In 1 Sam. 8.

Loc. com.

Class. 4. 2. 5.

f. 11.

not the particular determinations made by the Civil Magistrate, which do immediately bind conscience, but the general Law of Scripture requires it from us as a duty to obey the Magistrate in all things lawful. Obedience to the Magistrate is due immediately from conscience; but obedience to the Laws of the Magistrate comes not directly from Conscience but by vertue of the general obligation. And therefore disobedience to the Magistrates Laws is an immediate Sin against conscience, because it is against the general obligation; but obedience to particular Laws ariseth not immediately from the obligation of conscience to them in particular, but to the Magistrate in General. So that in things left lawful and undetermined by the word, where there ariseth no obligation from the matter, it must arise from our subjection and relation to the Magistrate; and what is the ground of obedience, is the cause of the obligation. *Secondly*, He hath only the power of obligations who hath the power of making sanctions to those Laws. By sanctions I mean here in the sense of the civil Law, *eas legum partes quibus pœnas constituimus adversus eos qui contra leges fecerint*, those parts of the Law which determine the punishments of the violaters of it. Now it is evident that he only hath power to oblige who hath power to punish upon disobedience. And it is as evident that none hath power to punish but the Civil Magistrate; I speak of legal penalties which are annexed to such Laws as concern the Church. Now there being no coercive or coactive power belonging to the Church as such; all the force of such Laws as respect the outward Polity of the Church, must be derived from the Civil Magistrate. *Thirdly*, He who can null and declare all other obligations void, done without his power, hath the only power to oblige. For whatsoever destroyes a former obligation, must of necessity imply a power to oblige, because I am bound to obey him in the abstaining from that I was formerly obliged to: But this power belongs to the Magistrate. For suppose in some indifferent rites and ceremonies, the Church representative, that is, the Governours of it *pro tempore* do prescribe them to be observed by all, the supreme Power forbids the doing of those things, if this doth

not

Papin. l. 41.
D. de pœ-
nis Histor.
Hottoman.
Com. v. ju-
ris v. sancti.
Cicero ad
Attic. lib. 3
p. 23.

not null the former supposed obligation, I must inevitably run upon these absurdities. First, that there are two supreme powers in a nation at the same time. Secondly, that a man may lie under two different obligations as to the same thing; he is bound to do it by one power, and not to do it by the other. Thirdly, the same action may be a duty and a sin; a duty in obeying the one power, a sin in disobeying the other. Therefore there can be but one power to oblige, which is that of the supreme Magistrate.

Having thus far asserted the Magistrates due power and authority as to matters of religion, we proceed to examine the extent of this power in determining things left at liberty by the word of God in order to the peace and Government of the Church. For our clear and distinct proceeding, I shall ascend by these three steps. First to shew that there are some things left undetermin'd by the word. Secondly, that these things are capable of positive determinations and restraint. Thirdly, that there are some bounds and limits to be observed in the stating and determining these things. *First*, that there are some things left undetermined by the word: by determining here, I do not mean determining whether things be *lawful* or no; for so there is no rite or ceremony whatsoever, but is determined by the Scripture in that sense, or may be gathered from the application of particular actions to the general rules of Scripture; but by determining, I mean whether all things concerning the Churches Polity and order be determined as *duties* or no: *viz.* that this we are bound to observe, and the other not. As for instance, what time, manner, method, gesture, habit be used in preaching the word; whether baptism must be by dipping or sprinkling; at what day, time, place the Child shall be baptized; and other things of a like nature with these. Those who assert any of these as duties, must produce necessarily the command making them to be so: for duty and command have a necessary respect and relation to one another. If no command be brought, it necessarily follows that they are left at liberty. So as to the Lords supper *Calvin* saith, whether the communicants take the bread them-

§ 8.

Institut. l. 4.
cap. 17.
f. 43. &
cap. 15.
f. 19.

Nature of
 Episc.
cap. 5.

elves, or receive it being given them: whether they should give the cup into the hands of the Deacon or to their next neighbour; whether the bread be leaven'd or not, the wine red or white, *nihil refert*, it matters not; *Hæc indifferentia sunt & in ecclesia libertate posita*; they are matters of indifference, and are left to the Churches liberty. But this matter of indifference is not yet so clear as it is generally thought to be; we shall therefore bare the ground a little by some necessary distinctions to see where the root of indifference lies: Which we shall rather do because it is strongly asserted by an Honourable person, that there is no indifference in the things themselves which are still either unlawful or necessary, (if Lawful at this time, in these circumstances) but all indifference lies in the darkness and shortness of our understandings which may make some things seem so to us. But that Honourable person clearly runs upon a double mistake. First, that Indifference is a *medium participationis* of both extreams, and not only *negationis*, viz. that as intermediate colours partake both of black and white, and yet are neither; so in morality, between good and bad, there is an intermediate entity, which is neither, but indifferent to either: Whereas the nature of Indifference lies not in any thing intermediate between good and bad, but in some thing undetermined by divine Laws as to the necessity of it; so that if we speak as to the extreams of it, it is something lying between a necessary duty, and an intrinsic evil. The other mistake, is, that throughout that discourse he takes indifference as circumstantiated in individual actions, and as the morality of the action is determined by its circumstances; whereas the proper notion of Indifference lies in the nature of the action considered in it self abstractly; and so these things are implied in an indifferent action. First, absolute undetermination as to the general nature of the act by a divine Law, that God hath left it free for men to do it or no. Secondly, that one part hath not more propension to the rule than the other; for if the doing of it comes nearer to the rule than the omission, or on the contrary, this action is not wholly indifferent. Thirdly, that neither part hath any repugnancy to the rule; for that which hath so, is so far

far from being indifferent, that it becomes unlawful: So that an indifferent action is therein like the Iron accosted by two Loadstones on either side of equal vertue, and so hovers *in medio*, inclining to neither, but supposing any degree of vertue added to the one above the other, it then inclines towards it; or as the Magnetical needle about the *Azores*, keeps it self directly parallel to the *Axis* of the world without variation, because it is supposed then to be at an equal distance from the two great Magnets, the Continents of *Europe* and *America*; but no sooner is it removed from thence, but it hath its variations. So indifferency taken *in specie*, as to the nature of the act, inclines neither way; but supposing it lie under positive determinations, either by Laws or circumstances, it then necessarily inclines either to the nature of good or evil.

Neither yet are we come to a full understanding of the nature of indifferent actions; we must therefore distinguish between indifferency as to goodness *necessitating* an action to be done, and as to goodness *necessary* to an action to make it good; For there is one kind of goodness *propter quam fit actio*, in order to which the action must necessarily be done; and there is another kind of goodness *sine qua non bene fit actio*, necessary to make an action good when it is done. As following after peace hath such a goodness in it, as necessitates the action, and makes it a necessary duty: but handling a particular controversie is such an action, as a man may let alone without sin in his course of studies; yet when he doth it, there is a goodness necessary to make his doing it a good action, *viz.* his referring his study of it to a right end, for the obtaining of truth and peace. This latter goodness is twofold, either *bonitas directionis*, as some call it, which is referring the action to its true end; in reference to which, the great controversie among the Schoolmen, is about the indifferency of particular actions, *viz.* Whether a particular direction of a mans intencion to the ultimate end, be not so necessary to particular actions, as that without that the action is of necessity evil, and with it good; or whether without that an action may be indifferent to good or evil, which is the state of the Question between *Thomas* and *Scotus*, *Bonaventure* and

V. Forbes.
Iren. lib. 1.
cap. 13.

Rom. 14.

23.

Durandus; but we assert the necessity of at least an habitual direction, to make the action *in individuo* good, and yet the act in it self may notwithstanding be indifferent, even *in individuo*, as there is no antecedent necessity lying upon mens consciences for the doing of it; because men may omit it, and break no Law of God. Besides this, to make an action good, there is necessary a *bonitas originis*, or rather *Principii*, a good principle out of which the action must flow; Which must be that faith, which whatsoever is not of, is sin, as the Apostle tells us. Which we must not so understand, as though in every action a man goes about, he must have a full persuasion that it is a necessary duty he goes about; but in many actions that faith is sufficient whereby he is persuaded upon good grounds, that the thing he goes about is lawful; although he may as lawfully omit that action, and do either another, or the contrary to it. There may be then the necessity of some things in an action when it is done to make it good, and yet the action it self be no ways necessary, but indifferent and a matter of liberty. This may be easily understood by what is usually said of Gods particular actions, that God is free in himself either to do or not to do that action (as suppose the Creation of the World) but when he doth it, he must necessarily do it with that goodness, holiness, and wisdom, which is suitable to his nature: So may many actions of men be in themselves indifferent, and yet there must be a concomitant necessity of good intention and principle to make the action good. But this concomitant necessity doth not destroy the radical indifferency of the action it self; it is only an antecedent necessity from the obligation of the Law, is that which destroys indifferency. So likewise it is as to evil; there is such an evil in an action, which not only spoils the action, but hinders the person from the liberty of doing it, that is, in all such actions as are intrinsically evil; and there is such a kind of evil in actions, which though it spoils the goodness of the action, yet keeps not from performance; which is such as ariseth from the manner of performance, as praying in hypocrisie, &c. doing a thing lawful with a scrupulous or erring conscience. We see then what good and evil is consistent with indifferency in actions, and what is not. And that the nature

of actions, even *in individuo*, may be indifferent, when as to their circumstances they may be necessarily determin'd to be either good or evil. As marrying, or not marrying, as to the Law of God, is left at liberty, not making it in it self a necessary duty, one way or other; but supposing particular circumstances make it necessary, *pro hic & nunc*, yet the nature of it remains indifferent still; and supposing marriage, it is necessary it should be in the Lord, and yet it is not necessary to make choice of this person rather than of that; so that not only the absolute indifferency of the action is consistent with this concomitant necessity, but the full liberty both of *contradiction* and *contrariety*. Again, we must distinguish between an *indifferency* as to its *nature*, and indifferency as to its *use and end*; or between an indifferency as to a *Law*, and indifferency as to *order and peace*: here I say, that in things wholly indifferent in both respects, that is, in a thing neither commanded nor forbidden by God, nor that hath any apparent respect to the peace and order of the Church of God, there can be no rational account given, why the nature of such indifferencies should be alter'd by any humane Laws and Constitutions. But matters that are only indifferent as to a command, but are much conducing to the peace and order of a Church, such things as these, are the proper matter of humane constitutions concerning the Churches' polity: Or rather to keep to the words of the *Hypothesis* it self, where any things are determin'd in general by the word of God, but left at liberty as to manner and circumstances, it is in the power of lawful authority in the Church of God to determine such things, as far as they tend to the promoting the good of the Church.

And so I rise to the second step, which is, that matters of this nature may be determin'd and restrained. Or that there is no necessity, that all matters of liberty should remain in their primary indifferency. This I know is asserted by some of great note and learning; that in things which God hath left to our Christian liberty, man may not restrain us of it, by subjecting those things to positive Laws; but I come to examine, with what strength of reason this is said, that so we may see, whether men may not yield in some lawful things

§. 9.

to a restraint of their Christian liberty, in order to the Peace of the Church of God: Which I now prove by these Arguments. *First*, What may be lawfully done when it is commanded, may be so far lawfully commanded, as it is a thing in it self lawful; but matters of Christian liberty may be lawfully done when they are commanded to be done, though it were lawful not to do them before that command. The truth of the proposition appears, because lawful authority may command any thing that may be lawfully done. Because nothing can exempt from obedience to a lawful Magistrate, but the unlawfulness of the thing commanded; and therefore nothing can debar the Magistrate from commanding these things; for nothing can hinder him from commanding, but what may hinder the subject from obedience. I grant in many cases it may be lawful to obey, when it is very inconvenient for the Magistrate to command; but inconveniency and unlawfulness are two things; nay, and in some cases a man may lawfully obey when he is unlawfully commanded; but then the matter of the command it self is unlawful. As in executing an unjust sentence, granting that a Princes servants may lawfully do it, especially when they know it not; yet in that case, the ground of their lawful obedience, is the ground of the Magistrates lawful command, which is the supposed justice of the execution. But that which makes the Magistrates command unlawful, is the intrinsecal evil of the thing it self. So for unlawful wars, though the Subjects may lawfully obey, yet the Prince sins in commanding, not but that he hath right to command so far as they are bound to obey, which is only in things lawful; but that which in this case alters the matter, is the Princes knowing his cause to be unjust. So that however the proposition holds in things not manifestly unjust. But however this be, it is hereby granted, that the things may be lawfully done, when they are restrained by the Magistrates command; and by that it appears that liberty may be restrained; else it could not be lawful to act under that restraint; not as it respects the things themselves, but under that formality, as they are the restraint of that which ought to be left free. The restraint however then is lawful, as to the persons acting under authority, who are the subjects

jects of this liberty, though it were granted unlawful as to the authority doing it. Which former is sufficient for my purpose, *viz.* that Christian liberty, as to the subjects of it, may be lawfully restrained. *Secondly*, A lesser duty ceaseth to be a duty, when it hinders from the performance of greater: but the preserving Christian liberty is a lesser duty, which may hinder the peace of the Church, which is a greater; therefore in that case it may be restrained. The *Major* is granted by Divines and Casuists; when duties stand in competition, the lesser ceaseth to bind, as is evident, in that God will have mercy rather than sacrifice. Positives yield to morals and naturals. Thence the obligation of an oath ceaseth, when it hinders from a natural duty; as the *Corban* among the Jews from relief of Parents. And therefore *Grotius* saith, that an oath taken concerning a thing lawful, if it doth hinder *majus bonum morale*, the obligation of that oath ceaseth. Now that preserving liberty is a lesser duty than the looking after the peace of the Church, is evident, because the one is only a matter of liberty, and left undetermin'd by the Word; and the other a matter of necessity, and absolutely, and expressly required of all, as a duty as much as possibly lies in them to endeavour after. *Thirdly*, If an occasional offence of weaker brethren may be a ground for restraining Christian liberty, then much more may commands from lawful authority do it; but the offence of weaker Brethren may restrain Christian liberty, as to the exercise of it, as appears by the Apostles discourse, *Rom. 14. 21*. The reason of the consequence lies here, that a case of meer offence, which is here pleaded towards weak Brethren, cannot have that obligation upon conscience, which a known duty of obeying lawful authority, in things in themselves lawful, hath. Nay further, insisting only on the Law of scandal, I would fain know, whether it be a greater offence and scandal to Christians consciences, to infringe the lawful authority of the Magistrate, and to deny obedience to his commands, in things undetermined by the Law of God; or else to offend the Consciences, that is, go against the judgments of some well meaning, but less knowing Christians. Or thus, whether in the matter of scandal, it be a greater offence to go against the judgments of the weaker

*Grot. de
jure belli
& pacis,
lib. 2. cap.
13. sect. 7.*

weaker and more ignorant, or the more knowing and able, when the one have only their own weak apprehensions to bias them, the other are backed by and grounded upon an established Law. And whether it be not a greater scandal to Religion to disobey a Christian Magistrate, than it is to offend some private Christians. Let these things be examined and then let us see whether the argument will not hold *à majori*; if the Law of Scandal as to private Christians may restrain liberty, then may a command from the Magistrate do it. *Fourthly*, I argue thus: If the nature of Christian liberty may be preserved under the restraint of the exercise of it, then it is not against the nature of Christian liberty to have the exercise restrained; but the former is true, and therefore the latter. Now that the nature of Christian liberty may be preserved under the restraint of its exercise, I prove by these Arguments.

§. 10.

First. Because the nature of Christian liberty is founded upon the freedom of judgment, and not the freedom of practice. The case is the same in moral and natural liberty as in Christian. Now we say truly, that the radical liberty of the soul is preserved, though it be determined to a particular action: For the liberty of the Will lying in the power of determining it self either way, (as it is generally thought) the actual determination of the will doth not take away the internal power in the soul; and in that respect there may be *potentia faciendi* where there is not *possibilitas effectus*, a power of doing when there is no possibility the thing should be done, when the event is otherwise determined by a divine decree, as in breaking the bones of Christ upon the Cross. So it is in reference to Christian liberty; though the exercise of it be restrained, yet the liberty remains; because Christian liberty lies in the freedom of judgment, *that is*, in judging those things to be free which are so; so that if any thing that is in its self free, be done by a man with an opinion of the necessity of doing it antecedent to the Law commanding it, or without any Law prescribing it, thereby his Christian liberty is destroyed; but if it be done with an opinion of the freedom and indifferency of the thing it self, but only with a consequential necessity of doing

doing it, supposing the Magistrates command, he retains the power of his Christian liberty still, though under the restraint of the exercise of it. And therefore it would be well observed that the opinion of the necessity of any one thing undetermined by Scripture, destroys Christian liberty more than a Magistrates command doth. And by this reason, they that hold any one posture at receiving the Lords Supper necessary (as sitting, leaning, kneeling) do all equally destroy their own Christian liberty as to these things which are undetermined by the word. So a Magistrate when commanding matters of Christian liberty, if in the preface to the Law he declares the thing necessary to be done in its self, and therefore he commands it, he takes away as much as in him lies our Christian liberty. And in that case we ought to hold to that excellent rule of the Apostle, *stand fast therefore in the liberty wherewith Christ hath set you free, and be not intangled again with the yoke of bondage.* But if the Magistrate declare the things to be in themselves indifferent, but only upon some prudent considerations for peace and order he requires persons to observe them, though this brings a necessity of obedience to us, yet it takes not away our Christian liberty. For an antecedent necessity expressed in the Law (as a learned and excellent Casuist of our own observes) doth necessarily require the assent of the practical judgment to it; which takes away our liberty of judgment, or our judgment of the liberty of the things; but a consequential necessity upon a command supposed, doth only imply an act of the will, whereby the freedom of judgment and conscience remaining, it is inclined to obedience to the commands of a superior Law. Now that liberty doth lie in the freedom of judgment, and not in the freedom of practice, and so is consistent with the restraint of the exercise of it; appears both in the former case of scandal, and in the actions of the Apostles and primitive Christians complying with the Jews in matters of liberty; yea which is a great deal more, in such ceremonies of which the Apostle expressly saith, that if they observed them, Christ would profit them Nothing; and yet we find *Paul* himself circumcising *Timothy* because of the Jews. Certainly then however these ceremonies are supposed to be not only

Gal. 5. 1.

D. Sander-
son. de ob-
lig. conf.
præl. 6. s. 5.

Gal. 5. 2.

Acts 16. 3.

mortua but *mortifera* now the Gospel was preached, and the Law of Christian liberty promulged, yet *Paul* did not look upon it as the taking away his liberty, at any time when it would prevent scandal among the Jews, and tend to the furtherance of the Gospel, to use any of them. It was therefore the opinion of the necessity of them was it which destroyed Christian liberty; and therefore it is observable, that where the opinion of the necessity of observing the Judaical Rites and Ceremonies was entertained, the Apostle sets himself with his whole strength to oppose them, as he doth in his Epistles to the *Galatians* and *Colossians*. Whom yet we find in other places, and to other Churches, not leaven'd with this doctrine of the necessity of judaical Rites, very ready to comply with weak Brethren, as in his Epistles to the *Romans* and *Corinthians*. From which we plainly see, that it was not the bare doing of the things, but the doing them with an opinion of the necessity of them is that which infringeth Christian liberty, and not the determination of one part above the other by the Supream Magistrate, when it is declared not to be for any opinion of the things themselves as necessary, but to be only in order to the Churches peace and unity. *Secondly*, It appears that liberty is consistent with the restraint of the exercise of it; because the very power of restraining the exercise of it, doth suppose it to be a matter of liberty, and that both antecedently and consequentially to that restraint. *Antecedently*, so it is apparent to be a matter of liberty, else it was not capable of being restrained: *Consequentially*, in that the ground of observance of those things when restrained, is not any necessity of the matter, or the things themselves; but only the necessity of obeying the Magistrate in things lawful and undetermin'd by the word: which leads to another argument. *Thirdly*, Mens obligation to these things, as to the ground of it, being only in point of contempt and scandal, argues that the things are matter of liberty still. I grant the Magistrates authority is the ground of obedience, but the ground of the Magistrates command is only in point of contempt and scandal, and for preserving order in the Church: For I have already shewed it to be unlawful, either to command or obey, in reference to these things

Gal. 4. 9,
10, 11.
Coloss. 2.
16, 18, 19.

Rom. 14.
3, 6, 21.
1 Cor. 10.
24.

things, from any opinion of the necessity of them, and therefore the only ground of observing them, is to shew that we are not guilty of contempt of the power commanding them, nor of scandal to others that are offended at our not observing them. *Tota igitur religio est in fugiundo scandalo & vetando contemptu*, saith our learned *Whitaker*: All our ground of obedience is the avoiding scandal and contempt of authority. To the same purpose *Pet. Martyr*, speaking of the obligation of Ecclesiastical Laws: *Non obstringunt si removeatur contemptus & scandalum*: So that non observance of indifferent things commanded, when there is an apparent contempt or scandal, do not involve a man in the guilt of sin: as suppose a Law made that all publick prayer be performed kneeling, if any thing lies in a mans way to hinder him from that posture, in this case the man offends not; because there is no contempt or scandal: So if a Law were made that all should receive the Lords supper fasting, if a mans health calls for somewhat to refresh him before, he sins not in the breach of that Law. And therefore it is observable which *Whitaker* takes notice of in the Canons of the Councils of the primitive Church, that though they did determine many things belonging to the external Polity of the Church, yet they observed this difference in their Censures of Anathema's; That in matters of meer order and decency they never pronounced an *Anathema*, but with the supposition of apparent contempt; and inserted, *Si quis contra presumpserit, si quis contumaciter contra fecerit*: but in matters of doctrine or life, fully determin'd by the Law of God, they pronounced a simple *Anathema*, without any such clause inserted. Now from this we may take notice of a difference between Laws concerning indifferences in Civil and Ecclesiastical matters: That in civils the Laws bind to indifferences without the case of contempt or scandal, because in these the publick good is aimed at, of which every private person is not fit to judge, and therefore it is our duty either to obey or suffer; but in Ecclesiastical constitutions, only peace and order is that which is looked at, and therefore, *Si nihil contra eutraque feceris, non veneris illis*, is the rule here, if nothing tending to apparent disorder be done, men break not those Laws: For the end and reason

Controv. 4.
quest. 7.
cap. 2.

In 1 Sam.
14

of a Law is the measure of its obligation. *Fourthly*, Mens being left free to do the things forbidden, either upon a repeal of the former Laws, or when a man is from under obligation to that authority which commands them, argues them still to be matters of liberty, and not matters of necessity. That Laws respecting indifferent things may be repealed, I cannot imagine that any have so little reason as to deny, upon a different state of affairs from what it was when they were first enacted; or when they cannot attain the ends they are designed for, the peace and order of the Church, but rather tend to imbroil it in trouble and confusion: And that when men are from under the authority imposing them, men are at their own liberty again, must necessarily be granted, because the ground of restraint of that liberty was the authority they were under, and therefore the cause being taken away, the effect follows. Therefore for men to do them when authority doth not impose them, must imply an opinion of the necessity of the things themselves, which destroyes Christian liberty. Whence it was resolved by *Augustine* in the case of Rites, that every one should observe those of that Church which he was in: which he saith he took from *Ambrose*. His words are these, *Nec disciplina ulla in his melior gravi prudentique Christiano quam ut eo modo agat, quo agere viderit Ecclesiam, ad quamcunque forte devenerit. Quod enim neque contra fidem, neque contra bonos mores injungitur, indifferenter est habendum, & pro eorum inter quos vivitur societate servandum est.* He tells us, *He knew no better course for a serious prudent Christian to take in matters of Rites and Customes, than to follow the Churches example where he is: for whatsoever is observed neither against faith or manners, is a matter in itself indifferent, and to be observed according to the custom of those he lives among.* And after acquaints us that his Mother coming to *Milan* after him, and finding the Church there not observe the Saturday fast as the Church of *Rome* did, was much perplexed and troubled in mind at it (as tender but weak consciences are apt to be troubled at any thing contrary to their own practice) she for her own satisfaction sends her son to *Ambrose*, then Bishop of the Church there, who told him he would give him no other answer but what

*Aug. ep.
118. ad
Januar.*

he did himself, and if he knew any thing better, he would do it. *August.* presently expects a command from him to leave off Saturday fasts, instead of that; *Ambrose* tells him; *Cum Romam venio, jejuno sabbato; cum hic sum, non jejuno. Sic etiam tu ad quam forte Ecclesiam veneris, ejus morem serva, si cuiquam non vis esse scandalo, nec quenquam tibi.* When I am at Rome I fast on the Sabbath, but at Milan I do not. So thou likewise, when thou comest to any Church, observe its custom, if thou wouldst neither be an offence to them, nor have them be so to thee. A rare and excellent example of the piety, prudence, and moderation of the Primitive Church: far from rigid imposing indifferent customs on the one side; from contumacy in opposing meer indifferences on the other. Which judgement of *Ambrose*, *Augustine* saith, he alwayes looked on as often as he thought of it, *tanquam cœlestis oraculum*, as an oracle come from heaven; and concludes with this excellent speech, which if ever God intend peace to our Church, he will make men understand. *Sensi enim saepe dolens & gemens multas infirmorum perturbationes fieri per quarundam fratrum contentiosam obstinationem, & supersticiosam timiditatem qui in rebus hujusmodi, quæ neque Scripturæ sanctæ autoritate, neque universalis Ecclesiæ traditione, neque vitæ corrigendæ utilitate ad certum possunt terminum pervenire (perducere), tantum quia subest qualiscunque ratiocinatio cogitantis, aut quia in sua patriâ sic ipse consuevit, aut quia ibi vidit ubi peregrinationem suam quo remotiorem à suis, eo doctiorem factam putat, tam litigiosas excitant quæstiones ut nisi quod ipsi faciunt, nihil rectum existiment.* I have often, saith he, found it to my grief and sorrow, that the troubles of weaker Christians, have been caused by the contentious obstinacy of some on the one hand, and the superstitious fearfulness of others on the other, in things which are neither determin'd by the authority of the holy Scriptures, nor by the custom of the universal Church, nor yet by any usefulness of the things themselves, in order to the making mens lives better; only for some petty reason in a mans own mind, or because it hath been the custom of their Country, or because they have found it in those Churches, which they have thought to be the nearer to truth, the further they have been from home, they are continually raising such quarrels and con-

remions, that they think nothing is right and lawful, but what they do themselves. Had that blessed Saint lived in our age, he could not have uttered any thing more true, nor more pertinent to our present state: which methinks admirers of antiquity should embrace for its authority, and others for the great truth and reason of it. Did we but set up those three things as Judges between us in our matters of Ceremonies, *The Authority of the Scriptures, the practice of the Primitive Universal Church, and the tendency of them to the reforming mens lives*; how soon might we shake hands, and our controversies be at an end! But as long as contentious obstinacy remains on one side, and a superstitious fearfulness on the other (for superstition may as well lie in the imagined necessity of avoiding things indifferent, as in the necessary observing of things which are not) we may find our storms increase, but we are not like to see any Land of Peace. How happy might we be, did men but once understand that it was their duty to mind the things of peace! How little of that Dust might still and quiet our most contentious frayes!

*Himatus animorum, atque hæc certamina tanta
Pulveris exigui jactu compressa quiescunt.*

But in order to so happy and desirable an union and accommodation, I shall not need to plead much from the nature of the things we differ about; the lowness of them in comparison of the great things we are agreed in, the fewness of them in comparison of the multitude of those weighty things we ought most to look after, the benefits of union, the miseries of division, which if our lamentable experience doth not tell us of, yet our consciences may; I shall crave leave humbly to present to serious consideration some proposals for accommodation: which is an attempt which nothing but an earnest desire of peace can justify, and I hope that will: which here falls in as the third step of my designed discourse, about the bounds to be set in the restraint of Christian liberty.

§. 11.

The *first* is, that nothing be imposed as necessary, but what is clearly revealed in the word of God. This there is the highest reason and equity for, since none can have command

mand immediately over conscience, but God himself, and whatever is imposed as necessary, doth immediately bind conscience. And whatever binds mens consciences with an opinion of the necessity of it, doth immediately destroy that Christian liberty which men are necessarily bound to stand fast in, and not be intangled with any yoke of bondage. Not only the yoke of Jewish Ceremonies, but whatever yoke pincheth, and galls as that did, with an opinion of the necessity of doing the thing commanded by any but the word of God. Which the Apostle calls *Dogmatizing*, Coloss. 2. 20. and v. 16. let no man judge you in meat and drink; *ne propositi quidem vestri*, saith *Whitaker*; these impositions he calls, v. 22. the commandments and doctrines of men. And such he calls a snare, 1 *Corinth.* 7. 23. which was the making an indifferent thing, as Celibate, necessary. *Laqueus est quicquid precipitur ut necessarium quod liberum esse debet.* So that though obedience be necessary to indifferent things when commanded; yet it must alwayes be *libera à conscientia quoad res ipsas legum*, no obligation to be laid upon conscience to look upon the things as necessary.

Gal. 5. 1.

Secondly, That nothing be required, nor determin'd, but what is sufficiently known to be indifferent in its own nature. The former proposal was in reference to the manner of imposing, this respects the nature of the things themselves. The only difficulty here is, how a thing may be sufficiently known to be indifferent; because one man looks upon that as indifferent, which another doth not. The most equal way to decide this controversy, is to make choice of such judges as are not interested in the quarrel: And those are the *sense of the Primitive Church* in the first 4 Centuries, who were best able to judge whether they looked upon themselves as bound by any command of Scripture or no; and withal the judgment of the Reformed Churches: So that what shall be made appear to be left indifferent, by both the *sense of the Primitive Church*, and the Churches of the Reformation, may be a matter determinable by Law, and which all may be required to conform in obedience to.

Thirdly, That whatever is thus determined be in order only to a due performance of what is in general required in the word

word of God, and not to be looked on as any part of divine worship or service. This is that which gives the greatest occasion of offence to mens consciences, when any thing is either required, or if not, yet generally used and looked on as a necessary part or concomitant of Gods worship, so that without it the worship is deemed imperfect. And there is great difference to be made between things indifferent in their own nature, and indifferent as to their use and practice. And when the generality of those who use them do not use them as indifferent, but as necessary things, it ought to be considered whether in this case such a use be allowable till men be better informed of the nature of the things they do. As in the case of the Papists about image-worship, their divines say, that the images are only as high teners of Devotion, but the worship is fixed on God; but we find it is quite otherwise in the general practice of people who look at nothing beyond the image. So it may be, bating the degrees of the offence, when matters of indifferency in themselves are by the generality of people not looked on as such, but used as a necessary part of divine service. And it would be considered whether such an abuse of matters supposed indifferent being known, it be not *scandalum datum* to continue their use without an effectual remedy for the abuse of them.

Fourthly, That no sanctions be made, nor mulcts or penalties be inflicted on such who only dissent from the use of some things whose lawfulness they at present scruple, till sufficient time and means be used for their information of the nature and indifferency of the things, that it may be seen whether it be out of wilful contempt and obstinacy of spirit, or only weakness of conscience and dissatisfaction concerning the things themselves that they disobey. And if it be made evident to be out of contempt, that only such penalties be inflicted as answers to the nature of the offence. I am sure it is contrary to the Primitive practice, and the Moderation then used, to suspend or deprive men of their ministerial function for not conforming in habits, gestures, or the like. Concerning habits, *Walafridus Strabo*, expressly tells us, there was no distinction of habits used in the Church in the Primitive times. *Vestes sacerdotales per incrementa ad eum, qui nunc habetur, aucta*

aucta sunt ornatum. Nam primis temporibus communi vestimento induti, Missas agebant, sicut & hactenus quidam Orientalem facere perhibentur. And therefore the Concilium Gangrense condemned *Eustathius Sebastenus* for making a necessity of diversity of habits among Christians for their profession, *ἰσὺν ἁγιωσύνης*, it being acknowledged both by *Salmasius* and his great adversary *Petavius*, that in the Primitive times the Presbyters did not necessarily wear any distinct habit from the people, although the former endeavours to prove that commonly they did in *Tertullians* time; but yet that not all the Presbyters, nor they only did use a distinct habit, viz. the *Pallium Philosophicum*, but all the Christians who did *ἀρετῶν Χριστιανίζοντες*, as *Socrates* said of *Sylvanus Rhetor*, all that were *ἀσκηταὶ* among them, stricter professors of Christianity; among which most of the Presbyters were. And *Origen* in *Eusebius* expressly speaks of *Heraclas* a Presbyter of *Alexandria*, that for a long time *κοιτῆν ἑδῆν χριστιανῶν*, he used only the common garment belonging to Christians, and put on the *Pallium Philosophicum* for the study of the Grecian Learning, after that Christianity began to lose in height what it got in breadth: instead of the former simplicity of their garments as well as manners, and their *τελευτία* came in the use of the *byrri*, *Penula Dalmatica*, and so daily increasing, as *Strabo* saith. I say not this in the least to condemn any distinction of habit for meer decency and order, but to shew it was not the custom of the Primitive times to impose any necessity of these things upon men, nor to censure them for bare disuse of them. He must be a great stranger in the Primitive Church that takes not notice of the great diversity of rites and customs used in particular Churches, without any censuring those who differed from them; or if any by inconsiderate zeal did proceed so far, how ill it was resented by other Christians. As *Victors* excommunicating the *Quarto-decimani* for which he is so sharply reproved by *Irenaeus*, who tells him, that the primitive Christians who differed in such things, did not use to abstain from one anothers communion for them, *καὶ ἰδὲ οἱ τῶν αὐτῶν πίστεως ὄντες, διαφωρῶσι καὶ τὰ ἐν πρὸς ἑαυτοῦς*, as *Socrates* tells us, *Those that agree in the same faith, may differ among themselves in their rites and customs*, as he largely shews in a

Can. 14. in
Cod. Can.
in Vin.
Eccle. can.
71.
Salm. Not.
in Tertul.
de Pallio.
76.
Ant. Cer-
corb. in
Salmas.
p. 12.
Euseb. lib.
6. cap. 20.

Euseb. l. 5.

Socrat. hist.
Eccle. l. 5.
c. 23.

whole Chapter to that purpose, as in the observation of Easter some the fourteenth day of *April*, others only upon the Lords day, but some of the more Eastern Churches differed from both. In their fasts, some observed Lent but for one day, some two, some three weeks, some six weeks, others seven: and in their Fastings some abstained from all kind of living creatures, others only from flesh, eating fish: and others soul: others abstained from fruit and eggs: others eat only dry bread, others not that neither. And so for their publick Assemblies, Some communicating every Lords day, others not. The Church of *Alexandria* had its publick Meetings and Sermons every fourth day of the week as he tells us. The same Church made the publick readers and interpreters, either of the Catechumeni, or of the baptized, differing therein from all other Churches: Several customs were used about Digamy and the marriage of Ministers in several Churches. So about the time of Baptism, some having only one set time in the year for it, as at Easter in *Thessaly*, others two, Easter and *Dominica in Albis*, so called from the white garments of the baptized. Some Churches in baptism used three dippings, others only one. Great differences about the time of their being Catechumeni, in some places longer, in others a shorter time. So about the excommunicate and degrees of penance (as they are called) their *Flentes*, *audientes*, *succumbentes*, *consistentes*, the *Communio peregrina*, the several Chrismes *in vertice*, *in pectore*, in some places at Baptism, in some after. So for placing the Altar (as they metaphorically called the Communion Table) it was not constantly towards the East; for *Socrates* affirms that in the great Church at *Antiochia* it stood to the West end of the Church; and therefore it had *ἀντίστροφον θύραν*, a different posture from other Churches. And *Eusebius* saith out of the Panegyrist, that in the New Church built by *Paulinus* at *Tyre*, the Altar stood *ἐν μέσῳ* in the middle. These things may suffice for a taste at present of which more largely elsewhere (God willing) in due time. We see the primitive Christians did not make so much of any uniformity in rites and ceremonies; nay I scarce think any Churches in the primitive times can be produced that did exactly in all things observe the same customs: Which might especially be an

argument

cap. 23. l. 5.

Eccles. hist.
l. 10. cap. 4.

argument of moderation in all as to these things, but especially in pretended admirers of the Primitive Church. I conclude with a known saying of *Austin*, *Indignum est ut propter ea que nos Deo neque digniores, neque indigniores possunt facere, alii alios vel condemnemus, vel judicemus.* It is an unworthy thing for Christians to condemn and judge one another for those things which do not further us at all in our way to heaven.

Lattly, That Religion be not clog'd with Ceremonies. They when multiplied too much, if lawful, yet strangely eat out the heart, heat, life, vigour of Christianity. Christian Religion is a plain, simple, easie thing. Christ commends his yoke to us by the easiness of it, and his burden by the lightness of it. It was an excellent testimony which *Amm. Marcellinus* a heathen gave to Christianity, when speaking of *Constantius*, *Religionem Christianam rem absolutam & simplicem anili superstitione confudit*, That he spoiled the beauty of Christianity, by musing it up in superstitious observations. And it is as true which *Erasmus* said in answer to the Sorbonists, *Quò magis in corporalibus ceremoniis hæremus, hoc magis vergimus ad Judæismum.* External Ceremonies teach us backward, and bring us back from Christ to *Moses*; which is fully proved as to the Papists, by our learned *Rainolds* and *Mr. De Croy*; but we need no further evidence than a bare perusal of *Durandus Mimatensis* his *Rationale Divinorum officiorum*. By Ceremonies, I mean not here matters of meer decency and order, for order sake; which doubtless are lawful (if the measure of that order be not the pomp and glory of the world, but the gravity, composure, sobriety, which becomes Christianity) for when the Jews were the most strictly tyed up by a Ceremonial Law, they did introduce many things upon the account of order and decency: as the building Synagogues, their hours of prayer, their *Parashoth* and *Haphtaroth*, the Sections of the Law and Prophets; the continuation of the Passover 14. days by *Hezekiah*, when the Law required but seven: the feast of *Purim* by *Ester* and *Mordecai*: the fasts of the 4. 5. 10. month under the captivity, the feast of dedication by the *Maccabees*. The use of Baptism in Profelyting, washing the feet before the Passover, imitated and practised by our Saviour: So that

Eraf. in declar. ad Cens. Paris. art. 14.

Conf. with Hart. chap. 8. Div. 8. De Croy 3. Conformity, part. 2.

De Sacram.
lib. 2. c. 29.

matters of order and decency are allowable and fitting; but Ceremonies properly taken for actions significative, and therefore appointed because significative, their lawfulness may with better ground be scrupled. Or taking Ceremony in *Bellarmino's* description of it, to be *actio externa qua non aliunde est bona & laudabilis nisi quia fit ad Deum colendum*: And in this sense it will be hard to manifest any thing to be lawful, but what is founded upon a Divine precept; if it be not a matter of order, and so no Ceremony. And as for significative Ceremonies, concerning matter

Dr. Ham.
of Superstition,
sect. 39.

of doctrine or fact, a learned Dr. puts us in mind of the old rule, that they be *paucæ & salubres*; and the fewer, the more wholesome: For as he observes from *Aristotle* in Insectile Animals, the want of blood was the cause they run out into so many legs. I shall conclude this whole Discourse with another speech

Ep. 119. ad
Jan. cap. 19.

of *S. Austin*, very pertinent to our present purpose. *Omnia itaque talia quæ nequè sanctorum Scripturarum auctoritatibus continentur, nec in Conciliis Episcoporum statuta inveniuntur, nec consuetudine universæ Ecclesiæ roborata sunt, sed diversorum locorum diversis moribus innumerabiliter variantur, ita ut vix aut omnino nunquam inveniri possunt causæ, quas in eis instituendis secuti sunt homines, ubi facultas tribuitur, sine ulla dubitatione rescanda existimo.* All such things which are neither founded on the authority of the Scriptures, nor determined by general Councils (for so he must be understood) nor practised by the Catholick Church, but vary according to the customs of places, of which no rational account can be given; as soon as men have power to do it, I judge them to be cut off without any scruple: For which definitive sentence of his, he gives this most sufficient reason; *Quamvis enim neque hoc invenire possit, quomodo contra fidem sint, ipsam tamen religionem (quam paucissimis & manifestissimis celebrationem sacramentis misericordia Dei liberam esse voluit) servilibus oneribus premuat, ut tolerabilior sit conditio Judæorum, qui etiamsi tempus libertatis non agnoverint, legalibus tamen sarcinis, non humanis presumptionibus subjiciuntur*: For although we cannot positively say, how such things as these do manifestly impugne our faith, yet in that they load our Religion with such servile burdens, (which the mercy of God hath left free for all other observations, but

the celebration of some few and most clear Sacraments) that they make our condition worse than that of the Jews; for they, although strangers to Gospel liberty, had no burdens charged upon them by the constitutions of men, but only by the Law and commands of God: Which sentence and reason of his, I leave to the most impartial judgement of every true sober-minded Christian. And thus I am at last come through this field of thorns and thistles; I hope now to find my way more plain and easie. So much for the fourth Hypothesis. The two next will be discharged with lesser trouble.

Hypoth. 5. *What is left undetermin'd both by Divine positive Laws, and by principles deduced from the natural Law, if it be determined by lawful authority in the Church of God, doth bind the consciences of those who are subject to that authority, to obedience to those determinations.* I here suppose, that the matter of the Law be something not predetermined; either by the Law of Nature, or Divine positive Laws, for against either of these no humane Law can bind the conscience: For if there be any moral evil in the thing commanded, we are bound to obey God rather than men; in which case we do not formally and directly disobey the Magistrate, but we choose to obey God before him. And as we have already observed, a former obligation from God or nature destroys a latter; because God hath a greater power and authority over mens consciences, than any humane authority can have: And my obedience to the Magistrate being founded upon a Divine Law, it must be supposed my duty to obey him first; by vertue of whose authority I obey another; then the other whom I obey because the former hath commanded me. If I am bound to obey an inferiour Magistrate, because the supream requires it; if the inferiour command me any thing contrary to the will and Law of the supream, I am not bound to obey him in it; because both he derives his power of commanding, and I my obligation to obedience from the authority of the supream; which must be supposed to do nothing against it self. So it is between God and the supream Magistrate; *by him Kings reign*; God when he gives them a Legislative power, doth it *cumulativè non privativè*, not so as to deprive himself of it, nor his own Laws of a binding force against his; So that no

§. 12.

Rom. 13. 5.

Law of a Magistrate can in reason bind against a positive Law of God. But what is enacted by a lawful Magistrate, in things left undetermined by Gods Laws, doth even by vertue of them bind men to obedience, which require subjection to the higher powers *for conscience sake*. So that whatsoever is left indifferent, obedience to the Magistrate in things indifferent is not: And if we are not bound to obey in things undetermin'd by the word, I would fain know wherein we are bound to obey them? or what distinct power of obligation belongs to the authority the Magistrate hath over men? For all other things we are bound to already by former Laws; therefore either there must be a distinct authority without power to oblige, or else we are effectually bound to whatsoever the Magistrate doth determine in lawful things. And if it be so in general, it must be so as to all particulars contained in that general, and so in reference to matters of the Church, unless we suppose all things concerning it to be already determined in Scripture: which is the thing in Question, and shall be largely discussed in its due place.

§. 13.

Sixthly, Hypoth. 6. Things undetermined by the Divine Law, natural and positive, and actually determined by lawful authority, are not thereby made unalterable, but may be revoked, limited, and changed, according to the different ages, tempers, inclinations of men, by the same power which did determine them. All humane constitutions are reversible by the same power which made them: For the obligation of them not arising from the matter of them, but from the authority of the person binding, are consequently alterable, as shall be judged by that power most suitable to the ends of its first promulgation. Things may so much alter, and times change, that what was a likely way to keep men in unity and obedience at one time, may only inrage them at another: The same Physick which may at one time cure, may at another only inrage the distemper more. As therefore the skill of a Physician lies most in the application of Physick to the several tempers of his Patients: So a wise Magistrate, who is as *Nicias* said in *Thucydides*, πόλιως καὶ βουλευομένης ἰατρῆς. *The Physician to cure the distempers of the body Politick; and considers (as Spartian tells us Adrian used to say in the Senate, ita se Rempub. gesturum,*

*Hist. lib. 6.
Spartian.
in Adrian.*

rum, ut sciret populi rem esse, non propriam) that the peoples interest is the main care of the Prince, will see a necessity of altering, reforming, varying many humane constitutions, according as they shall tend most to the ends of Government, either in Church or State. Thence it is said of the several Laws of nature, Divine and humane: that *Lex natura potest poni, sed non deponi, Lex divina nec poni nec deponi, Lex humana & poni & deponi.* The Law of Nature may be laid down (as in case of marriage with Sisters in beginning of the world) but not laid aside; the Law of God can neither be laid down nor laid aside: but humane Laws both may be laid down and laid aside. Indeed, the Laws of the Medes and Persians are said to be unalterable, (but if it be meant in the sense it is commonly understood in) yet that very Law which made them unalterable (for they were not so of their own nature) was an alterable Law, and so was whatever did depend upon it. I conclude then, whatever is the subject of humane determination may lawfully be altered and changed, according to the wisdom and prudence of those in whose hands the care of the publick is. Thus then, as those things which are either of natural or Christian liberty, are subjected to humane Laws and restraints, so those Laws are not irreversible; but if the Fences be thrown down by the same authority which set them up, whatever was thereby inclosed, returns to the community of natural right again. So much for these *Hypotheses*, which I have been the longer in explaining and establishing, because of the great influence they may have upon our present peace, and the near concernment they have to this whole discourse, the whole Fabrick of which is erected upon these foundations.

Dan. 6. 8.

C H A P. III.

How far Church Government is founded upon the Law of nature. Two things in it founded thereon. 1. That there must be a society of men for the worship of God. 2. That this society be governed in the most convenient manner. A society for worship manifested. Gen. 4. 26. considered. The sons of God and the sons of men, who? Societies for worship among heathens evidenced by three things. 1. Solemnity of sacrifices; sacrificing how far natural; the antiquity of the feast of First fruits largely discovered. 2. The original of Festivals for the honour of their Deities. 3. The secrecy and solemnity of their mysteries. This further proved from mans sociable nature, the improvement of it by religion, the honour redounding to God by such a society for his worship.

§. 1. **H**AVING now laid our foundation, we proceed to raise a superstructure upon it. And we now come closely to enquire how far Government in the Church is founded upon an unalterable divine right? That we have found to be built upon a double foundation, *the dictates of the Law of nature, and Divine positive Laws.* We shall impartially inquire into both of them; and see how far Church Government is settled upon either of these two. I begin then with the Law of Nature. Two general things I conceive are of an unalterable divine right in reference to this. *First, That there be a society and joyning together of men for the Worship of God. Secondly, That this Society be governed, preserved, and maintained in a most convenient manner.* First, that there must be a society of men joyning together for the worship of God. For the dictate of nature being common to all, that God must be served, nature requires some kind of mutual society for the joynt performance of their common duties. An evidence of which dictate of nature appears in the first mention we find of any publick society; so that a society for religious worship was as ancient as the first civil societies we have any records of. Nay the very first publick society we read of was gathered upon
this

This account. For we read in the early days of the world that the Charter for this society was soon made use of *Gen. 4. 26.* In the days of Enoch men began to call upon the name of the Lord. Now Enoch was Seth's son whom Adam had given to him in the place of Abel; and as soon as the number of men did increase, that men grew into Societies, they then had their publick societies for Gods worship. For we cannot understand that place absolutely, as though God had not been called on before, but now he was called on more signally and solemnly; when men were increased that they began to embody themselves into societies, *Cæpit congregare populum ad tractandum simul dei cultum*, saith *Pererius*; *Tunc cæptum est populariter coli Deus*, *Mariana*. *Invocare*, i. e. *palam colere*, *Emanuel Sa.* relating all to the publick societies being then gathered for the worship of the true God. From which time in all probability did commence that title of those who joyned in those societies that they were called בני-אלהים *The sons of God* which we read of soon after. *Gen. 6. 2.* as they are distinguished from the בני-אדם the sons of men, which titles as I am far from understanding in the sense of the Fathers taking them for the Angels, (which in likelihood they took from the supposititious piece going under the name of *Enochs* Prophecy) so I cannot understand them as commonly they are taken, for meer discrete titles of the posterity of *Seth* and *Cain*; as though all that came of *Seth* were the sons of God, and all of *Cain* were the sons of men. For as there certainly were many bad of *Seths* Posterity, because the flood destroyed all of them, *Noah* only and his Family excepted; so there might be some good of the other, vice being no more entail'd than vertue is; and Jewels may sometimes lie in a heap of dung: and so this name of the sons of God might be appropriated to those who joyned themselves to those societies for Gods worship. In which sense some understand the very words of the Text הוּחַל לִקְרָא בְּשֵׁם יְהוָה then began men to be called by the name of the Lord: Which I suppose is the sense of *Aquila* who thus renders the place, *ὅτε ἤρχθη τῷ κοινῷ καὶ ἐν ὀνόματι Κυρίου*, although it be brought by *Dionys. Vossius* to justify the former interpretation of the words. This sense, if the construction

Not. in
Maim. de
Idol. c. 1.
sect. 1.

V. Chamier.
Paustrat.
Cath. To. 2.
l. 9. c. 9. f. 9.
Anam. An-
tib. Bibl. l.
2. p. 228.

V. Selden.
de Diis Sy-
ris Proleg.
p. 28. & 44.
Abodazara
cap. 1.

Bytram. de
Polit. Jud.
cap. 2. p. 12.
Franz. Sch.
Sacrif.
disp. 2.
Copenb.
Sch. Sacrif.
p. 14.

§. 2.

of the words will bear it (which *Drusus* questions, but others are much for it, and *Theodoret*, the *French* and *Piscator* so render it) seems most genuine and natural; and not at all impugning what I have formerly gathered from the words, but implying it; For this distinction of names and titles did argue a distinction of societies among them. I am not ignorant that the generality of Jewish Expositors and many of their followers, do carry the sense of the words quite another way, from the ambiguity of the signification of *הוהו* which may be interpreted as well to prophane as begin, and so they read it *tunc prophanatum est ad invocandum nomen Domini*, Then men prophaned the name of the Lord: And accordingly *Maimonides* begins Idolatry *ביום הנהו* from the days of *Enosh*. But the words will scarce bear this construction, as *Vossius* upon him observes; and besides there is no mention at all of the name of any false gods, but only of the true one. So much then for the first original of this society for religion, which we see began as soon as there was matter for a society to be gathered up of. Some indeed derive this society a great deal higher; and because we read that *Abel* and *Cain* brought their sacrifices, they thence infer, that it was to *Adam* who was the publick Priest then, and performed all publick duties of worship in his own person, and so was indeed Oecumenical Bishop of the whole world, and yet had but four persons or but few more for his charge. Such a Diocess we might be content to allow him that pleads for the same office, and derives his Title somewhat higher than *Adam*; for *Pope Boniface* the eight proved there must be but one chief Priest, and so one Pope, because it is said *Gen. 1. 1.* that God created the world *in Principio* not *in Principiis*; mark the number, therefore there must be but one beginning, and so one Bishop and not many. What excellent disputants an Infallible chair makes men! Much good may his argument do him.

As a further evidence, how much nature dictates that such a society there should be for Divine worship, we shall inquire into the practice of men in their dispersion after the Flood. And what we find unanimously continued among them, under such gross Idolatry as they were given to, and which

which did arise not from their Idolatry as such, but from the general nature of it as a kind of worship, we have reason to look upon as one of those planks which hath escaped the common shipwrack of humane nature by the fall of man. And so though that argument from the general consent of Nations owning a way of worship though a false one, in order to the proving the existence of God be slighted by some, yet there is this double evidence in it to prove it, more than is generally taken notice of, and beyond the bare testimony its self given by that consent. *First*, From mens being so easily imposed upon by false religions, in that they are so soon gull'd into Idolatry; it argues there are some Jewels in the world, or else men would never be deceived with counterfeits; It argues that a Child hath a Father, who is ready to call every one that comes to him Father; So it argues there is some natural instinct in men towards the worship of God, when men are so easily brought to worship other things instead of God. We see no other creatures can be so imposed upon; we read of no Idolatry among the Brutes, nor that the Bees though they have a King and honour him, did ever bow their Knees to *Baal*, or worship the hive instead of him. If men had no journeys to go, others need not be sworn as the Athenians were, not to put them out of their way. If there were no inclinableness to religion, all cautions against Idolatry were superfluous; there is then from mens proneness to error, as to the person and object of worship, an evidence of a natural *δένειν*, an instinct within towards the act of worship: And as when I see sheep flock together, even in their wandrings, I may easily gather that though they are out of their proper pastures, yet they are of a tame and sociable nature; So when we see Societies for worship were preserved among men after they were degenerated into Idolatry; is an evident argument that such associating together for the general nature of the act, doth flow from the nature of man. *Secondly*, All mens agreeing in some kind of worship, though differing as to the object and manner of it, is an evidence it comes from nature, because it plainly evinces it could be nothing taken up out of design, received by custom, nor conveyed by tradition, because even among those whose interests and designs have been con-

*Socinus
præf. cap. 2.*

trary to one another, and could have no mutual compacts to deceive their people, have all agreed in this thing, though almost in all other things they have strangely differed. All other Customs and Traditions, are either changed, or lost, among several Nations; as the rude barbarous Northern Nations, that in their inroads and incursions upon other places, have left in process of time, almost all other customs but only their religion behind them. This sticks closer than *Saladines* black shirt, or the old *Manks* clothes, which they put not off till they died. Nay even those Nations, who openly, and as by a Law, violate the other received dictates of Nature, do yet maintain and hold up this. Those that have had the least of commerce and converse with civilized people, have yet had their societies for worship: And when they could find no gods to worship, they would rather make than want them. The Egyptians would rather spoil their Sallets than be without gods; and they that whipt their gods, yet had them still. They who had no sense of another life, yet would pray to their gods for the good things of this; and they that would not pray that the Gods would do them good, yet would that they might do them no hurt: So that in the most prodigious Idolatry, we have an argument for Religion, and in the strange diversities of the ways of worship, we have an evidence how natural a society for worship is. This to shew the validity and force of the argument drawn from consent of Nations, even in their Idolatry.

3.

Three things I shall evidence these societies for worship among the heathens by; the solemnity of their sacrifices, their publick Festivals, and their secret Mysteries, all which were instituted peculiarly in honour of their gods: It being necessary in such Societies for worship to have some particular Rites, whereby to testifie the end of such societies to be for the honour of their Deity, and to distinguish those solemnities from all other. First then for sacrifices; *Paulus Bagenfis* observing how this custom spread all the world over, concludes from thence that it was natural to men. *In qualibet atate, & apud qualibet hominum nationes semper fuit aliqua sacrificiorum oblatio. Quod autem est apud omnes, naturale est.* Thus far I confess sacrificing natural, as it was
a fo-

Scrutin.
Scrup. part.
2. dist. 3.
cap. 11.

a solemn and sensible Rite of worship; but if he meant by that, the destroying of some living creatures to be offered up to God, I both deny the universal practice of it, and its being from the dictate of nature: and I rather believe with *Fortunius Licetus*, that it was continued down by tradition, from the sacrifices of *Cain* and *Abel* before the flood, or rather from *Noahs* after; which might the easier be, because Nature dictating there must be some way of worship, and it being very agreeable to Nature it should be by sensible signs, all Nations having no other rule to direct them, were willing to observe that Rite and Custom in it, which was conveyed down to them from their Progenitors: But let us see what reason *Burgensis* gives; *Ratio naturalis dicitur, ut secundum naturalem inclinationem, homines ei quod est supra omnes, subjectionem exhibeant, secundum modum homini convenientem. Qui quidem modus est, ut sensibilibus signis utatur, ad exprimendum interiorem conceptum, sicut ex sensibilibus cognitionem accipit invisibilem. Unde ex naturali ratione procedit, quod homo sensibilibus signis utatur, offerens eas Deo in signum subjectionis & honoris ad similitudinem eorum qui Dominis suis aliquid offerunt in recognitionem Domini.* — But all this will extend no further, than that it is very agreeable to natural reason, that as man attains the knowledge of invisible things by visible, so he should express his sense of invisible things by some visible signs, thereby declaring subjection to God as his Lord and Master, as Tenants express their Homage to their Lord by offering something to them. And I withal acknowledge, that as to oblations without blood, they seem indeed very natural: Whence we shall somewhat largely discover the antiquity of the Feasts of first-fruits, which were the clearest acknowledgment of their dependence upon God, and receiving these things from him. *Aristotle* tells us, *αι αρχαιαι θυσιας η ουροδοι παλιν η γινεσθαι μετα τας ης καρπων συγκουμδεις εινω εωπαρχαι.* That the most ancient sacrifices and Assemblies appear to have been upon the in gathering of fruits, such as the sacrifices of first-fruits to the gods were. To the same purpose *Porphyrus*, *αι αρχαιαι θυσιας η γινεσθαι μετα τας ης καρπων συγκουμδεις εινω εωπαρχαι.* The first sacrifices were of first-fruits. And *Horace*,

V. Porphyr.
περι ερω-
χης.

Encyclop.
ad eram
Nonavii
Terrig. c. 9.
p. 96.

Antiquity of
the Feast of first
fruits

Nicomach.
l. 8.

De Abst.
lib. 2. f. 27.

Ep ad Aug.

*Agricola prisca fortes, parvoque beati
Conditâ post frumenta, levantes tempore festo
Corpus, & ipsum animum spe finis dura ferentes,
Cum sociis operum & pueris & conjuge fidâ,
Tellurem porco, Sylvanum lacte piabant.*

Lib. I. c. 1.

Gen. 4. 2.

V. Ainsworth. in loc.

De abstin. l. 4. s. 22.

V. Petis. ad Lig. Att. p. 3.

Although he be not so exprels for offering the very fruits of the earth; yet it is evident from him, that their great Festivals in honour of their gods, were immediately after harvest, and that they had great Assemblies for that purpose, and did then solemnly sacrifice. And from these solemnities came the original of Tragedies and Comedies, as *Horace* intimates, and is largely shewed by *Isaac Casaubon* in his Treatise *de Satyricâ, Poesi*. But to fetch this yet a little higher, and so bring it downwards; The first sacrifice we read of in Scripture, was this of the fruits of the earth (unless the skins which *Adam* clothed himself with, were of the beasts sacrificed, as some conjecture:) *Cains* sacrifice was מנחה an oblation of the fruits of the earth: in all probability the first-fruits, as *Abel* offered the first-born of the Cattel to the Lord: This seems to have been at some solemn time of sacrificing, which is implied in מקצותימים At the end of days. In process of time we render it; but the Jews understand it at the end of the year: days in Scripture being often put for years; which Interpretation if we follow, we find a very early observation of the Anniversary festival of first-fruits; But however this be, we have by unquestionable tradition, that no festival was more anciently, nor more universally observed, than this of offering the first fruits to God of their increase. The Jews were bound up so strictly to it by their Law, *Leviticus* 23. 14. that they were to eat nothing of their crop till the offering of first-fruits was made. And *Porphyrius* tells us out of *Hermippus*; that one of the Laws made for the *Athenians* by *Triptolemus*; was, Θεὸς καρποῖς ἀγαλλεῖν, To feast the Gods with their fruits. Of which *Xenocrates* there gives a twofold reason; sense of gratitude to the gods, and the easiness at all times to offer up these; by which he supposed the custom would continue longer. *Draco* afterwards put this among his Θεσμοὶ ἀδύνατοι, his unalterable laws, Θεὸς πρῶτον ἀπαρχαῖς καρπῶν, To worship their gods with their first-fruits. Besides which, for other

other Greeks we have the testimony of *Plutarch*, οἱ πλείστοι τῶν Ἑλλήνων πρὸς τὰς πᾶν παλαιὰς θυσίας ἐχρῶντο ταῖς κείραις, ἀπαρχομένων τῶν πολιτῶν. *The most of the Grecians, saith he, in their most ancient sacrifices did use barley, the first-fruits being offered by the Citizens: and therefore the Opuntii called their chief Priest κειραλόγος; because he gathered in the first-fruits* The manner of offering the first fruits among them, was much of the same nature with the *Mincha* among the Jews, which was of *sine flower mingled with oyl for a burnt offering to the Lord*: The word there used implies the bruising the ears of corn in a mortar, because they were as yet moist, and could not be ground as hard corn was. Whence, because it was not all brought to flower, the Cake was called σῶα and κριμα. It is called by the *Septuagint* κριθὴ περρυμμένη. So I suppose it should be read, which in our great Bibles is περρυμμένα χύδρα: and it is called by the Greeks ἐλοχίη, which word is frequently used by *Homer* and *Apollonius Rhodius*, whom I forbear to transcribe, it being so obvious; which is expounded both by the excellent Scholiast on *Apollonius*, and by *Eustathius* and the short Scholiast on *Homer*, to be κείραι μετ' ἀλῶν μεμυγμένα, Barley and Salt mixed together. To which among the Romans the *Mola salsa* answered, of which *Festus: Est far tostum & sale conspersum*, as the *Mincha* under the Law, was always salted with salt, *Levit. 2. 13.* This *Mola salsa* among the Romans, had originally relation to the first-fruits: For the custom of offering up first-fruits among them, was as ancient as their institution of Religious Rites; as *Pliny* fully informs us. *Numa instituit Deos fruge colere, & mola salsa supplicare, atque ut auctor est Hemina, far terrere*: which likewise answers to the Jewish *Mincha*, which was to be כֹּמֶת קָרוֹי *rosta in igne*, parched in the fire: For which purpose *Numa* instituted the *Fornicalia*, which were *farris torrendi ferie, the feasts of first-fruits among them*, the parching the corn being in order thereto: For as *Pliny* adds, *ac ne degustabant novas fruges, aut vina antequam sacerdotes primitias libassent*: which may be exactly rendred in the very words of the Law, *Leviticus 23. 14.* But though the *Mola salsa* came originally from hence, it afterwards came to be used in most sacrifices; thence the word *immolare* to sacrifice, again paral-

Quest. Græc. q. 6.

Levit. 23. 13.

Iliad. α. v.
449. *Arg.*
1. v. 409.
&c.

Hist. Natur.
lib. 18. c. 2.

Lev. 2. 14.

P. Sanber-
tum de sa-
crist. c. 19.

Vossius de
Idol. l. 2.
cap. 59

Græc. Fer.

lel to the *Mincha accessorium*; as some call it among the Jews, which was used in other sacrifices; and was distinct from the *Mincha per se* which of its self was an oblation to the Lord. From this offering up bruised corn, some derive the name of *Ceres* from $\Psi\rho\gamma$ which signifies as much, and was required *Leviticus* 2. 14. thence *Ovid* l. 8. *Met. Primitias frugum Cereri, sua vina Lyæo*; but besides *Ceres* they offered their first-fruits among the Greeks to *Hora, Diana, Apollo, Vesta*, as may be seen in *Meysius* in $\Omega\rho\alpha\iota\alpha, \Theta\alpha\rho\gamma\eta\lambda\iota\alpha, \text{\textcircled{E}}\sigma\tau\alpha\iota\delta$. Thus we see how these three Nations did agree not only in the observation of the Feast of First-fruits, but very much in the ceremonies of their offering too. Only this difference may be observed between them: The Romans did mix their *Molla salsa* with water, the Jews their *Mincha* with oyl only; The Greeks did not bruise the corn in their $\epsilon\lambda\omicron\chi\upsilon\sigma\tau\alpha\iota$ but only mixed salt with the grains of corn. But the Jews and Romans both bruised and parched it, before they offered it up for the first-fruits. Thus much to shew the antiquity and observation of the offering up of the first-fruits among the most ancient and civilized nations. Which though it may seem a Digression, yet I hope not wholly unacceptable, it being likewise the offering of my First-fruits, and therefore the more seasonable.

§. 4.

Proceed we now to other Festival Solemnities, to see what evidences of a society for worship we find in them. And for this, it is apparent that the first original of Festivals among the heathen was for the honour of the Gods. Upon which account a grave and prudent author accounts the observation of some Festivals natural; because nature doth dictate the necessity of some society for the worship of God. For thus *Strabo*, Κοινὸν τὸτο καὶ ἅπῃ Ἑλλήνων καὶ τῇ βαρβάρων ἦν τὸ πᾶς ἱεροποιίας καὶ ἀθέστων ἑορταστικῆς ποιῆσαι, καὶ τὸθ ἢ οὐδὲς ἕτως ὑπαρχούσαι. It was the custom of all nations (who are comprehended under his words) to have Festival days for the honour of their Gods, which nature its self dictates. Hence the Greeks as *Athenæus* observes, πᾶσις ἐναχίας πῶ ἀρχίας εἰς τὸ θεῶν ἀρέσκειον, used to say that their Gods beg'd them all their play-days, After telling us of the mirth and jollity used after their sacrifices, which was always the second course at these Festivals, thence

Geogr. l. 10.

Deipnosoph.
lib. 9.

thence the Jews called their high Festival dayes **יומים טובים** good dayes or dayes of Mirth. We read of few Nations but had these Festival solemnities for the honour of their Gods. The Persians had theirs for their God *Mithras*: The Babylonians saith *Athenæus* out of *Berosus*, had their Feast *Sacaa* which *Casaubon* would have called *Sesacaa*, because *Babylon* in Scripture is called **ששן** *Sesac*, as the *Ludi Romani* were from *Rome*. It is to no purpose to mention the Festivals observed by the Greeks and Romans in honour of their Gods being so many that whole books have been composed of them. That which I observe from hence, is, that Societies for the worship of God are natural; because of their solemn resting from their ordinary labour upon daies appointed for the honour of their Gods: Thereby shewing they looked upon those as peculiar dayes and themselves as peculiar Societies upon those dayes from what they were at other times. One thing more evidenceth this among them; their solemn and secret mysteries which were societies on purpose as pretended for this very end in honour of their Gods. Their *σεμνά, μεγάλα, φεικτά μυσία*, as they were wont to call them, preserved with the greatest secrecy by the *ἐπόπται*. Their great and lesser *Eleusinian, Samothracian, Cotyttian Mithriacal* Mysteries, to which none were admitted without passing through many degrees, *κάθαρσις, μύησις, σύστασις*, before they came to be *ἐπόπται* perfectly initiated. Wherein they were much imitated by the Christians in the celebration of the Lords supper about the fourth or fifth Century, as is largely shewed by *Casaubon* in a most learned *Diatriba* on this subject in his *Exercitationes*: to which I refer the reader. We see what strict rules they had for admission of any into these pretendedly sacred but truly most impious societies. In those of *Mithras* as *Suidas* and *Nonnus* tell us, they passed through eighty degrees before they were thoroughly initiated, and seldom escaped with life. However we may gain from them this general notion, that they looked on a peculiar distinct society as necessary for the worship and honour of the Deity they served. Thus we see *à posteriori* how a distinct society for Gods worship appears to be a dictate of Nature.

We shall now see if we can evidence *à priori* that it is

Deipnos. l. 14. cap. 10.

V. Meursii Græc. Arist. Castellon. ἐροτολόγιον. Hoffm. de Festis. Mich. Ben-ther de Festivis.

8

Exercit. in Bar. 16. f.

42. sed vide Gothofred. in.

Tim. 3. 16. Salmas. in hist. Aug.

p. 31, 33. Suidasin v. Mithras.

Nonnus in Naz. Stelit. p. 132.

M u f. in Eleus. n. s.

a dictate of nature that there must be some society for the worship of God. Three things will make that appear. *First*, The sociableness of mans nature. Man is ἀγαθόν π, a creature that loves to herd it self with those of his own kind. *Ανευ* ἰδίῃ φιλιᾷ, ἐπὶ εἰς ἀν' ἑλοῖτο ζῆν ἔχων τὰ λοιπὰ ἀγαθὰ πάντα. If a man had all other comforts of life and wanted society, he would not think his life worth leading, as *Aristotle* observes who further takes notice of the sociableness of mans nature ὄθεν τὸ φιλανθρώπους ἐπανύμεν, from the general commendation that is given to courteous and affable men. I deny not but in the entering into a civil state of society, either fear or profit might be a main inducement to it; but though it be an inducement, yet there must be supposed an inclinableness to a society; or a Common wealth might be as soon set up among Tigers as men. So that they have very little ground of reason, who from the external inducements of fear or profit, in entering into civil societies, do conclude against the sociableness of mans nature. If then mans nature be sociable in all other things, then nature will tell men, they ought to be so in things of common concernment to them all, and which is every ones work or duty, as religion is; if in other things men are sociable, much more in this; For *Secondly*, Religion gives a great improvement to mans sociable nature; and therefore *Plutarch* well calls Religion συνεπιχὸν ἀπόσης κοινωνίας καὶ νομοθεσίας ἕρεσμα. A foundation that knits and joyns societies together. And thence wisely observes that in the constitution of Laws, πρῶτον ἔστιν ἢ πᾶσι θεῶν δόξα καὶ μέγιστον the first and greatest thing to be looked at, is, the religion established, or the opinions men entertain of the Gods. To which he subjoyns this excellent reason πᾶσι ἀν' μοι δοκεῖ μᾶλλον ἐδάφους χρεῖς, ἢ πολιτείας τῆς πᾶσι θεῶν δόξης ἀναυρεθείσης, παντάπασι σύσσωπον λαβεῖν ἢ λαβεῖν πρῆπου. That it is more impossible for a Common-wealth either to be formed or subsist without religion than a City to stand without foundations. Thence a prudent States-man called Religion the best Reason of State. It appears then evidently both from reason and experience, that Religion hath a great influence upon the modelling and ordering civil societies, whence as the same *Moralist* observes, *Lycurgus* did as it were consecrate the *Lacedemonians* with religious rites, as *Numa* the *Romans*, For the

Aristot. Nē.
com. l. 8. c. 1.

Moral. ad-
versē
Colotem.

Lord Bacon
Essay of a
King.

the *Athenians*, and *Dencalion* the *Hellens*. Whence some half-witted men (but I know not whether more defective in wit or grace) have (observing the great influence religion hath to keep men in order) been ready to look upon it as only a Politick device, to awe men with greater ease. It is not here a place largely to examine and refute this unworthy pretence. Only I adjure them by their only Goddeſs, Reason, to tell me whence come men to be ἐμπυθῆς πρὸς τὰ θεῖα ἢ ἐλπιδῶν ἄλλα ἢ φόβων, as *Plutarch* expreſſeth it, to be so easily awed by the hopes and fears of another life more than other creatures are? Why are they at all affected with the discourse of them? why cannot they shake off the thoughts of these things when they please? Are not men hereby made the most miserable of creatures? for no other creature can be perswaded that it shall ever quench its thirst in those rivers of pleasures, nor make its bed in everlasting flames. The beasts of *Sardinia* that have their only refreshment by the dew of heaven, yet have never any hopes to come there. The *Lycn* never keeps from his prey by the thoughts and fears of a great Tribunal. But suppose only mankind of all creatures should be liable to be thus imposed on, as is pretended; How comes it to pass that in no age of the world this imposture hath not been discovered, confuted, shaken off by some people as wise as themselves? Or have there never been any such in the world? But whence come some men then to be wiser than others? Whence come some to know things which all the reason in the world could never find out, without revelation? Whence comes a power to do any thing above the course of nature, if there be nothing but nature? Or are all men deceived that believe such thing? If so, then there must be somewhat that must deceive men; men would not deceive themselves and they could not be so long imposed upon by other men; there must be then some evil spirit must do it; and whence should that come? from nature too? but then whence comes nature its self? from its self too, or something else. Did it make it self, or was it made by a greater power than it? if it made its self, it must be and not be at the same time; it must be as producing and not be as produced by that act. And what is become of our Reason now? there must be then a Supreme,

Eternal, infinite being which made the world and all in it; which hath given nature such a *Touch* of its own immortality and dependance upon God, that reason capable of Religion is the most proper distinctive Character of man from all Inferior beings. And this *Touch* and sense being common to the whole nature, they therefore incline more to one anothers society in the joint performance of the common duties, due from them to their maker. And so Religion not only makes all other bonds firm (which without it are nothing, as oaths, Covenants, promises, and the like, without which no civil society can be upheld) but must of its self be supposed especially to tye men in a nearer society to one another in reference to the proper acts belonging to its self. *Thirdly*, it appears from the greater honour which redounds to God by a sociable way of worship. Nature that dictates that God should be worshipped, doth likewise dictate that worship should be performed in a way most for the honour and glory of God. Now this tends more to promote Gods honour, when his service is owned as a publick thing, and men do openly declare and profess themselves his subjects. If the honour of a King lies in the publicly professed and avowed obedience of a multitude of subjects; it must proportionably promote and advance Gods honour more to have a fixed, stated Worship, whereby men may in a Community and publick society declare and manifest their homage and fealty to the supream Governour of the World. Thus then we see the light of Nature dictates there should be a society and joyning together of men for and in the Worship of God.

C H A P.

C H A P. IV.

The second thing the Law of Nature dictates, that this Society be maintained and governed in the most convenient manner. A further inquiry, what particular orders for Government in the Church come from the Law of Nature. Six laid down, and evidenced to be from thence. First, a distinction of some persons, and their superiority over others, both in power and order, cleared to be from the Law of Nature. The power and application of the power distinguished; this latter not from any Law of Nature binding, but permissive: therefore may be restrained. Peoples right of choosing Pastors considered. Order distinguished from the form and manner of Government: the former natural, the other not. The second is, that the persons employed in the service of God, should have respect answerable to their employment, which appears from their relation to God as his servants; from the persons employed in this work before positive Laws. Masters of families the first Priests. The Priesthood of the first born before the Law discussed: the arguments for it answered. The conjunction of civil and sacred authority largely shewed, among Egyptians, Grecians, Romans, and others. The ground of separation of them afterwards, from Plutarch and others.

THE second thing which the light of Nature dictates, in reference to Church Government, is, That the society in which men joyn for the worship of God, be preserved, maintained, and governed in the most convenient manner. Nature, which requires society, doth require Government in that society, or else it is no society. Now we shall inquire what particular orders for Government of this society established for the worship of God, do flow from the light of Nature, which I conceive are these following.

First, *To the maintaining of a society, there is requisite, a distinction of persons, and a superiority of power and order, in some over the other.* If all be rulers every man is *sui juris*, and so there can be no society, or each man must have power over the other, and that brings confusion. There must be some

then invested with power and authority over others, to rule them in such things wherein they are to be subordinate to them, that is, in all things concerning that society they are entered into. Two things are implied in this: First Power, secondly order. By power, I mean right to govern; by order, the superiority of some as rulers, the subordination of others as ruled. These two are so necessary, that no civil society in the world can be without them: For if there be no power, how can men rule? if no order, how can men be ruled, or be subject to others as their Governours? Here several things must be heedfully distinguished. *The power* from the *application* of that power, which we call the *Title* to government. *The Order* is self from the *form* or *manner* of government. Some of these I assert as absolutely necessary to all Government of a society, and consequently of the Church, considered without positive Laws; but others to be accidental, and therefore variable. I say then, that there be a Governing power in the Church of God, is immutable, not only by vertue of Gods own constitution, but as a necessary result from the dictate of nature, supposing a Society: but whether this power must be derived by succession, or by a free choice, is not at all determined by the light of Nature; because it may be a lawful power and derived either way: and the Law of Nature as binding, only determines of necessities. Now in civil Government, we see that a lawful Title is by succession in some places, as by election in other. So in the Church under the Law, the power went by lineal descent, and yet a lawful power; and on the other side, none deny (setting aside positive Laws,) but it might be as lawful by choice and free election. The main reason of this is, that the Title or manner of conveying authority to particular persons, is no part of the preceptive obligatory Law of Nature, but only of the permissive; and consequently is not immutable; but is subject to Divine or humane positive determinations, and thereby made alterable: And supposing a determination, either by Scripture or lawful authority, the exercise of that natural right is so far restrained as to become sinful, according to the 3. Proposition under the 2. Hypoth. and the 5. Hypoth. So that granting at present, that people have the

right

right of choosing their own Pastors ; this right being only a part of the permissive Law of Nature, may be lawfully restrained and otherwise determined, by those that have lawful authority over the people, as a civil society, according to the 5. Hypoth. If it be pleaded that they have a right by Divine positive Law, that Law must be produced ; it being already proved, that no bare example, without a declaration by God that such an example binds, doth constitute a Divine Right which is unalterable. We say then, that the manner of investing Church-Governours in their authority, is not determin'd by the Law of Nature ; but that there should be a power Governing, is (supposing a society) of the immutable Law of Nature, because it is that without which no society can be maintained. And this is one of those things which are of the Law of Nature, not in an absolute state of liberty, but supposing some acts of men (which once supposed) become immutable, and indispensable. As supposing propriety, every man is bound to abstain from what is in anothers possession, without his consent, by an immutable Law of Nature ; which yet supposeth some act of man, *viz.* the voluntary introducing of propriety by consent : So supposing a society in being, it is an immutable dictate of the Law of Nature, that a power of Government should be maintained and preserved in it.

So I say for the second thing, Order, This, as it implies the subordination of some in a society, to others as their rulers, is immutable and indispensable ; but as to the form whereby that order should be preserved, that is, whether the Government should be in the hands of one or more, is no wise determined by the obligatory Law of Nature ; because either of them may be lawful and useful for the ends of Government, and so neither necessary by that Law : for as to the Law of Nature, the case is the same in civil and religious societies ; now who will say, that according to the Law of Nature, any form of Government, Monarchy, Aristocracy, Democracy, is unlawful. These things are then matters of natural liberty, and not of natural necessity, and therefore must be examin'd according to positive determinations of Divine and humane Laws, where we shall speak of it. This then is clear

as to our purpose, That a power in the Church must be constantly upheld and preserved, fitly qualified for the ends of Government, is an immutable Law ; so that this power be lodged in some particular persons to act as Governours, and so distinct from others, as subordinate to them ; but whether the power of Government come from people by election, or from Pastors by ordination, or from Magistrates by commission and delegation ; whether one, two, or all these wayes, is not determined by natural Law, but must be looked for in Gods positive Laws ; if not there neither to be found, we must acquiesce in what is determined by lawful authority. The same I say again, as to forms of Government, whether the power of sole jurisdiction, and ordination, be invested in one person above the rank of Presbyters, or be lodged in a Colledge acting in a parity of power, is a plea must be removed from the Court of Common Law of Nature, to the Kings Bench ; I mean to the positive Laws of God, or the Supream power in a Commonwealth : There being no Statutes in the Law of Nature to determine it ; it must be therefore *Placitum Regis*, some positive Law must end the controversie. We therefore traverse the suit here, and shall enter it at the other Court.

§. 3.

The second thing dictated by the Law of Nature, is, *That the persons employed in the immediate service of God, and entrusted with the power of governing the society appointed for that end, should have respect paid them answerable to the nature of their employment.* This appears to have foundation in the Law of Nature, being easily deducible from one of the first principles of that Law, that God is to be worshipped ; if so, then those whose employment is chiefly to attend upon himself, ought to have greater reverence than others. By the same reason in nature, that if we do honour the King himself, the nearer any are to the Kings person in attendance and employment, the greater honour is to be shewed them. The ground of which is, that the honour given to servants as such, is not given to their persons, but to their relation, or to the one only upon the account of the other ; and so it doth not fix and terminate upon themselves, but rebounds back, and reflects upon the Original and fountain of that honour, the Prince him-

himself: So if any be honoured upon the account of their immediate employment in the service of God, it is God who is chiefly honour'd, and not they; it being the way men have to express their honor to God, by shewing it proportionably and respectively to those who either represent him, or are employed by him. *Ἐἰς τὸ ἴδιον θεοῦ τὴν ἡμετέραν ἢ πρὸς τὰς βασιλῆας*, as *Chrysostome* speaks in this very case. *The honour passeth through them to God himself.* Where he largely proves this very thing from the Egyptians sparing the Land of their Priests; and argues at least for an equality of honour, from reason, to be given to those who serve the true God. Nay, he is so far from looking upon it as part of their superstition, that he mounts his argument *à pari* to one, *à minori ad majus*, ἀλλ' ὅση ἢ διαφορὰ τῆς πλάνης πρὸς τὴν ἀλήθειαν, ἢ τῶν ἐκείνων ἱερέων πρὸς τοὺς τοῦ θεοῦ ἱερεῖς, τοσαύτην διαφορὰν ἢ πρὸς τὴν πρὸς τὸν θεὸν ἐπιτελούμεθα, that is, *as much as truth exceeds error, and the servants of God do the Idol priests, so much let the honour we give to them, exceed that which was given by the Heathen to theirs:* But we have a further evidence of the honourableness of this employment, by the light of Nature, from the persons employed in this work, before any positive Laws did restrain it: for I say not, that the Law of Nature doth dictate, that the function of those employed in this work should be differenced from all other; that is done by Divine positive Laws; but the honour of those in that function is from the Law of Nature: which appears hence, in that in the eldest times, those who had the greatest authority civil, had likewise the sacred conjoynd with it. For as *Aristotle* rightly observes, that the original of civil government was from private families: so in those families, before they came to associate for more publick worship, the Master of the Family was the Priest of it. Thence we read of *Noahs* sacrificing, *Abrahams* duty to instruct his family, and his own command for offering up his son: we read of *Jacobs* sacrificing, and *Jobs*, and so of others. Every Master of the family then was the High-priest too, and governed his family, not only as such, but as a religious society.

Afterwards (from what institution we know not; but certainly the reason of it, if it were so, was to put the greater honour

*Humil. 65
in Gen.
47. 26.
Tom. 1. p.
505. Ed.
Savil.*

*Politie.
lib. 1. cap. 2.*

*Gen. 8. 20.
18, 19.
22. 2.
31. 54.
Job. 42. 8.*

§. 4.

V. Selden.
de success.
ad leo. Heb.
cap. 5.
Origin. cap.
15. p. 69.

honour upon the eldest son) it is generally conceived, that the first-born had the Priesthood of the family in their possession, till the time of the Levitical Law. The Jewish Doctors think that was the Birthright which Jacob procured from his Father, and which Abraham gave to Isaac, when it is said that he gave him $\kappa\lambda$ all that he had: For saith *Postellus*, if it be meant in a literal sense, how could he give those gifts to his other sons which are mentioned before? Wherefore he conjectures, by that All is meant the spiritual knowledge of Christ, which he calls *Intellectus generalis*; which might be more proper to him as a Priest of the family. But the plain meaning is no more, than when Abraham had bestowed Legacies on his other Children, he left Isaac *heredem ex asse*, his lawful heir: I am unwilling to deny a tradition so generally received, among both Jewish and Christian Writers, as the Priesthood of the first-born before the Law; but this I say, I cannot yet find any other ground for it but tradition: no place of Scripture giving us sufficient evidence for it, and many against it. That which serves sufficiently for the confutation of it, is that observation of *Theodoret* $\epsilon\pi\omicron\mu\upsilon\alpha\nu\tau\epsilon\iota\omicron\nu \epsilon\pi\iota \mu\upsilon\tau\alpha\chi\epsilon\iota \tau\epsilon \alpha\epsilon\pi\omicron\tau\omicron\kappa\alpha\nu \omicron\iota \mu\epsilon\tau' \alpha\upsilon\lambda\epsilon\varsigma \alpha\epsilon\gamma\mu\omicron\upsilon\delta\iota\tau\alpha\varsigma$. It is to be observed, that the younger are alwayes preferred before the first-born. Which he takes notice of from the case he there speaks to of Ephraim and Manasses; and so runs it up to Abel prefer'd before Cain, Seth before Japheth, Abraham before his elder brethren, Isaac before Ismael, Jacob before Esau, Judas and Joseph before Reuben, Moses before Aaron, and David before the rest of his Brethren; (although that was after the Law). That place which gives the greatest countenance to the opinion is, *Numbers* 3. 41. *And thou shalt take the Levites for me instead of the first-born*: where it seems, that the first-born were formerly the Priests, in whose room the Levites were taken. But with submission to better judgments, I can see nothing implied in this place, but only that God having delivered their first-born in Egypt, *Exodus* 12. 23. and calling for them to be sanctified to him, *Exodus* 13. 2. upon the account of the propriety he had in them, in a peculiar manner, by that deliverance (and not on the account of any special service, for many were very unfit for that by reason of age, and which

Qu. 108.
in Gen.

V. Isidor.
Pel. lib. 2.
ep. 47. &
48. ad fin.

which is observable, God requires as well the first-born of beasts both to be sanctified and redeemed, *Numb.* 3. 41.) therefore God now settling a way of worship, he gave the Israelites liberty to redeem them, and instead of them pitched on the tribe of *Levi* for his own service. Another place is *Exodus* 24. 5. where the young men are mentioned that offered burnt offering. It is confessed that the Chaldee Paraphrast and Arabick Version understand here the first-born; but however the place implies no more than that they were employed to bring the sacrifices, for so the Septuagint render it. $\kappa\prime$ ἰξάπισταις καὶ νεανίσκοις τῶν υἱῶν Ἰσραὴλ $\kappa\prime$ ἀνήνεγκαν ὀλοκαυτώματα, or else that they were employed as the *Popa* only to kill the sacrifices; for we see the sprinkling of the blood which was the main thing intended here as a foederal rite, was done by *Moses* himself, who was the High-Priest of the people as well as Prince till *Aaron* and his sons were set a part, which was not till *Exodus* 28. 1, 2. and yet *Aaron* was three years elder than *Moses*, *Exod.* 7. 7. which is an evidence that *Aaron* as first-born was not the Priest; for till his consecration, *Moses* and not *Aaron* performed the offices of Priest-hood. Thence we read *Psalms* 99. 6. *Moses and Aaron among his Priests.* For although the word *בֵּהוֹן* be sometimes attributed to those in civil authority as, *2 Samuel* 8. 18. compared with *1 Chron.* 18. 17. and *2 Sam.* 20. 26. *Gen.* 41. 50. *Exodus* 2. 16. *Job* 12. 19. Yet there is no reason so to understand it of *Moses*: And further the ground why *בֵּהוֹן* was attributed to both Prince and Priest before the Law, was, because the same person might be both; as the Priests of Egypt were Princes too, *Gen.* 41. 50. But for *Moses*, we read not only of the title but the proper offices of Priests attributed to him, as sacrificing, *Exodus* 24. 5. consecrating *Aaron* and his sons, *Exodus* 29. 35 and therefore *Aben Ezra* upon that Psalm fore-cited, calls him *בֵּהוֹן הַגָּדוֹל* the High-Priest.

The Priest-hood of *Moses* leads us to another evidence of the honour of those who were employed in the service of God, which is that when Families increased and many associated into a Common wealth, though the private service might belong to the master of the Family, yet the publick before positive Laws restraining it, was most commonly joyned with the civil

V. Selden.
de Success.
ad Pontif.
Ebr. cap. 1.
Sed & V.
eum de Sy-
ned. l. 1.
cap. 16.

V. Selden
de Syned.
l. 2. cap. 2.
f. 3.

§. 5.

Plut. de Is.
& Osirid.
Str. Geog.
l. 17.

Quest.
Rom. 110.
Politick. l. 3.
cap. 10. 11.
l. 6. cap. 8.
lib. 3. c. 4.
Herod. l. 6.
V. Crag. de
rep. Laced.
lib. 2. c. 2.

Qu. Rom.
110.

Strom l. 7.
ep. 121.
Geogr. l. 41.
Sutton. in
Aug. c. 31.
V. Casaub.
in l. &
Seld. de
Syned. l. 1.
c. 10.

power. Thus *Melchizedeck* was both King and Priest in *Salem*; if with the Jews we conclude he was *Sem* (which we have little reason for) it will be a greater evidence, *Sem* being then the greatest Potentate Living. But we pass from him to other Nations after the dispersion, to see where the power over religious societies was generally held. In *Egypt* we find that their Priests were often made Kings, as *Plutarch* observes out of *Heccateus*, and is confessed by *Strabo*, *Diodorus* and others. Of the Greeks the same *Plutarch* gives us a large testimony, that among them ἀντίρροπον ἦν τὸ ἱερωσύνης ἀξίωμα πρὸς τὴν βασιλείαν, the Priesthood was accounted of equal dignity with the Kingdom. The same doth *Aristotle* in several places in his *Politicks*: and particularly of the *Spartans*, of whom *Herodotus* adds that the Priest-hood of *Jupiter Cælestis* and *Lacedæmonius* did alwayes belong to the Kings own person. For the old Latins *Virgils Anius* is sufficient: and among the Romans after the powers were separated, the *Pontifex Max.* had royal state, his *cella curulis* and *Lictors* as the Consuls had; only their Priests medled not in civil affairs, of which *Plutarch* gives a double reason; the impossibility of minding both employments as they should do, and so must either ἀσεβεῖν τὰς θεάς, neglect the worship of the Gods, or else βλάπτειν τὰς πολίτας, wrong the people with the neglect of the administration of justice. The other reason is, because those that were employed in civil affairs, were put upon execution of justice; and it was no wayes fit a man should come reeking from the blood of Citizens, to go and sacrifice to the Gods. This conjunction of civil and sacred power is attested by *Clemens Alexandrinus* of the most civilized heathens, so likewise by *Synesius* of the most ancient Nations, by *Strabo* of the *Ephesians*, by the Roman Historians of the Roman Emperours, who from *Augustus* to *Gratian*, and some say after, continued the title of *Pontifex Maximus* among the rest of the Imperial Honours. Thus much then may serve to manifest how the Honour of those persons who are employed in the service of God, and the Government of religious societies, is a dictate of the Law of Nature.

C H A P. V.

The third thing dictated by the Law of Nature, is the solemnity of all things to be performed in this society; which lies in the gravity of all Rites and Ceremonies, in the composed temper of mind. Gods worship rational. His spirit destroyes not the use of reason. The Enthusiastick Spirit discovered. The circumstantiating of fit time and place for worship. The seventh day, on what account so much spoken of by the Heathens. The Romans Holy dayes. Cessation of labour upon them. The solemnity of Ceremonies used. Χειρὶ, ἀπέσπάρθηα, silence in devotions. Exclusion of unfit persons. Solemnity of discipline: excommunication among the Jews by the sound of a Trumpet, among Christians by a Bell.

THe next thing in reference to religious societies which nature dictates, is, *that all things, either pertaining to the immediate worship of God, or belonging to the Government of that society, be performed with the greatest solemnity and decency that may be.* Which dictate ariseth from the nature of the things themselves; which being most grave and serious, do require the greatest gravity and seriousness in the doing of them. And therefore any Ceremonies, actions, or gestures, which tend to the discomposing mens spirits, are upon that account to be exploded out of any religious societies, as being so directly repugnant to the Nature, design, and performance of religious duties. Wherefore that is the standing rule of all instituted Ceremonies, by the Law of Nature in the worship of God, that they be such as tend immediately to the advancing the serenity, tranquillity, and composure of their minds who observe them; and not such which in their own nature, or by continual custom of the users of them, do either rarifie mens spirits too much into a superficial lightness and vanity of spirit; or else sink them too much below the command of reason, into the power of unruly passions. A clear and composed spirit, is only fit for converse with things of so high a Nature. That region which is nearest heaven, is the freest from clouds and vapours, as well as

§. 1.

Rom. 13.
1.

those dancing Meteors, which hover about in a light uncertain motion. It strangely unbecomes the Majesty of religious worship to have any thing vulgar, trivial, much more ridiculous in it. The worship of God is *λατρεία λογική*, a rational worship, as well in regard of that worship which should moderate and govern the manner of service, as in regard of those faculties which should be most employed in it; or the foundation which the service hath upon the dictates of mens natural reason.

§. 2.

And as nature tells us, there should be nothing too light or superficial, so neither any thing whereby men are carried beyond the bounds of their own reason: For what men do at such a time, is not their own proper act, but is more properly to be ascribed to the power, strength, and excess of a Melancholy fancy, or else to a higher Enthusiastical spirit, which then actuates and informs their fancies: and therefore it hath been well observed, as a *Characteristical* difference between the true *Prophetical spirit*, and the false and counterfeit; that the one leaves men in the free use of their reason and faculties; the other alienates them by panick fears, tremblings, and consternations both of body and mind. To which purpose many evidences are brought by a *late learned Writer*, in his *Discourse of Prophecy* out of the Heathen and Christian Authors. These latter discovering the vanity of the *Montanistical spirit* by this one observation: which besides the Authors there cited, viz. (*Clemens Alexandrinus, Miltiades in Eusebius, Jerom and Chrysostom*) may appear from *Epiphanius*, who largely and excellently discourseth on this subject, when he discovers the folly of *Montanus* and his followers: and gives this reason why they could be no true Prophets; for those that were so, had *ἑρμῶμεθον τῷ διάνοιαν, καὶ τῷ διδασκαλίαν καὶ τῷ διαλογίῳ*. A great consistency of sense, reason, and discourse; and instanceth in *Isaiab* and *Ezekiel*: for, saith he, *ὁ σοφίτης ἐν καταστάσει λογισμῶν, καὶ ὁ θεολογίῳ ἐλάλει καὶ ἐφθέγγετο ἐν πνεύματι* & *αἰὶν τὰ πάντα ἑρμῶμεθον λέγων*. A true Prophet had alwayes the free use of his reason and faculties, and spake from the spirit of God with consistency and coherence of Discourse. But it was quite otherwise with the Montanists; *ὅτι εὐσαβῶντες φανῶνται, ὅτε παρεκλογίῳ λόγῳ ἔχον-*

Mr. Smiths
dis. 6. of
prophecy,
cap. 4.

Strom. 1.
Ecc. hist.
l. 5. 17.
pref. in Is.
Naham.
Habak.
Chrys. in
1 Cor.
Hom. 29.
Epiph. heret.
res. 48.
Ezek. 4.
14.

περὶ λόγῳ δὲ τὰ παρ' αὐτῶν ῥήματα καὶ σκεληνὰ καὶ ὑδαμῶς ὀρθότατο
 ἐχόμενα. They were alwayes trembling both in body and mind;
 used no consequence of reason in discourse; their words had no
 proper sense, but were all dark, intricate and obscure. An exact
 description of a late prevailing Sect among us, who have their
 names from those consternations they were wont to fall into,
 and whose language carries as much obscurity with it, as any
 of the followers of *Montanus* could wrap up theirs into.
 Only instead of *Montanus* his *Paraclete*, they tell us of a
Light within, whose office is much of the same nature with
 the other; And one of the great errors of *Montanus* was,
 the adhering to *Enthusiasms* and revelations beyond and be-
 side the written Word; which is the *Helena* of our late *Opin-*
ionists, because it gives a liberty for venting any concepi-
 ons of their own brains, under the pretence and disguise of a
Light within. But we see hence, how far such tremblings
 and consternations of body or mind are from a true, sober,
 Prophetick spirit; and how those Christians who lived in the
 time when the Spirit of Prophecy had not yet left the Church
 of Christ (as appears by *Origen*, *Tertullian*, and others:)
 yet they alwayes looked upon any violent extasie, or fury, as
 an evidence of a false Prophet. And therefore *Tertullian*,
 when grown a *Profelyte* of *Montanus*, indeavours strongly to
 remove that apprehension of the ecstatical fury of *Monta-*
nus, and *Prisca*, and *Maximilla*, granting, if it were true,
 that it was a mark of a false and counterfeit propheticall spi-
 rit. The true Prophets I grant of old, were by the strength
 of the impression of their visions upon their Animal spirits,
 sometimes thrown into a fit of trembling; but when it was
 not continually so, and when it was, it might be rather a pre-
 sent astonishment from so strange and unwonted sight (as is
 common in such cases) or else from the strong apprehension
 they had of the dismal judgments God threatned to the peo-
 ple; but however, it never took from them the free use of
 their reason and faculties, which were alwayes conversant
 about the matters revealed unto them. But as *Procopius Gaze-*
us observes of the false Prophets, τῶν μαινομένων ἐφικταῖ, they
 were acted like mad men. Which he takes notice of upon oc-
 casion of *Sauls* Propheying when the evil spirit came upon
 him.

Orig. c. Cil-
sum, lib. 2.
p. 62. l. 3.
p. 124.
Tertul. de
an. c. 9.

t.

Dan. 10.
 11.
 Habak. 3.
 16.
Procop.
Gaz. in
 1 Reg. 18:
Ed. Mew-
si.

him: and interprets with the Jewish Writers, of a madness rather than true Prophecy. Such as that of *Cassandra* when she is brought in by *Lycophron*,

Lycophr.
Alex. p. 2.

Ἄσπετον χάσα παμυγῆ βοήν,
Σφίβο's κλαικῆς γίεον ἐκμυμυβῆν.

*Urring a strange confused noise,
Much like unto black Sphynx's voice.*

Ἄσπετον, saith *Tzetzes*, that is *πᾶσιν ἀπαεχολέθετον* which is fully described by *Lucan*, of one pretending *Enthusiasm*:

———— *sub pectore ficta quieto*
Verba refert, nullo confusa murmure vocis,
Instinctam sacro mentem testata furore.

And soon after,

———— *non rupta trementi*
Verba sono, nec vox antri complere capacis
Sufficiens spatium————

Whereby he discovers her not to be a true *Enthusiast*, because she used not such a strange confused voice and tremblings as they did who were their proper *Enthusiasts*, as the *Sibyls* and the *Pythian prophets*. By this we see, that these earthquakes of violent passions are caused by the Prince of the air, and not by the gentle breathings of the Divine spirit: That these convulsions of mens spirits, are not the consequents of the inhabitation of the good Spirit, but of the violent intrusion of the evil one: That that temper of mind is most suitable to religion, which is as well free from the *bleakness* and *turbulency* of passion, as the faint *gleams* of Lightness and *Vanity*.

§. 3.

But a further solemnity than this is required by the dictates of nature too, which lies in the circumstantiating of time and place, and a dedication of both to the end of worship. That these are very consonant to natural reason, appears by the universal consent of all Nations agreeing in any form of the Worship of a Deity: who have all had their set times,
and

and fixed places to perform this worship in. I shall not insist as some have done, that the seventh day hath been particularly and solemnly observed for the worship of God by the consent of Nations: Although there be many probable arguments and plausible testimonies brought for a peculiarity of honour to, if not service on, the seventh day, out of *Josephus, Aristobulus Judæus* (and by him from *Linus, Hesiod, Homer*) *Clemens Alexandrinus Tertullian, Lampridius, Seneca, Tibullus* and many others. From which Testimonies it appears that some kind of reverence and honour was given to the seventh day; but whether that day was the seventh of the week, or the seventh of the month; (which was consecrated among the Greeks to *Apollo*, upon which the *Θαργήλια* and *Γρανέψια*, and the seventh of every month were observed in honour of him;) whether the Title of *ἑβδόμη ἡμέρα* did belong to the seventh as one of the *ἑσπεράσιον ἢ ἀπορροήσιον*, *Festival* or *inauspicious days* (for it was common to both)? Whether observed by any publick religious custom, or by some private superstition, are things too large to inquire into, too difficult now to determine, and not necessary for my present purpose; It being sufficient in order to that, if they had any set times at all for worship, which shews how solemn the worship of God ought to be. And this is not denied by any; it being so necessary a consecratory from the duty of worship that there must be a time for performance of it. And not only in general that there must be some time, but a sufficient proportion of time to be consecrated to the publick exercise of piety, both from the consideration of mans obligation to divine service from his nature, from the weight and concernment of the things that time is employed in, and the inward sense of immortality upon the soul of man. But then what this proportion of time must exactly be, I see not how meer natural light could determine it, but it would rather suggest it to be highly reasonable to wait for and expect such a determination from the supreme Rector and Governor of the world. It being far more fit for the Master to prescribe unto the servant what proportion of service he expects from him; than that the servant should both divide and choose his own time, and the proportion of service which he owes to his Master. Nay it

Joseph. c.
App. l. 2.
Euseb.
Præf. l. 13.
cap. 12.
Tertul. A-
p. l. c. 16. c.
Notioa.
l. 1. c. 13.
Lamprid.
vit. Alex.
Sever.
Seneca ep.
95.
Tibullus.
eleg 3. l. 1.
Lucian.
Pseudol. p.
893. ed.
Paris.

Balantumque gregem furvis mercare salubri.

By which last word *Macrobius* saith it was only lawful to do it for healing them, and not in order to gain. *Servius* informs us likewise that the Priests when they went to sacrifice, sent their servants before to bid all tradesmen leave working, *ne pro negotio suo & ipsorum oculos & Deorum ceremonias attraherent*; *Feria enim opera Deorum credita sunt*; Lest by following their work they both offend them and the Gods too: For these Holy days are devoted to the service of the Gods. *Festus* saith that upon their *dies religiosi*, *nisi quod necesse est, nefas habetur facere*; nothing but works of pure necessity were to be done. But by *dies religiosi*, probably he means the *dies atrii* & *nefasti*; their ominous unlucky days, as they accounted them. But however *Macrobius* distinguisheth the days among the Romans into *Dies festi*, *profesti*, & *intercisi*. The *Festi* were dedicated to the Gods, the *Profesti* to their own work, the *Intercisi* were divided between both, at some hours of which it was lawful to follow their civil employments, at others not. *Nam cum hostia caditur, fari nefas est; inter casta & porrecta fari licet: rursus cum adoletur non licet*. While the sacrifice was killing, no Courts of Judicature were opened (in which the *Prætor* might *fari tria verba solennia*, *do, dico, addico*, thence called *dies fasti*) but between the killing the sacrifice and offering up the entrails (called *Porrecta* from *porricere*, which was *verbum sacrificiale pervetustum*, saith *Turnebus*, an old word belonging to sacrificing, *exta Diis cum dabant porricere dicebant*. *Varro*) then it was lawful to open the Courts; but again when the sacrifice was offered, it was not. By which we see as from the light of nature, that what days and times whether weekly, monthly, or Anniversary, were designed and appointed as *dies Festi*, for the service of God, were to be spent wholly in order to that end, and not to give some part to God, and take others to themselves: as they were wont to do in their sacrifices to offer up some part to the Gods, and feast upon the rest themselves; as *Atheniensis* tells us that *Conon* and *Alcibiades* offered such *Hecatombs* to the Gods, that they entertained the people upon the remainders of them. And from hence we may see how far short of natural

Servius
Honor. in
Virgil. Ge-
orgic. 1.

Festus V.
religios.

Advers. l.
24. c. 13.

De Re Rust.
l. 1. c. 29.

De pnos. l. 1.

light their Religion falls, who make no scruple of spending a great part of the days devoted to Gods worship in following either their employments or recreations : Which latter seem more directly to impugn the end of such time appointed than the other, in as much as recreations tend more to the rarifying mens spirits, and evaporating them into lightness and vanity, and so discomposing them for the duties of spiritual worship, than mens serious and lawful callings do. But further, we observe, among the *Romans* the several sorts of days appointed for publick worship. *Macrobius* reckons up four sorts of them, *Stativa, Conceptiva, Imperativa, & Nundina*. *Stativa*, were the six Festival days observed every year by the whole people, and marked for that end in their *Fasti*. Such were the *Aronalia, Carmentalia, Lupercalia*, which are marked with red Letters in the *Fasti consulares*, or the *Calendarium Romanum*, by *Jos Scaliger* called *Calendarium Colotianum*, which may be seen at large in *Mr. Selden*: besides which, their other anniversary festivals are there set down: which *Tertullian* saith, being all put together, *Pentecostem implexe non poterunt*, make not up the number of fifty; and so not so many as our Lords days in a year are. *Conceptiva*, were such festivals as were annually observed, but the days of the keeping them were every year determined by the Magistrates or the Priests, as *Latina, Semetiva, Pagana-lia, Compitalia, Imperativa*, were such as the *Consuls* or *Prætors* did command at their own pleasure. Such were their solemn *supplications* in times of trouble, and their days of *Triumph* and *Thanksgiving* for victories. The *Nundina* were those which returned every ninth day, and therefore the Letter by which they observed the return of the ninth day, was *H.* as among us *Christians* *G.* which because it notes the return of the Lords days, we call the *Dominical Letter*. These *Nundina* were the days when the country people brought in their wares into the City to be sold, which were anciently observed as festival days, sacred to *Jupiter*; but by the *Lex Hortensis* were made *Dies fasti*, for determining the controversies that might arise among the people in their dealings; as the *Court of Pye powder* was instituted among us upon the same account. So much for the solemnity of time used in the service of God.

Saturn. l. 1.
c. 16.

De jure
Nat. apud
Heb. l. 3.
cap. 15.
De Idolol.
c. 14.

Another evidence of the solemnity of Worship, was the extraordinary care of the Heathens in preparing themselves for it, by cleaning and purifying themselves with water, for which purpose they had their χεῖρας for cleansing their hands, and their λῦτρα and πειρρανθήεα standing at the porch of their Temples for their whole bodies, which custom was generally observed by the Heathens, as is very obvious in the several Writers of their customs in sacrificing; besides which they observed likewise this washing with water, by way of lustration and expiation of their faults, as *Triclinius* the Scholiast on *Sophocles* tells us, it was an ancient custom when men had murdered others, ὕδατι ἀποκλῆναι τὰς χεῖρας εἰς χεῖδας ἢ μισματῶ, to wash their hands in expiation of their guilt; as *Orestes* did in *Pausanias* after the killing his mother, and some think *Pilate* in the Gospel did so for the same end; but his was only to declare his innocency, and not to expiate his sin, as is observed by many upon that place. But however, from hence we may take notice of the Spring and Fountain of the Popes Holy water: which was consecrated by *Numa* long before *Alexander* 1. to whom *Polydore Virgil*, and others attribute the first use of it in the Christian Church: And as the use of it, and the manner of sprinkling it is the same among the Papists, as it was among the Heathen; so likewise the end of it, witness the old Rime,

Hec aqua benedicta deleat mihi mea delicta.

Which may be sufficiently answered with the censure of a heathen:

*Ab nimium faciles qui tristia crimina cadis
Tolli flumineâ posse putatis aquâ!*

Too easie souls who think the spots of blood
Can be wash'd out with every watry flood!

But from this I pass to the solemnity in their worship it self, evidenced by the general silence commanded in it; which

§. 5.

*Horn. lib. d.
Apo". Arg.
gon. l. 1.
Cassaub. ad
Theophr.
περὶ δερ.
σίδων. οἰ.
Saub. de s.
cri. cap. 12.*

*Paus. l. 2.
Machi 27.
24.
Cassaub. ad
Bar. exer.
16. f. 75.
Baron. ad
An. Christi
34. Monta.
cutius Orig.
Eccles. To.
1. l. 2. p.
388.
Vossius
Harm.
Evang. l. 2.
cap. 5.
V. Mye.
rum de Pa.
patu Rom.
l. 1. c. 32.
De Croq.
Conf. 1. c.
33.
Ovid Fast.
lib. 2.*

V. Briffon.
de formulis
lib. 1. p. 8.

Oronastic.
lib. 4. c. 12.

V. Le-n. 5.
Allatium
de Narthec.
vet. Eccles.
p. 45, &c.

Athenæus
Deipnos. l. 8.
c. 8.

§

V. apud
Briff. de
formulis,
l. 1. & apud
Seld. de Sy-
ned. lib. 1.
cap. 10.

Suidas in
τῆς τῆδε;

appears by *Horace's Favete linguis*, *Ovids Ore favente populi nunc cum venit aurea pompa*; *Virgils fida silentia sacris*; *Festus's linguam pascito*, i. e. *coerceto*; The Egyptians setting *Harpocrates* his image in the entrance to their Temples, and the Romans placing the Statue of *Aegerona* on the Altar of *Volupta*. The Greeks had their κήρυκς which did ἡσυχίαν κατακρύπτειν ἐν ἱεροῖς, as *Julius Pollux* tells us, which *Plautus* calls *facere audientiam*, to command silence: much as the Deacons afterwards did in the Primitive Church, who were wont to command silence by their *Orarium*, and were thence called κήρυκς among the Christians (for though κηρύττειν, as applied to the Bishop and Presbyters, did signify ὁμιλεῖν and εὐαγγελίζεσθαι, to preach; yet as it was applied to the Deacons, it implied only their commanding silence in order to the prayers of the Catechumeni called παρθέσεις, as *Aristenus* observes on *Concil. Carthag. can. 106*. But this by the way.) The formula used by the Greeks in commanding silence was, ἀκούετε λαοί, to which *Aristonicus* the Fidler alluded when in the market place of *Mylassa*, a Town in *Caria*, he saw many Temples, and but few Citizens, he cried out ἀκούετε γὰρ, instead of ἀκούετε λαοί. But I pass these things over, as being commonly known, only observing from them the solemnity of their publick devotions, which is further seen in their solemn excluding unfit persons from partaking with them in their sacrifices. Of which *Virgil*, *Ovid*, *Statius*, *Silius Italicus*, and others among the Romans speak; and the Lictor in some sacrifices stood up, saith *Festus*, and cried aloud, *Hostis, mulier, vitæus exesto*, i. e. *extra esto*: and to keep unfit persons the better off, the *Flamines* had a *Commentaculum*, a kind of rod in their hands. Among the Greeks the old form continued from *Orpheus* or *Onomacritus* his *Orphaica*, ἐκας ἐκας ἔσε βέβηλοι and those that sacrifice, asked τῆς τῆδε; the other answered πολλοὶ καθαροί. From all these things laid together, we see the great solemnity used by them in their worship, which considered in its self, was not the product of superstition, but a dictate of the Law of Nature. And it seems most natural to the acts of discipline, that they should be performed in the most publick solemn manner, and not in any private clandestine way: which being so done, oft times lose the designed effect of them, in making

making men sensible and ashamed of those miscarriages which made them deserve so sharp and severe a censure. Thence among the Jews, their solemn sentence of the greater excommunication was pronounced by the sound of a Trumpet; and so they say *Meroz* was excommunicated with 400 Trumpets: and the same number they report was used in excommunicating *Jesus of Nazareth*, which was usually done by the Magistrate, or the Rector of the University: As they tell us a story of a man coming to buy flesh at *Pombeditia* (which was one of the three Universities of the remaining Jews in *Chaldea*, after the return from captivity, the other were *Sora* and *Neharda*) but offering some opprobrious language to *R. Jehuda* then Governor of the University, he makes no more to do, but *prolatiis tubis hominem excommunicavit*, brings out his Trumpets and excommunicates him. And as the use of bells, since their invention, did supply the former use of Trumpets in calling the Congregation together, (which I suppose was the account of using Trumpets in excommunicating from the Congregation) so it seems the bells were sometimes used to ring men out of, as well as into the Church; thence the solemn Monkish curse, cursing men with *Bell, Book, and Candle*, which can have no other sense but from this practice. So much shall suffice to shew the foundation which the solemnity of worship, and the acts belonging to it, have in the dictates of nature manifested by the voice and consent of Nations; for herein *vox populi is vox natura*, as at other times it is *Vox Dei*.

Job. Coch.
Excerpt.
Gen. San-
hed. cap. 1.
p. 146.
Vorslius in
Pirke Elic-
sest. p. 226.
Selden. de
Syned. l. 1.
cap. 7.

CHAP.

C H A P. VI.

The fourth thing dictated by the Law of Nature, that there must be a way to end controversies arising, which tend to break the peace of the society. The nature of Schism considered; Liberty of judgment and authority distinguished; the latter must be parted with in religious societies as to private persons. What way the light of nature directs to, for ending controversies, in an equality of power, that the less number yield to the greater: on what law of nature that is founded. In a subordination of power that there must be a liberty of Appeals desired. Independency of particular Congregations considered. Elective Synods. The Original of Church-Government as to congregations. The case parallel'd between civil and Church Government. Where appeals finally lodge. The power of calling Synods, and confirming their acts in the Magistrate.

§. 1.
de

THe fourth thing which Nature dictates in reference to a Church society, is, That there must be a way agreed upon to termine and decide all those controversies arising in this society which immediately tend to the breaking the peace and unity of it. We have seen already that natural reason requires a disparity between persons in a society, to form and constitute a society, there must be order and power in some; there must be inferiority and subjection in others answering to the former; And by these we suppose a society to be now model'd. But nature must either be supposed defective in its designs and contrivements as to the necessaries required for the management of them; or else there must likewise be implied a sufficient provision for the maintenance and preservation of the societies thus entred into. It is no wise agreeable to the wisdom of nature to erect a fabrick with such materials which though they may lie one upon the other, yet if not fitly compacted together, will fall in pieces again as soon as it is set up: nor yet to frame a body with meer flesh and bones, and the superiority of some members above the other; for unless there be joints and sinews and ligatures to hold the parts together,

the

the dissolution will immediately follow the formation of it. The end and design of nature is, preservation and continuance, and therefore things necessary in order to that must be implied in the first design of the being of the thing; so that at least, as to its self, there be no defect in order to that. This must in reason be supposed in all societies, that when they are first entered, it must be upon such terms as may be sufficient to maintain and keep up those societies in that peace and order which is requisite in order to the continuance of them. For what diseases are to bodies, Age and fire are to buildings, that divisions and animosities are to societies, all equally tending to the ruine and destruction of the things they seize upon. And as bodies are furnished by nature not only with a receptive and concoctive faculty, of what tends to their nourishment, but with an expulsive faculty of what would tend to the ruine of it. So all civil bodies must not only have ways to strengthen them, but must have likewise a power to expel and disperse those noxious humours and qualities which tend to dissolve the frame, compages and constitution of them. A power then to prevent mischiefs is as necessary in a society, as a power to settle things in order to the advancement of the common good of society. This therefore the Church as a religious society must likewise be endowed with, *viz.* a power to maintain its self, and keep up peace and unity within its self: which cannot otherwise be supposed (considering the *bilious* humour in mens natures, not wholly purged out by Christianity) without some way to decide controversies which will arise, disturbing the peace of it. For the clearing of this, which much concerns the power and government of the Church, we shall consider what the controversies are which tend to break the Churches peace and what way the Law of nature finds out for the ending of them. Which we are the more necessitated to speak to, because nothing hath begotten controversies more than the power of determining them hath done.

The controversies then which tend to break the peace of a religious society, are either matter of different practice, or matter of different opinion. The former, if it comes from no just and necessary cause, and ends in a total separation from that society, the person guilty of it was joined with,

§. 2.

is justly call'd *Schism*; which (as one desires it) is an Ecclesiastical sedition, as sedition is a Lay-Schism; both being directly contrary to that communion and friendliness, which should be preserved in'all societies. The latter, if impugning somewhat fundamental, in order to the end of constituting religious societies, or being a lesser matter, if wilfully taken up, and obstinately maintained, is called *Heresie*: which two are seldom seen out of each others company; and when they are together, are like the blind and lame man in the Fable, the one lent the other eyes, and the other lent him feet: one to find out what they desired, the other to run away with it when they had it. The Heretick he useth his eyes to spie out some cause or pretence of deserting communion; the Schismatick he helps him with his legs to run away from it; but between them both, they rob the Church of its peace and unity. But in order to the making clear what the Churches power is in reference to these, we are to take notice of these things. *First*, that the Church hath no direct immediate power over mens opinions, So that a matter of meer different opinion lies not properly within the cognizance of any Church power: the reason of it is this, because the end of power lodged in the Church, is to preserve the peace and unity of its self: now a meer different opinion doth not violate the bonds of society; for *opinionum diversitas & opinantium unitas non sunt adversaria*. Men may preserve communion under different apprehensions. So long then as diversity of opinion tends not to the breaking the quiet and tranquillity of the Church of God, a man may safely enjoy his own private apprehensions, as to any danger of molestation from Church Governours; That is, so long as a man keeps his opinion to himself; and hath the power of being his own counsellor. It is not the difference of opinion formally considered when it is divulged abroad that is punishable, but the tendency to Schism, which lies in the divulging of it, and drawing others away from the received Truths: For the opinion its self is an internal act of the mind, and therefore is punishable by no external power, as that of the Magistrate or Church is; as no internal action is under the jurisdiction or authority of a Magistrate, any further than as necessarily

conjoynd with the outward action, or as it hath a direct influence upon it. The case of blasphemy, which is a thing of the highest nature in this kind, is not punishable by men, as blasphemy implies low and undervaluing thoughts of God, but as being a thing divulged (else no formal blasphemy) it tends apparently to the dishonour of God, and consequently to the breaking in pieces all such societies, whose great foundation is the belief of the Majesty and glory of God. So Idolatry under the Law was punished, as it was immediately destructive of that obedience which men did owe to the true God. And under the Gospel, it is not meer difference of opinion, judgment, and apprehension, which layes men open to the Censures of that power which moderates and rules a religious society; but the indeavour by difference of opinion to alienate mens spirits one from another, and thereby to break the society into fractions and divisions, is that which makes men liable to restraint and punishment. From whence it follows, that where the peace and unity of the Church may be preserved, and yet men keep up indifferent apprehensions of things, there is nothing deserving any severe animadversion from the rulers of that society: for a power corrective, and vindictive, must suppose something acted contrary to the Laws and rules of the society, and the end of committing that power into the hands of Governours: now here is nothing of that nature; for the Laws of mutual society are observed; and the end of Church Government is to see *nè quid Ecclesia detrimenti capiat*, lest the Church as a society be any wayes prejudiced: which cannot be while men maintain that love, affection, and communion which becomes the members of such a society. The unity then required in the Church is not an unity of judgment and apprehension among the members of it; which though it be their duty to indeavour after, yet it is no further attainable by mens indeavours than perfection is; and *Unio Christianorum* in this sense, is one of the Jewels belonging to the Crown of Heaven. There is no necessity then of inquiring after an infallible judge of controversies, unless we had some promise and assurance from Christ, that the members of his Church should never differ in their judgments from one another, and then what need of an infallible

Judge? and if Christ had appointed an infallible Judge, he would infallibly have discovered it to the minds of all sober men; or else his infallibility could never attain its end: For while I question whether my Judge be infallible or no, I cannot infallibly assent to any of his determinations. And where there is no ground for an infallible Judge, for any to pretend to it, is the worst of supposable errors, because it renders all others incurable by that apprehension, and takes away all possibility of repentance while men are under that persuasion. The Unity then of the Church, is that of communion, and not that of apprehension; and different opinions are no further liable to censures, than as men by the broaching of them, do endeavour to disturb the peace of the Church of God.

§ 3.

That then which seems most liable to censures in a Church, is Schism, as being immediately destructive of that communion which should be maintained in a religious society. But as to this too, we must observe something further, and not to think and judge every thing to deserve the name, which is by many call'd Schism; it being well observed by a very learned and judicious Divine, *that Heresie and Schism, as they are commonly used, are two Theological scarecrows, with which, they who use to uphold a party in religion, use to fright away such, as making enquiry into it, are ready to relinquish and oppose it, if it appear either erroneous or suspicious. For as Plutarch reports of a Painter, who having unskilfully painted a Cock, chased away all Cocks and Hens, that so the imperfection of his Art might not appear by comparison with nature; so men willing for ends, to admit of no fancy but their own, endeavour to hinder an enquiry into it, by way of comparison of somewhat with it, peradventure truer, that so the deformity of their own might not appear.* Thus he. Schism then, as it imports a separation from communion with a Church society, is not a thing intrinsically and formally evil in it self, but it is capable of the differences of good and evil according to the grounds, reasons, ends, and circumstances inducing, to such a separation. The withdrawing from society, is but the materiality of Schism; the formality of it must be fetched from the grounds on which that is built. It is therefore a subject which deserves a strict inquiry,

Tract of
Schism,
1642.

inquiry, what things those are which may make a withdrawing from a religious society, to which a man is joyned, to be lawful: For as it is a great sin on the one hand, unnecessarily to divide and separate from Church society; so it is an offence on the other side, to continue communion when it is a duty to withdraw it. For the resolving this knotty and intricate Question, I shall lay down some things by way of premisals; and come closely to the resolution of it.

First, *Every Christian is under an obligation to joyn in Church society with others*; because it is his duty to profess himself a Christian, and to own his religion publicly, and to partake of the Ordinances and Sacraments of the Gospel, which cannot be without society with some Church or other. Every Christian as such, is bound to look upon himself as the member of a body, *viz.* the visible Church of Christ; and how can he be known to be a member, who is not united with other parts of the body? There is then an obligation upon all Christians, to engage in a religious society with others, for partaking of the Ordinances of the Gospel. It hath been a case disputed by some (particularly by *Grotius* the supposed Author of a little Tract, *An semper sit communicandum per symbola?* when he designed the Syncretism with the Church of *Rome*) whether in a time when Churches are divided, it be a Christians duty to communicate with any of those parties which divide the Church, and not rather to suspend communion from all of them. A case not hard to be decided; for either the person questioning it, doth suppose the Churches divided to remain true Churches, but some to be more pure than other; in which case, by vertue of his general obligation to communion, he is bound to adhere to that Church which appears most to retain its Evangelical purity: Or else he must suppose one to be a true Church, and the other not; in which the case is clearer, that he is bound to communicate with the true Church: or he must judge them alike impure, which is a case hard to be found; but supposing it so, either he hath joyned formerly with one of them, or he is now to choose which to joyn with; if he be joyned already with that Church, and sees no other but as impure as that, he is bound to declare against the impurity of the Church, and

Socrat. hist.
Eccles.
lib. 6. cap. 3.

V. Petavii.
Diatrib. de
Pœnest.
Consa. et
com. usurp.
cap. 4.

to continue his communion with it; if he be to choose communion, he may so long suspend till he be satisfied, which Church comes nearest to the Primitive constitution, and no longer. And therefore I know not whether *Chrysofomes* act were to be commended, who after being made a Deacon in the Church of *Antioch* by *Meletius*, upon his death, because *Flavianus* came in irregularly as Bishop of the Church, would neither communicate with him, nor with *Paulinus* another Bishop at that time in the city, nor with the *Meletians*, but for three years time withdrew himself from communion with any of them. Much less were the *Διακείνοισι* or the *Hesitantes* as the *Latins* called them, to be commended, who after the determination of the Council of *Chalcedon*, against *Eutyches*, because of great differences remaining in *Egypt* and the Eastern Churches, followed *Zenoc Henoticum*, and would communicate neither with the Orthodox Churches, nor *Eutychians*. But I see not what censure *Ferome* could incur, who going into the Diocese of *Antioch*, and finding the Churches there under great divisions, there being besides the *Arian* Bishop, three others in the Church of *Antioch*, *Meletius*, *Paulinus*, and *Vitalis*, did so long suspend communion with any of them, till he had satisfied himself about the occasion of the Schism, and the innocency of the persons and Churches engaged in it. But if he had withdrawn longer, he had offended against his obligation to joyn in Church society with others, for participation of Gospel ordinances; which is the necessary duty of every Christian.

§. 4. Secondly, Every Christian actually joyned in Church society with others, is so long bound to maintain society with them, till his communion with them becomes sin. For nothing else can justify withdrawing from such a society, but the unlawfulness of continuing any longer in it. Supposing a Church then to remain true, as to its constitution and essentials, but there be many corruptions crept into that Church; whether is it the duty of a Christian to withdraw from that Church because of those corruptions, and to gather new Churches only for purer administration, or to joyn with them only for that end? This as far as I understand it, is the state of the Controversie between

between our Parochial Churches, and the Congregational. The resolution of this great Question must depend on this, Whether it is a sin to communicate with Churches true as to essentials, but supposed corrupt in the exercise of discipline? For Parochial Churches are not denied to have the essentials of true Churches by any sober Congregational men. For there is in them the true word of God Preached, the true Sacraments administred, and an implicate Covenant between pastor and people, in their joyning together. All that is pleaded then, is corruption, and defect in the exercise and administration of Church order and discipline. Now that it is lawful for Christians to joyn with Churches so defective, is not only acknowledged by reverend Mr. *Norton* in his answer to *Apollenius*, but largely and fully proved. For which he layes down five propositions which deserve to be seriously considered by all, which make that a plea for withdrawing from society with other Churches. *First*, A believer may lawfully joyn himself in communion with such a Church, where he cannot enjoy all the ordinances of God; as in the Jewish Church, in our Saviours time, which refused the Gospel of Christ, and the Baptism of *John*; and yet our Saviour bids us hear the Scribes and Pharisees sitting in *Moses* chair, which hearing, saith he, doth imply *conjunctionem Ecclesie Judaicae*, a joyning with the Jewish Church; and so with Churches rejecting an article of faith, as in the Church of *Corinth* the doctrine of the resurrection, the Churches of *Galatia* the doctrine of justification by faith; but the Apostle no where requires separation on that account from them. *Secondly*, A believer may lawfully joyn in communion with such a Church in which some corruption in the worship of God is tolerated without reformation. As the offering on high places from *Solomon* to *Hezekiah* in the Church of *Juda*, observance of circumcision, and the necessity of keeping the ceremonial Law in the Churches of *Galatia*. *Thirdly*, A believer may lawfully joyn himself in communion with such a Church in which such are admitted to sacraments, who give no evident signs of grace, but seem to be Lovers of this world; which he proves, because it is every ones main duty to examine himself, and because ano-

Respons. ad
Syllog.
Quest. cap.
16.

thers

I Cor. 14.
34.
I Cor. 6.4.
15.

thers sin is no hurt to him, and therefore cannot keep him from his duty; and then by mens coming unworthily, *non pollutur communio, licet minuitur consolatio*, the communion is not defiled, though the comfort of it be diminished. He brings instance from the Church of *Corinth*, among whom were many scandalous, and had not repented, 2 *Cor.* 12. 20, 21. So in the Jewish Church which lay under great corruptions, when our Saviour and his Apostles communicated with it. *Fourthly*, Although a Believer joyn with such a Church, he is not therefore bound with the guilt nor defiled with the pollutions of others; which he proves, because it is lawful to do it, and so he contracts no guilt by it. *Fifthly*, A believer that hath joyned himself to such a Church, is not bound to withdraw, and separate from such a Church under pain of guilt if he doth it not, because it implies a contradiction to be lawful to joyn to such a Church, and yet unlawful to continue in its communion; for that speaks it to be a Church, and this latter to be no Church; and by that he doth imply it to be unlawful to separate from any society which is acknowledged to be a true Church. Thus for that *learned and Reverend man*, by whom we see that the received principles of the sober and moderate part of those of that persuasion, are not at such a distance from others, as many imagine. We see then that communicating with a Church not so pure as we desire, is no sin by the arguments by him produced. And how it should be then lawful to withdraw from such a Church, merely for purer communion, I understand not. This I am sure was not the case of our Churches in their separation from the Church of *Rome*: the main ground of which was the sin of communicating with that Church in her Idolatry and Superstition, and the impossibility of communicating with her, and not partaking of her sins, because she required a profession of her errors, and the practice of her Idolatry as the necessary conditions of her communion; in which case it is a sin to communicate with her.

§. 5.

And this leads me now to a closer resolution of the case of withdrawing from Churches in which men have formerly been associated, and the grounds which may make such a withdrawing lawful. In order to that we must distinguish between

between these things. *First*, Between *corruptions in the Doctrine* of a Church, and *corruptions in the practice* of a Church. *Secondly*, Between *corruptions* whether in doctrine, or practice *professed and avowed by a Church*, and *required as conditions of communion* in all members of it, and *corruptions crept in, and only tolerated in a Church*. *Thirdly*, Between *non-Communion* as to the *abuses of a Church*, and a *positive and total separation* from a Church, as it is such. From these things I lay down these following *Propositions*.

First, Where any Church is guilty of *corruptions, both in doctrine and practice, which it avoweth and professeth, and requireth the owning them as necessary conditions of communion with her, there a non-communication with that Church is necessary, and a total and positive separation is lawful and convenient*. I have said already that the necessity and lawfulness of this departing from communion with any Church is wholly to be resolved by an inquiry into the grounds and reasons of the action it self. So that the matter of fact must of necessity be discussed, before the matter of Law as to separation from the Church, be brought into debate. If there be a just and necessary cause for separation, it must needs be just and necessary; therefore the cause must be the ground of resolving the nature of the Action. Schism then is a separation from any Church upon any slight, trivial, unnecessary cause; but, if the cause be great and important, a departure it may be, Schism it cannot be. They who define Schism to be a voluntary separation from the Church of God; if by *voluntary* they mean that where the will is the cause of it: the definition stands good and true; for that must needs be groundless: and unnecessary as to the Church it self: but if by *voluntary* be meant a spontaneous departing from communion with a Church, which was caused by the corruptions of that Church, then a separation may be so voluntary, and yet no Schism; for though it be voluntary, as to the act of departing, yet that is only consequentially, supposing a cause sufficient to take such a resolution; but what is voluntary antecedently, that it hath no other Motive but faction and humour, that is properly Schism, and ought so to be looked upon. But in our present case, three things are supposed as the causes and motives to such a forsaking communion. *First*, Cor-

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ruption in Doctrine; the main ligature of a religious society is the consent of it in doctrine with the rule of religion, the word of God. Therefore any thing which tends to subvert and overthrow the foundation of the gathering such a society (which is the profession and practice of the true religion) yields sufficient ground to withdraw from communion with those who profess and maintain it. Not that every small error is a just ground of separation, for then there would be no end of separation, and men must separate from one another, till knowledge comes to its perfection, which will only be in glory; but any thing which either directly or consequentially doth destroy any fundamental article of Christian faith. Which may be as well done by adding to fundamental articles, as by plain denying them. And my reason is this: because the very *ratio* of a fundamental article doth imply, not only its necessity to be believed and practised (and the former in reference to the latter, for things are therefore necessary to be known, because necessary to be done, and not *è contrà*) but likewise its sufficiency as to the end for which it is called fundamental. So that the articles of faith called fundamental, are not only such as are necessary to be believed, but if they be, are sufficient for salvation to all that do believe them. Now he that adds any thing to be believed or done as fundamental, that is necessary to salvation, doth thereby destroy the sufficiency of those former articles in order to salvation; for if they were sufficient, how can new ones be necessary. The case will be clear by an instance. We assert the satisfaction of Christ for sinners to be a fundamental article, and thereby do imply the sufficiency of the belief of that in order to salvation; now if a Pope or any other command me to believe the meritoriousness of good works with the satisfaction of Christ as necessary to salvation, by adding this he destroys the former as a fundamental article: for if Christs satisfaction be sufficient, how can good works be meritorious? and if this latter be necessary, the other was not; for if it were, what need this be added? Which is a thing the Papists with their new Creed of *Pius* the *fourth* would do well to consider: and others too, who so confidently assert that none of their errors touch the foundation of faith. Where there is now such corruption in doctrine

ctrine supposed in a Church, withdrawing and separation from such a Church is as necessary as the avoiding of her errors, and not partaking of her sins is. Thence we read in Scripture, of *rejecting such as are hereticks, and withdrawing from their society*, which will as well hold, as to Churches as persons, and so much the more, as the corruption is more dangerous, and the relation nearer of a member to a Church, than of one man to another: And from the reason of that command, we read in Ecclesiastical History, that when *Eulalius, Euphronius, and Placentius* were constituted Bishops of *Antioch*, being Arrians, many both of the Clergy and people, who resolved to adhere to the true faith, withdrew from the publick meetings, and had private Assemblies of their own. And after, when *Leontius* was made Bishop of *Antioch*, who favour'd the Arrians, *Flavianus* and *Diodorus*, not only publicly reprov'd him for deserting the Orthodox faith, but withdrew the people from communion with him, and undertook the charge of them themselves: So when *Felix* was made Bishop of *Rome*, none of the Church of *Rome* would enter into the Church while he was there. And *Vincentius Lirinensis* tells us a remarkable story of *Photinus* Bishop of *Sirmium* in *Pannonia*, a man of great abilities and fame, who suddenly turned from the true faith, and though his people both loved and admired him, yet when they discerned his errors, *Quem antea quasi arietem gregis sequebamur, eundem deinceps veluti lupum fugere cœserunt.* Whom they followed before as the leader of the flock, they now run away from as a devouring wolf. This is the first thing which makes separation, and withdrawalment of communion, lawful and necessary, viz. corruption of doctrine. The second is *Corruption of practice*: I speak not of practice, as relating to the civil conversation of men, but as it takes in the *Agenda* of Religion. When Idolatrous customs, and superstitious practice are not only crept into a Church, but are the prescribed devotion of it: Such as the adoration of the Eucharist (chiefly insisted on by Mr. *Daillé* in his Apology, as a cause of separation from the Church of *Rome*) invocation of Saints and Angels, worshipping images, and others of a like nature, used among the Papists, which are of themselves sufficient to make our separa-

Theodoret.
lib. 1. c. 22.

Id. 1. 2. Cap.
24.

Lib. 2. c. 17.

Advers.
heres. cap.
16.

tion from them necessary. But then *Thirdly*, as an accession to these two, is the publick owning and professing them, and requiring them, as necessary conditions of communion, from all the members of their Church, which makes our withdrawing from them unavoidably necessary, as long as we judge them to be such corruptions as indeed they are. For men not to forsake the belief of errors, supposing them to be such, is impossible; and not to forsake the practice and profession of them upon such belief, were the highest hypoerisie: and to do so, and not to forsake the communion of that Church, where these are owned, is apparently contradictory. (as Mr. *Chillingworth* well observes) seeing the condition of communion with it is, that we must profess to believe all the doctrines of that Church, not only not to be errors, but to be certain and necessary truths: So that on this account, to believe there are any errors in the Church of *Rome*, is actually, and *ipso facto*, to forsake the communion of that Church; because the condition of its communion is the belief that there are none: And so that learned and rational Author there fully proves, that those who require unlawful and unnecessary conditions of communion, must take the imputation of Schism upon themselves, by making separation from them just and necessary. In this case, when corruptions in opinion or practice are thus required, as conditions of communion, it is impossible for one to communicate with such a Church without sin; both materially, as the things are unlawful which he joyns with them in; and formally, as he judgeth them so. This is the first Proposition.

*Answ. to
the pref.
p. 16. f. 22.*

§. 6.

The second is, *Where a Church retains the purity of doctrine in its publick profession, but hath a mixture of some corruptions, as to practice, which are only tolerated and not imposed, it is not lawful to withdraw communion from such a Church, much less to run into total separation from it: For here is no just and lawful cause given of withdrawing; here is no owned corruption of doctrine or practice, nor any thing required as a condition of communion, but what is in its self necessary; and therefore there can be no plea, but only pollution, from such a communion, which cannot be to any who do not own any such supposed corruptions in the Church. Men may*
com.

communicate with a Church, and not communicate with the abuses of a Church; for the ground of his communicating is, its being a Church, and not a corrupt or defective Church. And that men are not themselves guilty, by partaking with those who are guilty of corruptions in a Church, might be easily and largely proved, both from the Church of the Jews in the case of *Eli's* sons, and the Christian Churches of *Asia*, and *Corinth*, where we read of many corruptions reprov'd, yet nothing spoken of the duty of the members of those Churches to separate from them, which would have been, had it been a sin to communicate with those Churches when such corruptions were in it. Besides, what reason is there that one mans sins should defile another, more than anothers graces sanctifie another? and why corruption in another should defile him more than in himself, and so keep him from communicating with himself? and what security any one can have in the most refined Churches, but that there is some scandalous, or at least unworthy person among them? and whether then it is not his duty to try and examine all himself particularly, with whom he communicates? and why his presence at one Ordinance should defile it more than at another? and why at any more than in worldly converse, and so turn at last to make men *Anchorets*, as it hath done some? Many other reasons might be produced against this, which I forbear, it being fully spoke to by others. And so I come to the *Third Proposition*, which is,

Where any Church, retaining purity of doctrine, doth require the owning of, and conforming to any unlawful or suspected practice, men may lawfully deny conformity to, and communion with that Church in such things, without incurring the guilt of Schism. I say not, men may proceed to positive Schism as it is call'd, that is, erecting of new Churches, which from *Cyprian* is call'd *erigere Altare contra Altare*; but only that withdrawing communion from a Church in unlawful or suspected things, doth not lay men under the guilt of Schism: which because I know it may meet with some opposition from those men, who will sooner call men Schismatics than prove them so, I shall offer this reason for it to consideration. If our separation from the Church of *Rome* was therefore lawful,

See Mr.
Durham
Tract of
scandal,
part. 2. ch.
12.

because she required unlawful things, as conditions of her communion; then where ever such things are required by any Church, non-communion with that Church in those things will be lawful too; and where non-communion is lawful, there can be no Schism in it. What ever difference will be thought of, as to the things imposed by the Church of *Rome* and others, will be soon answered by the proportionable difference between bare non-conformity, and total and positive separation. What was in its self lawful and necessary then, how comes it to be unlawful and unnecessary now? Did that justify our withdrawing from them, because they required things unlawful, as conditions of communion; and will not the same justify other mens non conformity, in things supposed by them unlawful? If it be said here, that the Popes power was an usurpation, which is not in lawful Governours of Churches; it is soon replied, That the Popes usurpation mainly lies in imposing things upon mens consciences as necessary, which are doubtful, or unlawful; and where-ever the same thing is done, there is an usurpation of the same nature, though not in so high a degree; and it may be as lawful to withdraw communion from one as well as the other. If it be said that men are bound to be ruled by their Governours, in determining what things are lawful, and what not? To this it is answered: first, no true Protestant can swear blind obedience to Church Governours in all things. It is the highest usurpation to rob men of the liberty of their judgments: That which we plead for against the Papists, is, that all men have eyes in their heads as well as the Pope; that every one hath a *judicium privata discretionis*, which is the rule of practice, as to himself; and though we freely allow a ministerial power, under Christ, in the Governours of the Church, yet that extends not to an obligation upon men, to go against the dictates of their own reason and conscience. Their power is only directive and declarative, and in matters of duty can bind no more than reason and evidence brought from Scripture by them doth. A man hath not the power over his own understanding, much less can others have it. *Nullus credit aliquid esse verum, quia vult credere id esse verum; non est enim in potestate hominis facere aliquid apparere intellectui suo verum quando*

quando voluerit. Either therefore men are bound to obey Church Governours in all things absolutely, without any restriction or limitation; (which if it be not usurpation and dominion over others faith in them, and the worst of implicate faith in others, it is hard to define what either of them is,) or else if they be bound to obey only in lawful things; I then enquire who must be judge what things are lawful in this case, what not? if the Governours still, then the power will be absolute again; for to be sure, whatever they command, they will say is lawful, either in its self, or as they command it: if every private person must judge what is Lawful, and what not, which is commanded (as when all is said, every man will be his own judge in this case, in things concerning his own welfare) then he is no further bound to obey than he judgeth the thing to be lawful which is commanded. The plea of an erroneous conscience, takes not off the obligation to follow the dictates of it; for as he is bound to lay it down, supposing it erroneous, so he is bound not to go against it, while it is not laid down. But then again, if men are bound to submit to Governours in the determination of lawful things, what plea could our Reformers have to withdraw themselves from the Popes yoke? it might have still held true, *Boves arabant & Asina pascebantur simul*, which is *Aquinas* his argument for the submission of inferiours in the Church to their superiours: for did not the Pope plead to be a lawful Governour, and if men are bound to submit to the determination of Church Governours, as to the lawfulness of things, they were bound to believe him in that as well as other things; and so separation from that Church was unlawful then: So that let men turn and wind themselves which way they will, by the very same arguments that any will prove separation from the Church of *Rome* lawful, because she required unlawful things, as conditions of her communion, it will be proved lawful, not to conform to any suspected or unlawful practice, required by any Church Governours upon the same terms; if the thing so required, be after serious and sober inquiry, judged unwarrantable by a mans own conscience. And withal it would be further considered, whether when our best Writers against the Papists, do lay the imputation of Schism,

Job 1: 14.
Summ. 2. 20.
q. 2. art. 6.

not on those who withdraw communion, but on them for requiring such conditions of communion (whereby they did rather eject men out of their communion, than the others separate from them) they do not by the same arguments, lay the imputation of Schism on all who require such conditions of communion, and take it wholly off from those who refuse to conform for conscience sake. To this I shall subjoyn the judgment of as learned and judicious a Divine, as most our Nation hath bred, in his excellent (though little) Tract concerning Schism. "In those Schisms, *saith he*, which concern fact, nothing can be a just cause of refusing communion, but only to require the execution of some unlawful or suspected act; for not only in reason, but in religion too, that Maxim admits of no release, *cautissimi cujusque preceptum quod dubitas nē feceris*. And after instanceth in the Schism about image-worship, determin'd by the second Council of Nice, in which he pronounceth the Schismatical party to be the Synod its self, and that on these grounds: First, because it is acknowledged by all, that it is a thing unnecessary. Secondly, it is by most suspected. Thirdly, it is by many held utterly unlawful: Can then (*saith he*) the enjoying of such a thing be ought else but abuse? or can the refusal of communion here, be thought any other thing than duty? Here, or upon the like occasion, to separate, may peradventure bring personal trouble or danger (against which it concerns any honest man to have *pectus preparatum*): further harm it cannot do, so that in these cases you cannot be to seek what to think, or what you have to do. And afterwards propounds it as a remedy to prevent Schism, to have all Liturgies and publick forms of service so framed, as that they admit not of particular and private fancies, but contain only such things, in which all Christians do agree. For, *saith he*, consider of all the Liturgies that are, and ever have been, and remove from them whatever is scandalous to any party, and leave nothing but what all agree on; and the evil shall be, that the publick service and honour of God shall no wayes suffer: Whereas, to load our publick forms; with the private fancies upon which we differ, is the most sovereign way to perpetuate Schism unto the

Mr. Hales
of Schism,
p. 8.

“ Worlds

“ Worlds end. Prayer, Confession, Thanksgiving, Reading
 “ of Scriptures in the plainest and simplest manner, were mat-
 “ ter enough to furnish out a sufficient Liturgy, though no-
 “ thing either of private opinion, or of Church Pomp, of
 “ Garments or prescribed gestures, of Imagery, of Musick,
 “ of matter concerning the dead, of many superfluities,
 “ which creep into the Church, under the name of Order and
 “ Decency, did interpose its self. To charge Churches and
 “ Liturgies with things unnecessary, was the first beginnaing
 “ of all superstition; and when scruple of conscience began to
 “ be made, or pretended, there Schism began to break in; if
 “ the special guides and Fathers of the Church, would be a
 “ little sparing of incumbring Churches with superfluities, or
 “ not over rigid, either in reviving obsolete customs; or
 “ imposing new, there would be far less cause of Schism or
 “ superstition; and all the inconvenience were likely to ensue,
 “ would be but this, they should in so doing yield a little to
 “ the imbecillity of their inferiors, a thing which *St. Paul*
 “ would never have refused to do: mean while, wheresoever
 “ false or suspected opinions are made a piece of Church Li-
 “ turgy, he that separates is not the Schismatick; for it is
 “ alike unlawful, to make profession of known or suspected
 “ falshood, as to put in practice unlawful or suspected actions.
 Thus far that excellent person, whose words I have taken the
 pains to transcribe, because of that great wisdom, judge-
 ment, and moderation, contained in them; and the season-
 ableness of his counsel and advice, to the present posture of
 affairs among us. Were we so happy but to take off things
 granted unnecessary by all, and suspected by many, and judged
 unlawful by some; and to make nothing the bonds of our
 communion, but what Christ hath done, *viz.* one faith, one
 baptism, &c. allowing a liberty for matters of indifferency,
 and bearing with the weakness of those who cannot bear
 things which others account lawful, we might indeed be re-
 stored to a true Primitive lustre far sooner, than by furbishing
 up some antiquated ceremonies, which can derive their pedi-
 gree no higher, than from some ancient custom and traditi-
 on. God will one day convince men, that the Union of the
 Church lies more in the Unity of faith and affection, than in

Ep. 57.

uniformity of doubtful rites and ceremonies. The bond of Church-communion should be something common to strong and weak Christians, as St. *Austin* saith of the rule of faith, that it is *puffillis magnisque communis*; and certainly the Primitive Church, that did not charge mens faith with such a load of articles, as now in these latter ages men are charged with, would much less burden men with imposing doubtful practices upon them, as the ground of Church-communion. And for publick forms of Divine service, such of all things certainly should be so composed, as to be the least subject to any scruple from any persons whatsoever; being on purpose composed for the declaring mens unity and consent in their publick worship: And those who are the most addicted to any one form, can never plead it unlawful to amend it, whereas others may, that it is not lawful or convenient, at least to use it without such alterations. And therefore, were there that spirit of mutual condescension, which was most certainly in *Ecclesiâ primo primitivâ*, as *Gratian* somewhere speaks, in the first and truly primitive Church in the Apostles time; our breaches as to this thing too, might soon be closed up, and the voice of Schism be heard among us no more. It argued very much the prudence and temper of the French Churches, in composing their publick forms of prayer, that they were so far from inserting any thing controversial into them, that *Amyraldus* tells us, the Papiests themselves would use them. *Et quod vix credibile esset nisi publicè viseretur, eas inseruerunt in eos libros in quos congesse- runt varias precationum formulas.* And that which men would scarce believe unless they saw it, they inserted them into their own prayer-books. The same temper was used by our Reformers in the composing our Liturgy, in reference to the Papiests, to whom they had then an especial eye, as being the only party then appearing, whom they desired to draw into their communion, by coming as near them as they well and safely could: And certainly those holy men, who did seek by any means to draw in others, at such a distance from their principles as the Papiests were, did never intend by what they did for that end, to exclude any truly tender consciences from their communion: That which they laid as a bait for them, was never intended by them as a hook for those of their own

De secess. ab
Eccl. Rom.
& pace in-
ter Evang.
const. p.
225.

profession. But the same or greater reason which made them seek so much at that time (before the rent between the Papist and us was grown to that height it is now at ; they being then in hopes by a fair compliance to have brought the whole Kingdom to joyn with them) I say the same reason which at that time made them yield so far to them then, would now have perswaded them to alter and lay aside those things which yield matter of offence, to any of the same profession with themselves now. For surely none will be so uncharitable towards those of his own profession as not to think there is as much reason to yield in compliance with them, as with the Papists. And it cannot but be looked upon as a token of Gods severe displeasure against us, if any, though unreasonable proposals of peace between us and the Papists should meet with such entertainment among many ; and yet any fair offers of union and accommodation among our selves, be so coldly embraced and entertained.

Having thus far shewed how far the obligation to keep in a Church society doth reach to the severall members of it : I now proceed to shew what way the light of nature directs men to for the quieting and composing any differences which may arise in such a society tending to break the peace of it. But before I come to the particular ways directed to, by the Law of nature, for ending controversies in the Church, I shall lay down some things by way of caution, for the right understanding of what is already spoken, lest I should be thought instead of pleading for peace, to leave a door open for an universal liberty, and so pave a new way towards *Babel*. *First*, that though it be lawful not to conform to unlawful or suspected practices in a Church, yet it is not therefore lawful to erect new Churches. For all other essentials supposed in a Church, a meer requiring conformity in some suspected rites, doth not make it to be no true or sound Church, as to other things, from which it is lawful to make a total divorce and separation. A total separation is when a new and distinct society for worship is entred into, under distinct and peculiar officers governing by laws and Church-rules different from that form which they separate from. This I do not assert to be therefore lawful, because some things are required,

§. 7.

which mens consciences are unsatisfied in: unless others proceed to eject and cast them wholly out of communion on that account, in which case their separation is necessary, and their schism unavoidable. *Secondly*, therefore I assert, that as to things in the judgment of the Primitive and Reformed Churches left undetermined by the Law of God, and in matters of meer order and decency, and wholly as to the form of Government, every one notwithstanding what his private judgment may be of them, is bound for the peace of the Church of God to submit to the determination of the lawful Governors of the Church. And this is that power of ending controversies which I suppose to be lodged in a Church society; not such a one as whereto every man is bound to conform his private judgment, but whereto every private person is bound to submit in order to the Churches peace. That is, that in any controversies arising in a Church, there is such a power supposed, that may give such an authoritative decision of the controversy in which both parties are bound to acquiesce, so as to act nothing contrary to that decision. For as it is supposed that in all contracts and agreements for mutual society, men are content to part with their own liberties for the good of the whole; so likewise to part with the authority of their own judgments, and to submit to the determination of things by the rulers of the society constituted by them. For there must be a difference made between the *liberty and freedom* of a mans own judgment, and the *authority* of it: for supposing men out of all society, every man hath both; but societies being entred, and contracts made, though men can never part with the freedom of their judgments, (men not having a *Despotic power* over their own understandings) yet they must part with the authority of their judgments, *i. e.* in matters concerning the Government of the society, they must be ruled by persons in authority over them. Else there can be nothing imagined but confusion, and disorder, instead of peace and unity in every civil state and society. The case is the same in a religious society too, in which men must be supposed to part with the authority of their own judgments in matters concerning the Government of the Church,

Church, and to submit to what is constituted and appointed by those who are intrusted with the care and welfare of it. Else it is impossible there should be unity and peace in a Church considered as a society; which is as much as to say, there neither is, nor can be such a society. And that God hath commanded that which is naturally impossible; I mean, freedom from divisions, and the unity and peace of his Church: Which will appear from hence, because it can never be expected that all men should be exactly of one mind, Either then men retaining their private apprehensions, are bound to acquiesce in what is publickly determined, or there is a necessity of perpetual confusions in the Church of God. For the main inlet of all disturbances and divisions in the Church, is from hence, that men consider themselves absolutely, and not as members of a governed society, and so that they may follow their own private judgments, and are bound so to do in matters belonging to the Government of the Church, and not to acquiesce for the Churches peace in what is established in order to the ruling of this so constituted society, by lawful authority.

These things premised, the way is now fully cleared for the discovering what ways are prescribed by the Light of nature for ending controverlies in the Church; which will appear to be these two.

§. 8.

1. *In societies wherein persons act with an equality of power, for the ending differences arising, the less number must always acquiesce in the determination of the greater.* And therefore it is a generally received *Axiome*, that in all societies *pars major jus habet universitatē*, the greater part hath the power of the whole: And it is a standing rule in the Civil Law, *Refertur ad universos quod publicè fit per majorem partem*, which is determined by the Lawyers to hold not of the persons in power, but of the persons present at the determination; as when *Alexander Severus* made fourteen of the *Viri Consulares* to be *curatores urbis* joyned with the *Præfectus urbis*, to determine cases brought before them, what was determined by the greater part of those present, was looked upon as binding, as if the whole number had been there. And this *Aristotle* lays down as one of the fundamental laws of a Democratical Government. *ὁ πᾶν δέξῃ τοῖς πλείοσι, τὸ τῆς εἶναι*

*C. de decur-
tion. lib. 10
l. nomina-
tionem Pet.
Fabrī Com-
ment. ad
tit. de di-
versis Reg.
Juris. Lam-
pridius in
Alex. Sc-
vero.*

τὸ τέλος κ' ἔστ' εἶναι τὸ δίκαιον. That must be looked on as
 Political. 6. a just and final decision of a case debated, which the major part
 cap. 2. determines. And therefore rationally infers, that in a Demo-
 cracy the poorer sort (and so likewise the worse) must always
 bear the greatest sway, because they are the most. Which is
 an unavoidable inconvenience in that form of Government
 whether in Church or State. The same he elsewhere applies
 to other forms of Government which have a multitude of ru-
 lers, as *Aristocracy* and *Oligarchy*: That which seems good to
 the most obtains as a Law amongst all, Which *Appian* thus
 briefly expresses, τὸ πλείον δικαιότερον and *Dionys. Halicarnassensis*
 ὁ,τι ἂν δῶξῃ τοῖς πλείοσι, ἔστω νικῶν, the one speaking of mat-
 ter of fact, that it doth obtain, the other of matter of Law
 that it should do so. It appears then from the Law and light of
 nature, that wherever any multitude acts in an equality of
 power, the greater part have the power of the whole; not from
 any right which the major part hath as superior over the less;
 but from the Law of nature, which will have every part ordered
 for the good of the whole; which good cannot oft times be
 obtained without a special determination on one side or other;
 nor that determination have its effect, if the Act of the major
 part may be rescinded by the less. So that in every thing re-
 quiring special determination, this is to be esteemed the most
 just and final decision which is done by the major part: For it
 would be manifestly unjust for the lesser part to determine the
 greater, and therefore by the Law of nature, the greater part
 hath the right of the whole.

V. Grotium
 de jure bel.
 &c. lib. 2.
 cap. 5. sect.
 17.

2. In a society consisting of many particular companies
 or congregations, there must be a subordination of powers
 by the Law of nature, which grants a right of appeal to an in-
 jured person from the lower and subordinate power to the
 higher and superior. Appealing is defined by the Lawyers
 to be *Provocatio iniquæ sententiæ querelam continens*. An ad-
 dress to a higher power with complaint of wrong: and so
 in general it is defined by *Ulpian* to be *ab Inferioris Judicis*
sententiâ ad superiorem provocatio: but as *Hottoman* observes,
 appeals may sometimes be made to a co-ordinate power upon
 complaint of injustice done. As one *Prætor*, *Consul*, *Tribune*
 might be appealed to, from the sentence of another. The ori-
 ginal of appeals then is, that injuries may be redressed, and

V. Jac. Om-
 phalium de
 usurp. Leg. l.
 7. c. 2. Ulp.
 l. 1. D. de
 Appel. Hot-
 tom. com. V.
 F. 115.

in order to that, nature dictates that there ought to be a subordination of powers one to another, lest any injury done through corruption or ignorance of the immediate Judges, prove irremediable. To which purpose our learned *Whitaker* saith, that Appeals are *juris divini & naturalis, & in omni societate admodum necessaria; propter multorum judicium vel iniquitatem, vel ignorantiam; alioqui actum esset de innocente, si non liceret ab iniqua sententia appellare*: So that appeals are founded upon natural right, lest men should be injured in any determination of a case, by those who have the cognizance of it. And in order to a redress of wrongs, and ending controversies, nature tells us that Appeals must not be infinite; but there must be some power, from whence Appeals must not be made: What that should be, must be determined in the same manner that it is in Civils; not that every controversy in the Church must be determined by an Oecumenical Council, but that it is in the power of the Supreme Magistrate, as Supreme head in causes Ecclesiastical, to limit and fix this subordination, and determine how far it shall go, and no further. The determination being in order to the peace of the Church, which Christian Magistrates are bound to look after, and see that causes hang not perpetually without decision: And so we find the Christian Emperours constituting to whom Appeals should be made, and where they should be fixed, as *Justinian* and *Theodosius* did. For when the Church is incorporated into the Commonwealth, the chief authority in a Commonwealth as Christian, belongs to the same to which it doth as a Commonwealth: But of that already. It is then against the Law and light of nature, and the natural right of every man, for any particular company of men, calling themselves a Church, to engross all Ecclesiastical power so into their hands, that no liberty of Appeals for redress can be made from it. Which (to speak within compass) is a very high usurpation made upon the Civil and Religious Rights of Christians; because it leaves men under a causeless censure, without any authoritative vindication of them from it. As for that way of *elective Synods*, substituted in the place of authoritative power to determine controversies, it is a *σφοδρὸν φάρμακον*, which will never be sovereign enough to cure the distemper it is brought

Controv. 4.
qu. 4. c. 2.

*Just. auth.
diff. epif.
collat. 9.
Theod. cod.
des S. Eccle.
c. omni.*

for:

Grot. de
jure belli
ac pacis, l.
3. cap. 20.
sect. 46.

Vell. Pa-
terc. bift.
lib. 2.
50

for: For elective Synods are but like that which the Lawyers call *arbitrium boni viri*, which they distinguish from *arbitrium ex compromisso*, and binds no further than the party concerned doth judge the sentence equal and just. So, that this helps us with no way to end controversies in the Church, any further than the persons engaged are willing to account that just which shall be judged in their case. Taking then a coercive power, only for such a one as may authoritatively decide a controversy, we see what great reason there is for what the Historian observes: *Arbitriis ii se debent interponere, qui non parentem coercere possunt*; That all power of arbitration should have some juridical power going along with it, to make a final end of quarrels. But that which seems yet more strange to me, is this, that by those who assert the Independency of particular Congregations, it is so hotly pleaded, that Christ hath given every particular Congregation a power over its own members, to determine controversies arising between them: but, that if one, or many of these particular Congregations should erre, or break the rule, he hath left no power authoritatively to decide what should be done in such cases. Can we conceive that Christ should provide more for the cases of particular persons, than of particular Churches? And that he should give authority for determining one, and not the other? Is there any more coactive power given by any to Synods, or greater officers, than there is by them to particular Churches? which power is only declarative as to the rule, though authoritative as to persons wherever it is lodged. Is there not more danger to Gods people, by the scandals of Churches, than persons? Or did Christs power of governing his people reach to them only as particular congregations? Doth not this too strongly favour of the *Pars Donati*? only the *Meridies* must be rendred a particular Congregational Church, where Christ causeth his flock to rest? But supposing the Scripture not expressly to lay down a rule for governing many Churches, are men outlawed of their natural rights? that supposing a wrong sentence passed in the Congregation, there is no hopes, way, or means to redress his injury, and make his innocency known? Doth this look like an institution of Christ? But that which I

conceive is the *κεφάλαιον* *ἑκείνου*, and the original of this mistake, is, that the Churches we read of first planted in Scripture, were only particular Congregations; and therefore there is no proper Church-power beyond them, or above them. I meddle not with the Antecedent now, which is largely discussed by others; but the extream weakness of the consequence, is that I am here obliged to discover. For what a strange shortness of discourse is it to argue thus, if when there was but one Congregation, that Congregation had all power within itself; then when there are more particular Congregations, it must be so; and yet this is the very foundation of all those Kingdoms of *Yvetot*, as one calls them, those sole self-governing Congregations. When there was but one Congregation in a Church, it was necessary if it had any Church power, that it must be lodged in that one Congregation: But when this Congregation was multiplied into many more, is it not as necessary for their mutual government, there should be a common power governing them together, as a joynt-society? Besides, the first Congregational Church in the New Testament, *viz.* that of *Jerusalem*, could be no particular organical Church; for it had many, if not all, universal officers in it; and if they were the fixed Pastors of that Church, they could not, according to the principles of those who thus speak, preach to any other Congregation but their own, by vertue of their office: And so, either their Apostolical office and commission must be destroyed, if they were Pastors of particular organical Churches; or if their Apostolical office be asserted, their Pastorship of particular organical Churches is destroyed by their own principles, who assert that the Pastor of a Church can do no Pastoral office out of his own Congregation. The case is the same, as to other Churches planted by the Apostles & governed by themselves; which two, as far as I can find in the New Testament, were of an equal extent; *viz.* that all the Churches planted by Apostles, were chiefly governed by themselves, though they had subordinate officers under them. These first Churches then were not such particular organized Churches, but they were as the *first matter* of many Congregations to be propagated out of them; which after made one society, consisting

of those several Congregations imbodyed together, and ruled by one common government. As in a Colledge, every Tutor hath his own pupils, which he rules; and if we suppose but one Tutor at first in the Colledge, with his pupils, all the power, both common to the society, and peculiar to his flock, is joyned together; but when there are many more Tutors, having Pupils under their charge, all these, for their better ordering as a society, must be governed by the common government of the Colledge, to which the particular government of every Tutor is and must be subordinate: But this will be more fully made appear in the original of Civil government. It is far more evident, that all Civil power lay at first in *Adam* and his family, and afterwards in particular families, than that all Church power lay in particular Congregations at first. We may then with as good reason say, that there is no lawful Civil Government now, but that of particular families; and that no National Government hath any right or power over particular families, because families had once all Civil power within themselves; as because it is supposed, that all Church-power lay first in particular Congregations, therefore there must be no Church power above them; nor that particular Congregations are subject to such Government as is requisite for the regulating of the society in common, as comprehending in it many particular Congregations. Let them shew then, how any Government in the State is lawful, when families had the first power, and by what right now those families are subordinate to the Civil Magistrate; and what necessity there is for it; and by the very same reasons will we shew the lawfulness of Government in the Church over many Congregations, and that those are by the same right, and upon the same necessity, to subordinate themselves to the Governours of the Church considered as a society taking in many particular Congregations. The Parallel runs on further and clearer still: For as the heads of the several families after the Flood, had the command over all dwelling under their roofs, while they remained in one family; and when that increased into more, their power was extended over them too; which was the first original of Monarchy in the world: So the planters of the first Churches,

that

that while the Church was but one Congregation, had power over it, when this Congregation was multiplied into more, their power equally extended over them all. And as afterwards, several heads of families upon their encrease, did constitute distinct Civil Governments, wherein were subordinate officers, but those Governments themselves were coordinate one with another: So in the Church, so many Congregations as make up one Provincial, or National society (as succession and prudence doth order the bounds of them) do make up several particular Churches, enjoying their officers ruling them, but subordinate to the Governours of the Church in common: Which society, National or Provincial, is subordinate to none beyond its self, but enjoys a free power within its self of ordering things for its own Government, as it judgeth most convenient, and agreeable to the rules of Scripture. The sum then of what I say, concerning subordination of officers and powers in the society of the Church, is this, that by the light and Law of Nature it appears, that no individual company or Congregation, hath an absolute, independent power within its self; but that for the redressing grievances happening in them; appeals are necessary to the parties aggrieved, and a subordination of that particular Congregation, to the government of the society in common. So that, the right of appealing, and original of subordination, is from Nature; the particular manner and form of subordinate and superiour Courts, is to be fetched from positive Laws; the limitation of Appeals, extent of jurisdiction, the binding power of sentence, so far as concerns external Unity in the Church, is to be fetched from the power of the Magistrate, and civil sanctions and constitutions. The Churches power, as to Divine Law, being only directive and declarative; but being confirmed by a civil sanction, is juridical and obligatory. Concerning the Magistrates power to call, confirm, alter, repeal the decrees of Synods, see *Grotius*, *Chamier*, *Whitaker*, *Casaubon*, *Mornay*, and others, who fully and largely handle it; To whom having nothing to add, I will take nothing at all from them: As for that time when the Church was without Magistrates ruling in it, in those things left undetermined by the rule of the Word, they acted out

Grot. de
Imp. summ.
Potest. cap.
 7 s. 14, 15;
 &c. c. 8.
f. 13.
Chamir.
T. 2. l. 13.
c. 12.
Whitaker
Contr. 3. q.
 2. *Cas. de*
Lib. Eccles.
cap. 2.
Mornay.
hist. Papat.
us passim.

termination of the manner of them is from himself. Thus it is in the case we now are upon; nature requires that every one entering into a society, should consent to the rules of it. Our Saviour hath determined how this consent should be expressed, *viz.* by receiving baptism from those who have the power to dispense it: which is the federal rite whereby our consent is expressed to own all the Laws and submit to them, whereby this society is governed: which at the first entering of men into this society of the Church was requisite to be done by the express and explicate consent of the parties themselves, being of sufficient capacity to declare it; but the Covenant being once entered into by themselves, not only in their own name, but in the name of their posterity (a thing implied in all Covenants wherein benefits do redound to posterity, that the obligation should reach them too, but more particular in this, it having been always the tenour of Gods Covenants with men, to enter the seed as well as the persons themselves, as to outward priviledges) an implicate consent as to the children in Covenant, is sufficient to enter them upon the priviledges of it by baptism, although withal it be highly rational for their better understanding the ingagement they entered into, that when they came to age they should explicitly declare their own voluntary consent to submit to the Laws of Christ, and to conform their lives to the profession of Christianity, which might be a more than probable way, and certainly most agreeable both to reason and Scripture to advance the credit of Christianity once more in the world, which at this day so much suffers by so many professing it without understanding the terms of it; who swallow down a profession of Christianity, as boys do pills, without knowing what it is compounded of, which is the great reason it works so little alteration upon their spirits.

§. 3.

The one great cause of the great flourishing of religion in the Primitive times, was certainly the strictness used by them in their admission of members into Church societies, which is fully described by *Origen* against *Celsus*, who tells us they did *ἐπιδομασθῆναι τὰς βίβλους καὶ τὰς ἀγωγὰς. καὶ καταβύβουλον*, *inquire into their lives and carriage, to discern their seriousness in the profession of Christianity during their being Catechumens*: Who after

Lib. 3. p.
142, 143.
☉ 147.

tells

tells us they did require τὸ μεταίτημα ὑπὸ τῶ λόγου, καὶ ὅτι δύναμις βέλπον βελτιωθῆναι, true repentance and reformation of life, καὶ τίμωκα δὲ καλεῖσθαι αὐτοὺς ἐπὶ τὰς παρ' ἡμῶν τελετὰς, then we admit them to the participation of our mysteries. I confess the Discipline of the Primitive Church hath been very much misrepresented to us, by mens looking upon it through the glass of the modern practices and customs obtaining among us: as though all this only concerned the admission to the Lords Supper; though that was alwayes in chiefest veneration in the Church of God, as being the chief of Gospel mysteries (as they loved to speak) yet I cannot find that any were admitted to all other Ordinances freely with them who were debarred from this: but their admission to one, did include an admission to all: so on the contrary, I find none admitted to baptism, who were not to the Lords Supper; and if *Catechumeni*, presently after, only confirmation intervening (which will hardly be ever found separate from baptism, till the distinction of the double *Chrisme in vertice & pectore* came up, which was about *Jeroms* time.)

Tertul.
Apol. c. 39.
describes
exclusion
to be
à commu-
nicatione
Orationis
& conven-
tus, & om-
nis sancti
commercii.

The thing then which the Primitive Church required in admitting persons adult to baptism, and so to the Lords Supper, was a serious visible profession of Christianity, which was looked upon by them as the greatest evidence of their real consent to the rules of the Gospel. For that purpose it will be worth our taking notice what is set down by *Justin Martyr*, *Apolog. 2.* speaking of the celebration of the Lords Supper; καὶ ἡ βροτὴ αὐτὴ καλεῖ) παρ' ἡμῶν εὐχαριστία ἧς ὑδανὶ ἀλλ' ὡ μεταχρῆν ἐξόν ἔστιν ἢ τῶ πνεύοντι ἀληθῆ ἢ τὰ διδασγμένα ἐφ' ἡμῶν, καὶ λουσιμένῳ τὸ ὑπὲρ ἀρίστων ἀμαρτιῶν καὶ εἰς ἀναγέννησιν λατρεῖν, καὶ ἕτως βίοντι ὡς ὁ χριστὸς παρέδωκεν, where we see what was required before admission to the Lords Supper, a profession of faith in the truths of the Gospel, and answerable life to the Gospel, without which it was not lawful to participate of the Lords Supper. And further we see by *Pliny*, that the Christians of those times did make use of some solemn engagements among themselves which he calls *Sacramenta*; they did se *sacramento obstringere ne furta, ne latrocinia ne adulteria committerent, ne fidem fallerent,*

§. 4.

P. 97. ed.
Paris.
1635.

lib. 10. ep.
97.

M. S.

M. S. for *de sacris*, after him *Heraldus*, and as it is now read in *Rigaltius* Edition) besides *cantelam* & *ad confederandum disciplinam*, &c. *scelera prohibentes*, which *Eusebius* calls *συνθήκας, πακτα*, Covenants between them; and so Mr. *Selden* interprets the place of *Origen* in the beginning of his book against *Celsus*, where *Celsus* begins his charge against the Christians, *ὡς συνθήκας κερύβδην πρὸς ἀλλήλους ποιούμενων χειριανῶν* &c. *τὰ νενομισμένα*: where he takes *συνθήκας* not as *Gelenius* renders it, *conventus*, but in its proper sense for contracts or covenants that were made by the Christians as by other societies, only permitted, and tolerated by the Commonwealth. And we find by *Pliny*, that when the *hetaria* were forbidden, he brought the Christian, in under the Law; the ground of those societies was only a mutual compact and agreement among the persons of it: Such as among the Essens of the Jews, and the Schools of Philosophers among the Greeks. *Josephus* mentions the *ὄρκος φεικώδεις* of those who were admitted into the society of the Essens. And so in all other societies which subsist only from mutual confederation in a Commonwealth. Thus I acknowledge it to be in Christianity, that there must be such a supposed contract or voluntary consent in the persons engaged in such societies. But with this observable difference, that although there must be a consent in both, yet the one is wholly free, as to any pre-engagement or obligation to it, as well as to the act its self; but in religious societies, though the act of consent be free, yet there is an antecedent obligation upon men, binding them to this voluntary consent. The want of the understanding this difference, is, the very foundation of that opinion men call *Erastianism*; for the followers of *Erastus*, when they find that Christians did act *ex confederatâ disciplinâ*, they presently conclude all Church power to lay only in mutual consent. It is granted Church power doth suppose consent, but then all Christians are under an obligation from the nature of Christianity to express this consent, and to submit to all censures legally inflicted. About the *hetaria* and societies among the Romans, we may take notice of the Law of twelve Tables. So in the collection of *Luc. Charondus*, *Sodalibus qui ejusdem collegii sunt, & jus cocundi habent, potestas esto pactiois quam*

Hist. Eccl.
lib. 3. cap.

33.
Selden. de
Syned. l. 1.
cap. 9.

V. Heral-
dum in
Tertul. A-
pologet.
cap. 39.

Joseph.
Halef. p. 2.
cap. 12.

quam volent inter se ineunda dum nè quid ex publicâ lege corrumpant. Ex Caio c. 4. D. de Collec. & corp.

I confess when persons are entred into a visible Church-Society by Baptism, if they will own that profession they were baptized into, and are not guilty either of plain ignorance of it, or manifest scandal, and demand as their right the other ordinances of the Gospel, I see not by what power they may be excluded. If we fix not in a serious visible profession as the ground of giving right, but require positive evidences of grace in every one to be admitted to ordinances as the only thing giving right, for my part, setting aside the many inconveniences besides which attend that in reference to the persons to be admitted, I see not how with a safe and good conscience ordinances can be administred by any. My reason is this. Every one, especially a Minister in that case ought to proceed upon certain grounds that the person admitted hath right to the ordinance to be administred; but if positive signs of grace be required, a mans conscience cannot proceed upon any certainty, without infallible knowledge of anothers spiritual state, which I suppose none will pretend to. My meaning is, that which gives right, must be something evident to the person admitting into it, if it be his duty to inquire after it; but if only positive signs of grace be looked on, as giving right, the ground of right can never be so evident to another person, as to proceed with a good conscience, *i. e.* with a full perswasion of anothers right to the administration of any ordinance to him. If it be said, that these are required only as tokens of a true visible profession, and it is that which gives the right; I reply, our knowledge of, and assent to the conclusion, can be no stronger, nor more certain than to the premisses from whence it is inferred; if therefore true profession gives right, and our knowledge of that proceeds upon our knowledge of the work of grace, we are left at the same uncertainty we were at before. But if we say that an outward profession of the Gospel (where there is nothing rendring men incapable of owning it, which is ignorance, nor declaring they do not own it, which is scandal) is that which gives a visible right to the ordinances of the Church as visible, we have something to fix our selves upon, and to bottom a perswasion of the right of persons to ordinances.

Christ when he instituted Churches, did institute them as visible societies, that is, to have marks whereby to be known and distinguished, as other societies in the world are; now that which puts a difference between this and other societies, is an open profession of Christianity, which profession is looked upon as the outward expression of the internal consent of the soul to the doctrine and laws of the Gospel. Which outward evidence of consent, where there is nothing evidently and directly oppugning it, is that which the Church of God in admission of visible members is to proceed upon. I no where find that ever Christ or his Apostles in making disciples, or admitting to Church membership, did exact any more than a professed willingness to adhere to the doctrine which they preached; nor that they refused any who did declare their desire to joyn with them. An owning Christianity is all we read of antecedent to admission of Church-members. And if any thing else be further required as necessary, we must either say the word of God is defective in institutions of necessity to the Church, which I suppose the assertors of it will not be so inconsistent to their own principles, as to do; or else must produce where any thing further is required by the word of God.

See 7.

By this we may see what to answer those who require an explicite Covenant from all members of the Church, as that which gives the form and being to a Church. If they mean only in the first constitution of a visible Church, an express owning of the Gospel Covenant, there is none will deny that to be necessary to make one a member of the visible Church of Christ. If they further mean that there must be a real confederation between those who joyn together in Gospel ordinances in order to their being a Church, I know none will question it that know what it is that makes a society to be so; which is such a real confederation with one another: If they mean further, that though Christians be bound by vertue of their Gospel Covenant to joyn with some Church society, yet not being determined by Scripture to what particular Church they should joyn; therefore for Christians better understanding what their mutual duty is to one another; and who that Pastor is to whom they owe the relation of member,

ber, that there should be some significant declaration either by words or actions of their willingness to joyn with such a particular society in Gospel ordinances; I shall grant this to be necessary too. But if beyond this their meaning be, that a formal explicite covenant be absolutely necessary to make any one a member of a Church, I see no reason for it. For,

1. If there may be a real confederation without this; then this is not necessary, but there may be a real confederation without this explicite Covenant; as appears in those Churches of Christ, both in the Primitive times, and since the Reformation, who have never used it, which none I suppose who maintain this opinion will deny to have been true visible Churches of Christ.

2. If the Gospel Covenant entred into by any, gives a right to Gospel ordinances by its self, then an explicite Covenant is not that which makes one a member of a Church; but the Gospel Covenant gives that right to all Gospel ordinances. If by baptism, the person baptized have a legal title to all Gospel ordinances, then, &c. the *Minor* appears in that they are admitted Church members by baptism; and how can any be a member of a Church, and not have right to all ordinances in it, supposing capacity to receive them? A right once received, continues till it be forfeited, especially when it is such a right as is not limited to any particular priviledges, but to all the priviledges of that society into which they are entred.

3. The reality of consent may be sufficiently manifested without an explicite Covenant, as in the joyning with those who are under the same profession in the common acts of the society and acceptance of, and submission to the rulers of that society, which implicitey is that Covenant which they would have expressed; and actions in this case are as declarative and significative as words.

4. If a Church may cease to be a true Church, without explicite disowning such a Covenant, then it is not explicite Covenanting which makes a Church; but a Church may cease to be a true Church without explicite disowning it; as in case of universal corruption, as to word and Sacraments; as in the Church of *Rome*, that still owns her self for a Church.

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The ground of the consequence, is from the parity of reason as to contraries.

§. 8.

But though I see no reason at all, why an explicite Covenant should be so necessary to a Church, that we cannot suppose a true Church without it; yet I no wayes deny the lawfulness or expediency, in many cases, of having a personal profession from all baptized in infancy, when they come to age (which we may if we please, call *Confirmation*) and the necessity of desiring admission, in order to participation of all Ordinances: which desire of admission doth necessarily imply mens consenting to the Laws of that society, and walking according to the duties of it; and so they are *consequently* and *virtually*, though not *expressly* and *formally*, bound to all the duties required from them in that relation. When Churches are over-run with looseness, ignorance, and profaneness, or when Christians are under persecution, an external profession of the Gospel Covenant, and declaring their owning the society they are entred into, and submitting to the Laws of it, may be, if not wholly necessary, yet very useful and expedient: And indeed, at all times we see people understand so little of their duty or engagements, and are so hardly brought under the exercise of Gospel discipline, that an open profession of their submission to the rules of the Gospel, seems the most likely way to advance the practice, power, and purity of religion: But of this much is spoken by others lately, and therefore I supersede. From all this we see, that every society implying a joyning together in some common duties, Nature tells us there must be a real consenting together, explicite, or implicite in all persons, who enter into such a society.

C H A P. VIII.

The last thing dictated by the Law of Nature, is, that every offender against the Laws of the society, must give an account of his actions to the Governours of it, and submit to the censures inflicted upon him by them. The original of penalties in societies. The nature of them, according to the nature and ends of societies. The penalty of the Church no civil mulct: because its Laws and ends are different from civil societies. The practice of the Druids in excommunication. Among the Jews whether a meer civil or sacred penalty. The latter proved by six arguments. Cherem Col Bo objections answered. The original of the mistake shewed. The first part concluded.

Nature dictates further, that in a well ordered society, every offender against the rules of that society, must give an account of his actions to the Governours of that society, and submit to the censures of it, according to the judgment of the rulers of it. In all societies subsisting by Laws, men being more ruled by hopes and fears, than by a sense of duty, or love of goodness, it is necessary for maintaining a society, that there must be not only a declaration of what men ought to do, but a setting forth the penalties which they must undergo upon violation of the Laws whereon the society doth subsist: And as there must be penalties annexed, as the sanction of the Law, so it must of necessity be implied in a well ordered society, that every person, as he doth promise obedience to the Laws, so by the same obligation he is bound to submit to the penalties upon disobedience: For whatever Law binds to duty where there is a penalty threatned, doth bind likewise to punishment upon neglect of duty: for no sooner is the Law broken, but the offender lies under the penal sanction of that Law, and is thereby bound to give an account of himself and actions, to those Governours who are bound to see the Laws obeyed, or offenders punished. Guilt follows immediately upon the breach of the Law, which is nothing else but the offenders obligation to punishment. From this obli-

§. 1.

gation on the offenders part, arifeth a new relation between the Governor of the fociety and the offender. On the Governours part a right to punifh, vindictive juftice fuppoſing offences committed; and on the offenders part, an obligation to undergo what ſhall be inflicted upon him for his offence: Punifhment being nothing elſe, but *malum paſſionis ob malum actionis*. There muſt be then theſe things ſuppoſed in any well ordered ſociety; Laws to be governed by, Rulers to ſee the Laws kept, or offenders puniſhed, penalties made known for offenders, ſubmiſſion of the perſons in the ſocieties to the penalties, if they deſerve them. But now of what kind, nature, and degree the penalties muſt be, muſt be reſolved according to the nature, end, and deſign of the conſtitution of the ſociety. If it be a ſociety for preſervation of the rights of bodies, or eſtates, the penalties muſt be either pecuniary or corporal: And the ground is, becauſe the end of legal puniſhment is not properly revenge, but the preſervation of the ſociety, which without puniſhments could not be: A threefold end is therefore aſſigned to puniſhments; the reformation of the offending perſon, the prevention of further offences in the ſociety of the ſame kind, and the being a terrour and example to others; the firſt is called *νεθεſία, κόλαſις*, or *ᾤδινας*, the ſecond *παιδεία*, being for the preſervation of the honour of the Magiſtrate: the third *παράδειγμα*, when the puniſhment is inflicted upon one, that others ſhould take notice of it; which muſt be always done in a publick manner: So *ᾤδιδεγματίσαι* in *Matthew*, is oppoſed to *λάθεα ἀπολύσαι*

Gellius
Noſt. Attic.
l. 6. c. 16.
V. Grotium
de jure bel-
li. l. 2. c. 20.
ſ. 6, 7, 8.
Matth. 1.
19.

ſ. 2.

Theſe things being thus in general conſidered, come we now to apply it to the Church conſidered as a ſociety. That it hath peculiar Laws to be governed by, appears by the diſtinct nature, end, and deſign of the conſtitution of it; which is not to preſerve any outward rights, but to maintain and keep up a religious ſociety for the ſervice of God; and therefore the penal ſanctions of theſe Laws cannot properly be any corporal or pecuniary mulct, but ſomewhat answerable to the nature of the ſociety. It muſt be then ſomewhat which implies the deprivation of that which is the chiefſt benefit of that ſociety. The benefits of it are the priviledges and honour

nour which men enjoy by thus associating themselves for so high an employment: That punishment then must be the loss of those priviledges which the Corporation enjoys, which must be by exclusion of the offending person from communion with the society. Hence we see it is evident, that which we call excommunication is the greatest penalty which the Church, as a society, can inflict upon the members of it, considered as such. And hence it is likewise clear, that as the society of the Church is distinct from others, the Laws, ends, Governours of a different nature, so the punishment must be a punishment distinct from civil, and ordained wholly in order to the peculiar ends of this society; which they do not well consider, who deny any such power as that of excommunication peculiar to the Church, which is as much as to deny that the Laws whereby the Church is ruled, are different from the civil Laws, or the ends of this society from the ends of civil societies: for the punishment must be proportioned to the Laws, and referred immediately to its proper ends. It were no ways difficult to answer the pretences brought against this: For although I acknowledge a subordination of this religious society to the Supreme authority in the Commonwealth, and that the rules concerning the Government of the society in common must have their sanction from thence; yet this no ways implies but it may have its peculiar penalties and power to inflict them, any more than any Company of Tradesmen have not power to exclude any from their company for breaking the rules of the company, because they are subordinate to the Supreme Authority: or any Colledge to expel any from thence, for breaking the local Statutes of it, which are distinct from the Common Laws. Nor is it any argument, that because Christians had mutual confederations in times of persecution for the exercise of censures, therefore these censures were only arbitrary and humane; unless it be proved, that it was not a duty in them so to confederate and joyn together, nor was there any antecedent obligation to inflict those censures upon offenders. Much less, thirdly, because their jurisdiction is not civil and coercive, therefore they have none at all; which is as much as to say, the Laws of Scripture are not our Common Laws, therefore they are none at all.

§. 3.

I shall not here insist upon the divine right of a power to excommunicate offenders, founded upon the positive Laws of Christ, it being my only business now to shew what foundation such a power hath in the Law of nature; which we have seen doth follow upon the Churches being a distinct society ruled by other Laws, acting on other ends, subsisting upon different grounds from any other society. A further evidence we have of this, how consonant it is to the light of nature, from the practice of all societies pretending to be for the worship of God, who have looked upon this as the proper penalty of offenders among them, to be excluded out of those societies. Thus we find among the *Druids*, whose great office was to take care of the worship of their Gods, and to instruct the people in religion, as *Cæsar* relates, *illi rebus divinis intersunt, sacrificia publica ac privata procurant, religiones interpretantur*; and accordingly the punishment of disobedience among them was excommunication from their sacrifices, which they looked upon as the greatest punishment could be inflicted upon them, as *Cæsar* at large describes it; *Si quis aut privatus aut publicus eorum decreto non stetit, sacrificiis interdicitur: hac poena apud eos est gravissima; quibus ita est interdictum ii numero impiorum & sceleratorum habentur, iis omnes decedunt, aditum eorum sermonemque defugiunt, ne quid ex contagione incommodi accipiant, neq; iis petentibus jus redditur, neq; honos ullus communicatur.*

Cæsar de bello Gallico. l. 6. V. Nicolaum Damascenam de moribus gentium de Cercetis, τὰς ἀδικήσας οὐκ ἐπιτρέψαι τῶν ἱερῶν ἀπειρήσασιν.

§. 4.

The practice of excommunication among the Jews is not questioned by any, but the right ground and original of that practice, with the effect and extent of it. Some conceive it to have been only taken up among the Jews after the power of capital punishments was taken from them; and that it was used by them, wholly upon a civil account, not extending to the exclusion of men from their worship in the Temple or Synagogues, but only to be a note of infamy upon offending persons. This opinion though entertained by persons of much skill and learning in the Jewish antiquities, yet carries not that evidence with it to gain my assent to it. For first, the cause of excommunication were not such as were expressed by their Law to deserve such civil punishments as might have been inflicted by them upon offenders, nor were they generally matters of a civil nature, but matters of offence and scandal

scandal, as will appear to any that shall peruse the twenty four causes of excommunication related out of the Jewish writers by *Selden* and *Joh. Coch.* Such were the neglecting the precepts of the Scribes, the vain pronouncing the name of God, bearing witness against a Jew before heathen tribunals, doing any common work in the afternoon of the day before the passover, with others of a like nature. If Excommunication had been then taken up among them only *ex confederatâ disciplinâ*, to supply the defect of civil judicatories, at least all capital offenders must have lain under the sentence of excommunication. But here we read not of any being excommunicated for those, but for other lesser matters, which were looked upon as matters of scandal among them; and though some of them were matters of civil injuries, yet it follows not that men were excommunicated for them as such, but for the scandal which attended them. As in the Christian Church, men are excommunicated for matters which are punishable by the civil Magistrate, but not under that notion, but as they are offences to that Christian society which they live among. *Secondly*, It appears that excommunication was not a meer civil penalty, because the increasing or abatement of that penalty did depend upon the persons repentance and desire of absolution. Now civil penalties do not regard the intention and mind of the person, but the quality and desert of the action; the reason is, because humane Laws do respect immediately *actionem ipsam*, and not *animum agentis*, unless it be only so far as the mind hath influence upon the action. But now it is otherwise in such Laws which take immediate notice of the intention of the mind, and only of outward actions as they are significative and expressive of the inward intentions: for in these, though the ground of proceeding to penalties be from the notice taken of the outward action, yet that outward action being subject to penalty, as expressive of the minds intention; where there may be sufficient evidence given of the integrity and uprightness of the intention afterwards, there may be proportionably a relaxation of the penalty; because the end of the penalty inflicted was not to be an act of justice excluded from mercy in the end of administration, as in civil judicatories, but an act of justice whose end was

Selden de jure natur. &c. l. 4. cap. 8. Excerpt. Gem. Sanh. p. 147.

mercy, that is, the regaining and recovering the offenders soul from sin, by inflicting such a penalty upon him, as might humble him under the sense of it. Hence appears the great reasonableness of their proceedings in the managery of discipline in the primitive times, who did not fix a certain time as a standing Law for all offenders, but did increase, or lessen both the time and weight of their penance, according to the evidences given of their submission and true repentance for their miscarriages. That it was thus now in reference to excommunication among the Jews, appears from what is asserted by the Learned *Buxtorf* concerning the time of the lesser excommunication, called נדוי *Niddui*, which remained thirty days usually, but were shortned by confession and desire of absolution; *durat 30. dies, qui tamen pœnitentiâ & deprecatione decurtantur.* But if after thirty days past, he continue impenitent, the judge as he sees fit, increaseth the punishment, so as to double or treble the time, or extend it to his whole life: if he dyed without repentance, a stone is laid upon his bier, to shew he deserved lapidation; they wept not for him, nor buried him in the common place of burial. Further *Buxtorf* there alledgeth this constitution of their Law: that if he that was under *Niddui*, and desired not absolution, was the second time under it, if that did no good on him, then he was excommunicated with the higher sort of excommunication, called חרם which is likewise observed by *Joh. Coch.* *Mr. Selden*, and others. From whence it is evident that this was an Ecclesiastical censure, and not meerly civil, because the main end of it was not satisfaction to the Law, but the repentance of the person who lay under the fault; and according to the evidence given of it, the penalty was relaxed or increased; which argument not yet taken notice of nor improved by writers on this subject, seems to make the case clear, that excommunication among the Jews was not a meer *out-lawry*, as some conceive it to have been.

Thirdly, I argue, it was not the breach of the Law, but the publickness of the offence, or the scandal of it which was the ground of excommunication; then it was not a meer civil penalty, but an ecclesiastical censure: for civil penalties do proceed

Epist. Hebr.
Institut p.
55.

V. Selden.
de jure nat.
&c.
lib. 4. cap.
8 p. 516.
Shulchan
Aruch. Cho-
sen ham-
mishpat.
sect. 100.
Excerpt.
Gem. San-
hed. p. 148.
v. 11. 12.

§. 5.

proceed upon the breach of the Law, and alter not as to the publickness or privateness of the offence; but here it is evident that the same offence deserving excommunication if done in publick, did not if done in private, or was left at the persons liberty to have the offender excommunicated or not. That which is reckoned as the first cause of excommunication, is affront or contempt put upon a wise man, or *Rabbi*, or one that was תלמיד חכם a student in the Law; now it is determined by them in this case, that if it were done in private, the *Rabbi* might pardon him: but if in publick, he could not. For as *Joh. Coch.* gives the reason, *publicum Doctoris ludibrium in legis contemptum redundat*: the contempt of publick teachers of the Law, redounds to the dishonour of the Law its self. Thus it was the scandal of the fault, and not the bare offence which made excommunication necessary among them; and not as that scandal was a meer defamation of the person, but as it redounded to the contempt of the Law. *Fourthly*, I argue from the form used in excommunication by them: There are two forms produced of their excommunications, the one by *Buxtorf* out of an old Hebrew Manuscript, the beginning of which is *Ex sententiâ Domini Dominorum, sit in Anathemate Ploni filius Ploni, in utraque domo judicii, superiorum, sc. & inferiorum, &c.* where two things evidence, it was accounted a sacred and no civil action doing it immediately in the name and authority of the Lord of Lords; and pronouncing him excommunicate both in heaven and earth. So *R. Elieser* speaking of the excommunication of the Cuthites or Samaritans: *atque anathemate devovebant Cuthæos mysterio nominis Amphorasch, & Scriptura exarata in tabulis, & anathemate domus judicii superioris, atque anathemate curiæ inferioris,* as it is translated by *Gul. Vorstius*, who in his notes upon that book produceth a most dreadful sentence of excommunication used to this day in many Synagogues, which they call *Okerem Col Bo.* from the book whence it is taken, which runs most solemnly in the several names of God, whereby they do *Schamatize*, curse and devote the persons against whom it is pronounced. *Fifthly*, it appears not to be a meerly civil thing instead of civil power, because they use it against those over whom they have no

p. 146.

*Lex Rabbi.
nic. p. 8 28.**Pirk. R.
Elieser
c. 38. p. 10 f.*p. 226. ad.
230.

civil jurisdiction, as appears by their *Schamatizing* the Christians in their Liturgies, as *Buxtorf* observes. *Sixthly*, I argue from the effects of it, because they who lay under it were excluded from publick worship, which is averred by *Buxtorf*, *Coch.* and others in the places forecited. It is acknowledged that he that was only under *Niddui*, might be present at publick worship, but even there he was under his separation too, of four Cubits from any other Israelite.

§. 6.

And hence in probability might the mistake arise, because those under *Niddui* might appear at the Temple or Synagogue; therefore excommunication was no prohibition à *sacris*. But he that was under *Cherem*, *non docet, non docetur, neither teacheth others, nor is taught himself*, saith, *Joh. Cocceius*; and *Buxtorf* of one under *Cherem*, *omnino à cœtu sacro excluditur*, and in this sense *Buxtorf* expressly takes the turning out of the Synagogue, *Joh. 9. 22.*—*12. 42.* which, saith he, is done by *Cherem*. But against this it is strongly pleaded by our Learned Mr. *Selden*, that putting out of the Synagogue is nothing else but excommunicating *קהל סוהקרה* to *separare* from the Congregations, taking *קהל* and *סוהקרה* in the civil and not sacred sense, as it denotes an excluding them from common society; but though it be freely granted that that is sometimes the signification of *קהל* and *סוהקרה* as *Mat. 10. 17.* yet those particulars being considered, which are already laid down, I shall leave it to consideration whether it be more probable to take the word *Synagogue* here in a civil or sacred sense; when the occasion expressed is meerly a matter of doctrine and opinion, and not any thing condemned by their Law. Another thing which hath been I believe a great ground of mistaking, in this matter, is, that excluding from the civil society among them was alwayes consequent upon excommunication; the reason whereof was, because the Church and Common wealth were not distinct among the Jews; and the same persons who took care of sacred, did likewise of civil things (there being no distinct *Sanhedrins* among them as some imagine) but from hence it no wayes follows, but their excommunication might be an exclusion from sacred worship as well as civil society. However, were it as they pretend, that

Ep. institut.
p. 56.

De Syn-
dris. lib. 1.
cap. 7.

it was from civil commerce, yet the whole people of the Jews being *סגולה* Gods peculiar people, and his only Church in being before the times of the Gospel, an exclusion in that respect from the common society of them might deservedly be looked upon as a sacred action, and not meerly Civil, it being a separation from a people whose main ligature was their being a Church of God, or a Community gathered together for Gods worship and service. Thus we see the Church of the Jews had this power among them; and for the Christian Church, the practice of discipline upon offenders was never questioned, though the right hath been; so that from hence we gather, in that it hath been the practice of societies constituted for the worship of God, to call offenders to an account for their offences, and if upon examination they be found guilty, to exclude them their society; that it is a dictate of the Law of nature, that every offender against the Laws of a society must give an account of his actions to the rulers of it, and submit to the censures inflicted on him by them. Thus I am now come to the end of my first stage to shew how far Church Government is founded upon the Law and Light of Nature.

And so to the end of the first Part.



P A R T. II.

C H A P. I.

The other ground of Divine Right considered, viz. Gods positive Laws; which imply a certain knowledg of Gods intention to bind men perpetually. As to which, the arguments drawn from Tradition, and the practice of the Church in after ages, proved invalid by several arguments. In order to a right stating the Question, some concessions laid down. First, that there must be some form of Government in the Church. The notion of a Church explained: whether it belongs only to particular Congregations, which are manifested not to be of Gods primary intention, but for our necessity. Evidence for National Churches under the Gospel. A National Church-Government necessary.

§. 1.



Now come to the second way, whereby any thing comes to be of unalterable Divine Right, which is by the positive Laws of God, which do bind universally to obedience. In the entrance into this discourse, it is necessary to lay down the wayes, whereby we find out a Divine positive Law determining an unalterable obligation: which must be either by exprefs words of Scripture, or by some other certain way, whereby to gather from thence, that it was Gods intention to bind men. For the main thing requisite to make a standing universal positive Law, is Gods declaring his mind, that the thing inquired into, should unalterably bind men to the practice of it. Now whatever doth sufficiently manifest Gods intention, is a *medium* to find out such a Law by, and no-
thing

thing else: But it must be such a manifestation as gives a mans mind sufficient evidence and testimony whereon to build a true, certain, and divine assent to the thing, as revealed: So that whatsoever binds the Conscience as a Law, must first be entertained by the understanding as a matter of faith; not as it imports something meerly *doctrinal* and *dogmatical*, but as it implies the *matter* of a *Divine Revelation*, and the object of an assent upon the credibility of a *Testimony*. For God having the only immediate authority over the consciences of men, nothing can bind immediately the conscience but a Divine Law, neither can any thing bind as such, but what the understanding assents unto, as revealed by God himself. Now the word of God being the only *Codex* and *Digests* of Divine Laws, what ever Law we look for, must either be found there in exprefs terms, or at least so couched therein, that every one by the exercise of his understanding, may by a certain and easy collection, gather the universal obligation of the thing inquired after: In this case then, whatsoever is not immediately founded upon a *Divine Testimony* cannot be made use of as a *Medium* to infer an universally binding Law by: So that all Traditions and historical evidence will be unserviceable to us, when we inquire into Gods intentions in binding mens consciences. Matters of fact, and meer Apostolical practice, may I freely grant, receive much light from the Records of succeeding ages; but they can never give a mans understanding sufficient ground to infer any Divine Law, arising from those facts attested to by the practice or Records of succeeding ages.

For *first*, the foundation and ground of our assent in this case, is not the bare testimony of antiquity; but the assurance which we have, either that their practice did not vary from what was Apostolical, or in their writings, that they could not mistake concerning what they deliver unto us: And therefore those who would infer the necessary obligation of men to any form of Government, because that was practised by the Apostles, and then prove the Apostolical practice from that of the ages succeeding, or from their writings, must first of all prove, that what was done then, was certainly the Apostles practice, and so prove the same thing by its self, or that

that it was impossible they should vary from it, or that they should mistake in judging of it: For here something more is required than a meer matter of fact, in which I confess their nearness to the Apostles times doth give them an advantage above the ages following, to discern what it was; but such a practice is required, as infers an universal obligation upon all places, times, and persons. Therefore these things must be manifested, *that such things were unquestionably the practice of those ages and persons; that their practice was the same with the Apostles; that what they did was not from any prudential motives, but by vertue of a Law which did bind them to that practice.* Which things are easily passed over by the most eager Disputers of the controversie about Church Government, but how necessary they are to be proved before any form of Government be asserted, so necessary, that without it there can be no true Church, any weak understanding may discern.

Secondly, supposing that Apostolical practice be sufficiently attested by the following ages, yet unless it be cleared from Scripture that it was Gods intention that the Apostles actions should continually bind the Church, there can be nothing inferred that doth concern us in point of conscience. I say, that though the matter of fact be evidenced by posterity, yet the obligatory nature of that fact must depend on Scripture: and the Apostles intentions must not be built upon mens bare surmises, nor upon after-practices, especially if different from the constitution of things during the Apostles times. And here those have somewhat whereon to exercise their understandings, who assert an obligation upon men to any form of Government, by vertue of an Apostolical practice, which must of necessity suppose a different state of things from what they were when the Apostles first established Governours over Churches. As how those who were appoined Governours over particular Congregations by the Apostles, come to be by vertue of that ordination, Governours over many Congregations of like nature and extent with that over which they were set: And whether, if it were the Apostles intention that such Governours should be alwayes in the Church, is it not necessary that that intention of theirs be declared by a standing Law, that such there must be; for
here

here matter of fact and practice can be no evidence, when it is supposed to be different from the Constitution of Churches after ward : But of this more hereafter.

Thirdly, supposing any form of Government in its self necessary, and that necessity not determined by a Law in the word of God, the Scripture is thereby apparently argued to be insufficient for its end; for then *deficit in necessariis*; some things are necessary for the Church of God which the Scripture is wholly silent in. I say not, that every thing about Church Government must be written in Scripture; but supposing any one form necessary, it must be there commanded, or the Scripture is an imperfect rule, which contains not all things necessary by way of precept: For there can be no other necessity universal, but either by way of *means to an end*, or by way of *Divine command*: I know none will say that any particular form of Government is necessary absolutely, by way of means to an end; for certainly, supposing no obligation from Scripture, Government by an equality of power in the officers of the Church, or by superiority of one order above another, are indifferent in order to the general ends of Government, and one not more necessary than the other. If any one form then be necessary, it must be by that of command; and if there be a command universally binding, whose footsteps cannot be traced in the word of God, how can the Scriptures be a perfect rule, if it fails in determining binding Laws? So that we must, if we own the Scriptures sufficiency as a binding rule, appeal to that about any thing pleaded as necessary, by virtue of any Divine command, and if such a Law cannot be met with in Scripture, which determines the case in hand one way or other by way of necessary obligation, I have ground to look upon that which is thus left undetermined by Gods positive Laws, to be a matter of Christian liberty; and that neither part is to be looked upon as necessary for the Church of God, as exclusive of the other.

This I suppose is the case, as to particular forms of Government in the Church of God; but that I may not only suppose but prove it: I now come to the stating of the Question, which if ever necessary to be done any where, it is in

the Controversie of Church Government, the most of mens heats in this matter arising from want of right understanding the thing in question between them. In the stating the Question I shall proceed by degrees, and shew how far we acknowledge any thing belonging to Government in the Church to be of an unalterable Divine Right. *First*, that there must be a form of Government in the Church of God, is necessary by vertue, not only of that Law of Nature which provides for the preservation of societies, but likewise by vertue of that Divine Law, which takes care for the Churches preservation in peace and unity. I engage not here in the controversie, whether a particular Congregation be the first *Political* Church or no; it sufficeth for my purpose that there are other Churches besides particular Congregations: I mean, not only the *Catholick* visible Church, which is the *first*, not only in order of consideration, but nature too, as a *totum Integrale* before the *similar parts* of it; but in respect of all other accidental modifications of Churches, from the severall wayes of their combination together. They who define a Church by stated worshipping Congregations, do handsomely beg the thing they desire, by placing that in their definition of a Church, which is the thing in question: which is, whether there be no other Church but such particular Congregations? Which is as if one should go about to prove, that there were no civil societies but in particular Corporations, and to prove it, should give such a definition of civil society, that it is a company of men joyned together in a Corporation, for the preservation of their Rights and Priviledges, under the Governours of such a place. It must be first proved, that no other company of men can be call'd a civil society besides a Corporation: and so that no other society of men joyning together in the profession of the true Religion, can be call'd a Church, but such as joyn in particular Congregations.

§. 4.

To which purpose it is very observable, that particular Congregations are not *de primariâ in emione divînâ*, for if the whole world could joyn together in the publick worship of God, no doubt that would be most properly a Church, but particular Congregations are only accidental, in reference to Gods intention of having a Church, because of the im-

impossibility of all mens joyning together for the convenient distribution of Church-priviledges, and administration of Gospel-ordinances. For it is evident, that the Priviledges and Ordinances, do immediately and primarily belong to the Catholick visible Church, in which Christ to that end hath set officers, as the Apostle clearly expresseth, *1 Corin. 12. 28.* (for how Apostles should be set as officers over particular Congregations, whose Commission extended to the whole World, is, I think, somewhat hard to understand) but for the more convenient participation of Priviledges and Ordinances, particular Congregations are necessary: This will be best illustrated by examples. We read that *Esther 1. 3.* King *Ahasuerus* made a feast for all his Princes and Servants: Doubtless the King did equally respect them all as a body in the feasting of them, and did bestow his entertainment upon them all as considered together; but by reason of the great multitude of them, it was impossible that they should all be feasted together in the same room; and therefore for more convenient participation of the Kings bounty, it was necessary to divide themselves into particular companies, and to associate as many as conveniently could in order to that end. So it is in the Church, Christ in donation of priviledges equally respects the whole Church; but because men cannot all meet together to participate of these priviledges, a more particular distribution was necessary for that end. But a clearer example of this kind we have yet in Scripture, which is *Mark 6. 39.* in our Saviours feeding the multitude with five loaves and two fishes; where we see our Saviours primary intention, was to feed the whole multitude; but for their more convenient partaking of this food, our Saviour commands them to sit down *συμπόσια συμπόσια*, according to the *Hebraism* of ingeminating the words, to note the distribution of them, and therefore the Vul. Lat. renders it *secundum contubernia*, that is *διαμεμέρισθῶς*, as *Camerarius* expounds it, according to so many companies and divisions as might conveniently sit together, as at a table: Where we plainly see this distribution was only accidental, as to Christs primary intention of feeding the multitude, but was only necessary for their own conveniency. Thus the case is evident,

as to the Church of God, it is our necessity and conveniency which makes several congregations of the Catholick visible Church, and not Gods primary intention, when he bestowed such priviledges upon the Church, that it should be understood of particular Congregations.

§. 5.

If then particular congregations be only accidental for our conveniency, it evidently follows that the primary notion of a Church, doth not belong to these; nor that these are the first subject of Government which belongs to a Church as such, and not as crumbled into particular congregations; although the actual exercise of Government be most visible and discernable there; Because the joyning together for participation of Gospel ordinances must be in some particular company or other associated together for that end. Where ever then we find the notion of a Church particular, there must be government in that Church; and why a National society incorporated into one civil Government, joyning in the profession of Christianity, and having a right thereby to participate of Gospel ordinances in the convenient distributions of them in particular congregations, should not be called a Church, I confess I can see no reason. The main thing objected against it, is, that a Church implies an actual joyning together for participation of all Gospel ordinances; but as this, as I said before, is only a begging the Question, so I say now, that actual communion with any particular Congregation is not absolutely necessary to a member of a Church; for supposing one baptized at sea, where no settled Congregation is (nor any more society than that which *Aristotle* calls *συμπλοία*) yet such a one is thereby a member of the Church of God, though not of any Congregation; so likewise a Church then may consist of such as have a right to ordinances, without the inserting their actual participation of them in fixed Congregations. A particular Church then I would describe thus, that it is a *society of men joyning together in the visible profession of the true Faith, having a right to, and enjoying among them the Ordinances of the Gospel.* That a whole Nation professing Christianity, in which the ordinances of the Gospel are duly administered in particular Congregations, is such a society, is plain and evident. A clear instance of such a National constitution

tution of a Church under the Gospel, we have in the Prophecy of the conversion of *Egypt* and *Assyria* in Gospel times. *Isaiab* 19. 19, 21, 24, 25. *We have Egypts professing the true Faith, and enjoying Gospel ordinances, vers. 19, 21.* which according to the prophetic style are set down under the representation of such things as were then in use among the Jews: *by an Altar in the midst of the Land, v. 19.* The Altar noting the true worship of God; and being in the midst of the Land, the universal owning of this worship by all the people of the Land. God owns them for a Church. *v. 25. Whom the Lord of Hosts shall bless, saying, Blessed be Egypt my people.* The very name whereby Israel was called while it was a Church. *עַמִּי Hosea 2. 1.* and when God unchurched them, it was under this name *עַמִּי — לֹא יְהוֹדוּ ye are not my people.* As much then as *Israel* was a Church when God owned it for his people, so should *Egypt* be upon their conversion to the Faith of Christ, which was done upon *Marks* preaching at *Alexandria* not long after the death of Christ.

This then we have now briefly cleared, that a Nation joyning in the profession of Christianity, is a true Church of God; whence it evidently follows, that there must be a form of Ecclesiastical Government over a Nation as a Church, as well as of civil Government over it, as a society governed by the same Laws. Therefore some make this necessary to a National Church, *National union in one Ecclesiastical body in the same community of Ecclesiastical Government.* For every society must have its Government belonging to it as such a society; and the same reason that makes Government necessary in any particular congregation, will make it necessary for all the particular congregations joyning together in one visible society as a particular National Church. For the unity and peace of that Church, ought much more to be looked after than of any one particular Congregation, in as much as the peace of all the particular combinations of men for participation of ordinances doth depend upon, and is comprehended in the peace of the whole. But though I say from hence that some form of publick Government by the subordination of particular assemblies to the Government of the whole body of them is necessary, yet I am far from asserting the necessity of any one form of

§. 6.

Hudson
of the
Church
cap. 1. sect.

3.

that Government, much more, from saying that no National Church can subsist without one National officer, as the High-Priest under the Law, or one National place of worship, as the Temple was. The want of considering of which, *viz.* that National Churches may subsist without that form of them under the Jews, is doubtless the great ground of mens quarrelling against them; but with what reason, let men impartially judge. This then we agree, that some form of Government is necessary in every particular Church, and so that Government in the Church of Divine and unalterable right; and that not only of particular Congregations, but of all societies which may be call'd Churches, whether provincial, or National.

C H A P. II.

The second concession is, That Church government formally Considered, must be administred by officers of Divine appointment. To that end, the continuance of a Gospel-Ministry fully cleared from all those arguments, by which positive Laws are proved immutable. The reason of the appointment of it continues; the dream of a seculum Spiritus Sancti discussed, first broached by the Mendicant Fryers. Its occasion and unreasonableness shewed. Gods declaring the perpetuity of a Gospel Ministry, Matth. 28. 19. explained. A novel interpretation largely refuted. The World to come, what. A Ministry necessary for the Churches continuance, Ephes. 4. 12. explained, and vindicated.

§. I.

SEcondly, That the Government of the Church ought to be administred by officers of Divine appointment, is another thing I will yield to be of Divine Right: but the Church here, I take not in that latitude which I did in the former Concession, but I take it chiefly here for the members of the Church, as distinct from officers, as it is taken in *Acts* 15. 22. So that my meaning is, that there must be a standing perpetual Ministry in the Church of God, whose care and employment must be, to oversee and Govern the people of God, and to administer Gospel-ordinances among them, and this is of

Divine

Divine and perpetual Right. That Officers were appointed by Christ in the Church for these ends at first, is evident from the direct affirmation of Scripture. *God hath set in the Church, first Apostles, secondly Prophets, thirdly Teachers, &c.* 1 *Corinth.* 12. 28. *Eph.* 4. 8, 11. and other places to the same purpose. This being then a thing acknowledged, that they were at first of Divine institution, and so were appointed by a Divine positive Law, which herein determines and restrains the Law of Nature (which doth not prescribe the certain qualifications of the persons to govern this society, nor the instalment, or admission of them into this employment, *viz.* by ordination.) The only inquiry then left, is, whether a standing Gospel-ministry be such a positive Law, as is to remain perpetually in the Church, or no? which I shall make appear by those things which I laid down in the entrance of this Treatise, as to the notes whereby to know when positive Laws are unalterable.

The first was when the same reason of the command continues still; and what reason is there why Christ should appoint officers to rule his Church then, which will not hold now? Did the people of God need Ministers then to be as *Stars* (as they are call'd in Scripture) to lead them unto Christ, and do they not as well need them now? Had people need of *guides* then, when the doctrine of the Gospel was confirmed to them by miracles, and have they not much more now? Must there be some then to oppose gainsayers, and must they have an absolute liberty of prophesying now, when it is foretold what times of seduction the last shall be? Must there be some then to rule over their charge, as they that must give an account, and is not the same required still? Were there some then to reprove, rebuke, exhort, to preach in season, out of season, and is there not the same necessity of these things still? Was it not enough then, that there were so many in all Churches that had extraordinary gifts of tongues, prophesying, praying, interpretation of tongues, but besides those there were some Pastors by office, whose duty it was to give attendance to reading, to be wholly in these things, and now when these extraordinary gifts are ceased, is not there a much greater necessity than there was then, for some to be set apart

§. 2.

Rev. 1. 16.

Heb. 13. 7.
Heb. 2. 3.

Titus 1. 9.
2 Tim. 3. 1.

Heb. 13.
17.

2 Tim. 4. 2.

1 Cor. 14.

1 Tim. 4.
13.

Matth. 28. 18. apart & wholly designed for this work? Were Ordinances only then administred by those whom *Christ commissioned*, and such as derived their authority from them; and what reason is there that men should arrogate and take this employment upon themselves now? If Christ had so pleased, could he not have left it wholly at liberty for all believers to have gone about Preaching the Gospel? or why did he make choice of 12 Apostles chiefly for that work, were it not his will to have some particularly to dispense the Gospel? and if Christ did then separate some for that work, what reason is there why that office should be thrown common now, which Christ himself inclosed by his own appointment?

§. 3.

There can be no possible reason imagined, why a Gospel Ministry should not continue still, unless it be that Fanatick pretence of a *seculum Spiritus Sancti*, a dispensation of the Spirit, which shall evacuate the use of all means of instruction, and the use of all Gospel ordinances; which pretence is not so novel as most imagine it to be; for setting aside the *Montanistical spirit* in the Primitive times, which acted upon principles much of the same nature with these we now speak of; the first rise of this *Ignis fatuus* was from the *bogs* of Popery, viz. from the orders of the *Dominicans* and *Franciscans*, about the middle of the 12. Century. For no sooner did the *Pauperes de Lugduno*, or the *Waldenses* appear, making use of the word of God to confute the whole Army of Popish traditions, but they, finding themselves worsted at every turn while they disputed that ground, found out a *Stratagem* whereby to recover their own credit, and to beat their adversaries quite out of the field. Which was, that the Gospel which they adhered to so much, was now out of date, and instead of that they broached another Gospel out of the writings of the *Abbot Joachim*, and *Cyrils visions*, which they blasphemously named *Evangelium Spiritus Sancti*, *Evangelium Novum*, and *Evangelium Aeternum*, as *Gulielmus de Sancto Amore*, their great Antagonist relates, in his Book *de periculis noviss. temporum*, purposely designed against the Impostures of the Mendicant Friars, who then like Locusts, rose in multitudes with their shaven crowns out of the bottomless pit. This Gospel of the spirit they so much magnified above the

Matthæus
Paris. hist.
Angl. in
Hen. 3.
A. 1257.
p. 939.
Ed. Vatsii.
Cap. 8. apud
Balænum.
App. de vitis
Pontif. p.
480.

the Gospel of Christ, that the same Author relates these words of theirs concerning it; *Quod comparatum ad Evangelium Christi, tanto plus perfectionis ac dignitatis habet, quantum Sol ad Lunam comparatus, aut ad nucleum testa*; that it exceeded it as much as the kernel doth the shell, or the Light of the Sun doth that of the Moon. We see then from what quarter of the world this new light began to rise: but so much for this digression. To the thing it self.

If there be such a dispensation of the spirit, which takes away the use of Ministry and Ordinances, it did either commence from the time of the effusion of the Spirit upon the Apostles, or some time since. Not then; for even of those who had the most large portion of the Spirit poured upon them, we read that they continued in all Gospel-ordinances, *Acts 2. 42.* and among the chief, *ἡ διδασκαλὴ τῶν Ἀποστόλων*, under the Apostles Ministry, it may be better rendred than in the Apostles Doctrine: And which is most observable, the prophecy of *Joel* about the Spirit, is then said to be fulfilled, *Acts 2. 17.* Besides, if either that place of *Joel*, or that of *Jeremy*, cited *Heb. 8. 11.* or the *Uction of the Spirit*, *1 Joh. 2. 20, 27.* did take away the use of preaching, how did the Apostles themselves understand their meaning, when they were so diligent in preaching and instructing others: *John* writes to those to try the Spirits, of whom he saith, they have an unction to know all things; and those to whom the Apostle writes, that they need not teach every one his neighbour; of them he saith, that they had need be taught the first principles of the oracles of God. And even in that very Chapter where he seems to say, they that are under the New Covenant, need not be taught, he brings that very speech in as an argument, that the old dispensation of the Law was done away; And so goes about to teach, when he seems to take away the use of it. These speeches then must not be understood in their absolute and literal sense, but with a reflection upon, and comparison with, the state of things in the times wherein those prophecies were utter'd: For God to heighten the Jews apprehensions of the great blessings of the Gospel, doth let them forth under a kind of Hyperbolical expressions, that the dull capacity of the Jews might at least apprehend the just weight

§. 4

1 Joh 4. 1.
1 Joh. 2.
20.

Heb. 5. 12.

Calvin in
Joel 2. 28.

weight and magnitude of them, which they would not otherwise have done. So in that place of *Jeremy*, God to make them understand how much the knowledge of the Gospel exceeded that under the Law, doth as it were set it down in this Hyperbolical way, that it will exceed it as much, as one that needs no teaching at all, doth one that is yet but in his rudiments of learning. So that the place doth not deny the use of teaching under the Gospel, but because teaching doth commonly suppose ignorance, to shew the great measure of knowledge, he doth it in that way, as though the knowledge should be so great, that men should not need be taught in such a way of rudiments as the Jews were, viz. by Types and Ceremonies, and such things. We see then no such dispensation was in the Apostles times; for the same Apostle after this in Chap. 10. 25. bids them *not to forsake the Assembling themselves together as some did*: Wherefore were these Assemblies, but for instruction? and in the last Chapter, *bids them obey their rulers*. What need rulers, if no need of teaching? But so senseless a dream will be too much honour'd with any longer confutation. In the Apostles times then, there was no such dispensation of the Spirit, which did take away the use of Ministry and Ordinances. If it be expected since their times, I would know whence it appears, that any have a greater measure of the Spirit than was poured out in the Apostles times; for then the Ministry was joyned with the Spirit: and what prophecies are fulfilled now, which were not then? or if they pretend to a doctrine distinct from, and above what the Apostles taught, let them produce their evidences, and work those miracles which may induce men to believe them: Or let them shew what obligation any have to believe pretended new revelations, without a power of miracles, attesting that those revelations come from God? Or whereon men must build their faith, if it be left to the dictates of a pretended spirit of revelation? or what way is left to discern the good spirit from the bad, in its actings upon mens minds, if the word of God be not our rule still? Or how God is said to have spoken *in the last dayes by his Son*, if a further speaking be yet expected? For the Gospel dispensation

Jer. 31. 31.

Heb. 10.

25.

Heb. 13. 7.

Heb. 1. 1.

tion

tion is therefore call'd the Last dayes, because no other is to be expected: Times being differenced in Scripture according to Gods wayes of revealing himself to men. But so much for this.

The second way whereby to know when positive Laws are unalterable, is, when God hath declared that such Laws shall bind still. Two wayes whereby God doth expresse his own will concerning the perpetuity of an office founded on his own institution. *First*, if such things be the work belonging to it, which are of necessary and perpetual use. *Secondly*, if God hath promised to assist them in it perpetually, in the doing of their work. *First*, the objects of the Ministerial office are such things which are of necessary and perpetual use; I mean the administration of Gospel-ordinances, *viz.* the Word and Sacraments, which were appointed by Christ for a perpetual Use. The Word as a means of conversion and edification; the Sacraments, not only as notes of distinction of Professors of the true faith from others, but as Seals to confirm the truth of the Covenant on Gods part towards us, and as instruments to convey the blessings sealed in the Covenant to the hearts of believers. Now the very nature of these things doth imply their perpetuity and continuance in the world, as long as there shall be any Church of God in it. For these things are not *typi rerum futurarum*, only Ceremonies to represent something to come, but they are *symbola rerum invisibilium*, signs to represent to our senses things invisible in their own nature; and between these two there is a great difference, as to the perpetuity of them: For Types of things as to come, must of necessity expire when the thing typified appears; but representation of invisible things cannot expire on that account, because the thing represented as invisible, cannot be supposed to be made visible, and so to evacuate the use of the signs which represent them to us. *Types* represent a thing which is at present invisible, but under the notion of it as future; *Symbols* represent a thing at present invisible, but as present, and therefore *Symbols* are designed by Gods institution for a perpetual help to the weakness of our faith. And therefore the Lords Supper is appointed *to set forth the Lords death, till he come*: whereby the continuance of it in the

p. 5.

1 Cor. 11.
26.

Church of God is necessarily implied. Now then, if these things which are the proper object of the Ministerial function be of a perpetual nature, when these things are declared to be of an abiding nature, it necessarily follows, that that function to which it belongs to administer these things, must be of a perpetual nature.

- §. 6. Especially if we consider in the second place, that Christ hath promised to be with them continually in the administration of these things: For that notwithstanding the dust lately thrown upon it, we have a clear place, *Marth.* 28. 19. *Go teach and baptize, &c. Lo I am with you alwayes to the end of the World.* If *πίους τὸς ἡμέρας*, did not signifie perpetuity, yet certainly the latter words do; for how could Christ be with the Apostles themselves personally to the end of the World? it must be therefore with them, and all that succeed them in the office of teaching and baptizing, to the worlds end: For that I assert to be the meaning of *ἕως τῆς συντελείας τοῦ αἰῶνος*. I insist not barely on the signification of the word *αἰῶν*, either as to its supposed Etymology, or as it answers the Heb. *עולם* knowing how fallible the arguments drawn from thence are, when in the dispute of the eternity of the Law of *Moses* with the Jews, it is confessed that *עולם* relates only to a long continuance of time. But however, I suppose that it will hardly be found in Scripture, that either *αἰῶν* or *עולם* doth barely relate to the time of life of any individual persons, especially if absolutely put as it is here. One great signification of *αἰῶν* in the New Testament (which we are to inquire into, and not how it is used among Greek Authors) is that wherein *αἰῶν* is taken for the world its self, which *Vossius* reckons among the Hebraisms of the N. Test. in which sense the Jews call God *רב העולם* and great persons *גרוי העולם* *Magnates mundi*; in which sense, in the N. Testament, the Devil is call'd *ὁ ἀρχὼν τοῦ αἰῶνος τούτου*, *Joh.* 12. 31. ——— 14. 31. and *ὁ θεὸς τοῦ αἰῶνος τούτου*, *2 Cor.* 4. 4. And so God is said to create *τὸν αἰῶνα*, *the world*, *Heb.* 1. 2. ——— 11. 3. If we take it in this sense, Christs promise must of necessity relate to the dissolution of the fabrick of the world, and that he would be with his servants in the Gospel, till all things be dissolved. Against this it is pleaded, that the *συντέλεια* here:

here relates to the destruction of *Jerusalem*, and that *αἰών* implies the state of things under the Law, which would continue till *Jerusalem* were destroyed, from which time a new *αἰών* would commence. But to this I answer *first*, I absolutely deny that *συντέλεια τῶ αἰών*, doth ever in Scripture relate to the destruction of the Jewish State. This will be best made out by a particular view of the places wherein this phrase occurs. The first time we meet with this phrase is in *Matthew* 13, where we have it thrice. *v. 39.* ὁ ὃ θεισμοδς συντέλεια τῶ αἰώνος βῆτι. Now can any be so senseless, as to imagine that the harvest wherein the Tares shall be gathered, and cast into unquenchable fire, when the Angels are said to be the Reapers, and to gather out of Christs Kingdom every thing that offends, should be attributed to the destruction of *Jerusalem*? and so *v. 40.* and *v. 49.* where the same phrase expresseth the same time, ἔπος ἔσαι ἐν τῇ συντέλειᾳ τῶ αἰών, where the antecedents and consequents fully declare, what the time is there meant, which is the general judgment of the world. The only place pleaded for this sense is *Matth.* 24. 3. where the Disciples inquire of Christ what should be the sign, τῆς σῆς παρουσίας ἢ τῆς συντέλειᾳ τῶ αἰών, where granting, that the former *Christs coming* may respect his coming to alter the present state of things according to the Jews apprehension of the Messias; yet I deny that the latter doth, but it respects the general destruction of the world, consequent upon that alteration: for the Jews not only expect an alteration of the present state of things among them, but a consequent destruction of the world, after the coming of the Messias, according to that speech of theirs cited by Dr. *Lightfoot*, עולם זה חרב אלה ענים *This world shall be destroyed for 1000 years*, and after that עתה לבנה *there should be the state of Eternity*. So that the Disciples, speaking in the sense of the Jews, do not only inquire of the signs of his altering the present state of things among them, but likewise of the destruction of the whole world too. Accordingly it is observable, that throughout that Chapter, our Saviour intermixeth his answers to these 2 Questions. Sometimes speaking in reference to the Jewish State, as it is plain he doth, *verse* 15, 16, and so on; and when he saith, *that*

Horæ hebr. in Matth.
24. 3.
p. 262.

this Generation shall not pass, till all these things be fulfilled, ver. 34. But then it is as evident, that some places must relate to the destruction of the world, as when he saith, of that day and hour knoweth no man, no not the Angels of heaven, but the Father only, v. 36. which will appear more plainly, by comparing it with Mark 13. 32. Where the Son is excluded from knowing that hour too; But how can any say, that the Son did not know the time of the destruction of Jerusalem, which he himself foretold when it should be. And those words heaven and earth shall pass away, v. 35. seem to be our Saviours transition to the answer of the other Question, about the final destruction of all things; however that be, we see no reason at all why $\sigma\upsilon\nu\tau\epsilon\lambda\epsilon\iota\alpha\ \tau\tilde{\omega}\ \alpha\iota\omega\tilde{\nu}\ \Theta$, should only respect the subversion of the Jewish state: but supposing it should, yet there is far less reason why it should be so meant, in the place whose sense we are inquiring into; for if by Christs coming to destroy Jerusalem, the old state and dispensation should be taken away, we must suppose a new state under the Messias to begin from thence. And how rational doth this sound, that Christ should promise his peculiar presence with his own Apostles, whom he employed in erecting the Gospel State, only till the old Jewish State be subverted; but his promise not at all to extend to that time, wherein the State of the Kingdom of the Messias should be set up instead of it: And how could any of the Apostles, for example S. John, who survived the destruction of Jerusalem, expect Christs presence with him, by vertue of this promise, if it extended no further than to the destruction of the Jewish State? Besides, it is a meer groundless fancy, and favours of the Jewish apprehensions of the State of the Messias Kingdom, to imagine that the temporal State of Jerusalem must be first subverted before that $\alpha\iota\omega\tilde{\nu}$ or dispensation of things was at an end. For the Jewish State and dispensation did not lie in the Jewish Polity, but in obligation to the Law of Moses, which expired together with Christ. And so the Gospel State, which is call'd the Kingdom of Heaven, and the Regeneration, began upon Christs Resurrection and Ascension, when he was solemnly (as it were) inaugurated in his Mediatorial Kingdom. And presently after sends down his Vice-Roy upon the day of

Pente-

Pentecost, in the effusion of the Spirit upon the Apostles, making good his Promise of the *Paraclete* to supply his absence: Whereby the Apostles were more signally impowered for the advancing of the Gospel state.

Acts 2. 1.

The αἰὼν then of the Gospel commenceth from Christs resurrection, and to this αἰὼν I am very inclinable to think that our Saviour hath reference in these words, when he saith *he will be with his disciples to the end of that αἰὼν*, if we take it for a state of things, or the Gospel dispensation; that is, as long as the Evangelical Church shall continue: For that in Scripture is sometime called the world to come, and that Phrase among the Jews of *הבן עולמי* the world to come is set to express the time of the Messias; and it may be the Apostle may refer to this, when he speaks of Apostates tasting *δυναμεις τε μελλοντων αιωνων*, that is the force and energy of the Gospel preached; whence the Kingdom of God is said to be not ἐν λόγῳ, but ἐν δυνάμει, not in word, but in power, which is the *δὸς δειξίς πνεύματος καὶ δυνάμεως*, spoken of by the Apostle elsewhere, the powerful demonstration of the spirit accompanying the preaching of the Gospel. When Christ is called by the Prophet *עוֹלָם ה' אבִי* the everlasting Father, the Septuagint renders it by *πατὴρ τοῦ μέλλοντος αἰῶνος*, and so the Vulgar Latin. *Pater futuri saeculi*, the Father of the world to Come: that is, the Gospel State, and to this sense Christ is said to be made an High-Priest, *ἵδ' μελλόντων ἀγαθῶν*, and the Law to be a shadow *ἵδ' μελλόντων ἀγαθῶν*, of good things which should be under the new state of the Gospel. And which is more plain to the purpose, the Apostle expresseth what was come to pass in the dayes of the Gospel, *ἐν τοῖς αἰῶσι τοῖς ἐπιχοιμένοις*, in the Ages to come, where the very word αἰὼν, is used to this sense. And according to this importance of the word αἰὼν some very probably interpret that place of our Saviour concerning the sin against the Holy Ghost, that it should be forgiven *ἕτε ἐν τῷ παρῷ αἰῶνι, ἕτε ἐν τῷ μέλλοντι*, neither in the present state of the Jewish Church, wherein there is no sacrifice of expiation for contumacious sinners, but they that despised Moses Law died without mercy; so neither shall there be any under the World to come, that is the dispensation of Gospel Grace, any pardon proclaimed to any such sinners who trample under foot the

§.7.

Heb. 2. 5.
Lightfoot
H're. Hebr.
in Matth.

12. 32. P.

173.

Heb. 6. 5.

1 Cor. 4.

20.

1 Cor. 2. 4.

Isai. 9. 5.

Heb. 9. 11.

Heb. 10. 1.

Eph. 2. 7.

Matth. 12

32.

D. Reynolds
on Hosia
14. 3.

Heb. 10.

26, 27, 28.

the blood of the Covenant, and offer despite to the spirit of grace. Thus we see how properly the word *αἰών* may agree here to the Gospel state, and so Christs promise of his presence doth imply the perpetuity of that office as long as the Evangelical state shall remain, which will be to the worlds end.

- §. 8. The third thing whereby to know when positive institutions are unalterable, is, when they are necessary to the being, succession, and continuance of the Church of God. Now this yields a further evidence of the perpetuity of officers in the Church of God, seeing the Church its self cannot be preserved without the Government; and there can be no Government without some to rule the members of the Church of God, and to take care for a due administration of Church-priviledges, and to inflict censures upon offenders, which is the power they are invested in by the same authority which was the ground of their institution at first. It is not conceivable how any society, as the Church is, can be preserved without the continuance of Church officers among them. As long as the body of Christ must be edified, there must be some *κατασκευασμένοι εἰς ἔργον διακονίας*, fitted for the work of the Ministry, which is appointed in order to that end; For that I suppose is the Apostles meaning in *Ephes. 4. 12.* *πρὸς τὴν κατασκευασμὸν τοῦ ἁγίου εἰς ἔργον διακονίας, εἰς ὀικοδομὴν τοῦ σώματος τοῦ χριστοῦ* following the *Complutensian* copy, leaving out the comma between *ἁγίου* and *εἰς ἔργον*, which makes as though it were a distinct thing from the former; whereas the Original carries the sense on; for otherwise it should have been *εἰς κατασκευασμὸν τοῦ ἁγίου εἰς ἔργον διακονίας*, &c. and those who follow the ordinary reading, are much at a loss how to explain that *εἰς ἔργον διακονίας* coming in so in the midst without dependance upon the former. Therefore the *vulg. Latin* best renders it *ad consummationem sanctorum ad opus ministerii*, for the completing of the Saints for the work of the ministry in order to the building up of the body of Christ; and to this purpose *Musculus* informs us the *German version* renders it. And so we understand the enumeration in the verse before of *Apostles, Prophets, Evangelists, Pastors and Teachers*, not for the persons themselves, but for the gifts of those persons, the office of *Apostles, Evangelists*

Eph. 4.11.

gelifts, Pastors, &c which is most fuitable to the εδωκε δώματα in the eighth verfe. He gave gifts to men; now thefe gifts, faith he, Chrift gave to men προς καταρτισµὸν ἑ ἀγίων εἰς ἔργον διακονίας, for the fitting the Saints for the work of the Ministry. Not as a late Democratical writer would perfwade us, as though all the Saints were thereby fitted for this work of the Ministry; for that the Apostle excludes by the former enumeration; for are all the Saints fitted for Apostles? are all Prophets, are all Evangelists, are all Pastors and Teachers? as the Apostle himself elsewhere argues. And in the 8. v. of that Chapter he particularly mentions the several gifts qualifying men for several useful employments in the Church of God, the Spirit dividing to every man severally as he will. Therefore it cannot be that all the Saints are hereby fitted for this work, but God hath scattered these gifts among the Saints, that those who have them might be fitted εἰς ἔργον διακονίας, because God would not leave his Church without persons qualified for the service of himself in the work of the Ministry, in order to the building up of the body of Christ. And by the ἑστὶ ἀγίων here may be meant no other than those he speaks of in the Chapter before, when he speaks of the revelation made τοῖς ἀγίοις ἀποστόλοις αὐτῷ καὶ προφήταις, to his holy Apostles and Prophets, and so God gave these gifts for the fitting the Holy Apostles &c. for the work of the Ministry. It cannot be meant of all, so as to destroy a peculiar function of the Ministry; for Gods very giving these gifts to some and not to others, is an evidence that the function is peculiar. For else had the gifts been common to all, every Saint had been an Apostle, every believer a Pastor, and Teacher, and then where had the People been that must have been ruled and governed? So that this very place doth strongly assert both the peculiarity of the function, from the peculiarity of gifts in order to fitting men for it, and the perpetuity of the function from the end of it, the building up of the body of Christ. Thus I have now asserted the perpetual divine right of a Gospel Ministry, not only for teaching the word, but administration of ordinances, and governing the Church as a society: which work belongs to none but such as are appointed for it, who are the same with the dispensers of the word, as appears from the titles of ἡγούμενοι, προεστώτες, ποιμένες,

I Cor. 12.
29, 8, 9, 10,
11.

Eph. 3. 5.

Heb. 13. 7. Governours, Rulers, Pastors, all which necessarily imply a
 17. Governing power, which having been largely proved by o-
 1 Tim. 5. thers, and yielded by me, I pass over.
 17. }
 Eph. 4. 11. _____

CHAP. III.

The Question fully stated. Not what form of Government comes the nearest to the Primitive practice, but whether any be absolutely determined. Several things propounded for resolving the Question. What the form of Church-Government was under the Law. How far Christians are bound to observe that. Neither the necessity of superiority, nor the unlawfulness can be proved thence.

§. 1. **A**ND now I come to the main subject of the present contro-
 versie, which is acknowledging a form of Government
 necessary, and the Governours of the Church perpetual;
 whether the particular form whereby the Church must be
 Governed, be determined by any positive Law of God, which
 unalterably binds all Christians to the observation of it.
 By Church here I mean not a particular Congregation, but
 such a society which comprehends in it many of these lesser
 Congregations united together in one body under a form
 of Government. The forms of Government in controversie,
 the Question being thus stated, are only these two; the par-
 ticular officers of several Churches acting in an equality of
 power, which are commonly called a *Colledge of Presbyters*;
 or a superior order above the standing Ministry, having the
 power of jurisdiction and ordination belonging to it by
 vertue of a divine institution. Which order is by an *Anto-
 nomasia* called *Episcopacy*. The Question now is not which of
 these two doth come the *nearest to Apostolical practice*, and the
 first institution, which hath hitherto been the controversie so
 hotly debated among us; but whether either of these two
 forms be so settled by a *jus divinum*, that is, be so determined by
 a positive Law of God, that all the Churches of Christ are
 bound to observe that one form so determined, without varia-
 tion from it: or whether Christ hath not in the setting of his
 Church

Church (provided there be some form of Government, and a settled Ministry for the exercise of it,) left it to the prudence of every particular Church, consisting of many Congregations, to agree upon its own form which it judgeth most conducing to the end of Government in that particular Church. *Αὐτῶν ἰσότης, αὐτῶν πῶς ἴσθαι.* Here now we fix our selves, and the first thing we do is to agree upon our ways of resolution of this Question, whereby to come to an end of this debate. And the most probable way to come to an issue in it, is to go through all the ways whereon men do fix an unalterable divine right, and to see whether any of these do evince a divine right settled upon a positive Law or no, for one of these forms. The pleas then for such a divine right are these. Either some former Law standing in force under the Gospel, or some plain institution of a new Law by Christ in forming his Church, or the obligatory nature of Apostolical practice, or the General sense of the Primitive Church, to which we shall add by way of Appendix, the Judgment of the chief Divines and Churches since the Reformation; if we go happily through these, we may content our selves with having obtained the thing we aim at.

The first inquiry then is, whether any former Law of God concerning a form of Government for his Church, either by persons acting in an equality of power, or subordination of one order to another, under the Gospel, doth remain in force or no, binding Christians to the observing of it. The Reason why I begin with this, is, because I observe the disputants on both sides make use of the Pattern under the Law to establish their form by. * Those who are for superiority of one order above another in the Government of the Church, derive commonly their first argument from the Pattern under the Law. * Those who are for an equality of power in the persons acting in Government, yet being for a subordination of Courts, they bring their first argument for that, from the Jewish Pattern. So that these latter are bound by their own argument, though used in another case, to be ruled in this Controversie by the Jewish Pattern. For why should it be more obligatory as to subordination of Courts, than as to the superiority of orders? If it holds in one case,

§. 2.

* B. Bilson
Perpet. Govern. cap. 2.
B. Andrews
Form of Government in the old T. B. *uber.* Original of Episc.
* Herl of Indep. p. 4. Apol. Spanhem. omnes.

it must in the other. And if there be such a Law for superiority standing unrepealed, there needs no new Law to inforce it under the Gospel. We shall therefore first inquire what foundation there is for either form in that pattern, and how far the argument drawn from thence is obligatory to us now. For the practice then in the Jewish Church, That there was no universal equality in the Tribe of *Levi* which God singled out from the rest for his own service, is obvious in Scripture. For there we find *Priests* above the *Levites*; the family of *Aaron* being chosen out from the other families of *Cobath* (one of the three Sons of *Levi*) to be employed in a nearer attendance upon Gods service than any of the other Families. And it must be acknowledged, that among both *Priests* and *Levites* there was a superiority; For God placed *Eleazar* over the *Priests*, *Elizaphan* over the *Cobathites*, *Eliasaph* over the *Gershonites*; *Zuriel* over the *Merarites*, and these are called *נְשִׂיָאִים* the rulers over their several Families; for it is said of every one of them *וְנִשְׂיָאִים בְּיַת אָבִי* he was the ruler over the house of his Father. Neither were these equal; for over *Eliasaph* and *Zuriel* God placed *Ithamar*, over *Elizaphan* and his own Family God set *Eleazar*, who by reason of his authority over all the rest, is called *נֹשֵׂאֵי נְשִׂיָאִים* the Ruler of the rulers of *Levi*; and besides these there were under these rulers *רִאשֵׁי אֲבוֹת* the chief Fathers of the several distinct families, as they are called *Exodus 6. 25*. Thus we briefly see the subordination that there was in the tribe of *Levi*; the *Levites* first, over them the heads of the Families, over them the Rulers of the chief of the heads, over them *Ithamar*, over both *Priests* and *Levites*, *Eleazar*; Over all, *Aaron* the High Priest.

§. 3. There being then so manifest an inequality among them, proceed we to shew how obligatory this is under the Gospel. For that end it will be necessary to consider whether this imparity and superiority were peculiarly appointed by God for the Ecclesiastical Government of the Tribe of *Levi*, as it consisted of persons to be employed in the service of God, or it was only such an inequality and superiority as was in any other Tribe. If only common with other Tribes, nothing

nothing can be inferred from thence peculiar to Ecclesiastical Government under the Gospel, any more than from the Government of other Tribes to the same kind of Government in all civil States. We must then take notice that *Levi* was a particular distinct Tribe of its self, and so not in subordination to any other Tribe; for they had *the heads of their Fathers as well as others*, *Exodus 6. 25.* and although when they were settled in *Canaan*, their habitations were intermixt with other Tribes in their *forty eight Cities*, yet they were not under the Government of those Tribes among whom they lived, but preserved their authority and Government entire among themselves. And therefore it was necessary there should be the same form of Government among them, which there was among the rest. The whole body of the Nation then was divided into *thirteen Tribes*; these Tribes into their *several families*; some say *seventy*, which they called *משפחה*, these families were divided into so many households *בתי* their households into persons *נבדים* over the several persons were the several Masters of Families; over the several households were the Captains of 1000 and 100, 50 ——— 10. Over the Families, I suppose, were the heads of the Fathers. And over the thirteen Tribes were the *ראשי אבות המטות* *the chief Fathers of the Tribes of the Children of Israel*, *Numb. 32. 28.* and we have the names of them set down, *Numb. 34. 17. &c.* So that hitherto we find nothing peculiar to this tribe, nor proper to it as employed in the service of God. For their several Families had their several heads, and *Eleazar* over them as chief of the Tribe. And so we find throughout *Numbers 2.* all the heads of the several Tribes are named and appointed by God as *Eleazar* was.

The only things then which seem proper to this Tribe were, the superiority of the Priests over the Levites in the service of God, and the supereminent power of the High Priest, as the type of Christ. So that nothing can be inferred from the order under the Law to that under the Gospel, but from one of these two. And from the *first*, there can be nothing deduced but this, that as there was a superiority of offices under the Law, so likewise should there be under the Gospel, which is granted by all in the superiority of *Priests* over *Dea-*

§ 4.

cons, to whom these two answer in the Church of God, in the judgment of those who contend for a higher order by divine institution above Presbyters. And withal we must consider that there was under that order no power of jurisdiction invested in the Priests over the Levites, but that was in the heads of the families; and ordination there could not be, because their office descended by succession in their several families. Those who would argue from *Aaron's* power, must either bring too little, or too much from thence; *Too little*, if we consider his office was typical and ceremonial, and as High-Priest had more immediate respect to God than men, *Heb. 5. 1.* and therefore *Eleazar* was appointed over the several Families during *Aaron's* life time, and under *Eleazar's* his son *Phinehas*. *Too much*, if a necessity be urged for the continuance of the same authority in the Church of God, which is the argument of the Papists deriving the Popes Supremacy from thence. Which was acutely done by Pope *Innocentius the third*, the Father of the *Lateran Council*, who proved that the Pope may exercise temporal jurisdiction from that place in *Deuteronomy 17. 8.* and that by this reason, because *Deuteronomy* did imply the second Law, and therefore what was there written, in *Novo Testamento debet observari*, must be observed under the Gospel, which according to them is a new Law.

- §. 5. All that can be inferred then from the Jewish pattern, cannot amount to any obligation upon Christians, it being at the best but a judicial Law, and therefore binds us not up as a positive Law; but only declares the equity of the thing in use then. I conclude then, that the Jewish pattern is no standing Law for Church-Government now either in its common or peculiar form of Government; but because there was some superiority of order then, and subordination of some persons to others under that government, that such a superiority and subordination is no ways unlawful under the Gospel; for that would destroy the equity of the Law. And though the form of Government was the same with that of other Tribes, yet we see God did not bind them to an equality, because they were for his immediate service, but continued the same way as in other Tribes; thence I infer, that

that as there is **no** necessary obligation upon Christians to continue that form under the Jews, because their Laws do not bind us now; so neither is there any repugnancy to this Law in such a subordination, but it is very agreeable with the equity of it, being instituted for peace and order, and therefore ought not to be condemned for Antichristian. The Jewish pattern then of Government neither makes equality unlawful, because their Laws do not oblige now; nor doth it make superiority unlawful; because it was practised then. So that notwithstanding the Jewish pattern, the Church of Christ is left to its own liberty for the choice of its form of Government, whether by an equality of power in some persons, or superiority and subordination of one order to another.

CHAP. IV.

Whether Christ hath determined the form of Government by any positive Laws. Arguments of the necessity why Christ must determine it, largely answered; as First, Christs faithfulness compared with Moses, answered, and retorted; and proved, that Christ did not institute any form of Church-Government, because no such Law for it as Moses gave; and we have nothing but general rules, which are applyable to several forms of Government. The Office of Timothy and Titus, what it proves in order to this question: The lawfulness of Episcopacy shewn thence, but not the necessity. A particular form; how far necessary, as Christ was the Governour of his Church; the similitudes the Church is set out by, prove not the thing in question. Nor the difference of civil and Church-Government; nor Christs setting officers in his Church; nor the inconvenience of the Churches power in appointing new officers. Every Minister hath a power respecting the Church in common, which the Church may restrain. Episcopacy thence proved lawful; the argument from the Scriptures perfection answered.

WE come then from the Type to the *Antitype*, from the rod of Aaron to the root of Jesse, from the Pattern of the Jewish

Jewish Church, to the *Founder* of the Christian: To see whether our Lord and Saviour hath determined this controversy, or any one form of Government for his Church, by any universally binding act or Law of his. And here it is pleaded more hotly by many that *Christ must do it*, then that *he hath done it*. And therefore I shall first examine the pretences of the necessity of Christs determining the particular form; and then the arguments that are brought that he hath done it. The main pleas that there must be a perfect form of Church-Government laid down by Christ for the Church of God, are from the comparison of Christ with Moses, from the equal necessity of forms of Government now, which there is for other societies, from the perfection and sufficiency of the Scriptures; all other arguments are reducible to these three heads. Of these in their order.

Heb. 1. 2,
5, 6.

Arg. 1.

First, From the comparison of Christ with Moses, they argue thus; *If Moses was faithful in his house as a servant, much more Christ as a son; now Moses appointed a particular form of Government for the Church under the Old Testament, therefore Christ did certainly lay down a form of Church-Government for the New Testament.*

Ans. 1.

To this I answer, First: Faithfulness implies the discharge of a trust reposed in one by another: so that it is said *vers. 2. he was faithful to him that appointed him*: Christs faithfulness then lay in discharging the work which his Father laid upon him, which was the work of mediation between God and us; and therefore the comparison is here instituted between *Moses* as typical *Mediator*, and Christ as the true *Mediator*; that as *Moses* was faithful in his work, so was Christ in his. Now *Moses* his faithfulness lay in keeping close to the Pattern received in the Mount, that is, observing the commands of God: Now therefore if Christs being faithful in his office, doth imply the settling any one form of Government in the Church, it must be made appear that the settling of this form was part of Christs Mediatory work, and that which the Father commanded him to do as Mediator; and that Christ received such a form from the Father for the Christian Church, as *Moses* did for the Jewish. To this it is said, that the *Government is laid upon Christs shoulders, and all power*

powers is in his hands; and therefore it belongs to him as Mediator. Christ I grant is the King of the Church, and doth govern it outwardly by his Laws, and inwardly by the conduct of his spirit: but shall we say that therefore any one form of government is necessary, which is neither contained in his Laws, nor dictated by his spirit? the main original of mistakes here, is, the confounding the *external* and *internal* Government of the Church of Christ, and thence whensoever men read of Christs power, authority and government, they fancies it refers to the outward Government of the Church of God, which is intended of his internal mediatory power over the hearts and consciences of men. But with all I acknowledge, that Christ for the better Government of his Church and people, hath appointed officers in his Church, invested them by vertue of his own power with an authority to preach and baptize, and administer all Gospel ordinances in his own name, *that is by his authority*; for it is clearly made known to us in the word of God, that Christ hath appointed these things. But then, whether any shall succeed the Apostles in superiority of power over Presbyters, or all remain governing the Church in an equality of power, is nowhere determined by the will of Christ in Scripture, which contains his Royal Law: and therefore we have no reason to look upon it as any thing flowing from the power and authority of Christ as mediator; and so not necessarily binding Christians:

Isa. 9. 6.
Mat. 28.

18.

Mat. 28.
18. 19.

Secondly I answer, If the correspondency between Christ and *Moses* in their work, doth imply an equal exactness in Christs disposing of every thing in his Church, as *Moses* did among the Jews; then the Church of Christ must be equally bound to all circumstances of worship as the Jews, were. For there was nothing appertaining in the least to the worship of God, but was fully set down even to the pins of the Tabernacle in the Law of *Moses*; but we find no such thing in the Gospel. The main duties and ordinances are prescribed indeed, but their circumstances and manner of performance are left as matters of Christian liberty, and only couched under some general rules: which is a great difference between the legal and Gospel state. Under the Law all ceremonies and circumstances are exactly prescribed: but in the

§. 2.

Gospel we read of some general rules of direction for Christians carriage in all circumstantial things. These four especially contain all the directions of Scripture concerning circumstantials. *All things to be done decently and in order; all to be done for edification. Give no offence. Do all to the glory of God.* So that the particular circumstances are left to Christian liberty with the observation of general rules. It is evident as to baptism and the Lords Supper, which are unquestionably of divine institution, yet as to the circumstances of the administration of them, how much less circumstantial is Christ than *Moses* was! as to circumcision and the passover under the Law, the age, time, persons, manner, place, form, all fully set down; but nothing so under the Gospel: whether baptism shall be administred to infants or no, is not set down in express words, but left to be gathered by Analogy and consequences; what manner it shall be administred in, whether by dipping or sprinkling, is not absolutely determined; what form of words to be used, whether in the name of all three persons, or sometimes in the name of Christ only, as in the Acts we read (if that be the sense, and not rather in Christs name, *i. e.* by Christs authority) Whether sprinkling or dipping shall be thrice as some Churches use it, or only once as others. These things we see relating to an ordinance of divine institution, are yet past over without any express command determining either way in Scripture. So as to the Lords Supper; what persons to be admitted to it, whether all visible professors, or only sincere Christians: upon what terms, whether by previous examination of Church officers, by an open profession of their faith, or else only by their own tryal of themselves, required of them as their duty by their Ministers; whether it should be always after supper as Christ himself did it; whether taking fasting or after meat, whether kneeling, or sitting, or leaning? whether to be consecrated in one form of words or several? These things are not thought fit to be determined by any positive command of Christ, but left to the exercise of Christian liberty; the like is as to preaching the word, publick prayer, singing of Psalms; the duties are required, but the particular modes are left undetermined. The case is the same as to Church Government. That the

Church

1 Cor. 14.

40.

1 Cor. 14.

26.

1 Cor. 10.

32.

1 Cor. 10.

31.

Rom. 14.

6.

7.

Acts. 2.38.

8.12.19. 5.

Church be governed, and that it be governed by its proper officers, are things of divine appointment : but whether the Church should be governed by many joyning together in an equality, or by subordination of some persons to others, is left to the same liberty which all other circumstances are, this being not the substance of the thing its self, but only the manner of performance of it.

3. I answer. That there is a manifest disparity between the Gospel and Jewish state : and therefore reasons may be given why all punctilioes were determined then which are not now : as.

§. 3.

1. The perfection and liberty of the Gospel state above the Jewish. The Law was only as a Pedagogy, the Church then in her infancy and nonage, and therefore wanted the *Fescues* of Ceremonies to direct her, and every part of her lesson set her, to bring her by degrees to skill and exactness in her understanding the mystery of the things represented to her. But must the Church now grown up under Christ be still *sub ferulâ*, and not dare to vary in any circumstance, which doth not concern the thing it self! A boy at school hath his lesson set him, and the manner of learning it prescribed him in every mode and circumstance. But at the University hath his Lectures read him, and his work set, and general directions given, but he is left to his own liberty how to perform his work, and what manner to use in the doing of it. So it was with the Church under age: every mode and circumstance was determined; but when the fulness of time was come, the Church being then grown up, the main offices themselves were appointed, and general directions given; but a liberty left how to apply and make use of them, as to every particular case and occasion. Things moral remain still in their full force, but circumstantials are left more at liberty by the Gospel liberty: as a son that is taught by his Father, while he is under his instruction, must observe every particular direction for him in his learning: but when he comes to age, though he observes not those things as formerly, yet his son-ship continues, and he must obey his Father as a Child still, though not in the same manner. The similitude is the Apostles, *Galat. 4. 1, 2, 3, 4, 5, 10.* which

he there largely amplifies to this very purpose of freeing Christians from Judaical ceremonies.

2. The form of Government among the Jews in the Tribe of *Levi*, was agreeable to the form of Government among the other tribes; and so *Moses* was not more exact in reference to that, than to any other; and those persons in that Tribe who were the chief before the institution of the Aarónical Priest hood, were so after; but now under the Gospel, people are not under the same restrictions for civil government by a Judicial Law, as they were then. For the form of Ecclesiastical Government then took place among them as one of their Judicial Laws; And therefore if the argument hold, Christ must as well prescribe a form for civil government as Ecclesiastical, if Christ in the Gospel must by his faithfulness follow the pattern of *Moses*. But if Christ be not bound to follow *Moses* Pattern as to Judicial Law for his Church and people, neither is he as to a form of Ecclesiastical Government, because that was a part of their civil and Judicial Law.

3. The people of the Jews was a whole and entire people, subsisting by themselves when one set form of Government was prescribed them; but it is otherwise now under the Gospel. The Church of Christ was but forming in Christs own time, nor the Apostles, in whose time we read of but some Cities and no whole Nations converted to the Faith; and therefore the same form of Government would not serve a Church in its first constitution, which is necessary for it when it is actually formed. A Pastor and Deacons might serve the Church of a City while believers were few, but cannot when they are increased into many Congregations. And so proportionably when the Church is enlarged to a whole Nation, there must be another form of Government then. Therefore they who call for a National Church under the Gospel, let them first shew a Nation converted to the faith, and we will undertake to shew the other. And this is the chief reason why the Churches Polity is so little described in the New Testament, because it was only growing then: and it doth not stand to reason, that the coat which was cut out for one in his infancy, must of necessity serve him when grown.

grown a man; which is the argument of those who will have nothing observed in the Church, but what is expressed in Scripture. The Apostles looked at the present state of a Church in appointing officers, and ordered things according to the circumstances of them, which was necessary to be done in the founding of a Church; and the reason of Apostolical practice binds still, though not the individual action, that as they regulated Churches for the best conveniency of Governing them, so should the Pastors of Churches now. But of this largely afterwards.

4. Another difference is, that the people of the Jews lived all under one Civil Government; but it is otherwise with Christians who live under different forms of Civil Government. And then by the same reason, that in the first institution of their Ecclesiastical Government it was formed according to the Civil; by the same reason must Christians do under the Gospel, if the argument holds that Christ must be faithful as *Moses* was. And then because Christians do live under several and distinct forms of Civil Government, they must be bound by the Law of Christ, to contemperate the Government of the Church to that of the State. And what they have gained by this for their cause, who assert the necessity of any one form from this argument, I see not; but on the contrary this is evident, that they have evidently destroyed their own principle by it. For if *Moses* did prescribe a form of Government for *Levi* agreeable to the form of the Commonwealth, and Christ be as faithful as *Moses* was, then Christ must likewise order the Government of Christian Churches according to that of the State, and so must have different forms as the other hath. Thus much will serve abundantly to shew the weakness of the argument drawn from the agreement of Christ and *Moses*, for the proving any one form of Government necessary; but this shall not suffice. I now shall *ex abundanti* from the answers to this argument, lay down several arguments that Christ did never intend to institute any one form of Government in his Church.

1. What ever binds the Church of God as an institution of Christ, must bind as an universal standing Law; but one form of Government in the Church cannot bind it as a standing

Law. For whatever binds as a standing Law, must either be expressed in direct terms as such a Law; or deduced by a necessary consequence from his Laws, as of an universally binding nature; but any one particular form of Government in the Church, is neither expressed in any direct terms by Christ, nor can be deduced by just consequence; therefore no such form of Government is instituted by Christ. If there be any such Law, it must be produced, whereby it is determined in Scripture, either that there must be superiority or equality among Church Officers as such after the Apostles decease.

“ And though the Negative of a Fact holds not, yet the Negative of a Law doth, else no superstition. I have not yet met with any such produced, and therefore shall see what consequences can be made of a binding nature. To this I say, that no consequences can be deduced to make an institution, but only to apply one to particular cases: because positives are in themselves indifferent without institution and Divine appointment; and therefore that must be directly brought for the making a Positive universally binding, which it doth not in its own nature do. Now here must be an institution of something meerly positive supposed, which in its self is of an indifferent nature; and therefore no consequence drawn can suffice to make it unalterably binding, without express declaration that such a thing shall so bind: for what is not in its own nature moral, binds only by vertue of a command, which command must be made known by the will of Christ, so that we may understand its obligatory nature. So that both a consequence must be necessarily drawn, and the obligation of what shall be so drawn must be expressed in Scripture: which I despair of ever finding in reference to any one form of Government in the Church.

2. If the standing Laws for Church Government be equally applyable to several distinct forms, then no one form is prescribed in Scripture; but all the standing Laws respecting Church Government, are equally applyable to several forms. All the Laws occurring in Scripture respecting Church Government, may be referred to these three heads. Such as set down the *Qualifications of the persons for the office of Government, such as require a right management of their office, and*
such

such as lay down rules for the management of their office. Now all these are equally applicable to either of these two forms we now discourse of. We begin then with those which set down the qualifications of the persons employed in Government; those we have largely and fully set down by St. Paul in his *Ordo* to *Timothy* and *Titus*, prescribing what manner of persons those should be who are to be employed in the Government of the Church. *A Bishop must be blameless as the Steward of God not self willed, not soon angry, not given to Wine, no striker, &c.* All these and the rest of the Qualifications mentioned, are equally required as necessary in a Bishop, whether taken for one of a superior order above Presbyters, or else only for a single Presbyter; how ever that be, if he hath a hand in Church Government, he must be such a one as the Apostle prescribes; And so these commands to *Timothy* and *Titus* given by *Paul*, do equally respect and concern them, whether we consider them as Evangelists acting by an extraordinary commission, or as fixed Pastors over all the Churches in their several precincts; so that from the commands themselves nothing can be inferred either way to determine the Question; only one place is pleaded for the perpetuity of the office *Timothy* was employed in, which must now be examined: the place is *1 Tim. 6. 13, 14. I give thee charge in the sight of God, &c. that thou keep this commandment without spot, unrebukeable, until the appearing of our Lord Jesus Christ.* From hence it is argued thus: The commandment here was the charge which *Timothy* had of Governing the Church; this *Timothy* could not keep personally till Christs second coming; therefore there must be a succession of Officers in the same kind till the second coming of Christ. But this is easily answered. For first, It is no wayes certain what this command was which *St. Paul* speaks of; some understand it of fighting the good fight of Faith, others of the precept of love, others most probably the sum of all contained in this Epistle, which I confess implies in it (as being one great part of the Epistle) *Pauls* direction of *Timothy* for the right discharge of his office; but granting that the command respects *Timothys* office, yet I answer, *secondly*, It manifestly appears to be something *personal*, and not *successive*, or at least nothing can be infer'd

1 Tim. 3. 1.
to the 8.
Titus 1. 5.
to the 10.

for

for the necessity of such a succession from this place which it was brought for: Nothing being more evident than that this command related to *Timothys* personal observance of it. And therefore *thiraly*, Christs appearing here, is not meant of his second coming to judgment, but it only imports the time of *Timothys* decease; so *Chrysoftom* μέχει τ' οἷς τελευτῆς, μέχει τῆς ἐξόδου. So *Estius* understands it, usque ad exitum vitæ; and for that end brings that speech of *Augustine*, Tunc unicuique veniet dies adventus Domini, cum venerit ei dies, ut talis hinc exeat, qualis judicandus est illo die. And the reason why the time of his death is set out by the coming of Christ, is ἵνα μάλλον αὐτὸν διεγείρη, as *Chrysoftom*, and from him *Theophylact* observes; to incite him more, both to diligence in his work and patience under sufferings, from the consideration of Christs appearance. The plain meaning of the words then is the same with that, *Revel. 2. 10.* Be thou faithful unto death, and I will give thee a Crown of life. Nothing then can be hence inferred as to the necessary succession of some in *Timothys* office, whatever it is supposed to be.

§. 5.

Secondly, the precepts of the Gospel requiring a right management of the work, are equally applyable to either form.

- Acts 20. 28.* Taking heed to the flock over which God hath made them overseers; is equally a duty, whether by flock we understand either the particular Church of *Ephesus*, or the adjacent Churches of *Asia*; whether by Overseers we understand some acting over others, or all joyning together in an equality. So
- 2 Tim. 4. 2.* exhorting, reproving, preaching in season and out of season, doing all things ἀνευ βρονχέματος, without rash censures and partiality; watching over the flock as they that must give an account: Laying hands suddenly on no man: rebuking not an elder, but under two or three witnesses. And whatever precepts of this nature we read in the Epistles to *Timothy* and *Titus*, may be equally applyable to men acting in either of these two forms of Government: There being no precept occurring in all those Epistles prescribing to *Timothy*, whether he must act only as a Consul in Senatu with the consent of the Presbytery, or whether by his sole power he should determine what was the common interest, and concern of those Churches he was the Superintendent over. Neither doth the

the

the Apostle determine at all in those Epistles chiefly concerning Church Government, whether upon the removal of *Timothy* or *Titus* thence as Evangelists, as some pretend, or upon their death as fixed Pastors and Bishops, as others, any should succeed them in the power they enjoyed, or no: nor in what manner the Pastors of the several Churches should order things of common concernment. Which would seem to be a strange omission, were either of these two forms so necessary, taken exclusively of the other, as both parties seem to affirm. For we cannot conceive but if the being and right constitution of a Church did depend upon the manner of the Governours acting in it, but that care which *Paul* had over all the Churches, would have prompted him (especially being assisted and guided by an infallible spirit in the penning those Epistles) to have laid down some certain rules for the acting of the Pastors of the Churches after the departure of *Timothy* and *Titus*. Considering especially that the Epistles then written by him, were to be of standing perpetual use in the Church of God; and by which the Churches in after ages were to be guided as well as those that were then in being. The Apostle in both Epistles takes care for a succession of Pastors in those Churches: *Timothy* is charged to *commit the things that he had heard of Paul to faithful men, who shall be fit to teach others*. Had it not been as requisite to have charged him to have committed his power of Government to men fit for that, had the Apostle looked on the form of Government to be as necessary as the office of preaching? *Paul* saith he, left *Titus* in *Crete* on purpose to settle the Churches and ordain Presbyters in every City: had it not been as necessary to have shewed in what order the Churches must be settled, and what power did belong to those Presbyters, and how they should act in the governing their Churches, had he thought the constitution of the Churches did depend upon the form of their acting? We see here then that *St. Paul* doth not express any thing necessarily inferring any one constant form to be used in the Church of God. And whence can we infer any necessity of it, but from the scriptures laying it down as a duty that such a form and no other there must be used in the Church of God? For all that we can see then by *Pauls* direction for Church-

2 Tim. 2. 2.

Titus 1. 5.

Government, (when if ever, this should have been expressed.) it was left to the Christian wisdom and prudence of the Churches of *Ephesus* and *Creet* to consult and determine in what manner the Government of their Churches should be provided for, upon the departure of *Timothy* and *Titus* from them.

§. 6.

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But here it will be soon replied, that though nothing be expressed in *Pauls* Epistles to *Timothy* and *Titus*, yet *Pauls* appointing *Timothy* and *Titus* over those Churches, did determine the form of Government, and they were intrusted with a power to provide for future Governours after them.

To this I answer: *First*, the superiority which *Timothy* and *Titus* had over those Churches, doth not prove that form of Government necessary in all Churches; I dispute not whether they were *Evangelists* or no, or acted as such in that superiority (of that afterwards) it is evident they might be so; there being no convincing argument to the contrary. And the bare possibility of the truth of the negative destroys the necessity of the Affirmative of a Proposition. As, *si possibile est hominem non esse animal*, then that proposition is false *Necesse est hominem esse animal*. For *Necesse est esse*, and *Non possibile est non esse*, being *equipollents* on the one side; and *Possibile est non esse*, *Et non necesse est esse*, being *equipollents* on the other; *Possibile est non esse* must be contradictory to *necesse est esse*, as *Non possibile est non esse* is to *Non necesse est esse*. So that if only the possibility of their acting as *Evangelists*, that is; by an extraordinary commission, be evicted, which I know none will deny, the necessity of their acting as fixed Bishops is destroyed, and consequently the necessity of the continuance of their office too, which depends upon the former. For if they acted not as Bishops, nothing can be drawn from their example necessarily enforcing the continuance of the Superiority which they enjoyed. But though nothing can be inferred from hence as to the necessity of that office to continue in the Church, which *Timothy* and *Titus* were invested in; yet from the superiority of that power which they enjoyed over those Churches, whether as *Evangelists*, or as fixed Bishops, These two things may be inferred. *First*, That the superiority of some Church officers over others is

not contrary to the rule of the Gospel: for all parties acknowledge the superiority of their power above the Presbyters of the several Cities; only the continuance of this power is disputed by many. But if they had any such power at all, it is enough for my present design, *viz.* that such a superiority is not contrary to the Gospel rule: or that the nature of the Government of the Church doth not imply a necessary equality among the Governours of it. *Secondly*, Hence I infer that it is not repugnant to the constitution of Churches in Apostolical times, for men to have power over more than one particular congregation. For such a power *Timothy* and *Titus* had; which had it been contrary to the nature of the regiment of Churches, we should never have read of in the first planted Churches. So that if those popular arguments of a necessary relation between a Pastor and particular people, of personal knowledge, care and inspection, did destroy the lawfulness of extending that care and charge to many particular congregations, they would likewise overthrow the nature, end and design of the office which *Timothy* and *Titus* acted in: which had a relation to a multitude of particular and congregational Churches. Whether their power was extraordinary or no, I now dispute not; but whether such a power be repugnant to the Gospel or no; which from their practice is evident that it is not. But then others who would make this office necessary, urge further, that *Timothy* or *Titus* might ordain and appoint others to succeed them in their places and care over all those Churches under their charge. To which I answer first, What they might do is not the question, but what they did; as they might do it, so they might not do it, if no other evidence be brought to prove it; for *Quod possibile est esse, possibile est non esse*. *Secondly*, Neither what they did, is the whole question, but what they did with an opinion of the necessity of doing it, whether they were bound to do it or no? and if so, whether by any Law extant in Scripture and given them by *Paul* in his Epistles, or some private command and particular instructions when he deputed them to their several charges: If the former, that Law and command must be produced, which will hardly be, if we embrace only the received Canon of the Scripture. If the latter, we must

then fetch some standing rule and Law from unwritten traditions: for no other evidence can be given of the Instructions by word of mouth given by *Paul* to *Timothy* and *Titus* at the taking their charges upon them. But yet *Thirdly*, were it only the matter of fact that was disputed, that would hold a controversy still, *viz.* whether any did succeed *Timothy* and *Titus* in their offices. But this I shall leave to its proper place to be discussed, when I come to examine the argument from Apostolical succession. Thus we see then that neither the qualification of the persons, nor the commands for a right exercise of the office committed to them, nor the whole Epistles to *Timothy* or *Titus*, do determine any one form of Government to be necessary in the Church of God.

§. 7. *Thirdly*, Let us see whether the general rules do require any one form; which rules in that they are general, can determine nothing of the authority it self as to its particular mode, being intended only for the regulation of the exercise of the authority in which men are placed. And it is an evidence that nothing is particularly determined in this case, when the Spirit of God lays down such rules for Government which are applyable to distinct forms. Otherwise certainly some rule would have been laid down, which could have been applyed to nothing but to that one form. *That none take the office of preaching without a call, nor go without sending*, will equally hold whether the power of ordination lie in a Bishop with Presbyters, or in presbyters acting with equality of power. *That offenders be censured, and complaints made to the Church in case of scandal*, determines nothing to whom the power of jurisdiction doth solely belong, nor what that Church is which must receive these complaints. *That all things be done with decency and order*, doth prescribe nothing wherein that decency lies, nor how far that order may extend; nor yet who must be the Judges of that decency and order. *That all be done for edification, and the common benefit of the Church*, doth no wayes restrain the Churches freedom in disposing of its self as to the form of its government; so the aim of the Church be for the better edification of the body of the Church, and to promote the benefit of it. But
methinks,

Heb. 5. 2.

Rom. 10.

14.

methinks, these general orders and rules for discipline do imply the particular manner of government to be left at liberty to the Church of God, so that in all the several forms these general rules be observed. Whereas had Christ appointed a superiour order to govern other subordinate officers and the Church together; Christs command for governing the Church would have been particularly addressed to them: and again, had it been the will of Christ there should be no superior order above the Pastors of particular Churches, there would have been some express and direct prohibition of it; which because we no where read, it seems evident that Christ hath left both the one and the other to the freedom and liberty of his Church. So much shall serve in this place to shew how improbable it is that Christ did ever prescribe any one form of Government in his Church, since he hath only laid down general rules for the management of Church-Government.

But this will not yet suffice those who plead that Christ must determine one immutable form of Government in his Church: but although it be a high presumption to determine first what Christ must do, before we examine what he hath done, yet we shall still proceed and examine all the pretences that are brought for this opinion. The next thing then which is generally urged for it, *is the equal necessity of Christs instituting a certain form as for any other Legislator who models a Common wealth.* Now for answer to this, I say, *first*, that Christ hath instituted such an immutable government in his Church as is sufficient for the succession and continuance of it; which is all which founders of Common-wealths do look after, *viz.* that there be such an order and distinction of persons, and subordination of one to the other, that a society may still be preserved among them; now this is sufficiently provided for by Christ appointing officers continually to rule his Church, and establishing Laws for the perpetuating of such officers; so whatsoever is necessary in order to the general ends of Government, is acknowledged to be appointed by Jesus Christ. Until then that it be proved that one form of Government is in it self absolutely necessary for the being of a Church, this argument can prove nothing; for what is drawn from ne-

§ 8.

cessity, will prove nothing but in a case of necessity. *Secondly*, I answer that those things which are not absolutely necessary to the being of a Church, are left to Christs liberty, whether he will determine them or no; and are no further to be looked on as necessary than as he hath determined by his Laws whether they shall be or no in his Church. The thing will be thus cleared; When I read that *Zaleucus*, *Lycurgus* or *Numa* did form a Commonwealth and make Laws for it; I presently conclude that there must be some order or distinction of persons in this Commonwealth; and some rules whereby persons must be governed, and whereby others must rule: But I cannot hence infer that *Zaleucus*, or *Lycurgus* did institute Monarchical, Aristocratical or Democratical government, because any of these forms might be agreeable to their design; and therefore what kind of government they did appoint; can no otherwise be known than by taking a view of the Laws which they made in order thereto. So it is in reference to Christ; when we read that Christ hath instituted a Church alwayes to continue in the world, we presently apprehend that there must be some power and order in the members of that society, and Laws for the governing it: but we cannot hence gather that he hath bound up his Officers to act in any one form, because several forms might in themselves equally tend to the promoting the end of Government in his Church. And therefore what Christ hath expressly determined in his positive Laws, must be our rule of judging in this case, and not any presumption of our own, that such a form was necessary, and therefore Christ must institute and appoint it. Which is fully expressed by judicious Mr. *Hooker*, whose words will serve as a sufficient answer to this objection.

*Ecclesiast.
Polity. lib.
3. sect. 11.*

As for those marvelous discourses, whereby they adventure to argue that God must needs have done the thing which they imagine was to be done; I must confess I have often wondered at their exceeding boldness herein. When the question is, whether God have delivered in Scripture (as they affirm he hath) a compleat particular immutable form of Church Polity: why take they that other both presumptuous and superfluous labour to prove he should have done it: there being no way in this case to prove the deed of God, saving only by producing that evidence wherein he

bath

hath done it? But if there be no such thing apparent upon record, they do as if one should demand a Legacy by force and vertue of some written Testament, wherein there being no such thing specified, he pleadeth that there it must needs be, and bringeth arguments from the love and good will which alwayes the Testator bore, imagining that these or the like proofs will convict a Testament to have that in it, which other men can no where by reading find. In matters which concern the actions of God, the most dutiful way on our part, is to search what God hath done, and with meekness to admire that, rather than to dispute what he in congruity of reason ought to do. Thus he, with more to the same purpose. The sum then of the answer to this Argument, is this, that nothing can be infer'd of what Christ must do, from his relation to his Church, but what is absolutely necessary to the being of it; as for all other things, they being arbitrary constitutions, we can judge no more of the necessity of them, than as we find them clearly revealed in the Word of God. And therefore the Plea must be removed from what Christ must do, to what he hath done, in order to the determining the particular form of Government in his Church.

But still it is argued for the necessity of a particular form of Government in the Church from the similitudes the Church is set out by in Scripture; It is call'd a Vine, and therefore must have Keepers: an House, and therefore must have Government; a City and therefore must have a Polity; a Body, and therefore must have Parts. I answer, *First*, All these Similitudes prove only that which none deny, that there must be order, power, and a Government in the Church of God; we take not away the Keepers from the Vine; nor the Government from the House, nor Polity from the City, nor distinction of Parts from the Body; we assert all these things as necessary in the Church of God. The keepers of the Vine to defend and prune it; the Governours of the House to rule and order it; the Polity of the City to guide and direct it; the Parts of the Body to compleat and adorn it. But *Secondly*, None of these Similitudes prove what they are brought for; viz. that any one immutable form of Government is determined. For may not the keepers of the Vine use their own discretion

§. 9.

Parker de
Polit.
Eccles. lib.
2. c. 40.

discretion in looking to it, so the flourishing of the Vine be that they aim at? and if there be many of them, may there not be different orders among them, and some as Supervisors of the others work? The House must have Governours; but those that are so, are intrusted with the power of ordering things in the House according to their own discretion; and where there is a multitude, is there not diversity of offices among them? and is it necessary that every house must have officers of the same kind? In great and large Families there must be more particular distinct orders and offices, than in a small and little one. The City must have its Polity; but all Cities have not the like; some have one form, and some another, and yet there is a City still and a Polity too. A body must have all its parts; but are all the parts of the body equal to one another? it sufficeth that there be a proportion, though not equality in them: the several parts of the body have their several offices; and yet we see the head is superintendent over them all: and thus if we make every particular Church a Body, yet it follows not that the form of cloathing that Body must alwayes be the same; for the manner of Government is rather the cloathing to the Body than the parts of it; the Governours indeed are parts of the Body, but their manner of Governing is not; that may alter according to the proportion and growth of the Body, and its fashion change for better conveniency.

But if these Similitudes prove nothing; yet certainly, say they, the difference as to civil and Ecclesiastical Government will; for though there may be different forms in civil Government, which are therefore call'd an Ordinance of man; yet there must be but one in Church Government, which is an Ordinance of God, and Christ hath appointed Officers to rule it. I answer, First, We grant and acknowledge a difference between the Church and the Commonwealth; they are constituted for other ends; the one Political, the other Spiritual; one temporal, the other eternal; they subsist by different Charters; the one given to men as men, the other to men as Christians; They act upon different principles; the one to preserve civil rights, the other to promote an eternal interest; nay, their formal constitution is different; for a man by being a member of a Commonwealth doth

§. 10.

1 Pet 2. 13.

doth not become a member of the Church, and by being excommunicated out of the Church, doth not cease to be a member of the Commonwealth: The officers of the one are clearly distinct from the other, the one deriving their power from the Law of Christ, the other from Gods general providence: the Magistrate hath no power to excommunicate formally out of the Church any more than to admit into it, nor have Church-officers any power to cast men out of the Commonwealth. We see then there is a difference between Civil and Ecclesiastical Government: But then I answer, *Secondly*, The power of the Magistrate is not therefore called an Ordinance of man, because of the mutability of its form, and as distinguished from the form of Church Government. For *First*, The Apostle speaks not of the form of Government, but of the power; *submit to every Ordinance of man, &c.* the ground of submission is not the form, but the power of Civil Government; and therefore there can be no opposition expressed here between the forms of Civil and Ecclesiastical Government: But if any such opposition be, it must be between the powers; and if this be said as to Civils; that the power is an ordinance of man in that sense, (whereas *Paul* saith it is of God) yet as to the Church it is freely acknowledged that the power is derived from God. *Secondly*, The Civil power is not called *ἀνθρώπων κτίσις*, because it is a creature of mans making, and so subject to mens power, but the ground of that speech is, because all Civil power respects men as men, without any further connotation. *Humana dicitur, non quod ab hominibus sit excogitata, sed quod hominum sit propria*, saith *Beza*. And to the same purpose *Calvin*, *Humana dicitur ordinatio, non quod humaniūs inventa fuerit; sed quod propria hominum est digesta & ordinata vivendi ratio. Piscator*, *Humanam appellat, non quod magistratus homines auctores habeat, sed quod homines eam gerant*. So then the Civil power is not called an Ordinance of man, as it is of mans setting up, but as it is proper to man; and so if there be any opposition between the Civil and Church power, it is only this, that the one belongs to men as men, the other to men as Christians. *Thirdly*, Although it be granted that Christ hath appointed and set up his own officers in his Church; yet

Rom. 13. 1.

Eph. 4. 12. *some Pastors and Teachers* : but it doth not thence follow that Christ hath determined, whether the power of Apostles and Evangelists should continue in his Church or no, as it implied superiority over the ordinary Pastors of the Churches; nor whether the Pastors of the Church should act in an equality in their Governing Churches. I grant that all Church Government must be performed by officers of Christs appointing, but that which I say is not determined in Scripture, is the way and manner whereby they shall Govern Churches in common.

§. 11. *Parker Polit. Eccles. l. 2. cap. 45. §. 6.* It is yet further argued, *That if the form of Church-Government be not immutably determined in Scripture, then it is in the Churches power, to make new officers which Christ never made, which must be a plain addition to the Laws of Christ, and must argue the Scripture of Imperfection.* This being one of the main arguments, I have reserved it to the place of the *Triarii*, and shall now examine what strength there lyes in it. To this therefore I answer, *First*, Those officers are only said to be new, which were never appointed by Christ, and are contrary to the first appointments of Christ for the regulating of his Church; such it is granted the Church hath no power to institute; but if by new officers be meant only such as have a charge over more than one particular congregation by the consent of the Pastors themselves; then it is evident such an office cannot be said to be new: for besides the general practice of the Church of God, from the first Primitive times which have all consented in the use of such officers; we find the foundation of this power laid by Christ himself in the power which the Apostles were invested in, which was extended over many, both Churches and Pastors; but if it be said, *The Apostolical power being extraordinary, must cease with the persons which enjoyed it*; I answer, *First*, What was extraordinary did cease; but all the dispute is, what was extraordinary, and what not; some things were ordinary in them, as Preaching, Baptizing, Ordaining, Ruling Churches, some things were again extraordinary, as immediate mission from

from Christ (the main distinguishing note of an Apostle) a power of working miracles to confirm the truth of what they Preached ; Now the Question is , whether the power which they enjoyed over Presbyters and Churches, be to be reckoned in the first or the second number. It must therefore be proved to be extraordinary, before it can be said to cease with them ; and that must be done by some arguments proper to their persons ; for if the arguments brought be of a common and moral nature, it will prove the office to be so too. *Secondly*, By ceasing may be meant, either ceasing as to its *necessity*, or ceasing as to its *lawfulness* : I say not, but that the *necessity* of the office, as in their persons, for the first Preaching and propagating the Gospel, did cease with them ; but that after their death it became *unlawful* for any particular persons to take the care and charge of *Diocesan* Churches, I deny. For to make a thing unlawful which was before lawful, there must be some express prohibition forbidding any further use of such a power, which I suppose men will not easily produce in the Word of God.

I answer therefore *Secondly*, That the extending of any Ministerial power, is not the appointing of any new Office ; because every Minister of the Gospel hath a relation *in actu primo* to the whole Church of God ; the restraint and enlargement of which power is subject to positive determinations of prudence and conveniency *in actu secundo* ; and therefore if the Church see it fit for some men to have this power enlarged for better government in some, and restrained in others, that enlargement is the appointing no new office, but the making use of a power already enjoyed for the benefit of the Church of God. This being a foundation tending so fully to clear the lawfulness of that Government in the Church which implies a superiority and subordinatiou of the officers of the Church to one another : and the Churches using her prudence in ordering the bounds of her officers, I shall do these two things : *First*, Shew that the power of every Minister of the Gospel doth primarily and habitually respect the Church in common. *Secondly*, that the Church may in a peculiar manner single out some of its officers for the due administration of Ecclesiastical power. *First*, that every Minister of the

§. 12.

1 Cor. 12.
28, 29.

Eph. 4. 8.
Match. 28.
19.

Gospel hath a power respecting the Church in common : This I find fully and largely proved by those who assert the equality of the power of Ministers ; *first*, from Christs bestowing the several offices of the Church for the use of the whole Church, *Ephes.* 4. 12, 13. Christ hath set Apostles, &c. Pastors and Teachers in his Church ; now this Church must needs be the Catholick visible Church, because indisputably the Apostles office did relate thereto, and consequently so must that of Pastors and Teachers too : again, the end of these offices is the building up the body of Christ, which cannot otherwise be understood than of his whole Church : else Christ must have as many bodies as the Church hath particular congregations. Which is a New way of *Consubstantiation*. *Secondly*, The ministerial office was in being before any particular congregations were gathered : for Christ upon his ascension to glory *gave these gifts to men* ; and the Apostles were empowered by Christ before his Ascension ; either then they were no Church officers, or if they were so, they could have no other *Correlate*, but the whole body of the Church of God then lying under the power of darkness, a few persons excepted. *Thirdly*, Because the main design of appointing a Gospel Ministry was the conversion of Heathens and Infidels : and if these be the proper object of the ministerial function, then the office must have reference to the whole Church of Christ ; else there could be no part of that office performed towards those who are not yet converted. *Fourthly*, Else a Minister can perform no office belonging to him as such, beyond the bounds of his particular congregation, and so can neither preach nor administer the Sacraments to any other but within the bounds of his own particular place and people. *Fifthly*, Because Ministers by baptizing do admit men into the Catholick visible Church, (else a man must be baptized again every time he removes from one Church to another) and none can admit beyond what their office doth extend to ; therefore it is evident that every particular pastor of a Church hath a relation to the whole Church ; To which purpose our former observation is of great use, *viz.* that particular Congregations are not of Gods *primary intention* but for *mens conveniency*, and so consequently is the *fixedness*.

fixedness of particular Pastors to their several places for the greater conveniency of the Church; every Pastor of a Church then hath a relation to the whole Church; and that which hinders him from the exercise of this power, is not any unlawfulness in the thing, but the preserving of order and conveniency in the Church of God. This being premised, I say, *Secondly*, That the officers of the Church may in a peculiar manner attribute a larger and more extensive power to some particular persons for the more convenient exercise of their common power. We have seen already that their power extends to the care of the Churches in common, that the restraint of this power is a matter of order and decency in the Church of God; Now in matters of common concernment, without all question it is not unlawful when the Church judgeth it most for edification, to grant to some the *executive part* of that power, which is originally and fundamentally common to them all. For our better understanding of this, we must consider a twofold power belonging to Church officers, a power of order, and a power of jurisdiction; for in every *Presbyter*, there are some things inseparably joyned to his function, and belonging to every one in his personal capacity, both in *actu primo*, and in *actu secundo*, both as to the *right and power* to do it, and the *exercise and execution* of that power, such are Preaching the Word, visiting the sick, administering Sacraments, &c. but there are other things which every *Presbyter* hath an aptitude, and a *jus* to in *actu primo*, but the limitation and exercise of that power doth belong to the Church in common, and belong not to any one personally, but by a further power of choice or delegation to it, such is the power of visiting Churches, taking care that particular Pastors discharge their duty; such is the power of ordination and Church censures, and making rules for decency in the Church; this is that we call the *power of jurisdiction*. Now this latter power, though it belongs habitually and in *actu primo* to every *Presbyter*; yet being about matters of publick and common concernment, some further authority in a Church constituted is necessary besides the power of order; and when this power, either by consent of the Pastors of the Church, or by the appointment of a Christian Magistrate

strate, or both, is devolved to some particular persons, though *quoad aptitudinem* the power remain in every Presbyter, yet *quoad executionem* it belongs to those who are so appointed.

De Ecclesia
in Mat. 18.
15. Tom. 1.
op. in 4. p.
27.

And therefore *Camero* determines that *Ordinatio non fit à parte quatenus pastor est, sed quatenus ad tempus singularem auctoritatem obtinet*, i. e. That Ordination doth not belong to the power of order but to the power of jurisdiction, and therefore is subject to positive restraints, by prudential determinations. By this we may understand how lawful the exercise of an Episcopal power may be in the Church of God, supposing an equality in all Church officers as to the power of order. And how incongruously they speak, who supposing an equality in the Presbyters of Churches at first, do cry out, that the Church takes upon her the office of Christ, if she delegates any to a more peculiar exercise of the power of jurisdiction.

§. 13.

The last thing pleaded why an immutable form of Church Government must be laid down in Scripture, is *from the perfection and sufficiency of the Scriptures; because otherwise the Scriptures would be condemned of imperfection*. But this will receive an easie dispatch: For, *First*, The controversie about the perfection of the Scriptures, is not concerning an essential or integral perfection, but a perfection *ratione finis & effectuum* in order to its end: now the end of it is to be an adæquate rule of faith and manners, and sufficient to bring men to salvation; which it is sufficiently acknowledged to be, if all things necessary to be believed or practised be contained in the Word of God: now that which we assert not to be fully laid down in Scripture, is not pleaded to be any ways necessary, nor to be a matter of faith, but something left to the Churches liberty; but here it is said by some, that *this is adding to the Law of God*, which destroys the Scriptures perfection: therefore I answer, *Secondly*, Whatever is done with an opinion of the necessity of doing it, destroys the Scriptures perfection if it be not contained in it: for that were to make it an imperfect rule; and in this sense every *additio perficiens* is *additio corrumpens*, because it takes away from the perfection of the rule which it is added to; and thus Popish traditions are destructive of the Scriptures sufficiency.

River.
Isagog. ad
Script. sacr.
cap. 24. §. 3.

But

But the doing of any thing not positively determined in Scripture, not looking upon it as a thing we are bound to do from the necessity of the thing, and observing the general rules of Scripture in the doing it, is far from destroying the perfection or sufficiency of the Word of God. *Thirdly*, All essentials of Church Government are contained clearly in Scripture: The essentials of Church Government, are such as are necessary to the preservation of such a society as the Church is; now all these things have been not only granted, but proved to be contained in Scripture; but whatever is not so necessary in its self, can only become necessary by vertue of Gods express command, and what is not so commanded, is accidental and circumstantial, and a matter of Christian liberty, and such we assert the form of Church Government to be. It is not our work to enquire, why God hath determined some things that might seem more circumstantial than this, and left other things at liberty, but whether God hath determined these things or no. Which determination being once cleared, makes the thing so commanded necessary as to our observance of it: but if no such thing be made appear, the thing remains a matter of liberty, and so the Scriptures perfection as to necessities in order to salvation, is no ways impeached by it. So much now for the necessity of Christs determining the particular form of Government: we now proceed to the consideration of Christs actions, whether by them the form of Church Government is determined or no? :

CHAP. V.

Whether any of Christs actions have determined the form of Government. All power in Christs hands for Governing his Church: what order Christ took in order thereto when he was in the world. Calling Apostles the first action respecting outward Government; the name and office of Apostles cleared; an equality among them proved during our Saviours life. Peter not made Monarch of the Church by Christ. The Apostles power over the seventy Disciples considered, with the nature and quality of their office, Matth. 20. 25, 26, 27. largely discussed and explained. It makes not all inequality in Church officers unlawful; by the difference of Apostles and Pastors of Churches. Matth. 18. 15. How far that determines the form of Church Government. No evidence of any exact order for Church Government from thence, Matth. 16. 15, 16, 17, 18. considered how far that concerns the Government of the Church.

§. 1.

HAVING considered and answered the Arguments which are brought, why Christ must determine the particular form of Government: Our next task will be to enquire into those actions of our Saviour which are conceived to have any plausible aspect towards the settling the form of Government in his Church. And were it not that men are generally so wedded to an *hypothesis* they have once drunk in by the prevalency of interest or education, we might have been superseded from our former labour, but that men are so ready to think that opinion to be most necessary, which they are most in love with, and have appeared most zealous for. Men are loth to be perswaded that they have spent so much breath to so little purpose, and have been so hot and eager for somewhat, which at last appears to be a matter of Christian liberty. Therefore we find very few that have been ever very earnest in the maintaining or promoting any matter of opinion, but have laid more weight upon it, than it would really bear; lest men should think, that with all their sweat and toil, they only beat

beat the air, and break their teeth in cracking a nut, with a hole in it; which if they had been so wise as to discern before, they might have saved their pains for somewhat which would have better recompenced them. But thus it generally fares with men; they suck in principles according as interest and education disposeth them, which being once in, have the advantage of insinuating themselves into the understanding, and thereby raise a prejudice against what ever comes to disturb them; which prejudice being the *Yellow jaundise* of the soul, leaves such a tincture upon the eyes of the understanding, that till it be cured of that *Icterism*, it cannot discern things in their proper colours. Now this prejudice is raised by nothing more strongly, than when the opinion received is entertained upon a presumption, that there is a *Divine stamp* and *Impress* upon it, though no such *Effigies* be discernable there. Hence come all the several contending parties about Church Government, equally to plead an interest in this *Jus Divinum*, and whatever opinion they have espoused, they presently conceive it to be of no less than *Divine* extract and *Original*. And as it sometimes was with great personages among the *Heathens*, when their miscarriages were discernable to the eye of the world, the better to palliate them among the *vulgar*, they gave themselves out to be impregnated by some of their adored Deities; so I fear it hath been among some whose Religion should have taught them better things, when either faction, design, or interest, hath formed some conceptions within them suitable thereunto, to make them the more passable to the world, they are brought forth under the pretence of Divine truths. Far be it from me to charge any sincere, humble, sober Christians with an offence of so high a nature, who yet may be possessed with some mistakes and apprehensions of this nature; but these are only wrought on by the *Masters of parties*, who know, unless they fly so high, they shall never hit the game they aim at. This is most discernable in the *Factors* for the *Roman Omnipotency* (as *Paulus* the fifth was call'd *Omnipotentie Pontificie Conservator*) they who see not that Interest and Faction. upholds that *Court* rather than *Church*, may well be presumed to be hoodwinked with more than an implicate faith; and yet if we be-

Extravag.
unum san-
ctum.

lieve the great supporters of that interest, the power they plead for is plainly given them from Christ himself, and not only offer to prove that it was so, but that it was not consistent with the wisdom of Christ that it should be otherwise. Lest I should seem to wrong those of any religion, hear what the author of the *Gloss* upon the *Extravagants* (so they may well be called) saith to this purpose, applying that place of our Saviour, *all power is given to me in heaven and earth*, *Matth. 28. 18.* to the Pope, adds these words, *Non videretur Dominus discretus fuisse, ut cum reverentia ejus loquar, nisi unicum post se talem vicarium reliquisset, qui hac omnia posset.* We see by this what blasphemies men may run into, when they argue from their private fancies and opinions, to what must be done by the Law of Christ. It therefore becomes all sober Christians impartially to inquire what Christ hath done, and to ground their opinions only upon that, without any such presumptuous intrusions into the Counsels of Heaven. We here therefore take our leave of the dispute, why it was necessary a form of Government should be established, and now enter upon a survey of those grounds which are taken from any passages of our Saviour, commonly produced as a foundation for any particular Forms.

§. 2.
Mat. 28.
18.
Ea. 9. 6.

I shall not stand to prove that *Christ* as *Mediator* hath all the power over the *Church* in his own hands, it being a thing so evident from Scripture, and so beyond all dispute with those whom I have to deal with. In which respect he is the only head of the Church, and from whom all divine right for authority in the Church must be derived. Which right can arise only from some actions or Laws of Christ, which we therefore now search into. The first publick action of Christ after his solemn entrance upon his office, which can be conceived to have any reference to the Government of his Church, was the calling the *Apostles*. In whom for our better methodizing this discourse, we shall observe these three several steps. First, When they were called to be Christs Disciples. Secondly, When Christ sent them out with a power of miracles. Thirdly, When he gave them their full Commission of acting with Apostolical power all the world over.

These

These three seasons are accurately to be distinguished; for the Apostles did not enjoy so great power when they were disciples, as when they were sent abroad by Christ; neither had they any proper power of Church-Government after that sending forth, till after Christs resurrection, when Christ told them *all power was put into his hands*, and therefore gave them full commission to *go and preach the Gospel to all nations*. The first step then we observe in the Apostles towards their power of Church-Government, was in their first calling to be Disciples. Two several calls are observed in Scripture concerning the Apostles; the first was more general, when they were called only to follow Christ; the second more special when Christ told them what he called them to, and specified and described their office to them, by telling them he would make them *Fishers of Men*. We shall endeavour to digest the order of their calling as clearly and as briefly as we can. Our blessed Saviour about the thirtieth year of his age solemnly entering upon the discharge of his prophetic office in making known himself to be the true *Messias* to the world, to make his appearance more publick, goes to *Jordan*, and is there baptized of *John*; presently after he is led up by the Spirit into the wilderness, where he continued forty dayes. In this space of time *John* removes from *Jordan* and comes on the other side to *Bethabara*; thither *Christ* comes to *John*; *John* not only owns *Christ* himself, but tells his disciples this was he into whose name he had baptized them. Upon this, two of *Johns* disciples leave their Master and follow *Christ*. These two are the first disciples we ever read our Saviour had; whereof the one was *Andrew*, *Peters* brother, and the other probably conceived to be *John* (it being his custom to conceal his name when he speaks of himself) *Andrew* calls his brother *Peter*; *Christ* next day calls *Philip*, *Philip* he finds *Nathaniel*. And this as far as we read, was the first number of Christs disciples. Here we find *two or three gathered together in the name of Christ*, and *Christ* (truly) *in the midst of them*. These disciples it appears staid with *Christ* some time, for they went with him to the marriage in *Cana*: and after went up with him to *Jerusalem*, when many professed to be his disciples; from thence he goes into *Judea*,

Mat. 28.
18, 19.

Luke 3. 23.

Mat. 3. 13.
Mat. 4. 1.

Joh. 1. 29.

Joh. 1. 37.

Joh. 2. 2.
Joh. 2. 17,
23.

John 3. 22: where he gathers many disciples, and baptizeth them. After
 John 4. 1. this he returns with his disciples by the way of *Samaria* into
Galilee: and these disciples being now again at home, in proba-
 bility did return for their livelihood to their old employments
 for some small time, Christ having not yet commanded them
 to forsake all and follow him. Not long after (about a years
 space from the first calling them) *Jesus* being in *Galilee* goes
 to the lake of *Genesareth*, there he finds *Andrew* and *Peter*
 Luke 5. 1. fishing: after the miracle there wrought, he then in a more
 Matth. 4. solemn manner calls them to leave their employment, for he
 18, 19. had designed them for a greater, which was to be Fishers
 Mark 1. 16, of men. Whereby *our Saviour* expresseth the care, pains,
 17. diligence, design and end of the Ministerial function he had
 appointed them for. *Andrew* and *Peter* presently leave all
 and follow Christ; the like do *James* and *John* whom they met
 with a little further upon the shore. And now those who
 were before but as common disciples, are admitted into a high-
 er order and bred up by Christ as persons designed for an im-
 ployment of so high a nature. We see here a necessity of
 making a double call of the Apostles; else it were impossible
 to reconcile the narration of *John* with the other Evangelists.
 Therefore *Augustine* thinks their first being with *Christ* in *John*,
 was only for present satisfaction who he was, which as soon as
 they understood and admired, they returned to their own ha-
 bitations. *Thomas* he makes three several callings of them,
 the first *ad agnitionem & familiaritatem* which is that in *John*;
 the second *ad Discipulatum* that spoken of in *Luke* 5. 1. the
 third *ad adhesionem*, *Matth.* 4. 18. *Mark* 1. 16. But I see no
 reason to make the story in *Luke* to be different from that of
Matthew and *Mark*; the former some say was *vocatio ad fi-*
dem, a general preparatory call to the latter; the latter was
vocatio ad munus Apostolicum; although they were not chosen to
 be Apostles till afterwards, yet now Christ made them *Candi-*
dates of the Apostleship, & *amicos interioris admissionis*, in order
 to that great imployment he had designed them for. Fur-
 ther we must take notice that from the time of the Baptism
 of *John*, the Apostles did generally continue with *Christ*,
 which appears from the qualification of an Apostle given by
Peter at the choice of *Matthias*; Of those men which have com-
 panied

De Conser-
 su Evang.
 l. 2. cap. 17.

V. Causaub.
 exer. in Bar.
 13. f. 11.
 Montacut.
 Orig.
 Eccles. To.
 1. p. 2. p.
 41.
 Chemnitium
 Harm.
 Evan. c. 36.

panied with us all the time that the Lord Jesus went in and out among us, beginning from the baptism of John, unto the same day he was taken up from us. The strength of which testimony is impregnable for proving that the Apostles did generally continue with Christ after their being called to follow him; but that time from the baptism of John must not be taken strictly; for many of the *Apostles*, as *Matthew*, &c. were not called till some time after. About four months after *Christ's* more solemn calling the *Apostles*, at the time of *Pentecost*, as *Chemnitius* conjectures, our Saviour proceeds to a solemn choice of them into their offices, which is described by *Luke* 6. 13. after he had prayed the whole night before. v. 12. *Mark* he acquaints us with the ends of Christ choosing them. First, that they might continually attend upon him the better to be fitted for their employment afterwards; which he expresseth, when he adds, that he might send them out to preach, and to give them power over Devils and diseases, to cast out the one, and to cure the other. Their actual sending out was not (say some) till half a year after, which is the story related by *Matt.* 10. 1. near a *twelve* month (say others) but presently upon their choice *Christ* makes the Sermon in the Mount, as appears by comparing *Luke* 6. 17, 20. with *Matt.* 5. 1. wherein among other things our Saviour takes occasion to declare their duty to them, telling them, they were the *Light of the world*, &c. Which he doth the more to fit them for the discharge of their employment.

Having thus laid these things together about the *Apostles*; from their first calling to the time of their *mission*, we shall take notice of these things from them which may relate to the office which the *Apostles* were called to, and to the Government of the Church by them. *First*, we here observe that our Saviour no sooner began to preach the Gospel himself, but he made choice of some persons as a peculiar order of men for the propagation of the Gospel in the world. The peculiarity of the function of a Gospel Ministry under Christ was, we see, designed from Christ's first publick appearance in his office: he might have left the *Apostles* in the common order of *Disciples*, had he not intended an office in his Church distinct and peculiar from all other employments; and therefore it is observable that Christ did not call the

Acts 1. 21,
22.

Harmon.
cap. 50.

Mark 3.
14, 15.

p. 30.

files off from their other employments, till he designed to make them *Apostles*; before, when they were only private Disciples, they did follow their employments at some times still; but when he calls them to be *Fishers of Men*, he bids them leave all and follow him. Secondly, We take notice of the admirable wisdom of our Saviour in the choice he made of the persons for first founding his Church; and the means he used to fit them for it. The persons were such as were most suitable to his design; the means such as were most suitable to the persons. The persons were such, who by reason of the known meanness of their condition, and supposed weakness of abilities, were the fittest to convince the world, that the doctrine which they preached was not the product of humane wisdom, but the *express Image and character of Divine truth*; whose nakedness and simplicity would gain more upon mens belief by the power which accompanied the preaching of it, than the most refined and sublimated notions of their wise men should do, managed with the greatest subtilty and prudence by the maintainers of them. *Christ* would make men see that his doctrine stood not in need either of the wisdom or power of men, to defend or propagate it; and therefore made choice of the most unlikely instruments for that end; *that mens faith should not stand in the wisdom of men, but in the power of God.* But withal we are to take notice of *Christs* admirable wisdom in the means he used to fit and qualifie them for the first builders of his Church; for although the power and efficacy of their Preaching was wholly from God, and not from themselves, yet our Saviour doth not presently upon his calling them, place them in the highest office he intended them for, but proceeds gradually with them, and keeps them a long time under his own eye and instruction, before he sends them abroad: and that for two ends chiefly: First, *To be witnesses of his actions.* Secondly, *To be Auditors of his doctrine.* First, *To be witnesses of his actions*, which was looked on by the Apostles, as the most necessary qualification for an Apostle in the place fore-cited, *Acts* 1. 21, 22. *Peter* calls himself a witness of the sufferings of *Christ*, *1 Pet.* 5. 1. *John* saith, *that which was from the beginning, which we have heard, which we have seen with our eyes, which we have looked upon,*

and

and our hands have handled of the Word of life; that which we have seen and heard, declare we unto you, 1 Joh. 1. 1, 3. whereby the *credibility* of the Gospel was sufficiently evidenced to the world, when the chief Preachers of it spoke nothing but what their own senses were witnesses of, both as to the doctrine and actions of Christ; and therefore is no wayes *credible*, they should be deceived themselves in what they spoke; and more *improbable* they would deceive others, whose *interest* lay wholly upon the *truth* of the doctrine which they Preached; for by the very Preaching of that doctrine they rob'd themselves of all the comforts of life, and exposed themselves to a thousand miseries in this life; so that unless their doctrine was true in order to another life, they were guilty of the greatest folly this world ever heard of. We see what care our Saviour took to satisfy the reasons of men concerning the *credibility* of his doctrine, when the persons he employed in the founding a Church upon it, were only such as were intimately conversant with the whole life, doctrine, and works of him from whom they received it; and thereby we cannot suppose any ignorance in them concerning the things they spoke; and lest men should mistrust they might have a design to impose on others, he made their faithfulness appear, by their exposing themselves to any hazards to make good the truth of what they Preached. Especially, having such a Divine power accompanying them in the miracles wrought by them, which were enough to persuade any rational men that they came upon a true *Embassie*, who carried such *credentials* along with them. Another end of our Saviours training up his Apostles so long in his School before he sent them abroad, was, that they might be auditors of his doctrine, and so might learn themselves before they taught others. Christ was no friend to those hasty births which run abroad with the shell on their heads; no, although it was in his power to confer the gifts of the Holy Ghost, as well at their first entrance into Discipleship as afterwards, yet we see he nurtures and trains them up gradually, teaching them as *Quintilian* would have Masters do, *Guttatim*, acquainting them now with one, then with another of the Mysteries of the Gospel. Christ doth not overwhelm them with floods and torrents.

torrents of discourses, but gently drops now one thing into them, then another, by which way such narrow-mouthed vessels would be the soonest filled. Yea our Saviour useth such an *ὀλιγομύα* as the Greek Fathers call it, such a prudent temper in instructing them, that it is matter of just admiration to consider under how great and stupendious ignorance of the main points of redemption (Christs death and resurrection, and the nature of Christs Kingdom) they discovered, after they had been some years under Christs Tutorage. And we see what industry and diligence was used in the training up of those for the Apostleship, who were in an immediate way sent out by Christ. And it is very probable that upon the first sending abroad they taught not by immediate revelation, but only what they had learned from Christ during their being with him. Whence we see what a subordination there is in acquired parts, labour, and industry, to the teachings and inspirations of the Divine Spirit; our Saviour looked not on his labour as lost, although afterwards the *Unction from the Holy one should teach them all things*. It was Christs design to have them go *חזק—חזק* from strength to strength, *à domo sanctuarii in domum doctrinae*, as the Chaldee Paraphrast renders that place, *from one School of learning to another*. As under the Law even those that waited for the *Ruach hakkodesh*, the inspiration of the Divine Spirit, were brought up in the Schools of the Prophets under instruction there; which was the place where they lay expecting the gentle gale of the Holy Spirit to carry them forth; which was the ground of

Psal. 84. 7.

Amos 7. 14.

§. 4.

Amos his complaint, that he was neither a Prophet, nor the son of a Prophet; by which it seems evident that Gods ordinary course was to take some of the sons of the Prophets out of the Colledges where they lived, and imploy them in the Prophetical office. But of this largely elsewhere. Such a *School of the Prophets* did our Saviour now erect, wherein he entred his Disciples as *Scholars*, and educated them in order to the office he intended them for.

The next thing we take notice of, is the name and nature of that office which Christ call'd them to. They who derive the use of the name of Apostles as applied by Christ to his Disciples, either from the *ἀποστόλῃς* at Athens, by which name

the

the Masters of some ships were call'd, as the ships ἀπόστολοι, *Suidas*
 or from *Hesychius* his ἀπόστολοι, which he interprets νυμφάγωγοι, *in v.*
 or from the ἀπόστολοι in the sense of the *Civil Law*, which *Digest l. 50.*
 signifie the dimissory letters granted for appeals; or from *tit. 15. leg.*
 the Jewish יוֹרְדָּיִם as thereby were understood those ἀπόστολοι, *106.*
 as *Epiphanius* calls them, who were as Assessors and Coun- *Con.*
 sellors to the *Patriarch* of the Jews at *Tiberias*; or those *Ebionita.*
 Officers who were sent up and down by the *Patriarch* to
 gather up tenths, first fruits, and such other things; who are
 call'd thence *Apostoli* in the *Codex Theod. tit. de Judæis*; all *Lib. 16. tit.*
 these I say do equally lose their labour, and run far to fetch *8.*
 that which might be found much nearer home; Our Saviour
 taking the word from common use, but applying it in a spe-
 cial manner to a peculiar sense, which is the custom of the
 Scriptures; The original of the word properly imports such
 as are imployed by commission from another for the dispatch
 of some business in his name. So *Casaubon* (who was suffi- *Exercit. 14.*
 ciently able to judge of the use of a Greek word) *Señ. 4.*
In communi Græcorum usu ἀπόστολοι dicebantur certi homines, qui negotii
gerendi gratiâ, magis quam deferendi nuntii, aliquo mitteban-
tur. And so it is taken, *John 13. 16.* ἰδὲ ἀπόστολὸν μείζων ἢ
 πέμψαυ αὐτὸν, *He that is sent is not greater than he that*
sent him. Thence *Epaphroditus* when imployed upon a special
 message to *Paul* in the name of the Churches, is call'd
 ἀπόστολὸν αὐτῶν, *Phil. 2. 25.* which we translate *your messen-*
ger. And so *Titus* and the two other sent to the Church of
Corinth to gather their charity, are call'd ἀπόστολοι ἐκκλησιῶν, *2 Cor. 8. 23.*
the messengers of the Churches. Thence *Paul* fully renders
 the import and sense of the word *Apostle* by *πρεσβυτέριον*,
2 Corinth. 5. 20. *We act as Ambassadors for Christ.* To which
 purpose it is observable that the *Septuagint* (whose Greek is
 most followed by the *New Testament*) do render the word
 πῶς when it signifies to imploy a messenger upon special
 service, by ἀποστέλλειν, as *1 King. 21. 11.* — *1 King. 12.*
18. Exod. 4. 30. and the very word ἀπόστολὸν is used in this
 sense, *1 King. 14. 6.* where *Abijah* saith, I am ἀπόστολὸν πρὸς
 σὲ σαλιῆρος, *a sad messenger to thee; for thus saith the Lord.*
 Whereby the full sense and importance of the word *Apostle*
 appears to be, one that is imployed by a peculiar commission

from him that hath authority over him for the doing some special service. Thus were Christs disciples called Apostles, from the immediate commission which they had from Christ for the discharge of that work which he employed them in. Thence our Saviour makes use of the word *sending* in the proper and peculiar sense when he gives the Apostles their commissions, in those remarkable words of Christ to them. *As the Father hath sent me, even so send I you.* Joh. 20. 21. Whereby our Saviour delegates his power and authority which he had as Doctor of the Church, to his Apostles, upon his leaving the world, not in a *privative way*, so as to destroy his own authority over the Church, but in a *cumulative way*, investing them with that authority which they had not before, for both teaching and governing the Church. No argument then can be drawn for the right or form of Church-Government from Christs actions towards his disciples before the last and full commission was given unto them; because they had no power of Church-Government before that time.

- §. 5. Which will be further cleared, if we consider their first sending out, spoken of *Math. 10. 1. Mark 6. 7. Luke 9. 1.* Several things lie in our way to be observed in reference to this *Mission* of the Apostles. *First*, that though the Apostles had been now for some competent time, not only called to their office, but solemnly chosen to it; yet we no where read that they did ever exercise that office till now they were sent forth by Christ. They remained still at Christs feet, learning for their own instruction, and fitting themselves for their future employment, and thought it no inconvenience while they lay for a wind, to lay in sufficient lading and provision for their voyage. Baptize indeed they did before *Joh. 4. 2.* but that I suppose was done by them by an immediate present order from Christ himself being by as the chief in the action; thence Christ in one place is said to baptize, *Joh. 3. 22.* and yet he is said not to baptize, but his disciples, *John 4. 2.* Christ did it *authoritatively*, the disciples *ministerially*. Yet if we should grant the disciples did then baptize as private men after the received custome of the Jews, (among whom only a *Confessus trium* was requisite to baptize a profelyte)

lyte) this doth not at all take off from the peculiarity of a function both to preach and baptize, because as yet the Gospel Ministry was not instituted; and therefore what might be lawful before restraint, doth not follow it should be so after: when all those scattered rayes and beams which were dispersed abroad before, were gathered into the ministerial office upon Christs appointing it, as that great *Hemisphere* of light in the Creation was after swallowed up in the body of the Sun. But now were the Apostles first sent out to preach, and now God first begins to null the Jewish Ministry, and set up another instead of it, and makes good that threatning: *that he was against the Shepherds, and would require the flock at their hand, and cause them to cease to feed the flock, &c.* Here then we have the first exercise of the Apostles Ministry, for which we see besides their former call and choice, particular mission was after necessary. *Secondly* we observe that the employment Christ sent them upon now, was only a temporary employment, confined as to work and place, and not the full Apostolical work. The want of considering and understanding this, hath been the ground of very many mistakes among men, when they argue from the occasional precepts here given the *Apostles*, as from a standing perpetual rule for a Gospel Ministry: Whereas our Saviour only suited these instructions to the present case, and the nature and condition of the Apostles present employment, which was not to preach the Gospel up and down themselves, but to be as so many *John Baptists* to call people to the hearing of *Christ* himself; and therefore the doctrine they were to preach was the same with his, *the Kingdom of Heaven is at hand*, whereby it appears their doctrine was only preparatory to Christ; it being only to raise up higher expectations of the Gospel-state under the *Messias*; and these were they *whom the King now sent into the high-ways to invite men to the marriage feast and to bid them to come in to him.* This was the only present employment of the Apostles in their first mission: in which they were confined to the Cities of *Judea*, that they might have the first refusal of the Gospel offers. This mission then being *occasional, limited, and temporary*, can yield no foundation for any thing *perpetual* to be built upon it.

Ezek 34. 10.

Matth. 10. 7.

Matth. 22. 9.

Mat. 10. 2.

Thirdly, we observe that those whom Christ employed in the first dispersing the Gospel abroad, were furnished with arguments sufficient to evince not only the *credibility*, but the certain *truth* of what they preached. Therefore Christ when he now sent them out, gave them ἐξουσίαν πνευμάτων, not only a *meer power to work miracles*, but a *right conferred on them to doe it as the Apostles of Christ*. These were the *Credentials* which the Apostles carried along with them, to shew from whom they derived their power, and by whose authority they acted. And these were the most suitable to them, as making it appear that a divine presence went along with them, and therefore they could not fallifie to the world in what they declared unto them; which was the best way for them to evidence the truth of their doctrine, because it was not to be discovered by the evidence of the things themselves, but it depended upon the testimony of the Author, and therefore the only way to confirm the truth of the doctrine, was to confirm the credibility of the Author, which was best done by doing something above what the power of nature could reach unto. And this was the prerogative of the *Apostles* in their first mission above *John the Baptist*: for of him it is said that he did no miracle. Fourthly, we observe that the Apostles in this mission were invested in no power over the Church, nor in any superiority of order one over another. The first is evident, because Christ did not now send them abroad to gather Churches, but only to call persons to the doctrine of the *Messias*; and while Christ was in the world among them, he retained all Church power and authority in his own hand. When this temporary mission expired, the Apostles lived as private persons still under Christs Tutorage, and we never read them acting in the least as Church officers all that while. Which may appear from this one argument, because all the time of our Saviours being in the world, he never made a total separation from the *Jewish Church*, but frequented with his disciples the *Temple worship* and service to the last; although he super-added many *Gospel observations* to those of the *Law*. And therefore when no Churches were gathered, the Apostles could have no Church power over them. All that can be pleaded then in order to Church Government from the consideration

sideration of the form of Government as settled by our Saviour, must be either from a *supposed inequality among the Apostles themselves, or their superiority over the LXX. Disciples; or from some rules laid down by Christ in order to the Government of his Church, of which two are the most insisted on,* Matth. 20. 25. Matth. 18. 17. Of these then in their order.

The first argument drawn for an established form of Government in the Church, from the state of the Apostles under Christ, is, *from a supposed inequality among the Apostles, and the superiority of one as Monarch of the Church; which is the Papists Plea from St. Peter, as the chief and head of the Apostles. Whose loud exclamations for St. Peter's authority are much of the same nature with those of Demetrius the Silver-smith at Ephesus, with his fellow Craftsmen, who cried up, Great is Diana of the Ephesians, not from the honour they bore to her as Diana, but from the gain which came to them from her worship at Ephesus. But I dispute not now the entail of St. Peter's power, what ever it was to the Roman Bishop: but I only inquire into the Pleas drawn for his authority from the Scriptures, which are written in so small a character, that without the spectacles of an implicate Faith, they will scarce appear legible to the eyes of men. For what though Christ changed St. Peter's name? must it therefore follow that Christ baptized him Monarch of his Church? Were not John and James called by Christ Boanerges? and yet who thinks that those Sons of Thunder must therefore overturn all other power but their own? Christ gave them new names, to shew his own authority over them, and not their authority over others: to be as Monitors of their duty, and not as Instruments to convey power. So Chrysostome speaks of the very name Peter given to Simon, it was to shew him his duty of being fixed and stable in the faith of Christ, *ἵνα ἔχῃ ἀδόκιμον δινεχῆ τὴν ἀσθενησάν τὸ ταύτης σπρόδιον*, *this name might be* (as a string upon his finger) *a continual remembrancer of his duty.* And likewise, I conceive, as an encouragement to him after his fall, that he should recover his former stability again; else it should seem strange that he alone of the Apostles should have his name from firmness and stability, who fell the soonest, and the foulest of any*

§. 6.

Tom. 8. ed.
Savil. p.
105.

of the Apostles; unless it were *κατ' ἀντιθέσιν*, which would be worse Divinity than Rhetorick. The change then of Saint *Peters* name imports no such universal power, neither from the change, nor from the name. *But why then hath St. Peter the honour to be named first of all the Apostles? First, it seems to be implied as an honour given to Peter above the rest; but doth all honour carry an universal power along with it? there may be order certainly among equals; and there may be first, second and third, &c. where there is no imparity and jurisdiction in the first over all the rest. A Primacy of order as among equals, I know none will deny St. Peter: A primacy of power as over Inferiors, I know none will grant, but such as have subdued their reason to their passion and interest. Nay, a further order then of meer place may without danger be attributed to him: a primacy in order of time, as being of the first called, and it may be the first who adhered to Christ, in order of age; of which Jerom, etati delatum quia Petrus senior erat, speaking of Peter and John; nay yet higher, some order of dignity too; in regard of his θεριώτης which the Greek Fathers speak so much of; the fervency and heat of his spirit, whence by Eusebius he is called προήγορος ἢ ἀποστόλων the Prolocutor among the Apostles, who was therefore most forward to inquire, most ready to answer, which Chrysostome elegantly calls προηγμένον alluding to the name κορυφαῖος and ἑξαρχος, which are frequently given to Peter by the Fathers, which import no more then presultor in choreâ, he that led the dance among the disciples: but his being κορυφαῖος implies no superiority of power. For Dionysf. Halycarnass. calls Appius Claudius τὸν κορυφαῖότατον τῆς δεκαρχίας, whereas all know that the Decemviri had an equality of power among themselves. Neither doth his being as the mouth of the disciples imply his power; For Aaron was a mouth to Moses, but Moses was Aarons master. Neither yet doth this primacy of order always hold in reference to Peter; for although generally he is named first of the Apostles, as Matth. 10. 2. Mark 3. 16. Acts 1. 13. Mark 1. 36. Luk. 8. 45. Acts 2. 14. ——— 37. Yet in other places of Scripture we find other Apostles set in order before him as James, Galat. 2. 9. Paul and Apollos, and others, 1 Cor. 3. 22.*

1 Cor.

Lib. 1. c.
Jovin.Hist. Eccle-
siast. lib. 2.
c. 14.Chrysof. in
Matth. 6.
16.Hist. Rom.
lib. 11.

1 Cor. 1. 12. — 9. 5. No argument then can be drawn hence, if it would hold but only a primacy of order; and yet even that fails too in the Scriptures changing of the order so often. *But, say they, whatever becomes of this order, we have a strong foundation for Saint Peters power, because Christ said He would build his Church upon him, Matth. 16. 17.* This were something indeed, if it were proved; but I fear this rock will not hold water, as it is brought by them; nor Saint Peter prove to be *that rock*. For, indeed, was the Church built upon Saint Peter? then he must be the chief foundation-stone, and Peter must build upon himself, and not upon Christ, and all the Apostles upon him; and thus in exalting the servant, we depress the Master; and setting a *new foundation*, we take away the *only foundation Jesus Christ*. If by being built upon 1 Cor. 3.
12. Peter, they mean no more then being built by him as the chief instrument; it is both a very incongruous speech, and implies nothing more then what was common to him, and the rest of the Apostles, who were all Master-builders in the Church of Christ, as *Paul* calls himself; and in that respect are set forth as *the twelve foundation-stones*, in the walls of the Rev. 21.
19. *New Jerusalem*.

The rock then spoken of by Christ, in his speech to Peter, if taken *doctrinally*, was *S. Peters* confession, as many of the Fathers interpret it; if taken *personally*, it was none other but Christ himself; who used a like speech to this, when he said, *Destroy this Temple, and in three dayes I will raise it up.* Joh. 2. 19. Which words, though spoken by occasion of the material Temple (as those were of *Peters* name) yet Christ understood them of the temple of his body, (as here likewise he doth of his person.) *But still they urge, Christ put the Keyes into Saint Peters hands, Matth. 16. 19. Now the power of the Keyes doth denote regal authority.* I answer, first, The Keyes may be given two wayes, either *from a Prince to a subject*, or *from a City to a Prince*. In this latter acception, they denote principality in the receiver, but withall inferiority and subjection in the Giver: and in this sense, I am so charitable, as to think they will not say that Christ gave the Keyes to Peter; it must be then as a Prince to a subject; and when they are so given, it doth not imply any universal power in the persons

to whom they are given, but an investing them in that particular place he hath appointed them to; the office which the power of the Keyes implies, is *Ministerial*, and not *Authoritative*; *Declarative*, and not *Juridical*; *over persons committed to their charge, and not over officers joyned in equality of power with them.* For so were the rest of the Apostles with Peter in the same power of the Keyes, *Matth. 18. 18. John 20. 23.* This power of the Keyes then was given to Peter in a peculiar manner, but nothing peculiar to him given thereby. *But still there remains another Ward in Saint Peter's Keyes, and the last foot to the Popes Chair; which is Pasce oves, Feed my sheep; a charge given particularly to Peter, John 21. 15.* Thence they infer his power over the whole Church. But this foot hath neither joints nor sinews in it, and is as infirm as any of the rest: for neither did this command rather than commission belong only to Peter; for Christ had before given them all their general commission; *As the Father hath sent me, even so send I you, John 20. 21.* whereby is implied an investing all the Apostles equally, with the power and authority of governing the Church of God; although this charge be peculiarly renewed to Peter, because as he had particularly fallen, so he should be particularly restored; neither yet did we grant this: doth the word *ποιμαίνειν*, imply such a power and authority as they plead for, *viz.* A supream power over the Church of God? for this even by Peter himself is attributed to the fixed *Presbyters* of the Churches, who by this argument have as much authority conveyed them, as Saint Peter had, *1 Pet. 5. 2.* and yet should we grant this, it would not infer what they desire; for these sheep were not the whole Church of Christ, taken *absolutely but indefinitely.* For all the Apostles had a command to preach to every creature, *Matth. 28. 18.* which was as to the words larger, as to the sense the same with that to Saint Peter here. And afterwards we find Peter called *the Apostle of Circumcision*, and *the Apostles sending him to Samaria, and Paul in the right hand of fellowship with Peter;* which had been certainly dishonourable to Peter, had he been invested with such an universal supream power over the Apostles and the whole Church. Such pretences then as these are, for such an extravagant power in the Church of God from

Gal. 2. 7.
Act. 8. 14.
Gal. 2. 9.

from such miserably weak foundations, for the upholding a corrupt interest, have given the occasion to that tart *Sarcasm*, *In Papatu sub Petri nudo nomine Satan non amplius Larva*. But that which would seem sufficient to awaken any out of this dream of Saint *Peters* power over the rest of the Apostles, is, the frequent contendings of the twelve Apostles, one among another, who should be greatest, and that even after that Christ had said, Upon this rock will I build my Church; as we may see, *Matth* 20. 24. If Christ had conferred such a power on Saint *Peter*, what little ground had there been for the request of *James* and *John*? and would not our Saviour rather have told them, the chiefest place was conferred on *Peter* already, then have curbed their ambition in seeking who should be greatest; and would have bid them be subject to *Peter* as their Head and Ruler. We see not then the least foundation for an universal *Monarchy* in the Church of God; and so this form of Government is not determined by any actions or commands of Christ.

Mat. 18. 1.
Mark 9. 34.
Luk. 9. 45.

We come now to consider the pleas of others, who joyn in §. 7. renouncing any supream power under Christ, over the Church of God; but differ as to the particular forms of Government in the Church; those who are for an *inequality*, usually fix on the *imparity between the Apostles and the LXX*. Those that are for a *parity* upon *Matth* 20. 25. and *Matth* 18. 17. I shall here proceed in the former method, to shew that none of those can prove the form they contend for as only *necessary*, nor their adversaries prove it *unlawful*. First then for the inequality between the Apostles and the LXX. Disciples; by that inequality is meant, either only an *inequality of order*; or else, an *inequality carrying superiority and subordination*. It is evident that the LXX. disciples were not of the same Order with the twelve Apostles, whom Christ had designed for the chief Government of his Church, after his *Ascension*; and in this respect the comparison of the *twelve heads of the Tribes*, and the *seventy Elders*, seems parallel with the *twelve Apostles*, and the LXX. disciples; but if by *imparity*, be meant that the twelve Apostles had a *superiority of power and jurisdiction* over the LXX. disciples; there is not the least evidence or foundation, in Reason or Scripture for it. For

Luke 10. 1.

the *LXX.* did not derive their power from the *Apostles*, but immediately from *Christ*, they enjoyed the same privileges, were sent upon the same message, (making way for *Christ's* entertainment in the several *Cities* they went to) yea all things were parallel between them and the *Apostles* in their mission (unless any difference be made in the *Cities* they went to, and their number). So that there is no superiority of office in the *Apostles*, above the *LXX.* nor of power and jurisdiction over them; their *Commissions* being the same: And it seems most probable that both their missions were only temporary, and after this the *LXX.* remained in the nature of private disciples, till they were sent abroad by a new *Commission* after the resurrection, for preaching the Gospel, and planting Churches. For we see that the *Apostles* themselves were only *Probationers*, till *Christ* solemnly authorized them for their *Apostolical* employment, *Matth.* 28. 18. *John* 20. 21. when their full *Commissions* were granted to them, and then indeed they acted with a plenitude of power, as *Governors* of the Church, but not before. Nothing can be inferred then for any necessary standing rule for Church Government, from any comparison between the *Apostles* and the *LXX.* during the life of *Christ*, because both their missions were temporary and occasional. Only we see, that because *Christ* did keep up the number of the *Twelve* so strictly, that as the *LXX.* were a distinct number from them, so when one was dead, another was to be chosen in his stead (which had been needless, if they had not been a distinct Order and Colledge by themselves) it is thence evident that the *Apostolical* power, was a superiour power to any in the Church; and that such an inequality in Church-Officers as was between them and particular *Pastors* of Churches, is not contrary to what our *Saviour* saith, when he forbids that dominion and authority in his disciples, which was exercised by the *Kings* of the earth, *Matth.* 20. 25. *Luke* 22. 25. which places, because they are brought by some, to take away all inequality among Church-Officers, I shall so far examine the meaning of them, as they are conceived to have any influence thereupon. First then, I say, that it is not only the abuse of civil power, which our *Saviour* forbids his disciples,

but

but the exercise of any such power as that is. And therefore the Papists are mistaken, when from the words of *Luke, Vos autem non sic*, they conclude all power is not forbidden, but only such a tyrannical power, as is there spoken of. For those words are not a limitation and modification of the power spoken of, but a total prohibition of it; for first, the comparison is not between the Apostles and Tyrants, but between them and Princes; yea such as *Luke* calls *ὄντας*. Indeed, had Christ said, The Kings of the earth abuse their authority; *vos autem non sic*; then it would have been only a limitation of the exercise of power; but the meer exercise of civil authority being spoken of before, and then it being subjoyned, *but you not so*; it plainly implies a forbidding of the power spoken of, in the persons spoken to. But say they, the words used in *Matthew* are *κατακυριεύειν* and *κατεξουσιάζειν*, which import the abuse of their power which is forbidden; but I answer, first, in *Luke* it is otherwise; for there it is the simple *κυριεύειν* and *ἐξουσιάζετε*, when it follows, *ὁμοίως ὅτι ἐχ' ἔτος*. So that if the abuse be forbidden in one, the use is in the other: but secondly, *κατακυριεύειν*, by the LXX. is used frequently for *κυριεύειν*, and *לָקַח* is often rendred by that word; as *Psalms* 72. 7. He shall have dominion, *κατακυριεύσει*, *Psalms* 110. 2. *κατακυριεύει*, Rule thou in the midst of thine enemies; in both which places, it is spoken of Christs Kingdom. So in *Genesis* 1. 28. *πληρώσατε τὴν γῆν καὶ κατακυριεύσατε αὐτήν*. v. *Psal.* 109. Replenish the earth, and have dominion over it. In all which places it is used simply for dominion, and not for tyrannical power. Jer. 3. Numb. 23—32.

It is not then the abuse of civil power, but the use of it, which is here forbidden: which will be more evident; secondly, from the importance of the phrase *ἐχ' ἔτος*; which answers to the Hebrew *לָקַח* and simply denies what went before; as when *Cain* expresseth his fear of being kill'd, *Genes.* 4. 14. The *Septuagint* render Gods answer by *ἐχ' ἔτος*, whereby is not denied only the manner of his death to be as *Abels* was, but it is simply denied; and so *Psalms* 1. 4. the LXX. render *לֹא יִשְׁחָדוּ* by *ἐχ' ἔτος οἱ ἀσεβῆς ἐχ' ἔτος*, the wicked are not so. So, when Christ saith, *Matth.* 19. 8. *ἀπ' ἀρχῆς ὅτι οὐ γέγονεν ἔτα*, from the beginning it was not so; it imports

an absolute denial of giving bills of divorce from the beginning. *Thirdly*, this no wayes answers to the scope of the Apostles contention, which was meerly about primacy and power, and not at all about the abuse of this power. So that by this place, all affectation and use of a civil, co-active, external power is forbidden to the Officers of the Church; the power of the Church being only a directive, voluntary power; and is rather a *Ministry* then a *power*, as our Saviour expresseth there, *Matth. 20. 26. Luke 22. 26.* But having thus excluded all Civil Power from the Governours of the Church, as such: I say, *secondly*, that this place doth no ways imply a prohibition of all inequality among the Governours of the Church; which is abundantly cleared by this reason, because by the acknowledgment of all parties, the Apostles had a superiour power over the ordinary Pastors of Churches; Now if the exercise of all superiority had been forbidden, this must have been forbidden too; as implying plainly an exercise of authority in some over others in the Church. And therefore *Musculus* thus explains the place: *Non exigit hoc Christus ut omnes in regno suo sint aequales, sed ne quisquam cupiat magnus & primus haberi & videri.* It is not an inequality of Order, but ambition which Christ forbids; and therefore he observes that Christ saith not, Let none be great among you, and none first; which should have been, if all primacy and superiority had been forbidden, and a necessity of an equality among Church-Officers: *but he that will be great among you, let him be your Minister.* Let those that are above others, look upon themselves as the servants of others, and not as their masters. For God never bestows any power on any, for the sake of those that have it, but for the sake of those for whom they are employed: When men seek then their own greatness, and not the service of the Church, they flatly contradict this precept of Christ, *But with you it shall not be so.* But however an inequality of Power and Order for the Churches good is not thereby prohibited: Which is sufficient for my purpose.

§. 8.

The next place to be considered is that in *Matth. 18. 15, 16, 17.* *If thy brother shall trespass against thee, go and tell him*
his

his fault between thee and him alone ; if he shall hear thee, thou hast gained thy brother. But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established. And if he shall neglect to hear them, tell it to the Church ; but if he neglect to hear the Church, let him be unto thee as a heathen man and a Publican. It seems a very strange thing to consider that this one place hath been pressed by all parties to serve under them, for the maintenance of their own particular form of Government : so that, (as the Jews fable of the *Manna*) it hath had a different taste, according to the diversity of the palats of men. Those that are for a *Congregational Church*, being the first receptacle of Church power, set this place in the front of their arguments ; those who plead for *Standing Presbyteries, Lay-Elders, subordination of Courts*, fetch all these out of this place ; those that are for a *power of Church Discipline* to be only lodged in a *higher order of Church Officers* succeeding the Apostles, derive the succession of that power from this place ; nay lest *quidlibet* should not be proved *è quolibet*, the Papists despair not of proving the *constant visibility of the Church, the subordination of all to the Pope, the infallibility of general Councils*, all out of this place. Methinks then it might be argument enough of the incompetency of this place to determine any one particular form, when it is with equal confidence on all sides brought to prove so many ; especially if it be made appear that the general rule laid down in these words, may be observed under a diversity of forms of Government. For whether by the Church we mean the community of the faithful in a particular Congregation, or the standing officers of such a Church, or a Consistorial Court, or Synodical Assembly, or higher Church officers, it is still the duty of men in case of offences, to tell the Church for redress of grievances, or vindication of the person himself, that he hath discharged his duty.

This place then determines not what this Church is, nor what the form of its Government should be, when the sense of it holds good and true under such diversity of forms. But we shall further inquire what influence this place can have upon the modelling the Government in the Church of God. For

Chamier

To. 2. l. 10.
c. 5. f. 2.

Chamier tells us, the *prima Politia Ecclesiastica origo* is to be found in these words; it will be then worth our inquiry to see what foundation for Church Government can be drawn out of these words. In which the variety of expositions (like a multitude of Physicians to a distemper'd Patient) have left it worse then they found it; I mean more difficult and obscure. We shall therefore endeavour to lay aside all pre-conceptions by other mens judgments and opinions; and see what innate light there is in the text it self to direct us to the full sense and meaning of it. Two things the great difficulty of the place lyes in, *What the offences are here spoken of? What the Church is which must be spoken to?* For the *First*, I conceive it evident to any unprejudicated mind, that the matter our Saviour speaks of, is a matter of private offence and injury, and not a matter of scandal, as such considered in a Church society; which I make appear thus. *First*, From the parallel place to this, *Luke 17. 3. If thy Brother trespass against thee, rebuke him; and if he repent, forgive him.* This can be nothing else but a matter of private injury, because it is in the power of every private person to forgive it; which it was not in his power to do, were it a matter of scandal to the whole Church; unless we make it among Christians (as it was among the Jews) that every private person might excommunicate another, and so release him afterward. *Secondly*, It manifestly appears from *St. Peters* words next after this Paragraph, *Mat. 18. 20. Lord, how often shall my brother sin against me, and I forgive him, till seven times? &c.* Christ answers him, *till seventy times seven*, that is, as often as he doth it. And thence Christ brings the parable of the King forgiving his servants, *v. 23. Thirdly*, Were it meant of any scandalous sin committed with the privacy of any particular person (as many understand *trespassing against thee*, that is, *te conscio*) then this inconvenience must necessarily follow, that matters of scandal must be brought to the Churches cognizance when there can be no way to decide them; that is, when one offends, and only one person knows it; here will be a single affirmation on one side, and denial on the other side, and so there can be no way to decide it; the matter here spoken of then is somewhat only relating to the offence or injury of some particular person,

son, and not a matter of scandal to the whole Church. The Question then as propounded to be spoken to by our Saviour, is, *What is to be done in case of private offences between man and man?* and not in case of secret sins against God, and scandalous to the Church? Now to this our Saviour layes down his answer gradually: first, there must be *private admonition*; if that succeed not, *admonition before witnesses*; if not that, *telling the Church*; if not that neither, *reputing him as a Heathen and Publican*. Now in this answer, we must conceive our Saviour speaks as to an ordinary case, so in a way easie to be understood by all that heard him: and therefore he must speak in allusion to what was at that time among the Jews in such cases, which is freely acknowledged both by *Calvin* and *Beza* upon the place. *Nam certè tanquam de Judæis hæc dici apparet, saltem ex eo quod addit, sit tibi sicut Ethnicus & Publicanus.* We must then see what the custom was among the Jews in such cases, and how far our Saviour doth either approve the custome received, or appoint new. The Law was very strict in case of offences, *for every man in any wise to rebuke his neighbour, and not to suffer sin upon him*; *Arguendo argues*, our old Translation renders it, *Thou shalt plainly rebuke thy Neighbour*. Now this piece of necessary Discipline our Saviour endeavours to recover among them, which it seems was grown much out of use with them. For *Rabbi Chanina*, as *Mr. Selden* observes, gave this as one reason of the destruction of *Jerusalem*, *Because they left off reproving one another*: *Non excisa fuissent Hierosolyma, nisi quoniam alter alterum non coarguebat.* Our Saviour therefore inforceth this Law upon them in case of offences; first to deal plainly with their neighbour in reproving him: but our Saviour rests not here, but being himself a pattern of meekness and charity, he would not have them to rest in a bare private admonition, but to shew their own readines to be reconciled, and willingness to do good to the soul of the offending party thereby, he adviseth further to take two or three witnesses with them, hoping thereby to work more upon him: but if still he continues refractory, and is not sensible of his miscarriage, *Tell it the Church*. What the Church here is, is the great Controversie; some, as *Beza* and his followers, understand an Ecclesiastical

Beza in loc.

Lev. 19. 17.

De syned.

l. 1. c. 9.

In Gemar.

Babyl. ad

tit. Shab-

bath. c. 16.

f. 119.

Sanbedrin

V. Grotius
in Matth.
5. 22.
Selden de
Syned. l. 2.
c. 8.

Joseph l. 2.
cont. Appion.

Sanbedrin among the Jews, which had the proper cognizance of Ecclesiastical causes; but it will be hard to prove any such *Sanbedrin* in use among them; the Priests and Levites indeed were very often chosen into the *Sanbedrin*, (which it may be is the ground of the mistake) but there was no such *Sanbedrin* among them, which did not respect matters criminal and civil: so we must understand what *Josephus* speaks of the Priests among the Jews. *Ἦσαν δὲ τῶν ἱερέων καὶ ἄλλων ἐπιτηδεύματων ἀρετῆς ἐπιμέλεια· καὶ ἄ ἐπόλαι πάντων, καὶ διασαί ἑὺ ἀμφισβητημάτων, καὶ πολεμαί ἑὺ καταγνωσμένων οἱ ἱερεῖς ἐπέχθησαν.* *The Priests were alwaies very studious of the Law, and other matters of concernment. These were appointed as the Overseers of all things, Judges of Controversies, and the punishers of condemned persons.* Thus we see he is so far from attributing a distinct Ecclesiastical Court to them, that he seems to make them the only Judges in civil and criminal causes. Others by the Church understand the Christian Church; but herein they are divided; some understanding by it only the Officers of the Church, so *Chrysostom τῶν ἐπιστολέων.* *Euthymius Ecclesiam nunc vocat presides fidelium Ecclesia.* Others understand it not in its representative notion, but in its diffusive capacity, as taking in all the members. But our Saviour speaking to a present case, must be supposed to lay down a present remedy, which could not be, if he gave only rules for governing his Church which was not as yet gathered nor formed, there being then no *Court Ecclesiastical* for them to appeal unto. Suppose then this case to have fallen out immediately after our Saviours speaking it, that one brother should trespass against another, either then notwithstanding our Saviours speech (which speaks to the present time, *Go and tell the Church*) the offended brother is left without a power of redress, or he must understand it in some sense of the word Church, which was then in use among the Jews. And these who tell us, *That unless ἐκκλησία be understood for a Church as we understand it, it would be no easie matter for us now to conceive what the Holy Ghost meant by it,* would do well withal to consider how those to whom Christ spoke, should apprehend his meaning if he spoke in a sense they never heard of before. And certainly our best way to understand the meaning of

Gellespy
Aarons rod
lib. 3 c. 2. p.
552. l. 2. c. 9.
p. 296.

Scripture

Scripture is to consider *what, of whom, to whom* the Scripture speaks; for although the Scripture as a rule of faith for us, be supposed to be so written, as to be easily understood by us, yet as the parcels of it were spoken upon several occasions, they must be supposed to be so spoken, as to be apprehended by them to whom they were spoken in the common sense of the words, if nothing peculiar be expressed in the speech, whereby to restrain them to another sense. And therefore the *Church* must be understood in the same sense wherein the word *כְּהֵנִי* or the *Syriack* answering to it was apprehended among the Jews in our Saviour's time. Which could not be for any new Consistory or *Sanhedrin* to be erected under the Gospel. Thence others conceiving that Christ did speak according to the custome of the Jews, by the *Church*, understand nothing else but the *Sanhedrin*, and so make the sense of the words to be this. The case our Saviour speaks to is that of private quarrels, wherein our Saviour lays down two directions in a way of charity, *private admonition*, and *before witnesses*; but if the party continues refractory, then it may be lawful to convent him before the Courts of Judicature among them, the *Triumvirate*, the 23. or the great *Sanhedrin*; for although the *Romans* had taken away the power of the *Jews* in capital matters, yet they allowed them liberty of judging in case of private quarrels; but if he neglect to hear the *Sanhedrin*, then it may be lawful to implead him before the *Governour* of the *Province* in his Court of Judicature, by which Heathens and Publicans were to be judged; which is meant by *let him be to thee*, not as a brother Jew, *but as a Heathen and a Publican*. This Exposition is said to be first Broached by *Erastus*, but much improved and enlarged by *Rev. Bishop Bilson*, who spends a whole Chapter upon it. But this Exposition though it seems fair and plausible, yet there are several things in it which keep me from imbracing it; as *first*, it seems not very probable that our Saviour should send his Disciples to whom he speaks, to the Jewish *Sanhedrin* for the ending any controversies arising among themselves; knowing how bitter enemies they were to all who were the followers of Christ. *Secondly*, it seems not very agreeable with the scope of our Saviour's speech,

Thef. 41.
Perpetual
Govern-
ment. c. 4.

1 Cor. 6.
1.—6.

which was to take up differences as much as may be among his disciples, and to make them shew all lenity and forbearance towards those that had offended them, and to do good to the souls of those that had injured and provoked them; whereas this command of telling the *Sanhedrin*, and impugning offenders before Heathen courts, tends apparently to heighten the bitterness and animosities of mens spirits one against another, and lays religion so open to obloquies, which makes *Paul* so severely reprove the *Christians* at *Corinth*, for going to Law before Heathen Magistrates; therefore to say that *Christ* allows their going to law before heathens, and *Paul* to forbid it, were instead of finding a way to end the differences among *Christians*, to make one between *Christ* and *Paul*. Thirdly, the thing chiefly aimed at by *Christ*, is not a mans vindication of himself, or recovering losses by injuries received, but the recovering and gaining the offending brother, which evidently appears by what our Saviour adds to the using admonition in private, *if he shall hear thee, thou hast gained thy brother*. Now *regenerare* in the New Testament is used for the conversion and turning others from sin. *That I might gain them that are under the Law*, 1 *Corinth*. 9. 19, 20, &c. so 1 *Pet*. 3. 1. explained by *Jam*. 5. 20. Our Saviour then speaks not to the manner of proceeding as to civil injuries, which call for *restitution*, but to such as call for *reconciliation*. And so the case I conceive is that of *private differences and quarrels* between men, and not *Law suits nor civil causes*: I mean such *differences* as respect *persons* and not *things*, which our Saviour lays down these rules for the ending of. And therefore I cannot but wonder to see some men insist so much on that place against such an Exposition of this *Luke* 12. 14. where *Christ* saith, *Who made me a judge and a divider among you?* For doth it any ways follow, because *Christ* would not take upon him to be a temporal judge among the Jews, therefore he should take no course for the ending differences among his disciples, and the taking away all animosities from among them? Nay on the contrary doth not our Saviour very often designedly speak to this very purpose, to root out all bitterness, malice, envy, and rancour from mens spirits, and to perswade them to forgive injuries, even to pray for persecutors, and by any means

means to be reconciled to their Brethren. Which he makes to be a duty of so great necessity, that *if a man had brought his gift to the Altar, and remembered his brother had* Matth. 5. 23, 24. *ought against him, he bids him leave his gift there, and go, be reconciled to his brother, and then offer up the gift.* We see hereby how suitable it was to our Saviours Doctrine and design, to lay down rules for the ending any differences arising among his disciples; and this being now cleared to be the state of the case, it will not be difficult to resolve what is meant by *selling the Church.* Which I make not to be any appeal to a *judicial court*, acting *authoritatively* over the persons brought before it, but the *third and highest step of charity* in a man towards a person that hath offended him, *viz.* that when neither private admonition, nor before two or three witnesses would serve to reclaim the offender, *then to call a select company together* (which is the natural importance of the word ἐκκλησία) and before them all to lay open the cause of the breach and difference between them, and to refer it to their arbitration to compose and end it. Which sense of the place, I humbly conceive to have the least force in it, and in every part of it to be most genuine and natural, and fully agreeable to the received practice among the Jews: which the author of the book *Musar* cited by *Drusius* fully acquaints us with, whose words I shall transcribe, as being a plain Paraphrase on these of our Saviour. *Qui arguit socium suum, debet primum hoc facere placide inter se & ipsum solum verbis mollibus, Ita ut non pudefaciat eum. Si respiscit bene est; sin, debet eum acriter arguere & pudefacere inter se & ipsum. Si non respiscit, debet adhibere socios, ipsumque coram illis pudore afficere; si nec hoc modo quicquam proficit, debet eum pudefacere coram multis, ejusque delictum publicare. Nam certe detegendi sunt hypocrite.* That which this Author calls *pudefacere eum coram multis*, is that which our Saviour means when he bids him *sell the Church*, or the *Congregation*, as our old translation renders it. This the Jews called reproving of men כרכים before a multitude, as the *Vulg. Latin* though falsely renders that place *Leviticus 19. 17. publice argue eum*, and to this the Apostle may allude when he speaks of the ἰσχυρὰ ἢ ἅπασαν τὴν ἐκκλησίαν 2 Corinth. 2. 6. *the censure of many*; and

Præterit. lib. 1. p. 43.

the reproof ἐπιτίμων πάλιν before all, 1 Tim. 5. 20. which was to be in matters of publick scandal upon religion, ברכרים שמים as the Jews call them, but in case the offender should still ἀγρεύει slight this overture of reconciliation, before the company selected for hearing the case, then saith our Saviour, look upon him as an obstinate refractory creature, and have no more to do with him, then with a *Heathen* and a *Publican*; by which terms the most willful obstinate sinners were set out among the Jews, and by which our Saviour means a mans withdrawing himself, as much as in him lies, from all familiar society with such a person. And thus saith Christ, *Whatsoever you bind in earth, shall be bound in heaven, and whatsoever you loose on earth shall be loosed in heaven*, v. 18. that is, if after all your endeavours of reconciliation, the offender will hearken to no agreement, it is an evidence and token that man's sin is *bound upon him*, (that is, *shall not be pardoned* so long as he continues impenitent,) but if he repent of his offence, and you be reconciled, as the offence is removed on earth thereby, so the sin is *loosed in heaven*, that is, *forgiven*. The guilt of sin that *binds*, it being an obligation to punishment; and so the pardon of sin that *looseth*, as it cancels that obligation. And so *Grotius* observes, that δέν is the same with κρατεῖν, and λύειν with ἀρῖναι: what is called *retaining* in one place, is *binding* in another: and what is *loosing* in one place, is *remitting* in the other. But now although I assert this to be the true, proper, genuine meaning of this difficult place, yet I deny not but that this place hath influence upon Church-Government; but I say the influence it hath, is only by way of Accommodation, and by Analogy deduced from it. According to which these things I conceive have foundation in these words *First, gradual appeals* from the method here laid down by our Saviour. *Secondly, Church-censures*, and the duty of submitting to Church authority; for although before any Church power was actually set up (as when our Saviour spake these words then there was none,) yet after that Church-Government was fixed and set up, it must in reason be supposed that all matters of the nature of scandals to the Church must be decided there. *Thirdly, The lawfulness of the use of*

V. Rainolds
Conf. with
Harr. cap. 2.
div. 3.
Grot. in
Matth. 16.

excommunication in Christian Churches ; for if every particular person might withdraw from the society of such a one as continues refractory in his offences, then much more may a whole society, and the officers of it declare such a one to be avoided both in religious and familiar civil society, which is the formal nature of excommunication. Herein we see the wisdom of our Saviour, who in speaking to a particular case, hath laid down such general rules as are of perpetual use in the Church of God for accommodating differences arising therein. Thus have we hitherto cleared that our Saviour hath determined no more of Church Government then what is applyable to a diversity of particular forms, and so hath not by any Law or practice of his own determined the necessity of any one form.

CHAP. VI.

The next thing pleaded for determining the form of Government, is Apostolical practice; two things inquired into concerning that, what it was? how far it binds? The Apostles invested with the power and authority of governing the whole Church of Christ by their Commission, John 20. 21. Matth. 28. 18. What the Apostles did in order to Church Government before Pentecost, κληρῶν ἀποστόλων, τῶν ἰδίων explained. How the Apostles did divide Provinces; whether Paul and Peter were confined to the circumcision and uncircumcision, and different Churches erected by them in the same Cities? What the Apostles did in order to settling particular Churches? the names and office of Bishops, Presbyters, Deacons considered. Four general considerations laid down about the Apostles practice. First, It cannot be fully known what it was. 2. Great probability they observed no one certain form in settling Churches; proved from Epiphanius, Jerome, Ambrose or Hilary. 3. Their case different from ours in regard of the paucity of believers. 4. If granted for any form, yet proves not the thing in question. For, 1. Offices appointed by them are ceased. Widows, Deaconesses abolished. 2. Rites and customs Apostolical grown out of use. 1. Such as were founded upon Apostolical precept, Acts 15. 29. considered. 2. Such as were grounded on their practice, Holy kisses, Love-feasts, dipping in Baptism, community of goods, with several others.

§. I. **H**AVING found nothing, either in our Saviours practice, or in the rules laid down by him (conceived to respect Church Government) which determines any necessity of one particular form; the only argument remaining which can be conceived of sufficient strength to found the necessity of any one form of Government, is, *the practice of the Apostles*, who were by their employment and commission entrusted with the Government of the Church of God. For our Saviour after his resurrection taking care for the Planting and Governing of his Church after his Ascension to Glory, doth at two several

veral times call his Apostles together, and gives now their full Charter and Commission to them; *the first*, containing chiefly the power it self conferred upon them, *John 20. 21.* The other the extent of that power, *Matth. 28. 19.* In the former our Saviour tells them, *As the Father had sent him, so did he send them.* Which we must not understand of a parity and equality of power, but in a similitude of the mission: that as Christ before had managed the great affairs of his Church in his own person, so now (having according to the Prophecies made of him at the *end of seventy weeks, made reconciliation for iniquity by his death, and brought in everlasting righteousness by his resurrection*) He dispatcheth abroad his Gospel Heralds to proclaim the *Jubilee* now begun, and the *Act of Indempnity* now past upon all penitent offenders; which is the sense of the other part of their commission, *Whose soever sins ye remit, they are remitted; and whose soever sins ye retain, they are retained,* *Joh. 20. 23. i. e.* as many as upon the Preaching the Gospel by you, shall come in and yield up themselves to the tenders of grace proclaimed therein, shall have their former rebellions pardoned; but such as will still continue obstinate, their former guilt shall still continue to bind them over to deserved punishment. And to the end the *Apostles* might have some evidence of the power thus conferred upon them, *he breaths the Holy Ghost on them, and said, receive ye the Holy Ghost;* which we are not to understand of the extraordinary gifts of the *Holy Ghost*, which were not received till the day of *Pentecost.* *Act. 2. 1.* but of the *Authoritative power* of Preaching the Gospel, which was now conferred upon them, by this solemn rite of breathing the Holy Ghost on the Apostles. In which sense the *Church of England* understands that expression in the Ordination of Ministers, as it implies only the conferring thereby an authority for the Preaching of the Gospel, which being conveyed by Ordination, is fitly expressed by the same words which our Saviour used in the conferring the same power upon his Apostles at his sending them forth to be Gospel Preachers.

Dan. 9. 24.
with Rom.
4. 25.

Joh. 20. 22.

After this comes the solemn appointed meeting of Christ with his Disciples at the mountain of *Galilee*, (where in pro- *Mat. 28. 16:*
bability,

1 Cor. 15. 6. bability, besides the eleven, were present the five hundred brethren at once.) And here Christ more solemnly inaugurates the Apostles in their office, declaring all power to be in his hands, and therefore appoints the Apostles to preach the Gospel to every creature, that is, to all men indefinitely, Gentiles as well as Jews, which *Matthew* fully expresseth by all Nations. Now are the Apostles left as chief Governours of the Church under Christ, and in this last Commission wherein the extent of the Apostles power is more fully expressed, there is nothing mentioned of any order for the Government of the Church under them, nor what course should be taken by the Church after their decease. All that remains then to be inquired into, is what the Apostles practice was, and how far they acted for the determining any one form of Government as necessary for the Church.

§. 2. The Apostles being thus invested in their Authority, we proceed to consider the exercise of this Authority for the Governing the Church. And here we are to consider, that the Apostles did not presently upon their last Commission from Christ go forth abroad in the world to Preach, but were commanded by Christ to go first to *Jerusalem*, and there to expect the coming of the Holy Ghost according to our Saviours own appointment, *Luk*, 24. 49. And therefore what *Mark* adds, *Mark* 16. 20. that after Christ's appearance to them, the Apostles went abroad and preached every where, working miracles, must either be understood of what they did only in their way returning from *Galilee* to *Jerusalem*: or else more probably of what they did indefinitely afterwards. For presently after we find them met together at *Jerusalem*, whence they came from mount *Olivet* where Christs Ascension was. Here we find them employed ἐν τῷ ἱερῷ, saith *St. Luke* in his Gospel, which we render the *Temple*, but I understand it rather as referring to the action than the place, and is best explained by what *Luke* saith in *Acts* 1. 14. they were προσευχόμενοι τῇ προσευχῇ καὶ τῇ δεήσει, continuing in prayer and supplication. And that it cannot be meant of the Temple, appears by the mention of the ὑψῶν, an upper room, where they continued together. For that it should be meant of any of the ὑψῶν, about the Temple, is most improbable to conceive,

Luk. 24. 52.
Act. 1. 12.
Luk. 24. 53.

Acts 1. 13.

conceive, because not only those ninety *Cells* about the Temple were destined and appointed for the Priests in their several *ἐνομοίαι*, or times of Ministration; and it is most unlikely the chief Priests and Masters of the Temple should suffer those whom they hated so much, to continue so near them without any molestation or disturbance. While the Apostles continue here, they proceed to the choice of a new Apostle instead of *Judas*, thereby making it appear how necessary that number was to the first forming of Churches, when the vacant place must be supplied with so great solemnity. Which office of Apostleship (which *Judas* once had, and *Matthias* was now chosen into) is call'd by *Peter* κληρος διακονίας καὶ ἀποστολῆς. *Acts* 1. 25. which a Learned Interpreter renders *the portion of his Apostolacy*, or the *Province* which fell to *Judas* his lot in the distribution of them among the Apostles, which saith he, is call'd ὁ μέρος ὁ ἴδιος, into which *Matthias* did πορευθῆναι go, and from which *Judas* fell by his sin. This Exposition is very often suggested by that learned Author (but with all due reverence to his name and memory) I cannot see any such evidence either from Scripture or reason, to enforce any such Exposition of either phrase, yielding us sufficient ground to forsake the received sense of both of them. For κληρος ἀποστολῆς is plainly nothing else but that office of *Apostleship* which belonged to *Judas* without any relation to a *Province*; and ὁ μέρος ὁ ἴδιος, is that proper place which belonged to *Judas*, as he is call'd υἱὸς ἀπολείας, *the Son of perdition*, and no other. But the very foundation of this mistake, is, that the several *Provinces* into which the Apostles were to go for Preaching the Gospel, were distributed among them before they were filled with the *Holy Ghost*, which is an *Hypothesis* will not easily be granted by any one that doth but impartially consider these things. That if the *Provinces* were so distributed among them, it must be either before the death of Christ or after; and it must be before, if *Judas* had a peculiar *Province* assigned to him, which this Exposition necessarily implies; but how *Provinces* could be divided among them before they had their Commission given them to Preach to all Nations, is somewhat hard to understand. It must be then immediately after Christ had bid them Preach to every creature, that they

V L'Emper.
in Cod.
Middoch. c. 4.
Sect. 5.

Annor. in loc.
Dissert. 3. c. 4.
Schism. c. 4.
Sect. 13.
Answ. to the
Cath. c. 4. f. 2.
Schism. dis-
armed.
Anf. c. 3. f. 4.

thus distributed the *Provinces* among them; but several things make this very improbable. *First*, The gross mistake of the Apostles concerning the very nature of Christs Kingdom, which we read, *Act. 1. 16.* when they joyntly ask Christ, *Lord wilt thou at this time restore the Kingdom to Israel?* They dreamt still of a temporal Kingdom, according to the common opinion of the Jews; and is it probable they should distribute among themselves the several *Provinces* for Preaching the Gospel, who thought that Christs Kingdom would have been established by other means then going up and down the world? They looked that Christ himself should do it by his own power, *Wilt thou at this time,* &c. and did not think it must be done by their means; much less by their single going into such vast parts of the world, as the twelve divisions of the world would be. *Secondly*, It appears very improbable any such division of *Provinces* should be made then, when they were commanded to stay at *Jerusalem*, and not to stir thence till the promise of the Spirit was fulfilled upon them. *Tarry ye in the City of Jerusalem till ye be endued with power from on high,* Luk. 24. 49. *And being assembled together with them, be commanded them not to depart from Jerusalem, but wait for the promise of the Father,* Acts 1. 4. Is it likely, when the Apostles were thus straightly charged not to leave *Jerusalem*, till they were endued with the power of the Holy Ghost, should contrive the dispersing themselves abroad all over the world? especially when Christ told them, that it should be after the coming of the Spirit that they should go abroad, *Acts 1. 8.* and that the Spirit should fit them for their work, (*Job. 15. 26, 27. Job. 16. 13.*) by teaching them, and testifying of Christ. *Thirdly*, If such a distribution of *Provinces* had been made so early among the Apostles, how comes it to pass, that after they were endued with the Holy Ghost, they did not every one betake himself to his several *Province*? there could have been then no plea nor excuse made for their stay any longer at *Jerusalem* after the promise of the Spirit was fulfilled upon them. And yet after the persecution raised at *Jerusalem*, when most of the Church were dispersed abroad, we find the Apostles remaining still at *Jerusalem*, Acts 8, 1, 14. Would they have been so long absent from their charge, if any

any such distribution had been made among themselves? *Fourthly*, the Apostles occasional going to places as they did, argues there was no such set division of *Provinces* among them. The first departure of any of the Apostles from *Jerusalem*, was that of *Peter* and *John*, who were sent by common order of the Apostles to *Samaria*, after they heard that by *Philips* preaching, they had received the word of God. Not the least mention of any peculiar *Province* of theirs which they were sent to. So *Peters* going from *Joppa* to *Casarea*, was occasioned by *Cornelius* his sending for him. *Fifthly*, that *Provinces* were not divided, appears, because of so frequent reading of many of the Apostles being together in one place: first the whole twelve at *Jerusalem*, after that *Peter* and *John* together at *Samaria*; about four years after *Pauls* conversion we meet with *James* and *Peter* together at *Jerusalem*; fourteen years after this, we find *James*, *Peter*, and *John* there. Is it any waies probable if all these had their distinct *Provinces* assigned then, they should be so often found together at *Jerusalem*, which certainly must belong but to the *Province* of one of them. *Sixthly*, It seems evident that they divided not the world into *Provinces* among them, because it was so long before they thought it to be their duty to preach unto the *Gentiles*; *Peter* must have a vision first before he will go to *Cornelius*; and as yet we see they retained that persuasion, that it is unlawful for a *Jew* to keep company, or come unto one that is of another *Nation*. *Acts* 10. 28. Nay more then this, *Peter* is accused for this very action, before the Apostles at *Jerusalem*. *Acts* 11. 2, 3. and they laid this as the ground of their quarrel, that he went in to men uncircumcised, and did eat with them: how this is reconcilable with the whole worlds being divided into *Provinces* so early among the Apostles, is not ealie to conceive: unless some of them thought it unlawful to go to their own *Provinces*, which certainly must be of the *Gentiles*, most of them. *Seventhly*, Another evidence that *Provinces* were not divided so soon, is, that *Peters* province so much spoken of, viz. that of the circumcision, fell not to his share, till near twenty years after this time we now speak of, upon the agreement between *Paul* and *Peter* at *Jerusalem*.

- Gal. 2. 7, 8, 9. If Provinces had been so soon divided, how comes the Apostleship of the circumcision to be now at last attributed to Peter? was it not known what *Peters* Province was before this time? and if it was, how come *Paul* and he now to agree about dividing their Provinces? Nay further: *Eightly*, These Provinces after all this time were not so divided, as to exclude one from anothers Province, which is requisite for a distribution of them; much less were they so at first; for as to this division of the Jews and Gentiles between *Paul* and *Peter*, it cannot be understood *exclusively of others*; for what work then had the rest of the Apostles to do? neither taking them distributively, was *Paul* excluded from preaching to the *Jews*, or *Peter* to the *Gentiles*. We see *Paul* was at first chosen *to be a vessel to bear Christs name before the Gentiles and Kings, and the Children of Israel*. We see hereby he was appointed an Apostle as well to Jews as Gentiles: and accordingly we find him presently *preaching Christ in the Synagogues, and confounding the Jews*. So in all places where *Paul* came, he first preached to the Jews in the Synagogues; and when they would not hearken to him, then he turned to the Gentiles. Neither was this done only before the Apostles meeting at Jerusalem, supposed to be that spoken of *Acts* 15. but after at *Ephesus* we find him entering into the Synagogues there, and preaching to the Jews. So likewise he did at *Corinth*, *Acts* 18. 4. *And he reasoned in the Synagogue every Sabbath, and perswaded the Jews and the Greeks*. *Paul* then we see thought not himself excluded from preaching to the Jews, because they were *St. Peters* Province. Neither did *Peter* think himself excluded from the *Gentiles*; he was the first that opened the door of faith to them by preaching to them; in which respect it is not altogether improbably conceived by some, that the power of the Keys was peculiarly given to him. And afterwards in the open Council at *Jerusalem*, he owns himself as the Apostle to the *Gentiles*: *God made choice among us, that the Gentiles by my mouth should hear the word of the Gospel and believe*. This then evidently destroys any such early distinction of Provinces; when *Peter*, whose Province seems most express in Scripture, *viz. the circumcision*, yet we find him acting as an Apostle to the
- Gentiles*

Gentiles too. I deny not but at the meeting of *Paul* and *Peter* at *Jerusalem*, when they observed how God did bless the one most in the circumcision, the other in the uncircumcision, there was an agreement between them for the one to lay out his pains chiefly upon the *Jews*, and the other upon the *Gentiles*; and in probability where they met in any City, the one gathered a *Church* of the *Jews*, and the other of the *Gentiles*; but this makes no such distinction of Provinces, as to exclude the one from the others charge; and further this agreement between *Paul* and *Peter* then after both had preached so many years, makes it fully clear that the pretended division of Provinces so early among the Apostles, is only the wind-egge of a working fancy, that wants a shell of reason to cover it. As for that division of Provinces mentioned in Ecclesiastical writers, though as to some few they generally agree; as that *Thomas* went to *Parthia*, *Andrew* went to *Scythia*, *John* to the lesser *Asia*, &c. yet as to the most they are at a loss where to find their Provinces, and contradict one another in reference to them; and many of them seem to have their first original from the fables of *Dorathens*, *Nicephorus*, and such writers.

Euseb. lib.
3. cap. 1.

§. 3.

Having shewed that the Apostles observed no set order for distributing *Provinces*, we come to shew what course they took for the setting of Churches in the places they went to. In the clearing of which, nothing is more necessary then to free our judgments of those prejudices and prepossessions which the practice either of the former ages of the Church, or our own have caused within us. For it is easie to observe that nothing hath been a more fruitful mother of mistakes, and errors then the looking upon the practice of the primitive Church through the glass of our own customs. Especially when under the same name, (as it is very often seen) something far different from what was primarily intended by the use of the word, is set forth to us. It were no difficult task to multiply examples in this kind; wherein men meeting with the same names, do apprehend the same things by them, which they now through custom signifie, without taking notice of any alteration in the things themselves signified by those names. Thus since the name *Missæ* was appropriated by

V. Picherel-
lum de
Missa, cap.
I. Casaub.
Exercit. 16.
sect. 58.

Act. 13. 2.

the *Papists* to that which they call the sacrifice of the Altar, wherever they meet among ancient writers with that name, they presently conceive the same thing was understood by it then. Whereas it was then only taken for the publick service of the Church, so called from the dismissal of the people after it, with an *Ite, Missa est*; and from the different forms of Christians they had two several services, the one called *Missa Catechumenorum*, because at the end of that the *Catechumeni* were dismissed out of the Assembly; the other *Missa fidelium*, at which they received the Lord's Supper; which afterwards (the former discipline of the Church decaying) ingrossed the name *Missa* to its self; and when the sacrifice of the Altar came up among the *Papists*, it was appropriated to that; For though they innovated things never so much, yet it hath been alwaies the Policy of that Church not to innovate names, that so the incautelous might be better deceived with a pretence of antiquity; and thus under the antiently simple name of *Missa*, lies at this day couched a *Mass* of errors. So after the word *λειτεργειν* was applyed by them to that sacrifice, wherever they meet that word in Scripture, they interpret it in that sense; and hence when we only read of the teachers at *Antioch*, *λειτεργούντων αὐτῶν*, no other rendering of the words will be taken but *Sacrificantibus illis*, although it be not only contrary to the sense of the word in the New Testament, but to the Exposition of *Chysofome*, *Theophylact*, and *Oecumenius*, who expound it by *κηρυττόντων*. Thus when publick Liturgies were grown into use in the Church after the decay of the gifts of the first primitive Church, *Eusebins* his bare calling St. *James* *λειτεργής* (though he relates only to his *Ministry* in the Church of *Jerusalem*) is enough to entitle him Father to a *Liturgy* which soon crept forth under his name: by an argument much of the same strength with that which some have brought for reading Homilies, because it is said of St. *Paul*, *Act. 20. 11. ὁμιλήσας ἀχρὶς ἀνυψῆς*. Of the same stamp is *Bellarmines* argument for invocation of Saints, because of *Jacobs* saying *invocetur super eos nomen meum*. But we need not go far for examples of this kind. The business we are upon, will acquaint us with some of them. As the argument for popular election of Pastors from the Grammatical sense of the

the word *ἡγεμονία*, for Lay elders from the name *πρεσβύτεροι*, and modern Episcopacy from the use of the word *ἐπίσκοπος* in Scriptures. Names and things must then be accurately distinguished, and the sense of the names must neither be fetched from the custome now used, nor from the Etymologie of the word, but from the undoubted practice of Apostolical times, if that can be made appear what it was. Which will be best done if we can once find out what course and order the Apostles took in the forming and modelling the Churches by them planted.

That which we lay then as a foundation, whereby to clear what Apostolical practice was, is, that the Apostles in the forming Churches did observe the customs of the Jewish Synagogue. *Totum regimen Ecclesiarum Christi conformatum fuit ad Synagogarum exemplar*, saith Grotius truly. *Presides & curatores Ecclesiarum ad instar Presbyterorum Synagogæ Judaicæ constitutos fuisse constat* as *Salmasius* often affirms. In which sense we understand that famous speech of the Author of the Commentary on *St. Pauls* Epistles, which goes under the name of *Ambrose*, but now judged by most to be done by *Hilary* a Deacon of the Church of *Rome*, under which name *St. Augustine* quotes some words on the fifth to the *Romans*, which are found still in those Commentaries. *Nam apud omnes utique gentes honorabilis est senectus; unde & Synagoga & postea Ecclesia Seniores habuit, sine quorum consilio nihil agebatur in Ecclesiâ*, which words are not to be understood of a distinct sort of Presbyters from such as were employed in Preaching the Word, but of such Presbyters as were the common Council of the Church, for the moderating and ruling the affairs of it which the Church of Christ had constituted among them, as the Jewish Synagogue had before. And from hence we observe that the *Ebionites*, who blended Judaism and Christianity together (whence *Jerom* saith of them, *Dum volunt & Judei esse & Christiani, nec Judei sunt nec Christiani*, they made a *Linsey* *wolfsey* Religion, which was neither *Judaism* nor *Christianity*) These, as *Epiphanius* tells us, called their publick meeting place *συναγωγή* and the Pastors of their Churches *ἡγεμονάρχους*. Thereby implying the resemblance and Analogy between the form of

§. 4.

V. Bezam
in *Act* 13.
15. in *Act*.
11. 30.—
6. 3.—
14. 12.—
20. 28.
Apparat. ad
lib. de Prim.
Papæ.
p. 151. 220.
In 1 *Tim*.
5. 1. v. e. i.
am in
1 *Cor*. 12. 28.
Aug. lib. 4.
ad Bonif.
cap. 4.

Ep. ad Aug.
C. Ebion.

Government

Government in both of them. But this will best be made appear by comparing them both together. For which we are to take notice how much our Saviour in the New Testament did delight to take up the received practices among the Jews only, with such alterations of them as were suitable to the nature and doctrine of Christianity; as hath been abundantly manifested by many learned men, about the rites of the Lords Supper, taken from the *post-cænum* among the Jews; the use of Baptism, from the Baptisms used in initiating Profelytes; Excommunication from their putting out of the Synagogue. As to which things, it may be observed that those rites which our Saviour transplanted into the Gospel soil, were not such as were originally founded on *Moses* his Law, but were introduced by a confederate Discipline among themselves. And thus it was in reference to the Government of the Synagogues among them; for although the reason of erecting them was grounded on a command in the Levitical Law, *Levit. 23. 3.* where holy Convocations are required upon the Sabbath days; yet the building of Synagogues in the Land, was not, as far as we can find, till a great while after. For although *Moses* require the duty of assembling, yet he prescribes no orders for the place of meeting, nor for the manner of spending of those days in Gods service, nor for the persons who were to super-intend the publick worship performed at that time. These being duties of a moral nature, are left more undetermined by *Moses* his Law, which is most punctual in the Ceremonial part of Divine service. And therefore even then when God did determine the positives of worship, we see how much he left the performance of morals to the wisdom and discretion of Gods people, to order them in a way agreeable to the mind and will of God. We shall not here discourse of the more elder customs and observations of the Synagogues, but take the draught of them by the best light we can about our Saviours time, when the Apostles copyed out the Government of Christian Churches by them.

About the time of Christ we find Synagogues in very great request among the Jews; God so disposing it, that the moral part of his service should be more frequented now the Ceremonial

V. Scaliger.
de Emend.
temp. l. 6. &
Lud. Capelli
vind. c. Eux-
torfi diff. c. el-
den. com in
Eutygium.
p. 25.

§. 5.

monial was expiring; and by those places so erected, it might be more facile and easie for the Apostles to disperse the Gospel by Preaching it in those places, to which it was the custome for the people to resort. And as *Paul* at *Athens* observing the Altar inscribed *Ἀγνώστῳ Θεῷ*, *To the unknown God*, Acts 17. 23. takes his text from thence, and begins to Preach God and Christ to them; so the Apostles in every Synagogue meet with a copy of the Law, from whence they might better take their rise to discover him *who was the end of the Law for righteousness to all that believe.* For *Moses* of old time hath in every City them that Preach him, being read in the Synagogues every Sabbath day. Acts 13. 21. It was their constant custome then every Sabbath day to have the Law publickly read; for which every Synagogue was furnished with a most exact copy; which was looked upon as the great treasure and glory of their Synagogue; in the copying out of which, the greatest care and diligence was used. In their Synagogues they read only the Law and the Prophets, the *כתובים* or *Hagiographa* were not ordinarily read in publick; the Law for the more convenient reading it, was distributed into fifty four Sections, which they call'd *פרשיות* every week one Section being read (joyning twice two lesser Sections together) the whole Law was read through once every year.

V. Buxtorf.
Synag. Jud.
c.9. p. 216.

V. Lud. de
Dieu in
Act. 13. 15.

But here I cannot say that the Jews were absolutely bound up to read the several Sections appointed for the days, as it is commonly thought (from which *Parasche* and the times prefixed of reading them, *Cloppenburg* fetcheth a new interpretation of the *Σάββατον δευτεροπροποτον*, which is, that the first Sabbath was that of the civil year which began with the Section *בראשית* upon the twenty fourth of the month *Tisri*; but the second Sabbath after the first, was the first Sabbath of the sacred year, which began with the Section *וחרש* upon the Calends of *Nisan*) but I do not see any such evidence of so exact and curious a division of the several Sections so long since as the time of our Saviour is, which appears by our Saviour's reading in the Synagogue at *Nazareth*, where it seems he read after the Synagogue custome, as one of the seven call'd out by the *חזן* to read before the people, but we find no Section assigned him by him that delivered the

V. Cloppenburg. tract. de sabb. deuteroproto & Lud. Capelli ep. ad Clopp. p. 74. cum. resp. Clopp. p. 143. Luke 4. 17.

book to him (the office of the גב) but it is said of him *ἀναπύξας τὸ βιβλίον εὗρε τὸν τόπον*, when he had unfolded the book he found out that place in Isaiah. So that then it seems there was no such precise observation of the several Sections to be read. And our Saviour's reading the book of the Prophets in the Synagogue, puts us in mind of the קריאת התורה the Sections of the Prophets answerable to those of the Law; which

- In *Thisbi* v. *Elias Levita* tells us came up after the time of *Antiochus Epiphanes*, who so severely prohibited the Jews the reading of their Law, but from that time hath been observed ever since: of which we read in *Paul's* Sermon at *Antioch* in *Pisidia* speaking of Christ; For they that dwell at Jerusalem and their Rulers, because they knew him not, nor the voices of the Prophets which are read every Sabbath day. *Benjamin Tudelensis* in his *Itinerary*, tells us, that the same custom was not observed among all the Jews for the reading the Sections of the Law. For in *Misraim* (which he there takes not for *Egypt* it self, as it is commonly taken, but for *Grand Cairo*) where there were near two thousand Jews, there were two Synagogues, the one of *Syrian*, the other of *Babylonian Jews*. The latter read over every week an entire Section of the Law (as the Jews in *Spain* in his time did) and so finished the Law in a years space. The *Syrian* Jews, or those that were born in *Judea*, divided every Section into three parts, and read not the Law through, but in three years time. These Synagogues were very much multiplied, both in *Jerusalem* and elsewhere, about the time of our Saviour's being in the world. When the common tradition of the Jews is, that in *Jerusalem* its self, there were Four hundred and eighty one Synagogues, which they ridiculouſly observed by their *Gematriy*, from the word מלאות used *Isa.* 1. 20. whose numeral letters being put together, amount to that number; but a clearer evidence of the multitude of Synagogues is our Saviour's so often appearing in them; and so likewise the Apostles when they went abroad to Preach the Gospel, we find in most places that they first entred into the Synagogues which were by the liberty given to the Jews, allowed them in all the Cities where they inhabited by the *Roman* Governours. And so in all their dispersions both in *Babylon*, *Egypt*, and the
- Western*

Itiner. p.
114. ed.
L'Emper.

V. L'Emper.
in *Not. p.*
220.

V. Serrarium
Rabb. prior.
cap. 32.

Matth. 4. 9.

Mark 1. 23.

Luke 4. 17.

John 6. 59.

18. 20.

Acts 13. 14.

14. 1.

17. 10.

18. 4.

19. 8.

Western parts, we read of the Synagogues which the Jews enjoyed, and the liberty they had therein for exercise of their own way of worship and discipline. And therefore even at Rome we read of their *Proseucha*,

Ede ubi consistas ; in quâ te quero proseucha ?

Juvenal.
sat. 3.

Which by the old Scholiast upon *Juvenal* is said to be the place *ad quem convenire solebant mendici ad stipem petendam*, of which *Turnebus* gives this account, *Proseucha fana Judæorum erant, ut Alexandria & Roma, alibique, sic nomen adepta quod oracula quedam essent, vel (ut Christiani loquuntur) oratoria. Cum autem ad Eleemosynam Judæi dandam essent propensissimi, eò ceu mendicorum conventus coibat ; sed & Judæi & ipsi mendici, invisi erant omnibus, & mendici ea loca quod domicilia non haberent, diversores interdum occupabant, in iisque cubabant, ideoque Proseuches nomen in contemptum abierat.* *Scaliger* thinks that the *Proseucha* differed from the Synagogue ; for which he is checked by *Grotius* from that place of *Philo*, where he speaks of *Augustus* giving the Jews the liberty of their *Proseucha* for the learning the religion of their countrey, τὰ δὲ καὶ πόλεις προσωχθία πῖ ἐτερον ἔστιν ἢ διδασκαλεῖα φρονήσεως καὶ ἀνδρείας καὶ σωφροσύνης καὶ δικαιοσύνης, εὐσεβείας τε καὶ ὁσιότητος καὶ συμπόσης ἀρετῆς, which in brief is that the *Proseucha* were the Schools of all religion and learning, by which words he seems to confound not only the Synagogue and the *Proseucha* together, but the Synagogue and the בית מדרש too, which was their Divinity School, whither they used to repair after dinner upon Sabbath days, and where the Questions about their Law were discussed ; but though I cannot say these were always distinguished, yet in some places they were. Such seems the School of *Tyrannus* to be, where *Paul* taught, having withdrawn himself from the Synagogue. And so sometimes the *Proseucha* were distinguished from the Synagogues, as *Grotius* himself elsewhere acknowledgeth, viz. either where there was not a competent number of Jews (for ten Students in the Law were required to make a Synagogue) or else where the Magistrate would not permit the use of them, in which case the

Advers. l. 1.
cap. 19.

Not. in
Frag. Græca
p. 25. in
Mat. 4. 23.
Leg. ad
Catum.

Acts 19. 9.

Annot. in
Acts 16. 13.

poor Jews were fain to content themselves with a place remote from the City, either by some river, as that *περιουρη*, mentioned *Acts* 16. 13. or by some grove or wood, whence that of *Juvenal*.

*Nunc sacri fontis nemus, & delubra locantur
Judæis, quorum cophinus fanumque supellex.*

De Idol. l.
2. cap. 80.
p. 715.
In Fragm.
Gr. p. 25.

Which fountain as *Vossius* observes was *extra portam Capenam in luco quem medium irrigabat*; and from hence *Scaliger* gathers *Judæos in nemoribus profuechas collocasse*. Thus it appears now what priviledges the Jews generally enjoyed in their dispersion for their Synagogues and publick places to meet, pray, and discourse in.

§. 6.

We now come to inquire after what manner the government of the Synagogue was modell'd. Wherein we must first inquire whether there were any peculiar Government belonging to the Synagogue, distinct from the civil Consistories which were in use among them. This is often left untouched by learned men in their discourse of Synagogues; some indeed make the least Consistory or *Sanhedrin* in use among the Jews, *viz.* the *Triumvirate*, to be the rulers of the Synagogue, and part of the *ten* who were to be where ever there was a Synagogue. But although I cannot see sufficient evidence for a great Ecclesiastical *Sanhedrin* founded by *Moses*, answering to the great *Sanhedrin* of *LXXI*. yet I conceive it probable, that when Synagogues were so multiplied both at home and abroad, there was a distinct *Bench* of officers who did particularly belong to the Synagogue to superintend the affairs of that, which I shall now endeavour to make out by these following reasons. *First*, because the *Ten* required for the Synagogue are set down by Jewish writers as distinct from the number required for the civil Consistory. For in the *Gemara Babylonis*. (cited by *Selden*) the account given why there must be 120 inhabitants where there was to be a *Sanhedrin*, of twenty three, is this, *There must be twenty three to make up the Sanhedrin, and three orders of twenty three*, (who sat in a hemicycle under the *Sanhedrin* in the same form as they sat).

D. Light-
foot Hora
Hebr. in
Matth. 2. 23.
p. 70.

De Syned.
l. 2. c. 5 f 4.

fat) and besides these the ten who were to be employed wholly in the affairs of the Synagogue (for the Gloss there explains them to be עשרה בני ארם כטילין מכל מלאכה *decem filii hominis vacantes ab omni opere ut parati sint* לבית הכנסת שחרית וערביה *domui Synagoge mane & vesperi*, and there adds, that every City, though it be wall'd, where ten such persons are wanting, is looked on only as a village, and thought unworthy to have a *Sanhedrin* of twenty three,) So that by this it appears the number of the *Decemvirate* for the Synagogue, was distinct from the persons employed in the civil courts. To the same purpose *Maimonides* gives the account of the number of 120; who likewise requires the ten for the Synagogue as a distinct and peculiar number. *Atque hi erant viri qui vacabant tantum rebus divinis, nimirum lectioni legis & sessioni in Synagogis*, as *Mr. Selden* quotes it from another place in him; Whereby it is evident that those who were employed in the Synagogue, did make a peculiar bench and Consistory distinct from the civil judicature of the place. And therefore the *Ἀρχισυναγωγοί* are not the civil rulers, but some peculiar officers belonging to the service of the Synagogue. And thence when all civil power and government was taken from the Jews, yet they retained their *Archisynagogues* and *Presbyters* among the Jews in the times of *Arcadius* and *Honorius*, when all civil power and jurisdiction was taken from them. The *Second* reason is from the peculiar ordination of those who were the rulers of the Synagogues. This I know is denied by many, because, say they, ordination was proper only to the *Presbyters* among the Jews, who were thereby made capable of being members of the *Sanhedrin*, thence it was called סמיכה וקנים *ordinatio presbyterorum*, i. e. *impositio manuum quæ presbyteri fiunt*. This ordination was I grant primarily used in order to the making men members of the great *Sanhedrin*, and therefore the Jews derive the custome of ordaining them, from *Moses* his first constituting the *LXX* elders, which say they, was done by imposition of hands: which was seconded by the example of *Moses* laying his hands on *Joshua*, from whence the custome was continued down among them till the time of *Adrian*, who severely

In Jud. tit. Sanhed. c. 1. sect. 5.

Ad Misn. tit. Sanhed. c. 1. sect. 6.

cod. Theod. l. 16. tit. 8. l. 13. & 14.

Numb. 13. Num. 37. 18.

Gem. Babyl.
ad tit. San-
hed c. 1. f.
13. 14.
Scaliger
Elench.
Triber. c.
10.
Tzemach.
David. p. 1.
mil. 4.
An. 885.

prohibited it by an Edict, that whosoever should ordain another should forfeit his life, and so every one that was so ordained. Thence the Jews tell us that *R. Jehuda Ben Baba* is called *הסידם* *the Ordainer*, because in the time of that Edict he ordained five *Presbyters*, without which they had wholly lost their succession of *Presbyters* for Courts of Judicature. But though it be thus evident that their ordination was chiefly used in order to the fitting men to be members of the *Sanhedrin*, yet that besides this there was a peculiar ordination for persons not employed in civil matters, will appear; *First*, from the different forms of their ordination; some were general, without any restriction or limitation at all; which power was conferred in words to this purpose; *Ordinatus jam sis, & sit tibi facultas judicandi etiam causas pœnales*. He that was thus ordained, was fit for any court of Judicature; but there was another form of ordination which was more particular and restrained; a form limiting the general power, either to pecuniary cases, or criminal, or only to the power of binding and loosing, without any judiciary power at all. Now those that were thus ordained, were the Jewish Casuists, resolving men only *in foro conscientie* of the lawfulness and unlawfulness of things propounded to them. This they called *ההתראות באיסור והתיר* *Facultas decernendi circa ligatum & solutum*, that is, *a power of decreeing what was lawful or unlawful*. For in that sense binding and loosing is used by the Jewish writers. In which sense they tell us commonly that one School, as that of *Hillel אוסר binds*, that is, judgeth a thing unlawful, another *מותר looseth* (as that of *Schammai*) that is, judgeth it lawful and free to be done. Now the persons thus ordained with this power only, were thereby no members of any civil Court of Judicature, nor thereby made capable of it; it appears then that this ordination was peculiar to a particular function, which exactly answers to the Ministerial office under the Gospel. And that those who were thus ordained, either might not, or did not exercise that office of theirs in the Synagogue, I can see no reason; I am sure it was most suitable to that place, or at least to the *בית מדרש* where there was such a one distinct from the Synagogue.

Selden. ad
Eutyeb. p.
19. de Sy-
ned. l. 2. cap.
7. f. 2.

V. Light-
foot Hora
Hebr.
in Matth.
16. 19.

But a clearer evidence of the particular ordination of those employed in the Synagogue, we have from *Benjamin* in his *Itinerary*; for granting his palpable mistakes about the civil power of the Jews in his time (which was about the middle of the twelfth Century) sufficiently discovered by the Learned *L' Emperour*, yet as to the ordaining of persons for the several Synagogues, we have no ground to suspect his Testimony, which is very plain and evident. For speaking of *R. Daniel Ben Hasdai*, who was the ראש הגולה or the ἀρχιμαλωτάρχης, the *Head of the Captivity* then residing at *Bagdad*: He tells us the Synagogues of *Babylon, Persia, Choresan, Sheba, Mesopotamia* and many other places, derived power from him רבוזון וקהל וקהל על כל קהל of ordaining a *Rabbi and Preacher over every Synagogue*, which he tells us was done by laying on his hands upon them. These two, the *Rabbi* and the רון he makes to be the fixed officers of every Synagogue, and the office of the latter lay chiefly in expounding the Scriptures. The like he hath of *R. Nathaniel* the ראש הישיבה in *Egypt*, to whose office it belonged to ordain in all the Synagogues in *Egypt* רבנים ודוניהן the *Rabbies and Lecturers of the Synagogue*: by which we see clearly, that there was a peculiar ordination for the Ministers belonging to the Synagogue. Thence *Scaliger* wonders how *Christ* at twelve years old should be permitted to sit among the Doctors asking Questions, when he was no ordained *Rabbi* to whom that place belonged: But although ἐν μέτω ἱερῶν διδασκάλων may possibly mean no more then sitting on one of the lower seats belonging to those who were yet in their קטנות or *Minority*, where they sat at the feet of their Teachers, which was not within the Temple its self, but as *Arius Montanus* thinks; was at the East-gate of the Temple where the Doctors sat; yet this is evident by *Scaliger*, that he looked on an ordination for that end, as necessary to those who sat in the Synagogues, as the Doctors there: which is likewise affirmed by *Grotius*, who tells us, that among the Jews, not only all publick civil offices were confer'd by imposition of hands, *Sed & in Archisynagogis & senioribus Synagoge, idem observatum, unde mos χριστοδουσία ad Christianos transit: but likewise all the Rulers and Elders of the Synagogue were so ordained, from whence.*

*Dissertati.
ad Lectorem & in
not. 193.
&c.*

*P. 73. ed.
L' Emper.
Heb. Lat.*

P. 115.

*Elench.
Triber c. 10.*

Luke 2. 46.

*In Appar.
de Templo.*

*Annot. in
Evang. p 39.*

whence the custome was translated into Christianity (of which afterwards.) Thus now we have cleared that there was a peculiar Government belonging to the Synagogue, distinct from the civil judicatures.

§. 7.

Having thus far proceeded in clearing that there was a peculiar form of Government in the Synagogue; we now inquire what that was, and by what Law and rule it was observed. The Government of the Synagogue, either relates to the publick service of God in it, or the publick rule of it as a society. As for the service of God to be performed in it, as there were many parts of it, so there were many officers peculiarly appointed for it. The main part of publick service lay in the reading and expounding the Scriptures: For both, the known place of *Phili* will give us light for understanding them. Εἰς ἱερῶς ἀφικνούμενοι τότε οἱ καλεῖν συναγωγὰς καὶ ἡλικίας ἐν τάξει καὶ ὑποπρεσβυτέρους νέοι καθίζουσι μὴ κόσμῳ προσκυνήσας, ἔχοντες ἀκραδικῶς ἢ ὁ μὲν τὰς βίβλους ἀναγιώσκει λαβὼν ἕπερ ἢ ἡ ἐμπειροτάτων, ὅσα μὴ γνώεμα, παρελθὼν ἀναγιώσκει. *Coming to their holy places call'd Synagogues, they sit down in convenient order, according to their several forms, ready to hear, the young under the elder; then one taketh the book and readeth, another of those best skill'd comes after and expounds it.* For so *Grotius* reads it ἀναδιδάσκει for ἀναγιώσκει, out of *Eusebius*. We see two several offices here, the one of the *Reader* in the Synagogue, the other of him that did interpret what was read. Great difference I find among learned men about the קורא of the Synagogue: some by him understand the ἀναγιώσκει, call'd sometimes in Scripture קורא , and so make him the under-Reader in the Synagogue; and hence I suppose it is (and not from looking to the poor, which was the office of the *Parnasim*) that the office of *Deacons* in the Primitive Church, is supposed to be answerable to the דיבנא among the Jews; for the *Deacons* office in the Church, was the publick reading of the Scriptures; And hence *Epiphanius* parallels the ἀρχισυναγωγος, πρεσβυτέρους and Ἀζανίτις among the Jews, to the Bishop, Presbyters and Deacons among the Christians. But others make the office of the קורא to be of a higher nature, not to be taken for the Reader himself, (for that was no set office, but upon every Sabbath day seven were call'd

Lib. omnem
probum li-
berum esse.

In Luc. 4. 16.

Luke 4. 20.

6. Ebionites.

call'd out to do that work, as *Buxtorf* tells us ; first a Priest, Synag. Jud. lib. 11. then a Levite, and after, any five of the people ; and these had every one their set parts in every Section to read, which are still marked by the numbers in some Bibles.) But the *קוּן* was he that did call out every one of these in their order to read, and did observe their reading, whether they did it exactly or no. So *Buxtorf* speaking of the *קוּן* *Hic maxime oratione sive precibus & cantu Ecclesie praibat, praerat lectioni legali, docens quod & quomodo legendum, & similibus quae ad sacra pertinebant.* So that according to him the *קוּן* was the Superintendent of all the publick service, thence others make him parallel to him they call'd *שְׁלִיחַ צִיבּוֹר* the *Angel of the Church*, *Legatus Ecclesiae* *L'Empereur* renders it, as though In Benjam. not p. 149. the name were imposed on him as acting in the name of the Church, which could only be in offering up publick prayers ; but he was *Angelus Dei*, as he was *inspector Ecclesiae*, because the Angels are supposed to be more immediately present in, and Supervisors over the publick place, and duties of worship ; see *1 Cor. 11. 10.* this *קוּן* is by *L'Empereur* often rendred *Concionator Synagoga*, as though it belonged to him to expound the meaning of what was read in the Synagogue, but he that did that, was call'd *דרשו* from *דרש* to inquire ; thence σζητητής τῶ κόσμῳ τῆς *the inquirer, or disputer of this world,* 1 Cor. 1. 20. thence *R. Moses Haddarsan* ; but it is in vain to seek for several offices from several names ; nay it seems not evident, that there was any set officers in the Jewish Church for expounding Scriptures in all Synagogues, or at least not so fixed, but that any one that enjoyed any repute for Religion or knowledge in the Law, was allowed a free liberty of speaking for the instruction of the people ; as we see in Christ and his Apostles ; for the *Rulers of the Synagogue sent to Paul and Barnabas after the reading of the Law, that if they had any word of exhortation, they should speak on.* Act. 13. 15. From hence it is evident, there were more then one who had rule over the Synagogues, they being call'd rulers here. It seems very probable, that in every City where there were *ten wise men*, (as there were supposed to be in every place, where there was a Synagogue) that they did all joyntly concur for the ruling the affairs of the Synagogue. But what the distinct offices

Service of
God at Rel.
Ass. c. 3 p. 56.

of all these were, it is hard to make out, but all joyning together seem to make the *Consistory*, or *Bench* as some call it, which did unanimously moderate the affairs of the Synagogue, whose manner of sitting in the Synagogues, is thus described by Mr. *Thorndike* out of *Maimonides*, whose words are these: *How sit the people in the Synagogue? The Elders sit with their faces towards the people, and their backs towards the Hecall* (the place where they lay the Copy of the Law.) *and all the people sit rank before rank, the face of every rank towards the back of the rank before it, so the faces of all the people are towards the Sanctuary, and towards the Elders, and towards the Ark; and when the Minister of the Synagogue standeth up to prayer, he standeth on the ground before the Ark with his face to the Sanctuary, as the rest of the people.* Several things are observable to our purpose in this Testimony of *Maimonides*: First, that there were so many Elders in the Synagogue, as to make a Bench or Consistory, and therefore had a place by themselves, as the Governours of the Synagogue. And the truth is, after their dispersion we shall find little Government among them, but what was in their Synagogues, unless it was where they had liberty for erecting Schools of learning. Besides this Colledge of Presbyters, we here see the publick Minister of the Synagogue, the *הוֹן הַכֹּהֵן* i. e. *Episcopus congregationis*, the Superintendent over the Congregation, whose peculiar office it was to pray for, and to bless the people. We are here further to take notice of the form of their sitting in the Synagogue; the Presbyters sat together upon a bench by themselves, with their faces towards the people, which was in an *Hemicycle*, the form wherein all the Courts of Judicature among them sat; which is fully described by Mr. *Selden* and Mr. *Thorndike* in the places above cited. This was afterwards the form wherein the Bishop and Presbyters used to sit in the Primitive Church, as the last named learned Author largely observes and proves. Besides this Colledge of Presbyters, there seems to be one particularly call'd the *Ruler of the Synagogue*; *הַקָּהָל שָׂרָא* in the Scriptures *ἀρχισυναγωγος* or *ἀρχων συναγωγῆς*, which in the importance of the New Testament Greek (following that of the *Alexandrian Jews* in the version of the Old Testament) implies no more than a primacy of order

Designed. l. 2.
c 6 f. 2.
Thorndike
Rel. Assen.
cap. 3.

Mark. 5. 35.
Luk. 8. 49.
13. 14.

order in him above the rest he was joyned with. And thence sometimes we read of them in the Plural number, *οἱ ἀρχισυναγωγοί*, *Acts* 13. 15. implying thereby an equality of power in many; but by reason of the necessary primacy of one in order above the rest, the name may be appropriated to the President of the College. *Acts* 18. 8, 17. we read of two, *viz. Crispus* and *Sosthenes*, and either of them is call'd *Ἀρχισυναγωγός*, which could not be, did the name import any peculiar power of Jurisdiction lodged in one exclusive of the rest; unless we make them to be of two Synagogues, which we have no evidence at all for; I confess *Beza* his argument from *εἰς τὴν ἀρχισυναγωγὴν*, *Mark* 5. 22. for a multitude of those so called in the same Synagogue, is of no great force where we may probably suppose there were many Synagogues. But where there is no evidence of more than one in a place, and we find the name attributed to more than one, we have ground to think that there is nothing of power or Jurisdiction in that one, which is not common to more besides himself. But granting some peculiarity of honour belonging to one above the rest in a Synagogue, which in some places, I see no great reason to deny, yet that implies not any power over and above the Bench of which he was a Member, though the first in order; Much as the *אֲשֵׁר* the *Prince* of the *Sanhedrin*, whose place imported no power peculiar to himself, but only a Priority of dignity in himself above his fellow Senators: as the *Princeps Senatūs* in the *Roman Republick* answering to the *אֲבִיבִיתָרִין* in the great *Sanhedrin*, who was next to the *Nasi*, as the *Princeps Senatūs* to the *Consuls*, which was only a honorary dignity and nothing else: Under which disguise that Politick Prince *Augustus* ravished the *Roman Commonwealth* of its former liberty. The name *ἀρχισυναγωγός*, may I suppose in propriety of speech be rendred in Latin *Magister ordinis*, he being by his office *Praesul*, a name not originally importing any power, but only dignity; Those whom the Greeks call *ἀρχιεπίσκοποι*, the Latins render *Magistros sui ordinis*, and so *Suetonius* interprets *ἀρχιεπισκοπῶν* by *Magisterium Sacerdotii*. They who meet then with the name *Archisynagogues* either in *Lampridius*, *Vopiscus*, *Codex Theodosii*, *Justinians Novels*, in

Mark. 2. 25.

Annot. in Luc. 13. 14.

In Caligula. Lampr. vit. Alex. Sever. Vopiscus in Saturn.

Cod. de Jud.
colic. &
Eam l 13.
Cod. Jud.
l. 17. c. de
Judais.

all whom it occurs, and in some places as distinct from Presbyters, will learn to understand thereby only the highest honour in the Synagogue, considering before how little, yea nothing of power the Jews enjoyed under either the Heathen or Christian Emperours.

One thing more we add, touching this honour of the Rulers of the Synagogue among the Jews, that whatever honour, title, power or dignity is imported by that name, it came not from any Law enforcing or commanding it, but from mutual confederation and agreement among the persons imployed in the Synagogue, whose natural reason did dictate, that where many have an equality of power, it is most convenient (by way of accumulation upon that person, of a power more then he had, but not by deprivation of themselves of that inherent power which they enjoyed) to entrust the management of the executive part of affairs of common concernment to one person specially chosen and deputed thereunto. So it was in all the *Sanhedrins* among the Jews, and in all well ordered Senates and Councils in the world. And it would be very strange, that any officers of a religious society, should upon that account be out-Lawed of those natural liberties, which are the results and products of the free actings of reason. Which things, as I have already observed, God hath looked on to be so natural to man, as when he was most strict and punctual in ceremonial commands, he yet left these things wholly at liberty. For we read not of any command, that in the *Sanhedrin* one should have some peculiarity of honour above the rest; this mens natural reason would prompt them to, by reason of a necessary priority of order in some above others; which the very instinct of nature hath taught irrational creatures, much more should the light of reason direct men to. But yet all order is not power, nor all power juridical, nor all juridical power a sole power; therefore it is a meer Paralogism in any from order to infer power, or from a delegated power by consent, to infer a juridical power by Divine right; or lastly, from a power in common with others, to deduce a power excluding others. All which they are guilty of, who meerly from the name of an *Archisynagogue*, would fetch a perpetual necessity of jurisdiction

dition in one above the elders joyned with him, or from the *אֲנֻכִּים* in the *Sanhedrin*, a power of a sole ordination in one without the consent of his fellow Senators. But of these afterwards. Thus much may suffice for a draught in little of the Government of the Jewish Synagogue.

Having thus far represented the Jewish Synagogue that the Idea of its government may be formed in our understandings, we now come to consider how far, and in what the Apostles in forming Christian Churches did follow the pattern of the Jewish Synagogue. Which is a notion not yet so far improved as I conceive it may be, and I know no one more conducive to the happy end of composing our differences, touching the government of the Church than this is. I shall therefore for the full clearing of it, premise some general considerations to make way for the entertainment of this hypothesis in mens minds, at least as probable; and then endeavour particularly to shew how the Apostles did observe the model of the Synagogue, *in its publick service, in ordination of Church officers, in forming Presbyteries in the several Churches, in ruling and governing those Presbyteries.* The general considerations I premise, to shew the probability of what I am asserting, shall be from these things, *from the community of name and customes between the believing Jews and others, at the first forming Churches: from the Apostles forming Churches out of Synagogues in their travelling abroad; from the agreeableness of that model of Government to the State of the Christian Churches at that time.* I begin with the first, *From the community of names and customes between the believing and unbelieving Jews at the first forming Churches.* All the while our blessed Saviour was living in the world, Christ and his disciples went still under the name of Jews; they neither renounced the name, nor the customs in use among them. Our Saviour goes up to the *Feasts at Jerusalem*, conforms to all the rites and customes in use then; not only those commanded by God himself, but those taken up by the Jews themselves, if not contrary to Gods commands, as in observing the feast of Dedication, in going into their Synagogues, and teaching so often there, in washing the Feet of the disciples,

(a custome used by them before the Passover) in using baptism, for profelyting men to the profession of Christianity, &c. In these and other things our Saviour conformed to the received practice among them, though the things themselves were no waies commanded by the Law of *Moses*. And after his resurrection, when he took care for the forming of a Church upon the doctrine he had delivered, yet we find not the Apostles withdrawing from communion with the Jews; but on the contrary, we find the disciples frequenting the Temple, *Acts* 2. 46. *Acts* 3. 1. *Acts* 5. 20, 21, 26. Whereby it appears how they owned themselves as Jews still; observing the same both time and place for publick worship which were in use among the Jews. We find *Paul* presently after his conversion in the Synagogues, preaching that Christ whom he had before persecuted; and where ever he goes abroad afterwards, we find him still entring into the Synagogues to preach; where we cannot conceive he should have so free and easie admission, unless the Jews did look upon him as one of their own religion, and observing the same customes in the Synagogues with themselves, only differing in the point of the coming of the *Messias*, and the obligation of the ceremonial Law, the least footsteps of which were seen in the Synagogue worship. But that which yet further clears this, is the general prejudice of the disciples against the Gentiles, even after the giving the *Holy Ghost*, as appears by their contending with *Peter* for going in to men uncircumcised. It is evident that then the Apostles themselves did not clearly apprehend the extent of their commission; for else what made *Peter* so shy of going to *Cornelius*? but by every creature and all nations they only apprehended the Jews in their dispersions abroad, or at least that all others who were to be saved, must be by being *Profelyted* to the Jews, and observing the Law of *Moses*, together with the Gospel of Christ. And therefore we see the necessity of circumcision much pressed by the believing Jews which came down from *Jerusalem*, which raised so high a dispute, that a convention of the Apostles together at *Jerusalem* was called for the ending of it; And even there we find great heats before the business could be decided *πολλῆς ὁ συζητήσεως γενομένης*, After there had been much disputing.

Acts 9. 20.

Acts 13. 5.

14.

17.10.

18.4.

19.8.

Acts 11. 3.

Acts 10. 28.

Acts 15. 1.

15.7.

disputing. Nay after this Council, and the determination of the Apostles therein, all the ease and release that was granted, was only to the Gentile-converts, but the Jews stick close to their old Principles still, and are as zealous of the customes of the Jews as ever before. For which we have a pregnant testimony in *Act. 21. 20, 21, 22.* Where the Elders of the Church of Jerusalem tell Paul *there were many myriads. ἰσθῆσαι τῶν πεπιστευόντων of believing Jews, who were πάντες ἐπιλωτῆ τῶ νόμῳ, all very zealous for the Law still and therefore had conceived a sinister opinion of Paul as one that taught a defection from the Law of Moses, saying, they might not circumcise their Children nor walk after the customes.* One copy reads it as *Bezæ* tells us, *οὐκ ἔδει τοῖς πατέροισι περιέειναι to follow the custome of their Fathers.* We see how equally zealous they are for the customes obtaining among them, as for the Law its self. And is it then any waies probable that these who continued such zealots for the customes among them, should not observe those customes in use in the Synagogues for the Government of the Church? Might not they have been charged as well as Paul with relinquishing the customes, if they had thrown off the model of the Jewish Synagogue, and taken up some customes different from that? And that which further confirms this, is, that this Church of Jerusalem continued still in its zeal for the Law, till after the destruction of the Temple; and all the several Pastors of that Church (whom Ecclesiastical writers call Bishops) were of the circumcision. For both we have the testimony of *Sulpicius Severus*, speaking of the time of *Adrian.* *Et quia Christiani ex Judæis potissimum putabantur (namque tum Hierosolymæ, non nisi ex circumcisione habebat Ecclesia sacerdotem) militum cohortem custodiam in perpetuum agitare jussit, quæ Judæos omnes Hierosolymæ aditu arceret. Quod quidem Christianæ fidei proficiebat; quia tum pene omnes Christum Deum, sub legis observatione, credebant.* We see hereby that the Christians observed still the Law with the Gospel; and that the Jews and Christians were both reckoned as one body, which must imply an observation of the same rites and customes among them: For those are the things whereby societies are distinguished most. Now it is evident that the Romans made no distinction at first between

Euseb. hist.
l. 4. c. 6. &
Chronic.
Hist. sacr.
l. 2. p. 381.
ed. Hærn.

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the Jews and Christians. Thence we read in the time of *Claudius* when the Edict came out against the Jews, *Aquila* and *Priscilla*, though converted to Christianity, were forced to leave *Italy* upon that account, being still looked on as Jews; yet these are called by *Paul* his helpers in *Christ Jesus*. For which *Onuphrius* gives this reason, *Nullum adhuc inter Judeos & Christianos discrimen noscebatur*, which account is likewise given by *Alphonsus Ciaconius*. *Congeneres & comprofessores ejusdem religionis gentilibus censebantur.* (*Christiani pariter ac Judei*). The Edict of *Claudius* we may read still in *Suetonius*, *Judeos impulsore Chresto assidue tumultuantes Roma expulit*. We find here the Edict fully expressed for banishing the Jews, and the occasion set down; which most interpret of the doctrine of *Christ*, as the occasion of the stir between the Jews and Christians. For the *Romans* called *Christ Chrestus*, and Christians, *Chrestiani*, as the Authors of the Christians *Apologies* against the heathens often tell us. But *Marcellur Donatus* conjectures this *Chrestus* to have been some seditious Jew called by that name; for which he brings many *Inscriptions* wherein the name occurs, but none wherein it is given to a Jew; which should be first produced, before we leave the received interpretation of it. However that be, we see the Jews and Christians equally undergo the punishment without any difference observed in them; and therefore when *Paul* was brought before *Gallio* the *Proconsul* of *Achaia*, he looked upon the difference between the Jews and *Paul*, to be only a *Question of words and names; and of their Law*, and thereupon refused to meddle in it. And so *Celsus* upbraids both Jews and Christians, as though their contentions were about a matter of nothing. By all this we may now consider how little the Christians did vary from the customs and practice of the Jews, when they were thought by those who were equally enemies to both, to be of the same body and community. Which consideration will make the thing I aim at, seem more probable, when withal we observe that the Jewish customs in their *Synagogues* were those whereby they were most known among the *Romans*; and therefore when they looked on the Christians as of the same religion with the Jews, it is evident they observed no difference as to their publick practices

Aet. 18. 2.

Rom. 16. 3.

Annot. in vit.
Petri ap.
Platin. in vit.
Petri.In Claud.
cap. 25.

Laëtant. l. 4.

c. 7.
Tertul. Apol.
cap. 3.V. Pet. Pithæ-
um Hor. sub-
seciv. l. 2 c. 3.
Donatus di-
lucid. in Suet.
in Claud.
c. 25.

Aet. 18. 15.

Apud Orig.
lib. 3. cont.
Cels.

ctises

Gifts in their religious societies. Which is the first consideration to shew how probable it is that Christians observed the same form in government with what they found in the Synagogues.

To which I add a *Second* Consideration; which is the Apostles forming Christian Churches out of Jewish Synagogues. We have already shewed how much their resort was to them in their preaching from the constant practice of *Paul*, although he was in a more peculiar manner the *Apostle of the uncircumcision*; much more then is it probable that the others, especially *Peter*, *James*, and *John* did resort to the circumcision. And in the settling things at first we see how fearful the Apostles were of giving offence to the Jews, how ready to condescend to them in any thing they lawfully might. And can we think that *Paul* would yield so far to the Jews as to circumcise *Timothy*, rather then give offence to the Jews in those parts where he was, (and that in a thing which seemed most immediately to thwart the design of the Gospel, as circumcision did, witness the Apostle himself;) that yet he would scruple the retaining the old model of the Synagogue, when there was nothing in it at all repugnant to the doctrine of the Gospel, or the nature & constitution of Christian Churches? When the Apostles then, did not only gather Churches out of Synagogues, but at some places in probability whole Synagogues were converted as well as whole Churches formed; What shew of reason can be given why the Apostles should slight the constitution of the Jewish Synagogues, which had no dependance on the Jewish Hierarchy, and subsisted not by any command of the ceremonial Law? The work of the Synagogue not belonging to the Priests as such, but as persons qualified for instructing others; and the first model of the Synagogue Government is with a great deal of probability derived from the *School of the Prophets* and the Government thereof. This consideration would be further improved, if the notion of distinct *Cætus* of the Jewish and Gentile Christians in the same places could be made out by any irrefragable testimony of Antiquity, or clear evidence of reason drawn from Scripture; Because the same reason which would ground the distinction of the Jewish Church from the Gentile, would likewise hold for the Jewish

§. 9.

Acts 16. 3.

Gal. 5. 2.

Church to retain her old form of Government in the Synagogue way. For it must be some kind of peculiarity supposed by the Jews in themselves as distinct from the Gentiles, which did make them form a distinct congregation from them; which peculiarity did imply the observing those customs among them still, by which that peculiarity was known to others; among which those of the Synagogue were not the least known or taken notice of. But I must freely confess I find not any thing brought by that learned person who hath managed this *hypothesis* with the greatest dexterity, to have that evidence in it which will command assent from an unprejudiced mind. And it is pity that such infirm *hypotheses* should be made use of for the justifying our separation from *Rome*, which was built upon reasons of greater strength and evidence than those which have been of late pleaded by some assertors of the Protestant cause, though men of excellent abilities and learning. For there are many reasons convictive enough that *Peter* had no universal power over the Church, supposing that there was no such thing as a distinction between the Jewish and the Gentile *Cetus*. I deny not but at first, before the Jews were fully satisfied of the Gentiles right to Gospel privileges, they were very shy, of communicating with them, especially the believing Jews of the Church of *Jerusalem*: Upon the occasion of some of whom coming down to *Antioch* from *James*, it was that *Peter withdrew and separated himself from the Gentiles*, with whom before he familiarly conversed. Which action of his is so far from being an *argument* of the settling any distinct Church of the Jews from the Gentiles there, that it yields many reasons against it. For first *Peter's* withdrawing was only occasional, and not out of design; whereas had it been part of his commission to do it, we cannot conceive *Peter* so mindless of his office, as to let it alone till some Jews came down from *Jerusalem* to tell him of it. Secondly, It was not for the sake of the Jews at *Antioch* that he withdrew, but for the Jews which came down from *Jerusalem*; whereas had he intended a distinct Church of the Jews, he would before have settled and fixed them as members of another body; but now it evidently appears, that not only *Peter* him-

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Dr. Ham.
of Schism
ch. 4. sect.
6, 7. &c.

Gal. 2. 12.

Schism f. 8.

self, but the Jews with him, did before those Jews coming to *Antioch* associate with the Gentiles, which is evident by v. 13. *And other Jews dissembled likewise with him, in so much that Barnabas also was carryed away with their dissimulation.* Whereby it is clear that these Jews did before joyn with the Gentile Christians, or else they could not be said to be led away with the dissimulation of *Peter*. Thirdly, *St. Paul* is so far from looking upon this withdrawing of *Peter* and the Jews from the Gentiles society to be a part of *St. Peters* office, that he openly and sharply reproves him for it. What then, was *Paul* so ignorant that there must be two distinct Churches of Jews and Gentiles there, that he calls this action of his *dissimulation*? In all reason then, supposing this notion to be true, the blame lights on *Paul*, and not on *Peter*: as not understanding that the Jews were to be formed into distinct bodies from the Gentile Christians. And therefore it is observable that the same Author who is produced, as asserting that *seorsim quæ ex Judæis erant Ecclesiæ habebantur, nec his quæ erant ex gentibus miscebantur*, is he who makes this reproof of *Peter* by *Paul* to be a meer matter of dissimulation between them both; which sense of that action whoever will be so favourable to it as to embrace it (as some seem inclinable to do it) will never be able to answer the arguments brought by *St. Augustine* against it. This place then was unhappily light upon to ground a distinction of the several *Cætus* or distinct Churches of Jews and Christians at *Antioch*. But it may be, more evidence for it may be seen in the *Rescript* of the Council of *Jerusalem* which is directed *τοῖς καὶ ἀσθηταῖς ἀδελφοῖς τοῖς ἐξ ἠθνωῶν*, *To the brethren at Antioch, those of the Gentiles.* But least some hidden mysteries should lye in this curtailing the words, let us see them at large. *Unto the Brethren which are of the Gentiles in Antioch, and Syria, and Cilicia.* There was nothing then peculiar to those of the Gentiles at *Antioch* more then in *Syria* and *Cilicia*; and if those words *τοῖς ἐξ ἠθνωῶν* imply a *Cætus* distinct of Gentile Christians, from the Jews at *Antioch*, it must do so through all *Syria*, and *Cilicia* which was *Pauls Province* and not *Peters*, as appears by his travels in the *Acts*. Either then the Apostle of the uncircumcision must form distinct Churches of *Jews* and *Gentiles* in

Answer to Schif. Dis. ch. 2. s. 5. Hieronym. in Gal. 1. 22.

Reply to Cath. Gent. ch. 4. s. 6. n. 6. Aug. ep. 8. 9. 19. Hier.

A. 15. 23. Schism. p. 75.

A. 15. 47. 18. 18. 21. 3.

his Preaching through *Syria* and *Cilicia*, (which is irreconcilable with the former pretence of distinct Provinces, asserted by the same Author, who pleads for distinct *Cætus*) or the *τοῖς ἐξ ἑθ. ἄν.* can imply no such thing as a distinct Church of *Gentiles* to whomsoever it is spoken; and so not at *Antioch* more then through all *Syria* and *Cilicia*. The plain ground then of the Apostles inscribing the order of the Council to the *Brethren of the Gentiles*, was, because the matter of that order did particularly concern them, and not the Jews, as is obvious to any that will but cast an eye upon the 23, 24, 29. verses of the 15. of the *Acts*. As well might then an order supposed from the Apostles to the several Pastors of Churches in things concerning them as such, imply that they make distinct Churches from their people, as this order concerning the *Gentile Brethren*, being therefore directed to them, doth imply their making distinct Churches from the Jewish Brethren in the Cities where they lived together. What is further produced out of *Antiquity* to this purpose, hath neither evidence nor pertinency enough, to stop the passage of one who is returning from this digression to his former matter. Although then we grant not any such distinct *Cætus* of the Jews from the Christians, yet that hinders not, but that both Jews and Christians joyning together in one Church, might retain still the *Synagogue* form of Government among them; which there was no reason at all, why the Christians should scruple the using of, either as Jews or Gentiles; because it imported nothing either Typical and Ceremonial, or heavy and burdensome, which were the grounds, why former customs in use among the Jews were laid aside by the Christians. But instead of that, it was most suitable and agreeable to the state of the Churches in Apostolical times, which was the *third consideration* to make it probable that the *Synagogue* form of Government was used by the Christians. And the suitability of this Government to the Churches, lay in the conveniency of it for the attaining all ends of Government in that condition wherein the Churches were at that time. For Church officers acting then either in gathering or governing Churches, without any authority from Magistrates, such a way of Government was most

most suitable to their several Churches, as whereby the Churches might be governed, and yet have no dependency upon the secular power, which the way of Government in the Synagogues was most convenient for; for the Jews, though they enjoyed a bare permission from the civil state where they lived, yet by the exercise of their Synagogue Government, they were able to order all affairs belonging to the service of God; and to keep all members belonging to their several Synagogues in unity and peace among themselves. The case was the same as to Synagogues and Churches; these subsisted by the same permission which the others enjoyed; the end of these was the service of God, and preserving that order among them which might best become societies so constituted; there can be no reason then assigned, why the Apostles in settling particular Churches should not follow the Synagogue in its model of Government. These things may suffice to make it appear probable that they did so, which is all these considerations tend to.

Having thus prepared the way by making it probable, I now further enquire into the particular parts of Government, and what orders in the Synagogue were, which there is any evidence for, that the Apostles did take up and follow. Here I begin with the thing first propounded, *The orders of publick worship*, which did much resemble those of the Synagogue; Only with those alterations which did arise from the advancing of Christianity. That the Christians had their publick and set meetings for the service of God, is evident from the first rising of a society constituted upon the account of Christianity. We read of the *Three thousand* converted by Peter's Sermon, *That they continued in the Apostles doctrine and fellowship, and breaking of bread and prayers.* Acts 2. 42. Where we have all that was observed in the Synagogue, and somewhat more; here there is publick joyning together, implied in the word *κοινωνία*, their solemn prayers expressed, which were constantly observed in the Synagogue; instead of reading the Sections of the Law and Prophets, we have the Apostles teaching by immediate inspiration; and to all these as the proper service of Christianity, is set down the celebration of the Lord's Supper, which we shall seldom or ever in the Primitive Church

§. 10.

read the publick service on Lords days performed without. During the Apostolical times, in which there was such a Land-flood of extraordinary gifts overflowing the Church, in the publick meeting we find those persons who were indued with those gifts, to be much in exercising them (as to the custom, agreeing with the Synagogue, but as to the gifts exceeding it) concerning the ordering of which for the publick edification of the Church, the Apostle Paul lays down so many rules in the fourteenth Chapter to the *Corinthians*; but as soon as this flood began to abate, which was then necessary for the quicker softening the world for receiving Christianity, the publick service began to run in its former channel, as is apparent from the unquestionable testimonies of *Justin Martyr* and *Tertullian*; who most fully relate to us, the order of publick worship used among the Christians at that time. *Justin Martyr* the most ancient next to *Clement* (whose Epistle is lately recovered to the Christian world) of the unquestionable writers of the Primitive Church, gives us a clear narration of the publick orders observed by the Church in his time: Τῇ τῷ ἡλίου λεγόμενῃ ἡμέρᾳ πάντων χριστιάνων ἢ ὁμοίων ἐπιπέτασαν ἐπὶ τὸ αὐτὸ συνέλευσιν γίνεσθαι, καὶ τὰ δόγματα ἀποστόλων ἢ ἐπιπέτασαν, ἢ τὰ συγγράμματα ἢ ἀποστολικῶν ἀναγιγνωσκέσθαι μέγιστος ἐγχαρῆ· εἴτα παυσανδρὸς τῷ ἀναγιγνωσκόντι, προσεὶς διὰ λόγους τὸν νεοεισῆν καὶ περικλήσιν τὸ ἴδιον καλῶν τέτων μιμήσεως ποιῆται· ἔπειτα ἀνιστάμεθα κοινῇ πάντες, καὶ εὐχαριστῶμεν τῷ κυρίῳ καὶ ὡς προσέτιμα, παυσανδρῶν ἡμεῖς τὸ εὐχαριστῶμεν ἀρῶμεν προσφέρεται καὶ οἶνον καὶ ὕδωρ, καὶ ὁ προσεὶς εὐχαριστῶμεν ὁμοίως καὶ εὐχαριστίας ὅση δύναμις αὐτῷ ἀναπέμπει, καὶ ὁ λαὸς ἐπυφνημῆι λέγων τὸ Ἀμήν. Upon the day call'd Sunday, all the Christians whether in Town or Country assemble in the same place, wherein the Memoires or Commentaries of the Apostles and the writings of the Prophets are read as long as the time will permit; Then the Reader sitting down, the President of the Assembly stands up and makes a Sermon of Instruction and Exhortation to the following so good Examples. After this is ended, we all stand up to prayers; prayers ended, the Bread, Wine and Water are all brought forth; then the President again praying and praising to his utmost ability, the people testify their consent by saying Amen.

Just. Mart.
Apol 2. p. 98.
ed. Par.

What could have been spoken with greater congruity or
 correspon-

correspondency to the Synagogue, abating the necessary observation of the Eucharist as proper to Christianity?

Here we have the Scriptures read by one appointed for that purpose, as it was in the Synagogue; after which follows the word of Exhortation in use among them by the President of the Assembly answering to the Ruler of the Synagogue; after this, the publick prayers performed by the same President, as among the Jews by the publick Minister of the Synagogue (as is already observèd out of *Maimoni*;) then the solemn acclamation of *Amen*, by the people, the undoubted practice of the *Synagogue*. To the same purpose *Tertulliam*, who if he had been to set forth the practice of the Synagogue, could scarce have made choice of words more accommodated to that purpose. *Coimus* (saith he) *in cœtum & congregationem, ut ad Deum quasi manu factâ precationibus ambiamus orantes* — *cap. 39.* *Cogimur ad divinarum literarum Commemorationem, si quid presentium temporum qualitas aut pramonere cogit aut recognoscere. Certè fidem sanctis vocibus pascimus, spem erigimus, fiduciam figimus, disciplinam præceptorum nihilominus inculcationibus densamus; ibidem etiam exhortationes, castigationes & censura divina. Nam & judicatur magno cum pondere, ut apud certos de Dei conspectu, summumque futuri judicii præjudicium est, si quis ita deliquerit, ut à communicatione orationis & conveniùs & omnis sancti commercii relegetur. Præsident probati quique seniores, honorem istum non pretio sed testimonio adepti.* Where we have the same orders for prayers, reading the Scriptures according to occasions, and Sermons made out of them for increase of faith, raising hope, strengthening confidence. We have the Discipline of the Church answering the admonitions and excommunication of the Synagogue; and last of all we have the Bench of Elders sitting in these Assemblies, and ordering the things belonging to them.

Thus much for the general correspondency between the publick service of the Church and Synagogue; they that would see more particulars, may read our learned *Mr. Thorndike's Discourse of the service of God in Religious Assemblies*. Whose design throughout is to make this out more at large; But we must only touch at these things by the way, as it were, look into the Synagogue, and go on our way.

§. 11.

We therefore proceed from their service, to their *custom of ordination*, which was evidently taken up by the Christians from a correspondency to the Synagogue. For which we are first to take notice, that the Rulers of the Church under the Gospel do not properly succeed the Priests and Levites under the Law, whose office was Ceremonial, and who were not admitted by any solemn ordination into their function, but succeeded by birth into their places; only the great *Sanhedrin* did judge of their fitness, as to birth and body, before their entrance upon their function. So the Jewish Doctors tell us לשבת הגויה בה היתה סנהדרין גרולה של ישראל ישבת ודנה את הזכהונה i. e. *In the stone Parlour, the great Sanhedrin of Israel sat and did there judge the Priests. The Priest that was found defective, put on mourning garments, and so went forth; he that was not, put on white, and went in and ministred with the Priests his Brethren. And when no fault was found in the sons of Aaron, they observed a festival solemnity for it. Three things are observable in this Testimony, First, That the inquiry that was made concerning the Priests, was chiefly concerning the purity of their birth, and the freedom of their bodies from those defects which the Law mentions, unless in the case of grosser and more scandalous sins, as Idolatry, Murther, &c. by which they were excluded from the Priestly office. The Second, is, that the great Sanhedrin had this inspection over, and examination of the Priests before their admission; For what that learned man Const. L'Empereur there conjectures, that there was an Ecclesiastical Sanhedrin which did pass judgement on these things, is overthrown by the very words of the Talmudists already cited. The last thing observable, is, the garments which the Priests put on, viz. white raiment upon his approbation by the Sanhedrin, and soon after they were admitted into the Temple with great joy; to which our Saviour manifestly alludes, Revel. 3. 4, 5. Thou hast a few names even in Sardis which have not defiled their garments, and they shall walk with me in white, for they are worthy. He that overcometh, the same shall be cloathed in white raiment. But the Priests under the Law, were never ordained by imposition of hands, as the Elders and Rulers of the Synagogue were;*

Cod. Mid-
doth. cap. 5.
sect. 3.

V. Selden.
de succes.
ad Pontif.
Ebre. l. 2. c.
2, 3, 5, & 6.

Not. in Cod.
Mid. doth. p.
187, 188.

were; and if any of them came to that office, they as well as others had peculiar designation and appointment to it. It is then a common mistake to think that the Ministers of the Gospel succeed by way of correspondence and Analogy to the Priests under the Law; which mistake hath been the foundation and original of many errors. For when in the Primitive Church, the name of Priests came to be attributed to Gospel Ministers from a fair compliance (as was thought then) of the Christians only to the name used both among Jews and Gentiles; in process of time, corruptions increasing in the Church, those names that were used by the Christians by way of Analogy and Accommodation, brought in the things themselves primarily intended by those names; so by the Metaphorical names of Priests and Altars, at last came up the sacrifice of the Mass; without which, they thought the names of Priest and Altar were insignificant. This mistake we see run all along through the writers of the Church, as soon as the name Priests was applied to the Elders of the Church, that they derived their succession from the Priests of Aarons order. *Presbyterorum ordo exordium sumpsit à filiis Aaron. Qui enim sacerdotes vocabantur in veteri Testamento, hi sunt qui nunc appellantur Presbyteri: & qui nuncupabantur principes sacerdotum, nunc Episcopi nominantur: as Isidoris and Ivo tell us.* So before them both, *Jerome* in his known Epistle to *Evagrius*. *Et ut sciamus traditiones Apostolicas sumptas de veteri Testamento, Quod Aaron & filii ejus atque Levite in Templo fuerunt; hoc sibi Episcopi & Presbyteri atque Diaconi vendicent in Ecclesia.* From which words a learned Doctor, and strenuous assertor of the *jus divinum* of Prelacy, questions not but to make *Jerome* either apparently contradictory to himself, or else to assert, that the superiority of Bishops above Presbyters, was by his confession an Apostolical tradition. For saith he, *Nihil manifestius dici potuit; and S. 2. Quid ad hoc responderi possit, aut quo modo saguane artificio deliniri aut deludi tam diserta affirmatio, fateor ego me divinando assequi non posse; sed è contra ex iis quæ D. Blondellus, quæ Walo, quæ Ludov. Capellus hæc in re prestiterunt, mihi persuasissimum esse, Nihil uspiam contra apertam lucem obtendi posse.* In a case then so desperate as poor *Jerome* lyes in, by

Isid. Hist. de Ecclesia. offic. l. 2. c. 7. Ivo Carnot. decret. p. 6. c. 11.

Ep. 85.

Dissert. 2. cap. 28.

a wound he is supposed to have given himself; when the Priest and the Levite hath passed him by, it will be a piece of Charity in our passing by the way a little to consider his case, to see whether there be any hopes of recovery. We take it then for granted, that *Jerome* hath already said, that *Apostolus perspicue docet eosdem esse Presbyteros quos & Episcopos*, in the same Epistle which he proves there at large; and in another place; *Sicut ergo Presbyteri sciunt se ex Ecclesie consuetudine, ei qui sibi prepositus fuerit, esse subiectos; ita Episcopi noverint se magis consuetudine, quam dispositionis Dominice veritate Presbyteris esse majores, & in commune debere Ecclesiam regere.* The difficulty now lyes in the reconciling this with what is before cited out of the same Author; some solve it by saying, that in *Jerome's* sense, *Apostolical tradition and Ecclesiastical custome* are the same; as *ad Marcellum*, he saith the observation of Lent is *Apostolica traditio*, and *advers. Luciferian.* saith it is *Ecclesie consuetudo*; so that by *Apostolical tradition*, he meant not an *Apostolical institution*, but an *Ecclesiastical custome*. And if *Jerome* speak according to the general vogue, this solution may be sufficient notwithstanding what is said against it; for according to that common rule of *Austin*, *Things that were generally in use, and no certain Author assigned of them, were attributed to the Apostles.* Two things therefore I shall lay down for reconciling *Jerome* to himself: the first is, the difference between *Traditio Apostolica*, and *Traditio Apostolorum*; this latter doth indeed imply the thing spoken of to have proceeded from the Apostles themselves, but the former may be applyed to what was in practise after the Apostles times; and the reason of it is, that whatever was done in the Primitive Church, supposed to be agreeable to *Apostolical practice*, was call'd *Apostolical*. Thence the Bishops See was call'd *Sedes Apostolica*, as *Tertullian* tells us, *ob consanguinitatem doctrine.* So *Sidonius Appollinaris* calls the See of *Lupus* the Bishop of *Tricastum* in France, *Sedem Apostolicam*. And the Bishops of the Church were call'd *Viri Apostolici*, and thence the *Constitutions* which go under the Apostles names, were so call'd, saith *Albaspineus*, *ab antiquitate; nam cum eorum aliquot ab Apostolorum successoribus (qui teste Tertulliano Apostolici viri nominabantur) facti*

Comment. in
1 Tit.

Depraescrip.
adv. heret.
c. 32.
Epist. lib 6.
Ep. 1.

Observat.
lib. 1. c. 13.

facti essent, Apostolicorum primùm Canones, deinde nonnullorum Latinorum ignorantia, aliquot literarum detractio, Apostolorum dicti sunt. By which we see whatever was conceived to be of any great antiquity in the Church, though it was not thought to have come from the Apostles themselves, yet it was call'd *Apostolical*: so that in this sense, *traditio Apostolica*, is no more then *traditio antiqua*, or *ab Apostolicis viris profecta*, which was meant rather of those that were conceived to succeed the Apostles, then of the Apostles themselves. But I answer, *Secondly*, that granting *traditio Apostolica* to mean *traditio Apostolorum*, yet *Jerome* is far from contradicting himself, which is obvious to any that will read the words before, and consider their coherence. The scope and drift of his Epistle, is to chastise the arrogance of one who made Deacons superiour to Presbyters. *Audiod quendam in tantam erupisse vecordiam, ut Diaconos Presbyteris, i. e. Episcopis anteferet*, and so spends a great part of the Epistle, to prove that a Bishop and Presbyter are the same; and at last brings in these words; giving the account, why *Paul* to *Timothy* and *Titus* mentions no Presbyters, *Quia in Episcopo & Presbyter continetur. Aut igitur ex Presbytero ordinetur Diaconus, ut Presbyter minor Diacono comprobetur, in quem crescat ex parvo; aut si ex Diacono ordinatur Presbyter, noverit se lucris minorem, sacerdotio esse majorem.* And then presently adds, *Et ut sciamus traditiones Apostolicas sumptas de veteri Testamento, Quod Aaron & filii ejus atque Levitae in Templo fuerunt, hoc sibi Episcopi & Presbyteri atque Diaconi vendicent in Ecclesia.* Is it imaginable that a man who had been proving all along the superiority of a Presbyter above a Deacon, because of his Identity with a Bishop in the Apostles times, should at the same time say, that a Bishop was above a Presbyter by the Apostles institution, and so directly overthrow all he had been saying before? Much as if one should go about to prove that the *Præfectus urbis*, and the *Curatores urbis* in *Alexander Severus* his times were the same office, and to that end should make use of the Constitution of that Emperour whereby he appointed fourteen

Curatores urbis, and set the *Præfectus* in an office above them. Such an incongruity is scarce incident to a man of very ordinary esteem for intellectuals, much less to such a one as *Jerome* is reputed to be. The plain meaning then of *Jerome* is no more but this, that as *Aaron and his sons in the order of Priest-hood were above the Levites under the Law*: so the *Bishops and Presbyters in the order of the Evangelical Priest-hood are above the Deacons under the Gospel*. For the comparison runs not between *Aaron* and his sons under the Law, and *Bishops and Presbyters* under the Gospel; but between *Aaron* and his sons, as one part of the comparison under the Law, and the *Levites* under them as the other; so under the Gospel, *Bishops and Presbyters* make one part of the comparison, answering to *Aaron* and his sons in that wherein they all agree; viz. *the order of Priest-hood*; and the other part under the Gospel is that of *Deacons* answering unto the *Levites* under the Law. The opposition is not then in the power of Jurisdiction between *Bishops and Priests*, but between the same power of order, which is alike both in *Bishops and Presbyters* (according to the acknowledgment of all) to the office of *Deacons* which stood in competition with them. Thus I hope we have left *Jerome* at perfect harmony with himself, notwithstanding the attempt made to make him so palpably contradict himself; which having thus done, we are at liberty to proceed in our former course; only hereby we see how unhapily those arguments succeed which are brought from the Analogy between the *Aaronical Priest-hood*, to endeavour the setting up of a *jus Divinum* of a parallel superiority under the Gospel. All which arguments are taken off by this one thing we are now upon, viz. that the orders and degrees under the Gospel, were not taken up from Analogy to the Temple, but to the Synagogue: Which we now make out as to ordination, in three things; *The manner of conferring it, the persons authorized to do it, the remaining effect of it upon the person receiving it.*

§. 12.

First, For the manner of conferring it; that under the Synagogue was done by laying on of hands: Which was taken up among the Jews as a significative rite in the ordaining the *Elders* among them, and thereby qualifying them either

ther to be members of their *Sanhedrins*, or Teachers of the Law. A twofold Use I find of this Symbolical rite, beside the solemn designation of the person on whom the hands are laid. The *First* is to denote the delivery of the person or thing thus laid hands upon, for the right, use, and peculiar service of God. And that I suppose was the reason of laying hands upon the beast under the Law, which was to be sacrificed, thereby noting their own parting with any right in it, and giving it up to be the *Lords* for a sacrifice to him. Thus in the civil Law this delivery is requisite in the transferring dominion, which they call *translatio de manu in manum*. The *second* end of laying on of hands was the solemn invocation of the *Divine presence* and *assistance* to be upon, and with the person upon whom the hands are thus laid. For the hands with us being the instruments of action, they did by stretching out their hands upon the person, represent the efficacy of Divine power which they implored in behalf of the person thus designed. *Tunc enim orabant ut sic Dei efficacia esset super illum, sicut manus efficacie symbolum, ei imponebatur*, as *Grotius* observes. Thence in all solemn prayers, wherein any person was particularly designed, they made use of this custome of imposition of hands: from which custome, *Augustine* speaks, *Quid aliud est manuum impositio nisi oratio super hominem?* Thence when *Jacob* prayed over *Josephs* Children, he laid his hands upon them; so when *Moses* prayed over *Joshua*. The practice likewise our Saviour used in blessing Children, healing the sick; and the Apostles in conferring the gifts of the Holy-Ghost; and from thence it was conveyed into the practice of the primitive Church, who used it in any more solemn invocation of the name of God in behalf of any particular persons, *As over the sick, upon repentance and reconciliation to the Church, in Confirmation, and in Matrimony*; which (as *Grotius* observes) is to this day used in the *Abissine* Churches. But the most solemn and peculiar use of this Imposition of hands among the Jews was in the designing of any persons for any publick employment among them: Not as though the bare imposition of hands, did confer any power upon the person, (no more then the bare delivery of a thing in Law gives a legal title to it,

Levit. 16. 21.

Ep. ad Gal.
los. ep. 154.
& 166.
Job. Cord.
& V. in
Mat. 9. 19.

Gen. 48. 14.
Num. 27. 23.

without exprefs transferring Dominion with it) but with that Ceremony they joynd those words whereby they did confer that Authority upon them : Which were to this purpose *אני סומך אותך* *Ecce sis tu Ordinatus*, or *אני סומך אותך* *ego ordino te*, or *תהיה סמוך* *sis ordinatus*, to which they added according to the authority they ordained them to, some thing peculiarly expressing it, whether it was for causes fixable, or pecuniary, or binding and loosing, or ruling in the Synagogue. Which is a thing deserving consideration by those who use the rite of imposing hands in ordination, without any thing expressing that authority they convey by that Ordination. This custome being so generally in use among the Jews in the time when the Apostles were sent forth with authority for gathering and settling Churches, we find them accordingly making use of this, according to the former practice, either in any more solemn invocation of the presence of God upon any persons, or designation and appointing them for any peculiar service or function : For we have no ground to think that the Apostles had any peculiar command for laying on their hands upon persons in prayer over them, or ordination of them : But the thing its self being enjoined them, *viz.* the setting apart some persons for the peculiar work of attendance upon the necessities of the Churches by them planted, they took up and made use of a laudable rite and custome then in use upon such occasions. And so we find the Apostles using it in the solemn designation of some persons to the office of Deacons, answering to the *פרנסין* in the Synagogue, whose office was to collect the moneys for the poor, and to distribute it among them. Afterwards we read it used upon an occasion not heard of in the Synagogue, which was for the conferring the gifts of the Holy-Ghost; but although the occasion was extraordinary, yet supposing the occasion, the use of that rite in it, was very suitable, in as much as those gifts did so much answer to the *שכינה* and the *רוח הקודש* which the Jews conceived did rest upon those who were so ordained by imposition of hands. The next time we meet with this rite, was upon a peculiar designation to a particular service of persons already appointed by God for the work of the *Ministry*, which is of *Paul* and *Barnabas* by the Prophets and Teachers at *Antioch* ;

Acts. 6. 6.

Acts 8. 17.

Acts. 13 3.

Antioch; whereby God doth set forth the use of that rite of ordination to the Christian Churches. Accordingly we find it after practised in the Church, *Timothy* being ordained by the laying on of the hands of the Presbyterie. And *Timothy* hath direction given him for the right management of it afterwards, *Lay hands suddenly on no man*. For they that would interpret that of reconciling men to the Church by that rite, must first give us evidence of so early an use of that custome, which doth not yet appear. But there is one place commonly brought to prove that the Apostles in ordaining Elders in the Christian Churches, did not observe the Jewish form of laying on of hands, but observed a way quite different from the Jewish practice, *viz.* appointing them by the choicē, consent and suffrages of the people. Which place is *Acts 14. 23.* where it is said of *Paul* and *Barnabas*, χειροτονήσαντες ἢ αὐτοῖς πρεσβυτέρους κατ' ἐκκλησίαν: We render it, *Ordaining them Elders in every Church*. But others from the signification of the word χειροτονεῖν would have it rendred, *when they had appointed Elders by the suffrages of the people*. But how little the peoples power of ordination can be inferred from these words, will be evident to any one that shall but consider these things. *First*, That though χειροτονεῖν did originally signifie the choosing by way of suffrage among the Greeks, yet before the time of *Luke's* writing this, the word was used for simple designation without that ceremony. So *Hesychius* interprets it by καθίσαν the word used of *Titus* for ordaining Elders in every City; and in *Demosthenes* and others it occurs for νομοθετεῖν; and διατάττειν, *to decree and appoint*; and that sense of the word appears in *Saint Luke* himself, *Acts 10. 41.* μάρτυρα τοῖς παλαιῶν χειροτονηθεῖσιν κατὰ τὸ θεῶν, *Witnesses foreappointed of God*. Many examples of this signification are brought by learned men of writers before, and about the time when *Luke* writ, from *Philo Judeus*, *Josephus*, *Appian*, *Lucian*, and others. But *Secondly*, granting it used in the primary signification of the word, yet it cannot be applied to the people, but to *Paul* and *Barnabas*; for it is not said that the people did χειροτονεῖν, but that *Paul* and *Barnabas* did χειροτονεῖν: now wherever that word is used in its first signification, it is implied

1 Tim. 4. 14.

1 Tim. 5. 22.

Titus 1. 5.
V. Demosth.
Phil. 1. &
advers. Simon.
& Ulpian.
in Schol.

V. Selden. de
Syned. l. 1.
cap. 14. Grot.
de Imp. Sum.
Potest. c. 10.
S. 5.

implied to be the action of the persons themselves giving suffrages, and not for other persons appointing by the suffrages of others. *Thirdly*, χειροτονειν may import no more than χειροδοτειν, in that laying on of the hands must suppose the stretching them out: Which is only a common figure in Scripture for the Antecedent to be put for the Consequent, or one part for the whole action; and concerning this sense of the word in Ecclesiastical Writers, see the large quotations in Bishop *Bilson* to this purpose. *Fourthly*, It seems strangely improbable that the Apostles should put the choice at that time into the hands of the people, when there were none fitted for the work the Apostles designed them for, but whom the Apostles did lay their hands on, by which the Holy Ghost fell upon them, whereby they were fitted and qualified for that work. The people then could no ways choose men for their abilities, when their abilities were consequent to their ordination. So much to clear the manner of ordination to have been from the Synagogue.

Perpet. Govern of
Christ's
Church. c. 7.

§. 13.

The *second* thing we consider, is, *the persons authorized to do it*: whom we consider under a double respect, *before their liberties were bound up by compact among themselves, and after*. *First*, before they had restrained themselves of their own liberty, then the general rule for ordinations among them was לתלמיריו כל כ"י שנסמך סומך every one regularly ordained, himself had the power of ordaining his disciples, as *Maimonides* affirms. To the same purpose is that testimony of the *Gemara Babylonia* in *Mr. Selden* אמר רבי בא בראשונה כל אחד ואחד היה רבבי *Rabbi Abba Bar Jonah* said that in times of old, every one was wont to ordain his own Disciples: to which purpose many instances are there brought. But it is generally agreed among them, that in the time of *Hillel* this course was altered, and they were restrained from their former liberty; in probability finding the many inconveniencies of so common ordinations; or as they say, out of their great reverence to the house of *Hillel*, they then agreed that none should ordain others without the presence of the הנשיא the Prince of the *Sanhedrin*, or a license obtained from him for that end; and it was determined that all ordinations without the consent of the Prince of the *Sanhedrin*

Tract. San.
cap. 4. f. 5.
Ad tir. San-
hed. c. 1.
De Syned.
l. 2. c. 7. f. 1.

bedrin should be looked upon as null and void; which is attested by the former Authors. The same distinction may be observed under the Gospel in reference to the fixed Officers of the Church; for we may consider them in their first state and period, as the Presbyters did rule the Churches in common, as *Jerome* tells us, *communi Presbyterorum concilio Ecclesia gubernabantur*: before the jurisdiction of Presbyters was restrained by mutual consent, in this instant doubtless, the Presbyters enjoyed the same liberty that the Presbyters among the Jews did, of ordaining other Presbyters by that power they were invested in at their own ordination. To which purpose we shall only at present take notice of the Confession of two Canonists who are the highest among the Papists, for defence of a distinct order of Episcopacy. Yet *Gratian* himself confesseth, *Sacros ordines dicimus Diaconatum & Presbyteratum; hos quidem solos Ecclesia primitiva habuisse dicitur*. And *Johannes Semeca* in his *Gloss* upon the Canon-Law; *Dicunt quidem quod in Ecclesia prima primitiva commune erat officium Episcoporum & Sacerdotum, & nomina erant communia, ——— Sed in secundâ primitivâ ceperunt distingui & nomina & officia*. Here we have a distinction of the Primitive Church very agreeable both to the opinion of *Jerom*, and the matter we are now upon; in the first Primitive Church, the Presbyters all acted in common for the welfare of the Church, and either did or might ordain others to the same authority with themselves; because the intrinsecal power of order is equally in them, and 'in those who were after appointed Governours over Presbyteries. And the collation of orders doth come from the power of order, and not merely from the power of jurisdiction. It being likewise fully acknowledged by the Schoolmen, that Bishops are not superiour above Presbyters as to the power of order. But the clearest evidence of this, is in the Church of *Alexandria*, of which *Jerome* speaks; *Nam & Alexandria à Marco Evangelistâ usq; ad Heraclam & Dionysium Episcopos, Presbyteri semper unum ex se electum, in excelsiori gradu collocatum, Episcopum nominabant; quomodo si exercitus imperatorem faciat, aut Diaconi eligant de se quem industrium noverint, & Archidiaconum vocent*. That learned Doctor who would

Hieronym.
in 1 Tit.

Dist. 60. c.
Mull. ex
urb. Pap.

Dist. 95.
Gloss.

V. Francis
Mason's
defence of
Ordination
of Presby-
ters.

Ep. 85. ad
Evagrium.

V. Selden.
ad Eutyck.
n.22. p.143.

Dist. 62.
sect. her.

Advers.
Lucil.

Origin. p.29,
30.

perswade us that the Presbyters did only make choice of the person, but the ordination was performed by other Bishops, would do well *first* to tell us who and where those Bishops in *Egypt* were, who did consecrate or ordain the Bishop of *Alexandria* after his election by the Presbyters; especially, while *Egypt* remained but one Province, under the Government of the *Præfatus Augustalis*. *Secondly*, how had this been in the least pertinent to *Jerome's* purpose to have made a particular instance in the Church of *Alexandria*, for that which was common to all other Churches besides? For the old rule of the *Canon-Law* for Bishops was, *Electio clericorum est, consensus principis, petitio plebis*. *Thirdly*, this election in *Jerome* must imply the conferring the power and authority whereby the Bishop acted. For *first*, the first setting up of this power is by *Jerome* attributed to this choice, as appears by his words, *Quod autem postea unus electus est qui cæteris præponeretur, in schismatis remedium factum est, ne unusquisque ad se trahens Christi Ecclesiam rumperet*. Whereby it is evident *Jerome* attributes the first original of that *Exsors potestas*: as he calls it elsewhere in the Bishop above Presbyters, not to any Apostolical institution, but to the free choice of the Presbyters themselves: which doth fully explain what he means by *consuetudo Ecclesie* before spoken of, *viz.* that which came up by a voluntary act of the Governours of Churches themselves. *Secondly*, it appears that by election he means conferring authority by the instances he brings to that purpose; As the Roman Armies choosing their Emperours, who had then no other power but what they received by the length of the sword; and the Deacons choosing their Archdeacon, who had no other power but what was merely conferred by the choice of the College of Deacons. To which we may add what *Eutyebius* the Patriarch of *Alexandria*, saith in his *Origines Ecclesie Alexandrinæ* published in *Arabick* by our most learned *Selden*, who expressly affirms that the twelve Presbyters constituted by Mark upon the vacancy of the See, did choose out of their number one to be head over the rest, and the other eleven did lay their hands upon him and blessed him; and made him Patriarch. Neither is the authority of *Eutyebius* so much to be slighted in this case, coming so near to *Jerome*

as he doth, who doubtless had he told us that *Mark* and *Anianus, &c.* did all there without any Presbyters, might have had the good fortune to have been quoted with as much frequency and authority as the *Anonymous Author* of the martyrdom of *Timothy* in *Photius* (who there unhappily follows the story of the seven Sleepers) or the Author of the *Apostolical Constitutions*, whose credit is everlastingly blasted by the excellent *Mr. Daille De Pseudepigraphis Apostolorum*; so much doth mens interest tend to the inhancing or abating the esteem and credit both of the dead and the living. By this we see that where no positive restraints from consent and choice, for the unity and peace of the Church, have restrained mens liberty as to their external exercise of the power of order or jurisdiction, every one being himself advanced into the authority of a Church Governour, hath an internal power of conferring the same upon persons fit for it. To which purpose *the laying on of the hands of the Presbytery*, is no wise impertinently alledged, although we suppose *St. Paul* to concur in the action, (as it is most probable he did,) because if the Presbytery had nothing to do in the ordination, to what purpose were their hands laid upon him? Was it only to be witnesses of the fact, or to signify their consent? both those might have been done without their use of that ceremony; which will scarce be instanced in, to be done by any but such as had power to confer what was signified by that ceremony. We come therefore to the *second* period or state of the Church, when the former liberty was restrained, by some act of the Church it self, for preventing the inconveniences which might follow the too common use of the former liberty of ordinations. So *Antonius de Rosellis* fully expresseth my meaning in this; *Quilibet Presbyter & Presbyteri ordinabant indiscretè, & schismata oriebantur. Every Presbyter and Presbyters did ordain indifferently, and thence arose schisms*: thence the liberty was restrained and reserved peculiarly to some persons who did act in the several Presbyteries, as the *כֹּהֵן* or Prince of the *Sanhedrin*, without whose presence no ordination by the Church was to be looked on as regular. The main controversy is when this restraint began, and by whose act;

*Biblioth.
Cod. 254.*

1 Tim. 4. 14.

*Rosellis de
pot. Imper.
& Papæ.
p. 4. c. 18.*

whether by any act of the Apostles, or only by the prudence of the Church its self, as it was with the *Sanhedrin*. But in order to our peace; I see no such necessity of deciding it, both parties granting that in the Church such a restraint was laid upon the liberty of ordaining Presbyters: and the exercise of that power may be restrained still, granting it to be radically and intrinsically in them. So that this controversy is not such as should divide the Church. For those that are for ordinations only by a Superiour order in the Church, acknowledging a radical power for ordination in Presbyters, which may be exercised in case of necessity, do thereby make it evident, that none who grant that, do think that any positive Law of God hath forbidden Presbyters the power of ordination; for then it must be wholly unlawful, and so in case of necessity it cannot be valid. Which doctrine I dare with some confidence assert to be a stranger to our Church of *England*, as shall be largely made appear afterwards. On the other side, those who hold ordinations by Presbyters lawful, do not therefore hold them necessary, but it being a matter of liberty, and not of necessity (Christ having no where said that none but Presbyters shall ordain) this power then may be restrained by those who have the care of the Churches peace, and matters of liberty being restrained, ought to be submitted to, in order to the Churches peace. And therefore some have well observed the difference between the opinions of *Jerome* and *Aerius*. For as to the matter it self, I believe upon the strictest inquiry *Medina's* judgement will prove true, that *Jerome*, *Austin*, *Ambrose*, *Sedulius*, *Primasius*, *Chrysostome*, *Theodoret*, *Theophilaſt*, were all of *Aerius* his judgement, as to the Identity of both name and order of Bishops and Presbyters in the Primitive Church; but here lay the difference; *Aerius* from hence proceeded to separation from Bishops and their Churches, because they were Bishops. And *Blondell* well observes that the main ground why *Aerius* was condemned, was for unnecessary separation from the Church of *Sebastia*, and those Bishops too who agreed with him in other things, as *Eustathius* the Bishop did: Whereas had his meer opinion about Bishops been the ground of his being condemned, there can be no reason assigned

*Mich. Medina de
sacr. hom.
orig. & con-
tin. l. 1. cap 5.*

Træf. p. 58.

assigned, why this heresie if it were then thought so, was not mentioned either by *Socrates*, *Theodoret*, *Sozomen*, or *Eugrius*, before whose time he lived; when yet they mention the *Eustathiani*, who were Cotemporaries with him. But for *Epiphanius* and *Augustine* who have listed him in the roul of hereticks, it either was for the other heretical opinions maintained by him, or they took the name *heretick* (as it is evident they often did) for one who upon a matter of different opinion from the present sense of the Church, did proceed to make separation from the Unity of the Catholick Church; which I take to be the truest account of the reputed heresie of *Aerius*. For otherwise is it likely that *Jerom* who maintained so great correspondency and familiarity with *Epiphanius*, and thereby could not but know what was the cause why *Aerius* was condemned for heresie, should himself run into the same heresie, and endeavour not only to assert it, but to avouch and maintain it against the Judgment of the whole Church? *Jerome* therefore was not ranked with *Aerius*, because though he held the same opinion as to Bishops and Presbyters, yet he was far from the Consequence of *Aerius*; that therefore all Bishops were to be separated from; nay he was so far from thinking it necessary to cause a schism in the Church, by separating from Bishops; that his opinion is clear, that the first institution of them, was for preventing schisms, and therefore for peace and unity he thought their institution very useful in the Church of God. And among all those fifteen testimonies produced by a learned Writer out of *Jerome* for the superiority of Bishops above Presbyters, I cannot find one that doth found it upon any *divine right*, but only upon the conveniency of such an order for the peace and unity of the Church of God: Which is his meaning in that place most produced to this purpose; *Ecclesie salus in summi sacerdotis dignitate pendet, cui si non exors quedam & ab omnibus eminent detur potestas, tot in Ecclesiis efficiuntur schismata, quot sacerdotes.* Dial. ad Lucifer. Where nothing can be more evident then that he would have some supereminent power attributed to the Bishop for preventing schisms in the Church. But granting some passages may have a more favourable aspect towards the superiority of Bishops over Presbyters in

his other writings, I would fain know whether a mans judgement must be taken, from occasional and incidental passages, or from designed and set discourses; which is as much as to ask, whether the lively representation of a man by picture, may be best taken, when in haste of other business he passeth by us, giving only a glance of his Countenance, or when he purposely and designedly sits in order to that end, that his countenance may be truly represented? Besides, it is well known that *Jerome* in his *Commentaries* on Scripture, (where he doth not expressly declare his own opinion) doth often transcribe what he finds in others without setting down the name of any Author he had it from. For which we have his ingenious confession in his Epistle to *Augustine*, *Itaque ut simpliciter fatear, legi hæc omnia* (speaking of former Commentaries) *& in mente mea plurima conservans, accito notario, vel mea vel aliena dictavi, nec ordinis, nec verborum interdum, nec sensuum memor.* A strange way of writing Commentaries on Scripture, wherein a man having jumbled other mens notions together in his brain, by a kind of lottery draws out what comes next to hand, without any choice: yet this we see was his practice, and therefore he puts *Austin* to this hard task of examining what all other men had writ before him, and whether he had not transcribed out of them, before he would have him charge him with any thing which he finds in his Commentaries. How angry then would that hasty Adversary have been, if men had told him he had contradicted himself in what he writes on the forty fifth *Psalms* about Bishops, if it be compared with his Commentaries on *Titus*, where he professeth to declare his opinion, or his Epistles to *Evagrius* and *Oceanus*! But yet something is pleaded even from those places in *Jerome*, wherein he declares his opinion more fully, as though his opinion was only, that Christ himself did not appoint Episcopacy, which (they say) he means by *Dominica dispositio*, but that the Apostles did it, which in opposition to the former he calls *Ecclesie consuetudo*, but elsewhere explains it by *traditio Apostolica*; and this they prove by two things; First, The occasion of the institution of Episcopacy, which is thus set down by him, *antequam Diaboli instinctu, studia in religione fierent,*

Ep. August.
ep. 11.

fierent, & diceretur in populis, Ego sum Pauli, ego Apollo, ego autem Cepha, communi Presbyterorum consilio Ecclesie gubernabantur. Thence it is argued that the time of this Institution of Bishops was when it was said at *Corinth, I am of Paul, I of Apollos, and I of Cephas*: which was certainly in Apostolical times. But to this it is answered; *First*, that it is impossible *Jeromes* meaning should be restrained to that individual time, because the Arguments which *Jerome* brings that the name and office of Bishops and Presbyters were the same, were from things done after this time. *Pauls* first Epistle to the *Corinthians*, wherein he reproves their schisms, was written according to *Ludovicus Capellus* in the twelfth year of *Claudius*, of Christ fifty one, after which *Paul* writ his Epistle to *Titus*, from whose words *Jerome* grounds his discourse; but most certainly *Pauls* Epistle to the *Philippians* was not written, till *Paul* was prisoner at *Rome*; the time of the writing of it is placed by *Capellus* in the third of *Nero*; of *Christ* 56. by *Blondell* 57. by our *Lightfoot* 59. by all, long after the former to the *Corinthians*; yet from the first verse of this Epistle, *Jerome* fetcheth one of his Arguments. So *Pauls* charge to the Elders at *Miletus*, *Peters* Epistle to the dispersed Jews, were after that time too, yet from these are fetched two more of *Jeromes* Arguments. Had he then so little common sense, as to say that Episcopacy was instituted upon the schism at *Corinth*, and yet bring all his Arguments for parity, after the time, that he sets for the Institution of Episcopacy. But *secondly*, *Jerome* doth not say, *cum diceretur apud Corinthios, Ego sum Pauli, &c.* but *cum diceretur in populis, Ego sum Pauli, &c.* so that he speaks not of that particular schism, but of a general and universal schism abroad among most people, which was the occasion of appointing Bishops; and so speaks of others imitating the schism and language of the *Corinthians*. *Thirdly*, had Episcopacy been instituted on the occasion of the schism at *Corinth*, certainly of all places, we should the soonest have heard of a Bishop at *Corinth* for the remedying of it; and yet almost of all places, those *Heralds* that derive the succession of Bishops from the Apostles times, are the most plunged whom to fix on at *Corinth*. And they that can find any one single Bishop at *Co-*
rinth

Hist. Apo-
stolica.
P. 70.

rinth at the time when *Clemens* writ his Epistle to them (about another schism as great as the former, which certainly had not been according to their opinion, if a Bishop had been there before) must have better eyes and judgement, then the deservedly admired *Grotius*, who brings this in his Epistle to *Bignonius* as one argument of the undoubted antiquity of that Epistle: *Quod nusquam meminit exsortis illius Episcoporum auctoritatis, quæ Ecclesiæ consuetudine, post Marci mortem Alexandriæ, atque eo exemplo alibi, introduci cæpit; sed plane ut Paulus Apostolus ostendit, Ecclesiæ communi Presbyterorum, qui iidem omnes & Episcopi ipsi Pauloq; dicuntur, consilio fuisse gubernatus.* What could be said with greater freedom, that there was no such Episcopacy then at *Corinth*? Fourthly, They who use this argument, are greater strangers to *St. Jeroms* language. then they would seem to be: whose custome it is upon incidental occasions to accommodate the Phrase and language of Scripture to them: as when he speaks of *Chrysofomes* fall, *Cecidit Babylon, cecidit*; of the Bishops of *Palestine*, *Multi utroque claudicant pede*; of the Roman Clergy, *Pharisæorum conclamavit Senatus*; but which is most clear to our purpose, he applyes this very speech to the men of his own time; *Quando non id ipsum omnes loquimur, & alius dicit Ego sum Pauli, ego Apollo, ego Cephæ, dividimus spiritus unitatem, & eam in partes & membra discerpimus.* All which instances are produced by *Blondell*, but have the good fortune to be past over without being taken notice of. But supposing, say they, that it was not till after the schism at *Corinth*, yet it must needs be done by the Apostles; else how could it be said to be *toto orbe decretum, ut unus de Presbyteris electus superponeretur cæteris? Quomodo enim* (saith a learned man) *fieri potuit, ut toto hoc orbe decerneretur, nullo jam Oecumenico Concilio ad illud decernendum congregato, si non ab Apostolis ipsis, fidem toto orbe promulgantibus, & cum fide hanc regendi Ecclesiæ formam constituentibus factum sit?* So that he conceives, so general an order could not be made, unless the Apostles themselves at that time were the authors of it.

But *First*, *Jeroms* *In toto orbe decretum est*, relates not to an antecedent order which was the ground of the institution of Episcopacy, but to the universal establishment of that order

Ep. ad Gal.
ep. 162.

Apol. p. 4.

der which came up upon the occasion of so many schisms ; it is something therefore consequent upon the first setting up Episcopacy, which is the general obtaining of it in the Churches of Christ, when they saw its usefulness in order to the Churches peace ; therefore the Emphasis lies not in *decre- tum est*, but *in toto orbe* ; noting how suddenly this order met with universal acceptance when it first was brought up in the Church after the Apostles death. Which that it was *Jeroms* meaning, appears by what he saith after, *paulatim verò (ut dissentionum plantaria evellerentur) ad unum omnem, sollicitudinem esse delatam* : Where he notes the gradual obtaining of it : which I suppose was thus, according to his opinion ; first, in the College of Presbyters appointed by the Apostles, there being a necessity of order, there was a President among them who had *αὐθεντία ἢ προέμαρ* Ⓞ, as the President of the Senate, *i. e.* did moderate the affairs of the Assembly, by proposing matters to it, gathering voices, being the first in all matters of concernment, but he had not *αὐθεντία ἢ συνέδριον*, as *Casaubon* very well distinguisheth them, *i. e.* had no power over his fellow-Presbyters, but that still resided in the College or body of them. After this when the Apostles were taken out of the way, who kept the main power in their own hands of ruling the several Presbyteries, or delegated some to do it (who had a main hand in the planting Churches with the Apostles, and thence are called in Scripture sometimes Fellow-labourers in the Lord, and sometimes Evangelists, and by *Theodoret* Apostles, but of a second order) after I say, these were deceased, and the main power left in the Presbyteries, the several Presbyters enjoying an equal power among themselves, especially being many in one City, thereby great occasion was given to many schisms, partly by the bandying of the Presbyters one against another, partly by the sidings of the people with some against the rest, partly by the too common use of the power of ordinations in Presbyters, by which they were more able to increase their own party, by ordaining those who would joyn with them, and by this means to perpetuate schisms in the Church ; upon this, when the wiser and graver sort considered the abuses following the promiscuous use of this power of ordination ;

*Exercit. ad
Annal. Ec-
cles. 15 f. 12.*

and withal having in their minds the excellent frame of the Government of the Church under the Apostles, and their Deputies, and for preventing of future schisms and divisions among themselves, they unanimously agreed to choose one out of their number, who was best qualified for the management of so great a trust, and to devolve the exercise of the power of ordination and jurisdiction to him; yet so as that he act nothing of importance, without the consent and concurrence of the Presbyters, who were still to be as the Common Council to the Bishop. This I take to be the true and just account of the Original of Episcopacy in the Primitive Church according to *Jerome*: Which model of Government thus contrived and framed, sets forth to us a most lively character of that great Wisdom and Moderation, which then ruled the heads and hearts of the Primitive Christians; and which, when men have searched and studied all other waies, (the abuses incident to this Government, through the corruptions of men and times being retrenched) will be found the most agreeable to the Primitive form, both as asserting the due interest of the Presbyteries, and allowing the due honour of Episcopacy, and by the joynt harmony of both carrying on the affaires of the Church with the greatest Unity, Concord, and Peace. Which form of Government I cannot see how any possible reason can be produced by either party, why they may not with chearfulness embrace it.

Secondly, Another evidence that *Jerome* by *decretum est* did not mean an order of the Apostles themselves, is by the words which follow the matter of the decree, *viz. Ut unus de Presbyteris electus superponeretur ceteris*, one chosen not only out of, but by the Presbyters, should be set above the rest; for so *Jerome* must be understood; for the Apostles could not themselves choose out of all Presbyteries one person to be set above the rest; and withal the instance brought of the Church of *Alexandria* makes it evident to be meant of the choosing by the Presbyters, and not by the Apostles. Besides, did *Jerome* mean choosing by the Apostles, he would have given some intimations of the hand the Apostles had in it: which we see not in him the least ground for. And as for that pretence, that *Ecclesie consuetudo is Apostolica traditio*, I have already

already made it appear that *Apostolica traditio* in *Jerome*, is nothing else but *Consuetudo Ecclesie*, which I shall now confirm by a pregnant and unanswerable testimony out of *Jerome* himself. *Unaqueque provincia abundet in sensu suo, & pre-* Hieronym. ep. 20. ad Lucinum.
cepta majorum leges Apostolicas arbitretur. Let every province abound in its own sense, and account of the ordinances of their Ancestors as of Apostolical Laws. Nothing could have been spoken more fully to open to us what *Jerome* means by Apostolical traditions, viz. the practice of the Church in former ages, though not coming from the Apostles themselves. Thus we have once more cleared *Jerome* and the truth together; I only wish all that are of his judgment for the practice of the Primitive Church, were of his temper for the practice of their own; and while they own not Episcopacy as necessary by a divine right, yet (being duly moderated, and joyned with Presbyteries) they may embrace it, as not only a lawful, but very useful constitution in the Church of God. By which we may see what an excellent temper may be found out, most fully consonant to the primitive Church for the management of ordinations, and Church power, viz. by the Presidency of the Bishop and the concurrence of the Presbyterie. For the Top gallant of Episcopacy can never be so well managed for the right steering the ship of the Church, as when it is joyned with the under sailes of a Moderate Presbyterie. So much shall suffice to speak here as to the power of ordination, which we have found to be derived from the Synagogue, and the customes observed in it, transplanted into the Church.

There are yet some things remaining as to ordination, wherein the Church did imitate the Synagogue; which will admit of a quick dispatch, as *the number of the persons*, which under the Synagogue were alwaies to be at least *three*. This being a fundamental constitution among the Jews, as appears by their writings, *סמיכה וקנים בשלשה* §. 14.
Ordination of Presbyters by laying on of hands must be done by three at the least. To the same purpose *Maimonides* Misra & Gemar. tit. Sanhedr. c. 1. Tit. Sanhed. cap. 4 f. 3. Arcan. Cath. Veritat. l. 4. cap. 6.
They did not ordain any by imposition of hands into a power of judicature without the number of three. Which number *Peter Gallatinus* and *Postellus* conceive necessary to be all ordained themselves;

De Concord.
orbis p 377.

themselves; but Mr. *Selden* thinks it was sufficient if there were but one of that number so ordained, who was to be as principal in the action; whose opinion is favoured by *Maimonides*, who adds to the words last cited out of him: *Of which Three, one at the least must be ordained himself.* Let us now see the parallel in the Church of God. The first solemn ordination of Elders under the Gospel, which some think to be set down as a pattern for the Church to follow, is that we read of, *Acts* 13. 1, 2, 3. Which was performed by three; for we read in the first verse, that there were in the Church at *Antioch*, five Prophets and Teachers, *Barnabas*, *Simeon*, *Lucius*, *Manaen*, and *Saul*; of these five, the Holy-Ghost said, *that two must be separated for the work whereto God had called them*, which were *Barnabas* and *Saul*; there remain only the other three, *Simeon*, *Lucius* and *Manaen* to lay their hands on them, and ordain them to their work. Accordingly those who tell us that *James* was ordained Bishop of *Jerusalem*, do mention the three Apostles who concurred in the ordaining of him. But most remarkable for this purpose is the Canon of the *Nicene Council*, wherein this number is set down as the regular number for the ordination of Bishops, without which it was not accounted Canonical. The words are these, *Επίσκοπον προσήκει μάλιστα μὲν ὑπὸ πάντων ἑνὲν τῇ ἐπαρχίᾳ καθίστασθαι· εἰ δὲ δύσχερὲς εἴη τὸ ποιεῖν, ἢ διὰ καταπίευσαν ἀνάγκην, ἢ διὰ μακρὸς ὁδῶν, ἕξ ἄπαντ ὅ τρεῖς ἐπι τὸ αὐτὸ συναγομένους, συμφύφωνοις ἢ ἀπόντων ἢ συνεπιμένων διὰ γραμμάτων, τότε πλὴν χειροτονίαν ποιῆσθαι. i. e. The ordination of a Bishop should if possible, be performed by all the Bishops of the Province, which if it cannot easily be done, either through some urgent necessity or the tediousness of the way, three Bishops at least must be there for the doing it, which may be sufficient for the ordination, if those that are absent do express their consent, and by letters approve of the doing of it. To the same purpose *Theodoret*,*

Euseb. hist.
Eccles. lib 2.
cap. 1.

Can. 4.

Hist. Eccles.
lib. 5. c. 23.

V. Justell.
not. in Canon.
Universæ Ec-
clesiæ p. 140.

καθὼς πάντα συγκαλείσθαι τῆς ἐπαρχίας τὸς ἐπισκόπους κελεύσας, ἢ αὐτίκην διὰ τῶν ἐπισκόπων ἐπισκόπῳ χειροτονίαν ἀπορροῦσθαι ἀνάγκη. The Canons injoin all the Bishops of the Province to be present at the ordination of one: and forbid the ordination of any without three being present at it. Thus we see how the constitution of the Synagogue was exactly observed in the Church; as to the number of the persons concurring to a regular

regular ordination. The last thing as to ordination bearing Analogy to the Synagogue, is the effect of this ordination upon the person, It was the custome of the Jews, to speak of all that were legally ordained among them, *ושרתה עליהן שכינה* and the Divine presence or Schecinah rested upon them, which sometimes they called *רוח הקודש* the Holy Spirit supposed to be in a peculiar manner present after this solemn separation of them from others in the world, and dedication of them unto God. Answerable to this may that of our Saviour be, when he gives his Apostles authority to Preach the Gospel, he doth it in that form of words, *Receive ye the Holy-Ghost*; and then gives them the power of binding and loosing, usually conveyed in the Jewish ordinations. *Whose sins ye remit, they are remitted; and whose sins ye retain, they are retained.* So that as under the Law, they by their ordination received a moral faculty or right to exercise that power they were ordained to; so under the Gospel all who are ordained according to Gospel rules, have a right, authority, and power conveyed thereby for the dispensing of the Word and Sacraments. Which right and power must not be conceived to be an internal indelible character, as the Papists groundlessly conceive, but a moral legal right, according to the Laws of Christ, because the persons ordained do not act in it in a natural, but a moral capacity, and so the effect must be moral and not Physical, which they must suppose it to be, who make it a Character, and that indelible. Thus much may serve to clear how ordination in all its circumstances was derived from the Jewish Synagogue.

The other thing remaining to be spoken to, as to the correspondence of the Church with the Synagogue in its constitution, is, what order the Apostles did settle in the several Churches of their plantation for the ruling and ordering the affairs of them. Before I come to speak so much to it as will be pertinent to our present purpose & design, we may take notice of the same name for Church rulers under the Gospel, which there was under the Synagogue, *viz.* that of *Presbyters*. The name *Presbyter*, as the Heb. *זקן* though it originally import age, yet by way of connotation it hath been looked on as a name both of dignity and power. Because Wisdom was supposed to dwell with a multitude of years, therefore persons of age

Exod. 3.
16. 18.
4. 29.
12. 21.
17. 5.
18. 12. &c.

and experience were commonly chosen to places of honour and trust, and thence the name importing age doth likewise carry dignity along with it. Thence we read in the time of *Moses* how often the *Elders* were gathered together. Thence *Eliezer* is called *קֹדֶן כִּירָו* *Gen.* 24. 2. which the Greek renders *πρεσβύτερος* & *δυνάμις* the *Seignior Domo*, the chief officer in his house; and so we read *Gen.* 50. 6. *וְקִנְיֵי אֶרֶץ מִצְרַיִם* *the Elders of the Land of Egypt.* So the *Elders of Midian*, the *Elders of Israel*, the *Elders of the Cities*; so among the Greeks *γεροντία* for their Council of State; and among the Latins *Senatus*, and our Saxon *Aldermen*, in all importing both age and honour and power together. But among the Jews, in the times of the Apostles, it is most evident that the name *πρεσβύτερος* imported not only dignity but power; the Presbyters among the Jews having a power both of judging and teaching given them by their *Semicha* or ordination. Now under the Gospel the Apostles retaining the name and the manner of ordination, but not conferring that judiciary power by it, which was in use among the Jews, to shew the difference between the Law and the Gospel, it was requisite some other name should be given to the Governours of the Church, which should qualifie the importance of the word Presbyters to a sense proper to a Gospel state; Which was the original of giving the name *ἐπίσκοποι* to the Governours of the Church under the Gospel: A name importing duty more then honour, and not a title above *Presbyter*, but rather used by way of diminution and qualification of the power implied in the name of *Presbyter*. Therefore to shew what kind of power and duty the name Presbyter imported in the Church, the office conveyed by that name is call'd *ἐπιτοπισμῶν*, and Presbyters are said *ἐπιτοπισεῖν* *1 Pet.* 5.2. where it is opposed to that *κατακυριεῦειν ἐπὶ κλήρων*, *Lording it over the people*, as was the custome of the Presbyters among the Jews. So that if we determine things by importance of words and things signified by them, the power of ordination was proper to the name *πρεσβύτερος* and not *ἐπίσκοπος*, because the former name did then import that power, and not the latter. We come therefore from the names to the things then implied by them, and the offices established by the Apostles for the ruling of Churches. But my design being not to dispute the arguments of either party (*viz.* those who conceive

ceive the Apostles settled the government of the Church in an absolute parity; or else by superiority and subordination among the settled officers of the Church,) but to lay down those principles which may equally concern both, in order to Accommodation : I find not my self at present concerned to debate what is brought on either side for the maintaining their particular opinion any further then thereby the Apostles intentions are brought to have been to bind all future Churches to observe that individual form they conceived was in practice then. All that I have to say then concerning the course taken by the Apostles in settling the Government of the Churches, (under which will be contained the full resolution of what I promised, as to the correspondency to the Synagogue in the Government of Churches) lies in these three Propositions, which I now shall endeavour to clear, viz. *That neither can we have that certainty of Apostolical practice which is necessary to constitute a Divine right; nor, Secondly, is it probable that the Apostles did tie themselves up to any one fixed course in modelling Churches; nor, Thirdly, if they did, doth it necessarily follow that we must observe the same.* If these three considerations be fully cleared, we may see to how little purpose it is to dispute the significancy and importance of words and names as used in Scripture, which hitherto the main quarrel hath been about. I therefore begin with the first of these, *That we cannot arrive to such an absolute certainty what course the Apostles took in Governing Churches as to infer from thence the only divine right of that one form which the several parties imagine comes the nearest to it.* This I shall make out from these following arguments. *First*, from the equivalency of the names, and the doubtfulness of their signification from which the Form of Government used in the New Testament should be determined. That the form of Government must be derived from the importance of the names of Bishop and Presbyter, is hotly pleaded on both sides. But if there can be no certain way found out whereby to come to a determination of what the certain sense of those names in Scripture, we are never like to come to any certain knowledge of the things signified by those names. Now there is a fourfold equivalency of

Dissert. de
jure Epif 3.
c p 6.
Vindicat.
cap. 2. f 1.
Theodoret. in
1 Tim. 3. 1.

of the names Bishop and Presbyter taken notice of. 1. That both should signifie the same thing, viz. a Presbyter in the modern notion, i. e. one acting in a parity with others for the Government of the Church. And this sense is evidently asserted by *Theodoret*, ἐπισκόπος τὸν πρεσβυτέρους καλεῖ ἄλλως τε ἐξ ἑδ' ὄντε ἢ πολλὰς ἐπισκόπους μίαν πόλιν ποιμαίνειν. *The Apostle* Acts 20. 28. Phil. 1. 1. Titus 1. 5. 1 Tim. 3. 1. doth by Bishops mean nothing else but Presbyters; otherwise it were impossible for more Bishops to govern one City. 2. That both of them should signifie promiscuously sometimes a Bishop, and sometimes a Presbyter: so *Chrysostome*, and after him *Oecumenius* and *Theophylact* in Phil. 1. ἐπισκόπος τὸν πρεσβυτέρους καλεῖ, ὅτε γὰρ ἐκκοινωνῶν τῆς ὀνόμασι and in Act. 20. 28. ἐπειδὴ τὸν πολλὰς λανθάνει ἢ συνήθεια μάλιστα τῆς κενῆς διαθήκης τὸν ἐπισκόπος πρεσβυτέρους ὀνομαζόμενα, καὶ τὸν πρεσβυτέρους ἐπισκόπος, σημειώτων ὅτι ἐντέθειν, καὶ ἐκ τῆς πρὸς Τίτον ἐπιστολῆς, ἐπ' ᾧ καὶ πρὸς Φιλιππίους, καὶ ἐκ τῆς πρὸς Τιμόθεον ἐπιστολῆς. Where they assert the Community and promiscuous use of the names in Scripture; so that a Bishop is sometimes called a Presbyter, and a Presbyter sometimes called a Bishop. 3. That the name Bishop, alwayes imports a singular Bishop; but the name Presbyter is taken promiscuously both for Bishop and Presbyter. 4. That both the names Bishop and Presbyter, do import only one thing in Scripture, viz. the office of a singular Bishop in every Church; which sense, though a stranger to antiquity, is above all other embraced by a late very learned man, who hath endeavoured by set discourses to reconcile all the places of Scripture where the names occur to this sense, but with what success it is not here a place to examine. By this variety of interpretation of the equivalency of the names of Bishop and Presbyter, we may see how far the argument from the promiscuous use of the names is from the controversy in hand; unless some evident arguments be withal brought, that the Equivalency of the words cannot possibly be meant in any other sense, then that which they contend for. Equivocal words can never of themselves determine what sense they are to be taken in, because they are equivocal, and so admit of different senses. And he that from the use of an equivocal word would infer the necessity only

of one sense, when the word is common to many, unless some other argument be brought enforcing that necessity, will be so far from perswading others to the same belief, that he will only betray the weakness and shortness of his own reason. When *Augustus* would be called only *Princeps Senatus*, could any one infer from thence, that certainly he was only the *πρωεσως* in the Senate, or else that he had superiority of power over the Senate, when that title might be indifferent to either of those senses? All that can be infer'd from the promiscuous sense of the words, is that they may be understood only in this sense; but it must be proved that they can be understood in no other sense, before any one particular form of Government as necessary can be inferred from the use of them. If notwithstanding the promiscuous use of the name Bishop and Presbyter, either that Presbyter may mean a Bishop, or that Bishop may mean a Presbyter, or be sometimes used for one, sometimes for the other; what ground can there be laid in the equivalency of the words which can infer the only divine right of the form of Government couched in any one of those senses? So likewise it is in the titles of *Angels of the Churches*; If the name Angel imports no incongruity, though taken only for the *שליח צבור* in the Jewish Synagogue the publick Minister of the Synagogue, called the *Angel of the Congregation*, what power can be inferred from thence, any more then such an officer was invested with? Again if the *πρωεσως* or President of the Assembly of Presbyters, might be so called: what superiority can be deduced thence, any more then such a one enjoys? Nay if in the Prophetical stile, an unity may be set down by way of representation of a multitude: what evidence can be brought from the name, that by it some one particular person must be understood? And by this means *Timothy* may avoid being charged *with leaving his first Love*, which he must of necessity be, by those that make him the Angel of the Church of *Ephesus* at the time of writing these Epistles. Neither is this any ways solved by the Answer given, that the name Angel is representative of the whole Church, and so there is no necessity, the Angel should be personally guilty of it. For first, it seems strange that the

*Tacitus
hist. lib. 1.*

Rev. 2. 4.

whole diffusive body of the Church should be charged with a crime by the name of the *Angel*, and he that is particularly meant by that name should be free from it. As if a Prince should charge the Major of a Corporation as guilty of rebellion, and by it should only mean that the Corporation was guilty, but the Major was innocent himself. *Secondly*, if many things in the Epistles be directed to the Angel, but yet so as to concern the whole body, then of necessity the Angel must be taken as representative of the body; and then why may not the word Angel be taken only by way of representation of the body itself, either of the whole Church, or which is far more probable, of the *Confessus* or order of Presbyters in that Church? We see what miserably unconcluding arguments those are which are brought for any form of Government from Metaphorical or Ambiguous expressions, or names promiscuously used, which may be interpreted to different senses. What certainty then can any rational man find what the form of Government was in the Primitive times, when only those arguments are used which may be equally accommodated to different forms? And without such a *certainty* with what confidence can men speak of a Divine right of any one particular form? *Secondly*, the uncertainty of the Primitive form is argued, from the places most in controversy about the form of Government; because that without any apparent incongruity they may be understood of either of the different forms. Which I shall make out by going through the several places. The Controversie then on foot is this, (as it is of late stated) whether the Churches in the Primitive times were governed by a Bishop only and Deacons, or by a Colledge of Presbyters acting in a parity of power? The places insisted on, on both sides are these; *Acts* 11. 30. *Acts* 14. 23. *Acts* 28. 17. *1 Tim.* 3. *1 Titus* 1. 5. the thing in controversy is, whether Bishops with *Deacons*, or Presbyters in a parity of power, are understood in these places? I begin then in order with *Acts* 11. 30. the first place wherein the name *πρεσβυτερις* occurs, as applied to the officers of the Christian Church. Those that are for a College of Presbyters, understand by these Elders those of the Church of *Jerusalem*, who did govern the Affairs of that Church;

Church; those that are for a solitary Episcopacy by these Elders understand not the local Elders of *Jerusalem*, but the several Bishops of the Churches of *Judea*. Let us now see whether there be any evidence from the place to determine which of these two must necessarily be understood: There is nothing at all mentioned in the place, but only that *upon the occasion of the Famine they sent relief to the Brethren of Judea, and sent it to the Elders by the hands of Barnabas and Saul*; Which might either be to the Elders of the Church at *Jerusalem* to be distributed to the several Churches of *Judea*, or else to the several Pastors of those Churches either collectively as met together at *Jerusalem* to receive this contribution, or distributively as they were in their several Churches. The relief might be sent to all the Brethren of *Judea*, and yet either be conveyed to the particular Elders of *Jerusalem* to send it abroad, or to the several Elders of the Churches within the circuit of *Judea*. But other places are brought by both parties for their particular sense in this; As *Acts 15. 6.* here indeed mention is made of the Apostles and Elders together at *Jerusalem*, but nothing expressed whereby we may know whether the fixed Elders of that Church, or else the Elders of all the Churches of *Judea* assembled upon this solemn occasion of the Council of the Apostles there. So *Acts 21. 11.* when *Paul* went in to *James*, it is said that *All the Elders were present*. No more certainty here neither; for either they might be the fixed officers of that Church, meeting with *James* upon *Pauls* coming; or else they might be the Elders of the several Churches of *Judea* met together, not to take account of *Pauls* Ministry (as some improbably conjecture,) but assembled together there at the Feast of Pentecost, at which *Paul* came to *Jerusalem*, which is more probable upon the account of what we read, *v. 20.* of the *many thousand believing Jews then at Jerusalem who were zealous of the Law*: who in all probability were the believing Jews of *Judea*, who did yet observe the annual Festivals of *Jerusalem*, and so most likely their several Elders might go up together with them, and there be with *James* at *Pauls* coming in to him. No certainty then of the Church of *Jerusalem* how that was governed; whether by

Apostles themselves, or other unfixed Elders, or only by *James* who exercised his Apostleship most there, and thence afterwards called the Bishop of *Jerusalem*. We proceed therefore to the government of other Churches; and the next place is, *Acts* 14. 23. *And when they had ordained them Elders in every Church.* Here some plead for a plurality of Elders as fixed in every Church; but it is most evident, that the words hold true if there was but one in each Church. For *καὶ ἐκκλησίαν* here and *κατὰ πόλιν* *Titus* 1. 5. (for both places will admit of the same answer) doth signifie no more then *oppidatim*, or *Ecclesiastim*, as *καὶ βαθμὸν gradatim*, *καὶ ἀνδρα, viritim*, *καὶ μέρους particulatim*, *καὶ κάμην vicatim*. No more then is imported then that Elders were ordained, *City by City*, or *Church by Church*, as we would render it, and thereby nothing is expressed but that no Church wanted an Elder, but not that every Church had more Elders then one. But the place most controverted is, *Acts* 20. 17. *And from Miletus, Paul sent to Ephesus, and called the Elders of the Church.* Those that say these Elders were those only of the Church of *Ephesus*, seem to be most favoured by the article *τῆς ἐκκλησίας* as seeming to apply it to that particular Church of *Ephesus*, and by the *Syriack version* which renders it, *Venire fecit Presbyteros Ecclesie Ephesi*; to the same purpose likewise *Hierome* understands it. On the contrary those that say that these Elders were those of the several Churches of *Asia*, are favoured by *v. 18. that from the first day he came into Asia, he had been with them at all seasons.* Now *Paul* did not remain all the time at *Ephesus*, as appears by *Acts* 19. 10, 22, 26. where he is said to preach the word abroad in *Asia* and so in probability Churches were planted, and Rulers settled in them; and that these were at this time called to *Miletus* by *Paul*, is the express affirmation of *Ireneus*; *In Mileto enim convocatis Episcopis & Presbyteris, qui erant ab Epheso & à reliquis proximis civitatibus, quoniam ipse festinavit Hierosolymis Pentecostem agere.* Here is nothing then either in the text or Antiquity, that doth absolutely determine whence these Elders came; but there may be a probability on either side; and so no certainty or necessity of understanding it either way. And

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so for the other places in *Timothy* and *Titus*, it is certain the care of those persons did extend to many places; and therefore the Elders or Bishops made by them are not necessarily to be understood of a Plurality of Elders in one place. Thus we see that there is no incongruity in applying either of these two forms to the sense of the places in Question. I dispute not which is the true, or at least more probable sense, but that we can find nothing in the several places which doth necessarily determine how they are to be understood as to one particular form of Government, which is the thing I now aim at the proving of. And if neither form be repugnant to the sense of these places, how can any one be necessarily inferred from them? As if the several motions and *phenomena* of the heavens may be with equal probability explained according to the *Ptolemaick* or *Copernican* Hypothesis, *viz.* about the rest or motion of the earth; then it necessarily follows, that from those *Phænomena* no argument can be drawn evincing the necessity of the one *Hypothesis*, and overturning the probability of the other. If that great wonder of Nature the flux and reflux of the Sea, might with equal congruity be solved according to the different opinions, of its being caused by Subterraneous fires, or from the motion of the Moon, or the depression of the Lunar *vortex* or (which to me is far the most probable) by a motion of consent of the Sea with all the other great bodies of the world; we should find no necessity at all of entertaining one opinion above another, but to look upon all as probable, and none as certain. So likewise for the composition and motion of all natural bodies, the several *Hypotheses* of the old and new *Philosophy* implying no apparent incongruity to nature, do make it appear that all or any of them, may be embraced as Ingenious *Romances* in Philosophy (as they are no more) but that none of them are the certain truth; or can be made appear so to be to the minds of men. So it is in controversies in *Theology*, If the matter propounded to be believed, may as to the truth and substance of it be equally believed under different ways of explication, then there is no necessity as to the believing the truth of the thing, to believe it under such an explication

of it, more then under another. As for instance, in the case of Christ's Descent *eis adus*, if I may truly believe that Christ did descend *eis adus*, whether by that we understand the state of the Dead, or a local Descent to hell, then there is no necessity in order to the belief of the substance of that article of the ancient Creed (called the Apostles) under that restriction of a local Descent. By this time I suppose it is clear, that if these places of Scripture may be understood in these two different senses of the word *Elders*, viz. either taken collectively in one City, or ditributively in many then there is no certainty which of these two senses must be embraced, and so the form of Church Government, which must be thence derived, is left still at as great uncertainty as ever, notwithstanding these places of Scripture brought to demonstrate it; *ὁπρῆς ἐδῆι δῆζου*.

§. 16.

Thirdly, the uncertainty of the Primitive Form of Government will be made appear from the *Defectiveness*, *Ambiguity*, *Partiality* and *Repugnancy* of the records of the succeeding Ages which should inform us what Apostolical practice was. When men are by the force of the former arguments driven off from scripture, then they presently run to take Sanctuary in the Records of succeeding Ages to the Apostles. Thus *Estius* no mean School-man, handling this very Question of the difference of Bishops and Presbyters, very fairly quits the Scriptures, and betakes himself to other weapons. *Quod autem jure divino sint Episcopi Presbyteris superiores; etsi non ita clarum est è sacris literis, aliunde tamen satis efficaciter probari potest.* Ingenuously said however; but all the difficulty is how a *Jus divinum* should be proved when men leave the Scriptures, which makes others so loth to leave this hold; although they do it in effect, when they call in the help of succeeding Ages to make the scripture speak plain for them. We follow therefore the scent of the Game into this wood of Antiquity, wherein it will be easier to lose our selves then to find that which we are upon the pursuit of, a *Jus Divinum* of any one particular form of Government. I handle now only the Testimony of Antiquity (for the practice of it will call for a particular discourse afterwards) and

In Sentent.
lib. 4. dist.
4. sect. 25.

and herein I shall endeavour to shew the incompetency of this Testimony as to the shewing what certain form of Church Government was practised by the Apostles; for that I shall make Use of that fourfold argument from the *defectiveness*, of this Testimony, from the *Ambiguity* of it, from the *Partiality* of it, and from the *Repugnancy* of it to its self. First, then for the defectiveness of the testimony of Antiquity in reference to the shewing what certain form the Apostles observed in settling the Government of Churches; A threefold defectiveness I observe in it, as to *places*, as to *times*, as to *persons*. First defectiveness as to *places*; for him that would be satisfied, what course the Apostles took for governing Churches, it would be very requisite to observe the uniformity of the Apostles practice in all Churches of their plantation. And if but one place varied, it were enough to overthrow the necessity of any one form of Government, because thereby it would be evident, that they observed no certain or constant course, nor did they look upon themselves as obliged so to do. Now the ground of the necessity of such an universal Testimony as to places, is this; We have already made it appear that there is no Law of Christ absolutely commanding one form, and forbidding all other. We have no way then left to know whether the Apostles did look upon themselves as bound to settle one form, but by their practice; this practice must be certain and uniform in them; this uniformity must be made known to us by some unquestionable way: the Scriptures they are very silent in it, mentioning very little more then *Pauls* practice, nor that fully and clearly; therefore we must gather it from Antiquity, and the records of following ages: if these now fall short of our expectation, and cannot give us an account of what was done by the Apostles in the several Churches planted by them, how is it possible we should attain any certainty of what the Apostles practice was? Now that antiquity is so defective as to places, will appear from the general silence as to the Churches planted by many of the Apostles. Granting the truth of what *Eusebius* tells us, That *Thomas* went into *Parthis*,

Hist. Eccles.
lib. 3. c. 1.

Parthia, *Andrew* into *Scythia*, *John* into the lesser *Asia*, *Peter* to the Jews in *Pontus*, *Galatia*, *Bythinia*, *Cappadocia*, *Asia*; besides what we read in Scripture of *Paul*, what a pitiful short account have we here given in, of all the Apostles travels, and their several fellow-labourers! And for all these, little or nothing spoke of the way they took in settling the Churches by them planted. Who is it will undertake to tell us what course *Andrew* took in *Scythia*, in governing Churches? If we believe the records of after ages, there was but one Bishop, viz. of *Tomis* for the whole Countrey; how different is this from the pretended course of *Paul* setting up a single Bishop in every City? where do we read of the Presbyteries settled by *Thomas* in *Parthia* or the *Indies*? what course *Philip*, *Bartholomew*, *Matthew*, *Simon Zelotes*, *Matthias* took: might not they for any thing we know, settle another kind of Government from what we read *Paul*, *Peter* or *John* did, unless we had some evidence that they were all bound to observe the same? Nay, what evidence have we what course *Peter* took in the Churches of the circumcision? Whether he left them to their Synagogue way or altered it, and how and wherein? These things should be made appear, to give men a certainty of the way and course the Apostles did observe in the settling Churches by them planted, But instead of this, we have a general silence in antiquity, and nothing but the forgeries of latter ages to supply the vacuity: whereby they filled up empty places as *Plutarch* expresseth it, as Geographers do maps with some fabulous creatures of their own invention. Here is work now for a *Nicephorus Callisthus*, a *Simeon Metaphrastes*, the very *Jacobus de Voragine* of the Greek Church (as one well calls him) those historical Tinkers, that think to mend a hole where they find it, and make three instead of it. This is the first defect in Antiquity as to places. The second is as observable as to times; and what is most considerable: Antiquity is most defective where it is most useful, viz. in the time immediately after the Apostles, which must have been most helpful to us in this inquiry. For who dare with confidence believe the conjectures of *Eusebius* at three hundred

Plut. in
Theseo.

dred years distance from Apostolical times, when he hath no other testimony to vouch, but the *Hypotyposes* of an uncertain *Clement* (certainly not he of *Alexandria*, if *Jos. Scaliger* may be credited) and the Commentaries of *Hegesippus*, whose relations and authority are as questionable as many of the reports of *Eusebius* himself are in reference to those elder times: for which I need no other Testimony, but *Eusebius* in a place enough of its self to blast the whole credit of antiquity, as to the matter now in debate. For speaking of *Paul* and *Peter*, and the Churches by them planted, and coming to enquire after their successors, he makes this very ingenuous confession.

Ὅσοι ὃ τέτων, κῆ πνευ γνήσιαι ζυλωταὶ γερνοῦς τὰς
 πρὸς αὐτῶν ἰδρυθείας ἱεροὶ πιμαίνεν ἰδοιμάδισσαν ἐκκλησίαι, ἢ
 ῥάδιον εἰπεῖν • μὴ ἔπ γέ ὄσοι ἀν πρὸς ἔξ ἡ Παύλου φωνῶν ἀνελέξειτο.

Eccl. Hist.
l. 3. c. 4.

Say you so? Is it so hard a matter to find out who succeeded the Apostles in the Churches planted by them, unless it be those mentioned in the writings of Paul? What becomes then of our unquestionable line of succession of the Bishops of several Churches, and the large Diagramms made of the Apostolical Churches with every ones name set down in his order, as if the Writer had been *Clarenceaux* to the Apostles themselves? Is it come to this at last that we have nothing certain, but what we have in Scriptures? and must then the Tradition of the Church be our rule to interpret Scriptures by? An excellent way to find out the truth doubtless, to bend the rule to the crooked stick, to make the Judge stand to the opinion of his Lacquey, what sentence he shall pass upon the cause in question: to make Scripture stand cap in hand to tradition to know whether it may have leave to speak or no? Are all the great outcries of Apostolical tradition, of personal succession, of unquestionable records resolved at last into the Scripture its self by him from whom all these long pedegrees are fetched? then let succession know its place, and learn to vaile bonnet to the Scriptures? And withal let men take heed of over-reaching themselves when they would bring down so large a Catalogue of single Bishops from the first and purest times of the Church? for it will be hard for others to believe them, when *Eusebius* professeth it is so hard to find them. Well might *Scaliger* then complain that the Interval from the last chapter of the *AGs* to the middle

Proleg in
Chron. Euseb.

of *Trajan*, in which time *Quadratus* and *Ignatius* began to flourish, was *tempus à duobus*, as *Varro* speaks, a meer Chaos of time filled up with the rude conceptions of *Papias*, *Hermes* and others, who like *Hannibal* when they could not find a way through, would make one either by force or fraud. But yet *Thirdly*, here is another defect consequent to that of time, which is that of persons; arising not only from a defect of records, the *Diptyches* of the Church being lost, which would have acquainted us with the times of suffering of the several Martyrs (by them called their *Natalitia*) at which times their several names were inrolled in these Martyrologies, which some as *Junius* observes, have ignorantly mistaken for the time of their being made Bishops of the places wherein their names were entred, as *Anacletus*, *Cletus*, and *Clemens* at *Rome*; I say the defect as to persons not only ariseth hence, but because the Christians were so much harassed with persecutions, that they could not have that leisure then to write those things which the leisure and peace of our ages have made us so eagerly inquisitive after. Hence even the Martyrologies are so full stuffed with Fables, witness one for all, the famous Legend of *Catharina* who suffered, say they, in *Diocletians* time. And truly the story of *Ignatius* (as much as it is defended with his Epistles) doth not seem to be any of the most probable. For wherefore should *Ignatius* of all others be brought to *Rome* to suffer, when the *Proconsuls* and the *Præsides provinciarum* did every where in time of persecution execute their power in punishing Christians at their own tribunals, without sending them so long a journey to *Rome* to be Martyred there? And how came *Ignatius* to make so many and such strange excursions as he did by the story, if the souldiers that were his guard were so cruel to him, as he complains they were? Now all those uncertain and fabulous narrations as to persons then, arising from want of sufficient records made at those times, make it more evident how incompetent a Judge Antiquity is as to the certainty of things done in Apostolical times. If we should only speak of the Fabulous Legends of the first planters of Churches in these Western parts, we need no farther evidence of the great defect of Antiquity as to persons. Not to go

Cont. 3. l. 2.
c. 5. not. 18.

V. Chamier.
Tom. 1. l. 2.
cap. 16.

out of our own nation; Whence come the stories of *Peter, James, Paul, Simon, Aristobulus*, besides *Joseph of Arimathea*, and his company, all being preachers of the Gospel, and planters of Churches here, but only from the great defect in Antiquity as to the Records of Persons imployed in the several places for preaching the Gospel? Thus much to shew the defectiveness as to the records of antiquity, and thereby the incompetency of them for being a way to find out the certain course the Apostles took in settling and Governing Churches by them planted.

The next thing shewing the incompetency of the records of the Church for deciding the certain form of Church Government in the Apostles times, is, the *Ambiguity* of the Testimony given by those records. A Testimony sufficient to decide a controversie, must be plain and evident, and must speak full and home to the case under debate. Now if I make it appear that Antiquity doth not so; nothing then can be evident from thence, but that we are left to as great uncertainties as before. The matter in controversie is, whether any in a superiour order to Presbyters were instituted by the Apostles themselves for the regulating of the Churches by them planted? for the proving of which, *three* things are the most insisted on; *first*, the Personal succession of some persons to the Apostles in Churches by them planted; *Secondly*, the appropriating the name *ἐπίσκοπος* to Bishops in a superiour order to Presbyters, after the Apostles decease; *Thirdly*, the Churches owning the order of Episcopacy as of Divine institution. If now we can make these three things evident; *First*, that personal succession might be without such superiority of order; *Secondly*, that the names of Bishop and Presbyters were common after the distinction between them was introduced; and *Thirdly*, that the Church did not own Episcopacy as a Divine institution, but Ecclesiastical; and those who seem to speak most of it, do mean no more; I shall suppose enough done to invalidate the Testimony of Antiquity as to the matter in hand. *First*, then for the matter of succession in Apostolical Churches, I shall lay down these four things, to evince that the argument drawn from thence, cannot fully clear the certain course

which the Apostles took in settling the Government of Churches. First, that the succession might be only as to different degree, and not as to a different order; where the succession is clear, nothing possibly can be inferred from it beyond this. For bare succession implies no more than that there was one in those Churches succeeding the Apostles, from whom afterwards the succession was derived. Now then, supposing only at present, that it was the custom in all the Churches at that time to be ruled by a college of Presbyters acting in a parity of power, and among these, one to sit as the *Nasi* in the *Sanhedrin*, having a priority of order above the rest in place, without any superiority of power over his Colleagues; will not the matter of succession be clear and evident enough notwithstanding this? Succession of persons was the thing inquired for, and not a succession of power; if therefore those that would prove a succession of Apostolical power, can only produce a list and Catalogue of names in Apostolical Churches, without any evidence of what power they had, they apparently fail of proving the thing in question, which is not, whether there might not be found out a list of persons in many Churches derived from the Apostles times; but whether those persons did enjoy by way of peculiarity and appropriation to themselves, that power; which the Apostles had over many Churches while they lived? Now this, the meer succession will never prove which will best appear by some Parallel instances. At *Athens* after they grew weary of their ten years *Ἀρχοντες*, the people chose nine every year to govern the affairs of the Common-wealth; these nine enjoyed a Parity of power among themselves, and therefore had a place where they consulted together about the matters of State, which was called *Στρατήγιον*, as * *Demosthenes*, *Plutarch* and others tell us: Now although they enjoyed this equality of power, yet one of them had greater dignity than the rest, and therefore was called *Ἀρχων* by way of excellency, and his name was only set in the publick Records of that year, and therefore was called *Ἀρχων ἐπιώνυμος*, and the year was reckoned from him, as * *Pausanias* and *Julius Pollux* inform us. Here we see now the succession clear in one single person and

* *Demosth.* in
Midiam.
Plut. in *Peril.*
de vit. Nicias.
V. Meursium
de Archont.
Athen. L. 1. c. 9.
Ennium de
Ep. Ath.
 * *aus.* in
Lacon. Pol-
lux. Onom.
lib. 8. c. 9.

and yet no superiority of power in him over his Colleagues: The like may be observed among the *Ephori* and *Bidiaj* at *Sparta*; the number of the *Ephori* was alwaies five from their first institution by *Lycurgus*, and not nine (as the Greek Etymologist imagines) these enjoyed likewise a parity of power among them; but among these to give name to the year, they made choice of one who was called ἐπιθρονον here to, as the ἀρχων at *Athens*, and him they called ἀρχισυνταξι ἐφορων, as *Plutarch* tells us. Where we have the very name ἀρχισυνταξι attributed to him that had only this primacy of order without any superiority of power, which is used by *Justin Martyr* of the President of Assemblies among the Christians. Now from hence we may evidently see that meer succession of some single persons named above the rest, in the successions in Apostolical Churches, cannot inforce any superiority of power in the persons so named, above others supposed to be as joint-Governours of the Churches with them. I dispute not whether it were so or no; whether according to *Blondel* the succession was from the ἀρχιεπιστοτονθησιν, or whether by choice as at *Alexandria*; but I only now shew that this argument from succession is weak, and proves not at all the certainty of the power those persons enjoyed. Secondly, *This succession is not so evident and convincing in all places as it ought to be, to demonstrate the thing intended.* It is not enough to shew a list of some persons in the great Churches of *Jerusalem*, *Antioch*, *Rome*, and *Alexandria*, (although none of these be unquestionable) but it should be produced at *Philippi*, *Corinth*, *Cesarea*, and in all the seven Churches of *Asia* (and not only at *Ephesus*) and so likewise in *Creet* some succeeding *Titus*, and not think men will be satisfied with the naming a Bishop of *Gortyna* so long after him. But as I said before, in none of the Churches most spoken of is the succession so clear as is necessary. For at *Jerusalem* it seems somewhat strange how fifteen Bishops of the circumcision should be crouded into so narrow a room as they are, so that many of them could not have above two years time to rule in the Church. And it would bear an inquiry where the seat of the Bishops of *Jerusalem* was from the time of the destruction of the City by *Titus*, (when the walls

Paus. Lacon. V. Nic. Cratigium de Rep. Laced lib 2. c. 4.

were laid even with the Ground by *Musonius*) till the time of *Adrian*; for till that time the succession of the Bishops of the circumcision continues. For *Antioch*, it is far from being agreed, whether *Evodius* or *Ignarius* succeeded *Peter*, or *Paul*, or the one *Peter* and the other *Paul*; much less at *Rome*, whether *Cletus*, *Anacletus*, or *Clemens* are to be reckon'd first (but of these afterwards) At *Alexandria* where the succession runs clearest, the original of the power is imputed to the choice of Presbyters, and to no divine institution. But at *Ephesus* the succession of Bishops from *Timothy* is pleaded with the greatest confidence, and the testimony brought for it is from *Leontius* Bishop of *Mignesia* in the Council of *Chalcedon*, whose words are these ἀπὸ τῆς ἀγίας Τιμοθέου μέχρι νῦν εἰκοσι ἑπτὰ ἑπισκοποι ἔγενοντο * πάντες ἐν ἐφέσῳ ἐχειροτονήθησαν.

From Timothy to this day there hath been a succession of seven and twenty Bishops, all of them ordained in Ephesus.

I shall not insist so much on the incompetency of this single witness to pass a judgement upon a thing of that nature, at the distance of four hundred years; in which time records being lost, and Bishops being after settled there, no doubt they would begin their account from *Timothy*, because of his employment there once for settling the Churches thereabout. And to that end we may observe that in the after-times of the Church, they never met with any of the Apostles, or Evangelists in any place, but they presently made them Bishops of that place. So *Philip* is made Bishop of *Trallis*, *Ananias* Bishop of *Damascus*, *Nicolaus* Bishop of *Samaria*, *Barnabas* Bishop of *Milan*, *Silas* Bishop of *Corinth*, *Sylvanus* of *Thessalonica*, *Crescens* of *Chalcedon*, *Andreas* of *Byzantium*, and upon the same grounds *Peter* Bishop of *Rome*. No wonder then if *Leontius* make *Timothy* Bishop of *Ephesus*, and derive the succession down from him. But again, this was not an act of the Council its self, but only of one single person delivering his private opinion in it; and that which is most observable, is, that in the thing mainly insisted on by *Leontius*, he was contradicted in the face of the whole Council, by *Philip* a Presbyter of *Constantinople*. For the case of *Bassianus* and *Stephen* about their violent intrusion into the Bishoprick of *Ephesus*, being discussed before the Council; A question was propounded

Conc. Chalcedonens. par. 2.
A. E. 11. apud
Bin. Concil.
Gr. La. To. 3.
p. 410.

pounded by the Council where the Bishop of *Ephesus* was to be regularly ordained, according to the *Canons*. *Leontius* Bishop of *Magnesia* saith, that there had been twenty seven Bishops of *Ephesus* from *Timothy*, and all of them ordained in the place. His business was not to derive exactly the succession of Bishops, but speaking according to vulgar tradition, he insists that all had been ordained there. Now if he be convicted of the *crimen falsi* in his τὸ ἕξρον, no wonder if we meet with a mistake in his πειρεσρον i. e. if he were out in his allegation, no wonder if he were deceived in his tradition. Now as to the ordination of the Bishops in *Ephesus*, *Philip* a Presbyter of *Constantinople* convicts him of fallhood in that; For, saith he, *John* Bishop of *Constantinople* going into *Asia*, deposed fifteen Bishops there, and ordained others in their room. And *Aetius* Archdeacon of *Constantinople* instanceth in *Castinus*, *Heraclides*, *Basilius* Bishops of *Ephesus*, all ordained by the Bishop of *Constantinople*. If then the certainty of succession relies upon the credit of this *Leontius*, let them thank the Council of *Chalcedon*, who have sufficiently blasted it, by determining the cause against him in the main evidence produced by him. So much to shew how far the clearest evidence for succession of Bishops from Apostolical times is from being convincing to any rational man. Thirdly, the succession so much pleaded by the Writers of the Primitive Church, was not a succession of persons in Apostolical power, but a succession in Apostolical doctrine; Which will be seen by a view of the places produced to that purpose. The first is that of *Irenæus*. *Quoniam valdè longum est in hoc tali volumine omnium Ecclesiarum enumerare successiones, maxima & antiquissima, & omnibus cognita à gloriosissimis duobus Apostolis Petro & Paulo Romæ fundata & constituta Ecclesiæ, eam quam habet ab Apostolis traditionem, & annunciatam hominibus fidem, per successiones Episcoporum pervenientes usque ad nos, indicantes, confundimus omnes eos, &c.* Where we see *Irenæus* doth the least of all aim at the making out of a succession of Apostolical power in the Bishops he speaks of, but a conveying of the doctrine of the Apostles down to them by their hands: (which doctrine is here called tradition, not as that word is abused by the Papists to signifie something

Advers. heres. l. 3. cap. 3.

something distinct from the Scriptures, but as it signifies the conveyance of the doctrine of the Scripture its self) Which is cleared by the beginning of that chapter, *Traditionem itaq; Apostolorum in toto mundo manifestatam in Ecclesia adest perspicere omnibus qui vera velint audire; & habemus annumerare eos qui ab Apostolis instituti sunt Episcopi in Ecclesiis, & successores eorum usq; ad nos qui nihil tale docuerunt neq; cognoverunt, quale ab his deliratur.* His plain meaning is, that those persons who were appointed by the Apostles to oversee and govern Churches, being sufficient witnesses themselves of the Apostles doctrine, have conveyed it down to us by their successors, and we cannot learn any such thing of them, as *Valentinus* and his followers broached. We see it is the doctrine still he speaks of, and not a word what power and superiority these Bishops had over Presbyters in their several Churches. To the same purpose *Tertullian* in that known speech of his; *Edant origines Ecclesiarum suarum, evolvant ordinem Episcoporum suorum, ita per successiones ab initio decurrentem, ut primus ille Episcopus aliquem ex Apostolis aut Apostolicis viris habuerit auctorem & antecessorem. Hoc modo Ecclesiæ Apostolicæ census suos deferunt; sicut Smyrnæorum Ecclesia habens Polycarpum à Johanne conlocatum refert, sicut Romanorum Clementem à Petro ordinatum edit; proinde utiq; & cetera exhibent, quos ab Apostolis in Episcopatum constitutos Apostolici seminis traduces habeant.* A succession I grant is proved in Apostolical Churches by these words of *Tertullian*, and this succession of persons, and those persons Bishops too; but then it is only said that these persons derived their office from the Apostles, but nothing expressed what relation they had to the Church any more then is implied in the general name of *Episcopi*, nor what power they had over Presbyters; only that there were such persons, was sufficient to his purpose, which was to prescribe against hereticks, *i. e.* to Non-suit them, or to give in general reasons why they were not to be proceeded with as to the particular debate of the things in question between them. For *prescribere* in the civil Law (whence *Tertullian* transplanted that word as many other into the Church) is, *cum quis adversarium certis exceptionibus removet à lite contestandâ, ita ut de summa rei neget agendum, eamve causam ex juris prescripto judicandam:*

three

De prescript.
advers. hæ-
ret. cap. 32.

three sorts of these prescriptions *Tertullian* elsewhere mentions; *Hoc exigere veritatem cui nemo prescribere potest, non spatium temporum, non patrocinia personarum, non privilegium regionum.* De Virgin. veland. c. 1. Here he stands upon the first which is a prescription of time, because the doctrine which was contrary to that of the hereticks was delivered by the Apostles, and conveyed down by their successors, which was requisite to be shewed in order to the making his prescription good. Which he thus further explains; *Age jam qui voles curiositatem melius exercere in negotio salutis tue; percurre Ecclesias Apostolicas, apud quas ipse adhuc Cathedra Apostolorum suis locis presidentur, apud quas ipsa authentica eorum litera recitantur, sonantes vocem & representantes faciem uniuscujusque. Proxime est tibi Achaia? habes Corinthum. Si non longe es à Macedonia, habes Philippos, habes Thessalonicenses. Si potes in Asiam tendere, habes Ephesum. Si autem Italia adjaces, habes Romam, unde nobis quoque auctoritas praesto est.* What he spoke before of the persons, he now speaks of the Churches themselves planted by the Apostles, which by retaining the authentick Epistles of the Apostles sent to them, did thereby sufficiently prescribe to all the novel opinions of the hereticks. We see then evidently that it is the doctrine which they speak of as to succession, and the persons no further then as they are the conveyers of that doctrine; either then it must be proved that a succession of some persons in Apostolical power is necessary for the conveying of this doctrine to men, or no argument at all can be inferred from hence for their succeeding the Apostles in their power, because they are said to convey down the Apostolical doctrine to succeeding ages. Which is *Austins* meaning in that speech of his, *Radix Christianae societatis per sedes Apostolorum & successiones Episcoporum, certa per orbem propagatione diffunditur.* The root of Christian society, (i. e. the doctrine of the Gospel) is spread abroad the world through the channels of the Apostolical Sees, and the continued successions of Bishops therein. And yet if we may believe the same *Austin*, *Secundum honorum vocabula quae jam Ecclesiae usus obtinuit, Episcopatus Presbyterio major est.* The difference between Episcopacy and Presbyterie rises from the custome of the Church, attributing a name of greater honour

Cap. 36. de
Prescript.

Aug. Ep.
42.

Aug. Ep.
29.

to those it had set above others. And as for *Tertullian*, I believe neither party will stand to his judgement as to the original of Church-power: For he saith expressly, *Differentiam inter ordinem & plebem constituit Ecclesie auctoritas*; all the difference between Ministers and people comes from the Churches authority; unless he means something more by the following words, *& honor per Ordinis confessum sanctificatus à Deo*, viz. that the honour which is received by ordination from the bench of Church-Officers, is sanctified by God, i. e. by his appointment as well as blessing. For otherwise I know not how to understand him. But however, we see here he makes the Government of the Church to lie in a *Confessus ordinis*, which I know not otherwise to render, then by a bench of Presbyters; because only they were said *in ordinem cooptari*, who were made Presbyters, and not those who were promoted to any higher degree in the Church. By the way we may observe the original of the name of *Holy-Orders* in the Church, not as the Papists, and others following them, as though it noted any thing inherent by way of (I know not what) character in the person; but because the persons ordained were thereby admitted *in Ordinem* among the number of Church-officers. So there was *Ordo Senatorum*, *Ordo Equestris*, *Ordo Decurionum*, and *Ordo Sacerdotum* among the Romans, as in this Inscription

ORDO SACERDOT. DEI
HERCULIS INVICTI.

From hence the use of the word came into the Church, and thence Ordination, *Ex vi vocis* imports no more then solemn admission into this order of Presbyters; and therefore it is observable, that laying on of hands never made men Priests under the Law, but only admitted them into publick office. So much for *Tertullians Confessus ordinis*, which hath thus far drawn us out of our way, but we now return. And therefore *Fourthly*, This personal succession so much spoken of, is sometimes attributed to Presbyters, even after the distinction came into use between Bishops and them. And that even by those Authors who before had told us the succession was by Bishops, as *Irenæus*. *Cum autem ad eam iterum traditionem, quæ est*
ab

Exhort.
Castil. c. 7.

V. Selden
in Eutyth.
p. 28. & c.

Adver. hæ.
refl. 3. c. 2.

ab Apostolis, quæ per Successiones Presbyterorum in Ecclesiis custoditur, provocamus eos qui adversantur traditioni; dicent se non solum Presbyteris sed etiam Apostolis existentes sapientiores, &c. Here he attributes the keeping of the tradition of Apostolical doctrine to the succession of Presbyters, which before he had done to Bishops. And more fully afterwards, *Quapropter iis qui in Ecclesiâ sunt Presbyteris obaudire oportet, his qui Successionem habent ab Apostolis, sicut ostendimus, qui cum Episcopatus Successione, charisma veritatis certum secundum placitum patris acceperunt.* In this place he not only asserts the succession of Presbyters to the Apostles, but likewise attributes the *Successio Episcopatus* to these very Presbyters. What strange confusion must this raise in any ones mind that seeks for a succession of Episcopal power above Presbyters from the Apostles, by the Testimony of *Ireneus*, when he so plainly attributes both the succession to Presbyters, and the Episcopacy too, which he speaks of? And in the next chapter adds, *Tales Presbyteros nutrit Ecclesia, de quibus & Propheta ait, Et dabo principes tuos in pace, & Episcopos tuos in justitiâ.* Did *Ireneus* think that Bishops in a superior order to Presbyters were derived by an immediate succession from the Apostles, and yet call the Presbyters by the name of Bishops? It is said indeed that in the Apostles times the names Bishop and Presbyter were common, although the office was distinct; but that was only during the Apostles life, say some, when after the name Bishop was appropriated to that order that was in the Apostles (so called before) but, say others, it was only till subject Presbyters were constituted, and then grew the difference between the names. But neither of these *oppa' p'aguaræ* can draw forth the difficulty in these places of *Ireneus*; for now both the Apostles were dead, and subject Presbyters certainly in some of these Apostolical Churches were then constituted; whence comes then the community of names still, that those who are said to succeed the Apostles, are called Bishops in one place, but Presbyters in another, and the very succession of Episcopacy attributed to Presbyters? Can we then possibly conceive that these testimonies of *Ireneus* can determine the point of succession, so as to make clear

to us what that power was which those persons enjoyed, whom he sometimes calls Bishops, and sometimes Presbyters. But it is not *Ireneus* alone who tells us that Presbyters succeed the Apostles; even *Cyprian* who pleads so much for obedience to the Bishops as they were then constituted in the Church, yet speaks often of his *compresbyteri*; and in his Epistle to *Florentius Papius*, who had reproached him, speaking of those words of Christ, *He that heareth you, heareth me, &c. Qui dicit ad Apostolos, ac per hoc ad omnes præpositos qui Apostolis vicaria ordinatione succedent*, where he attributes Apostolical succession to all that were *præpositi*, which name implies not the relation to Presbyters as over them, but to the people, and is therefore common both to Bishops and Presbyters;* for so afterwards he speaks, *nec fraternitas habuerit Episcopum, nec plebs Præpositum, &c.* *Jerome* saith that Presbyters are *loco Apostolorum*, and that they do *Apostolico gradu succedere*; and the so much magnified *Ignatius*, *πρεσβύτεροι εἰς τὸν ὕμνον τῶν Ἀποστόλων* that the Presbyters succeeded in the place of the Bench of Apostles; and elsewhere of *Sotion* the Deacon *ἦν ὑποτάσσεται τῷ ἐπισκόπῳ ὡς χάριτι Θεοῦ, καὶ τῷ πρεσβυτερίῳ ὡς νόμῳ* *Ἰησοῦ Χριστοῦ*, as it is read in the *Florentine* copy set out by *Vossius*; but in the former Editions both by *Vedelius* and the most learned *Primate of Armagh* it is read, *ἦν ὑποτάσσεται τῷ ἐπισκόπῳ καὶ τῷ πρεσβυτερίῳ χάριτι Θεοῦ ἐν νόμῳ Ἰησοῦ Χριστοῦ*; but that of *Vossius* seems to be the true reading, to which the old Latin version in *Bishop Usher* fully agrees; *Quoniam subiectus est Episcopo ut gratia Dei, & presbyterio ut legi Jesu Christi*. It might be no improbable conjecture to guess from hence at *Ignatius* his opinion concerning the original both of Episcopacy and Presbiterie. The former he looks on as an excellent gift of God to the Church; so a learned Doctor paraphraseth *gratia dei*, i. e. *Dono à Deo Ecclesie indulto*; so *Cyprian* often *Divina dignatione* speaking of Bishops; i. e. that they looked on it as an act of God's special favour to the Church to find out that means for unity in the Church, to pitch upon one among the Presbyters who should have the chief rule in every particular Church; but then for Presbiterie, he looks on that as *νόμος Ἰησοῦ Χριστοῦ*, an institution and Law of Jesus Christ, which must on that account al-

ways

Ep. 69. ed.
Fanel. f. 4.

* V. Cyprian.
an. ep. 3. à
Clero. Rom.
ep. 62. &
65. in Mich.
2. epist. 1.
Ep. ad Mag.
p. 33. ed. If.
Vossi. p. 31.
Vedel p. 50.

Usher p. 49.

Ep. 69.

ways continue in the Church. And so *Sotion* did commendably in submitting to the Bishop as a Favour of God to the Church for preventing schisms; on which account it is, and not upon the account of divine institution, that *Ignatius* is so earnest in requiring obedience to the Bishop, because as *Cyprian* saith, *Ecclesia est plebs Episcopo coadunata, & grex Pastori adharens*; and the Bishops then being orthodox, he lays such a charge upon the people to adhere to them, (for it is to the people, and not to the Presbyters he speaks most) which was as much as to bid them hold to the unity of the faith, and avoid those pernicious heresies which were then abroad; and so *Ignatius* and *Jerome* may easily be reconciled to one another; both owning the Council of Presbyters as of divine institution, and both requiring obedience to Bishops as a singular privilege granted to the Church, for preventing schisms, and preserving unity in the Faith. And in all those thirty five testimonies produced out of *Ignatius* his Epistles for Episcopacy, I can meet but with one which is brought to prove the least semblance of an Institution of Christ for Episcopacy; and if I be not much deceived, the sense of that place is clearly mistaken too.

The place is *Ep. ad Ephesios*; He is exhorting the Ephesians *συνβέχειν τῆ γνώμῃ τοῦ Θεοῦ*, which I suppose may be rendred to fulfil the will of God, so *ποιήσω τὴν γνώμην* signifies *Apocalypse*. 17. 17. and adds *καὶ ἰδοὺ Χριστὸς κεῖσθαι τὸ ἀδύνατον ἡμῶν ζῆν, τὰ πᾶσι ἢ γνώμῃ, ὡς καὶ οἱ ἐπισκοποὶ οἱ ἐκ τὰ τέρατα ὁριζήσιντες ἐν Ἰησοῦ Χριστῷ γνώμην εἶπεν· ὁθεν ὡς περὶ ὑμῶν συνβέχειν τῆ τῆ ἐπισκόπου γνώμῃ, ὅπερ καὶ ποιεῖτε*. He begins to exhort them to concur with the will of God, and concludes his exhortation to concur with the will or council of the Bishop; and in the middle he shews the ground of the connexion of these two together; for Christ saith he, who is our inseparable life, is the counsel of the Father: and the Bishops who are scattered abroad to the ends of the earth, are the Counsel of Jesus Christ. i. e. do concur with the will of Christ; therefore follow the counsel of your Bishop, which also you do. Every thing is plain and obvious in the sense here, and very coherent to the expressions both before and after; only the *ἐν* must be left out as plainly redundant, and *ὁριζήσιντες* must not be rendred de-

P. 19. Voss.

terminati, but rather *determinati*, because it refers to a place here, and so it notes their being dispersed into several places; and separated from one another; thereby implying the unity of their faith, and the *coagulum fidei*, notwithstanding their distance from one another as to place in the world, which in *Cyprians* words is, *Ecclesie universe per totum mundum unitatis vinculo copulatae*. And certainly a stronger argument than this could not have been given for the *Ephesians* chearful obedience to their Bishop (which is the thing he aims at,) then the universal consent of all the Bishops in the Christian world in the unity of the faith of Christ; so that as Christ is the will and counsel of the Father, because of that Harmony and consent which is between their wills; so the Bishops are the will and counsel of Christ, as chearfully uniting in the profession of his Faith. So that we see *Ignatius* himself cannot give a doubting mind satisfaction of the Divine institution of Bishops, when in the only place brought to that purpose, his sense is quite different from what it is brought for. So that the Records of the Church are far from deciding this controversie as to the certainty of the form of Government instituted by Christ, because of the Ambiguity of those records as to the point of succession to the Apostles, in that this succession might be only of a different degree, in that it is not clear and convincing in all places; in that where it is clearest, it is meant of a succession of doctrine, and not of persons; in that if it were of persons, yet Presbyters are said to succeed the Apostles as well as Bishops, by the same persons who speak of these. By which last thing we have likewise cleared the *Second* thing propounded, to shew the ambiguity of the testimony of Antiquity, which was *the promiscuous use of the names of Bishops and Presbyters, after the distinction between their office was brought in by the Church*. For we have made it appear that the names are promiscuously used, when that succession which is sometimes attributed to Bishops, is at other times given to Presbyters. Other instances might be brought of that nature; as, first, that of *Clemens Romanus* in his excellent Epistle, which like the River *Alpheus* had run under ground for so many centuries of years, but hath now in these
last

last times of the world appeared publickly to the view of the world, to make it appear how true that is which he saith the Apostles did foresee, ὅτι ἔσται ἕσπευ ὡς τὸ ὄνομα τοῦ κυρίου, *Ep. gr. lat. p. 57.* that there would be great contention about the name of *Episcopacy*: and so there are still, and that from his Epistle too. For when in one place he tells us that the Apostles ordained their first fruits to be Bishops and Deacons, ὅσφι μελλόντων πιστεῖν, *Page 54.* of those that should believe: afterwards he makes no scruple of calling those Bishops Presbyters in several places, μακρότεροι *Page 57.* οἱ παλαιότεροι πρεσβύτεροι, &c. and speaking of the present schism at Corinth, he saith, it was a most shameful thing and unworthy of Christians. Αἰσχρὰ ἀγαπίοι καὶ λίαν αἰσχρὰ καὶ ἀνάξια ἴσ' ἐν χριστῷ ἀγωγῆς ἀπέσθαι τὴν βεβαιωτάτην καὶ ἀρχαίαν Κορινθίων ἐκκλησίαν δι' ἃν ἢ δύο πρόσωπα σαστάζουσιν πρὸς τοὺς πρεσβυτέρους. *To bear the firm and ancient Church of Corinth, for the sake of one or two persons to raise a sedition against the Presbyters;* and afterwards, μόνον τὸ ποίμνιον τοῦ κυρίου εἰρηνεύτω μετὰ τῶν *pag. 69. ὡ* καθεσταμένων πρεσβυτέρων, *Only let the flock of Christ enjoy its p. 73. p. 2, 3.* peace with the Presbyters which are set over it. But because this is said to be spoken before the time of distinction between Bishops and Presbyters, it being supposed that there were no subject Presbyters then (although no reason can be assigned why the Apostles should ordain Bishops τῶν μελλόντων πιστεῖν of those that should believe, and should not likewise ordain Presbyters for them) yet to take away all scruple, we shall go farther; when subject Presbyters, as they are called, are acknowledged to be, and yet Bishops are call'd Presbyters then too: For which we have the clear testimony of *Eusebius* Bishop of Rome, who call *Irenæus* Πρεσβύτερον *Apol. p. 31.* ἐκκλησίαι, when as *Blondell* observes he had been nine years Bishop of Lyons in the place of *Pothinus*; neither doth *Blondell's* argument lye here, that because they call him the Presbyter of the Church, therefore he was no Bishop, as his Antagonist supposeth; but he freely acknowledgeth him to have succeeded *Pothinus* there in his Bishoprick; but because after the difference arose between Bishop and Presbyters, yet they called him by the name of Presbyter, it seems very improbable that when they were commending one to the Bishop

Bishop of another Church, they should make use of the lowest name of honour then appropriated to subject Presbyters, which instead of commending, were a great debasing of him, if they had looked on a superiour order above those Presbyters, as of divine institution, and thought there had been so great a distance between a Bishop and subject-Presbyters, as we are made to believe there was. Which is, as if the Master of a Colledge in one University should be sent by the Fellows of his society to the Heads of the other, and should in his Commendatory letters to them, be stiled a Senior Fellow of that house; Would not any one that read this, imagine that there was no difference between a Senior Fellow and a Master, but only a primacy of order, that he was the first of the number without any power over the rest? This was the case of *Ireneus*; he is supposed to be Bishop of the Church of *Lyons*; he is sent by the Church of *Lyons* on a Message to the Bishop of *Rome*; when notwithstanding his being Bishop, they call him *Presbyter of that Church*, (when there were other Presbyters who were not Bishops,) what could any one imagine by the reading of it, but that the Bishop was nothing else but the Senious Presbyter or one that had a primacy of order among, but no divine right to a power of jurisdiction over his fellow-Presbyters? More instances of this nature are brought there by that learned Author, which the Reader may compare with the answers, and then let him judge whether the Testimony of Antiquity have not too much ambiguity in it to decide the Controverfie clearly on either side. But that which seems yet more material, is that which we observed in the *third place*, that those who acknowledge the superiority of Bishops over Presbyters, do impute it to an act of the Church, and not ascribe it to any divine institution. The testimony of *Jerome* to this purpose is well known, and hath been produced already; that of the counterfeit *Ambrose*, but true *Hilary*, is in every ones mouth upon this controverfie; *Quia primum Presbyteri Episcopi appellabantur, ut recedente uno sequens ei succederet; sed quia cœperunt sequentes Presbyteri indigni inveniri ad primatus tenendos, immutata est ratio, prospiciente Concilio ut non ordo sed meritum crearet Episcopum multorum Sacerdotum judicio constitutum,*

In Eph. 4.

stitutum, ne indignus temerè Usurparet & esset multis scandalum. Very strange that an opinion so directly contrary to the divine right of Episcopacy should be published by a Deacon of the Church of Rome, and these Commentaries cited by *Austin*, with applause of the Person, without stigmatizing him, for a heretick with *Aerius*, if it had been then the opinion of the Church, that Bishops in their power over Presbyters did succeed the Apostles by a divine right. Nothing more clear, then that he asserts all the difference between a Bishop and Presbyters to arise from an act of the Church choosing men for their deserts, when before they succeeded in order of place; it is a mistake of *Blondels*, to attribute this to the *Nicene Council*; doubtless he means no more then that *Hierom* calls *Concilium Presbyterorum*, or which he himself means by *judicium Sacerdotum*. The testimony of *Austin* hath been already mentioned. *Secundum honorum vocabula quæ jam Ecclesiæ usus obtinuit, Episcopatus Presbyterio major est.* Thereby implying it was not so alwayes: else to what purpose serves that *jam obtinuit*, and that the original of the difference was from the Church? But more express and full is *Isidore* himself the Bishop of *Sevil* in *Spain* speaking of Presbyters. *His sicut Episcopis dispensatio mysteriorum Dei commissa est; præsumt enim Ecclesiis Christi, & in consecratione corporis & sanguinis consortes cum Episcopis sunt; similiter & in doctrina populi & in officio prædicandi, sed sola propter auctoritatem summo sacerdoti Clericorum ordinatio reservata est, ne à multis Ecclesiæ disciplina vindicata concordiam solveret, scandala generaret.* What could be spoken more to our purpose then this is? he asserts the identity of power as well as name, in both Bishops and Presbyters in governing the Church, in celebrating the Eucharist, in the office of preaching to the people, only for the greater honour of the Bishop, and for preventing schisms in the Church, the power of ordination was reserved to the Bishop; by those words *propter auctoritatem*, he cannot possibly mean the authority of a divine command, for that his following words contradict, that it was to prevent schisms and scandals, and after produceth the whole place of *Jerome* to that purpose. Agreeable to this, is the judgment of the second Council of *Sevil*

De Eccles.
Officii l. 7.
cap. 7.

Conc. Hispal.
secundum de-
cret. 7. apud
Bin T. 4.
p. 560.

in Spain, upon the occasion of the irregular proceedings of some Presbyters ordained by Agapius Bishop of Corduba. Their words are these: *Nam quamvis cum Episcopis plurima illis Ministeriorum communis sit dispensatio, quedam novellis & Ecclesiasticis regulis sibi prohibita noverint, sicut Presbyterorum & Diaconorum & Virginum consecratio, &c. Hac enim omnia illicita esse Presbyteris, quia Pontificatus apicem non habent, quem solis deberi Episcopis autoritate Canonum precipitur: ut per hoc & discretio graduum, & dignitatis fastigium summi Pontificis demonstratur.* How much are we beholding to the ingenuity of a Spanish Council, that doth so plainly disavow the pretence of any divine right to the Episcopacy by them so strenuously asserted? All the right they plead for, is from the *novellæ & Ecclesiasticæ regulæ*, which import quite another thing from divine institution; and he that hath not learnt to distinguish between the authority of the Canons of the Church, and that of the Scriptures, will hardly ever understand the matter under debate with us: and certainly it is another thing to preserve the honour of the different degrees of the Clergy, but especially of the chief among them, *viz.* the Bishop, then to observe a thing meerly out of obedience to the command of Christ; and upon the account of divine institution. That which is rejoyned in answer to these testimonies, as far as I can learn, is only this, *that the Council and Isidore followed Jerome, and so all make up but one single testimony.* But might it not as well be said, that all that are for Episcopacy did follow *Ignatius* or *Epiphanius*, and so all those did make up but one single testimony on the other side? yea I do as yet despair of finding any one single testimony in all antiquity, which doth in plain terms assert Episcopacy, as it was settled by the practice of the Primitive Church in the ages following the Apostles, to be of an unalterable divine right. Some expressions I grant in some of them seem to extoll Episcopacy very high; but then it is in order to the peace and unity of the Church, and in that sense they may sometimes be admitted to call it *Divine* and *Apostolical*, not in regard of its institution, but of its end, in that it did in their opinion tend as much to preserve the unity of the Church, as the Apostles power did over the Churches.

Churches while they were living. If any shall meet with expressions seeming to carry the fountain of Episcopal power higher, let them remember to distinguish between the power its self, and the restrained exercise of that power; the former was from the Apostles, but common to all Dispensers of the word; the latter was appropriated to some, but by an act of the Church, whereby an eminency of power was attributed to one for the safety of the whole. And withal let them consider that every Hyperbolical expression of a Father will not bear the weight of an argument: and how common it was to call things Divine, which were conceived to be of excellent use, or did come from persons in authority in the Church. One would think that should meet with *θεῖον ὡς ἐκ τοῦ θεοῦ* in the Acts of the Council of *Chalcedon*, it could be rendered by nothing short of the Scriptures: whereas they mean no more by it, but only the Emperours letters to the Council. It hath been already observed how ready they were to call any custome of the Church before their times an Apostolical tradition. And as the Heathens when they had any thing which they knew not whence it came, they usually called it *Διοικητικὸν* as though it came immediately from heaven; so the Fathers when traditions were conveyed to them, without the names of the Authors, they conclude they could have no other fountain but the Apostles. And thus we see many traditions in several Churches directly contrary to one another, were looked on as Apostolical; only from the prevalency of this persuasion, that what ever they derived from their Fathers, was of that nature. But then for that answer to the *Council*, and *Isidore*, and *Jerome*, that they make but one testimony; I say, that although the words be of the same sense, yet they have the nature of a different testimony, upon these accounts. *First*, as produced by persons of different condition in the Church; some think they are even with *Jerome* when they tell us what a *pique* there was between him and *John* Bishop of *Jerusalem*, and that he might have the better advantage of his adversary, when he could not raise himself up to the honour of Episcopacy, he would bring that down to the State of Presbyterie; but, as such entertain too unworthy thoughts of one of those Fathers,

*Conc. Chal.
Part. 2.
Act. 11.*

whom they profess themselves admirers of; so this prejudice cannot possibly lie against *Isidore*, or the *Council*: For the first was himself a Bishop of no mean account in the Church of God; and the *Council* was composed of such; it could be no bias then of that nature could draw them to this opinion: and no doubt they would have been as forward to maintain their own authority in the Church, as the truth and conscience would give them leave. Therefore on this account one testimony of a single Bishop, much more of a whole Council of them, against their acting by divine authority in the Church, is of more validity then ten for it, in as much as it cannot but be in reason supposed that none will speak any thing against the authority they are in, or what may tend in the least to diminish it, but such as make more conscience of the truth, then of their own credit and esteem in the world. *Secondly*, in that it was done in different ages of the Church; *Ferome* flourished about 380. *Isidore* succeeded *Leander* in *Sevil*, 600. the Council sat, 619. the Council of *Aquen* which transcribes *Isidore* and owns his doctrine, 816. So that certainly supposing the words of all to be the same, yet the Testimony is of greater force, as it was owned in several Ages of the Church, by whole Councils, without any the least controul that we read of. And if this then must not be looked on as the sense of the Church at that time, I know not how we can come to understand it: if what is positively maintained by different persons in different ages of the Church, and in different places without any opposing it by Writers of those ages, or condemning it by Councils, may not be conceived to be the sense of the Church at that time. So that laying all these things together, we may have enough to conclude the *Ambiguity* at least, and thereby *incompetency* of the Testimony of *Antiquity*, for finding out the certain form which the Apostles observed in planting Churches.

§. 18.

We proceed to the *third* thing to shew the incompetency of *Antiquity* for deciding this controversie, which will be from the *Partiality* of the Testimony brought from thence. Two things will sufficiently manifest the *Partiality* of the judgment of *Antiquity* in this case. *First*, their apparent judging

judging of the practice of the first primitive Church, according to the customs of their own. *Secondly*, their stiff and pertinacious adhering to private traditions contrary to one another, and both sides maintaining theirs as Apostolical. First, *judging the practice of the Apostles by that of their own times*; as is evident by *Theodoret*, and the rest of the Greek Commentators, assigning that as the reason why the Presbyters spoken of in the Epistles to *Timothy* and *Titus*, were not Bishops in the sense of their age, because there could be but one Bishop in a City, whereas there are more expressed in those places, as being in the several Cities: whereas this is denied of Apostolical times by the late pleaders for Episcopacy; and it is said of them, that they spoke according to the custom of their own time. And it is now thought there were two Bishops in Apostolical times in several Cities; the one the head of the Jewish *Cetus*, and the other of the Gentile. I enter not the dispute again here, whether it were so or no, only I hence manifest, how far those persons themselves who plead for the judgment of the Fathers as deciding this controversy, are from thinking them impartial judges, when as to the grounds of their sentence they are confessed to speak only of the practice of their own time. Who can imagine any force in *Chrysostomes* argument, *that the Presbyters who laid hands on Timothy must needs be Bishops, because none do ordain in the Church but Bishops*, unless he makes this the medium of his argument, that whatever was the practice of the Church in his days, was so in Apostolical times. There is, I know not what strange influence in a received custom, if generally embraced, that doth possess men with a fancy it was never otherwise then it is with them; nay when they imagine the necessity of such a custom at present in the Church, they presently think it could never be otherwise then it is. But of this I have spoken somewhat already. *Secondly*, that which makes it appear how *partial* the judgment of Antiquity is, *in adhering to their particular traditions, and calling them Apostolical, though contrary to one another*. How can we then fix upon the testimony of antiquity as any thing certain or impartial in this case? when it hath been found so

evidently partial in a case of less concernment than this is. A Witness that hath once betrayed his faithfulness in the open court, will hardly have his evidence taken in a case of moment, especially when the cause must stand or fall according to his single testimony. For my part, I see not how any man that would see reason for what he doth, can adhere to the Church for an unquestionable tradition received from the Apostles; when in the case of keeping Easter, whether with the Jews on the fourteenth Moon, or only on the Lords day, there was so much unreasonable heat shewed on both sides, and such confidence that on either side their tradition was Apostolical. The story of which is related by *Eusebius*, and *Socrates* and many others. They had herein all the advantages imaginable in order to the knowing the certainty of the thing then in question among them. As their nearness to Apostolical times, being but one remove from them: yea the persons contending pleaded personal acquaintance with some of the Apostles themselves, as *Polycarp* with *John*, and *Anicetus* of Rome, that he had his tradition from *S. Peter*; and yet so great were the heats, so irreconcilable the controversy, that they proceeded to dart the Thunderbolt of excommunication in one anothers faces; as *Victor* with more zeal than piety, threw presently the *Asiatick* Churches all out of Communion, only for differing as to this tradition. The small coales of this fire kindled a whole *Aina* of contention in the Christian world, the smoak and alhes, nay the flames of which, by the help of *the Prince of the air* were blown over into the bosome of the then almost Infant Northern Churches of Brittain, where a solemn dispute was caused upon this quarrel between *Colmannus* on one side, and *Wilfride* on the other. The like contest was upon this occasion between *Augustine* the Monk, and the *Brittish Bishops*. The observation of this strange combustion in the primitive Church upon the account of so vain, frivolous, unnecessary a thing as this was, drew this note from a learned and judicious man, formerly quoted, in his *tract of Schism*; By this we may plainly see the danger of our appeal to antiquity, for resolution in controverted points of faith, O how small relief we are to expect from thence! for if the discretion

Eccles hist.
l. 5. c. 25
Socrat. l. 15.
c. 21.

discretion of the chiefest guides and Directors of the Church did in a point so trivial, so inconsiderable, so mainly fail them, as not to see the truth in a subject, wherein it is the greater marvail how they could avoid the sight of it, can we without the imputation of great grossness and folly, think so poor-spirited persons, competent judges of the questions now on foot betwixt the Churches? Thus that person, as able to make the best improvement of the Fathers as any of those who profess themselves the most superstitious admirers of antiquity. But if we must stand to the judgement of the Fathers, let us stand to it in this, that no tradition is any further to be embraced, then as it is founded on the word of God. For which purpose those words of Cyprian are very observable; *In compendio est autem apud religiosos & simplices mentes, & errorem deponere, & invenire, atque eruere veritatem: Cyprian ep. Nam si ad divinae traditionis caput & originem revertamur, cessat error humanus.* He asserts it an easie matter for truly religious and plain-hearted men to lay aside their errour, and to find out the truth, which is by returning to the head and spring of divine tradition, viz. the Scriptures; Which he expresseth further, with an elegant similitude; *Si Canalis aquam ducens, qui copiose prius & largiter proflebat, subito deficiat, nonne ad fontem pergitur ut illic defectionis ratio noscatur, utrumne arescentibus venis, in capite unda siccaverit; an verò integra deinde & plena procurrens, in medio itinere destiterit? ut si vitio interrupti aut bibuli canalis effectum est, quò minus aqua continua perseveranter & jugiter flueret, refectio & confirmato canali ad usum atque ad potum civitatis aqua collecta eadem ubertate atque integritate representaretur, qua de fonte proficiscitur. Quod & nunc facere oportet Dei sacerdotes præcepta divina servantes, ut si in aliquo mutaverit (l. nutaverit) & vacillaverit veritas, ad originem Dominicam, & Evangelicam, & Apostolicam traditionem revertamur, & inde surgat actus nostri ratio, unde & ordo & origo surrexit.* His meaning is; That as when a channel suddenly fails, we presently inquire where and how the breach was made, and look to the spring and fountain, to see the waters be fully conveyed from thence as formerly; so upon any failour in the tradition of the Church, our only recourse must be to the:

the true fountain of tradition the word of God, and ground the reason of our actions upon that which was the foundation of our profession. And when *Stephen* the Bishop of Rome would tedder him to tradition, *Cyprian* keeps his liberty by this close question, *unde illa traditio? utrumne de Dominica & Evangelica auctoritate descendens, an de Apostolorum mandatis atque Epistolis veniens.*—— *Si ergo aut Evangelio precipitur, aut in Apostolorum Epistolis, aut actibus continetur*—— *observetur Divina hæc & sancta traditio.* We see this good man would not baulke his way one foot for the great bug-bear of Tradition, unless it did bear the character of a divine truth in it, and could produce the *credentials* of Scripture to testify its authority to him. To the same purpose that stout Bishop of *Cappadocia*, *Firmilian*, whose unhappiness with *Cyprians*, was only that of *Jobs* friends, that they excellently managed a bad cause, and with far more of the spirit of Christianity, than *Stephen* did, who was to be justified in nothing but the truth he defended. *Eos autem*, saith *Firmilian*, *qui Romæ sunt, non ea in omnibus observare quæ sint ab origine tradita, & frustra Apostolorum auctoritatem prætere*, which he there makes out at large, *viz.* that the Church of Rome had gathered corruption betimes, which after broke out into an *Imposthume* in the *head* of it. Where then must we find the certain way of resolving the controversie we are upon? the Scriptures determine it not, the Fathers tell us there is no believing tradition any further then it is founded in Scripture; thus are we sent back from one to the other, till at last we conclude there is no certain way at all left to find out a decision of it. Not that we are left at such uncertainties as to matters of faith (I would not be so mistaken) We have *Archimedes* his *Postulatum* granted us for that, a place to fix our faith on, though the world be moved out of its place, I mean the undoubted word of God: but as to matters of fact not clearly revealed in Scripture, no certainty can be had of them, from the hovering light of unconstant tradition. Neither is it only unconstant, but in many things repugnant to its self, which was the last consideration to be spoke to in reference to the shewing the incompetency of antiquity for deciding our Controversie. Well then,

*Firmil. ep.
inter ep.
Cyprian.
75. n. 5.*

then, suppose we our selves now waiting for the final *verdict* of Church tradition to determine our present cause; If the *Jury* cannot agree, we are as far from satisfaction as ever; and this is certainly the case we are now in. The main difficulty lies in the immediate succession to the Apostles: if that were but once cleared, we might bear with interruptions afterwards: but the main seat of the controversy lies there, whether the Apostles upon their withdrawing from the Government of Churches, did substitute single persons to succeed them or no; So that unless that be cleared, the very *Deed of gift* is questioned: and if that could be made appear, all other things would speedily follow. Yes, say some, that is clear: For at *Jerusalem*, *Antioch* and *Rome*, it is evident that single persons were entrusted with the Government of Churches. In *Jerusalem*, say they, *James* the brother of our Lord was made Bishop by the Apostles: But whence doth that appear? it is said from *Hegesippus* in *Eusebius*: but what if he say *Hist. Eccl.* no such thing? his words are these *ἡ δὲ ἐκκλησία τῶν ἐκκλησιαστικῶν* *l. 2, cap. 22.* *μὲν τῶν ἀποστόλων*, which is there interpreted, *Ecclesie administrationem una cum ceteris Apostolis suscepit.* And no more is thereby meant, but that this *James* who is by the Antients conceived to be only a Disciple before, is now taken into a higher charge; and invested in a power of governing the Church as the Apostles were. His power it is plain was of the same nature with that of the Apostles themselves; And who will go about to degrade them so much as to reduce them to the office of ordinary Bishops? *James* in probability did exercise his Apostleship the most at *Jerusalem*, where by the Scriptures we find him *Resident*, and from hence the Church afterwards, because of his not travelling abroad as the other Apostles did, according to the language of their own times, they fixed the titled of Bishop upon him. But greater difference we shall find in those who are pleaded to be successors of the Apostles. At *Antioch* some, as *Origen* and *Eusebius*, make *Ignatius* to succeed *Peter*. *Jerome* makes him the third Bishop, and placeth *Evodius* before him. Others therefore to solve that, make them cotemporary Bishops, the one of the Church of the Jews, the other of the Gentiles:

V. Magde-
burg Cent. 1.
l. 2. c. 10.

with what congruity to their *Hypothesis* of a single Bishop and Deacons placed in every City, I know not: but that *Salvo* hath been discussed before. Come we therefore to *Rome*, and here the succession is as muddy as the *Tiber* it self; for here *Tertullian*, *Rufinus*, and several other place *Clement* next to *Peter*. *Ireneus* and *Eusebius* set *Anacletus* before him: *Epiphanius* and *Optatus* both *Anacletus* and *Cletus*; *Augustinus* and *Damasus* with others, make *Anacletus*, *Cletus* and *Linus* all to precede him. What way shall we find to extricate our selves out of this Labyrinth, so as to reconcile it with the certainty of the form of Government in the Apostles times? Certainly, if the *Line of succession* fail us here, when we most need it, we have little cause to pin our faith upon it as to the certainty of any particular form of Church Government settled in the Apostles times, which can be drawn from the help of the Records of the Primitive Church: Which must be first cleared of all *Defectiveness*, *Ambiguity*, *Partiality* and *Confusion*; before the thing we inquire for, can be extracted out of them.

§: 19.

Having thus far shewed that we have no absolute certainty of what form of Government was settled by the Apostles in the several Churches of their plantation; The next *Consideration* which follows to be spoken to, is, *that the Apostles in probability did not observe any one fixed course of settling the Government of Churches, but settled it according to the several circumstances of places and persons which they had to deal with.* This will be *ex abundanti* as to the thing by me designed, which would be sufficiently cleared without this: and therefore I lay it not as the foundation of my *thesis*, but only as a doctrine of probability, which may serve to reconcile the Controversies on foot about Church Government. For if this be made appear, then it may be both granted that the Apostles did settle the Government in the Church in a Colledge of Presbyters, and in a Bishop and Deacons too, according to the diversity of places, and the variety of circumstances. It is easie to observe, that as to rites and customes in the Church, the original of most mens mistakes is, concluding that to be the general practice of the Church, which

which they meet with in some places: whereas that is most true which *Firmilian* tells us, *In plurimis provinciis, multa pro locorum & nominum (l. hominum) diversitate, variantur; nec tam propter hoc Ecclesie Catholice pace atque unitate discessum est.* Those rites varied in diverse places, retaining still the Unity of the Faith; so as to matter of Government, mens mistakes do arise from an universal conclusion deduced out of particular premises; and what they think was done in one place, they conclude must be done in all: Whereas these are these grounds inducing me probably to conclude that they observed not the same course in all places. Which when an impartial Reader hath soberly considered (with what hath gone before,) I am in hopes, the Novelty of this opinion may not prejudicate its entertainment with him. My grounds are these, *First, From the different state, condition and quantity of the Churches planted by the Apostles. Secondly, From the multitude of unfixed officers in the Church then, which acted with authority over the Church where they were resident. Thirdly, from the different customs observed in Several Churches as to their Government after the Apostles decease.* I begin with the first, *The different State, condition and quantity of the Churches planted by the Apostles:* For which we are to consider these things; *First, That God did not give the Apostles alike success of their labours in all places. Secondly, That a small number of believers did not require the same number, which a great Church did, to teach and govern them. Thirdly, that the Apostles did settle Church Officers according to the probability of increase of believers, and in order thereto, in some great places. First, That God did not give the Apostles equal success to their labours in all places.* After God called them to be *Fishers of men*, it was not every draught which filled their net with whole shoals of fishes; sometimes they might toyl all night still and catch nothing, or very little. It was not every Sermon of *Peters* which converted three thousand: the whole world might at that rate soon have become Christian, although there had been but few Preachers besides the Apostles. God gave them strange success at first, to encourage them the better to meet

with difficulties afterwards; In some places God told them he had much people, in others we read but of few that believed. At Corinth Paul Plants, and Apollos Waters, and God gives an abundant increase; but at Athens (where if moral dispositions had fitted men for grace, and the improvements of nature, we might have expected the greatest number of Converts) yet here we read of many mocking, and others delaying, and but of very few believing: *Dionysius* and *Damaris* and some others with them. The plantations of the Apostles were very different, not from the nature of the soile they had to deal with, but from the different influence of the Divine Spirit upon their endeavours in several places. We cannot think that the Church at *Cenchrea* (for so it is called) was as well stockt with believers as that at *Corinth*. Nay the Churches generally in the Apostles times were not so filled with numbers as men are apt to imagine them to be. I can as soon hope to find in Apostolical times *Diocesan* Churches as *Classical* and *Provincial*; yet this doth not much advantage the Principles of the Congregational men, as I have already demonstrated. Yet I do not think that all Churches in the Apostles times were but one Congregation; but as there was in Cities many Synagogues, so there might be many Churches out of those Synagogues enjoying their former liberties and priviledges. And they that will shew me where five thousand Jews and more did ordinarily meet in one of their Synagogues for publick worship, may gain something upon me, in order to believing the Church of *Jerusalem* to be but one congregation, and yet not persuade me, till they have made it appear, that the Christians then had as publick solemn set meetings as the Jews had; which he that understands the state of the Churches at that time, will hardly yield to the belief of. I confess, I cannot see any rule in Scripture laid down for distributing congregations: but this necessity would put them upon; and therefore it were needless to prescribe them; and very little, if any reason, can I see on the other side, why, where there were so much people as to make distinct congregations, they must make distinct Churches from one another; but of that largely in the next Chapter.

All

A&T. 17. 34.

Rom. 16. 2.

Par. 1. ch 6.
f. 8. p. 129.

All Churches then we see were not of an equal extent. The *second* premisal reason will grant, *viz.* that a small Church did not require the same number of Officers to rule it, which a great one did. For the duty of officers lying in reference to the people, where the people was but few, one constant settled Officer with Deacons under him, might with as much ease discharge the work, as in a numerous Church, the joint help of many officers was necessary to carry it on. The same reason that tells us that a large flock of sheep consisting of many thousands doth call for many Shepherds to attend them, doth likewise tell us that a small flock may be governed with the care of one single Shepherd watching continually over them. The *third* premisal was that in great Cities the Apostles did not only respect the present guidance of those that were converted, but established such as might be useful for the converting and bringing in of others to the faith, who were as yet *strangers to the Covenant of promise, and aliens from the πολιτεια, Society of Christians.* And here I conceive a mistake of some men lies, when they think the Apostles respected only the ruling of those which were already converted; for though this were one part of their work, yet they had an eye to the main design then on foot, the subjecting the world to the obedience of Faith, in order to which it was necessary in places of great resort and extent, to place not only such as might be sufficient to superintend the affairs of the Church, but such as might lay out themselves the most in preaching the Gospel in order to converting others. Having laid down these things by way of premisal, we will see what advantage we can make of them in order to our purpose. *First* then I say, *that in Churches consisting of a small number of believers, where there was no great probability of a large increase afterwards, One single Pastour with Deacons under him, were only constituted by the Apostles for the ruling of those Churches.* Where the work was not so great but a Pastor and Deacons might do it, what need was there of having more? and in the great scarcity of fit persons for settled rulers then, and the great multitude and

necessity of unfixed officers for preaching the Gospel abroad, many persons fit for that work could not be spared to be constantly Resident upon a place. Now that in some places at first there were none placed but only a Pastor and Deacons, I shall confirm by these following Testimonies. The first is that of *Clement* in his Epistle. Κατὰ χώρας ἐν κη
 π. 54. πόλεσι κηρύσσοντες, καθίστανον τὰς ἀρχαίς αὐτῶν, δοκιμάσαντες τὰ
 πνεύματα, ἕως ἐπισκόπου καὶ διακόνου καὶ μελλόντων πιστεῖν. *The*
Apostles therefore preaching abroad through Countreys and Ci-
ties, ordained the First-fruits of such as believed, having proved
them by the Spirit to be Bishops and Deacons for them that should
afterwards believe. Whether by *χώρας* we understand *Villa-*
ges or *regions*, is not material; for it is certain here the Author
 takes it as distinct from Cities; and there is nothing, I grant,
 expressed where the Apostles did place Bishops and Deacons
 exclusive of other places, *i. e.* whether only in Cities or
 Countreys; but it is evident by this, that wherever they
 planted Churches, they ordained Bishops and Deacons,
 whether those Churches were in the City or Countrey.
 And here we find no other Officers settled in those Churches
 but Bishops and Deacons; and that there were no more in
 those Churches than he speaks of, appears from his design
 of paralleling the Church-officers in the Gospel, to
 those under the Law: and therefore it was here ne-
 cessary to enumerate all that were then in the Churches.
 The main controversie is, what these Bishops were; whether
 many in one place, or only one; and if but one, whether a
 Bishop in the modern sense or no. For the first, here is
 nothing implying any necessity of having more than one in
 a place, which will further be made appear by and by, out of
 other testimonies which will help to explain this. As for the
 other thing, we must distinguish of the notion of a Bishop:
 For he is either such a one as hath none over him in the
 Church; or he is such a one as hath a power over Pres-
 byters acting under him, and by authority derived from him.
 If we take it in the first sense, so every Pastor of a Church,
 having none exercising jurisdiction over him, is a Bishop; and
 so every such single Pastor in the Churches of the Pri-
 mitive times was a Bishop in this sense, as every Master

of a Family before societies for government were introduced, might be called a King, because he had none above him to command him: but if we take a Bishop in the more proper sense, for one that hath power over Presbyters and people, such a one these single Pastors were not, could not be. For it is supposed that these were only single Pastours; but then it is said that after other Presbyters were appointed, then these single Pastours were properly Bishops; but to that I answer; *First*, they could not be proper Bishops by vertue of their first constitution; for then they had no power over any Presbyters, but only over the Deacons and people; and therefore it would be well worth considering how a power of jurisdiction over Presbyters can be derived from those single Pastours of Churches that had no Presbyters joined with them. It must be then clearly and evidently proved that it was the Apostles intention that these single Pastors should have the power over Presbyters when the Churches necessity did require their help, which intention must be manifested and declared by some manifestation of it as a Law of Christ, or nothing can thence be deduced of perpetual concernment to the Church of Christ. *Secondly*, either they were Bishops before, or only after the appointment of Presbyters; if before, then a Bishop and a Presbyter having no Bishop over him, are all one; if after only, then it was by his communicating power to Presbyters to be such, or their choice which made him their Bishop; if the first, then Presbyters *quoad ordinem* are only a humane institution, it being acknowledged that no evidence can be brought from Scripture for them; and for any act of the Apostles not recorded in Scripture for the constituting of them, it must go among unwritten traditions; and if that be a Law still binding the Church, then there are such which occur not in the word of God, and so that must be an imperfect copy of divine Laws: if he were made Bishop by an act of the Presbyters, then Presbyters have power to make a Bishop, and so Episcopacy is an humane institution depending upon the voluntary act of Presbyters. But the clearest evidence for one single Pastour with Deacons in some Churches at the beginning of Christianity, is that

of *Epiphanius*, which though somewhat large, I shall recite, because if I mistake not, the curtailing of this testimony hath made it speak otherwise then ever *Epiphanius* meant. Καὶ ἐκ οὐδεν ὁ πῶ ἀκολουθίαν τῆ ἀληθείας ἀγνοήσας, καὶ ἰστέως βαθυτάταις μὴ ἐντυχόν, ὅπ νέν ὄνθη κηρύγμαθη, πρὸς τὰ ἰσοπίπλοντα ἔγραφεν ὁ ἀγῆθη ἀποστολῆθ. ὅπ μὴ ἦσαν ἐπίσκοποι ἠδὲ κλησιασθέντες, ἔγραφεν ἐπισκόποις καὶ διακόνοις. ἔ γδ πάντα διδύς ἠδυνήθηθ ὁι ἀποστολοὶ κλησιασῆσαι. πρεσβυτέρα γδ ἐγένετο χρεία καὶ διακόνων. διὰ γδ τῆ Νο τύπων τὰ ἐκκλησιαστικὰ δύναθ πληρῆδοι: ὅπ τῆ ἐκ ἀρέθῃ τὸς ἀξίθη ἐπισκοπῆς, ἐμεινεν ὁ τόπθη χορὶς ἐπισκοπῆθ. ὅπ τῆ γέρονε χρεία καὶ ἦσαν ἀξίοι ἐπισκοπῆς, κλησιασθένθ ἐπίσκοποι. πλῆθὺς τῆ μὴ ὄνθη, ἐχ ἐνρέθηθ ἐν ἀύοις πρεσβύτεροι κλησιασθένται, καὶ ἠρκέθηθ ὅπ τῶ κτῆ τῶπων μόνῶ ἐπισκοπῶ. ἀρεν τῆ διακόνε ἐπίσκοπον ἀδυναθόν εἶναι, &c. The sense of *Epiphanius* is very intricate and obscure; we shall endeavour to explain it: He is giving *Aerius* an account why *Paul* in his Epistle to *Timothy* mentions only Bishops and Deacons and passeth over Presbyters. His account is this, first he chargeth *Aerius* with ignorance of the series of history (which he calls ἀκολουθία τῆ ἀληθείας) and the profound and antient records of the Church, wherein it is expressed that upon the first preaching the Gospel, the Apostle writ according to the present state of things. Where Bishops were not yet appointed (for so certainly it should be read ὅπ μὴ ἦσαν ἐπίσκοποι, not ὅπ μὲν, for then he must contradict himself) the Apostle writes to Bishops and Deacons; (for the Apostles could not settle all things at first) for there was a necessity of Presbyters, and Deacons; for by these two orders all Ecclesiastical offices might be performed: for where (so I read it ὅπ γδ, not ὅπ τῆ, as the sense clearly carries it) there was not found any worthy of being a Bishop, the place remained without one; But where necessity required one, and there were some found fit for that office, there some were ordained Bishops; but for want of convenient number, there could be no Presbyters found out to be ordained, and in such places they were contented with the Bishop and Deacons; for without their ministry the Bishop could not be. So that according to *Epiphanius*, there were three several states of Churches in the Apostles times; first some Churches where there were only Presbyters and Deacons

Epiph. c.
Aerium.
haes. 75.
p. 905. Cc.
ed. Petav.

cons without a Bishop. For if *Epiphanius* speaks not at first of places where Presbyters were without a Bishop, he must be guilty of a vain and empty *Tautology*, for he after tells us where the necessity of the Church required it; a Bishop was made; therefore before he speaks of places only where Presbyters and Deacons were; and otherwise he would not answer *Aerius* about 1 *Tim.* 4. 14. which it is his designe to do, about *The laying on of the hands of the Presbyterie*; he grants then that at first in some places there were only Presbyters and Deacons, as when the Apostle writes to *Bishops and Deacons* (where Bishops at that time of the Church were only Presbyters) of which two orders, Presbyters and Deacons, there was an absolute necessity; and the account he gives why they settled no higher orders above them is, *ὅτι πάντα ὁδοὶ ἠδυνήθησαν διὰ ἀπόστολοι κατὰ τῆσαι*, *The Apostles could not settle all things at first*; which words are to be read with a *Parentthesis*, giving an account why sometimes only Bishops and Deacons were settled, that is, Presbyters so called. But saith he, where necessity called for a higher order of Bishops above Presbyters, and any were found qualified for it, there such were appointed; and if by reason of the want of persons of sufficient abilities to be made Presbyters in those places, there they were contented with such a superiour Bishop and Deacons assisting of him; Some Churches then according to his judgment, had a company of Presbyters to rule them being assisted with Deacons; others had only a single Bishop with Deacons, and after when the numbers were increased, and persons qualified were found, there were both Bishop, Presbyters and Deacons. For the account which he gives of the former want of some officers in some Churches, is this, *ἔτι* (Read *ἔτι*, as the learned Dr. well corrects it) *ἡ ἐκκλησία λαβύσης τὰ πληρώματα τῆς οἰκονομίας, ἔτι κατ' ἐκείνην καιρὸν ἦσαν οἱ τόποι. καὶ ὁ θεὸς ἔδωκεν πρῶτον ἐκ ἀπ' ἀρχῆς τὰ πάντα ἔχειν, ἀλλὰ περιβρίνοντος τοῦ χρόνου τὰ πρὸς τελείωσιν τῶν χρεῶν καθιερύζετο.* For the Church not yet having all her offices filled, things were fain to remain in that state. For nothing can be compleated at first, but in process of time every thing receives its due perfection. So that *Epiphanius* doth not (as it is thought by some)

say, that in the first times of the Church, there were none but Bishops and Deacons in all Churches, but in some Churches there were Presbyters and Deacons, in others Bishops and Deacons, according to the state, condition and necessity of the Churches. *Epiphanius* then fully and clearly expresseth my opinion in reference to the Apostles not observing any one constant course in all Churches, but setting sometimes many Presbyters with Deacons, sometimes only one Pastor (who is therefore called a Bishop) with Deacons, and so setting officers according to the particular occasions of every Church. The next considerable testimony to our purpose is that of *Clemens Alexandrinus* in *Eusebius* concerning *St. John* after his return out of the Isle of *Patmos* to *Ephesus*, upon the death of *Domitian*. Ἀπείπερα κλέμεν ὅτι ἐπὶ τὰ πλησιόχωρα ἦν ἰθὺν, ὅτι μὲν Ἐπισκόπους καταστήσων, ὅτι ὅσας ἐκκλησίας ἀρμόσων, ὅτι ὅ γὰρ κλήρον ἕνα ἕνα πᾶν ὑπὸ τοῦ πνεύματος σημαυνομένων κληρώσων. He went abroad upon invitation into the neighbour provinces, in some places constituting Bishops, in some setting in order whole Churches, in others choosing out one from among the rest of those who were designed by the Spirit of God; whom he set over the Church. So *Salmatius* contends it must be translated, κλήρον ἕνα ἕνα κληρώσων, choosing one into the Clergy; for those who were chosen Bishops are said κληρωθέντες ἐπισκοπῆν and they that choose are said κληρώσων. Whence *Salmatius* gathers out of these words the very thing I am now upon. In majoribus urbibus plures, in minoribus pauciores Presbyteros ordinari solitos probabile est; In pagis autem aut vicis, vel pusillis oppidis, quales vicinas vel κομωπόλεις vocabant Græci, unum aliquem Presbyterum per illa præcipuè tempora quibus non magnus erat numerus fidelium, suffecisse verisimile est. That the Apostles set a greater number of Presbyters in great Cities, fewer in less; and in small villages but one, when the number of believers was but small. We have yet one Author more who speaks fully to our purpose. It is the Author of the *Commentaries* under *Ambrose* his name, who frequently asserts this opinion I am now making good. Upon the fourth of *Ephesians* he largely discourseth how things were settled at first, by the Apostles, by degrees, in the Church of God, evidently shewing that

Welo. Messal.
cap. 4. p. 224.
&c.

that the Apostles did not at first observe any settled constant course, but acted according to present conveniency, as they saw good, in order to the promoting and advancing the Churches interest. *Postquam omnibus locis Ecclesie sunt constituta, & officia ordinata, aliter composita res est quam ceperat.* Thereby declaring his opinion that while Churches were constituting, no certain course was observed. For as he goes on, *Primum enim omnes docebant, & omnes baptizabant, quibuscunque diebus vel temporibus fuisset occasio, &c. Ut ergo cresceret plebs & multiplicaretur, Omnibus inter initia concessum est & evangelizare, & baptizare, & scripturas in Ecclesia explanare. At ubi omnia loca circumplexa est Ecclesia, conventicula constituta sunt, & rectores & cetera officia in Ecclesiis sunt ordinata; ut nullus de Clero auderet qui ordinatus non esset, presumere officium quod sciret non sibi creditum vel concessum; & cepit alio ordine & providentiâ gubernari Ecclesia; quia si omnes eadem possent, irrationabile esset, & vulgaris res, & vilissima videretur, &c. Ideò non per omnia conveniunt scripta Apostoli ordinationi quæ nunc est in Ecclesia, quia hæc inter primordia sunt scripta; Nam & Timotheum, (Presbyterum à se creatum) Episcopum vocat; quia primum Presbyteri Episcopi appellabantur, ut recedente uno sequens ei succederet, &c.* At first he saith, all Church Offices lay open to all persons, and every one did preach and baptize upon all occasions; but afterwards when Congregations were established and Churches settled, then none undertook that office but those that were ordained to it. Thence it is that the Apostles writings are not suitable to the present state of the Church, because they were penned in the time when things were not fully settled. For he calls Timothy, who was made a Presbyter by him, Bishop; for so at first the Presbyters were called, among whom this was the course of governing Churches, that as one withdrew, another took his place. This opinion of his he takes occasion to speak of in several other places. Upon Rom. 16. *Adhuc rectores Ecclesie paucis erant in locis,* Governours of Churches were as yet set up but in few places. And upon 1 Cor. 1. *Propterea Ecclesia scribit, quia adhuc singulis Ecclesiis rectores non erant instituti.* And on 1 Cor. 11. *Convenientibus Presbyteris, quia adhuc rectores Ecclesiis non*

omnibus locis erant constituti. By all which it is most evident, that this both learned and antient Author, cited with no small respect by St. *Austin*, doth not conceive that the Apostles did observe any settled form in the governing Churches, but acted according to principles of prudence, according to the necessities and occasions of the several Churches by them planted: So that where there were small Churches, one Pastor with Déacons might suffice: in greater Churches some were governed by Presbyters acting in Common Council: others though very few at first, had Rectors placed over them, for superintending the Affairs of the Church.

Secondly, In Churches consisting of a multitude of believers, or where there was a probability of great increase by preaching the Gospel, the Apostles did settle a College of Presbyters whose office was partly to govern the Church already formed, and partly to labour in the Converting more. So that in all great Cities where either the work was already great, by the number of believers, in order to the discharging of Pastoral duties to them; or where it was great in reference to the number they laboured in converting of, it seems most consonant to reason and Scripture, that the work should be carried on by the joynt assistance of many associated in the same work. For, is it any wayes probable that the Apostles should ordain Bishops *Ἐπίσκοποι*, as *Clement* speaks, of such as should believe, and not ordain persons in order to the making them believe? They have either a very low opinion of the work of a Gospel Bishop, or very little consideration of the zeal, activity and diligence which was then used in preaching, reproving, exhorting, in season, out of season, that think one single person was able to undergo it all. Discipline was a great deal more strict then, preaching more diligent, men more apprehensive of the weight of their function, then for any to undertake such a care and charge of souls, that it was impossible for them, ever to know, observe, or watch over so as to give an account for them. Besides, while we suppose this one person employed in the duties of his flock, what leisure or time could such a one have to preach to the Gentiles and unbelieving Jews in order to their Conversion.

Conversion? The Apostles did not certainly aim at the setting up the honour of any one person, making the office of the Church a matter of State and Dignity more then employment, but they chose men for their activity in preaching the Gospel, and for their usefulness in labouring to add continually to the Church. Men that were employed in the Church then, did not consult for their ease or honour, and thought it not enough for them to sit still and bid others work; but they were of *Pauls* mind, *Necessity was laid upon them, yea, Woe was unto them if they preached not the Gospel.* Publick prayers were not then looked on as the more principal end of Christian Assemblies then preaching, nor consequently that it was the more principal office of the *Stewards of the mysteries of God,* to read the publick prayers of the Church, then *to preach in season and out of season.* And is it not great pitty two such excellent and necessary duties should ever be set at variance, much less one so preferred before the other, that the one must be esteem'd as *Sarah,* and the other almost undergo the hardship of *Hagar,* to be looked on as the Bond-woman of the Synagogue, and be turned out of doors? Praying and preaching are the *Jachin* and *Boaz* of the *Temple,* like *Rachel* and *Leab,* both which built up the house of *Israel:* but though *Rachel* be fair and beautiful, yet *Leab* is the more fruitful: though prayer be lovely and amiable in the sight of God, when it comes from a heart seriously affected with what it speaks, yet preaching tends more to the turning mens souls from sin unto God. Were the Apostles commissioned by Christ to go pray or preach? and what is it wherein the Ministers of the Gospel succeeded the Apostles? is it in the office of praying, or preaching? Was *Paul* sent not to baptize but to preach the Gospel? and shall we think those who succeed *Paul* in his office of preaching, are to look upon any thing else as more their work then that? Are Ministers in their ordination sent forth to be readers of publick prayers, or to be Dispensers of Gods holy word? Are they ordained wholly to this, and shall this be the less principal part of their work? *I,* but the reason is unanswerable, that praying is the more principal end of Christian Assemblies then preaching; For the one

is the end, and the other the means. If by end be meant the ultimate end of all Christian duties, that cannot be prayer: for that is a means it self in order to that; but the chief end is the fitting souls for eternal praises; if then this unanswerable reason hold good, the principal end of Christian Assemblies must be only praises of God, and not prayers; if by the end be meant the immediate end of preaching as that it refers to, that cannot be; for the immediate end of preaching, if the Apostle may be judge, is instruction and edification in the faith; Rather preaching is the end of praying, in as much as the blessings conveyed by preaching are the things which men pray for. But this is but one of those unhappy consequences which follows mens judging of the service of God rather by the practices of the Church, when it came to enjoy ease and plenty, then by the wayes and practices of the first and purest Apostolical times: when the Apostles who were best able to judge of their own duty, looked upon themselves as most concerned in the preaching of the Gospel. But to this it is commonly said that *there was great reason for it then, because the world was to be converted to Christianity, and therefore preaching was the more necessary work at that time; but when a Nation is converted to the faith, that necessity ceaseth.* It is granted that the preaching of the Gospel in regard of its universal extent was more necessary then, which was the foundation of Christs instituting the Apostolical office with an unlimited Commission: but if we take preaching as referring to particular Congregations, there is the same necessity now that there was then. People need as much instruction as ever, and so much the more in that they are apt to think now the name of Christians will carry them to heaven. It is a top common and very dangerous deceit of men to look upon Religion more as a profession, then matter of life, more as a Notion then an inward temper. Men must be beat off from more things which they are apt to trust to for Salvation now, then in those times: Men could not think so much then, that diligence in publick Assemblies, and attendance at publick prayers was the main of religion. Few would profess Christianity in those times, but such as were resolved before hand rather to let go their lives

lives then their profession ; but the more profess it now, without understanding the terms of salvation by it ; the greater necessity of preaching to instruct men in it. But I think more need not be said of this to those that know it is another thing to be a Christian than to be called so. But however it is granted that in the Apostles times preaching was the great work ; and if so, how can we think one single person in a great City was sufficient, both to preach to, and rule the Church, and to preach abroad in order to the conversion of more from their Gentilisme to Christianity ? Especially if the Church of every City was so large as some would make it, *viz.* to comprehend all the believers under the civil jurisdiction of the City, and so both City and Countrey the only charge of one single Bishop. I think the vastness of the work, and the impossibility of a right discharge of it by one single person, may be argument enough to make us interpret the places of Scripture which may be understood in that sense, as of more than one Pastour in every City ; as when the Apostles are said to ordain Elders in every City, and Pauls calling for the Elders from *Ephesus*, and his writing to the Bishops and Deacons of the Church of *Philippi* ; this consideration, I say, granting that the texts may be otherwise understood, will be enough to incline men to think that in greater Cities there was a Society of Presbyters acting together for the carrying on the work of the Gospel in converting some to, and building up of others in the faith of Christ. And it seems not in the least manner probable to me that the care of those great Churches should at first be intrusted in the hands of one single Pastour and Deacon, and afterwards a new order of Presbyters erected under them, without any order or rule laid down in Scripture for it, or any mention in Ecclesiastical writers of any such after institution. But instead of that in the most populous Churches we have many remaining footsteps of such a College of Presbyters there established in Apostolical times. Thence *Ignatius* says *Ep. ad Tal.* the Presbyters are *ὡς συνέδριον θεῶν καὶ ὡς σύνδεσμοι Ἀποστόλων* the Sanhedrin of the Church appointed by God ; and the Bench *Tal. l. 6.* of Apostles sitting together for ruling the affairs of the Church. & 3.p.129. And *Origen* calls it *σύστημα ἐν ἑκάστῃ πόλει κηρῶν λόγῳ θεῶν*, a College

Pius ep. ad
Just. Vien.
Apol. c. 39
Cypri. ep. 550.
f. 19. f. 21.
Hieronym.
in Is. l. 2. c. 3.
Ep. ad Ruag.
in 1 Tim. 5.

lege in every City of Gods appointing; and Victor Bishop of Rome, Collegium nostrum, and Collegium fratrum; Pius, Pauperem Senatum Christi apud Romam constitutum. Tertullian, Probatos seniores; Cyprian, Cleri nostri sacrum venerandumque Confessum; and to Cornelius Bishop of Rome and his Clergy, Florentissimo Clero tecum presidenti. Jerome, Senatum nostrum, ceterum Presbyterorum, & commune consilium Presbyterorum quo Ecclesie gubernabantur. Hilary, Seniores sine quorum consilio nihil agebatur in Ecclesia; the Author de 7 ordinibus ad Rusticum, calls the Presbyters negotiorum iudices. Eutybius tells us there were twelve Presbyters at Alexandria to govern the Church; and the author of the Itinerary of Peter, of as many constituted at Cesarea, who though counterfeit, must be allowed to speak, though not vera, yet veri similia; though not true, yet likely things. Is it possible all these authors should thus speak of their several places, of a College of Presbyters acting in power with the Bishop, if at first Churches were governed only by a single Bishop and afterwards by subject Presbyters that had nothing to do in the rule of the Church, but were only deputed to some particular offices under him, which they were impowered to do only by his authority? But the joynt rule of Bishop and Presbyters in the Churches will be more largely deduced afterwards. Thus we see a Company of Presbyters settled in great Churches; now we are not to imagine that all these did equally attend to one part of their work, but all of them according to their several abilities laid out themselves; some in overseeing and guiding the Church; but yet so as upon occasion to discharge all pastoral acts belonging to their function; others betook themselves chiefly to the conversion of others to the faith, either in the Cities or the adjacent Countries. By which we come to a full, clear and easie understanding of that so much controverted place, 1 Tim. 5. 17. Οἱ καλῶς ᾠροῦντες πρεσβύτεροι διπλῆς τιμῆς ἀξίους εἶδον, μάλιστα οἱ κοπιῶντες ἐν λόγῳ καὶ διδασκαλίᾳ, The Elders that rule well are counted worthy of double honour, especially they that labour in the word and doctrine. Not as though it implied a distinct sort of Elders from the Pastors of Churches, but among those Elders that were ordained in the great Churches, some attended most

most to ruling the flock already converted, others laboured most in converting others to the faith by preaching; though both these being entred into this peculiar function of laying themselves forth for the benefit of the Church, did deserve both respect and maintenance; yet especially those who imployed themselves in converting others, in as much as their burden was greater, their labours more abundant, their suffering more; and their very office coming the nearest to the Apostolical function. So *Chrysostome* resolves it upon the fourth of the *Ephesians*, that those who were *καὶ κάμας καὶ πόλεις ἀφωτισμένοι*, as *Theodoret* expresseth it, the *περιμέντες καὶ διδασκαλοὶ*, the fixed officers of particular Churches were inferior to those who went abroad preaching the Gospel; καὶ πάνυ faith he πῶν περιτόνων καὶ εὐαγγελιζομένων αἰ κηθήμενοι καὶ ὡσεὶ ἓνα πόπυ ἡχοιμένοι. An evident argument that the Apostle doth not intend any sort of Elders distinct from these ordained Presbyters of the Cities, is from that very argument which the greatest friends to Lay-Elders draw out of this Epistle, which is from the promiscuous acception of the words *πρεσβύτερος* and *ἐπίσκοπος* in this very Epistle to *Timothy*: The argument runs thus: The Presbyters spoken of by *Paul* in his Epistle to *Timothy*, are Scripture Bishops; but Lay-Elders are not Scripture Bishops; therefore these cannot here be meant. The *major* is their own, from *1 Tim.* 3. 1. compared with 4. 14. Those which are called Presbyters in one place, are Bishops in another; and the main force of the argument lies in the promiscuous use of Bishop and Presbyter; now then if Lay-Elders be not such Bishops, then they are not *Pauls* Presbyters; now *Pauls* Bishops must be *διδασκαλικοὶ* fit to teach, and therefore no Lay-Elders. Again we may consider where *Timothy* now was, *viz.* at *Ephesus*, and therefore if such Lay-Elders anywhere, they should be there; Let us see then whether any such were here. It is earnestly pleaded by all who are for lay-Elders, that the Elders spoken of *Acts* 20. 17. were the particular Elders of the Church of *Ephesus*, to whom *Paul* spoke, *v.* 28. where we may find their office at large described. *Take heed therefore unto your selves, and all the flock over which God hath made you ἐπισκόπους Bishops or overseers.* Here both we see the names Elders and Bishops confounded again,

Chrysost. in
4. Eph.
hom. 11.

so that he that was an *Elder* was a *Bishop* too; and the office of such *Elders* described to be a *Pastoral charge over a flock*, which is inconsistent with the notion of a *Lay-Elder*. *Paul* sent indefinitely for the *Elders of the Church* to come to him; if any such then at *Ephesus*, they must come at this summons; all the *Elders* that came were such as were *Pastors* of Churches; therefore there could be no *Lay-Elders* there. I insist not on the argument for maintenance implied in double honour, which *Chrysostome* explains by τὸ ἀναγκαῖον χορηγίαν a supply of necessaries to be given to them, as appears by v. 18. which argument *Blondel* saw such strength in, that it brought him quite off from *Lay-Elders* in that place of *Timothy*. And he that will remove the controverſie from the Scriptures, to the *Primitive Church*, (as we have no reason to think that if such were appointed, they should be so soon laid aside) will find it the greatest difficulty to trace the foot-steps of a *Lay-Elder*, through the records of antiquity for the three first centuries especially. The writers of the Church speak of no *Presbyters* but such as preached, as appears by *Origen*, *Cyprian* and *Clement* of *Alexandria*; *Origen* saith, *Omnes Episcopi atque omnes Presbyteri vel Diaconi erudiunt nos, & erudientes adhibent correptionem, & verbis austerioribus increpant.* We see all *Bishops*, *Presbyters*, and *Deacons* were in his time preachers.

So *Cyprian*, *Et credideram quidem Presbyteros & Diaconos qui illic presentes sunt, monere vos & instruere plenissime circa Evangelii legem, sicut semper ab antecessoribus nostris factum est;* and in another *Epistle* about making *Numidicus* a *Presbyter*, he thus expresseth it, *ut ascribatur Presbyterorum Carthaginensium numero, & nobiscum sedeat in Clero;* where to sit as one of the *Clergy*, and to be a *Presbyter*, are all one. Again had there been any such *Elders*, it would have belonged to them to lay hands on those that were reconciled to the Church after *Censures*; now hands were only laid on *ab Episcopo & Clero*, as the same *Cyprian* tells us. *Clement* *Alexandrinus* describing the office of a *Presbyter*, hath these words, ἐπιπροσβύπερ ὅτι πρὸ ὄντι τῆ ἐκκλησίας, &c. εἰν ποιεῖν καὶ διδάσκειν τὰ τῆ κηρίας, where teaching is looked on as his proper work; And elsewhere more fully and expressly, discoursing

Le jure
plebis in re-
gim. Eccles.
p. 79. & c.

Orig. hom.
1. in Psal. 37.

Cyprian. l. 1.
ep. 11.

Ep. 35.

Ep. 12.

Strom. l. 6.
p. 667. ed.
Heins.

of the service of God, and distinguishing it according to the twofold service of men, *βελπωπικὴ καὶ ὑπερωπικὴ*, he applies these to the Church, *ὁμοίως δὲ καὶ κατὰ τὴν ἐκκλησίαν, τὴν μὲν βελ- Συrom. l. 7. παλικὴν οἱ πρεσβύτεροι σὺν ἑαυτοῖς εἰκόνα, τὴν ὑπερωπικὴν δὲ οἱ διάκονοι. P. 700.*

The former he explains afterwards, *ὅπως αὐτὴ καὶ παιδεύειν ἢ τελεγεῖται εἰς τὴν τῶν ἀνθρώπων ἐπανόρθωσιν.* *A Presbyter is one that is ordained or appointed for the instruction of others in order to their amendment,* implying thereby the office of a Presbyter to be wholly conversant about teaching others, to whom on that account the art of making others better doth properly belong. So much may suffice for those first times of the Church, that there were no Presbyters then but such as had the office of teaching. And for the times afterwards of the Church, let it suffice at present to produce the testimony of a Council held in the beginning of the seventh Century, who absolutely decree against all Lay persons meddling in Church affairs; *Nona aetione didicimus, quosdam ex nostro Collegio contra mores Ecclesiasticos, laicos habere in rebus divinis constitutos Oeconomos. Proinde pariter tractantes eligimus ut unusquisque nostrum secundum Chalcedonensium Patrum decreta, ex proprio Clero Oeconomum sibi constituat. Indecorum est enim Laicum esse vicarium Episcopi, & seculares in Ecclesia judicare; in uno enim eodemque officio non debet esse dispar professio.* A Canon directly level'd against all Lay Chancellours in Bishops Courts, and such Officials: But doth with the same force take away all Lay-Elders, as implying it to be wholly against the rule of the Church to have secular persons to judge in the Church. But although I suppose this may be sufficient to manifest the no divine right of Lay-Elders; yet I do not therefore absolutely condemn all use of some persons chosen by the people to be as their representatives, for managing their interest in the affairs of the Church. For now the voice of the people (which was used in the Primitive times) is grown out of use: Such a constitution, whereby two or more of the peoples choice might be present at Church debates, might be very useful, so they be looked on only as a prudential humane constitution, and not as any thing founded on Divine right. So much may serve for the first ground of the probability of the Apostles not

Concil. Hispal. 2. decre. 9.

observing one settled form of Church-Government, which was from the different state, quantity and condition of the Churches by them planted. The *second* was from the multitude of unfixed Officers residing in some places, who managed the affairs of the Church in chief during their Residence. Such were the Apostles and Evangelists and all persons almost of note in Scripture. They were but very few, and those in probability not the ablest, who were left at home to take care of the spoil; the strongest and ablest like *Commanders in an Army*, were not settled in any *Troop*, but went up and down from this company to that, to order them and draw them forth: and while they were, they had the chief authority among them; but as *Commanders of the Army*, and not as officers of the *Troop*. Such were Evangelists who were sent sometimes into this Countrey to put the Churches in order there, sometimes into another; but where ever they were, they acted as Evangelists and not as fixed Officers. And such were *Timothy* and *Titus*, notwithstanding all the opposition made against it, as will appear to any that will take an impartial survey of the arguments on both sides. Now where there were in some places Evangelists, in others not; and in many Churches it may be no other officers but these, it will appear, that the Apostles did not observe one constant form, but were with the Evangelists travelling abroad to the Churches, and ordering things in them as they saw cause. But as to this I have anticipated my self already. The *last* ground was from the *different custom* observed in the Churches, after the *Apostles times*. For no other rational account can be given of the different opinions of *Epiphanius*, *Jerome* and *Hilary*; but this, that one speaks of the custome of some Churches, and the other of others. In some as at *Alexandria*, the Presbyters might choose their Bishop; in other places it might be as *Hilary* saith, that when the first withdrew; another succeeded him. Not by a monthly or Annual rotation of *Presidents*, as some have imagined; but by a presidency for life of one, upon whose death another succeeded in his room. For the former opinion hath not any evidence at all for it in Scripture or Antiquity; or in the place brought to prove it. For according to this opinion, *Timothy* must have but his course in the

the rotation of Elders at Ephesus, which seems very incongruous to the office of Timothy. I conclude then that in all probability the Apostles tyed not themselves up to one certain course, but in some Churches settled more or fewer Officers as they saw cause, and in others governed themselves during life; and that at their death they did not determine any form, is probably argued from the different customes of several Churches afterwards.

The third Consideration touching Apostolical practice, is concerning the obligatory force of it in reference to us; which I lay down in these terms, *That a meer Apostolical practice being supposed, is not sufficient of it self for the founding an unalterable and perpetual right, for that form of Government in the Church, which is supposed to be founded on that practice.* This is a proposition I am sure, will not be yielded without proving it, and therefore I shall endeavour to do it by a fourfold argument. First, because many things were done by the Apostles without any intention of obliging any who succeed them afterwards to do the same, As for instance, the twelve Apostles going abroad so unprovided as they did when Christ sent them forth at first, which would argue no great wisdom or reason in that man, that should draw that practice into consequence now. Of the like nature was Pauls preaching ἀσκήσιον διαγγέλιον to some Churches, receiving no maintenance at all from some Churches, as that at Corinth. Which instance is a manifest evidence of the monstrous weakness of discourse in those who would make that example of Paul obligatory to all Ministers of the Gospel now. And while they would by this argument take away their Lands and tythes, instead of them, they give them *Plausura convitiarum*, whole loads of the most reproachful speeches that ever were given to any but Christ and his Apostles. For my part, I think the Ministers of the Gospel would want one of the badges of Honour belonging to their office, were they not thus reproachfully used; It is part of the State which belongs to the true Ministers of the Gospel to be followed by such blackmouthed Lacqueys, who by their virulent speeches are so far their friends as to keep them from that curse which our Saviour pronounceth, *Wo be unto you*

§. 20.

when all men speak well of you. But let us see how much wooll there is after all this cry; too little to cloath the backs of Ministers, if such persons might be their Tythe-men; but it is well they are so little befriended, yea so much opposed by the great Apostle, in that singular practice of his. For doth he say it was unlawful for him to receive a maintenance from the Churches he preached to? Nay doth he not set himself to prove not only the lawfulness of Ministers taking it, but the duty of the peoples giving it, 1 Cor. 9. from the seventh to the fifteenth verse, giving many pregnant arguments to that purpose? Doth he not say that all the Apostles besides him and *Barnabas*, did forbear working, and consequently had all their necessities supplied by the Churches? Nay doth not *Paul* himself say that he robbed other Churches, taking wages of them to do service to them? What *Paul* turned hireling, and in the plainest terms take wages of Churches? Yet so it is, and his forbearing it at *Corinth*, was apt to be interpreted as an argument that he did not love them, 2 Cor. II. 11. So far were they from looking upon *Paul* as a hireling in doing it. *Paul* is strong and earnest in asserting his right: he might have done it at *Corinth* as well as elsewhere; but from some prudent considerations of his own mentioned 2 Cor. II. 12. he forbore the exercise of his right among them, although at the same time he received maintenance from other places. As for any divine right of a particular way of maintenance, I am of the same opinion as to that which I am in reference to particular forms of Church government: and those that are of another opinion, I would not wish them so much injury, as to want their maintenance till they prove it. But then I say, these things are clear in themselves, and I think sufficient grounds for conscience as to the duty of paying on the one side, and the lawfulness of receiving it on the other. First that a maintenance in general be given to Gospel Ministers, is of Divine right: *else the labourer was not worthy of his hire*; nor could that be true which *Paul* saith, *that our Lord hath ordained, that they which preach the Gospel should live of the Gospel*. Secondly, A maintenance in general being due, Lawful Authority may determine the particular way of raising it; the equity

1 Cor. 9. 6.

2 Cor. 11. 8.

2 Cor. 11. 9.

1 Cor. 9. 14.

equity of which way may be best derived from what was the most ancient practice of the world in dedicating things to God, and was approved by God himself among his own people, the Jews: So that the way of maintenance by *Tythes* is the most just and equitable way. *Thirdly*, It being in the Magistrates power to determine the way of maintenance, what is so determined, doth bind the consciences of all subject to that power, to an obedience to it for conscience sake: In as much as all men are bound thus to obey the Magistrate in all things established by him as Laws; and the very same reasons any can plead for disobedience as to this, may equally serve for disobedience to any other Laws made by the supreme Magistrate. This I suppose is the clearest resolution of that other more vexed then intricate controversy about the right of *Tythes*; which I have here spoken of by occasion of the mention of the Apostles practice; and because it is resolved upon the same principles with the subject I am upon. Meer Apostolical practice we see doth not bind, because the Apostles did many things without intention of binding others. *Secondly*, the Apostles did many things upon particular occasions, emergencies and circumstances, which things so done, cannot bind by virtue of their doing them, any further then a parity of reason doth conclude the same things to be done in the same circumstances. Thus *Pauls Celibate* is far from binding the Church, it being no universal practice of the Apostles by a Law, but only a thing taken up by him upon some particular grounds, not of perpetual and universal concernment. So community of goods was used, at first by the Church of *Jerusalem* as most suitable to the present state of that Church; but as far as we can find, did neither perpetually hold in that Church, nor universally obtain among other Churches; as is most clear in the Church at *Corinth* by their Law-suits, by the different offerings of the rich and poor at the Lords Supper, and by their personal contributions. So the Apostles preaching from house to house, was for want of conveniency then of more publick places as free only for Christians; although that practice binds now as far as the reason doth; *viz.* in its tendency

1 Cor. 9. 5.

1 Cor. 6. 1.
11. 21, 22.
16. 2.

dency to the promoting the work of Salvation of mens souls. Laying on hands for conferring the gifts of the Holy Ghost can never certainly bind where the reason of it is ceased, but may still continue as a rite of solemn prayer, and not by virtue of that practice. Observing the Apostolical decrees of *abstaining from blood, and things strangled and offered to Idols*, did hold as long as the ground of making them did, which was condescension to the Jews, although it must be withall acknowledged that the Primitive Christians of the second and third Centuries did generally observe them; and the Greek Church to this day; and some men of note and learning have pleaded for the necessary observation of them still, as *Christ. Beoman, Steph. Curcellæus* in a *Diatriba* lately published to this purpose; to which *Grotius* is likewise very inclineable. Their arguments are too large here to examine, although I see not how possibly that place of *1 Cor. 10. 25.* *Paul* can be avoided. *Whatever is set in the shambles eat, making no scruple for conscience sake.*

Exercit. Theol. n. 26. Curcellæus de esu sanguinis, &c. Grotius in Act. 15. 29.

Part. I. chap. 1. f. 6.

I conclude this with what I laid down at the entrance of this Treatise, that where any act or Law is founded upon a particular reason or occasion as the ground of it, it doth no further oblige then the reason or occasion of it doth continue. Therefore before an acknowledged Apostolical practice be looked on as obligatory, it must be made appear that what they did, was not according as they saw reason and cause for the doing it, depending upon the several circumstances of time, place, and persons, but that they did from some unalterable Law of Christ, or from some such indispensable reasons, as will equally hold in all times, places, and persons. And so the obligation is taken off from Apostolical practice, and laid upon that Law and reason which was the ground of it. *Thirdly*, Offices that were of Apostolical appointment, are grown wholly out of use in the Church, without mens looking upon themselves as bound now to observe them. As the Widows of the Churches, afterwards from their office called Deaconesses of the Church, of which number *Phæbe* was one, whom *Paul* calls the Deaconess of the Church at *Cenchrea*: so both *Origen* and *Chrysostome* understand

1 Tim. 5. 9.

Rom. 16. 1.

stand it. Of them and their continuance in the Church for some Centuries of years, much is spoken by several Writers, and resolved by several Councils; and yet we see these are laid aside by the pretenders to hold close to Apostolical practice: if that binds, certainly it doth in its plain institutions; if it doth not bind in them, how can it in that which is only gathered but by uncertain conjectures to have been ever their practice? So that in the issue those who plead so much for the obligatory nature of Apostolical practice, do not think it obligatory; for if they did, how comes this office of Widows and Deaconesses to be neglected? If it be answered that these are not useful now; then we must say, that we look upon Apostolical practice to be binding no further then we judge it useful, or the reason of it holds; which is as much as to say of its self it binds not. *Fourthly*, Rites and customes Apostolical are altered; therefore men do not think that Apostolical practice doth bind. For if it did, there could be no alteration of things agreeable thereunto. Now let any one consider but these few particulars, and judge how far the pleaders for a divine right of Apostolical practice do look upon themselves as bound now to observe them: as Dipping in baptism, the use of Love-feasts, Community of goods, the Holy kifs, by **Tertullian* called *signaculum orationis*: yet none look upon themselves as bound to observe them now, and yet all acknowledge them to have been the practice of the Apostles: and therefore certainly though when it may serve for their purpose, men will make Apostolical practice to found a divine right: yet when they are gone off from the matter in hand, they change their opinion with the matter, and can then think themselves free as to the observation of things by themselves acknowledged to be Apostolical. Thus we are at last come to the end of this chapter, which we have been the longer upon, because the main hinge of this controverfie did lye in the practice of the Apostles, which I suppose now so far cleared as not to hinder our progress towards what remains; which we hope will admit of a quicker dispatch. We come therefore from the Apostles to the Primitive Church, to see whether by the practice of that we can find any thing whereby they looked on themselves as obliged by an unalterable Law to observe any one particular form of Church Government.

Plin. ep. l. 10. ep. 97. Theod. l. 3. cap. 14. Sozom. l. 4. cap. 24. Codex Theod. leg. 27. tit. de Epis. Conc. Chalco. cap. 14. Conc. Normat. cap. 73. Epi. her. 79. V. Justell. Not. in Can. Univers. Eccles. p. 154. &c. Vossium in Plin. ep. 97. l. 10. Satmaf. in Apparat. p. 176.

* *De Grat.*

CHAP. VII.

The Churches Polity in the ages after the Apostles considered: Evidences thence that no certain unalterable form of Church-Government was delivered to them. 1. Because Church power did enlarge as the Churches did. Whether any Metropolitan Churches established by the Apostles. Seven Churches of Asia, whether Metropolitan; Philippi no Metropolis either in civil or Ecclesiastical sense. Several degrees of enlargement of Churches. Churches first the Christians in whole Cities, proved by several arguments; the Eulogia an evidence of it. Churches extended into the neighbour territories by the preaching there of City Presbyters; thence comes the subordination between them. Churches by degrees enlarged to Diocesses; from thence to Provinces. The original of Metropolitans and Patriarches. 2. No certain form used in all Churches. Some Churches without Bishops, Scots, Goths. Some with but one Bishop in their whole Countrey. Scythian, Æthiopian Churches, how governed. Many Cities without Bishops. Diocesses much altered. Bishops discontinued in several Churches for many years. 3. Conforming Ecclesiastical Government to the Civil, in the extent of Diocesses. The suburbicarian Churches what. Bishops answerable to the civil Governours. Churches power rise from the greatness of Cities. 4. Validity of ordination by Presbyters in places where Bishops were. The case of Ischyra discussed; instances given of ordination by Presbyters not pronounced null. 5. The Churches prudence in managing its affairs, by the several Canons, Provincial Synods, Codex Canonum.

§. 1.

HAVING largely considered the actions of Christ, and the practice of the Apostles, so far as they are conceived to have reference to the determining the certain form of Government in the Church; our next Stage is, according to our propounded method, to examine what light the practice of the Church in the Ages succeeding the Apostles will cast upon the controversy we are upon. For although according to the principles established and laid down by us, there

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can be nothing settled as an universal Law for the Church but what we find in Scriptures; yet because the general practice of the Church is conceived to be of so great use for understanding what the Apostles *intentions* as well as *actions* where, we shall cheerfully pass over this *Rubicon*, because not with an intent to increase divisions, but to find out some further evidence of a way to compose them. Our Inquiry then is whether the primitive Church did conceive its self obliged to observe unalterably one individual form of Government, as delivered down to them either by a Law of Christ, or an universal constitution of the Apostles; or else did only settle and order things for Church Government according as it judged them tend most to the peace and settlement of the Church, without any antecedent obligation, as necessarily binding to observe only one course. This latter I shall endeavour to make out to have been the only rule and Law which the Primitive Church observed as to Church-Government. *viz.* the tendency of its constitutions to the peace and unity of the Church; and not any binding Law or practice of Christ or his Apostles. For the demonstrating of which I have made choice of such arguments as most immediately tend to the proving of it. For *if the power of the Church and its officers did increase merely from the enlargement of the bounds of Churches; if no one certain form were observed in all Churches; but great varieties as to officers and Diocesses; if the course used in settling the power of the chief officers of the Church was from agreement with the civil government; if notwithstanding the superiority of Bishops, the ordination of Presbyters was owned as valid; if in all other things concerning the Churches Polity, the Churches prudence was looked on as a sufficient ground to establish things,* then we may with reason conclude that nothing can be inferred from the practice of the Primitive Church, Demonstrative of any one fixed form of Church Government delivered from the Apostles to them. Having thus by a light *οριαγραφία* drawn out the several lines of the pourtraiture of the Polity of the ancient Church, we now proceed to fill them up, though not with that *life* which it deserves, yet so far as the model of this discourse will permit. Our first argument then is *from the*

rise of the extent of the power of Church Governours, which I assert not to have been from any order of the Apostles, but from the gradual increase of the Churches committed to their charge. This will be best done by the observation of the growth of Churches, and how proportionably the power of the Governours did increase with it. As to that, there are four observable steps or periods as so many ages of growth in the Primitive Churches. *First*, when Churches and Cities were of the same extent. *Secondly*, when Churches took in the adjoining territories with the villages belonging to the Cities. *Thirdly*, when several Cities with their villages did associate for Church-Government in the same province. *Fourthly*, When several provinces did associate for Government in the Roman Empire. Of these in their order.

§. 2.

The first period of Church-Government observable in the primitive Church, was *when Churches were the same with Christians in whole Cities*. For the clearing of this, I shall first shew that the primitive constitution of Churches was in a society of Christians in the same City. *Secondly*, I shall consider the form and manner of Government then observed among them. *Thirdly*, consider what relation the several Churches in Cities had to one another. *First*, *That the Primitive Churches were Christians of whole Cities*. It is but a late and novel acception of the word *Church*, whereby it is taken for stated fixed congregations for publick worship; and doubtless the original of it is only from the distinction of Churches in greater Cities into their several *κωνάκια* or publick places for meeting, whence the Scotch *Kirk*, and our English *Church*; so that from calling the place *Church* they proceed to call the persons there meeting by that name; and thence some think the name of Church so appropriated to such a society of Christians as may meet at such a place, that they make it a matter of religion not to call those places *Churches*, from whence originally the very name, as we use it, was derived. But this may be pardoned among other the religious weakneses of well meaning but less knowing people. A Church in its primary sense as it answers to the Greek *ἐκκλησία*, applied to Christians, is a Society of Christians living together in one City; whether meeting

meeting together in many Congregations or one, is not at all material; because they were not called a Church as meeting together in one place, but as they were a society of Christians inhabiting together in such a City: not but that I think a society of Christians might be called a Church, where ever they were, whether in a City or Country, but because the first and chief mention we meet with in Scripture of Churches, is of such as did dwell together in the same Cities; as is evident from many pregnant places of Scripture to this purpose. As *Acts* 14. 23. compared with *Titus* 1. 5. κατ' ἐκκλησίαν in one place, is the same with κατὰ πόλιν in the other. *Ordaining Elders in every Church, and ordaining Elders in every City*; which implies that by Churches then were meant the body of Christians residing in the Cities: over which the Apostles ordained Elders to rule them. So *Acts* 16. 4, 5. *As they went through the Cities, &c. and so were the Churches established in the faith.* The Churches here were the Christians of those Cities which they went through. So *Act.* 20. 17. *He sent to Ephesus and called the Elders of the Church.* If by the Elders we mean as all those do we now deal with, the Elders of *Ephesus*, then it is here evident that the Elders of the Church and of the City are all one; but what is more observable, *vers.* 28. he calls the Church of that City, τὸ ποίμνιον ὡς ἐσέχετε ἐν ἑαυτοῖς καὶ πρὸς τὴν ποίμνιαν ἐν ᾧ ὑμεῖς τὸ πνεῦμα ἔδειτο ἐπίσκοπος, ποιμαίνειν ἢ ἐκκλησίαν τοῦ θεοῦ. *Take heed to your selves, and to the flock over which God hath made you overseers, to feed the Church of God.* Where several things are observable to our purpose; first, that the body of Christians in *Ephesus* is called τὸ ποίμνιον and ἡ ἐκκλησία, the flock and the Church, and not the several flocks and Churches, over which God hath made you Bishops. *Secondly*, that all these spoken to were such as had a pastoral charge of this one flock; *Paul* calls them ἐπίσκοποι, and chargeth ποιμαίνειν, *to do the work of a Pastor* towards it. So that either there must be several Pastors taking the pastoral charge of one congregation which is not very suitable with the principles of those I now dispute against; or else many congregations in one City are all called but one Church, and

one flock, which is the thing I plead for. And therefore it is an observation of good use to the purpose in hand, that the New Testament speaking of the Churches in a Province, alwaies speaks of them in the Plural number as *the Churches of Judea*, 1 Gal. 22. 1 Thes. 2. 14. *The Churches of Samaria and Gallilee*. Act. 9. 31. *The Churches of Syria and Cilicia*. Act. 15. 41. *The Churches of Galatia*, 1 Cor. 16. 1. Gal. 1. 1, 2. *The Churches of Asia*. Rom. 16. 16. Rev. 1. 11. But when it speaks of any particular City, then it is alwaies used in the Singular number as *the Church at Jerusalem*. Act. 8. 1. ----- 15. 4, 22. *The Church at Antioch*. Act. 11. 26. ----- 13. 1. *The Church at Corinth*. 1 Cor. 1. 2. 2 Cor. 1. 1. and so of all *the seven Churches of Asia*, *the Church of Ephesus*, *Smyrna*, &c. So that we cannot find in Scripture the least footstep of any difference between a Church and the Christians of such a City; whereas had the notion of a Church been restrained to a particular congregation, doubtless we should have found some difference as to the Scriptures speaking of the several places. For it is scarce imaginable that in all those Cities spoken of, as for example *Ephesus*, where *Paul* was for above two years together, that there should be no more converts then would make one Congregation. Accordingly in the times immediately after the Apostles, the same language and custome continued still. So *Clement* inscribes his Epistle ἡ ἐκκλησία τῆ θεῦ παροικῶσα Ρώμην τῇ ἐκκλησίᾳ τῆ θεῦ παροικῶσιν Κόρινθον, *The Church of God which is at Rome, to the Church of God which is at Corinth*. So by that it is plain that all the believers at that time in *Rome*, made up but one Church, as likewise did they at *Corinth*. So *Polycarp* in the Epistle written by him from the Church at *Smyrna* to the Church at *Philomilium*, Ἡ ἐκκλησία τῆ θεῦ ἡ παροικῶσα Σμύρναν τῇ παροικῶσιν ἐν Φιλιπποῦσι and so in his Epistle to the *Philippians*, Πολύκαρπος καὶ οἱ συν' αὐτῷ πρεσβύτεροι, τῇ ἐκκλησίᾳ παροικῶσιν Φιλιππίαις. *Polycarp and the Elders with him to the Church which is at Philippi*. *Origen* compares the Church of God at *Athens*, *Corinth*, *Alexandria*, and other places with the people of those several Cities; and so the *Churches Senate* with the peoples, and the Churches ἀρχὸν &c. (that is his word) *chief ruler*, with the *Major* of those Cities

Euseb. l. 4.
cap. 13.

Usser. Ignat.
ep. p. 13.

C. Celsam.
l. 3. p. 128.

Cities ; implying thereby that as there was one civil society in such places to make a City, so there was a society of Christians incorporated together to make a Church. So that a Church settled with a full power belonging to it, and exercising all acts of Church-discipline within its self, was anciently the same with the society of Christians in a City. Not but that the name Church is attributed sometimes to families, in which sense *Tertullian* speaks, *ubi duo aut tres sunt, ibi Ecclesia est, licet Laici*: And may on the same account be attributed to a small place, such as many imagine the Church of *Cenchrea* to be, it being a Port to *Corinth* on the *Sinus Saronicus* ; but *Stephanus Byzantinus* calls it πόλις ἔδρινας Κορίνθου. *Suidas* saith no more of it then that it is ὄρημα τῶν. *Strabo* and *Pansanias* only speak of the situation of it, as one of the ports of *Corinth*, lying in the way from *Tegæa* to *Argos* ; nor is any more said of it by *Pliny*, then that it answers to *Lechaum* the port on the other side upon the *Sinus Corinthiacus*. *Ubb Emmius* in his description of old Greece calls both of them *oppidula duo cum duobus præclaris portubus in ora utriusq; maris*, but withal adds that they were *duo urbis emporia*, the two *Marts* of *Corinth* ; therefore in probability, because of the great Merchandise of that City, they were much frequented. *Cenchrea* was about twelve furlongs distance from *Corinth* ; Where *Pareus* conjectures the place of the meeting of the Church of *Corinth* was, because of the troubles they met with in the City, and therefore they retired thither for greater conveniency and privacy : which conjecture will appear not to be altogether improbable, when we consider the furious opposition made by the *Jews* against the *Christians* at *Corinth*, *Aëtis* 18. 12. and withal how usual it was both for *Jews* and *Christians* to have their place of meeting at a distance from the City. As *Aëtis* 16. 13. *They went out from Philippi to the rivers side, where there was a Proseucha, or a place of prayer, where the Jews of Philippi accustomed to meet.* According to this interpretation the Church at *Cenchrea* is nothing else but the Church of *Corinth* there assembling : as the *Reformed Church* at *Paris* hath their meeting place at *Charenton*, which might be called the Church of *Charenton* from their publick Assemblies there, but the Church of

Exhort. ad cultit.

Steph. de Urbibus.

Strabo Geogr. l. 8.

Paus. Corinth. p. 44.

Plin. Hist. l. 4. c. 4.

Emmius de Græc. Vet. l. 2.

Pareus in Rom. 16. 1.

V. Heinf. Exercit. sacr. l. 5. cap. 10.

Paris from the Residence of the chief officers and people in that City. So the Church of *Corinth* might be called the Church at *Cenchrea* upon the same account, there being no evidence at all of any settled Government there at *Cenchrea* distinct from that at *Corinth*. So that this place which is the only one brought against that position I have laid down, hath no force at all against it. I conclude then that Churches and Cities were originally of equal extent, and that the formal constitution of a Church lies not in their capacity of assembling in one place, but acting as a society of Christians imbodyed together in one City, having Officers and Rulers among themselves, equally respecting the whole number of believers: Which leads to the *second* thing, *the way and manner then used for the modelling the government of these Churches:* Which may be considered in a double period of time, either before several Congregations in Churches were settled, or after those we now call *Parishes*, were divided. First, before distinct congregations were settled; and this as far as I can find, was not only during the Apostles times, but for a competent time after, generally during the persecution of Churches. For we must distinguish between such a number of believers as could not conveniently assemble in one place, and the distributing of believers into their several distinct Congregations. I cannot see any reason but to think that in the great Churches of *Jerusalem*, *Antioch*, *Ephesus* and the like, there were more believers then could well meet together, considering the state of those times; but that they were then distributed into their several *ἑκατονταίαι* or *Centuries* (as the *Athenians*, and *Romans* divided their people) *i.e.* into several worshipping Congregations with peculiar officers, I see no reason at all for it. They had no such conveniencies then of settling several congregations under their particular Pastors: but all the Christians in a City looked upon themselves as one body, and met together as occasion served them, where either the chief of the Governours of the Church, the *πρεσβυτεροι* in *Justin Martyrs* language, did perform the solemn part of divine worship, or some other of the *Elders* that were present with them. Is it not strange for men to dream of set times, and Canonical hours, and publick places of Assemblies at that time, when their

their chief times of meeting were in the night, or very early in the morning, which *Pliny* calls *conventus antelucanos*, whence they were called *latebrosa & lucifugax natio*; and were fain to make use of wax-lights: (which from that custom the Papists continue still in their *Tapers* always burning upon the *Altar*, from what reason I know not, unless to shew the darkness of error and superstition which that Church lies under still) and the places of the Christians meetings were generally either some private rooms, or some *grotts* or *Cryptæ*, vaults under ground where they might be least discerned or taken notice of; or in the *Cæmeteria*, the *Martyrum memorie*, as they called them, where their common assemblies were. Thence *Pontius Paulinus*, speaking of the Edict of *Valerian* against the Christians, *Jussum est ut nulla conciliabula faciant, neque cæmeteria ingrediantur*. Indeed when they had any publick liberty granted them, they were so mindful of their duties of publick profession of the faith, as to make use of publick places for the worship of God, as appears by *Lampridius* in the life of *Alexander Severus*. *Quum Christiani quendam locum qui publicus fuerat occupassent, contra popinarii dicerent, sibi eum deberi, rescripsit melius esse ut quomocunque illic Deus colatur, quam popinariis dedatur*. But in times of persecution it is most improbable that there should be any fixed Congregations and places, when the Christians were so much hunted after, and inquired for, as appears by the former Epistle of *Pliny* and the known Rescript of *Trajan* upon it, so much exagitated by *Tertullian*. They did meet often it is certain, *ad confederandum disciplinam*, at which meetings *Tertullian* tells us, *President probati quique seniores*, which he elsewhere explains by *Confessus ordinis*, the bench of officers in the Church, which did in common consult for the good of the Church, without any *Cantonizing* the Christians into several distinct and fixed Congregations. But after that believers were much increased, and any peace or liberty obtained, they then began to contrive the distribution of the work among the several Officers of the Church, and to settle the several bounds over which every Presbyter was to take his charge; but yet so, as that every Presbyter retained a double aspect of his office, the one particular to his charge, the other general respecting the Church

Ep. 95. l. 10.
Tertul. de
Cor. Militis.
ad uxor.
l. 2. c. 4.
V. Vossium
in Plin. ep.
p. 45.
V. Gersom.
Bucer. de
gubern. eccl.
p. 220, & c.
V. Justell.
Nor. in Cod.
Can. Eccles.
un p 200.
& Blondell
Ap. s. 3.
de Basil.
origine p.
216. p. 243.
p. 131. ed.
cl. Salmaf.

Apol. c. 2.

in common. For it is but a weak conceit to imagine that after the settling of Congregations, every one had a distinct Presbyterie to rule it, which we find not any obscure footsteps of in any of the ancient Churches; but there was still one *Ecclesiastical Senate* which ruled all the several Congregations of those Cities in common, of which the several Presbyters of the Congregations were members, and in which the Bishop acted as the *President* of the *Senate*, for the better governing the affairs of the Church. And thus we find *Cornelius* at *Rome* sitting there *cum florentissimo Clero*: thus *Cyprian* at *Carthage*, one who pleads as much as any for obedience to Bishops, and yet none more evident for the presence and joint concurrence and assistance of the Clergy at all Church debates; whose resolution from his first entrance into his Bishoprick was to do all things *communi concilio Clericorum*, with the Common-Council of the Clergy; and says they were *cum Episcopo sacerdotali honore conjuncti*. *Victor* at *Rome* decreed *Easter* to be kept on the Lords day, *collatione facta cum Presbyteris & Diaconibus* (according to the Latin in that age) as *Damasus* the supposed Author of the lives of the Popes tells us. In the proceedings against *Novatus* at *Rome*, we have a clear testimony of the concurrence of Presbyters: where a great Synod was called, as *Eusebius* expresseth it, of *sixty Bishops*, but more *Presbyters* and *Deacons*: and what is more full to our purpose, not only the several Presbyters of the City, but the Country Pastours (*ὅσ τε χωρὰν ποιμένων διακονούντων*) did likewise give their advice about that business. At this time *Cornelius* tells us there were forty six Presbyters in that one City of *Rome*, who concurred with him in condemning *Novatus*. So at *Antioch* in the case of *Paulus Samosatenus* we find a Synod gathered, consisting of *Bishops, Presbyters and Deacons*, and in their name the *Synodal Epistle* is penned and directed by the same in all the Catholick Church. At the Council of *Eliberis* in *Spain*, were present but nineteen Bishops and twenty six Presbyters. The case between *Sylvanus* Bishop of *Cirta* in *Africk*, and *Nundinarius* the Deacon, was referred by *Purpurius* to the Clergy to decide it. For the presence of Presbyters at Synods, instances are brought *ὅλω τε ἑλευθέρω* by *Blondell* in his *Apology*. And that they concurred

Epigr. ep.
f. 21.

Ep. 6. 10.
18, 24, 33,
34, 28, 32.

Ep. 58.

Apud Bin.
To. 1 Conc.
p. 92.

Ecles. hist.
l. 6. cap. 43.

Ecles. hist.
l. 7. cap. 30.

Apud. Nun.
sub Zenoph.
Consul.

P. 200.

red.

red in governing the Church, and not only by their *counsel* but *authority*, appears from the general sense of the Church of God, even when Episcopacy was at the highest: *Nazianzen* speaking of the office of Presbyters, ἄτε λειψορίαν ἤ λείψεν ἔτε ἡγῳρίαν, he knew not whether to call it, *Ministry* or *Superintendency*, and those who are made Presbyters, ἐπὶ τῷ ἀρχῶν ἀναβδίνεσθ ἀπὸ τῶ ἀρχῶν, from being ruled, they ascend to be rulers themselves. And their power by him is in several places called *Ψυχῶν ἡγῳρία*, *προσασία*, *προεδεία* they are called by him, *ποιμένες*, *ιερεῖς*, *προεσῶτες*, *προσῦται*, *ἀρχῳγες*. *Chrysofome* gives this as the reason of *Pauls* passing over from *Bishops* to *Deacons* without naming Presbyters, ὅτι ἔ ποὺ τὸ μέσον· ἢ γὰρ ἢ αὐτοὶ διδασκαλίαν εἶσιν ἀναδεδεγμένοι, ἢ προσασίαν τῆς ἐκκλησίας. *Because there is no great matter of difference between a Bishop and Presbyters, for these likewise have the instruction and charge of the Church committed to them; which words Theophylact, Chrysofomes Echo, repeats after him, which the Council of Aquen thus expresseth, Presbyterorum vero qui presunt Ecclesie Christi ministerium esse videtur, ut in doctrina presunt populis & in officio predicandi, nec in aliquo desides inventi appareant. Clemens Alexandrinus* before all these, speaking of himself and his fellow Presbyters, Ποιμένες ἐσμεν οἱ τῶν ἐκκλησιῶν προηγούμενοι. *We are Pastors, and Rulers of the Churches.* And that proper acts of discipline were performed by them, appears both by the *Epistles* of the *Roman Clergy* about their preserving discipline to *Cyprian*, and likewise by the act of that Clergy in excluding *Marcion* from communion with them. So the Presbyters of the Church of *Ephesus* excommunicated *Noetus*; for after they had cited him before them, and found him obstinate in his heresie, ἐξέσωσαν αὐτὸν τῆ ἐκκλησίας ἅμα τοῖς ἰσὺ ἀπὸ ὄργια μαθητευμένους, they put both him and his Disciples out of the Church together. Thus we see what the manner of Government in the Church was now: The Bishop sitting as the *ΚΩ* in the *Sanhedrin*, and the Presbyters ὡς συνεδρευτοὶ τῶν ἐπισκόπων, as *Ignatius* expresseth it, acting as the *Common-council* of the Church to the Bishop; the Bishop being as the ἀρχῶν τῆ ἐκκλησίας, answering to the ἀρχῶν τῆ πόλεως and the Presbytery as the

Orat p. 3.

P 34 37. 41.

P. 29. 42.

In 1 Tim. hom. 11.

Conc. Aquif. cap. 5.

Padag. l. 1. cap. 6.

Epiph. bar. 42.

Id heres. 57. c. 1.

βελὴ τῆς ἐκκλησίας, answering to the βελὴ καθ' ἐπίλω πάλιν, as *Origen* compares them. Whereby he fully describes the form of Government in his time in the Church, which was by an *Ecclesiastical Senate*, and a *President* in it, ruling the Society of Christians in every city. So that the Presbytery of a great City joyning together for government, were never accounted a *Provincial Assembly*, but only the *Senate* for government of the Church in the whole City. The erecting Presbyteries for every particular congregation in a City, is a stranger to the ancient constitution of Churches, and hath given the greatest rise to the independency of particular congregations. For if every particular congregation be furnished with a government within its self, then men are apt presently to think that there is no necessity of subordination of it to any higher Church-power. Whereas if that primitive constitution of Churches be held, that they are societies of Christians under an *Ecclesiastical Senate* in a City, then it is evident that the congregations must *truckle* under the great body, as receiving their government by, and their officers from that Senate of the Church, which superintends, and orders the affairs of that whole body of Christians residing in such a place. And this crumbling of Church power into every congregation is a thing absolutely disowned by the greatest, and most learned *Patrons* of *Presbyterie* beyond the Seas: as may be seen both in *Calvin*, *Beza*, *Salmastius*, *Elondel*, *Gersome*, *Eucer* and others. It is much disputed when the first division of Parochial congregations in Cities began; *Platina* attributes it to *Evaristus*, and so doth *Damasus*, *Hic titulos in urbe Roma divisit Presbyteris*. He divided the several Parish Churches to the Presbyters; these were called then *tituli*; *Baronius* gives a double reason of the name; either from goods belonging to the Princes *Exchequer*, which have some sign imprinted upon them that it may be known whose they are; so saith he, the sign of the Cross was put upon the Churches to make it known that they were devoted to Gods-service; or else they are called *Tituli*, because the several Presbyters did receive their titles from them; but by the Leave of the great *Cardinal*, another reason may be given of the name more proper then

A. Rom.
 112. n. 4, 5, 6.

then either of these. It hath been observed by learned men, that the general meetings of the Christians were in the *Cæmeterie* or dormitories of Christians; so they called the Sepulchres then, which were great and capacious *vaults* fit to receive many people in them; two chief grounds of the Christians meeting in those places; the first was their own security, because the heathens looked on it as a matter of religion ——— *manes temerare sepultos*, to disturb the ashes of the dead; but the chief reason was to encourage themselves to suffer martyrdom by the examples of those who had gone before them, and lay buried there; thence they were called *Martyrum memorie*, because they did' call to mind their actions and constancy in the faith. Now from these *Cæmeteria* was afterwards the original of Churches (whence persons most revered for piety, were wont still to be buried in Churches, not for any holiness of the place, but because in such places the Martyrs lay buried) the Churches being raised over the vaults wherein the Martyrs lay intombed. Now Churches being raised from these *Cæmeteries*, which were called *memorie martyrum*; that they might still retain somewhat itimating their former use, were called *Tituli*.

For *Titulus* as *Santius* observes, is *signum aliquod aut monumentum, quod docet ibi latere aliquid aut accidisse, cujus volumus perire memoriam*; thence statutes are called *tituli*. So Gen. 35. 20. *erexit Jacob titulum super sepulchrum*, as the Vulg. Lat. renders it and Gen. 28. 18. *Surgens ergo Jacob mane tulit lapidem quem supposuerat capiti suo, & erexit in Titulum*. So *Absalom* 2 Sam. 18. 18. *erexit sibi titulum*. So that what was erected to maintain and preserve the memory of any thing, was called *Titulus*; and thence the Churches being built upon the *Cæmeteries* of the Martyrs, were on that account called *Tituli*; because intended for the preservation of their memories. This account of the original of the name I leave to the judgement of learned men; but to proceed; I confess it seems not probable to me that these *tituli* were so soon divided as the time of *Evaristus*, who lived in the time of *Trajan* when the persecution was hot against the Christians; but *Damasus* seems not to believe himself; for in the life of *Dionysius*, he saith, *Hic Presbyteris ecclesius di-*

in Ezek.
39. 15.

visit, cœmeteria, parœcias, & diœceses instituit; but most probably it began as soon as the Churches enjoyed any ease and peace, it being so necessary for the convenient meeting of such a multitude of Christians as there was then. In the life of *Marcellus* about forty years after *Dionysius*, we read of twenty five *Titles* in the Church of *Rome*; of which number what use is made for interpreting the number 666. may be seen in *Mr. Potters* ingenuous tract on that subject. But when afterwards these *titles* were much increased, those Presbyters that were placed in the ancient *titles* which were the chief among them, were called *Cardinales Presbyteri*, which were then looked on as chief of the Clergy, and therefore were the chief members of the Council of Presbyters to the Bishop. So that at this day, the *Conclave* at *Rome* and the Popes *Coffitory* is an evident argument in this great degeneracy of it, of the primitive constitution of the Government of the Church there, by a Bishop acting with his Colledge of Presbyters. Neither was this proper to *Rome* alone, but to all other great Cities, which when the number of Presbyters was grown so great, that they could not conveniently meet, and joyn with the Bishop, for ordering the Government of the Church, there were some as the chief of them chosen out from the rest, to be as the Bishops Council, and these in many places as at *Milan, Ravenna, Naples, &c.* were called *Cardinales presbyteri*, as well as at *Rome*; which were abrogated by *Pius Quintus* 1568: but the memory of them is preserved still in Cathedral Churches, in the *Chapter* there, where the *Dean* was nothing else but the *Archipresbyter*, and both *Dean* and *Prébendaries* were to be assistant to the Bishop in the regulating the Church affairs belonging to the City, while the Churches were contained therein. So much shall suffice for the model of Government in the Churches while they were contained within the same precincts with the City it self.

V. Onuphri-
um de epif-
cop. titul.
& Div.
Cardinalium.

§. 3.

We come in the third place to consider what relation these Churches in great Cities had one to another, and to the lesser Cities which were under them. And here the grand question to be discussed is this, Whether the Churches in greater Cities by Apostolical institution, had the Government Ecclesiastical,

clerical, not only of the lesser villages under them; but likewise of all lesser Cities under the civil jurisdiction of the *Metropolis*. The affirmative is of late asserted by some persons of great renown and learning. The first I find maintaining this *hypothesis* of the divine right of *Metropolitans*, is *Fregevilens Gantius* one of the Reformed Church of *France*, who hath spent a whole Chapter in his *Palma Christiana* to that purpose, and hath made use of the same arguments which have been since improved by all the advantages which the learning of a *Reverend Doctor* could add to them. But because this principle manifestly destroys the main foundation of this discourse, it is here requisite to examine the grounds on which it stands, that thereby it may be fully cleared whether the subordination of less Churches to greater, did only arise from the mutual association of Churches among themselves, or from Apostolical appointment and institution. The two pillars which the divine right of *Metropolitans* is built upon, are these. First that the Cities spoken of in the New Testament, in which Churches were planted, were *Metropoles* in the civil sense. Secondly, that the Apostles did so far follow the model of the civil Government as to plant *Metropolitan Churches* in those Cities. If either of these prove infirm, the fabrick erected upon them, must needs fall; and I doubt not but to make it appear that both of them are. I begin with the first. The notion of a *Metropolis* is confessed to be this, a City wherein the Courts of a Civil judicature were kept by the Roman Governors, under whose jurisdiction the whole Province was contained. The Cities chiefly insisted on, are the seven Cities of the *Lydian Asia*, and *Philippi* which is called *πρώτη πόλις Μακεδονίας*. As for the Cities of the *Proconsular Asia*, although the bounds and limits of it are not so clear as certainly to know whether all these Cities were comprehended under it or no, *Strabo* telling us that *Phrygia*, *Lydia*, *Caria* and *Mysia* are *νοσηδία ἀναπύουτα εἰς ἀλλήλα* *Geogr* l. 13. very hard to be distinguished from one another; it being true of all four which was said of *Mysia* and *Phrygia*,

*Χορὸς τὰ Μυσιῶν καὶ Φρυγῶν ὄρεσμά τε
 τὸ ἢ διορίζειν χαλεπόν.*

The *Phrygian* and *Mysian* borders are distinct; but it is hard to find them out. For *Laodicea* is by *Ptolomy* referred to *Caria*, *Strabo* and many others place it in *Phrygia*, only *Stephanus Bizantinus* placeth it in *Lydia*; but granting all that is produced by the late most excellent Primate of *Armagh* in his learned discourse of the *Proconsular Asia*, to prove all these seven Cities to be in the bounds of this *Lydian Asia*, yet it is far from being evident that all these Cities were *Metropoles* in the civil sense. For *Strabo* tells us, that the Romans did not divide these places by Nations, but according to the *Diocesses* wherein they kept their Courts and exercised judicature. These Cities wherein the Courts of judicature were kept, were the *Metropoles*, and mother Cities. Of five of them, *Laodicea*, *Smyrna*, *Sardis*, *Ephesus* and *Pergamus*, *Pliny* saith that the *conventus*, the civil Courts were kept in them: and they had jurisdiction over the other places by him mentioned; but for the other two, *Thyatira* and *Philadelphia*, *Philadelphia* is expressly mentioned as one of those Cities which was under the *jurisdictio Sardiniana*; so far was it from being a *Metropolis* of its self; and *Thyatira* mentioned as one of the ordinary Cities, without any addition of honour at all to it. And for *Philadelphia*, it was so far unlikely to be a *Metropolis*, that *Strabo* tells us it was *σεισμῶν πάρος*, very subject to earth-quakes, and therefore had very few inhabitants; those that are, live most part in the fields, where they have *εὐδαίμονα γῆν* a very rich soil: but *Strabo* for all that, wonders at the boldness of the men that durst to venture their lives there; and most of all admires what was in those mens heads who first built a City there. Is it then any ways probable that this should be chosen for a *Metropolis*, in such an abundance of fair and rich Cities as lay thereabout? But a *Salvo* is found out for *Plinyes* not mentioning them as *Metropoles*, because the addition of these two in other Cities, seemeth to have been made when *Vespasian* added those many new *Provinces* to the old Government which *Suetonius* speaks of; but this *Salvo* doth not reach the fore; for first *Pliny* wrote his natural history, not in the beginning, but toward the latter end of the Empire of *Flavius Vespasianus*, when *Titus* had been six times *Consul*

Geog. l. 13.
p. 432. ed.
As. Causab.

Nat. hist.
l. 5. c. 29.
c. 30.

Sueton. in
Vespan. c. 8.

as he himself saith in his Preface ; therefore if there had been any such change, *Pliny* would have mentioned it. Secondly, the *Provinces* added by *Vespasian* are expressly set down by *Suetonius*, viz. *Achaia*, *Lycia*, *Rhodus*, *Byzantium*, *Samos*, *Thracia*, *Cilicia*, *Comagena* ; not the least mention of the *Lydian* or *Proconsular Asia*, or any alteration made in the *Metropolis* there. But yet there is a further attempt made to make *Philadelphia* a *Metropolis*, which is from a subscription of *Eustathius* in the Council of *Constantinople* sub *Menna*, *act. 5.* who calls himself the Bishop of the *Metropolis* of *Philadelphia* ; but what validity there is in such a subscription in the time of the fifth Century to prove a *Metropolis* in the first, let any one judge that doth but consider how common a thing it was to alter *Metropoles*, especially after the new disposition of the Roman Empire by *Constantine* : But if we do stand to the *Notitia* to determine this controversy, which are certainly more to be valued than a single subscription, the *Metropolitanship* of these Cities of the *Lydian Asia* will be irrecoverably overthrown. For in the old *Notitia* taken out of the *Vatican MS.* and set forth with the rest by *Carolus à Sancto Paulo* in his *Appendix* to his *Geographia sacra*, *Ephesus* is made the *Metropolis* of the Province of *Asia*, *Sardis* of *Lydia*, *Laodicea* of *Phrygia Capatiana*, as it is there written for *Pacatiana* ; but *Pergamus* placed in the Province of *Cesarea Capadocia*, *Philadelphia* under *Sardis*, with *Thyatira*. In the *Notitia* attributed to *Hierocles* under the *Metropolis* of *Ephesus* is placed *Smyrna* and *Pergamus*, under *Sardis Thyatira* and *Philadelphia* : so likewise in the *Notitia* of the French Kings Library. So that neither in the Civil nor Ecclesiastical sense can we find these seven Cities to be all *Metropoles*. We therefore observe *St. Pauls* course, and leaving *Asia*, we come into *Macedonia*, where we are told that *Philippi* was the *Metropolis* of *Macedonia* : I know not whether with greater incongruity to the Civil or Ecclesiastical sense : in both which I doubt not but to make it appear that *Philippi* was not the *Metropolis* of *Macedonia*, and therefore the Bishops there mentioned could not be the Bishops of the several Cities under the jurisdiction of *Philippi*, but must be understood of the Bishops resident in that City. We begin with

Phil. 1. 1.

Eliac. B.
p. 182.

Dio l. 47.

L. 4. c. 11.
L. 2. c. 2.

Lib. 47.
p. 397.

Paerc. l. 2.
c. 37.

it in the civil sense, which is the foundation of the other. It is confessed not to have been a *Metropolis* during its being called *Κηφισες* and *Δάτ*, it being by *Pausanias* called *νεωτάτη ἢ ἐν Μακεδονία πόλειον*. By *Theophylact* out of an old Geographer (as it is supposed) it is said to be *μικρὴ πόλις ἄνω μητροπολιεύου Θεσσαλονίκης τελευτου*; and is it not very improbable that so small a City as it is acknowledged to be by *Dio* and others, should be the *Metropolis* of *Macedonia*, where were at least one hundred and fifty Cities, as *Pliny* and *Pomponius Mela* tell us, by both whom *Philippi* is placed in *Thracia*, and not in *Macedonia*? But two arguments are brought to prove *Philippi* to have been a *Metropolis*; the first is from *St Luke*, calling it *πρῶτη τῆς μερίδος Μακεδονίας πόλις*. *Act. 16. 12.* *The first City of that part of Macedonia*: but rendered by the learned Doctor *the prime City of the Province of Macedonia*; but it would be worth knowing where *μερίς* in all the *Notitie* of the Roman Empire was translated a *Province*: and it is evident that *Luke* calls it the first City, not *ratione dignitatis*, but *ratione sitûs*, in regard of its situation, and not its dignity. So *Camerarius* understands *Luke*, *hanc esse primam coloniam partis seu Plage Macedonicæ*; *nimirum à Thracia vicinia iter in Macedoniam ordiens*. It is the first City of that part of *Macedonia* when one goes from *Thracia* into it. And so it appears by *Dio* describing the situation of *Philippi*, that it was the next Town to *Neapolis*, only the mountain *Symbolon* coming between them, and *Neapolis* being upon the shore, and *Philippi* built up in the plain near the mountain *Pangæus*, where *Brutus* and *Cassius* incamped themselves: its being then the first City of entrance into *Macedonia*, proves no more that it was the *Metropolis* of *Macedonia*, then that *Calice* is of *France*, or *Dover* of *England*. But it is further pleaded, that *Philippi* was a *Colonie*, and therefore it is most probable that the seat of the Roman judicature was there. But to this I answer, first, that *Philippi* was not the only *Colonie* in *Macedonia*; for *Pliny* reckons up *Cassandria*, *Paria*, and others: for which we must understand that *Macedonia* was long since made a *Province* by *Paulus*: and in the division of the Roman *Provinces* by *Augustus*, *Strabo* reckons it with *Illyricum* among the

the Provinces belonging to the Roman people and Senate, and so likewise doth *Dio*. But it appears by *Suetonius* that *Tiberius* (according to the custome of the Roman Emperours in the danger of war in the Provinces,) took it into his own hands, but it was returned by *Claudius* to the *Senate* again, together with *Achaia*: thence *Dio* speaking of *Macedonia* in the time of *Tiberius*, saith it was governed ἀκληρωτῶ, that is, by those who were ἀρχοντες ἀρετοὶ, the *praefecti Caesaris*, such as were sent by the Emperour to be his *Presidents* in the Provinces: the ἀρχοντες κληρωτῶ were the *Proconsuls* who were chosen by lot after their *Consulship* into the several Provinces: and therefore *Dio* expresseth *Claudius* his returning *Macedonia* into the *Senates* hands by ἀπέδωκεν τότε τῷ κλήρῳ, he put it to the choice of the *Senate* again. Now *Macedonia* having been thus long a Province of the Roman Empire, what probability is there, because *Philippi* was a *Colonie*, therefore it must be the *Metropolis* of *Macedonia*? Secondly, we find not the least evidence either in Scripture or elsewhere that the *Proconsul* of *Macedonia* had his residence at *Philippi*, yea we have some evidence against it out of Scripture, *Acts* 16. 20, 22. ἡ παρανόμιος αὐτῶν πῶς στρατηγῶν and brought them to the *Magistrates*; if there had been the tribunal of a *Proconsul* here, we should certainly have had it mentioned, as *Gallio* *Proconsul* of *Achaia* is mentioned in a like case at *Corinth*, *Acts* 18. 12. Two sorts of *Magistrates*, are here expressed: the ἀρχοντες which seem to be the rulers of the City, the στρατηγῶν to be the *Duumviri* of the *Colonie*, or else the *Deputies* of the *Proconsul* residing there: but I incline rather to the former, στρατηγὸς κολωνίας being only a *Duumvir*, but στρατηγὸς Ρώμης is a *Prator*, as *Heinsius* observes from the *Glossary* of *H. Stephen*. For every *Colonie* had a *Duumvirate* to rule it, answering to the *Consuls* and *Prators* at *Rome*. But all this might have been spared, when we consider how evident it is that *Theffalonica* was the *Metropolis* of *Macedonia*, as appears by *Antipater* in the Greek Epigram.

Geog. l. 17. hist. l. 53. V. Claudii cap. 25.

Hist. l. 57.

V. Pancir. de Magist. Municipal. cap. 8.

Erec. sacr. l. 5. c. 10.

Σοὶ με Θεσσηκίης σκυληφόρε Θεσσαλονίκην
Μήτηρ ἢ πάσης πέμψε Μακεδονίης.

Antholog. l. 14

Hist. Eccles.
l. 5. c. 17.
V. Berter.
Pitban.
Dial. c. 2.
L. 2. c. 12.

Gene. Sard.
cap. 16.

Geogr. sacr.
l. 3. f. 14.

And the *Præfatus prætorio Illyrici* had his Residence at *Theſſalonica*, as *Theodore* tells us, Θεσσαλονίκη πόλις ὅτι μεγίστη ἐκ πλουσίωσται, &c. ὅσα ἔσσι Ἰλλυριῶν ἢ ὕπαρχον ἡγόμενον ἔχει. *Theſſalonica* was a great populous City, where the *Leutenant* of *Illyricum* did reside : and so in probability did the *Vicarius Macedonia*. It is called the *Metropolis* of *Macedonia* likewise by *Socrates*, and in the Ecclesiastical sense it is so called by *Ætius* the Bishop thereof in the Council of *Sardica* ; and *Carolus à Sancto Paulo* thinks it was not only the *Metropolis* of the *Province* of *Macedonia* , but of the whole *Dioceſs* (which in the East was much larger then the *Province*) I suppose he means that which answered to the *Vicarius Macedonia*. And thence in the Councils of *Ephesus* and *Chalcedon* the subscription of the Bishop of *Theſſalonica* was next to the Patriarchs. But for *Philippi* the same Author acknowledgeth it not to have been a *Metropolitan* Church in the first six Centuries ; but after that *Macedonia* was divided into *prima* and *secunda* (which was after the division of it in the Empire into *prima* and *salutaris*) then *Philippi* came to have the honorary title of a *Metropolitan* : although in *Hierocles* his *Notitia*, *Philippi* is placed as the twenty first City under the *Metropoles* of *Theſſalonica*. So much to evidence the weakness of the first pillar, viz. that these Cities were *Metropoles* in the Civil sense : and this being taken away, the other falls of its self ; for if the Apostles did modell the Ecclesiastical Government according to the Civil, then *Metropolitan* Churches were planted only in *Metropolitan* Cities, and these being cleared not to have been the latter ; it is evident they were not the former. But however let us see what evidence is brought of such a subordination of all other Churches to the *Metropolitans*, by the institution of the Apostles. The only evidence produced out of Scripture for such a subordination and dependence of the Churches of lesser Cities upon the greater, is from *Act. 16. 1, 4.* compared with *Act. 15. 23.* the argument runs thus, The question was started at *Antioch*, *Act. 14. 26.* with *Act. 15. 2.* from thence they sent to *Jerusalem* for a resolution : the decree of the Council there concerns not only *Antioch*, but *Syria* and *Cilicia*, which were under the Jurisdiction of *Antioch* : and therefore *Metropolitan*

tan Churches are *jure divino*. I am afraid the argument would scarce know its self in the dress of a *Syllogism*. Thus it runs; If upon the occasion of the question at *Antioch*, the decree of the Apostles made at *Jerusalem*, concern all the Churches of *Syria* and *Cilicia*, then all these Churches had a dependence upon the *Metropolis* of *Antioch*; but the antecedent is true, therefore the consequent. Let us see how the argument will do in another form. If upon the occasion of the question of *Antioch*, the decree of the Apostles concerned all the Churches of Christians conversing with Jews; then all these Churches had dependence upon the Church of *Antioch*; but, &c. How thankful would the *Papists* have been, if only *Rome* had been put in instead of *Antioch*! and then the conclusion had been true, what ever the premises were. But in good earnest, doth the Churches of *Syria* and *Cilicia* being bound by this decree, prove their subordination to *Antioch*, or to the Apostles? were they bound because *Antioch* was their *Metropolis*, or because they were the Apostles who resolved the question? but were not the Churches of *Phrygia*, and *Galatia* bound to observe these decrees as well as others? For of these it is said that the Apostles went through the Cities of them, delivering the decrees to keep, as it is expressed *Act. 16. 4.* compared with the 6 verse. Or do the decrees of the Apostles concern only those to whom they are inscribed, and upon whose occasion they are penned? Then by the same reason *Pauls* Epistles being written many of them upon occasions, as that to the *Corinthians* being directed to the *Metropolis* of *Corinth*, doth only concern the Church of that City, and those of *Achaia* that were subject to the jurisdiction of the City; and so for the rest of the Epistles. A fair way to make the word of God of no effect to us; because forsooth, we live not in obedience to those *Metropolises* to which the Epistles were directed! From whence we are told how many things we may understand by this notion of *Metropolitans*: Especially why *Ignatius* supercribes his Epistle to the *Romans* ἐκκλησία ἡντι προεδρῆται ἐν τῷ πῶ χριστιανῶν, to the Church which presides in the place of the Roman region, or the suburbicarian Provinces. But let us see whether

Exercit. 16.
n. 150.
Exercit. in
ep. Ignat.
ad Rom. c. 2.

Laws of the
Chur. cap. 18.
p. 164.

ther this place may not be understood better without the help of this notion. *Casaubon* calls it *locutionem barbaram*; *Vedelius* is more favourable to it, and thinks *si non elegans, saltem vitii libera est*, and explains it by the suburbicarian Provinces: and makes the sense of it to be ἐν τόπῳ ὅς ἐστι χωρίων τῶν Ῥωμαίων, in the place which is the Roman region, and parallels it with the τόπος πόλεως περιεχόμενος Βηθσαδα Luk. 9. 10. *Bellarmino* thinks he hath found the Popes universal power in this τόπος, but methinks the χωρίον Ῥωμαίων should hardly be rendred *Orbis universus*, unless *Bellarmino* were no more skil'd in Greek, then *Casaubon* thinks he was, whom he calls in the place forecited, *hominem Græcarum literarum profusus ἀμύητων*. The most ingenuous conjecture concerning this place, is that of our learned Mr. *Thorndike*. The word τόπος, saith he, is here used as many times besides, speaking of those places which a man would neither call Cities nor Towns, as Act. 27. 2. μέλλοντες πλεῖν τὸς κτῆ τῆ Ἀσίας τόπους, being to sail by the places of Asia. χώρα, it is plain it signifies the countrey, τὸν τόπον χωρίον Ῥωμαίων then must necessarily signifie here the Vaticane lying in the Fields as a suburb to Rome, and being the place where St. Peter was buried, and where the Jews of Rome then dwelt, as we learn by Philo, *legatione ad Caium*, out of whom he produceth a large place to that purpose, and so makes this the Church of the Jewish Christians, the Vaticane being then the Jewry of Rome; but there being no clear evidence of any such distinction of Churches there, and as little reason why *Ignatius* should write to the Church of Jewish Christians, and not to the Church of the Gentile Christians, I therefore embrace his sense of the τόπος χωρίον Ῥωμαίων for the Vatican, but explain it in another way, viz. we have already shewed that the chief places of meeting for the Christians in Gentile Rome, was in the Cameteries of the Martyrs; now these Cameteria were all of them without the City; and the Cameteria where Peter, Linus, Cletus, and some other of the Primitive Martyrs lay interd in the Vatican, beyond the river *Tiber*. So *Damasus* in the life of Cletus, *Qui etiam sepultus est juxta corpus B. Petri in Vaticano*. The Church then in the place of the region of the Romans, is the Christian Church

Church of Rome, assembling chiefly in the *Cæmeteries* of the *Vatican*, or any other of those vaults which were in the Fields at a good distance from the City. But yet there is one argument more for *Metropolitans*, and that is from the importance of the word *παροιμία*, which is taken to signifie both the City and Countrey; and so the inscription of *Clemens* his Epistle is explained *ἐκκλησία θεῶ ἡ παροιμία Ρώμης, ἐκκλησία θεῶ τῆ παροιμίας Κορινθον*, i. e. *the Church of God dwelling about Rome to the Church dwelling about Corinth*, whereby is supposed to be comprehended the whole territories, which (being these were *Metropoles*) takes in the whole Province. And so *Polycarp*, *τῆ ἐκκλησία τῆ θεῶ τῆ παροιμίας Φιλίπποις*, But all this ariseth from a mistake of the signification of the word *παροιμίας* which signifies not so much *accolere* as *incolere*: and therefore the old Latin Version renders it *Ecclesiæ Dei quæ est Philippis*. *Πάροικος* is *παρ ἄλλης πόλεως ἄλλην οἰκῶν*, one that removes from one City to sojourn in other. And the ground of attributing that name to the Christian Churches, was either because that many of the first Christians being Jews, they did truly *παροιμίας*, being as strangers out of their own countrey, or else among the Christians, because by reason of their continual persecutions they were still put in mind of their flitting uncertain condition in the world, their *πολιτεία*, *countrey, citizenship* being in heaven. Of this the Apostles often tell them: from hence it came to signifie the society of such Christians so living together; which as it increased so the notion of the word *παροιμία* increased, and so went from the City into the countrey, and came not from the countrey into the City; for if *παροιμίας* should be taken for *accolere*, then it necessarily follows that *ἐκκλησία παροιμίας Ρώμης* cannot signifie the Church of Rome, and the territories belonging to it, but the Church adjacent to Rome, distinct from the City, and the Church in it. For in that sense *παροιμίας* is opposed to living in the City, and so *πάροιχοι* are distinct from the Citizens, as in *Thucydides* and others; but I believe no instance can possibly be produced wherein *παροιμία* taken in that sense doth comprehend in it both City and country. But being taken in the former sense, it was first applyed to the whole Church

Phil. 3. 20.

of the City : but when the Church of the City did spread its self into the Countrey, then the word *παροικία* comprehended the Christians both in City and Country adjoining to it :

§. 4.

Which leads me to the *second step* of Christian Churches, when Churches took in the villages and territories adjoining to the Cities : For which we must understand that the ground of the subordination of the villages and territories about, did primarily arise from hence, that the Gospel was spread abroad from the several Cities into the Countreys about. The Apostles themselves preached, as we read most in Scripture, in the Cities, because of the great resort of people thither ; there they planted Churches, and settled the Government of them in an *Ecclesiastical Senate*, which not only took care for the government of Churches already constituted, but for the gathering more. Now the persons who were employed in the conversion of the adjacent territories, being of the *Clergy* of the City, the persons by them converted were adjoined to the Church of the City ; and all the affairs of those lesser Churches were at first determined by the Governours of the City ; Afterwards when these Churches increased, and had peculiar officers set over them by the Senate of the City Church, although these did rule and govern their flock, yet it always was with a subordination to, and dependence upon the government of the City Church. So that by this means, he that was President of the Senate in the City, did likewise superintend all the Churches planted in the adjoining territories, which was the original of that which the Greeks call *παροικία*, the Latins the *Diocesis* of the Bishop. The Church where the Bishop was peculiarly resident with the Clergy, was called *Matrix Ecclesia*, and *Cathedra principalis*, as the several Parishes which at first were divided according to the several *regions* of the City, were called *Tituli*, and those planted in the territories about the City, called *Paræcia*, when they were applyed to the *Presbyters* ; but when to the Bishop, it noted a *Diocesis* : those that were planted in these country parishes, were called *πρεσβύτεροι ἐπιχώριοι, οἱ ἐν χωρίοις* by the Greeks, and by the Latins *Presbyteri regionarii, conregionales, forastici, raris agrorum Presbyteri* ; from whom

Cod. Eccles.
Afric. c. 33.
can. 71.

whom the *χρηστικῶν* were distinct, as evidently appears by the thirteenth Canon of the Council of Neocæsarea: where the Country Presbyters are forbidden to administer the Lord Supper, in the presence of the Bishop or the Presbyters of the City; but the *Chorepiscopi* were allowed to do it. *Salmasius* thinks these *χρηστικῶν* were so called as τῶν χωρῶν ἐπισκοπῆι, the *Episcopi villani*, such as were only Presbyters, and were set over the Churches in Villages; but though they were originally Presbyters, yet they were raised to some higher authority over the rest of the Presbyters, and the original of them seems to be, that when Churches were so much multiplied in the Countries adjacent to the Cities, that the Bishop in his own person could not be present to oversee the actions and carriages of the several Presbyters of the Country Churches, then they ordained some of the fittest in their several *Dioceses* to super-intend the several Presbyters lying remote from the City; from which Office of theirs they were called *περιούρι*, because they did περιεῖναι, go about, and visit the several Churches. This is the account given of them by *Beza* and *Blondel* as well as others. All these several places that were conveyed to the Faith by the assistance of the Presbyters of the City, did all make but one Church with the City. Whereof we have this two-fold evidence. First, from the *Eulogia* which were at first parcels of the Bread consecrated for the Lords Supper, which were sent by the *Deacons* of *Acoluthi* to those that were absent, in token of their Communion in the same Church. *Justin Martyr* is the first who acquaints us with this custom of the Church; After, saith he, the President of the Assembly hath consecrated the Bread and Wine, the *Deacons* stand ready to distribute it to every one present, οἱ τῆς ἐκκλησίας ἀποφόροι, and carry it to those that are absent. *Damasus* attributes the beginning of this custom to *Miltiades* Bishop of Rome. *Hic fecit ut oblationes consecratae per ecclesiam ex consecratione Episcopi dirigerentur: quod declaratur fermentum.* So *Innocentius ad Decentium*; De fermento vero quod die Dominica per titulos mittimus, &c. ut se à nostra communione maxime illa die non judicent separatos. Whereby it appears to have been the custom at Rome and other places to send from the Cathedra

Apparatus
p. 240.
de primar.
c. 1. p. 10.
c. 11. p.
164.

Beza de
Minif.
grad. c. 24.
Blondel.
Ap. p. 94.

Apol. 2.
p. 97.

Cap. 5.

dral Church the Bread consecrated to the several Parish Churches, to note their joint-communion in the faith of the Gospel. Neither was it sent only to the several *tituli* in the City, but to the Villages round about, as appears by the *Question* propounded by *Decentius*; although at *Rome* it seems they sent it only to the Churches within the City, as appears by the answer of *Innocentius*: but *Albaspinus* takes it for granted as a general custom upon some set days to send these *Eulogiae* through the whole *Diocesis*. *Nam cum per vicos & agros sparsi & diffusi, ex eadem non possint sumere communionem, cuperentque semper unionis Christianae, & Christi corporis speciem quam possint maximam retinere, solennissimis diebus & festivis ex matrice per parochias, benedictus mittebatur panis, ex cujus perceptione communitas quae inter omnes fideles ejusdem Diocesis intercedere debet, intelligebatur & representabatur.* Surely then their *Diocesses* were not very large; if all the several *Parishes* could communicate on the same day with what was sent from the Cathedral Church. Afterwards they sent not part of the Bread of the Lords Supper, but some other in Analogy to that, to denote their mutual consecration in the faith and communion in the same Church. Secondly, it appears that still they were of the same Church, by the presence of the *Clergy* of the Country at the choice of the Bishop of the City, and at Ordinations, and in Councils. So at the choice of *Boniface*, *Religiosi singuli titulis suis Presbyteri omnes aderunt qui voluntatem suam, hoc est Dei judicium proloquantur*, whereby it is evident that all the *Clergy* had their voices in the choice of the Bishop. And therefore *Pope Leo* requires these things as necessary to the ordination of a Bishop, *Subscriptio clericorum, Honoratorum testimonium, ordinis consensus & plebis*: and in the same Chapter, speaking of the choice of the Bishop, he saith it was done *subscriptibus plus minus septuaginta Presbyteris*. And therefore it is observed that all the *Clergy* concurred to the choice even of the Bishop of *Rome*, till after the time of that *Hildebrand* called *Greg. 7.* in whose time *Popery* came to Age: thence *Casaubon* calls it *Herefin Hildebrandinam*. *Cornelius* Bishop of *Rome* was chosen *Clericorum pene omnium testimonio*; and in the Council at *Rome* under *Sylvester* it is decreed that none

Observat.
l. 1. c. 8.

W. Casaub.
Exercit.
26. f. 33.
Salmaf.
App. p. 243

Ep. ad Honor.
à Presbyter.
Rqm.

Ep. 90.

Cypr. ep.
32.

of the Clergy should be ordained, *nisi cum tota adunata Ecclesia*. Many instances are brought from the Councils of *Carthage* to the same purpose, which I pass over as commonly known. It was accounted the matter of an accusation against *Chrysostom* by his enemies, *ὅτι ἄνευ συνέδριου καὶ ἰσοῦς γινώσκον τῆ κλήρης πρὸς τὰς χειροτονίας*, *that he ordaineth without the Council and Assistance of his Clergy*. The Presence of the Clergy at Councils hath been already shewed. Thus we see how, when the Church of the City was enlarged into the Country, the power of the Governors of the Church in the City was extended with it.

Con. 3. c. 4.
 & 5. Con.
 2. c. 10, 11.

Photius
 Cod. 59.
 n. 15.

The next step observable in the Churches increase, was when several of these Churches lying together in one Province did associate one with another. The Primitive Church had a great eye to the preserving unity among all the members of it, and thence they kept so strict a correspondency among the several Bishops in the *Commercium Formatarum* (the formula of writing, which to prevent deceit, may be seen in *Iustellus* his Notes on the *Codex Canonum Ecclesie Africanae*) and for a maintaining of nearer correspondency among the Bishops themselves of a Province, it was agreed among themselves for the better carrying on of their common Work, to call a Provincial Synod twice every year to debate all causes of concernment there among themselves, and to agree upon such ways as might most conduce to the advancing the common interest of Christianity. Of these *Tertullian* speaks, *Aguntur precepta per Gracius illas certis in locis Concilia ex universis Ecclesiis, per quae & altiora quaeq; in communi traduntur, & ipsa representatio nominis Christiani magna veneratione celebratur*. Of these the *thirty eighth Canon Apostolical* (as it is called) expressly speaks (which Canons though not of authority sufficient to ground any right upon, may yet be allowed the place of a Testimony of the practice of the Primitive Church, especially towards the third Century) *Δεύτερον τὸ ἔτος σὺνοδος γινέσθαι ἑπὶ ἐπισκόπων, καὶ ἀνακρινέτωσαν ἀλλήλους τὰ δόγματα τῆ δόξης καὶ τὰς ἐμπροσθεν ἐκκλησιαστικὰς ἀντιλογίας διαλύετωσαν*. *Twice a year a Synod of Bishops was to be kept for discussing matters of Faith, and resolving matters of Practice*. To the

§ 5.

Page. 127.

De jejunio
 advers.
 Pysch.

Can. Apost.
 cap. 38.

Can. 20. in
Cod. Can.
99.

same purpose the Council of *Antioch*. A. D. 343. *Διὰ τὰς*
δηκλισιαστικὰς χρείας, καὶ τὰς τῶν ἀμφοιβυτμένων δαλύσεις, καλῶς
ἔχειν ἔδδξῃ συνόδους κατ' ἐνάτην ἐπαρχίαν τῶν ἐπισκόπων γίνεσθαι
δ. ὑπερὸν τῶ ἕτερος. To these Councils the Presbyters and Dea-
cons came, as appears by that Canon of the Council of *Antioch*;
and in the seventh Canon of the *Nicene Council* by *Alphonsus Pisanus*. the same custom is decreed; but no such
thing occurs in the *Codex Canonum*, either of *Tilius* or *Justellus*'s
Edition; and the *Arabick* Edition of that Council is con-
ceived to have been compiled above Four hundred years af-
ter the Council set. But however we see evidence enough
of this practic of celebrating Provincial Synods twice a year;
now in the Assembling of these Bishops together for mutu-
al counsel in their affairs, there was a necessity of some or-
der to be observed. There was no difference as to the pow-
er of the Bishops themselves, who had all equal authority in
their severall Churches, and none over one another. For
Episcopatus unus est cujus à singulis in solidam pars tenetur;
as *Cyprian* speaks; and as *Ferome*, *Ubiq; Episcopus fuerit;*
sive Roma, sive Eugubii, sive Constantinopolis, sive Rhegii, sive
Alexandriae, sive Tanis, ejusdem est meriti, ejusdem est Sacer-
dorii. Potentia divitiarum & paupertatis humilitas, vel sub-
limiorem, vel inferiorem Episcopum non facit: Ceterum om-
nes Apostolorum successores sunt. There being then no diffe-
rence between them, no man calling himself *Episcopum Epif-*
coporum, as *Cyprian* elsewhere speaks, some other way must be
found out to preserve order among them; and to moderate
the affairs of the Councils; and therefore it was determined
in the Council of *Antioch*, that he that was the Bishop of the
Metropolis, should have the honour of Metropolitan among
the Bishops, *Διὰ τὸ ἐν τῇ μητροπόλει παραχρῆδεν συντρέχειν πάν-*
τας τὰς τὰ ἀγαθὰ ἔχοντας, ὅθεν ἔδδξῃ καὶ τῇ πρῶ ὀρονηεῖδεν,
ἀπὸ τῶν because of the great confluence of people to that City,
therefore we should have the prebeminence above the rest. We
see how far they are from attributing any Divine Right to
Metropolitans; and therefore the Rights of Metropolitan
are called by the sixth Canon of the *Nicene Council*, *τὸ ἀξ ὄνα*
ἔσθ, which had been a dishonourable introduction for the
Metropolitan.

De verita-
te Eccles.

Ep. ad
Evagrum.

Can. 17.

Metropolitan.

Metropolitan rights, had they thought them grounded upon Apostolical institution. Nothing more evident in Antiquity than the honour of *Metropolitans*, depending upon their *Sees*; thence when any Cities were raised by the Emperor to the honour of *Metropoles*, their Bishop became a *Metropolitan*, as is most evident in *Justiniana prima*, and for it there are *Canons* in the Councils decreeing it; but of this more afterwards. The chief Bishop of *Africa* was only called *prima sedis Episcopus*: thence we have a *Canon*, in the *Codex Ecclesiæ Africana*, Can. 39.
Ὅτι οὐ τῆς πρώτης καθεδρας ἐπισκοπῆν μὴ λέγεσθαι ἕξαρχον ἢ ἐπίτον ἢ ἀρχον ἱερέα, ἢ τοιαύτη τροπὴν ἢ πότι· ἀλλὰ μόνον ἐπίσκοπον τῆς πρώτης καθεδρας. *That the Bishop of the chief See should not be called the Exarch of the Priests, or chief Priest, or any thing of like nature, but only the Bishop of the chief Seat.* Therefore it hath been well observed that the *African Churches* did retain longest the Primitive simplicity and humility among them; and when the voice was said to be heard in the Church upon the flowing in of riches, *Hodie venenum effusum est in Ecclesiam*, by the working of which poyson the spirits of the Prelates began to swell with pride and ambition (as is too evident in Church History) only *Africa* escaped the infection most; and resisted the tyrannical incroachments of the *Roman Bishop*, with the greatest magnanimity and courage; as may be seen by the excellent Epistle of the Council of *Carthage*, to *Boniface Bishop of Rome* in the *Codex Ecclesiæ Africana*. So that however *Africa* Pag. 341.
hath been always fruitful of monsters; yet in that ambitious age it had no other wonder but only this, that it should escape so free from that *typhus secularis* (as they then called it.) that monstrous itch of pride and ambition. From whence we may well rise to the last step of the power of the Church, which was after the Empire grew Christian, and many Provinces did associate together, then the honour and power of *Patriarchs* came upon the stage. And now began the whole Christian world to be the *Cock-pitt*, wherein the two great Prelates of *Rome* and *Constantinople* strive with their greatest force for mastery of one another, and the whole world with them, as may be seen in the actions of *Paschasinus* the *Roman Legat* in the Council of *Chalcedon*. From whence forward

ward the great *Leviathan* by his tumbling in the Waves endeavoured to get the Dominion of all into his hands: but God hath at last put a hook into his nostrils, and raised up the great instruments of Reformation, who like the Sword-fish have so pierced into his Bowels, that by his tumbling he may only hasten his approaching ruine, and give the Church every day more hopes of seeing its self freed from the tyranny of an Usurped power. By this scheme and draught now of the increase of the Churches power, nothing can be more evident, then that it rise not from any divine institution, but only from Positive and Ecclesiastical Laws made according to the several states and conditions wherein the Church was; which as it gradually grew up, so was the power of the Church by mutual consent fitted to the state of the Church in its several ages. Which was the first argument that the Primitive Church did not conceive it self bound to observe any one unalterable form of Government. This being the chief, the rest that follow, will sooner be dispatched.

§ 6.

The *second* is from the great varieties as to Government which were in several Churches. What comes from Divine right is observed unalterably in one uniform and constant tenour: but what we find so much diversified according to several places, we may have ground to look on only as an Ecclesiastical constitution, which was followed by every Church as it judged convenient. Now as to Church Government we may find some Churches without Bishops for a long time, some but with one Bishop in a whole Nation, many Cities without any, where Bishops were common; many Churches discontinue Bishops for a great while where they had been; no certain rule observed for modelling their Diocesses where they were still continued. Will not all these things make it seem very improbable that it should be an Apostolical institution, that no Church should be without a Bishop? First then some whole Nations seem to have been without any Bishops at all, if we may believe their own Historians. So if we may believe the great *Antiquaries* of the Church of *Scotland*, that Church was governed by their *Culdei*, as they called their Presbyters, without any Bishop over them, for a long time. *Johannes Major* speaks of their instruction in the Faith, *Per sacerdo-*

ees & Monachos sine Episcopis Scoti in fide eruditi; but lest that should be interpreted only of their conversion, *Jobannes Fordonus* is clear and full as to their Government, from the time of their conversion about A. D. 263. to the coming of *Palladius* A. D. 430. that they were only governed by Presbyters and Monks. *Ante Palladii adventum habebant Scoti fidei Doctores ac Sacramentorum Ministratores Presbyteros solummodo, vel Monachos ritum sequentes Ecclesie Primitivae.* So much mistaken was that learned man, who saith, that neither *Bede* nor any other affirms that the Scots were formerly ruled by a Presbytery, or so much as that they had any Presbyter among them. Neither is it any ways sufficient to say that these Presbyters did derive their authority from some Bishops: for however we see here a Church governed without such, or if they had any, they were only chosen from their *Culdei*, much after the custom of the Church of *Alexandria*, as *Heñor Boethius* doth imply. And if we believe *Philostorgius*, the *Gothick* Churches were planted and governed by Presbyters for above seventy years: for so long it was from their first conversion to the time of *Ulphilas*, whom he makes their first Bishop. And great probability there is, that where Churches were planted by Presbyters, as the Church of *France* by *Andochius* and *Inignus*, that afterwards upon the increase of Churches and Presbyters to rule them, they did from among themselves choose one to be as the Bishop over them, as *Posbinus* was at *Lyons*. For we no where read in those early plantations of Churches, that where there were Presbyters already, they sent to other Churches to derive Episcopal ordination from them. Now for whole Nations having but one Bishop, we have the testimony of *Sozomen*, that in *Scythia*, which by the Romans was called *Misia inferior*, *περὶ πόλεις ὄντες ἓνα πάντες ἐπίσκοπον ἔχουσιν.* Although there were many Cities they had but one Bishop. The like *Godignus* relates of the *Abassine* Churches, though their Territories be of vast extent, there is but only one Bishop in all those Dominions, who is the Bishop of *Abuna*. And where Bishops were most common, it is evident they looked not on it as an Apostolical rule for every City to have a Bishop, which it must have if it was an Apostolical institution for the Church to follow

De gestis Scot. lib. 2. cap. 2.

Scot. chron. l. 3. cap. 8.

Blondel. Apol. s. 3. page 314.

Scot. hist. lib. 6. Eclog. l. 2. cap. 5.

Hist. eccle. l. 7. cap. 19.

De rebus Abassin. l. 1. c. 32.

the

Ep. 113. the Civil Government. *Theodoret* mentions 800 Churches under his charge, in whose *Diocesis* *Ptolomy* placeth many other Cities of Note besides *Cyrus*, as *Ariferia*, *Regia*, *Ruba*, *Heraclea*, &c. In the Province of *Tripoly* he reckons nine Cities which had but five Bishops, as appears by the *Notitia Ecclesie Africana*. In *Thracia* every Bishop had several Cities under him. The Bishop of *Heraclea* that and *Panion*; the Bishop of *Byze* had it and *Arcadiopolis*; of *Cæla* had it and *Callipolis*; *Sabsadia* had it and *Aphrodisias*. It is needless to produce more instances of this nature either ancient or modern, they being so common and obvious. But further we find Bishops discontinued for a long time in the greatest Churches. For if there be no Church without a Bishop, where was the Church of *Rome* when from the Martyrdome of *Fabian*, and the banishment of *Lucius* the Church was governed only by the Clergy? So the Church of *Carthage* when *Cyprian* was banished; the Church of the East, when *Meletius* of *Antioch*, *Eusebius*, *Somofatenus*, *Pelagius* of *Laodicea* and the rest of the Orthodox Bishops were banished for ten years space, and *Flavianus* and *Diodorus* two Presbyters ruled the Church of *Antioch* the mean while. The Church of *Carthage* was twenty four years without a Bishop in the time of *Hunerik*, King of the *Vandals*; and when it was offered them that they might have a Bishop upon admitting the *Arrians* to a free exercise of their Religion among them, their answer was upon those terms, *Ecclesia episcopum non delectatur habere*; and *Balsamon* speaking of the Christian Churches in the East, determines it neither safe nor necessary in their present state to have Bishops set up over them. And lastly for their *Dioceses*, it is evident there was no certain rule for modelling them. In some places they were far less then in others. Generally in the Primitive and Eastern Churches they were very small and little, as far more convenient for the end of them in the Government of the Churches under the Bishops charge: it being observed out of *Walafridus Strabo* by a learned man, *Fertur in Orientis partibus per singulas urbes & præseciur. s. singulas esse Episcoporum gubernationes*. In *Africk*, if we look but into the writings of *Augustine*, we may find hundreds

Ephes. synod. 1. ad fin. Et. 7.

Cyprian. ep. 3. 26. 30, 31.

Theodoret. l. 4. c. 22.

Victor. l. 2. de pers. Vand.

In Can. 57. Laod.

Thorndike Right of the Chur. p. 62.

De rebus Ecclesiast.

hundreds of Bishops resorting to one Council. In *Ireland* alone, *St. Patrick* is said by *Ninius* at the first Plantation of Christianity to have founded 365 Bishopricks. So *Sozomen* Lib 7.c.19 tells us, that among the *Arabians* and *Cyprians*, *Novatians* and *Montanists*, 'Εν κώμαις ἐπισκοπῆς ἰσθῆσαι, the very Villages had Bishops among them.

The next evidence that the Church did not look upon it self as bound by a Divine Law to observe any one Model of Government, is, the conforming the Ecclesiastical Government to the Civil. For if the obligation arose from a Law of God, that must not be altered according to civil Constitutions, which are variable according to the different state and conditions of things. If then the Apostles did settle things by a standing Law in their own times, how comes the Model of Church-Government to alter with the Civil Form? Now that the Church did generally follow the Civil Government, is freely acknowledged and insisted on by learned persons of all sides; especially after the division of the Roman Empire by *Constantine* the Great. The full making out of which is a work too large to be here undertaken, and hath been done to very good purpose already, by *Berterius*, *Salmasius*, *Gothofred*, *Blondel* and others, in their learned Discourses of the *Suburbicarian Provinces*. Which whether by them we understand that which did correspond to the Præfecture of the *Provoost* of *Rome*, which was within a hundred miles compass of the City of *Rome*, or that which answered to the *Vicarius Urbis*, whose Jurisdiction was over the Ten Provinces distinct from *Italy*, properly so called, whose *Metropolis* was *Milan*; or which is most probable, the Metropolitan Province answering to the Jurisdiction of the *Præfectus Urbis*, and the *Patriarchate* of the Roman Bishop to the *Vicarius Urbis*; which way soever we take it, we see it answered to the Civil Government. I shall not here enter that debate, but only briefly at present set down the Scheme of both Civil and Ecclesiastical Government, as it is represented by our learned *Breerwood*. The whole Empire of *Rome* was divided into Thirteen Dioceses, whereof seven belonged the *East* Empire, and six (beside the Præfecture of the City of *Rome*) to the *West*. Those Thirteen Dioceses, together with that Præ-

Sect. 7.

Berteri.
Pūban in
Diatribæ.
Salmas. ep.
ad Am. Eucharisti. ad-
ver. Sirmo-
mond. De
prim. Pan.
Fac. Gothofr. Con-
jectur. Vin-
dicie Con-
jectur.
Blondel. de
la primausé
en la eglise,
&c.

Discourse
of the Pa-
triarchal
Govern-
ment of
the anci-
ent Chur-
ch. I.

fecture contained among them 120 Provinces, or thereabout; so that to every Diocess belonged the administration of sundry Provinces: Lastly, every Province contained many Cities within their Territories. The Cities had for their Rulers those Inferiour Judges which in the Law are called *Defensores Civitatum*; and their Seats were the Cities themselves, to which all the Towns and Villages in their several Territories were to resort for Justice. The Provinces had for theirs either *Proconsules*, or *Consulares*, or *Præsides*, or *Correptores*; four fundry appellations, but almost all of equal Authority, and their Seats were the chiefest Cities or *Metropoles* of the Provinces, of which in every Province there was one, to which all Inferiour Cities for judgment in matters of Importance did resort. Lastly, the Diocesses had for theirs the Lieutenants called *Vicarii*, and their Seats were the *Metropoles* or Principal Cities of the *Diocess*, whence the Edicts of the Emperour or other Laws were published and sent abroad into all the Provinces of the *Diocess*, and where the *Prætorium* and chief Tribunal for Judgment was placed to determine Appeals, and minister Justice (as might be occasion) to all the Provinces belonging to that Jurisdiction. And this was the disposition of the Roman Governours. — And truly it is wondrous (saith that learned Author) how nearly and exactly the Church in her Government did imitate this civil Ordination of the *Roman* Magistrates. For first in every City, as there was a *Defensor Civitatis* for Secular Government, so was there placed a Bishop for Spiritual Regiment, (in every City of the East, and in every City of the West, almost a several Bishop) whose Jurisdiction extended but to the City, and the places within the Territory. For which cause the Jurisdiction of a Bishop was anciently called *παρœκλήσις*, signifying not (as many ignorant Novelists think) a *Parish*, as now the word is taken, that is, the Places or Habitations near a Church, but the Towns and Villages near a City: all which, together with the City, the Bishop had in charge. Secondly, In every Province, as there was a President, so there was an Archbishop, and because his Seat was the principal City of the *Province*, he was commonly known by the name of *Metropolitan*. Lastly, in every *Diocess*, as there was a

Lieutenants.

Lieutenant-General, so was there a Primate seated also in the principal City of the *Diocess*, as the Lieutenant was, to whom the last determining of *Appeals* from all the Provinces in differences of the Clergy, and the sovereign care of all the *Diocess* for sundry points of Spiritual Government did belong. By this you may see that there were Eleven Primates besides the three Patriarchs; for of the Thirteen *Diocesses*, (besides the Præfecture of the City of *Rome*, which was administred by the Patriarch of *Rome*) that of *Egypt* was governed by the Patriarch of *Alexandria*, and that of the *Orient* by the Patriarch of *Antiochia*, and all the rest by the *Primates*: between whom and the Patriarchs was no difference of Jurisdiction and Power, but only of some Honour which accrued to them by the dignity of their *Sees*; as is clearly expressed in the third *Canon* of the Council of *Constantinople*, *Τὸν μὲν* In Cod. Can. 166.
τοῖ Κωνσταντινουπόλεως ἐπίσκοπον ἔχειν τὴν πρεσβεΐαν τὴν πρὸς τὸν ἁγίου Πάπῳ ἐπίσκοπον. Δία τὸ ἦν αὐτὸν νέον Ῥώμων, whereby *Constantinople* is advanced to the Honorary Title of a Patriarch next to *Rome*; because it was *New Rome*. Whereby it is evident that the Honour belonging to the Bishop of old *Rome* did arise from its being the Imperial City: The Honour of the Bishop rising; as *Austin* saith, that of the *Deacons* of *Rome* did, *propter magnificentiam urbis Romane qua caput esse videtur omnium Civitatum*. Hereby now we fully see what the original was of the power of *Archbishops*, *Metropolitans* and *Patriarchs* in the Church, viz. the contemperating the Ecclesiastical Government to the Civil. Quest. ex utroq Test. q. 101.

The next evidence that the Church did not look upon its self as bound by a Divine Law to a certain form of Government, but did order things its self in order to peace and unity, is, that after Episcopal Government was settled in the Church; yet Ordination by Presbyters was looked on as valid. For which these instances may suffice. About the year 390.

Johannes Cassianus reports that one *Abbat Daniel* inferiour to none of those who lived in the Desert of *Scetis* was made a Deacon; à *B. Paphnutio solitudinis ejusdem Presbytero*: *In tantum enim virtutibus ipsius adaugebat, ut quem vitæ meritis sibi & gratiâ parem noverat; coaquare sibi etiam sacerdotii honore festinaret. Siquidem nequaquam ferens in inferi-*

s. 8.

Collat 4. c. 1.

ore eam ministerio diutius immerari, optansque sibi successorem dignissimum providere, superstes cum Presbyterii honore provexit. What more plain and evident than that here a Presbyter ordained a Presbyter, which we no where read was pronounced null by *Ithophilus* then Bishop of *Alexandria*, or any others at that time? It is a known instance, that in the ordination of *Pelagius* first Bishop of *Rome*, there were only two Bishops concurred, and one Presbyter: whereas according to the fourth Canon of the *Nicene Council*, three Bishops are absolutely required for ordination of a Bishop; either then

Anast. Bil.
vit. Pelag.
Prim.

Pelagius was no Canonical Bishop, and so the point of Succession thereby fails in the Church of *Rome*: or else a Presbyter hath the same intrinsecal power of ordination which a Bishop hath, but it is only restrained by Ecclesiastical Laws. In the time of *Eustathius* Bishop of *Antioch*, which was done *A. D.*

Dissert. in
Philos. l. 2.
cap. 7.

328. as *Jacobus Gothofredus* proves, till the time of the ordination of *Paulinus*, *A. D.* 362. which was for thirty four years space, when the Church was governed by *Paulinus* and his Colleagues withdrawing from the publick Assemblies; it will be hard to say by whom the ordinations were performed all this while, unless by *Paulinus* and his Colleagues. In the year

Ep. 92. c. 1.

452. it appears by *Leo* in his Epistle to *Rusticus Narbonensis*, that some Presbyters took upon them to ordain as Bishops; about which he was consulted by *Rusticus* what was to be done in that case with those so ordained: *Leo* his resolution of that case is observable, *Si qui autem Clerici ab istis pseudo-Episcopis in iis Ecclesiis ordinati sunt, quæ ad proprios Episcopos pertinebant, & ordinatio eorum cum consensu & iudicio presidentium facta est, potest rata haberi, ita ut in ipsis Ecclesiis perseverent.*

“Those Clergy-men who were ordained by such as took upon them the Office of Bishops, in Churches belonging to proper Bishops, if the Ordination were performed by the consent of the Bishops, it may be looked on as valid, and those Presbyters remain in their Office in the Church. So that by the consent *ex post facto* of the true Bishops, those Presbyters thus ordained, were looked on as Lawful Presbyters, which could not be, unless their Ordainers had an intrinsecal power of Ordination, which was only restrained by the Laws of the Church; for if they have no power of Ordination,

nation, it is impossible they should confer any thing by their ordination. If to this it be answered, that the validity of their ordination did depend upon the consent of the Bishops, and that Presbyters may ordain, if delegated thereto by Bishops, as *Paulinus* might ordain on that account at *Antioch*. It is easily answered, that this very power of doing it by delegation, doth imply an intrinsic power in themselves of doing it. For if Presbyters be forbidden ordaining others by Scriptures, then they can neither do it in their own persons, nor by delegation from others. For *quod alicui suo nomine non licet, nec alieno licet*: And that rule of *Cyprian* must hold true, *Non aliquid cuiquam largiri potest humana indulgentia, ubi intercedit & legem tribuit divina prescriptio*. There can be no dispensing with Divine Laws; which must be, if that may be delegated to other persons; which was required of Men in the Office wherein they are. And if Presbyters have power of conferring nothing by their Ordination, how can an after-consent of Bishops make that act of theirs valid, for conferring right and power by it? It appears then, that this power was restrained by the Laws of the Church, for preserving Unity in its self; but yet so, that in case of necessity what was done by Presbyters, was not looked on as invalid. But against this the case of *Ischyras*, ordained, as it is said, a Presbyter by *Colluthus*, and pronounced null by the Council of *Alexandria*, is commonly pleaded. But there is no great difficulty in answering it. For, *First*, the pronouncing such an Ordination null, doth not evidence that they looked on the power of Ordination, as belonging of divine right only to Bishops; for we find by many instances, that acting in a bare contempt of Ecclesiastical Canons was sufficient to degrade any from being Presbyters. *Secondly*, If *Ischyras* had been ordained by a Bishop, there were circumstances enough to induce the Council to pronounce it null. *First*, as done out of the Diocess, in which case Ordinations nulled by *Council. Arcl. c. 13.*; *Secondly*, done by open and pronounced Schismatics. *Thirdly*, done *sine titulo* *et* *ex* *ordinatione*, and so nulled by the Canons then. *Thirdly*, *Colluthus* did not act as a Presbyter in ordaining, but as a Bishop of the *Meletian* party in *Cyprus*, as the Clergy of *Mareotis*, speaking of *Ischyras*

Reg. juris
67.

Epist. 68.

V. Blondel.
Ap. p. 325.

his

his Ordination, *Ἐπὶ Κολλέθῃ τῆς Πρεσβυτέρου Ἐπιτοπίῃ* & *Ἐπισκοπῆς*, by *Collythus* a Presbyter, making shew of being a Bishop; and is supposed to have been ordained a Bishop by *Meletius*. More concerning this may be seen in *Blondel*, who fully clears all the particulars here mentioned. So that notwithstanding this Instance, nothing appears, but that the power of Ordination was restrained only by Ecclesiastical Laws.

*Apol. S. 3.
à 317. ad
327.*

S. 9. The last thing to prove that the Church did act upon prudence in Church-Government, is, from the many restraints in other cases made by the Church, for restraint of that liberty which was allowed by Divine Laws. He must be a stranger to the ancient Canons, and Constitutions of the Church, that takes not notice of such restraints made by Canons, as in reference to observation of several Rites and Customs in the Churches, determined by the Provincial Synods of the several Churches; for which purpose their Provincial Synods were still kept up in the Eastern Church, as appears by the Testimony of *Firmilian* in his Epistle to *Cyprian*: *Qua ex causa necessario apud nos fit ut per singulos annos Seniores & praepositi in unum conveniamus ad disponenda ea quae curae nostrae commissa sunt. Ut si quae graviora sunt communi consilio dirigantur, lapsis quoque fratribus, &c. medela queratur, non quasi à nobis remissionem peccatorum consequantur; sed ut per nos ad intelligentiam delictorum suorum convertantur, & Domino plenius satisfacere cogantur.* The several Orders about the Discipline of the Church were determined in these Synods; as to which, he that would find a command in Scripture for their Orders about the *Catechumeni*, and *Lapsi*, will take pains to no purpose, the Church ordering things it self for the better regulating the several Churches they were placed over. A demonstrative argument, that these things came not from Divine command, is, from the great diversity of these customs in several places: of which besides *Socrates*, *Sozomen* largely speaks, and may be easily gathered from the History of the several Churches: When the Church began to enjoy ease and liberty, and thereby had opportunity of enjoying greater conveniency for Councils; we find what was determined by those Councils, were entred into a *Codex Canonum* for that purpose,

*Hi 7. lib 7.
cap. 19.*

*V. Fustel.
Præfat. in
C. d. C. 10.
zum Uni-
v. s. Eccl.*

purpose, which was observed next to the Scriptures, not from any obligation of the things themselves, but from the conduceableness of those things (as they judged them) to the preserving the peace and unity of the Church.

C H A P. V I I I.

An Inquiry into the Judgment of Reformed Divines concerning the unalterable Divine Right of particular Forms of Church-Government: wherein it is made appear, that the most eminent Divines of the Reformation did never conceive any one Form necessary; manifested by three Arguments. 1. From the Judgment of those who make the Form of Church-Government mutable; and to depend upon the Wisdom of the Magistrate and Church. This cleared to have been the Judgment of most Divines of the Church of England since the Reformation. Archbishop Cranmer's Judgment, with others of the Reformation in Edward the Sixth's time, now first published from his authentick M S. The same ground of settling Episcopacy in Q. Elizabeth's time. The Judgment of Archbishop Whitgift, Bishop Bridges, Dr. Loe, Mr. Hooker, largely to that purpose, in King James his time. The King's own opinion. Dr. Sutcliffe. Since of Crakanthorp, Mr. Hales, Mr. Chillingworth. The testimony of Foreign Divines to the same purpose. Chemnitius, Zanchy. French Divines, Peter Moulin, Fregevil, Blondel, Bochartus, Amyraldus. Other learned Men, Grotius, Lord Bacon, &c. 2. Those who look upon equality as the Primitive Form, yet judge Episcopacy lawful. Augustane Confession, Melanchton, Articuli Smalcaldici, Prince of Anhalt, Hyperius, Hemingius: The practice of most Foreign Churches. Calvin and Beza both approving Episcopacy, and Diocesan Churches. Salmasius, &c. 3. Those who judge Episcopacy to be the Primitive Form, yet look not on it as necessary. Bishop Jewel, Fulk, Field, Bishop Downam, Bishop Bancroft, Bishop Morton, Bishop Andrews. Saravia, Francis Mafon, and others. The Conclusion hence laid in order to peace. Principles conducing thereto. 1. Prudence must be used in Church-Government, at last confessed by all parties.

Inde-

Independents in elective Synods, and Church Covenants, admission of Members, number in Congregations. Presbyterians in Classes and Synods, Lay-elders, &c. Episcopal in Dioceses, Causes, Rites, &c. 2. That prudence best, which comes nearest Primitive practice. A Presidency for life over an Ecclesiastical Senate shewed to be that form, in order to it. Presbyteries to be restored. Dioceses lessened. Provincial Synods kept twice a year. The reasonableness and easiness of Accommodation shewed. The whole concluded.

S. 1.

HAVING thus far proceeded, through Divine assistance, in our intended method, and having found nothing determining the necessity of any one Form of Government in the several Laws of Nature and Christ, nor in the practice of Apostles, or Primitive Church; the only thing possible to raise a suspicion of novelty in this opinion, is, that it is contrary to the judgment of the several Churches of the Reformation. I know it is the last *Asylum* which many run to, when they are beaten off from their imaginary fancies, by pregnant testimonies of Scripture and Reason, to shelter themselves under the *Asylum* of some particular persons, to whom their Understandings are bored in perpetual slavery: But if Men would but once think their Understandings at age to judge for themselves, and not make them lie under a continual Pupillage, and but take the pains to travel over the several Churches of the Reformation, they would find themselves freed of many strange misprisions they were possessed with before, and understand far better the ground and reason of their pitching upon their several Forms, than they seem to do, who found all things upon a Divine Right. I believe there will, upon the most impartial survey, scarce be one Church of the Reformation brought, which doth imbrace any Form of Government, because it looked upon that Form as only necessary by an unalterable standing Law; but every one took up that Form of Government which was judged most suitable to the state and condition of their several Churches: But that I may the better make this appear, I shall make use of some arguments whereby to demonstrate, that the most eminent Divines that have lived since the Reformation,

mation, have been all of this mind, *That no one Form is determined as necessary for the Church of God in all Ages of the World.* For if many of them have *in these* asserted the *Form of Church Government mutable*; if *those who have thought an equality among Ministers the Primitive Form*, have yet thought a Government by *Episcopacy lawful and useful*: If, lastly, *those who have been for Episcopacy*, have not judged it necessary, then I suppose it will be evident, that none of them have judged any one Form taken exclusively of others, to be founded upon an unalterable right: For whatsoever is so founded, is made a necessary duty in all Churches to observe it, and it is unlawful to vary from it, or to change it according to the prudence of the Church, according to the state and condition of it. I now therefore undertake to make these things out in their order.

First, I begin with those who have *in these* asserted the mutability of the Form of Church Government. Herein I shall not follow the English humour, to be more acquainted with the state of Forraign places than their own; but it being of greatest concernment to know upon what accounts Episcopal Government was settled among our selves, in order to our submission to it; I shall therefore make enquiry into the judgement of those persons concerning it, who either have been instrumental in settling it, or the great defenders of it after its settlement. I doubt not but to make it evident, that before these late unhappy times, the main ground for settling Episcopal Government in this Nation, was not accounted any pretence of Divine Right, but the conveniency of that Form of Church Government to the state and condition of this Church at the time of its Reformation: For which we are to consider, that the Reformation of our Church was not wrought by the Torrent of a popular fury, nor the Insurrection of one part of the Nation against another; but was wisely, gravely, and maturely debated, and settled with a great deal of consideration. I meddle not with the times of Henry 8. when I will not deny but the first *quickning* of the Reformation might be, but the matter of it was as yet rude and undigested; I date the birth of it from the first settlement of that most excellent Prince *Edward 6. the Phosphorus* of our

Reformation. Who A. D. 1547. was no sooner entred upon his Throne, but some course was presently taken in order to Reformation, Commissioners with Injunctions were dispatched to the severall parts of the Land; but the main business of the Reformation was referred to the Parliament call'd *November 4.* the same year, when all former Statutes about Religion were recall'd, as may be seen at large in Mr. *Fox*, and Liberty allowed for professing the Gospel according to the principles of Reformation, all banished persons for Religion being call'd home. Upon this, for the better establishing of Religion, and the publick Order for the Service of God, an *Assembly* of select Divines is call'd, by special order from the Kings Majesty, for debating of the settlement of things according to the Word of God, and the practice of the Primitive Church. These sate, as Mr. *Fox* tells us in *Windsor Castle*; where, as he expresseth it, after long, learned, wise, and deliberate Advises, they did finally conclude and agree upon one uniform order, &c. No more is said by him of it, and less by the late Historian. The proceedings then in order to Reformation, being so dark hitherto, and obscure, by what is as yet extant, much light may accrue thereto by the help of some authentick MS. which by a hand of Providence, have happily come into my hands; wherein the manner and method of the Reformation will be more evident to the World, and the grounds upon which they proceeded. In the *Convocation* that year sitting with the Parliament, I find two Petitions made to the Archbishop and the Bishops of the Upper House, for the calling an Assembly of select Divines, in order to the settling Church Affairs, and for the Kings Grant for their acting in Convocation. Which not being yet to my knowledge extant in publick, and conducing to our present business, I shall now publish from the MS. of *Bishop Cranmers*.

Aets and
Mon. Tom.
2. p. 657.

Martyrol.
in Tom. 2.
p. 668,
659.

They run thus :

Certheyne Petitions and Requests made by the Clergy of the Lower House of the Convocation, to the most Reverend Father in God, the Arch-Bishop of Canterbury's Grace, and the Residue of the Prelates of the Higher House, for the furtherance of certheyne Articles following.

First, "That Ecclesiastical Laws may be made and established in this Realm, by xxxij. persons, or so many as shall please the Kings Majesty to name and appoint, according to the effect of a late Statute made in the Thirty fifth year of the most noble King, and of most famous memory, King *Henry* the Eighth. So that all Judges Ecclesiastical proceeding after those Laws, may be without danger and peril.

"Also that according to the ancient custom of this Realm, and the Tenor of the Kings Writs for the summoning of the Parliament, which be now and ever have been directed to the Bishops of every Diocese, the Clergy of the Lower House of the Convocation may be adjoined and associate with the Lower House of Parliament, or else that all such Statutes and Ordinances as shall be made concerning all matters of Religion and Causes Ecclesiastical may not pass without the sight and assent of the said Clergy.

"Also that whereas by the commandment of King *Henry* the Eighth, certheyne Prelates and other Learned men were appointed to alter the Service in the Church, and to devise other convenient and uniform order therein, who according to the same appointment did make certheyne Books as they be enformed, their request is that the said Books may be seen and perused by them for a better expedition of Divine Service to be set furthe accordingly.

"Also that Men being called to Spiritual Promotions or Benefices, may have some allowance for their necessary living, and other charges to be susteyned and born concerning the said Benefices in the first year wherein they pay the First-Fruits.

The other is :

“ Where the Clergy in the present Convocation Assembled
 “ have made humble suite unto the most Reverend Father in
 “ God my Lord Arch-Bishop of *Canterbury*, and all other Bi-
 “ shops. That hit may please them to be a mean to the Kings
 “ Majesty, and the Lord Protectors Grace, that the said Cler-
 “ gy, according to the tenor of the Kings Will, and the au-
 “ cient Laws and Customs of this noble Realm, might have
 “ their rowme and place, and be associated with the Communs
 “ in the nether House of this present Parliament, as Members
 “ of the Commonwealth, and the Kings most humble Subjects,
 “ and if this may not be permitted and granted to them,
 “ that then no Laws concerning the Christian Religion, or
 “ which shall concern especially the persons, possessions, rowmes,
 “ lyveings, jurisdictions, goods, or cattalls of the said Clergy
 “ may pass nor be enacted, the said Clergy not being made pri-
 “ vy thereunto, and their answers and reasons not heard. The
 “ said Clergy do most humbly beseech an answer and declara-
 “ tion to be made unto them, what the said most Reverend Fa-
 “ ther in God, and all other the Bishops have done in this their
 “ humble suit and request, to the end that the said Clergy, if
 “ nede be, may chose of themselves such able and discrete per-
 “ sons which shall effectually follow the same suite in name of
 “ them all.

“ And where in a Statute ordained and established by aucto-
 “ rite of Parliament at *Westminster*, in the twenty fifth year of
 “ the reigne of the most excellent Prince, King *Henry* the
 “ Eighth, the Clergie of this Realm, submitting themselves to
 “ the Kings Highness, did knowledge and confesse according to
 “ the truth, that the Convocations of the same Clergie hath
 “ ben and ought to be assembled by the Kings Writ; And did
 “ promise further *in verbo sacerdotii*, that they never from
 “ thence forth wolde presume to attempt, allege, clayme, or
 “ put in ure or enact, promulge or execute any new Canons,
 “ Constitutions, Ordinances, Provincials, or other, or by what-
 “ soever other Kings name they shall be called in the Convocation,
 “ oneles the Kings most Royal Assent and Lissence may to them
 “ be had, to make, promulge, and execute the same. And his
 “ Majesty to give his most Royal Assent and Auctorite in that
 “ behalfe.

" behalfe upon peyne of every one of the Clergie doing the
 " contrary, and beinge thereof convicted, to suffre emprison-
 " ment, and make Fine at the Kings Will. And that noe Ca-
 " nons, Constitutions, or Ordinances shall be made or put in
 " execution within this Realm by auctorite of the Convoca-
 " tion of the Clergy, which shall be repugnant to the Kings
 " Prerogative Royal, or the Customes, Laws or Statutes of this
 " Realm. Which Statute is estsoon renewed and established
 " in the xxvij. yere of the Reigne of the said most noble Kinge,
 " as by the tenor of both Statutes more at large will appear,
 " the said Clergie being presently assembled in Convocation by
 " auctority of the Kings Writ, doe desire that the Kings Maje-
 " sties licence in writeing may be for them obtained and grant-
 " ed according to the effect of the said Statutes auctoriseing
 " them to attempt, entreate, and commune of such matters,
 " and therein freely to geve their consents, which otherwise
 " they may not do, upon paine and peril premised.

" Also the said Clergie desireth that such matters as con-
 " cerneth Religione which be disputable, may be quietly, and
 " in good order reasond and disputed amongst them in this
 " howse, whereby the verites of such matters shall the better
 " appear. And the dowbtes being opened and resolutely dis-
 " cussed, men may be fully persiaded with the quyetnes of
 " their Consciences, and the tyme well spent:

Thus far those Petitions, containig some excellent propo-
 sals for a through Reformation. Soon after were called
 together by the Kings special order, the former select Assem-
 bly at *Windsor Castle*, where met (as far as I can guesse by
 the severall Papers delivered in by every one of them singly,
 and subscribed with their own hands, all which I have per-
 used) these following persons. *Thomas* Archbishop of
Canterbury, *Edward* Archbishop of *York*, the Bishop of
Rochester, *Edmund* Bishop of *London*, *Robert* Bishop of
Carlisle, *Dr. George Day*, *Dr. Thomas Roberison*, *Dr. I. Red-*
mayne, *Dr. Edward Leighton*, *Dr. Symon Mautbew*, *Dr.*
William Tresham, *Dr. Richard Cozen*, *Dr. Edgeworth*, *Dr.*
Owen Oglethorp, *Dr. Thyrleby*. These all gave in their sever-
 al resolution in papers; to the Questions propounded, with
 their names subscribed; (a far more prudent way then the
 Confusion

confusion of verbal and tedious disputes) all whose judgments are accurately summed up, and set down by the Archbishop of *Canterbury* himself. Their resolutions contain distinct answers to several sets of questions propounded to them. The first Set contained several questions about the Mass, about the instituting, receiving, nature, celebration of it; and whether in the Mass it be convenient to use such speech as the people may understand, whether the whole were fit to be translated, or only some part of it; with several other questions of the same nature. The second Set is more pertinent to our purpose, wherein are 17 Questions proposed to be resolved; Ten of them belong to the number of Sacraments, the other 7 concern Church-Government. The Questions are these.

- Q. 9. "Whether the Apostells lacking a higher Power, as in not having a Christian King among them, made Bishoppes by that necessity, or by auctorite given them of God?
10. "Whether Bishops or Priests were first, and if the Priests were first, then the Priest made the Bishop?
11. "Whether a Bishop hath auctorite to make a Priest by the Scripture or no, and whether any other but only a Bishop may make a Priest?
12. "Whether in the New-Testament be required any Consecration of a Bishop and Priest, or only appointinge to the Office be sufficient?
13. "Whether (if it fortun'd a Prince Christien lerned to conquer certen domynions of Infidells, having non but the Temporal lerned men with him) it be defended by Gods Law, that he and they should preche and teche the Word of God there or no, and also make and constitute Priests or no?
14. "Whether it be forfended by Goddes Law, that if it so fortun'd that all the Bishopps and Priests were dedde, and that the Word of God shuld there unpreached, the Sacrament of Baptisme and others unministred, than the King of that Region shulde make Bishoppes and Priests to supply the same or noe?
16. "Whether a Bishop or a Priest may excommunicate, and for what Crimes, and whether they only may excommunicate by Goddes Law?

These are the Questions, to which the Answers are severally returned in distinct Papers, all of them bound together in a large Volume by Archbishop *Cranmer*; and every one subscribed their Names, and some their Seals, to the Papers delivered in. It would be too tedious a work to set down their several opinions at large; only for the deserved reverence all bear to the name and memory of that most worthy Prelate, and glorious Martyr, *Archbishop Cranmer*, I shall set down his Answer distinctly to every one of these Questions, and the Answers of some others to the more material questions to our purpose.

To the 9. Q. "All Christian Princes have committed unto them immediately of God the holle cure of all their subjects, as well concerning the administration of Goddes Word for the cure of Soul, as concerning the ministrations of things Political, and civil Governauce.

Archbish.
Cranmers
answ. ex
ipso ejus
autogra-
pho.

"And in both theis Ministrations thei must have sondry Ministers under them to supply that which is appointed to their several Office.

"The Cyvile Ministers under the Kings Majesty in this Realm of *England*, be those whom yt shall please his Highness for the tyme to put in auctorite under him; as for example, the Lord Chancellor, Lord Treasurer, Lord Greate Master, Lord Privy Seal, Lord Admyrall, Mayres, Shryves, &c.

"The Ministers of Gods Wourde under His Majesty be the Bishops, Parsons, Vicars, and such other Priests as be appointed by his Highness, to that Ministrations; as for example, the Bishop of *Canterbury*, the Bishop of *Duresme*, the Bishop of *Winchester*, the Parson of *Wynwicke*, &c.

"All the said Officers and Ministers, as well of th'one sorte as the other, be appointed, assigned, and elected in every place, by the Laws and Orders of Kings and Princes.

"In the admission of many of these Officers bee divers comonly Ceremonies and Solemnities used, which be not of necessity, but only for a goodly order and semely fashion. For if such Offices and Ministrations were committed without such solemnity, thei were nevertheles truely committed.

"And there is no more promise of God, that Grace is given in the committing of the Ecclesiastical Office, then it is the committing of the Cyvile. In the Apostles time, when there

“ was no Christien Princes by whose authority Ministers of
 “ Gods Word might be appointed, nor synnes by the sword
 “ corrected; there was no remedy then for the correction of
 “ Vice, or appointinge of Ministers, but only the consent of
 “ Christien multitude amonge themselfe, by an uniform consent
 “ to follow the advice and perswasion of such persons whom
 “ God had most endued with the spirit of Wisdome and Coun-
 “ saile. And at that time, for as much as Christien people
 “ had no Sword nor Governor among them, they were con-
 “ strained of necessity to take such Curates and Priests, as either
 “ they knew themselves to be meet thereunto, or else as were
 “ commended unto them by other, that were so replete with
 “ the Spirit of God, with such knowledge in the profession of
 “ Christ, such Wisdome, such Conversation and Councell, that
 “ they ought even of very Conscience to give credit unto
 “ them, and to accept such as by theym were presented. And so
 “ some tyme the Apostles and other unto whom God had gi-
 “ ven abundantly his Spirit, sent or appointed Ministers of
 “ Gods Word, sometime the people did chose such as they
 “ thought meete thereunto. And when any were appointed or
 “ sent by the Apostles or other, the people of their awne volun-
 “ tary will with thanks did accept them; not for the Supremi-
 “ tie, Imperie, or Dominion, that the Apostles had over them
 “ to command as their Princes, or Masters: but as good people,
 “ ready to obey the advice of good Counsellors, and to accept,
 “ any thing that was necessary for their edification and benefit.

Answer
 to the
 10. Q.

“ The Bishops and Priests were at one time, and were not two
 “ things, but both one Office in the beginning of Christ Reli-
 “ gion.

11. “ A Bishop may make a Priest by the Scriptures, and so may
 “ Princes and Governors alsoe, and that by the auctority of
 “ God committed them, and the People alsoe by their Election.
 “ For as we reade that Bishops have done it, so Christien Em-
 “ perors and Princes usually have done it. And the people be-
 “ fore Christien Princes were, commonly did elect their Bi-
 “ shops and Priests.

12. “ In the New Testament, he that is appointed to be a Bishop
 “ or a Priest, needeth no consecration by the Scripture; for
 “ election or appointing thereto is sufficient.

“It is not against Gods Law, but contrary they ought in
“dede so to do, and there be historyes that witnesseth, that
“some Christien Princes and other Lay-men unconsecrate
“have done the same.

13.

“It is not forbidden by Gods Law.

14.

“A Byshop or a Priest by the Scripture, is neither com-
“manded nor forbidden to excommunicate. But where the
“Laws of any Region giveth him authoritie to excommunicate,
“there thei ought to use the same, in such crimes as the Laws
“have such authoritie in. And where the Laws of the Region
“forbidde them, there they have none authoritie at all.
“And thei that be no Priests may also excommunicate, if
“the Law allow thereunto. Thus far that excellent person, in
“whose judgment nothing is more clear, then his ascribing
the particular form of Government in the Church to the deter-
mination of the Supreme Magistrate. This judgement of
his, is thus subscribed by him with his own hand.

16.

T. Cantuariens. *This is mine opinion and sentence at this pre-
sent, which I do not temerariouly define, but do remitt the judge-
ment thereof holly to your Majesty.*

Which I have exactly transcribed out of the Original, and
have observed generally the form of writing at that time
used. In the same MS. it appears, that the *Bishop of St. Asaph,
Iberleby, Redman, and Cox*, were all of the same opinion
with the Archbishop, that at first Bishops and Presbyters
were the same; and the two latter expressly cite the opinion
of *Ferome* with approbation. Thus we see by the testimony,
chiefly of him who was instrumental in our Reformation, that
he owned not Episcopacy as a distinct order from Presbytery
of Divine Right, but only as a prudent constitution of the
Civil Magistrate for the better governing in the Church.

We now proceed to the re-establiment of Church-Gov-
ernment under our most happy *Q. Elizabeth*. After our
Reformation had truly undergone the fiery tryal in *Q. Ma-
ries* days, and by those flames was made much more refined
and pure, as well as splendid and illustrious; In the articles of
Religion agreed upon, our English Form of Church Govern-
ment was only determined to be agreeable to Gods Holy
Word; which had been a very low and diminishing expressi-
on, had they looked on it as absolutely prescribed and deter-

S 3.

mined in Scripture, as the only necessary Form to be observed in the Church. The first who solemnly appeared in Vindication of the English Hierarchy was Arch-Bishop Whitgift a sage and prudent person, whom we cannot suppose either ignorant of the sense of the Church of England, or afraid or unwilling to defend it. Yet he frequently against Cartwright asserts, *that the form of discipline is not particularly and by name set down in Scripture: And again, No kind of Government is expressed in the word, or can necessarily be concluded from thence, which he repeats over again. No form of Church Government is by the Scriptures prescribed to, or commanded the Church of God. And so Dr. Cosins his Chancellor in Answer to the Abstract, All Churches have not the same form of Discipline, neither is it necessary that they should, seeing it cannot be proved that any certain particular form of Church Government is commended to us by the Word of God.*

Pag. 3.
 Pag. 77.
 Pag. 81.
 82, 83, 84.
 Pag. 658.
 Pag. 58.
 P. 64, 66.
 Church
 Gov. pag.
 164.

To the same purpose Dr. Low, *Complaint of the Church; No certain form of Government is prescribed in the Word, only general Rules laid down for it.* Bishop Bridges; *God hath not expressed the form of Church Government, at least not so as to bind us to it.* They who please but to consult the third Book of learned and judicious Mr. Hookers *Ecclesiastical Polity;* may see the mutability of the form of Church Government largely asserted and fully proved. Yea this is so plain and evident to have been the chief opinion of the Divines of the Church of England, that Parker looks on it as one of the main foundations of the Hierarchy; and sets himself might and main to oppose it, but with what success, we have already seen. If we come lower to the time of King James, His Majesty himself declared it in Print, as his judgement; *Christiano cuiq; Regi, Principi ac Republicæ concessum; externam in rebus Ecclesiasticis regiminis formam suis præscribere, qua ad civilis administrationis formam quam proxime accedat.* That the Civil power in any Nation, hath the right of prescribing what external form of Church Government it please, which doth most agree to the Civil Form of Government in the State. Dr. Snelcliffe *de Presbyterio* largely disputes against those who assert that Christ hath laid down certain immutable Laws for Government in the Church. Crakanborpe against *Spalatenfis* doth assert the mutability of such things as are founded up-

De Pol. r.
 Eccles. l. 2.
 6. 39. & 6.
 C. 11. p.
 66.
 Defens.
 Eccl. Angl.
 c. 29. f. 12.

on Apostolical tradition; *Traditum igitur ab Apostolis, sed traditum & mutabile, & pro usu ac arbitrio Ecclesie mutandum.* To the like purpose speak the forecited Authors, as their testimonies are extant in *Parker, Bishop Bridges, Num unumquodq; exemplum Ecclesie Primitivæ præceptum aut mandatum faciat?* And again, *Fortè rerum nonnullarum in Primitivâ Ecclesia exemplum aliquod ostendere possunt, sed nec id ipsum generale, ne ejusdem perpetuam regulam aliquam, quæ omnes Ecclesias & ætates omnes ad illud exemplum astringat.* So *Archbishop Whitgift.* *Ex factò aut exemplo legem facere iniquum est.* *Nunquam licet, inquit Zuinglius, à factò ad jus argumentari.* By which principles the Divine Right of Episcopacy as founded upon Apostolical practice, is quite subverted and destroyed. To come nearer to our own unhappy times; Not long before the breaking forth of those never sufficiently to be lamented Intestine broyls, we have the judgment of two learned, judicious, rational Authors fully discovered as to the point in question. The first is that incomparable man *Mr. Hales* in his often cited *Traçt of Schism: Pag. 13.* whose words are these; *But that other head of Episcopal Ambition concerning Supremacy of Bishops in divers Sea's, one claiming Supremacy over another, as it hath been from time to time a great trespass against the Churches peace, so it is now the final ruine of it: The East and West through the fury of the two prime Bishops being irremediably separated without all hope of reconcilment. And besides all this mischief, it is founded on a Vice contrary to all Christian humility, without which no man shall see his Saviour. For they do but abuse themselves and others, that would perswade us, that Bishops by Christs institution have any superiority over men further then of Reverence, or that any Bishop is superiour to another, further then Positive order agreed upon among Christians hath prescribed: for we have believed him that hath told us, that in Jesus Christ there is neither high nor low: and that in giving honours, every man should be ready to prefer another before himself: which saying cuts of all claim certainly of superiority, by title of Christianity, except men think that these things were spoken only to poor and private men. Nature and Religion agree in this, that neither of them hath a hand in this He-*

rality of *secundum sub & supra*; all this comes from composition and agreement of men among themselves; wherefore this abuse of Christianity to make it Lacquey to Ambition, is a Vice for which I have no extraordinary name of Ignominy, and an ordinary I will not give it, lest you should take so transcendent a Vice to be but trivial. Thus that grave and wise person, whose words favour of a more then ordinary tincture of a true spirit of Christianity, that scorns to make Religion a footstool to pride and ambition. We see plainly he makes all difference between Church Officers to arise from consent of parties, and not from any Divine Law. To the same purpose Mr. *Chillingworth* propounds this Question among many others to his Adversary: *Whether any one kind of these external Forms and Orders and Government be so necessary to the being of a Church, but that they may be diverse in diverse places, and that a good and peaceable Christian may and ought to submit himself to the Government of the place where he lives, whosoever he be?* Which Question according to the tenour of the rest to which it is joined, must as to the former part be resolved in the Negative, and as to the latter in the Affirmative. Which is the very thing I have been so long in proving of, *viz.* that no one form of Church-Government is so necessary to the being of a Church, but that a good and peaceable Christian may and ought to conform himself to the Government of that place where he lives. So much I suppose may suffice to shew that the opinion which I have asserted, is no stranger in our own Nation, nor not among those who have been professed defenders of the Ecclesiastical Government of this Church.

§ 4. Having thus far acquainted our selves with the state and customs of our own Countrey, we may be allowed the liberty of visiting forraign Churches; to see how far they concur with us in the matter in question. The first person whose judgment we shall produce asserting the mutability of the form of Church Government, is that great light of the German Church *Chemnitius*, whom *Brightman* had so high an opinion of as to make him to be one of the Angels in the Churches of the *Revelation*. He discoursing about the Sacrament of Order, as the *Papists* call it, lays down these following

lowing Hypotheses as certain truths. 1. *Non esse Dei verbo man-*
datum qui vel quot tales gradus seu ordines esse debent. 2. *Non*
fuisse tempore Apostolorum in omnibus Ecclesiis & semper eos-
dem & totidem gradus seu ordines, id quod ex Epistolis Pauli
ad diversus Ecclesias scriptis manifestè colligitur. 3. *Non fu-*
it tempore Apostolorum talis distributio graduum illorum, quin
sapius unus & idem omnia illa officia, quæ ad ministerium perti-
nent, sustineret. Libera igitur fuerunt Apostolorum tempore ta-
les ordinationes habitâ ratione ordinis, decori & edificationis,
&c. Illud Apostolorum exemplum Primitiva Ecclesia eadem
ratione & simili libertate imitata est. Gradus enim officiorum
ministerii distributi fuerunt: non autem eadem plane ratione
sicut in Corinthiaca vel Ephesina Ecclesia, sed pro ratione cir-
cumstantiarum cuiusq; Ecclesia, unde colligitur, quæ fuerit in
distributione illorum graduum libertas. The main thing he
 asserts, is, the Churches freedom and liberty as to the orders
 and degrees of those who superintend the affairs of the
 Church, which he builds on a threefold foundation. 1. *That*

Exam.
Con. Trid.
cap. 2. de
sacram. ord.
can. 1. 413-
414.

the Word of God no where commands, what or how many de-
grees and orders of Ministers there shall be. 2. *That in the*
Apostles times, there was not the like number in all Churches,
as is evident from Pauls. Epistles. 3. *That in the Apostles*
times in some places one person did manage the several Offices
belonging to a Church. Which three Propositions of this
learned Divine, are the very basis and foundation of all our
foregoing discourse, wherein we have endeavoured to prove
these several things at large. The same learned person hath
a set discourse to shew how by degrees the offices in the
Church did rise, not from any set or standing Law, but for
the convenient managery of the Churches affairs, and con-
cludes his discourse thus; Et hæc prima graduum, seu ordi-

11. 01. 1
10. 01. 1

nam origo in Ecclesia Apostolica ostendit quæ causa, quæ ra-
tio, quis usus & finis esse debeat huiusmodi seu graduum, seu
ordinum; ut scilicet pro ratione carnis Ecclesiastici, singula of-
ficia quæ ad ministerium pertinent, commodius, rectius, diligentius,
& ordine cum aliqua gravitate ad edificationem obeantur.
 The sam is, It appears by the practice of the Apostoli-
 cal Church, that the state, condition and necessity of every par-
 ticular Church, ought to be the Standard and Measure what

Page 413.

Offices

offices and degree of persons ought to be in it. As to the uncertain number of Officers in the Churches in Apostolical times, we have a full and expresse testimony of the famous Centuriators of Magdeburge. *Quot vero in qualibet Ecclesia persone Ministerio sancta sint, non est in historiis annotatum, nec usquam est præceptum, ut æque multi in singulis essent, sed prout paucitas aut multitudo cœtus postulavit, ita pauciores aut plures ad ministerium ecclesia sunt adhibiti.* We see by them there is no other certain rule laid down in Scripture, what number of persons shall act in the governing every Church; only general prudence according to the Churches necessity, was the ground of determining the number then, and must be so still. The next person whose judgment is fully on our side, is a person both of learning and moderation, and an earnest restorer of Discipline as well as Doctrine in the Church. I mean *Hieron Zanchy*, who in several places hath expressed his judgment to the purpose we are now upon. The fullest place is in his *Confession of Faith*, penned by him in the LXX. year of his age; and if ever a man speaks his mind, it must be certainly when he professeth his judgment in a solemn manner by way of his last Will and Testament to the world (that when the *Soul* is going into another world, he may leave his *mind* behind him). Thus doth *Zanchy* in that Confession, in which he declares this to be his judgment as to the form of Church-Government; That in the Apostles times there were but two orders under them, *viz.* of Pastors and Teachers: but presently subjoyns these words, *Interea tamen non improbamus Patres, quod juxta variam, tum verbi dispensandi, tum regenda Ecclesia rationem, varios quoque ordines ministrorum multiplicarint, quando id in liberum fuit, sicut & nobis; & quando constat id ab illis factum honestis de causis, ad ordinem, ad decorum & ad adificationem ecclesia pro eo tempore pertinentibus.* And in the next section, *Noximus enim Deum nostrum Deum esse ordinis non confusionis, & ecclesiam servari ordine, perdi autem ἀταξία, qua de causa multos etiam & diversos, non solum olim in Israele, verum etiam post in ecclesia ex Judæis & Gentibus collecta, ministrorum ordines instituit; & eandem etiam ob causam, liberum reliquit Ecclesiis, ut plures adderent vel non adderent, modo ad adificationem fieret.*

He

Confess. fi.
dei cap. 25.
s. 10, 11.
Tom. 7. op.
Miscel.

He asserts it to be in the Churches power and liberty to add several orders of Ministers according as it judgeth them tend to edification; and saith, he is far from condemning the Course of the Primitive Church in erecting one as Bishop over the Presbyters, for better managing Church affairs; yea Arch-Bishops, Metropolitans, and Patriarches as instituted by the Primitive Church before the *Nicene Council*, he thinks may be both excused and defended, although afterward they degenerated into Tyranny and Ambition. And in his *observations* upon his *confession*, penned chiefly upon the occasion of the exceptions of *Magnus quidem Vir* (some will guess who that was) taken at the free delivery of his mind concerning the Polity of the Primitive Church, he hath expressions to this purpose: That what was unanimously determined by the Primitive Church without any contradiction to Scripture, did come from the Holy Spirit. *Hinc fit*, saith he, *ut quæ sint hujuscemodi; ea ego improbare nec velim, nec audeam bona conscientia. Quis autem ego sim, qui, quod r. ita ecclesia approbavit, improbem?* Such things, saith he, as are so determined, I neither will nor can with a safe conscience condemn. For who am I, that I should condemn that which the whole Church of God hath approved? A sentence as full of judgment as modesty. And that he might shew he was not alone in this opinion; he produceth two large and excellent discourses of *Martin Bucer* concerning the Polity of the ancient Church, which he recites with approbation; the one out of his Commentaries on the *Ephesians*, the other *de disciplina Clericali*, whereby we have gained another testimony of that famous and peaceable Divine, whose judgment is too large to be here inserted. The same opinion of *Zanchy* may be seen in his Commentaries upon the fourth Command, wherein he asserts no particular form to be prescribed, but only general rules laid down in Scripture, that all be done to edification; speaking of the original of Episcopacy which came not *dispositione Divina*, but *consuetudine Ecclesiastica*, atque ea quidem minime improbanda; neque enim hunc ordinem prohibuit Christus, sed potius regulam generalem reliquit per Apostolum, ut in Ecclesia omnia fiant ad edificationem. It is then most clear and evident that neither *Bucer*,

Tom. 4. op.

l. 1. in 4.

præcept. 9.

2.

Chem.

Chemnitius or *Zanby* did look upon the Church as so bound up by any immutable form of Church-Government laid down in Scripture, but it might lawfully and laudably alter it for better edification of the Church. For these learned Divines conceiving that at first in the Church there was no difference between Bishop and Presbyter, and commending the Polity of the Church when Episcopacy was set in a higher order, they must of necessity hold that there was no obligation to observe that Form which was used in Apostolical times.

Our next enquiry is into the opinion of the *French Church* and the eminent Divines therein. For *Calvin* and *Beza*, we have designed them under another rank. At present we speak of those who in *these* assert the form of Church-Government mutable. The first we meet with here who fully lays down his opinion as to this matter, is, *Joh. Fregevil*, who although in his *Palma Christiana* he seems to assert the Divine right of primacy in the Church, yet in his *Politick Reformer*, he asserts both forms of Government by equality and inequality, to be lawful. And we shall the rather produce his testimony, because of the high character given of him by the late *Rev. Bishop Hall*: *Wise Fregevil, a deep head, and one that was able to cut even betwixt the League, the Church and State*; His words are these, *As for the English Government, I say it is grounded upon Gods word so far forth as it keepeth the state of the Clergy instituted in the Old Testament, and confirmed in the New. And concerning the Government of the French Church, so far as concerneth the equality of Ministers, it hath the like foundation in Gods Word: namely in the example of the Apostles; which may suffice to authorize both these Forms of estate; albeit in several times and places None can deny but that the Apostles among themselves were equal, as concerning authority, albeit there were an order for their precedency. When the Apostles first planted Churches, the same being small and in affliction, there were not as yet any other Bishops, Priests, or Deacons but themselves; they were the Bishops and Deacons, and together served the Tables. These men therefore whom God raiseth up to plant a Church, can do no better, then after the examples of the Apostles to bear themselves in equal authority. For this cause have the French Ministers,*

planters

P. 70. &c.

Episcopacy by Divine right
s. 5. p. 20.

planters of the Reformed Church in France usurped it, howbeit provisionally—— reserving liberty to alter it, according to the occurrences. But the equality that rested among the Bishops of the Primitive Church, did increase as the Churches increased; and thence proceeded the Creation of Deacons, and afterwards of other Bishops and Priests; yet ceased not the Apostles equality in authority; but they that were created, had not like authority with the Apostles; but the Apostles remained as Sovereign Bishops, neither were any greater then they. Hereof I do infer that in the State of a mighty and peaceable Church, as is the Church of England, or as the Church of France (or such might be if God should call it to reformation) the State of the Clergy ought to be preserved. For equality will be hurtfull to the State, and in time breed confusion. But as the Apostles continued Churches in their equality so long as the Churches by them planted were small; so should equality be applyed in the planting of a Church, or so long as the Church continueth small, or under persecution; yet may it also be admitted as not repugnant to Gods Word in those places where already it is received, rather then to innovate any thing. I say therefore that even in the Apostles times the state of the Clergy increased as the Church increased. Neither was the Government under the bondage of Egypt, and during the peace of the Land of Canaan alike; for Israelites had first Judges, and after their state increased, Kings. Thus far that Politique Reformer. Whose words are so full and pertinent to the scope and drift of this whole Treatise, that there is no need of any Commentary to draw them to my sense. The next I shall pitch upon in the French Church, is, a *Triumvirate* of three as learned persons in their several ways as most that Church or any since the Reformation hath bred; they are *Blondel*, *Bochartus*, and *Amyraldus*. The first is that Church Antiquary, *Blondel* the known and learned Assertor of *Jerome's* opinion concerning the Primitive equality of Presbyters, who was likewise of *Jerome's* mind as to the mutability of that form if the Church saw fit, as appears by these words of his, speaking of that form of Ecclesiastical Polity which *Hilary* speaks of, viz. the Eldest Presbyters having the Primacy of Order above the rest. *Fac tamen*, saith he, *Apostolis non modo non improbantibus, sed palam, laudantibus*

Apol. pro. Hieron. s. 2. p. 53.

ortam, ego sanè liberè ab initio observatam, Christianisque sive, ab Apostolis sive ab eorum discipulis traditam, sed ut mutabilem & pro usu ac arbitrio Ecclesiæ mutandam (prout in causâ consimili piæ memoriæ Crakanthorpius sensit) crediderim: and not long after, Nec confessus capite carentes, aut multipliciter minus horremus, quàm fervidiores Hierarchici; quibus indagandum curatius incumbit; An pastorum cuiquam quocunque titulo nunc gaudeat, divino jure. *messata* eaque perpetua decreta sit; An verò in Arbitrio Ecclesiæ, ipse (qui præest Ecclesiæ) spiritus reliquerit, ut quocunque modo liberet, sibi de capite *instituti* collegia providerent. Whereby that most learned Writer for Presbytery (as some have called him) evidently asserts the mutability of the particular Form of Church-Government, and that it is left to the prudence and arbitrement of the Church, to conclude and determine, in what way and manner the Rulers of the Church shall act, for moderating the common concernments of the Church. The next is the learned and ingenuous *Bochartus*, who *ex professo*, doth assert the opinion I have been pleading thus long in the behalf of, in his Epistle to Dr. *Morley*. He having declared himself to be of *Jerome's* mind, as to the Apostles times, that the Churches were governed *communi consilio Presbyterorum*; and withal, asserting the great antiquity of Episcopacy, as arising soon after the Apostles times, and that *magno cum fructu*, as a very useful form of Government: He subjoins these words directly, overthrowing the Divine Right of either Form of Government, by Episcopacy or Presbytery. *Nec Apostolorum praxim puto vim habuisse legis, in rebus suâ naturâ ad hoc aptis. Proinde tam qui Presbyteralem, quam Episcopalem ordinem juris divini esse asserunt, videntur & ἀνομιαν αὐτῆς εἶναι τῆς οὐκ ἀναγκαστῆς.* And therefore asserts, that the Form of Government must be determined, as that in the State is, according to the suitability of it to the state, temper and condition of the people it is intended for. The last is, judicious *Amyraldus*, whom one deservedly calls, *one of the greatest wits of this Age*, in his proposals for peace with the *Lutherans*, speaking of the different Forms of Church Government in the several Churches of the Reformation, he lays down this for a foundation of union among the several

Ad. q. 1. p.
5.

De successione ab Ecclesiâ Rom. Deq; pace cum Evang. const. p. 29. &c.

veral Churches. *Quando igitur Christus quidem & Apostoli hoc disertè constituerunt, debere particulares Ecclesias omnes gubernari à Pastoribus, & aliquà regiminis formà temperari, quod ipsa rei necessitas flagitat; qua verò regiminis ista forma potissimum esse debeat, utrum alii aliis auctoritate præcellant, necne, neque rei natura desinivit, neque à Christo aut Apostolis æque disertè constitutum est; id. primò in pacificatione statuendum esse videtur; ut quo jure hæcenus fuerunt Ecclesiarum Evangelicarum Pastores, eodem porro esse pergant, neque alia aliarum statum convellere nitantur.* “That every Church be permitted freely to enjoy its own Form, since some kind of Government is necessary in all Churches, but no one Form is prescribed by Christ or his Apostles; and more fully afterwards to the same purpose. *Quemadmodum etsi igitur Politiarum formæ aliæ aliis aptiores ad finem illum Politicum obtinendum, & accommodatiores esse videntur; Deus tamen qui omnis societatis auctor est atque custos, voluit omnes hominum cœtus eodem jure teneri, sed cuique communitati potestatem esse voluit suas leges sibi condendi, quas ipse Divinâ suâ auctoritate sancit; sic dubitandum quidem non est quin ex variis illis administrandarum Ecclesiarum rationibus, nonnullæ sint aliquanto quàm aliæ conducibiliores ad eum finem adipiscendum quem religio constitutum habet: At voluit tamen sapientissimus indulgentissimusque Deus cuique Ecclesiæ jus esse sibi leges eas ferendi quæ ad disciplinam spectant, & ad ordinem conservandum.* Whereby he grants as much freedom and liberty to every Church, to prescribe Laws to its self, for the regulating the affairs of the Church, as to any State to pitch upon its particular rules and ways of Government. So the Church doth in its orders but observe the general rules laid down in Scripture. Having thus fully shewed how many of the most eminent Divines of the Reformation have embraced this opinion of the mutability of the Form of Church-Government, both in our own and foreign Churches, who were far from being the *Profelytes* of *Eraſtus*; it were easie to add *Mantiffa loco* the concurrent judgement of many very learned Men, as the excellent *Hugo Grotius*, my Lord *Bacon*, Sir *Will. Morrice*, and others; who have in print delivered this as their judgement; but seeing such is the temper of many, as to cast by their judgements with an opinion of their

De Imperio summ. Potest. circa sacra c. 11. L. Bacon Considerat touching Ch. Govern. Sir Will. Morrice of the Sacrament, in sect. 9. Mr. Pryn's 12 queries to the Assembly.

partiality towards the Government of the Church; I have therefore contented my self with the judgment of *Divines*; most of them of the highest rank since the Reformation: whose judgments certainly will be sufficient to remove that prejudice, wherewith this opinion hath been entertained among the blind followers of the several parties. So much for those, who in terms assert the Form of Church-Government not to depend upon an unalterable Law, but to be left to the prudence and discretion of every particular Church, to determine it according to its suitableness to the state, condition, and temper of the people whereof it consists, and conduceableness to the ends for which it is instituted.

§ 6.

We come now in the second place to those, who though they look upon equality of Ministers as the Primitive Form, yet do allow Episcopal Government in the Church as a very lawful and useful constitution. By which it is evident, that they did not judge the Primitive Form to carry an universal obligation along with it, over all Churches, Ages, and Places. Upon this account our learned *Crakanthorp* frees all the Reformed Churches from the charge of *Aërianism*, laid upon them by the *Archbishop of Spalato* (when he licked up his former vomit in his *Consilium redivit*) *Crakanthorp's* words are these, speaking of *Luther*, *Calvin*, *Beza*, and all the Reformed Churches; *Non habent illi scio, distinctos à Presbyteris, eisque in ordinandi & excommunicandi potestate superiores Episcopos. At Imparitatem istam quod fecit Aërius, non verbo Dei repugnare docent; non damnant eam vel in nostrâ, vel in universali per annos super mille quingentos Ecclesiâ. Per verbum Dei & Jus Divinum, liberum & licitum utrumvis censent, vel Imparitatem istam admittere vel Paritatem; In Arbitrio hoc esse ac potestate cujusvis Ecclesiæ censent, utrum Paritatem ordinum admittunt, an Imparitatem.* So that according to the opinion of this learned *Divine*, all the Reformed Churches were free from the Imputation of *Aërianism*, because they asserted not an *Imparity* among the Ministers of the Gospel to be unlawful; but thought it was wholly in the Churches *liberty*, to settle either a *Parity* or *Imparity* among them; as they judged convenient. But to descend more particularly to the *Heroes* of the Reformation, we have a whole *Constellation* of them together:

Defens.
Eccles.
Angl. cap.
42. f. 6.

ther in the *Augustane Confession*, where they fully express their minds to this purpose; *Hæc de re in hoc conventu sæpe Apolog. Confess. Aug. ad art. 14.* testati sumus, nos summâ voluntate cupere, conservare Politiam Ecclesiasticam, & gradus in Ecclesiâ factos etiam humanâ auctoritate. Scimus enim bono & utili consilio à Patribus Ecclesiasticam disciplinam, hoc modo, ut veteres Canones describunt, constitutam esse. And afterwards, *Sevittia Episcoporum in causâ est, quare alicubi dissolvitur illa Canonica Politia, quam magnopere cupiebamus conservare.* And again, *Hic iterum volumus testatum, nos libenter conservaturos esse Ecclesiasticam & Canonicam Politiam, si modo Episcopi desinant in Ecclesias nostris sevirere. Hæc nostra voluntas, & coram Deo & apud omnes gentes ad omnem posteritatem excusabit nos, nè nobis imputari possit, quod Episcoporum auctoritas labefaciatur.* And yet further, *Sæpe jam testati sumus, nos non solum potestatem Ecclesiasticam, qua in Evangelio instituta est, summâ pietate venerari, sed etiam Ecclesiasticam Politiam, & gradus in Ecclesiâ magnoperè probare, & quantum in nobis est conservare cupere.* We see with what industry they purge and clear themselves from the imputation of bearing any ill will to the several degrees that were instituted by the Church; nay they profess themselves desirous of retaining them, so the Bishops would not force them to do any thing against their Consciences. To the same purpose they speak in the *Smaraldian Articles*. None speaks more fully of the agreeableness of the Form of Government used in the Ages after the Apostles to the Word of God, than that excellent servant of God, as Bishop *Downam* often calls him, *Calvin* doth: For in his *Institutions* he speaks thus of the Polity of the Primitive Church; *Tametsi enim multos Canones ediderunt illorum temporum Episcopi quibus plus viderentur exprimere quàm sacris literis expressum esset; ea tamen cautione totam suam Oeconomiam composuerunt ad unicam illam verbi Dei normam, ut facile videas nihil fere hæc parte habuisse à verbo Dei alienum.* *Institur. lib. 4. cap. 4. s. 1.* Although the Bishops of those times did make many Canons, wherein they did seem to express more than was in the Word of God; yet they used such caution and prudence in the establishing the Churches Polity according to the Word of God, that hardly will any thing be found in it disagreeing to Gods Holy Word. And after-

sect. 4.

afterwards speaking of the Institution of Archbishops and Patriarchs, he saith it was *ad Disciplinæ conservationem*, for preserving the Churches Discipline: and again, *Si rem omisso vocabulo intuemur, reperiemus Veteres Episcopos non aliam regenda Ecclesie formam voluisse fingere, ab ea quam Deus verbo suo præscripsit*. If we consider the matter it self of the Churches Polity, we shall find nothing in it discrepant from, or repugnant to that Form which is laid down in the Word of God. Calvin then, whatever form of Government he judged most suitable to the state and temper of the Church wherein he was placed, was far from condemning that Polity which was used in the Primitive Church by a difference as to degrees among the Ministers of the Gospel. He did not then judge any form of Government to be so delivered in Scriptures as unalterably to oblige all Churches and Ages to observe it. Beza saith, *he was so far from thinking that the humane order of Episcopacy was brought into the Church through rashness or ambition, that none can deny it to have been very useful as long as Bishops were good. And those that both will and can, let them enjoy it still*. His words are these, *Abstine-*

De Mi-
nistr. gra-
dibus, cap.
23. p. 144.

autem ut hunc ordinem, etsi Apostolica & mere divina dispositione non constitutum, tamen ut temere aut superbe inveciunt reprehendam; cujus potius magnum usum fuisse quamdiu boni & sancti Episcopi Ecclesiis præfuerunt, quis insiciari possit? Fruantur igitur illo qui volent & poterunt. And elsewhere

Cap. 21. p.
126, 127.

professeth all reverence, esteem, and honour to be due to all such modern Bishops, who strive to imitate the example of the Primitive Bishops in a due reformation of the Church of God, according to the rule of the Word. And looks on it as a most false and impudent Calumny of some that said as though they intended to prescribe their form of Government to all other Churches; as though they were like some ignorant fellows who think nothing good but what they do themselves. How this is reconcileable with a novel pretence of a jus divinum, I cannot understand. For certainly if Beza had judged that only form to be prescribed in the word which was used in Geneva, it had been but his duty to have desired all other Churches to conform to that. Neither ought Beza then to be looked on as out-going his Master Calvin in the opinion

opinion about the right of Church-Government. For we see he goes no farther in it than *Calvin* did. All that either of them maintained, was, that the form of Government in use among them, was more agreeable to the Primitive form, than the modern Episcopacy was, and that Episcopacy lay more open to Pride, Laziness, Ambition, and Tyranny, as they had seen and felt in the Church of *Rome*. Therefore not to give occasion to such incroachments upon the liberty of mens Consciences, as were introduced by the tyranny of the *Roman* Bishops, they thought it the safest way to reduce the Primitive parity; but yet so, as to have an Ecclesiastical Senate for one Church containing Cities and Territories, as is evident at *Geneva*, and that Senate to have a President in it; and whether that President should be for life, or only by course, they judged it an accidental and mutable thing: but that there should be one, essential and necessary. This is expressly and fully the judgement of that most Reverend and Learned man, *Th. Beza*, as he declares it himself. *Essentiale fuit in eo de quo hic agimus, quod ex Dei Ordinatione perpetua necesse fuit, est, & erit, ut in Presbyterio quispiam & loco & dignitate primus actioni gubernanda presit, cum eo quod ipsi divinitus attributum est jure. Accidentale autem fuit, quod Presbyteri in hac proposicio aliis aliis per vices initio succedebant; qui proposicio modus paulatim postea visus est mutandus, ut unus quispiam judicio caterorum compresbyterorum delectus, Presbyterio proesens esset, & permaneret.* It will be worth our while truly to state the Question of Church Government between the Church of *England*, and that of *Geneva* in the time of *Queen Elizabeth*, and thereby we shall see how small the difference was between them. That the Churches in the Primitive times, did take in the Christians in whole Cities, and adjoining Territories, is acknowledged on both sides; *Calvin* and *Beza* being both express in it, and the Constitution of the Church of *Geneva* speaks as much. *Unicuique civitati (saith Calvin) erat attributa certa regio, qua Presbyteros inde sumeret, & velut corpori Ecclesia illius accenserentur. In oppido cujusque Dioeceseos (saith Beza) De Miracipuo primus Presbyter, &c. in quotidiana communi jurisdictione præerat cateris tum urbanis, tum aliis ejus regionis*

De Ministr. gradibus, cap. 23. p. 153.

Instit. l. 4. c. 4. s. 2. De Ministr. grad. cap. 24. p. 167.

cum presbyteris, i. e. *toti Diocesi*. That the Government of the City did take in the City and Territories, is likewise acknowledged by them. That for more convenient order, there was one to preside over the Ecclesiastical Senate, is confessed as essential by *Beza*; and *Calvin* acknowledgeth that even in Apostolical times, *non eam fuisse tunc aequalitatem inter Ecclesiae ministros, quin unus aliquis autoritate & consilio praesset*. There was no such equality among the Ministers of the Church, but that some one was over the rest in Authority and Counsel. Wherein then lay the difference? For we have already seen that our Great Divines then, did not look upon their form of Government as necessary, but only lawful; and *Calvin* and *Beza* would not be thought to prescribe their form to other Churches. All the difference then was, not Whether their form of Government was founded on Divine Right? not Whether Episcopacy in the Church was lawful or no? not Whether Diocesan Churches were unlawful? or Whether every Congregation should have an Ecclesiastical Senate? But Whether it were more agreeable to the Primitive form, that the President of the Ecclesiastical Senate should have only an order among, or a degree above the Senate its self? But chiefly it was, Whether in the present state of the *Reformed Churches* it were more convenient wholly to lay aside the form of Government by *Bishops*, which had been so much abused in the *Roman Church*: and to reduce all Ministers of the Gospel to an equality with only a Presidency of order, thereby to free *themselves* from the imputation of Ambition, and to prevent it in *others*; or else it were more prudent only to retrench the abuses of *Episcopacy* under the *Papacy*, and to reduce it to that form wherein it was practiced in the *Church*, before the *tyranny* and *usurpation* of the *Roman Bishop* had ingrossed all *Ecclesiastical power* into his own hands? The former part was embraced generally by the *Reformed Churches*, the latter by our *Church of England*; so that the Question was not about divine Right, but about a matter of Prudence; not what form was settled by a Law of Christ, but what form was suitable to the present state of the Churches of the Reformation. Therefore we see none of the forraign Divines did charge the

the Government of this Church with *unlawfulness* but *inconveniency*, as it was a step to pride and ambition, and an occasion whereby men might do the Church injury by the excess of their power, if they were not men of an excellent temper and moderation. Thence that prediction of *Padre Paulo*, that the Church of *England* would then find the inconveniency of Episcopacy, when a high-spirited Bishop should once come to rule that Church; and so *Bizz* when he had freed the Bishops of the Reformation from that imputation of *Lording it over their Brethren*, which he had charged the Roman Bishops with, yet he adds, that he would beg them rather to lay down their power, than to transmit that power to those after them, *hanc ipsorum moderationem & aequitatem minime forsan sequuntur*, Who it may be were not like to succeed them in their meekness and moderation. What just reason there was for such fears, or may be still, let those judge who are fittest to do it; those I mean who have the power not only to redress, but prevent abuses incroaching by an irregular power. It was not then any unlawfulness in the Government of Episcopacy its self, but its lability to abuses, which made the Reformed Churches reduce Modern Episcopacy into a meer Presidency of Order, which was not so liable to the same inconveniencies. A clear evidence that they judged not the Government unlawful, is, their often profession of a ready and chearful obedience to Bishops, if they would embrace the Gospel, and stand up in defence of the true Doctrine. For which we have the testimony of *George Prince of Anhalt*, in the Preface to his Sermon about False Prophets, speaking of Bishops and Archbishops: “*Utinam sicut nomina gerunt & titulos, ita se reipsa præstarent Episcopos Ecclesiæ. Utinam Evangelio docerent consona, ipsoque Ecclesiæ fideliter regerent. O quam libenter, quantaque cum cordis lætitia, pro Episcopis ipsos habere, revereri, morem gerere, debitam jurisdictionem, & ordinationem eis tribuere, eaque sine recusatione frui vellemus: id quod nos semper, & D. Lutherus etiam sæpissime tam ore quam scriptis, imò & in concione publica in Cathedrali Templo Marsburgensi contestati promissimus.* He professeth it to be both his own judgment and *Luthers*, that if Bishops would but teach and rule their Churches according to the Word of God, they

De Ministris grad. p. 158

Super Ministris de Ordinat.

would obey them with all chearfulness and joy of heart. To the same purpose *Melancthon* writing to *Camerarius*; "By what Right or Law may we dissolve the Ecclesiastical Polity, if the Bishops will grant us that which in reason they ought to grant? and though it were lawful for us so to do, yet surely it were not expedient. *Luther* was ever of this opinion. The same is professed by *Calvin*, and that according to his temper in a higher manner; "Verum autem nobis si contri-

Ep. ad
Camer.
A.D. 1530

Tom. 7. ad
Sadoletum.
& de neces.
Reform.
Eccl. p. 69.

buant Hierarchiam in qua emineant Episcopi, ut Christo subesse non recuset, ut ab illo tanquam ab unico capite pendeant, & ad ipsum referantur, in qua si fraternam charitatem inter se colant & non alio modo quam ejus veritate colligati, tum vero nullo non Anathemate dignos fatemur, si qui erant, qui eam non reverenter & summa cum obedientia observent. If Bishops would but submit themselves to Christ, those that would not then submit themselves to them, he thinks there is no *Anathema* of which they are not worthy. *Jacobus Heerbrandus*, Divinity-Professor at *Tubinge*, professeth it to be the most sound constitution of Church-Government, wherein every Diocess had its Bishops, and every Province an Archbishop. *Saluberrimum esset si singula Provinciae suos Episcopos, & Episcopi suos Archiepiscopos haberent.* *Hemingsius* acknowledgeth a disparity among Church-Officers, and accounts it a piece of barbarism to remove it. "Quamquam enim potestas omnium eadem est ministrorum quantum ad spirituales jurisdictionem attinet; tamen dispares dignitatis ordines & gradus sunt; idque partim jure divino, partim Ecclesie approbatione. But he qualifies what he had said of *Jus divinum* by his following words; "Ecclesia cui Dominus potestatem dedit in ædificationem, ordinem ministrorum instituit pro commodo suo, ut omnia sint rite ordinata ad instaurationem corporis Christi. Hinc Ecclesia purior secula tempora Apostolorum, fecit alios Patriarchas, alios Chorepiscopos, alios Pastores & Catechetas; and afterwards, Inter ministros agnoscit etiam Ecclesia nostra gradus dignitatis, & ordines pro diversitate donorum, laborum magnitudine, ac vocationum diversitate, ac judicat Barbaricum esse de Ecclesia hunc ordinem tollere velle. Three things he placeth a superiority of dignity in; *Excellency of Gifts, Greatness of Labours, Difference of Calling.*

In loc. com.
de Eccl.
p. 707.

Opuscul.
Theol. Clas.
3. cap. 10.
p. 439.

And the truth is, the two former ought to be the measure of dignity in the Church, the Eminence of mens abilities, and the abundance of their labours above others. The necessity of a *Superintendent*, or an *Inspector* over other Ministers, is largely discovered by *Zepper de Politia Ecclesiastica*, who likewise agrees with the former Divines in his judgment of the first institution of Episcopacy. “*Eadem officia in primitiva etiam Ecclesia, post Apostolorum tempora in usu manserunt, paucis quibusdam gradibus, pro illorum temporum necessitate additis, qui tamen nihil fere à mente D. Pauli & verbi divini alienum habuerunt.*” Whereby he both asserts it to be in the power of the Church to add distinct degrees from what were in the Primitive Church; and that such so added, are no ways repugnant to the Word of God. According to this judgment of their Divines is the practice of the Foreign Protestant Churches; in *Sweden* there is one *Archbishop*, and seven *Bishops*: and so in *Denmark*, though not with so great authority in *Holstein, Pomeran, Mecklenburgh, Brunswick, Luneburgh, Bremen, Oldenburgh, East-Friezeland, Hessen, Saxony*, and all the upper part of *Germany*, and the Protestant Imperial Cities, Church-Government is in the hands of *Superintendents*. In the *Palatinate* they had *Inspectores* and *Præpositi*, over which was the Ecclesiastical Consistory of three Clergy-men, and three Counsellors of State with their President: and so they have their *Præpositos* in *Wetteraw, Hessen* and *Anhalt*. In *Transylvania, Polonia, and Bohemia*, they have their *Seniores* enjoying the same power with ancient Bishops. So that we see all these *Reformed Churches* and *Divines*, although they acknowledge no such thing as a Divine right of *Episcopacy*, but stiffly maintain *Jeromes* opinion of the primitive equality of Gospel Ministers; yet they are so far from accounting it unlawful to have some Church-Officers acting in a higher degree above others, that they themselves embrace it under different names and titles, in order to the Peace, Unity and Government of their several Churches; Whereby they give us an evident demonstration that they looked not upon the Primitive Form to be immutable, but that the orders and degrees of Ministers is only a Prudential thing, and left in the liberty of every particular Church, to

Lib 2. c. 10

De Politi.
Ecclesi. l. 1.
cap. 1.See Mr.
Duree the
Govern-
ment of
Protestant
Churches
beyond
the Seas.

be determined according to their tendency to preserve the peace and settlement of a Church.

5. 7. We come in the last place to those who hold Episcopacy to be the Primitive Form, yet not unalterably binding all Churches and places, but that those Churches who are without it, are truly constituted Churches; and Ministers are lawfully ordained by meer Presbyters. This is largely proved by Mr.

Certain
brief treatises,
Oxford.
1641.
sect. 18.

Francis Mason, in his excellent *Defence of the Ordination of Ministers beyond the Seas*: to which I refer the Reader. Only I shall shew out of him how the State of the Question about the *Jus divinum* of Episcopacy is formed: "First, If by *jure divino* you mean that which is according to Scripture, then the preheminence of Bishops is *jure divino*; for it hath been already proved to be according to Scripture. Secondly, If by *jure divino* you mean the Ordinance of God, in this sense also it may be said to be *jure divino*. For it is an Ordinance of the Apostles, whereunto they were directed by God's Spirit, even by the Spirit of Prophecy, and consequently the Ordinance of God. But if by *jure divino* you understand a Law and Commandment of God, binding all Christian Churches universally, perpetually, unchangeably, and with such absolute necessity, that no other form of Regiment may in any case be admitted; in this sense neither may we grant it, nor yet can you prove it to be *jure divino*.

Whereby we see this learned and moderate man was far from unchurching all who wanted Bishops; and absolutely declares, that though he look on Episcopacy as an Apostolical Institution, yet that no unalterable divine right is founded thereupon. So before him the both learned and pious Bishop *G. Downam* explains himself concerning the right of Episcopacy, in these remarkable words; "Though in respect of the first Institution, there is small difference between an Apostolical and Divine Ordinance, because what was ordained by the Apostles, proceeded from God, (in which sense, and no other, I do hold the Episcopal Function to be a Divine Ordinance, I mean in respect of the first Institution) yet in respect of perpetuity, difference by some is made between those things which be *divini*, and those which be *Apostolici juris*; the former in their understanding being perpetually, generally,

Defence
of Sermon
l. 4. cap. 6.
p. 139.

“generally, and immutably necessary: the latter not so. So that
 “the meaning of my defence plainly is, that the Episcopal Go-
 “vernment hath this commendation above other forms of *Eccle-*
 “*siaſtical Government*, that in respect of the first Institution, it
 “is a Divine Ordinance; but that it should be such a Divine
 “Ordinance as should be generally, perpetually, immutably,
 “necessarily observed, so as no other form of Government may
 “in no case be admitted, I did not take upon me to maintain:
 With more to the same purpose in several places of that de-
 fence. And from hence it is acknowledged by the stoutest
 Champions for Episcopacy, before these late unhappy divisi-
 ons, that Ordination performed by Presbyters in cases of ne-
 cessity is valid; which I have already shewed doth evidently
 prove that Episcopal Government is not founded upon any
 unalterable Divine Right: For which purpose many evidences
 are produced from *Dr. Field of the Church, lib. 3. c. 39. B.*
Dornam, l. 3. c. 4. B. Jewel, P. 2. p. 131. Saravia, cap. 2.
p. 10, 11. B. Alley, Praeſc. 3. & 6. B. Pilkinton, B. Bridges,
B. Bilson, D. Nowel, B. Davenant, B. Prideaux, B. Andrews,
 and others: by our Reverend and learned Mr. Baxter in his
Christian Concord, to whom may be added the late most Re-
 verend and eminent the Bishop of Durham, *Apolog. Cathol. p. 1.*
l. 1. c. 21. and the *Primat of Armagh*, whose judgment is well
 known as to the point of Ordination. So much may suffice to
 shew that both those who hold an equality among Ministers to
 be the Apostolical form, and those that do hold Episcopacy to
 have been it, do yet both of them agree at last in this, that
 no one form is settled by an unalterable Law of Christ, nor
 consequently founded upon Divine Right. For the former,
 notwithstanding their opinion of the Primitive Form, do hold
 Episcopacy lawful; and the latter, who hold Episcopacy to
 have been the Primitive Form, do not hold it perpetually and
 immutably necessary, but that Presbyters (where Bishops can-
 not be had) may lawfully discharge the Offices belonging to Bi-
 shops; both which Concessions do necessarily destroy the per-
 petual Divine Right of that Form of Government they assert:
 Which is the thing I have been so long in proving, and I hope
 made it evident to any unprejudicated mind.

L. 4. ch. 7.
p. 146.

From p. 53.
to p. 62.

Having laid down this now as a sure foundation for peace
 and union, it were a very easie matter to improve it, in order

to an Accommodation of our present differences about Church-Government. I shall only lay down three general Principles deducible from hence, and leave the whole to the mature consideration of the Lovers of Truth and Peace. The first Principle is, *That Prudence must be used in settling the Government of the Church.* This hath been the whole design of this Treatise, to prove that the Form of Church-Government is a meer matter of prudence, regulated by the Word of God. But I need not insist on the Arguments already brought to prove it : for as far as I can find, although the several parties in their contentions with one another plead for Divine Right, yet when any one of them comes to settle their own particular Form, they are fain to call in the help of Prudence, even in things supposed by the several parties, as necessary to the establishment of their own Form. The *Congregational* men may despair of ever finding *Elective Synods*, an *explicite Church-Covenant*, or *positive signs of Grace* in admission of Church-Members in any Law of Christ : nay, they will not generally plead for any more for them, than general rules of Scriptures, fine Similitudes, and Analogies, and evidence of natural reason ; and what are all these at last to an express Law of Christ, without which it was pretended nothing was to be done in the Church of God ? The *Presbyterians* seem more generally to own the use of General Rules, and the Light of Nature, in order to the Form of Church-Government, as in the *Subordination of Courts*, *Classical Assemblies*, and the more moderate sort, as to *Lay-Elders*. The *Episcopal* men will hardly find any evidence in Scripture, or the practice of the Apostles, for *Churches consisting of many fixed Congregations for Worship*, under the charge of one Person, nor in the Primitive Church, for the *Ordination of a Bishop without the preceding election of the Clergy*, and at least consent and approbation of the People ; and neither in Scripture, nor Antiquity, the least footstep of a *delegation of Church-power*. So that upon the matter at last, all of them make use of those things in Church Government, which have no other foundation but the Principles of *Humane Prudence*, guided by the Scriptures ; and it were well if that were observed still. The second Principle is, *That Form of Government is the best according to Principles of*

Christian

Christian Prudence, which comes the nearest to Apostolical practice, and tends most to the advancing the peace and unity of the Church of God. What that Form is, I presume not to define and determine, but leave it to be gather'd from the evidence of Scripture and Antiquity, as to the Primitive practice, and from the nature, state and condition of that Church wherein it is to be settled, as to its tendency to the advancement of peace and unity in it. In order to the finding out of which, that Proposal of his late most excellent Majesty of glorious memory, is most highly just and reasonable. His Majesty thinketh it well worthy the studies and endeavours of Divines of both Opinions, laying aside emulation and private interests, to reduce Episcopacy and Presbytery into such a well-proportion'd Form of Superiority and Subordination, as may best resemble the Apostolical and Primitive times, so far forth as the different condition of the times, and the exigences of all considerable circumstances will admit.

His Majesty's second Paper to the Ministers at New-
port. ad fin.

If this Proposal be embraced, as there is no reason why it should not; then, all such things must be retrieved which were unquestionably of the Primitive practice, but have been grown out of use through the length and corruption of times. Such are the restoring of the Presbyteries of the several Churches, as the Senate to the Bishop, with whose counsel and advice all things were done in the Primitive Church. The contracting of Dioceses into such a compass as may be fitted for the personal inspection of the Bishop, and care of himself and the Senate; the placing of Bishops in all great Towns of resort, especially County Towns; that according to the ancient course of the Church, its Government may be proportioned to the Civil Government. The constant preaching of the Bishop in some Churches of his charge, and residence in his Diocess; The solemnity of Ordinations, with the consent of the People; The observing Provincial Synods twice every year. The employing of none in judging Church-Matters but the Clergy. These are things unquestionably of the Primitive practice, and no argument can be drawn from the present state of things, why they are not as much, if not more necessary than ever. And therefore all who appeal to the practice of the Primitive Church, must condemn themselves, if they justify the neglect of them.

V. Bishop
Ushers reduction of
Episcopacy, &c.

But.

Par. 1. ch.
2. s. 12.

But I only touch at these things, my design being only to lay a foundation for a happy union. *Lastly, What Form of Government is determined by lawful Authority in the Church of God, ought so far to be submitted to, as it contains nothing repugnant to the Word of God.* So that let mens judgments be what they will concerning the Primitive Form, seeing it hath been proved, that that Form doth not bind unalterably and necessarily, it remains that the determining of the Form of Government is a matter of liberty in the Church; and what is so, may be determined by lawful Authority; and what is so determined by that Authority, doth bind men to obedience, as hath been proved by the 5. *Hypothesis*, in the entrance of this Treatise. I conclude all with this earnest desire, *That the Wise and Gracious God would send us one heart and one way, that he would be the Composer of our differences, and the Repairer of our breaches, that of our strange divisions and unchristian animosities, while we pretend to serve the Prince of Peace, we may at last see*

THE END,

Glory to God on high, on earth peace, good will towards men,
Luke 2. 14.



A Discourse concerning the Power of EXCOMMUNICATION in a Christian Church.

The Name of Power in a Church explained. The mistake of which, the Foundation of Erastianism. The Notion of the Church opened, as it is the Subject of Power. The Church proved to be a Society distinct from the Commonwealth; by reason of its different Nature, and Divine Institution; distinct Officers, different Rights, and Ends, and peculiar Offences. The Power of the Church doth not arise from meer confederation. The Churches Power founded on the nature of the Christian Society, and not on particular Precepts. The Power of Church-Officers not merely Doctrinal, proved by several Arguments. Church-Power as to particular persons antecedent to confederation. The Power of the Keys relates to Baptism. The Churches Power extends to Excommunication: what it is, and what grounds it had under the Law. No exclusion from Temple-worship among the Jews. Excommunication necessary in a Christian Church, because of the conditions supposed to communion in it. Of the Incestuous person, and the Grounds of the Apostolical censure. Objections against Excommunication answered. The fundamental Rights of the Church continue after its being incorporated into the civil State. The Magistrates Power, as to Excommunication, cleared.



Tis a matter of daily observation and experience in the World, how hard it is to keep the eyes of the understanding clear in its judgement of things, when it is too far engaged in the dust of Controversie. It being so very difficult to well manage an impetuous pursuit after any Opinion; nothing being more common than

Append.
to c. 3.
part 3.
§ 1.

to see men *out-run* their mark, and through the force of their speed to be carried as far *beyond* it, as others in their Opinion *fall short* of it. There is certainly a kind of *ebriety* of the mind, as well as of the body, which makes it so *unstable* and *pendulous*, that it oft times *reels* from one extremum unto the quite contrary. This as it is obvious in most eager *controversists* of all Ages, so especially in such, who have discovered the falsity of an opinion they were once confident of, which they think they can never after run far enough from: So that while they *start* at an *apparition* they so much dread, they run into those *unrodden paths*, wherein they *lose* both themselves and the Truth they sought for.

§ 2.

Thus we find it to be in the present *controversie*, for many out of their just *zeal* against the *extravagancies* of those who *scrue* up *Church-Power* to so high a peg, that it was thought to make perpetual discord with the *Commonwealth*, could never think themselves free from so great an inconvenience, till they had *melted down* all *Spiritual Power* into the *Civil State*, and dissolved the *Church* into the *Commonwealth*. But that the World may see I have not been more forward to assert the just power of the *Magistrate* in *Ecclesiasticals*, as well as *Civils*, than to defend the *Fundamental Rights* of the *Church*, I have taken this opportunity more fully to explain and vindicate that part of the *Churches-Power*, which lies in reference to *Offenders*; It being the main thing struck at by those who are the followers of that noted *Physitian*, who handled the Church so ill, as to deprive her of her expulsive faculty of *Noxious humours*, and so left her under a *Miserere mei*.

§ 3.

I shall therefore endeavour to give the *Church* her due, as well as *Caesar* his, by making good this following *Principle* or *Hypothesis*, upon which the whole hinge of this *Controversie* turns, *viz.* That the power of inflicting *censure*, upon *Offenders* in a *Christian Church*, is a *fundamental Right*, resulting from the constitution of the *Church*, as a *Society* by *Jesus Christ*; and that the seat of this *Power* is in those *Officers* of the *Church*, who have derived their power *Originally* from the *Founder* of this *Society*, and act by *vertue* of the *Laws* of it.

§ 4.

For the clear stating of this *Controversie*, it will be necessary.

cessary to explain, what that *Power* is, which I attribute to the *Church*, and in what notion the *Church* is to be considered as it *exerciseth* this *Power*. *First*, concerning the proper notion of *Power*, by it I cannot see any thing else to be understood, than a *right of governing or ordering things which belong to a Society*. And so *Power* implies only a *moral faculty* in the person enjoying it, to take care *ne quid civitas detrimenti capiat*, whereby it is evident that every well constituted *Society* must suppose a *Power* within its self of ordering things belonging to its welfare, or else it were impossible, either the *being*, or the *rights and priviledges* of a *Society* could belong preserved. *Power* then in its general and abstracted notion, doth not necessarily import either *meer Authority*, or *proper Coaction*; for these, to any impartial judgment, will appear to be rather the several *modes* whereby power is exercised, than any proper ingredients of the *specifick Nature* of it: which in general, imports no more than a *right to govern a constituted Society*; but how that right shall be exercised, must be resolved not from the notion of *Power*, but from the *nature and constitution* of that particular *Society* in which it is *lodged and inherent*.

It appears then from hence to be a great *mistake* and abuse of well-natured Readers, when all power is necessarily restrained, either to that which is *properly Coercive*, or to that which is *meerly Arbitrary*, and only from consent. The Original of which *mistake* is, the stating the Notion of *Power* from the use of the *Word*, either in ancient *Roman Authors*, or else in the *Civil Laws*, both which are freely acknowledged to be strangers to the exercise of any other *Power*, than that which is *meerly authoritative and perswasive*, or that which is *Coactive and Penal*. The ground of which is, because they were ignorant of any other way of conveyance of *Power*, besides *external force*, and *Arbitrary consent*; the one in those called *Legal Societies*, or *Civitates*, the other *Collegia* and *Heterie*. But so as that do acknowledge that *God* hath a *right of commanding* men to what *Duty* he please himself, and *appointing a Society* upon what terms best please him, and giving a *Power* to *particular persons* to govern that *Society*, in what *way* shall tend most to *advance* the Ho-

§ 5.

nour of such a *Society*, may easily be made appear, that there is a kind of *Power* neither properly *Coactive*, nor meerly *Arbitrary*, viz. such a one as *immediately results* from *Divine Institution*, and doth suppose *consent* to submit to it as a *necessary Duty* in all the *members* of this *Society*.

§ 6.

This *Power*, it is evident, is not meerly *Arbitrary* either in the *Governours* or *Members*: for the *Governours* derive their *Power* or right of *Governing* from the *institution* of *Christ*, and are to be *regulated* by his *Laws* in the execution of it; and the *Members*, though their *consent* be necessarily supposed, yet that *consent* is a *Duty* in them, and that duty doth imply their *submission* to the *Rulers* of this *Society*: neither can this power be called *Coactive*, in the sense it is commonly taken: for *coactive power*, and *external force* are necessary corrolates to each other, but we suppose no such thing as a power of outward force to be given to the *Church* as such, for that properly belongs to a *Commonwealth*. But the power which I suppose to be lodged in the *Church*, is such a power as depends upon a *Law* of a *Superiour*, giving right to *Govern*, to particular persons over such a *Society*, and making it the *Duty* of all *Members* of it to submit unto it, upon no other penalties, then the exclusion of them from the *priviledges*, which that *Society* enjoys. So that supposing such a *Society* as the *Church* is, to be of *Divine Institution*, and that *Christ* hath appointed *Officers* to rule it, it necessarily follows, that those *Officers* must derive their *power*, i. e. their right of *Governing* this *Society*, not meerly from *consent* and *confederation* of parties, but from that *Divine Institution*, on which the *Society* depends. The want of understanding the right notion of power in the sense here set down, is certainly the *αἰτία* of *Erastianism*, and that which hath given occasion to so many to question any such thing as *Power* in the *Church*, especially, when the more *zealous* then *judicious* defenders of it have rather chosen to hang it upon some *doubtful places* of *Scripture*, then on the very *Nature* and *Constitution* of the *Christian Church*, as a *Society* instituted by *Jesus Christ*.

§ 7.

This being then the nature of *power* in general, it is I suppose clear, that an outward *coactive force* is not *necessary* in order to it, for if some may have a *Right* to *Govern* and other
may

may be obliged to obedience to those *persons antecedently*, to any Civil Constitution; then such persons have a *just power* to *inflict censures* upon such as transgress the Rules of the Society, without any outward force. It is here very impertinent to dispute, what *effects* such *censures* can have upon wilful persons without a *Coactive power*; If I can prove, that there is a right to inflict them in *Church-Officers*, and an *Obligation* to *submit* to them in all Offenders; I am not to trouble my self with the event of such things as depend upon *Divine Institutions*. I know it is the great *Objection* of the followers of *Erastus*, that *Church-censures* are inflicted upon *persons unwilling* to receive them, and therefore must imply *external* and *coactive force*, which is repugnant to the nature of a *Church*. But this admits (according to the Principles here established) of a very easie solution: for I deny not that *Church Power* goes upon *consent*, but then it's very plain here was an *antecedent consent* to *submit to censures* in the very entrance into this *Society*, which is sufficient to denominate it a *voluntary act* of the persons undergoing it; and my reason is this, every person entring into a *Society*, parts with his own *freedom and liberty*, as to *matters* concerning the *governing* of it, and *professeth submission* to the *Rules and Orders* of it: now a man having *parted* with his freedom already, cannot *reassume it* when he please, for then, he is under an *Obligation* to *stand to the Covenants* made at his *entrance*; and consequently his *undergoing* what shall be laid upon him by the *Laws* of this *Society*, must be supposed to be *voluntary*, as depending upon his *consent* at first entrance, which in all *Societies* must be supposed to hold still, else there would follow nothing but *confusion* in all *Societies* in the *World*, if every man were at liberty to *break his Covenants* when any thing comes to lie upon him according to the *Rules of the Society*, which he out of some private *design* would be *unwilling* to *undergo*. Thus much may serve to settle aright the *Notion of Power*; the want of understanding which hath caused all the confusion of this *Controversie*.

The next thing is, In what *Notion* we are to consider the *Church*, which is made the *subject* of this *Power*. As to which we are to consider this *Power*; either as to its *right*, or in
§ 8.
actis

A Discourse concerning the Power of

actu primo; or as to its exercise, or in *actu secundo*: Now if we take this *Power* as to the *fundamental Right* of it; then it belongs to the *Universal Church of Christ*, which *subsists* as a visible *Society*, by vertue of that *Law of Christ*, which makes an owning the *Profession of Christianity* the *Duty* of all *Church-members*. If we consider this *Power* in the exercise of it, then (it being impossible that the *Universal Church* should perform the *executive* part of this power relating to offences) I suppose it *lodged* in that *particular Society* of *Christians*, which are united together in one *body* in the *community* of the same *Government*; but yet, so, as that the *administration* of this *Power*, doth not belong to the *body* of the *Society* considered *complexly*, but to those *Officers* in it, whose care and charge it is, to have a *peculiar oversight* and *inspection* over the *Church*, and to *redress* all *disorders* in it. Thus the *visive faculty* is fundamentally *lodged* in the *Soul*, yet all *exterior acts of sight* are performed by the *Eyes*, which are the *ἐπιουρατι* *Overseers* of the *Body*, as the other are of the *Church*, so that the *exercise* and *administration* of this power, belongs to the *special Officers* and *Governors* of the *Church*; none else being capable of exercising this *Power* of the *Church* as such, but they on whom it is *settled* by the *Founder* of the *Church* it self.

§ 9.

This *Society* of the *Church* may be again considered, either as *subsisting* without any influence from the *Civil Power*, or as it is *owned* by, and *incorporated* into a *Christian State*. I therefore demand, Whether it be absolutely necessary for the *subsistence* of this *Christian Society*, to be upheld by the *Civil Power*, or no? And certainly none who consider the *first* and *purest* *Ages* of the *Christian Church*, can give any *entertainment* to the *Affirmative*, because then the *Church* flourished in its greatest *purity*, not only when not *upheld*, but when most violently *opposed* by the *Civil power*; If so then its being *united* with the *Civil State* is only *accidental* as to the *constitution* of a *Church*; and if this be only *accidental*, then it must be supposed *furnished* with every thing *requisite* to its well ordering *accidentally* to any such *Union*, and *abstractly* from it. For can we imagine our *Blessed Saviour* should *institute* a *Society*, and leave it *destitute* of *means* to *uphold* its *self*, unless
it

it fell into the hands of the Civil Power? or that he left every thing tending thereto, meerly to *Prudence*, and the *Arbitrary Constitutions* of the persons joyning together in this *Society*? Did our *Saviour* take care there should be a *Society*, and not provide for *means* to uphold it? Nay, it is evident, he not only appointed a *Society*, but *Officers* to rule it. Had those *Officers* then a *Right* to Govern it or no, by vertue of *Christ's* institution of them? if not, they were rather *Bibuli* than *Cæsares*, *Cyphers* than *Consuls* in the *Church of God*. If they had a power to Govern, doth not that necessarily imply a *Right* to inflict *Censures* on *Offenders*, unless we will suppose that either there can be no *Offenders* in a *Christian Church*, or that those *Offenders* do not violate the *Laws* of the *Society*, or there be some *Prohibition* for them to exercise their power over them (which is to give power with one hand, and take it away with the other) or that this power cannot extend so far as to exclude any from the *Priviledges* of the *Church*: which is the thing to be discussed.

Having thus cleared our way, I now come to the *Resolution* of the *Question* it self, in order to which I shall endeavour to demonstrate, with what evidence the *Subject* is capable of these following things. First, *That the Church is peculiar Society in its own Nature, distinct from the Commonwealth*: Secondly, *That the power of the Church over its Members doth not arise from meer confederation or consent of Parties*. Thirdly, *That this Power of the Church doth extend to the Exclusion of Offenders from the Priviledges of it*. Fourthly, *That the Fundamental Rights of the Church do not escheat to the Commonwealth upon their being united in a Christian State*. If these *Principles* be established, the *Churches Power* will stand upon them, as on a firm and unmoveable Basis.

I begin with the first. *That the Church is a peculiar Society in its own Nature, distinct from the Commonwealth*, which I prove by these Arguments.

1. Those Societies, which are capable of subsisting apart from each other, are really, and in their own Nature distinct from one another: but so it is with the *Church* and *Commonwealth*. For there can be no greater Evidence of a *Real Distinction* than *Mutual Separation*; and I think the proving

proving the *possibility* of the *Souls existing, separate* from the *body*, is one of the strongest *Arguments* to prove it to be a *Substance really distinct* from the *body*, to which it is united; although we are often fain to go the other way to work, and to prove *possibility* of *separation* from other *Arguments* evincing the *Soul* to be a *distinct substance*; but the reason of that is for want of evidence as to the *state* of *separate Souls*, and their *visible existence*, which is *repugnant* to the *immateriality* of their *natures*. But now, as to the matter in hand, we have all *evidence* desirable; for we are not put to prove *possibility* of *separation*, merely from the *different constitution* of the things united, but we have evidence to Sense of it, that the *Church* hath *subsisted* when it hath been not only *separated* from, but *persecuted* by all *Civil Power*. It is with many men as to the *Union* of *Church* and *State*, as it is with others, as to the *Union* of the *Soul* and *Body*: when they observe how *close* the *Union* is, and how much the *Soul* makes *use* of the *Animal Spirits* in most of its *Operations*, and how great a *sympathy* there is between them; that, like *Hippocrates* his *Twins*, they *laugh* and *weep* together, they are shrewdly put to it, how to *fancy* the *Soul* to be any thing else than a more *vigorous mode* of *matter*; so these observing how *close* an *Union* and *Dependence* there is between the *Church* and *State* in a *Christian Commonwealth*, and how much the *Church* is *beholding* to the *Civil Power* in the *Administration* of its *functions*, are apt to think that the *Church* is nothing but a *higher mode* of a *Commonwealth*, considered as *Christian*. But when it is so evident that the *Church* hath, and may *subsist*, supposing it abstracted from all *Civil Power*, it may be a sufficient *demonstration* that however *near* they may be when *united*, yet they are *really*, and in their own *nature*, *distinct* from each other. Which was the thing to be proved.

§ 12.

2. Those are *distinct Societies*, which have every thing *distinct* in their *nature* from each other, which belong to the *Constitution* or *Government* of them; but this is evident, as to the *Church* and *Commonwealth*, which will appear, because their *Charter* is *distinct*, or that which gives them their being as a *Society*: *Civil Societies* are *founded* upon the *necessity* of particular mens *parting* with their *peculiar Rights*, for the *preservation*

servation of themselves, which was the *impulsive cause* of their entering into *Societies*, but that which actually speaks them to be a *Society* is the *mutual consent* of the *several parties* joyning together, whereby they make themselves to be *one Body*; and to have one *common Interest*. So *Cicero de Repub.* defines *Populus*, to be *cætus multitudinis, juris consensu & utilitatis communiõne sociatus*. There is no doubt, but *Gods general providence* is as evidently seen in bringing the *World* into *Societies*, and making them live under *Government*, as in disposing all particular *events* which happen in those *Societies*; but yet the *way*, which *Providence* useth in the *constitution* of these *Societies*, is by *inclining men* to *consent* to *associate* for their *mutual benefit* and *advantage*: So that *natural Reason* consulting for the *good* of *mankind*, as to those *Rights* which men enjoy in common with each other, was the main foundation upon which all *civil Societies* were erected. We find no *positive Law* enacting the *being* of *Civil Societies*, because *Nature* its self would prompt men for their own conveniences to enter into them. But the ground and foundation of that *Society*, which we call a *Church*, is a matter which *natural Reason* and *common Notions* can never reach to: and therefore an associating for the preserving of such, may be a *Philosophical Society*, but a *Christian* it cannot be; and they that would make a *Christian Church* to be nothing else but a *Society* of *Essens*, or an *equanoior* of *Pythagoreans*, do either not understand, or not consider whereon this *Christian Society* is founded: for it is evident they look on it as a merely voluntary thing, that is not at all settled by any *Divine positive Law*.

Apud. Au-
 gust. de
 Civit. de
 l. 2. c. 21.

The truth is, there is no *principle* more consistent with the opinion of those who deny any *Church power* in a *Christian state*, then this is, and it is that, which every one, who will make good his ground must be driven to; for it is evident, that in matters merely voluntary, and depending only on *confederation*, such things being liable to a *Magistrates power*, there can be no *plea* from mutual consent to justify any opposition to *supream Authority* in a *Commonwealth*. But then, how such persons can be *Christians*, when the *Magistrates* would have them to be otherwise, I cannot understand; nor how the *primitive Martyrs* were any other then a company of *Fools* or *Mad-*

§. 13.

Men, who would hazard their lives, for that which was a meer Arbitrary thing, and which they had no necessary obligation upon them to profess. Mistake me not, I speak not here of meer acts of discipline, but of the duty of outward professing *Christianity*; if this be a duty, then a Christian Society is settled by a *positive Law*, if it be not a duty, then they are fools who suffer for it: So that this Question resolved into its Principles, leads us higher than we think for, and the main thing in debate must be, Whether there be an *obligation* upon *Conscience* for men to Associate in the Profession of *Christianity*, or no? If there be, then the *Church*, which is nothing else but such an *association*, is established upon a *Positive Law of Christ*; if there be not, then those inconveniences follow, which are already mention'd.

S. 14.

We are told indeed by the *Leviathan* with confidence enough, that no Precepts of the *Gospel* are *Law*, till enacted by *Civil Authority*; but it is little wonder, that he, who thinks an immaterial substance implies a contradiction, should think as much of calling any thing a *Law*, but what hath a *Civil Sanction*. But I suppose all those who dare freely own a supreme and infinite essence to have been the Creator, and to be the Ruler of the *World*, will acknowledge his Power to oblige *Conscience*, without being beholding to his own creature to *Enact* his *Laws*, that men might be bound to obey them. Was the great God fain to be beholding to the *Civil Authority* he had over the *Jewish Common-wealth* (their Government being a *Democracy*) to make his *Laws* Obligatory to the *Consciences* of the *Jews*? What, had not they their Beings from God? and can there be any greater ground of obligation to obedience, than from thence? Whence comes *Civil Power* to have any Right to oblige Men more, than *God*, considered as *Governor* of the *World*, can have? Can there be indeed no other *Laws* according to the *Leviathans Hypothesis*, but only the *Law of Nature* and *Civil Laws*? But I pray whence comes the obligation to either of these, that these are not as Arbitrary as all other Agreements are? And is it not as strong a dictate of Nature as any can be (supposing that there is a *God*) that a creature which receives its being from another, should be bound to obey him, not only in the resultancies of his own Nature, but with
the

the Arbitrary constitutions of his Will: Was *Adam* bound to obey *God* or no, as to that positive precept of eating the Forbidden fruit, if no *Civil Sanction* had been added to that *Law*? The truth is, such *Hypotheses* as these are, when they are followed close home, will be found to Kennel in that black Den, from whence they are loath to be thought to have proceeded.

And now, supposing that every full Declaration of the will of *Christ*, as to any positive Institution, hath the force and power of a Law upon the consciences of all, to whom it is sufficiently proposed: I proceed to make appear, that such a divine positive Law there is, for the existence of a Church, as a visible body and society in the World: by which I am far from meaning such a conspicuous society, that must continue in a perpetual visibility in the same place; I find not the least intimation of any such thing in *Scripture*; but that there shall always be some where or other, in the World, a *Society owning and professing Christianity*, may be easily deduced from thence; and especially on this account, that our *Saviour* hath required this, as one of the conditions in order to eternal felicity, that all those who believe in their hearts, that *Jesus* is the *Christ*, must likewise confess him with their *Mouths* to the World: and therefore, as long as there are Men to believe in *Christ*, there must be Men that will not be *ashamed* to associate, on the account of the *Doctrine* he hath promulged to the World. That one *Phrase* in the *New Testament*, so frequently used by our Blessed Saviour, of *the Kingdom of Heaven* (importing a *Gospel-state*) doth evidently declare a Society, which was constituted by him, on the *principles* of the *Gospel-Covenant*. Wherefore should our *Saviour* call *Disciples*, and make *Apostles*, and send them abroad with full *commission* to gather and initiate *Disciples* by *Baptism*; did he not intend a *visible society* for his *Church*? Had it not been enough for Men to have *cordially believed* the Truth of the *Gospel*, but they must be entred in a *solemn visible way*, and joyn in *participation* of *visible Symbols* of *Bread and Wine*, but that our *Saviour* required *external profession* and *Society* in the *Gospel* as a necessary duty, in order to obtaining the *priviledges* conveyed by his *Magna Charta* in the *Gospel*. I would fain know by what argument we can prove, that any humane Legislator, did ever intend a Com-

S. 15.]

monwealth to be governed according to his mode, by which we cannot prove that *Christ* by a positive Law, did command such a Society, as should be governed in a visible manner, as other Societies are? Did he not appoint Officers himself in the Church, and that of many ranks and degrees? Did he not invest those Officers with authority to rule his Church? Is it not laid as a charge on them, to take heed to that flock, over which God had made them Overseers? Are there not Rules laid down for the peculiar exercise of their Government over the Church in all the parts of it? Were not these Officers admitted into their function by a most solemn visible Rite of Imposition of Hands? And are all these solemn transactions a meer piece of sacred Pageantry? And they will appear to be little more, if the Society of the Church be a meer Arbitrary thing, depending only upon consent and confederation, and not subsisting by vertue of any Charter from *Christ*, or some positive Law, requiring all *Christians* to joyn in Church Society together.

§. 16.

But if now from hence it appears (as certainly it cannot but appear) that this Society of the Church doth subsist by vertue of a Divine positive Law, then it must of necessity be distinct from a Civil Society, and that on these Accounts: First, because there is an antecedent obligation on Conscience to associate on the account of *Christianity*, whether *Humane Laws* prohibit or command it. From whence, of necessity it follows, that the constitution of the Church is really different from that of the *Commonwealth*; because whether the *Commonwealth* be for, or against this Society, all that own it are bound to profess it openly, and declare themselves Members of it. Whereas, were the Church and *Commonwealth* really and formally the same, all obligation to Church Society would arise meerly from the Legislative Power of the *Commonwealth*. But now there being a Divine Law, binding in Conscience, whose obligation cannot be superseded by any *Humane Law*, it is plain and evident, where are such vastly different obligations, there are different Powers; and in this sense I know no incongruity, in admitting *imperium in imperio*, if by it we understand no external coercive power, but an internal power laying obligation on Conscience, distinct from the power lodged in a *Commonwealth* considered as such. An outward
coercive.

coactive power was always disowned by *Christ*, but certainly not an *internal Power* over *Conscience* to oblige all his *Disciples* to what *Duties* he thought fit.

Secondly, I argue from those *Officers*, whose rights to govern this *Society* are founded on that *Charter*, whereby the *Society* it self subsists. Now I would willingly know why, when our *Saviour* disowned all *outward power* in the *World*, yet he should constitute a *Society*, and appoint *Officers* in it, did he not intend a peculiar distinct *Society* from the other *Societies* of the *World*. And therefore the argument frequently used against *Church-power*, because it hath no *outward force* with it by the constitution of *Christ*, is a strong argument to me of the peculiarity of a *Christian Society* from a *Commonwealth*; because *Christ* so instituted it, as not to have it ruled at first by any *outward force* or *power*. When *Christ* saith his *Kingdom* was not of this *World*; he implies, that he had a *Society* that was governed by his *Laws* in the *World*, yet distinct from all *mundane Societies*: had not our *Saviour* intended his *Church* to have been a peculiar *Society* distinct from a *Commonwealth*, it is hard to conceive why our *Saviour* should interdict the *Apostles* the use of a *civil coactive power*: Or why instead of sending abroad *Apostles* to preach the *Gospel*, he did not employ the *Governors* of *Commonwealths* to have enforced *Christianity* by *Laws* and *temporal Edicts*, and the several *Magistrates* to have impowered several persons under them to preach the *Gospel* in their several *Territories*? And can any thing be more plain, by our *Saviours* taking a contrary course, than that he intended a *Church Society* to be distinct from *Civil*, and the power belonging to it (as well as the *Officers*) to be of a different nature from that which is setled in a *Commonwealth*. I here suppose, that *Christ* hath by a *positive Law* established the Government of his *Church* upon *Officers* of his own appointment; which I have largely proved elsewhere, and therefore suppose it now. Thirdly, I argue from the peculiar rights belonging to these *Societies*: For if every one born in the *Commonwealth*, have not thereby a right to the priviledges of the *Church*; nor every one by being of the *Church*, any right to the benefits of the *Commonwealth*; it must necessarily follow, that these are distinct from one another. If any one by
being.

being of the *Common-wealth*, hath right to *Church-priviledges*, then every one born in a *Common-wealth* may challenge a right to the *Lords Supper* without *Baptism*, or open professing *Christianity*, which I cannot think any will be very ready to grant. Now there being by *Divine appointment* the several rights of *Baptism* and the *Lords Supper*, as peculiar Badges of the Church as a visible Society, it is evident, *Christ* did intend it a Society distinct from the *Common-wealth*.

Fourthly, I argue from the different ends of these Societies. A *Common-wealth* is constituted for civil ends, and the Church for spiritual: for ends are to be judged by the primary constitution, but now it is plain, the end of civil society is for preservation of mens rights as men (therefore *Magistracy* is called by *St. Peter* ἀρχή, *1. Pet. ii. 13.*) but this Christian Society doth not respect men under the connotation of Men, but as *Christians*. The answer given to this is very short and insufficient, when it is said, that every man in a *Commonwealth*, is to act upon spiritual accounts and ends: For there is a great deal of difference between *Christianities* having an influence upon mens actings in a *Commonwealth*, and making a society the same with a *Commonwealth*. To argue therefore from one to another, is a shortness of discourse I cannot but wonder at: unless it could be proved, that *Christianity* aimed at nothing else but regulating Men in the affairs of a *Commonwealth*, which is a task I suppose will not be undertaken.

Lastly, I argue from the peculiar offences against this Society, which are, or may be distinct from those against a *Commonwealth*. I deny not, but most times they are the same, but frequently they differ, and when they are the same, yet the consideration of them is different in the Church and *Commonwealth*, for which I shall suppose the six arguments produced in the last chapter of the first part to stand good, which will strongly hold to *excommunication* in the *Christian Church*, though there produced only for the *Jewish*. I would fain know what is to be done in many *Offences*, known to be against the *Laws* of *Christ*, and which tend to the Dishonour of the *Christian Society*, which the Civil and *Municipal Laws*, either do not, or may not take cognizance of? Thus much may serve, as I think to make evident, that the *Church* in its own nature

nature, is a Peculiar Society distinct from a Commonwealth, which was the first proposition to be proved.

The Second is, *That the power of the Church over its Members in case of offences, doth not arise meerly from confederation and consent, though it doth suppose it.* This Church power may be considered two ways. Either, first, as it implies the Right in some of Inflicting Censures. Or, secondly, as it implies in others, the duty of submitting to censures inflicted; now as to both these, I shall prove that their original is higher than meer Confederation.

1. *As to the Right of Inflicting Censures* on these accounts. First, What ever Society doth subsist by vertue of a Divine Constitution, doth by vertue thereof derive all power for its preservation, in peace, unity, and purity; but it is plain, that a power of censuring offenders, is necessary for the Churches preservation in peace and purity; and it is already proved, that the Church hath its Charter from *Christ*, and therefore from him it hath a power to inflict Punishments on Offenders, suitable to the Nature of the Society they are of. I am very prone to think, that the ground of all the mistakes on this subject have risen from hence, that some, imprudently enough, have fixt the original of this Power on some ambiguous places of Scripture, which may, and it may be, ought to be taken in a different sense; and their adversaries, finding those places weak and insufficient proofs of such a power, have from thence rejected any such kind of power at all; But certainly, if we should reject every truth that is weakly proved by some who have undertaken it, I know no opinion would bid so fair for acceptance as *Scepticism*, and that in reference to many weighty and important truths; for how weakly have some proved the Existence of a *Deity*, the Immortality of the *Soul*, and the Truth of the *Scriptures*, by such arguments, that if it were enough to overthrow an opinion to be able to answer some Arguments brought for it, *Atheism* it self would become plausible. It can be then no evidence, that a thing is not true, because some Arguments will not prove it; and truly, as to the matter in hand, I am fully of the opinion of the excellent *H. Grotius*, speaking of Excommunication in the *Christian Church*: *Næque ad eam rem peculiare præceptum desideratur*,^{In L. 6. 22.}

cum Ecclesia cætu à Christo semel constituto, omnia illa imperatâ censeri debent, sine quibus ejus cætus puritas retineri non potest.
 And therefore men spend needless pains to prove an institution of this power by some positive Precept, when Christs founding his Church as a peculiar Society, is sufficient proof he hath endowed it with this fundamental Right, without which the Society were *arena sine calce*, a company of persons without any common tye of union among them; for if there be any such union, it must depend on some conditions, to be performed by the members of that Society, which how could they require from them, if they have not power to exclude them upon non performance?

2. I prove the Divine original of this power from the special appointment and designation of particular Officers by Jesus Christ, for the ruling of this Society. Now I say, that Law which provides there shall be Officers to Govern, doth give them power to govern, suitably to the nature of their Society: Either then you must deny, that Christ hath by an unalterable Institution appointed a Gospel Ministry, or that this Ministry hath no Power in the Church, or that their Power extends not to Excommunication. The first I have already proved, the second follows from their appointment: for by all the titles given to Church-Officers in Scripture, it appears they had a power over the Church, (as *ἐπισκοποι, πρεσβυτεροι, ἱεροδυνατοι, ποιμενες*) All which as you well know, do import a right to govern the Society over which they are set. And that this power should not extend to a power to exclude convict Offenders, seems very strange, when no other punishment can be more suitable to the nature of the Society than this is; which is a debarring him from the priviledges of that Society, which the offender hath so much dishonoured. Can there be any punishment less imagined towards contumacious offenders than this is, or that carries in it less of outward and coactive force, it implying nothing but what the offender himself freely yielded to at his entrance into this Society.

5 18. All that I can find replied by any of the Adversaries of the opinion I here assert, to the argument drawn from the Institution and Titles of the Officers of the Church, is, that all those titles which are given to the Ministers of the Gospel in the

New Testament, that do import *Rule and Government*, are all to be taken in a *Spiritual sense*, as they are *Christ's Ministers and Ambassadors* to preach his *Word* and declare his *will* to his Church. So that all power such persons conceive to lye in those *Titles*, is only *Doctrinal and declarative*; but how true that is, let any one judge that considers these things.

1. That there was certainly a power of *Discipline* then in the *Churches constituted by the Apostles*, which is most evident not only from the passages relating to *Offenders* in *Saint Paul's Epistles*, especially to the *Corinthians* and *Thessalonians*, but from the continued *Practice of succeeding Ages* manifested by *Tertullian, Cyprian*, and many others. There being then a power of *Discipline* in *Apostolical Churches*, there was a *necessity* it should be administered by some *Persons* who had the care of those *Churches*; and who were they but the several *Pastors* of them? It being then evident that there was such a *Power*, doth it not stand to common sense it should be implied in such *Titles*, which in their *Natural Importance* do signify a *Right to Govern*, as the names of *Pastors* and *Rulers* do?

2. There is a *diversity* in *Scripture* made between *Pastors* and *Teachers*, *Ephes. 4. 11*. Though this may not (as it doth not) imply a *necessity of two distinct Offices* in the *Church*, yet it doth a *different respect and connotation* in the same person, and so imports that *Ruling* carries in it somewhat more than meer *Teaching*, and so the power implied in *Pastors* to be more than meerly *Doctrinal*, which is all I contend for, *viz.* A right to govern the flock committed to their charge.

3. What possible difference can be assigned between the *Elders that Rule well*, and those which labour in the *Word and Doctrines*, (*1 Timothy 5. 17.*) if all their *Ruling* were meerly labouring in the *Word and Doctrines*? and all their *Governing* nothing but *Teaching*? I intend not to prove an *Office of Rulers distinct from Teachers* from hence (which I know neither this place nor any other will do) but that the *formal Conception of Ruling*, is different from that of *Teaching*.

4. I argue from the *Analogy* between the *Primitive Churches*

Churches and the *Synagogues*, that as many of the names were taken from thence where they carried a *power of Discipline* with them, so they mult do in some *proportion* in the *Church*; or it were not easie understanding them. It is most certain the *Presbyters* of the *Synagogue* had a *power of Ruling*, and can you conceive the *Bishops* and *Presbyters* of the *Church* had none, when the *Societies* were much of the same *Constitution*, and the *Government* of the one was transcribed from the other, as hath been already largely proved?

5. The *acts* attributed to *Pastor* in *Scripture*, imply a *power of Governing*, distinct from meer *Teaching*; such are $\rho\alpha\iota\mu\iota\ \iota\epsilon\iota\varsigma$, used for a *right to Govern*, *Matth. 2. 6.* *Revel. 12. 5.* — *19. 15.* which word is attributed to *Pastors of Churches* in reference to their flocks, *Acts, 20. 28.* *1 Pet. 5. 2.* and $\pi\rho\sigma\alpha\gamma\omicron\gamma\epsilon$, is applied to *Ministers*, when they are so frequently called $\pi\rho\sigma\epsilon\upsilon\gamma\omega\tau\epsilon\varsigma$ which notes *presidentiam cum potestate*; for *Hesychius* renders it by $\kappa\epsilon\lambda\epsilon\gamma\eta\tau\omicron\nu$ and the $\pi\rho\sigma\epsilon\upsilon\gamma$ at *Athens* had certainly a *power of Government* in them.

6. The very word $\kappa\epsilon\lambda\epsilon\gamma\eta\sigma\epsilon\iota\varsigma$, is attributed to those who have *oversight of Churches*, *1 Cor. 12. 8.* by which it is certainly evident, that a *power* more than *Doctrinal* is understood, as that it could not then be understood of a *power* meerly *civil*. And this I suppose may suffice to *vindicate* this *Argument* from the *Titles of Church-Officers*, in the *New Testament*, that they are not *insignificant things*, but the persons who enjoyed them had a *right to govern* the *Society* over which the *Holy Ghost* hath made them *Overseers*.

§ 19.

3. I argue that the *Church-Power* ariseth not meerly from *consent*, because the *Church* may exercise her *Power* on such, who have not *actually confederated* with her; which is in admitting *Members* into the *Church*: For if the *Church-Officers* have *power to judge* whether *persons* are fit to be admitted; they have *power to exclude* from *admission* such whom they judge unfit, and so their *power* is exercised on those who are not *confederated*. To this it may be answered *That the consent to be judged, gives the Church power over the person suing for admission.* I grant it doth, as to that particular *person*; but the *Right* in general of *judging concerning Admission*, doth argue

argue an antecedent power to an actual confederation. For I will suppose that *Christ* should now appoint some *Officers* to found a *Church*, and gather a *Society* of *Christians* together, where there hath been none before: I now ask Whether these “*Officers* have power to admit any into the *Church* or no? This “*I* suppose cannot be denied, for to what end else were they appointed? If it be granted they have power to admit persons, “and thereby make a *Church*, then they had power antecedent- “ly to any confederation; for the *Confederation* was subsequent to their *Admission*: and therefore they who had “power to admit, could not derive their power from *Confederation*. This Argument, to me, puts the case out of dispute, “that all *Church* power cannot arise from meer *Confederation*.

And that which further evidenceth that the *Power* of the *Church* doth not arise from meer consent, is that *Deed* of *Grace* whereby our *Blessed Saviour* did confer the *Power* of the *Keyes* on the *Apostle Peter*, as the *representative* in that action of the whole *Colledge* of the *Apostles* and *Governours* of the *Church*, of which power all the *Apostles* were actually *inseoffed*, John 20. 23. By which *Power* of the *Keyes* is certainly meant some *Administration* in the *Church*, which doth respect it as a visible *Society*, in which Sense the *Church* is so frequently called, as in that place, *the Kingdom of Heaven*; Mat. 16. and in all probability the *Administration* intended here by the *Power* of the *Keyes*, is that we are now discoursing of, viz. the *Power* of *Admission* into the *Church* of *Christ*, in order to the pardon of the sins of all *penitent Believers*, and the *shutting out* of such who were manifestly *unworthy* of so holy a *Communion*. So that the *power* of the *Keyes* doth not primarily respect *exclusion* out of the *Church*, and receiving in- to it again upon *Absolution*, but it chiefly respects the *power* of *Admission* into the *Church*, though by way of *connotation* and *Analogy of Reason* it will carry the other along with it. For if the *Apostles* as *Governours* of the *Church* were invested with a *power* of *judging* of mens *fitness* for *Admission* into the *Church* as *members* of it, it stands to the *highest Reason* that they should have thereby likewise a *power* conveyed to them, of *excluding* such as are *unworthy* after their *Admission*; to maintain *communion* with the *Church*. So that this interpretation

tation of the Power of the *Keyes*, is far from invalidating the Power of the Church, as to its censuring Offenders; all that it pretends to, is only giving a more natural and genuine Sense of the Power of the *Keyes*, which will appear so to be, if we consider these things. 1. That this Power was given to Saint Peter, before any Christian Church was actually formed, which (as I have elsewhere made manifest) was not done till after Christ's Resurrection; when Christ had given the Apostles their Commission to go to Preach and Baptize, &c. Matth. 28. 19. Is it not therefore far more rational, that the Power of the *Keyes* here given, should respect the founding of a Church and admission into it, than ejection out of it (before it was in being) and receiving into it again? And this we find likewise remarkably fulfilled in the Person of the Apostle Peter, who opened the door of admission into the Christian Church, both to Jewes and Gentiles. To the Jewes by his Sermon at Pentecost, when about 3000 Souls were brought into the Church of Christ. To the Gentiles, as is most evident in the story of Cornelius, Acts 10. 28, who was the first fruits of the Gentiles. So that if we should yield so far to the great Inbancers of Saint Peter's Power, that something was intended peculiar to his person in the *Keyes* given him by our Saviour, we hereby see how rationally it may be understood without the least advantage to the extravagant pretensions of Saint Peters pretended Successours. 2. The pardon of sin in Scripture is most annexed to Baptism and Admission into the Church, and thence it seems evident, that the loosing of sin should be by admitting into the Church by Baptism, in the same sense by which Baptism is said to save us, and it is called the washing of Regeneration; respecting the Spiritual advantages which come by Admission into the Church of Christ; and so they are said to have their sins bound upon them, who continue refractory in their sins, as Simon Magus is said to be in the bond of iniquity. 3. The Metaphor of the *Keyes* refers most to Admission into the House, and excluding out of it, rather than ejecting any out of it, and re-admitting them. Thus when Eliakim is said to have the *Keyes* of the House of David, it was in regard of his Power to open and shut upon whom he pleased. And thus Cyprian, as our learned Mr. Thorndike observes,

Iron. p. 2.
ch. 5. ff. 5.
p. 212.

Acts 2. 41.

1 Pet. 3.
21.
Tit. 3. 5.

Acts 8. 33.

Isa. 22. 20.
Cyp. Ep.
73. sect. 6.

erves,

serves, understands the power of binding and loosing in this sense, in his Epistle to *Jubaianus*, where speaking of the Remission of sins in Baptism, he brings these very words of our Saviour to Peter as the evidence of it; That what he should loose on Earth, should be loosed in Heaven: and concludes with this sentence, *Unde intelligimus non nisi in Ecclesiâ prepositis & in Evangelicâ lege ac Dominicâ ordinatione fundatis, licere baptizare, & remissionem peccatorum dare; foris autem nec ligari aliquid posse nec solvi, ubi non sit qui ligare possit aut solvere.* That which I now infer from this discourse is, that the power of the Church doth not arise from meer consent and confederation, both because this power doth respect those who have not actually consented to it, and because it is settled upon the Governors of the Church by Divine Institution. Thus it appears that the right of inflicting censures doth not result merely *ex confederatâ Disciplinâ*, which was the thing to be proved.

The like evidence may be given, for the duty of submitting to penalties or Church-censures in the Members of the Church: which that it ariseth not from meer consent of parties, will appear on these accounts.

1. Every person who enters this Society is bound to consent before he doth it, because of the Obligation lying upon Conscience to an open profession of Christianity, presently upon conviction of the understanding of the truth and certainty of Christian Religion. For when once the mind of any rational man is so far wrought upon by the influence of the Divine Spirit, as to discover the most rational and undoubted evidences, which there are of the truth of Christianity, he is presently obliged to profess Christ openly, to worship him solemnly, to assemble with others for instruction and participation of Gospel Ordinances; and thence it follows, that there is an antecedent Obligation upon Conscience to associate with others, and consequently to consent to be governed by the Rulers of the Society which he enters into. So that this submission to the power of Church-Officers in the exercise of Discipline upon Offenders, is implied in the very conditions of Christianity, and the solemn professing and undertaking of it. 2. It were impossible any Society should be upheld, if it be not laid

§ 20.
(2.)

laid by the founder of the Society as the necessary Duty of all members to undergo the penalties which shall be inflicted by those who have the care of governing that Society, so they be not contrary to the *Laws, Nature and Constitution* of it. Else there would be no provision made for preventing divisions and confusions which will happen upon any breach made upon the *Laws of the Society*. Now this *Obligation to submission to censures*, doth speak something antecedently to the *confederation*, although the *expression* of it lies in the *confederation* its self. By this I hope we have made it evident that it is nothing else but a *mistake* in those otherwise Learned persons, who make the *power of censures* in the *Christian Church* to be nothing else but a *Lex confederata Disciplina*, whereas this *power* hath been made appear to be derived from a *higher Original* than the meer *Arbitrary consent* of the several *Members* of the *Church associating together*: And how far the examples of the *Synagogues* under the *Law*, are from reaching that of *Christian Churches* in reference to this, because in these the *power* is conveyed by the *Founder of the Society*, and not left to any *Arbitrary Constitutions*, as it was among the *Jews* in their *Synagogues*. It cannot be denied but *consent* is *supposed*, and *confederation necessary* in order to *Church power*; but that is rather in regard of the *exercise*, then the *original* of it; For although I affirm the *original* of this *power* to be of *Divine Institution*, yet in order to the *exercise* of it in reference to *particular persons* (who are not mentioned in the *Charter of the power* its self) it is *necessary* that the *persons* on whom it is exerted, should *declare* their consent and submission either by *words or actions*, to the *Rules and Orders* of this *Society*.

§ 21. Having now proved that the *Power* of the *Church* doth not arise from meer consent of parties, the next grand Inquiry is concerning the *extent* of this *power*, Whether it doth reach so far as to *Excommunication*? For some men who will not seem wholly to deny all *Power* in the *Church* over *Offenders*, nor that the *Church* doth subsist by *Divine Institution*, yet do wholly deny any such *Power* as that of *Excommunication*, and seem rather to say that *Church-Officers* may far more congruously to their *Office* inflict any other mulct upon *Offenders*, the
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exclude them from participation of Communion with others in the Ordinances and Sacraments of the Gospel: In order therefore to the clearing of this, I come to the third Proposition.

That the power which Christ hath given to the Officers of his Church, doth extend to the exclusion of contumacious Offenders from the priviledges which this Society enjoys. In these terms I rather choose to fix it, then in those crude expressions, wherein *Erastus* and some of his followers would state the question, and some of their imprudent adversaries have accepted it, viz. Whether Church-Officers have power to exclude any from the Eucharist, ob meralem impuritatem? And the reasons why I wave those terms, are,

1. I must confess my self yet unsatisfied as to any convincing Argument, whereby it can be proved that any were denyed admission to the Lords Supper, who were admitted to all other parts of Church-Society, and owned as Members in them. I cannot yet see any particular Reason drawn from the Nature of the Lords Supper above all other parts of Divine Worship, which should confine the censures of the Church meerly to that Ordinance; and so to make the Eucharist bear the same Office in the Body of the Church, which our new Anatomists tell us the parenchyme of the Liver, doth in the natural Body, viz. to be colum sanguinis, to serve as a kind of strainer to separate the more gross and saculent parts of the Blood from the more pure and spirituous; so the the Lords Supper to strain out the more impure members of the Church from the more Holy and Spiritual. My judgment then is, that Excommunication relates immediately to the cutting a person off from Communion with the Churches visible Society, constituted upon the ends it is; but because Communion is not visibly discerned but in Administration and Participation of Gospel Ordinances, therefore Exclusion doth chiefly refer to these: and because the Lords Supper is one of the highest priviledges which the Church enjoys; therefore it stands to reason that Censures should begin there. And in that sense suspension from the Lords Supper of persons apparently unworthy, may be embraced as a prudent, lawful, and convenient abatement of the greater penalty of Excommunication, and so

to stand on the same general grounds that the other doth; for *Qui potest majus, potest etiam minus*, which will hold as well in moral as natural power, if there be no prohibition to the contrary, nor peculiar Reason, as to the one more than to the other.

2. I dislike the terms *ob moralem impuritatem*, on this account, Because I suppose they were taken up by *Erastus*, and from him by others as the *Controversie* was managed concerning *Excommunication* among the *Jews*, viz. whether it were merely because of *Ceremonial*, or else likewise because of *moral impurity*. As to which I must ingenuously acknowledge *Erastus* hath very much the advantage of his adversaries, clearly proving that no persons under the *Law*, were excluded the *Temple Worship* because of *moral impurity*. But then withal I think he hath gained little advantage to his cause by the great and successful pains he hath taken in the proving of that; My reason is, because the *Temple-Worship* or the *sacrifices* under the *Law* were in some sense propitiatory, as they were the *adumbrations* of that grand *Sacrifice* which was to be offered up for the appeasing of *Gods wrath*, viz. *The Blood of Christ*; therefore to have excluded any from participation of them, had been to exclude them from the visible way of obtaining pardon of sin (which was not to be had without shedding of Blood, as the *Apostle* tells us) and from testifying their faith towards God and Repentance from dead works. But now under the *Gospel* those *Ordinances*, which suppose admission into the *Church* by *Baptism*, do thereby suppose an all-sufficient *Sacrifice* offered for the expiation of sin, and consequently the subsequent *priviledges* do not immediately Relate to the obtaining of that, but a grateful commemoration of the *Death of Christ*, and a celebration of the infinite mercy and goodness of God in the way of *Redemption* found out by the death of his *Son*. And therefore it stands to great reason that such *Persons*, who by their profane and unworthy lives dishonour so Holy a profession, should not be owned to be as good and sound Members of the *Society*, founded on so Sacred a *Foundation*, as the most *Christian* and *Religious* Persons. To this I know nothing can be objected, but that, first, *The Passover was commemorative*

Heb. 9. 23.

rative among the Jews ; and Secondly, That the priviledges of that people were then very great above other people, and therefore if God had intended any such thing as Excommunication among his people, it would have been in use then. To these I answer.

1. I grant, the Passover was commemorative as to the occasion of its Institution : but then it was withal Typical and Annunciative of that *Lamb of God who was to take away the Sins of the World* ; and therefore no person who desired expiation of sins, was to be debarred from it ; but the *Lords Supper* under the Gospel hath nothing in it propitiatory, but is intended as a Feast upon a Sacrifice and a Federal Rite, as hath been fully cleared by a very learned Person in his discourse about the true notion of the *Lords Supper*.

2. I grant the Jews had very many priviledges above other Nations : Nay so far, that the whole body of the people were looked upon as Gods chosen, and peculiar and holy people ; and from thence I justly infer, that whatever exclusion was among the people of the Jews from their Society, will far better hold as an argument for Excommunication under the Christian Church, than if it had been a meer *debarring* from their Levitical Worship. And that I should far sooner insist upon, from the reason assigned, as the ground of Excommunication, than the other infer and profligated Argument ; and so the Exclusion out of the Camp of *Israel* and the *Cerith* among the *Jews*, (whatever we understand by it) may *à pari* hold to be a ground of exclusion from the Christian Society : In Imitation of which, I rather suppose that exclusion out of the Synagogues was after taken up, rather than as a meer *Outlawry*, when they were deprived of Civil Power.

The Question then being thus clearly stated, it amounts to this, Whether under the Gospel, there be any power in the Officers of the Church by virtue of Divine Institution to exclude any Offenders out of the Christian Society, for transgressing the Laws of it? And according to our former Propositions, I suppose it will be sufficient to prove that *power* to be of Divine Institution, if I prove it to be fundamentally and intrinsically resident in the Society its self. For whatever doth immediately result from the Society its self, must have the same Original which the subject hath, because this hath the nature of an

§. 22.

inseparable property resulting from its constitution. For the clearing of which, I shall lay down my thoughts of it as clearly & methodically as I can; and that in these following *Hypotheses*.

1. *Where there is a power of declaring any person to be no true member of the Society he is in, there is a formal power of Excommunication:* For this is all which I intend by it, *viz.* An Authoritative pronouncing *virtute officii*, any Convict Offender to have forfeited his interest in the Church as a Christian Society: and to lose all the Priviledges of it: So that if this power be lodged in any *Church Officer*, then he hath power formally to *excommunicate*.

2. *Where the enjoyment of the priviledges of a Society is not absolute and necessary, but depends upon conditions to be performed by every Member, of which the Society is Judge, there is a power in the Rulers of that Society to debar any person from such priviledges, upon non-performance of the Conditions.* As supposing the *jus Civitatis* to depend upon defending the Rights of the City; upon a failing in reference to this, in any person admitted to *Citizen-ship*, the Rulers of the City have the same power to take that *Right* away, which they had at first to give it; because that Right was never Absolutely given, but upon supposition that the person did not overthrow the ends for which it was bestowed upon him.

3. *The Church is such a Society, in which Communion is not absolute and necessary, but it doth depend upon the performance of some Conditions, of which the Governours of it are the competent Judges:* And that appears,

1. Because the admission into the Church, depends upon conditions to be judged by Pastors, as in case of *adult persons* requiring *Baptism*, and the Children of *Infidels* being *Baptized*: in both which cases it is evident, that Conditions are pre-requisite, of which the *Pastors* are *Judges*.

2. Because the Priviledges of this Society do require a Separation from other Societies in the World, and call for greater Holiness and purity of life; and those very Priviledges are pledges of greater benefits which belong only to persons qualified with suitable conditions; it would therefore be a very great dishonor to this Society, if it lay as common and open as other Societies in the World do, and no more *qualifications* required from the Members of it.

3. We

3. We have instances in the sacred Records of Apostolical times, of such scandals which have been the ground of the exclusion of the persons guilty of them from the privileges of the Christian society. And here I suppose we may (notwithstanding all the little evasions which have been found out) fix on the incestuous person in the Church of *Corinth*. As to which, I lay not the force of the argument upon the manner of execution of the censure then, *viz.* by delegation from an Apostle, or the Apostolical Rod, or *delivering to Satan*; for I freely grant that these did then import an extraordinary power in the Apostles over Offenders; But I say, the ground and reason of the exercise of that power in such an extraordinary manner at that time, doth still continue, although not in that visible extraordinary effect which it then had. And whatever practice is founded upon grounds perpetual and common, that practice must continue as long as the grounds of it do, and the Churches capacity will admit; (which Hypothesis is the only rational Foundation on which Episcopal Government in the Church doth stand firm and unhaken, and which in the former Discourse I am far from undermining of, as an intelligent Reader may perceive;) now I say that it is evident, that the reasons of the Apostles censure of that person, are not *fetch'd* from the want of Christian Magistrates, but from such things which will hold as long as any Christian Church: which are the dishonour of the Society, *1 Cor. 4. 1. the spreading of such corruptions further, if they pass uncensured, 1 Cor. 5. 6. and amendment of the person, 1 Cor. 5. 5.* Upon these Pillars the power of censures rests it self in the Church of God, which are the main grounds of penalties in all Societies whatsoever, *viz. the preservation of the honour of them, and preventing of further mischief, and doing good to the offending party.* And that which seems to add a great deal of weight to this instance, is, that the Apostle checks the *Corinthians*, that before the exercise of the Apostolical Rod, they were not of themselves sensible of so great dishonour to the Church as that was, and had not used some means for the removing such a person from their Society; *And ye are puffed up, and have not rather mourned, that he that hath done this deed, may be taken away from among you, 1 Corinth. 5. 2.* Therein implying, that whether there

had been such a thing in the Church, or no, as the Apostolical Rod, it had been the duty of a Christian Society to have done their endeavour in order to the removing such a person from their number. But further, I cannot understand how it should be a duty in Christians to *withdraw from every brother who walketh disorderly*, and Church-Officers not to have power to pronounce such a person to be withdrawn from, which amounts to Excommunication. It is not to me at all material, whether

2 Cor. 5.

11.

2 Theff. 3.

14.

they did immediately relate to Civil or Sacred converse, (concerning which there is so much dispute) for in which soever we place it, if Church-Officers have a power to pronounce such a person to be withdrawn from, they have a power of Excommunication; so we consider this penalty as inflicted on the person in his relation to the Society as a Christian; and withal, how nearly conjoined their civil and spiritual eating were together, 1 *Corinth.* 11. 20, 21. and how strongly the argument will hold from Civil to Sacred, viz. *à remotione unius ad remotionem alterius*, not from any fancied pollution in *Sacris* from the company of wicked men, but from the dishonour reflecting on the Society from such unworthy persons partaking of the highest priviledges of it. Thus from these three *Hypotheses* this *Corollary* follows, that where any persons in a Church do by their open and contumacious offences, declare to the World that they are far from being the persons they were supposed to be in their admission into the Church, there is a power resident in the Pastors of the Church to debar such persons from the priviledges of it; and consequently from Communion in the Lords Supper. 1. Because this expresseth the nearest union, and closest confederation, as the *Συνοία* among the *Grecians* Commonwealth did. 2. Because this hath been always looked on with greatest veneration in the Church of God; and therefore it is least of all fit those persons should be admitted to the highest priviledges of the Church, which are unworthy of the lowest of them.

S. 23.

There remain only some few Objections which are levelled against this opinion concerning the power of Excommunication, which from the Question being thus stated and proved, will be soon removed. The first is, *that this Excommunication is an outward punishment, and therefore belongs not to Church-Officers,*

Officers, but to the Magistrate. 2. Because it neither is, nor ever was in the power of any Church Officer to debar any offending member from publick Worship, because any Heathens may come to it. 3. It cannot lie as to exclusion from the Lords Supper, because Christ is offered as spiritual food, as well in the Word Preached as in the Sacrament. To these I answer, 1. I do not well understand what the Objectors mean by an outward punishment; for there can be no punishment belonging to a visible Society, (such as the Church is here considered to be) but it must be visible, *i. e.* outward, or a thing to be taken notice of in the World; and in this sense I deny that all visible punishment belongs only to the Magistrate; but if by outward, be meant forcible punishment, then I grant that all coactive power belongs to the Magistrate; but I deny that Excommunication formally considered, is a forcible punishment. 1. Because every person at his entrance into this Society, is supposed to declare his submission to the rules of the Society; and therefore whatever he after undergoes by way of penalty in this Society, doth depend upon that consent. 2. A person stands Excommunicate legally and *de jure*, who is declared authoritatively to be no Member of the Society, though he may be present at the acts of it, as a disfranchised person may be at those of a Corporation. 3. A person falling into those offences which merit Excommunication, is supposed in so doing, voluntarily to renounce his interest in those priviledges, the enjoyment of which doth depend upon abstaining from those offences which he wilfully falls into, especially if contumacy be joyned with them, as it is before Excommunication; for then nothing is done forcibly towards him; for he first relinquisheth his right, before the Church-Governour declares him excluded from the Society. So that the offender doth meritoriously excommunicate himself, the Pastor doth it formally, by declaring that he hath made himself no member by his offences and contumacy joyned with them. To the second I answer, That I do not place the formality of Excommunication in exclusion from hearing the Word, but in debarring the person from hearing *tanquam pars Ecclesie*, as a member of the Church, and so his hearing may be well joyned with that of Heathens and Infidels, and not of Members of the Church. To the third I answer,

answer, That exclusion from the Lords Supper is not on the accounts mentioned in the Objection, but because it is one of the chiefest Priviledges of the Church, as it is a visible Society.

Having thus cleared and asserted the power of Excommunication in a Christian Church, there remains only one enquiry more, which is, Whether this power doth remain formally in the Church, after its being incorporated into the Commonwealth, or else doth it then escheat wholly into the Civil Power? The resolution of which question mainly depends on another spoken to already, *viz.* Whether this power was only a kind of Widowsestate, which belonged to it only during its separation from the Civil Power, or was the Church absolutely infeoffed of it as its perpetual Right, belonging to it in all conditions whatsoever it should be in? Now that must appear by the Tenure of it, and the Grounds on which it was conveyed, which having been proved already to be perpetual and universal, it from thence appears that no accession to the Church can invalidate its former Title. But then as in case of Marriage, the right of disposal and well management of the Estate coming by the Wife, belongs to the Husband; so after the Church is married into the Commonwealth, the right of supream management of this power in an external way doth fall into the Magistrates hands. Which may consist in these following things. 1. A right of prescribing Laws for the due management of Church-censures. 2. A right of bounding the manner of proceeding in censures, that in a settled Christian-state, matters of so great weight be not left to the Arbitrary pleasure of any Church-Officers, nor such censures inflicted but upon an evident conviction of such great offences which tend to the dishonour of the Christian Church, and that in order to the amendment of the Offenders life. 3. The right of adding temporal and civil Sanctions to Church censures, and so enforcing the spiritual Weapons of the Church, with the more keen and sharp ones of the Civil State. Thus I assert the force and efficacy of all Church-censures *in foro humano* to flow from the Civil Power, and that there is no proper effect following any of them as to Civil Rights, but from the Magistrates Sanction. 4. To the Magistrate

Magistrate belongs the Right of appeals in case of unjust censures, not that the Magistrate can repeal a just censure in the Church, as to its spiritual effect; but he may suspend the temporal effect of it: in which case it is the duty of Pastors to discharge their office and acquiesce. But this power of the Magistrate in the supreme ordering of Ecclesiastical as well as Civil Causes, I have fully asserted and cleared already. From which it follows, That as to any outward effects of the power of Excommunication, the person of the Supreme Magistrate must be exempted, both because the *force* of these censures doth flow from him in a Christian State, and that there otherwise would be a *progress in infinitum*, to know whether the censure of the Magistrate were just or no. I conclude then, that though the Magistrate hath the main care of ordering things in the Church, yet (the Magistrates power in the Church being cumulative, and not privative) the Church and her Officers retain the Fundamental Right of inflicting censures on Offenders: Which was the thing to be proved.

*Iren. p. 1.
c. 2. Sect. 7.*

*Dedit Deus his quoque
Finem.*

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Church-yard, near the little North-door.

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being a Vindication of the Lord Archbishop of *Canter-*
bury's Relation of a Conference, &c. from the pretended An-
swer, by T. C. By *Edward Stillingfleet*.

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Scriptures, and the Matters therein contained, by the same
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way, manner and circumstances of worship, we are to follow the positive Laws of God : because as we are bound by nature to worship him, so we are bound by vertue of the same Law to worship him in the manner best pleasing to himself. For the light of nature, though it determine the duty of worship, yet it doth not the way and manner ; and though acts of pure obedience be in themselves acceptable unto God, yet as to the manner of those acts, and the positives of worship, they are no further acceptable unto God than commanded by him. Because in things not necessarily determined by the Law of nature, the goodness or evil of them lying in reference to Gods acceptance, it must depend upon his command, supposing positive Laws to be at all given by God to direct men in their worship of him. For supposing God had not at all revealed himself in order to his worship ; doubtless it had been lawful for men not only to pray to God and express their sense of their dependance upon him, but to appoint waies, time and places for the doing it, as they should judge most convenient & agreeable to natural light. Which is evident from the Scripture its self as to places : for as far as we can find, sacrificing in high places, (that is, such as were of mens own appointment) was lawful, till the Temple was built by *Solomon* ; as appears by the several examples of *Gedeon*, *Samuel*, *David*, and others ; Indeed after the place was settled by Gods own Law, it became wholly sinful : but if so before we should not have read of Gods accepting sacrifices in such places as he did *Gedeons*, nor of the Prophets doing it, as *Samuel* and *David* did. It is a disputable case about Sacrifices, whether the offering of them came only from natural light, or from some express command : the latter seems far more probable to me, because I cannot see how natural light should any wise dictate that God would accept of the blood of other creatures as a token of mans obedience to himself. And *Rivet* gives this very good reason why the destruction of any thing in sacrifice cannot belong to the Law of nature, because it is only acceptable as a sign, and token of obedience, and not simply as an act of obedience ; and this sign signifying *ex instituto* (for mans destroying the life of a beast can never naturally signifie mans obedience to God) and therefore it must have some positive Law ; for those which sig-

Judg. 6. 18.

1 Sam. 7.

1. 4.

16. 9.

10. 3.

2 Sam. 15.

18. &c.

Exercit. in

Gen. 42.

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nise only by institution, and not naturally, cannot be referred to a dictate of the Law of nature. To which purpose it is further observable that God doth so often in Scripture slight the offering of Sacrifices, in respect of any inherent vertue or goodness in the action it self, or acceptableness to God upon the account of the thing done. In which sense God saith, *He that killeth a bullock, is as if he slew a man; and he that Sacrificeth a sheep, as if he cut off a dogs neck, &c.* For what is there more in the one than in the other, but only Gods appointment, which makes one acceptable and not the other? So that it is no ways probable that God would have accepted *Abels* sacrifice rather than *Cains*, had there been no command for their sacrificing. For as to meer natural light, *Cains* Sacrifice seems more agreeable to that than *Abels*, *Cains* being an Eucharistical offering without hurt to other creatures, but *Abels* was *cruentum Sacrificium* a Sacrifice of blood. But the chief ground of *Abels* acceptance, was his offering in faith, as the Apostle to the Hebrews tells us: Now faith is a higher principle than natural light, and must suppose divine revelation, and so a divine command as the principle and ground of his action. *Moses* his silence in reference to a command, is no argument there was none, it not being his design to write at large all the particular precepts of the oral Law, but to deduce the Genealogy of the Patriarchs down from *Adam* and the Creation. But supposing a command given from God, determining modes, and circumstances of such things of which the substance depends on a natural Law, men are as well bound to the observation of them after their revelation, as the other before. The one being a Testimony of their obedience to God as clear and full as the other; yea and so much the clearer evidence of obedience, in that there could be no argument for the performing of those things but a divine command. And even in doing things intrinsically good, the ground of purely religious obedience is, because God commands men to do those things more than that they are good in themselves: Doing a thing because most suitable to nature, speaking morality; but doing because God commands it, speaks true religion and the obedience of faith. For as the formal reason of the act of faith is a divine Testimony discovered to our understandings, so the formal principle

Iia. 66. 3.

Gen. 4. 3. 4.

Heb. 11. 4.