

BOOK VI.
Appendix.

"Elias the Levite." Quote the booke¹.

P. 12. "It is the phancy of some." If they be men of any accompt, I would not say, ("phancy,") but opinion; or, "some are of opinion."

"Cut of from the stocke of faith, and soules rooted out." In the third² you may remember yt is sayd that excommunication doth not exclude from out the visible Church. It seemeth by theys
+ wordes that the [Fathers³?] did make accompt of men so separated, as if they were utterly excluded. You may thinke upon these wordes whether they do not seeme to imply some repugnancy to the former: and although I know they may be reconciled, yet perhaps it were not amisse if before hand they were qualified.

"Self same kynd of anathema." You seeme by theis wordes to understand St. Paul's meaning⁴ of the lowest degree of three, whereas yt is commonly taken (you know) for a farre greater matter than the highest degree of excommunication can import. And yet
+ in the beginning of this discourse you make anathema the second degree, and here in St. Paule's speach the first onely. But because [this] opinion is newe and contrary to that which hath been received, [I] could wishe that common opinion were sett downe and their reference to the speach of Moses⁵ specified together with the reasons of your opinion on the other side, and the dissimilitude of Moses speach from the Apostles. Moreover because yt may seeme but a sleight kynd of endamage which the Apostle doth wishe unto himself, yf yt reach no farther than you seeme to understand it, especially in theis dayes wherein separation from the Church is taken for a matter of nothing: yt may be shewed how highly they accompted of the visible and outward communion of saintes, as may appeare in that Psalme where David extollethe the state of the sparowe (as I remember) even in that respect because she had her nest in the temple. But of this enough.

+ P. 13. "Lett that nation." Quote it.

"To express those actions by." I would say, As names to expresse those actions of publique judgment: and so leave out those wordes ("in publique judgment") immediatly going before.

P. 14. "The Syrian language." Did they speake the Syriacke in Christs tyme *ordinarily* or only the learned of them? for so I have heard.

¹[See it quoted E. P. V. xx. 3. of the MS. which is defaced here.]
note 6; lxxiii. 6. note 4.]

²[c. i. 7, 13.]

³[The word comes in the margin

⁴[Evidently in Rom. ix. 3.]

⁵[See Exod. xxxii. 32.]

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"St. Gregorie¹." I would say in the very text for more authority St. Gregory Nyssene, because the later Gregory will otherwise be understood.

"Towardes thy self." This sentence is unperfect in the writing.

P. 16. "Every open scandalous action." By this yt may seeme that because in the 4 booke² you have sett downe that all sinne hath a scandalizing nature, every open sinne is subject to the censure of the Church, so as it would seeme to followe that all causes might be brought under discipline. For myne owne part I do not conceave wherein the distinction lyeth betweene causes spirituall and temporall, although yt be manifest that a distinction there is betweene them. And in the practise of the commonwealth causes spirituall in some cases are determinable in civill courtes, as tithes, perjury; and causes temporall in the spirituall courtes, as testaments, which in my opinion are merely civill: so as I see the division with us is not according to the nature of the thing, but as lawe or custom hath prevayled.

"For this cause Tertullian." In the margine. It may be that + this note might come in well into the text.

P. 17. "Whose flesh the tortures." If any auncient writer do autorise this opinion, yt were not amisse to quote him.

"The auncient fathers of the Church." The places here quoted in the margine do not (in my opinion) prove any such corporall plague as for which they are alleaged. It may be some more pregnant testimony might be found. For the thing (I thinke) is true. The place of Tertullian in the margine is false written, as + I take yt.

P. 18. "Dischurched." I would say, "as it were dischurched," because the word is unusuall.

P. 19. "Howsoever." I would leave out this sentence wholly, because that for which you bring it in, is pertinent and short and + needeth no qualifying or excuse.

"Very well then." I would leave out these wordes, and say, "Be it so," for they are to familiar.

P. 20. "Mariage feast in Cana?" Although yt be no necessary consequence, yet some presumption yt is that if any such thing had beene used in the Church before Victor, yt would at some tyme or other have beene mentioned. And therefore if any testimony could here be alleaged of the exercise of excommunication before Victor,

¹[This may be noted as a second *possibly* refer to the sixth book as it instance in which the note might stands: p. 29.]

²[c. xii. 2.]

it would be very fitt. For this and the like if you cannot call to remembrance any cleare testimony, it may be D. Raynoldes were able to furnish you, with a word writing unto him, when you send your booke.

P. 21. "Epicurus opinion." I could wishe for more perspicuity (for that is it which D. Some requireth in your booke¹) that the opinion of the Epicure sett downe in the margine by Lucretius were in the text: and that the sentence were divided into two in this or the like manner; "A philosopher there is who in this regard especially magnifyeth his master Epicurus opinion, that the world was not created by God, for that it serveth as a present cure to such weake and feeble myndes as are continually perplexed with touch of conscience, and therefore in this sort he frameth his speach unto him, 'No sooner dost thou teach that the world,' &c.²:" taking the marginall note into the text, and leaving the Latine only in the margine. The next sentence then must followe. "In like manner these good folke," &c. You may polish yt at your pleasure.

"They would not be light." You knowe the manner of our excommunication which for this point specially is accused. And I thinke either something is to be sayd in defence thereof³, or this clause to be left out which doth seeme to blame the exercise of yt, as now it is used. You knowe that no man is excommunicate but for contumacy, which in the least thinges for the most part is greatest, because the more easily the thing is done, the greater is the contempt in neglecting yt. So as theyr cavil is but slander when they say, we are excommunicate for fees⁴: for it is not in that regard, but because the Church hath no other meanes to make men appeare or do theyr dutyes but this onely. This point may be thought upon. If other meanes were appointed whereby the

¹ [In some private letter: for of Some's published tracts the only one which from its date could have referred to Hooker is "Questions wherein is handled that Christ died for the elect alone," &c. Camb. 1596: in which Hooker is not mentioned.]

² [Lucr. iii. 14, &c.]

³ [In the margin, opposite the words, "is to be sayd in defence thereof," is the following note, as it seems in Cranmer's hand.

"Excommunication with us you

"knowe is exercised by a lay commissary, although for fashion sake a minister be called in to reade the sentence. But in their discipline suppose the lay elders be of mynd to excommunicate any man, the pastor, not; Shall the pastor have a negative voice, or shall excommunication be exercised by the laymen only?"

⁴ [See 2d Admonition, p. 6, 7, ed. 1617; Milton, of Reform. in Engl. Prose Works, vol. i. p. 27. ed. 1738.]

spirituall courtes might punishe contumacy in such cases, I thinke yt were not amisse, but no other beeing, that must be used.

"Magistratus execrator." In the margine. It may be this marginall note might be brought into the text.

P. 23. "The people of God." I would leave out, "of God," because [even?] the optimates or elders are part of the people of God, but in division of the polity, as in this place it is understood, they are not a part of the people.

"There is not any man." I would say in the beginning, "Surely there is not any man."

"Looke for obedience." You meane in matter of fact; in matter of perswasion it is lawfull for any man to thinke as he list: so as the sentences do not seeme to be both made of the same thing.

"To compell by reason." I would say, enforce; for although both these wordes do imply force, yet compulsion is properly of things violent.

P. 24. "Importeth chiefety of dominion." I would say, "Importeth not power of jurisdiction, but chiefety of dominion." For so yt wilbe plainer. And in the margine for the better understanding what you meane by chiefety of dominion, you may sett, "That which the Grecians call τὸ κύριον." Although this explication be only for the learned.

"Two thinges being necessary." This sentence is long: I would divide yt thus: "Two thinges are necessary:" and afterwarde; "which two thinges are thought weaker in each particular," &c. The sentence may very well end at those wordes "the common good of all." And the next sentence may beginne, "By this meanes therefore yt commeth to passe."

"That cable." I would say, "That threefold cable whereof Salomon speaketh¹."

"By Solon had not." You may quote some author for this; and if Machiavel be not an unfitt author, it is his observation lib. i. Disc. sop. Tit. Liv. [cap. 2. p. 9. ed. 1550.]

P. 25. "Annexed unto yt." In this place I could wishe something were added to this effect. "For in theys considerations it hath beene thought that the mixed state is best:" otherwise (you know) yt is by [Aristotle?] confest l. 4. Polit. that if any one may be of so exceeding vertue as betweene him alone and the rest of the people iointly there be no comparison, he ought by the lawe of nature to have absolute and souverayne dominion. Which incomparable vertue because we cannot deny to our Saviour Christ,

¹ [Eccles. iv. 12. Comp. E. P. b. vii. c. 18. § 10.]

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Appendix. him any assistants.

“According unto astrology.” I would rather say, (“and the
+ “court of the Areopagites as yt were certayne optimates.”) For
that will better resemble theyr pretended mixture, than the heavens,
so far removed.

P. 26. “Fourthly.” This word is referred to the three generall
branches before specified, whereas in this place it may seeme to
followe upon the three specialtys going immediatly before. Reade
the sentence, and you shall perceave my meaning. You may say :
furthermore, or, moreover.

“Will before.” False written.

“Imperiall power.” I could wishe that in this discourse and in
the whole body of your booke wheresoever mention is made of
τὸ κύριον, you should give yt the same name. You terme yt some-
tymes chiefety of dominion, sometymes souverainety, sometimes
imperiall power. I thinke theys wordes (souverainety of dominion
or souverayne dominion) are the fittest to be alwayes used, and
plainest to be understood. If you be of this mynd, you may alter
those places before, and make them all alike.

P. 29. “tribunes.” Quote yt. Li. i. Dec. l. 2. as I remember.

“Power of Jurisdiction.” I thinke it may in this place be added;
that “if at any tyme any ecclesiasticall person have growen to so
“great auctory as his power hath beene fearefull unto the state,
“lest thereby some alteration should ensue,” whereof yet I remem-
ber no example; “this hath never come to passe by the meanes of
“his power of jurisdiction, but by some other accidentall occasions,
“as favour of the prince, forrayne allyes,” &c.

P. 28. “Likelihood of sound reason.” If a brief collection were
made in one sentence of all the five (fine?) absurdities of this
+ reason before alleaged, it were not amisse, in my opinion. For
the greater his auctory is who alleageth it, the plainer I would
have the inconsequence of his reason to be made.

“There is no one thing.” It were good to sett down some of
their sentences to this purpose in the margine in such places as you
shall find meete. But of one thing I would wishe they were ad-
monished, that in the question of lay elders they urge the Jewish
polity, in the next of episcopall auctory they will not stand to the
+ lawe, so as when they thinke yt maketh for them they will main-
taine it; when otherwise, they disclayne yt. This I leave to your
consideration. [In margin] I thinke this may be sett in another
place afterwarde more conveniently, as I have noted.

“Lay elders personally distinguished.” In the margine. This
clause I understand not, for whether those lay elders were the same
with the auncients of the civill state or others, it commeth all to one
passe in my opinion, if it appeare they dealt in causes spirituall.
[In margin] In this point I do since understand your meaning upon
reading the whole discourse.

“The rest were his [sonnes’ sonnes?].” Had they no wives nor
servants? If they had, then they were in the number. [This with
a line drawn across it.]

“The whole into tribes.” Quote yt and that which followeth of +
families and houses.

“The witt of man.” If yt were the order of God, no marvayle
if the witt of man could not have devised a better: if not of God +
but of man, the wordes are well enough.

P. 29. “The congregation, and the whole people.” Quote yt. +

“The representative body.” I thinke it were meete to bring +
some auctory or proof hereof.

“Extend this.” I would say, “Extend his wordes:” or, “theyr
“wordes.”

P. 30. Looke to the quotations in the margine that they be right
and rightly placed. And that care is to be had through the whole +
booke.

P. 31. “Fathers.” And afterwarde [“Decurion?”]. Quote theys
things. +

“This was done by Moses.” In the margine. I do not under-
stand to what purpose this marginall note serveth, if it be compared
with the text, and for ought I see it may be spared.

“They prophesied and ceased not.” This coniecture I thinke
will seeme straung, unlesse some auctory be given unto yt by testi-
mony. If not, I thinke yt were not amisse to leave it out.

P. 32. “Judges before appointed.” Quote where.

“The Jewish co[n]iecture.” Cite the author and quote where. +

P. 34. “Kinges have dominion.” I could wishe that in this
place for more perspicuity some such wordes were added, as these :
“They are at the choice of the prince, the assistantes of Moses
“were not.”

“Import souverainety.” I had rather say, “Monarchicall or
“royall souverainety (for in that sense &c.) but that kynd of +
“souveraine power whereby the state of the Jewes was then
“go[u?]verned.”

P. 35. “The Jewes tearme them.” Quote yt. +

“Fifthly the reasons.” This last braunch doth not seeme to be

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a thinge to be noted in the lawe before alleaged, as in the first wordes you say, but rather to come in by collaterall meanes through their disputes. And therefore you may say, "Lastly we are to examine the reasons which are alleaged."

P. 37. "Doe every where." Quote some testimonyes.

"If it should." Perhaps it were better to say, "If it did not." And afterward, "questions of doubt inferiour judges." The composition is hard. I would say, "Inferiour judges are willed to bring those questions of doubt," &c. Or some such alteration.

"Of this sort likewise." It seemeth by this that the number was increased, and then could not the Jewes call yt the great court of 71. Some auctority must be alleaged for this point. Unlesse we may say that they were not of the body of the court, except they were also of the 70, but onely associates in judgment by way of advise.

P. 38. "Of priestes onely." I do not understand what you meane by this word, onely, nor in regard of what it is in this place an exclusive.

"Judiciall assemblies." Do you thinke that in such causes as were brought to the court of 70 from out the cityes abroad that all the 70 were present at judgment? It seemeth unlikely that such a number could all meete together to determine of so many causes at so many tymes.

P. 39. "Did farther devise." Because this is contrary to their mayne position handled in the 3 booke, I could wishe that some instance were given wherein David or Salomon altered the prescript of Moses by addition or any other chaunge. It may be sett in the margine.

P. 41. "Touching causes they." I thinke there is some fault in the writing: for the word, "causes," doth not seeme to fill the sentence with perfect sense.

P. 42. "Ordinary judges." This is a good coniecture; and if any of the Jewes do any where seeme to intimate so much, it were good to quote them.

"His legates." I had rather say; "lieutenantes."

"Th' aforesayd." You knowe Mr. Sandes mynd and myne of this word.

P. 43. "In the 10 of Ezra." This marginall note perhaps may come well into the text.

+ P. 44. "Was lesse commodious." The reason were good to be shewed.

+ "Post [hoc?] et alia." English it; and I thinke the Latin should not stand in the margine, but ether nothing at all or the Greeke.

P. 46. "State regall." I cannot tell whether this word "regall," and the placing of it in this sort, "state regall," be good. It may be that, "monarchicall" or "royall state," were better.

"Chieftie of regiment." Of this you see what I have written before. I could wishe that here were putt, "Souverainety of dominion," or "souverayne dominion." And I thinke yt were playner. Afterwardes where it is sayd, "Either under that kingly power," &c.; perhaps it were more perspicuous to say, "When they lived under kinges either appointed by them selves or by forrayne power placed over them." And yet it is to be considered that their 3 first kinges were chosen by God, the rest by succession obtained the crowne, so as those wordes ("which them selves did appoint") seeme not to be so proper.

P. 47. "Alludeth both unto those princes." It were perhaps not amisse to say this indefinitely rather then categorically.

P. 48. "The other of the 70." Mallem, "The rest of the 70."

"Afterwardes Scribes." It may be remembred that there were prophets at the same tyme when there were Scribes, and therefore that the Scribes were not interpreters of the lawe after the prophets but at the same tyme.

"Such a doctor was Gamaliel." Gamaliel as I remember was a Pharisee and therefore not a Scribe, as Scribes and Pharisees are opposed in division one to another. But if the name of Scribe do signify (as you seeme to say) any one professing skill in the lawe, in that sense a Pharisee may be called a Scribe, and the name of Scribe is ambiguous, applied both to the genus and species. If it be so, as I coniecture by your discourse, it were not amisse to sett the distinction plainly downe of the word, Scribe.

+ P. 49. "Νομικά." Νομικοὶ I thinke. And yet I cannot tell, because I remember some such phrase in Plato, παιδικὰ, referred to the person.

"The great synagogue." If this synagogue were that which Ezra founded, how can it be sayd to preceede the prophets; if it were any other, yet because no mention nor speech hath been made of it in the former discourse, perhaps it will not be well conceived what you meane by that great synagogue.

"These are the genealogies." If you be not certayne hereof, speake it indefinitely: if you be, alleage some sufficient proof. And afterwardes, "The masters of," I would say, "The teachers of"

+ "Of them that." I thinke it is false written.

+ "Senatus, sacerdots." Translate yt.

P. 50. "Th' arraignment of Herode." I would say, "Whereof we spake before," or some such reference.

P. 51. "Do intimate a difference." I could wishe that this were + made plainer by drawing the marginall note following into the text.

P. 52. "from tyme to tyme." In this place I thinke it were not amisse if some discourse were added to this effect. That the antiquities of all nations, especially of the Jewes so farre removed from us both in place and tyme, are for the most part obscure and hard to be particularly sett downe, because being well knowne and not greatly regarded of all then living, men are not commonly willing to take paynes in delivering such thinges to posterity: but that partly out of Scripture, partly by probable coniecture and out of the writings of the Jewes you have collected and sett downe that which in your opinion is most consonant unto trueth. Hereupon I could wishe that a brief collection were made of all those mayne positions which are contayned in the former discourse. I will sett downe what I have conceived of the Jewes estate out of your discourse; for otherwise I have no skill nor knowledge therein; but if I have mistaken ought, you may perceave wherein some explanation is requisite for other mens farther direction. I conceive therefore that your meaning is this, 1. that for the ease of Moses in inferiour causes there were first appointed¹ inferiour judges: 2. that after- + wardes for his farther ease even in those waighty affayres which he had reserved unto himself, other associates were joined² unto him; whereof I thinke one presumption may be that which you have + omitted, that God indued those later with part of Moses spirite, which I thinke is not written of the former, and therefore it should seeme that as their guiftes were more excellent, so their charge was more waighty also: 3. that in Moses together with these 70 the souverainety of the Jewish state did remayne; and that the chief of this senate were Moses or his successor and the high priest; the rest were the princes of the tribes and other auncientes of greatest + nobility; 5. that none of the common people were of this senate; 6. that in this senate all high and principall affayrs were handled whether ecclesiasticall or civill; 7. that in causes ecclesiasticall the High Priest was chief of this senate and might assemble them, in causes civill the judge or supreme civil gouvernor: 8. that this High Court was afterwarde by Moses institution to be planted in Jerusalem and till they were gouverned by a king was the souverayne auctority and τὸ κύριον of that common wealth; 9. that after their

¹ [Exod. xviii. 25, 26.]² [Num. xi. 25.]

state was altered from an aristocracy into a monarchy and the souverainety thereby removed, yet this court was the principall and highest court of justice; 10. That the king himself was chief of this court if he list to sitt therein, if not, then some of the princes by him appointed; 11. That the High Priest was the next in this court unto the King himself; 12. But sometymes it so fell out that the same person was both High Priest and supreme civil gouvernor, as + Ely¹, Ezra, Simon; 13. That the state of Jury beeing greatly decayed by the rent of the ten tribes the same was by Jehosaphat restored. In whose reformation these thinges I observe, first that he appointed² judges in all the cityes according to the ordinance of Moses in Deuteronomy³ which I take to awnswere in proportion unto those inferiour judges appointed by Moses upon Jethroes motion; secondly that in Jerusalem he established⁴ the high senate of the 70, the same which before by Moses was instituted⁵: thirdly that he established but one high senate for both + kind of causes, and not as they would have it, one for civil, another for ecclesiasticall. Whereof I have these presumptions, first because it is sayd by Jehosaphat to the judges of that court⁶, "In every + "cause that shall come unto you of your brethren that dwell in "their cityes, betweene bloud and bloud:" which wordes, "bloud "and bloud," seeme to be a plaine reference to the institution of + Moses in Deuteronomy⁷ where the same wordes are used. If the court therefore by Moses there established were but one, as I thinke they confesse, or if they do not, the course of the text will convince it, because it is sayd, "The priestes and the judge," joyning them together as it were in the same high commission; if (I say) that court were but one, it seemeth that the court by Jehosaphat restored and reestablished with so plaine reference to the wordes of Moses was the same court, and therefore but one. Againe it is sayd⁸, "Behold Amariah the priest shalbe chief over you in all matters of "the Lord, and Zebadiah for the kinges affayres." What shall Zebadiah be? chief over you: over whom? over the same persons over whom Amariah is also placed, as the wordes must needes enforce: so as Amariah was not chief of one court, Zebadiah of another, but both of the same in different causes. For it followeth in the text, "And the Levites shalbe officers before you:" before whome? Not before any civil judges where Zebadiah being a civil +

¹ [The MS. adds "Samuel," with a pen drawn across it.]² [2 Chron. xix. 5, 6, 7.]³ Deut. xvi. [ver. 18.]⁴ [2 Chron. xix. 8-11.]⁵ Deut. xvii. [ver. 8-13.]⁶ [Ver. 10.] [xvii. 8.]⁷ [Ver. 11.]