

P. 79. "Exhorted Nepotian." How this doth prove that for which it is alleaged I do not perceave; for it may be graunted that Nepotian was a preaching presbyter, and yet their distinction of presbyters not contradicted.

"Priests and BB." Did Arius make BB? beeing him self but a B. [P. ?] for so I conceive he was no more.

P. 82. "A layman may baptize." It were not amisse to say, Wherein as they thought a layman might baptize.

THE SIXT BOOKE.

*Edwin Sandys*¹.

In Mr. Cranmer's notes, those wherein I thoroughly agree with him, I will note with this mark +. If I happen clearly to dissent, I will note them with this mark o. The rest I will leave unmarked.

P. 1. This booke beeing generally intended against their whole plat for ecclesiasticall jurisdiction wherein it is faltie; yet dealeth with no other part then only lay presbiters. If no other part be faltie; then well enough. If otherwise, then is it necessarie both that in the end of this booke other [tracts?] be added, and that this title be enlarged. What think you of deviding the pastor and doctour? Or where handle you that point? what of their consistorie? what of their Synodes?

A morall exordium and conclusion I should greatly commend in all your bookes.

P. 3. "Yea or no." The affirmative is included in the former wordes. And although I disallow not this form of speach; yet perhaps you use it verie often, as in your printed bookes.

"Why causes matrimoniall—is not obscure." Nor verie plaine. And therefore I pray you set it down. And add with all the reason why causes of legitimation and bastardie are spirituall. Moreover if you can, why matters testamentarie, which is the greatest point of all other. Wherein the nature and difference of causes *meerely* ecclesiastical and *mixt* is to be opened². These points are at this day verie strongly impugned; and therefore the trueth in them most necessarie to be thoroughly unfolded.

¹ [*Edwin Sandys* in Fulman's hand; the rest in Sandys' own hand.] ² Vid. in p. 16. [referring to Hooker's MS.]

"Non intendimus¹." Translate this and the rest.

P. 4. "When they can take." When they can *securely* take.

"Unto the form." Here may fitly be handled the way of proceeding to these tryalls by oath: which the Precisians so much impugne. Some where it must needes be handled. But if the controversie of this and those other points you handle somewhere els: then neede they to be here only briefly touched, as conclusions of trueth.

In marg. "The courte, which in former tymes." For ought that I know they were the same coorts then. And the spirituall coorts were called Curia Christianitatis by the civill courts. And so it is often in our temporall law-bookes.

P. 5. "To this purpose." These wordes either are needeles, or their use is obscure.

"Our Saviour's speech in the Gospell." Add *Tell the Church* or of complayning to the Church.

P. 7. "Of good men." Put out *of*.

P. 8. "Last of all it worketh." Put out *it woorketh*.

P. 10. "Yet swearing apart." Quote the psalme "All that swear by him shall be commended."

"Præiudize of *acceptation*." This should be some other woord: *execration* I think.

P. 12. "Same kynd of anathema." It seemes by that which goeth before and cometh after that you make Anathema the genus of the three degrees: although most properly used for the second degree. And so may this shew of repugnancie be reconciled, which would be specified immediately after the proposing of the three kynds.

P. 13. "Paul may probably." I like your opinion marvailously well: on condition that you can interpret Moses' speech to the same effect. Which it is fit you either doe: or shew reason of the diversitie. For my own part I must confesse it could never sink into my beleefe, that anie man would redeem the happiness of other men with his own spirituall. And therefore I conceived of those [The last line of the page is worn out.]

P. 14. "in the 18th." No quotations of chapters in the text. "Towards thy self." And offend thee.

"Of private admonition." Here you must needes insert the second degree which seemes omitted by the writers falt.

¹ [*Non intendimus judicare de feudo* is Innocent the Third's disavowal of temporal jurisdiction in the dispute between king John and Philip Augustus, A. D. 1204. See Decretal. ix. i. 13. col. 489. ed. Lugd. 1572.]

P. 16. "Is everie open." Add *and grievous*; for so you seeme to say and verie truly, page 3. And on that woord you may ground an answer to the returning of your obiection against the præcisians in your preface upon yourself: where you say that seeing in most civill controversies and suites in law, the law of charitie is broken on the one part or the other, they were likelie to draw all these causes to their consistories. Indeepe as all things of this lyfe have their reference to the life to come; so all civill causes have something in them spirituall: whereupon riseth the difficultie of distinguishing the one kynd from the other. But I take first these two rules necessarie to be observed: one that in criminall causes where the temporall coort doeth proceede to the punishing of anie man, there the ecclesiasticall forbear, least one falt be twice punished: an other, that in causes litigious and not criminall, where the parties proceede by course of civill law, their doings be not censured by the ecclesiasticall coort, to avoid oppositions of the one court to the other. This ground being layd, and these rules set down; the distinguishing of causes doth ensue of his own accord. Some are meerely civill, as the tryall of title of land: some meerely ecclesiasticall, as crimes of heresie and schisme: other mixt, as matter of slaunder, incontinencie, testaments; wherein perhaps nature directing that the part prædominant in the mixture doe carrie the cause with it to that coort which this part prædominant belongs to, yet the declaration hereof is to be made by positive lawe of the whole state: which positive lawe itself is neither ecclesiasticall nor civill, but mixt of both, even as the prince is a mixt person: which was verie well proved by Mr. Speaker¹ in the Parliament.

The canon law I know greatly urgeth that all mixt causes be ecclesiasticall, for honour of that part: which seemes hard to yeald to, at least wise it would be now hardly taken to require it. These things you must needes handle somewhere or other.

P. 17. "Both separation and execration." You make these two the divers kynds of excommunication, and seeme so to distinguish them, as that *excommunicatio a iudice* is separation, and *excommunicatio a canone*, execration. If this be a true and an only distinction in the use of excommunication I would wishe it to be so playnly recollected in the end of this passage. But if there be any other use of the differencie of these kynds, it is verie necessarie that it be set

¹ [Probably Mr. Serjeant Yelverton, who was chosen Oct. 27, 1597, and continued in office till the 9th Feb. following, when the parliament was dissolved. Cobbett's Parliamentary Hist. i. 895, 905.]

down here. And perhaps there is some more, as you seeme to insinuate pag. 19, r. 9.

P. 19. "Beeing the subject of holy things." Interdiction seemes to be only separation, and so you seeme to make it here. Yet doe it somewhat more playnly.

P. 23. "Chieflly of dominion." Chieftly of dominion. In this discourse of Beza one may smell that which hath beene allwaie suspected of the Præcisians that they confound their ecclesiasticall jurisdiction and dominion: and so exclude the soveraine of the estate from bearing anie soveraigntie in the Church. Which in England is to denie the princes supremacie in causes ecclesiasticall. And you know they hold the authoritie of their presbyterie immediately from God: and make the prince (even as the papists doe) a meere lay person. It seemeth verie necessarie that this be touched in this place, for els when you answer them by this distinction, they will say that you doe *petere principium*.

P. 24. "Are weaker." Are *for the most part* weaker. It cannot be simply held for trueth that the mixt regiment is of his own nature best: but by reason of the wickednes of men, and *ὡς ἐπὶ τὸ πολὺ*. And therefore this must be qualified.¹

"Which are." Which *for the most part* are.

"Is either so good or so durable." Is *lightly both* so good *and* so durable.

P. 26. "A great deale *better*." A great deale *fitter* because of the repeting of the woord *better* afterward.

P. 27. "By ministeriall power." By *the bare* ministeriall power.

P. 28. "His nephewes." Set this note in the margent [*that is his sonnes sonnes*] because in English we abuse the word for brothers sonnes.

"And here the Jewish nobilitie." What meane you by here? If you meane these first persons, then after the death of these they had no nobilitie. If all descended from these, then had they no communalitie. If the first-born descended from these, then must you expresse it so.

P. 31. "Out of this number." You make here an exceeding greate number of the gentrie: which could afford *Decurions* [?] to the whole armie. You must therefore make prooffe of these things by the quotations in the margent.

"Were the chief Chiliarchs." Wherein was their chieftly, unlesse they were over the Chiliarchs, which should be likely? Els their chieftly was but *ordinis*. Expresse it in particular if you can, and quote it.

P. 33. "Seeing Moses and Aaron." Add *and the successors of Aaron* (as you say afterward that the high priest was alwaie of this senate): This, if you continue of the opinion that Levi was excluded. But this seemeth verie hard, that in the soveraigntie of the estate consisting of so manie persons, all the priests should be excluded but only the high priest. For Moses successour was not necessarily of that tribe, or of anie one other. Are not the priests often mentioned as judges in the highest causes? [marg.] This is holpen after p. 37 and 38, for deciding of causes of greatest doubt. But that point is the least part of soveraigntie. [Text.] As for the choosing of 6 out of each tribe, seeing it is but coniecturall; consider whether of the two is more waightie: especially seeing that number doeth not precisely meete, and that of Eldad and Medad is but likewise coniecturall. Lastly may not both stand, by uniting the tribe of Joseph? for perhaps the dividing of it tooke no effect in the wildernes, but then when they came to division of the land: where Levi was then otherwise provided for then like the rest. But two things here are to be farther considered if it may be declared. One whether the high judge and the high priest were allwaies of the 70, or besides that number, as you seeme afterwards to say, so that the whole were 72. And then what needes there anie excluding by lott? for they may be reckoned with the rest of their tribes. An other by whom these 70 were chosen and by what meanes. If it fall out that Levi was excluded, then have the Præcisians an argument that ministers may not deale in civill causes. But trueth must be [only?] aymed at.

P. 34. "Was the high priest." Was *allwaies* the high priest.

P. 35. "*In* which law." *Concerning* which law.

P. 36. "Hurt and hurt." Before it is translated *plauge and plauge*; afterwards you interpret it damage. Looke that all these agree; which must be set down in some marginall note. Remember your adversaries.

P. 37. "If it should not." If *in other citties and inferiour courts* it should not.

P. 38. "Of this sort." Of *these* sorts.

"Of priests only and of an high priest the chief judge." It should be I think of priests only and of an high priest *and* the chief judge, for so it is in the law. But in all this law here being no mention of the 70 auncients, how prove you that the priests were annexed to those 70, and that they were not a coort by themselves. Do not some devines interpret the lawe to be of causes ecclesiasticall only and mixt? I would wish this point somewhat strengthened if it may be.

"That the high priest in such cases was to assemble." This is prooved only for that the high priest is named before the judge and so would be specified.

"The auncients of Israel." Whom meane you here, the auncients personally or representatively, namely the 70 auncients?

"In marg. permissum erat *jura condere*." Search the place. I think you have miscited it. [Marg.] It shold be *de iure respondere*.

P. 39. "Of the high priest." Or judge saith the text: which you must well consider.

P. 42. "The 12 princes." Where have you proove of these 12 princes now? If you have any, quote it.

P. 46. "Contempsit." I would never have Greeke authors cited in Latin.

P. 47. "First of twelve." You say this may playnly be gathered. Not playnly the number of 12 out of that place.

"Alludeth." *Seemeth* to allude. And perhaps best so to qualifie your assertions of like nature immediately ensuing.

P. 48. "Were the heads." What authoritie for that? quote it.

"First named prophets, and afterwards scribes." I think there is an other and a greater difference of these names; for prophets were men extraordinarily inspired.

P. 49. "Lacarnim." Cite your authorities, both for this and other like antiquities. A bare narration, unquoted, uncredited.

"These are." These seeme to be.

P. 50. "Sagen." Quote it.

P. 51. "Power of lyfe and death they had not." You may note here in the margent, that for this cause they were faine to have Pilate's consent for the crucifying of Christ.

P. 52. "Such ecclesiasticall auncients." Such *peculiar* ecclesiasticall auncients. Mr. Cranmers conclusion upon this narration I cannot here but very especially commend unto you.

"Arch priests." In your note in the margent you say *priests* simply. Take heede you misrecite not their opinion: but rather set it down more playnly and fully.

"Auncients of Jerusalem which are the same with auncients of the people." But not simply as auncients of the people are opposite to auncients of the priests as you say in the line before: for these auncients of Jerusalem comprehend also the auncients of the priests. It must therfore be qualified.

P. 53. "That famous councill." Specifie of 70, and quote the words of Christ.

"At the south part." This discourse of the place of the greate

senate seemes to me either unperfect or obscure. You seeme first to make 2 places, one generall in the sanctuarie, an other particular for causes of lyfe and death adioyning to the south part. Afterwards having no use of this they choose out a third place *Hamith*¹, which hath the same use with the first. I pray you cleare these matters and quote your authorities.

P. 54. "11 of Numbers—10 of Levit." Set the chapters in the margent.

P. 56. "Ut probabile est." Quote him upon the margent.

P. 58. "500 synagougs." Quote your author.

"Haddaishan." Quote this and the rest.

P. 59. "As these men doe imagine." As these men *upon so slender coniecture so untruly* imagine. If so then in the next line, for *have they had they*.

P. 61. "Recte omnia nostra facimus." Doe there not want some woords after these, namely, *per eos, or quæ ab iis fiunt?*

P. 62. "T. C." I will here put you in mynd once for all, that you must needes set down Mr. Cartwrights and W. T.² woords at large in the margent of this booke wheresoever they are impugned. Els will your discourse want much credit of sinceritie: which in your former it hath especially by that meanes.

P. 65. "Let him that fasteth." They will replie that there is a difference in these speeches: for that St. Paule's woords are in publick functions and services of the Church wherein *ἐν πρὸς ἐν* to be observed: yours in private duties of all Christians, whose duties towardes God and men are manifold. You must therefore either anticipate this obiection, or rather if you can frame a meeter similitude.

P. 66. "Those verie auncients." Those verie *lay* auncients.

P. 67. "Two divers kynds." This answer of yors I think the only true answer, although not so plausible as some other: because it seems to encline to the tolerating of an unlearned ministrie: but it is only to a *toleration* thereof and that in case of necessitis, which is as farr from absurditie as this world and the church in this world are from perfection. Only I could wish you did somewhat more strengthen your interpretation. Two points for which purpose I will offer to your remembrance. One that St. Paule denieth that he used to baptise: and saith that he came not to baptise but to preach. And although he add, Least any man should think I baptized in my

¹ [Qu. Hanoth? vid. Lightf. t. i. p. 1062, and Buxtorf. voc. חַנּוּת.]

² [i. e. Walter Travers.]

own name: yet I take not this to be the cause, but an effect of his so doeing. Now whereas Christ gave ioynt commission of preaching and baptizing: it is probable out of this place, that the¹ paucitie of men able to preach, was the cause that they which were able, did wholly attend to that, beeing the more principall part, and ordeined other grave men unable to preach, to supply those other religious dueties which you mention. If some did only preach; why not other some only baptize, &c.? For that the Apostles by laying on their hands enabled men forthwith with sufficiencie to preach, I neither reade nor believe.

An other point that by the name elder and other circumstances in the Actes and Epistles it is apparent that the Apostles in what citties they converted anie number to the faith, there appointed of the discreetest gravest and auncientest persons, to receive from them the care pastorall of guiding and feeding the Church (for so was it necessarie in those tymes of hethenisme and persecution, that the Church should have an inward government in it self). Now how likely is it that of those auncient pastors there might be manie, which though unable to use any greate continue speach or discourse to deserve the name of preachers: yett were able to do especiall good service to the Church, what in devoutnes and praying and reverend administration of the sacraments, what in countenancing and assisting and upholding that inward government: and so which deserve double honour without preaching. How manie bishops have there beene excellent wise governors of the Church; having small gift in preaching. Neither hath it any manner of show of probabilitie, that this kynd of elders should be excluded from preaching for anie other want, save only of habilitie.

P. 68. "We collect." We *may with much more probabilitie and reason* collect.

"Double honor." Here perhaps you may fitly draw in those other two points: and you must have care to answer their obiection verie fully, that this upholds an ignorant ministerie. The answer is plaine: and riseth out of those two points.

"Whose salvation is laboured in." Rather *about whose salvation they labour*.

"Deacons under the name of Leaders." You must needes cite their woords in the margent as generally for all other points, so in particular, and that very necessarily for this.

P. 69. "Not to signify that their function was nothing else,

¹ *The harvest greate, the labourers few: i. e. Preachers.*

“saving to minister the sacraments only.” Their function was also to govern. And here it is fit that somewhat be added, both generally to shew how farr forth everie pastor is to govern his flock (in which respect our law doeth term persons of parishes *rectores*: which was objected in the Parliament house to shew that our persons not beeing governors were declined from their auncient degree in the church, having suffered bishops to usurp upon their office :) and also in particular to show how in the first Church their government was a point of greate weight and necessitie; by reason of the estate of persecution.

These points beeing added, I shall think your answer to this objection verie perfitt: which I greatly wish, by reason that this is their only argument of anie show.

P. 73. “Tertullian’s woords.” It seemeth necessarie that you ad some brieve answer here likewise to their exception. But especially have care of well knitting together seniores and præidentes.

P. 76. “Honor fratrum sportulantium.” It doeth not appeare to me in which of the texts before alleaged these woords are found. Neither know I which is that other plan of more plainnes, whereof you speake page 73. This must be holpen by exact quotations, and setting text down at full in the margent. Without which the whole booke will greatly want perspicuitie. I have noted for the most part such places with my mark.

P. 79. “The selfsame heresie.” This I take it is a rule in the cannon law: that *ordinatus ab hæreticis* beeing reconciled to the catholick church, shall notwithstanding never teach or administer. Consider well hereof. Indeede the pope may dispense; and so I take it and no otherwise is their preaching.

P. 80. “This one is brought.” Add for more perspicuitie [*on their side*].

P. 81. “Receiveth not the spirit.” Are these St. Jeromes direct woords? Is it possible he should with one breath speake so apparent contradictories; as to receive the spirit in baptisme, and not to receive it but by confirmation¹?

P. 82. “A lay man may baptise.” A layman (*so they thought*) may baptise.

“Should authorize.” Add *and license*, for that is St. Jerome’s woord², which by interpreting thus you answer.

¹ [“Si quæris quare in ecclesia baptizatus nisi per manus Episcopi non accipiat Sp. Sanctum,” &c. Adv. Lucif. § 9. t. ii. 182. ed. Valarsii.]

² [Ubi supra; (speaking of baptism;) “Frequenter, (si tamen necessitas cogit,) scimus etiam *licere* laicis.” t. ii. 139. ed. Frob. Basil.]

P. 83. “Ambrose Bishop.” Ambrose *Archbishop*.

P. 84. “Which may be thought.” Add *by men that way allreadie affected*.

“Ambrose last mentioned¹.” Add *but more than they have any sound peace of prooffe for*. For so I would wish you alwaies where you graunt any thing to them ἐκ περιστάσεως, verie playnly to signifie that you graunt it not for trueth’s sake, but admitt it by way of disputation to shew their utter weakenes.

P. 85. I like very well that you close up this tract as Mr. Cranmer adviseth. Provided that you leave not out such other points touching their new officers and consistorie as are yet unhandled.

¹ [On 1 Tim. v. 1.]