

A Collection of Some Things Established in Our Church Government (1640)

S.M.

Transcript

British Library, Harley MS 4931, ff. 61r–62r

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A collection of some of [th]e things established [*Left margin:*
Supposed to be by Mr S. M. of Essex./] in our Church-goverment./

[*Left margin:* 1:] By [th]e Lawes, [th]e King alone makes [th]e choice of Bishops, although for forme [th]e Chapiter chooseth him, whome [th]e King names, yet they may not choose another. *vide Iunium Ecclesiast:* 1.3.c.11. whereas by all old Canons, & edicts of Emperours [th]e Church should choose her Bishops. Origen in Levit: Hom:6 Cyprian 1.1.epist:⁴ & 89 *ubi ille Canon (inquit Athanasius) ut a Palatio mittatur is, qui futurus est Episcopus: Epist: ad solitariam vitam degentes.*

[*Left margin:* 2:] They say by statute 1. Eliz: [th]e King, & Arch-Bishop may appoint what Ceremonies they thinke may be for Gods glory &c.

[*Left margin:* 3:] By [th]e goverment established it's not lawfull to appeale to any synode Provinciaall, or Generall; but a *persona ad personam, ab vnico ad vnicum*, from Arch-Deacon to Bishop, from him to Arch-Bishop, from him to [th]e King Anno 25 Hen: 8.

[*Left margin:* 4:] The high Commissioners doe exercise [th]e power of [th]e Keyes, not as Cler-gymen, but as Commissioners; & soe can doe nothing, but what [th]e King in person might doe, whose Commissioners they are.

[*Left margin:* 5:] By [th]e Law [th]e King may grant Commendams, to Bishops tot-quots, to Chap-laines power to be non-Residents, & Pluralities of Livings by [th]e Court of facultyes./
Concerning Bishops./

[*Left margin:* 1:] The Arch-Bishop may dispense in all cases, wherein [th]e Pope might dispense, if not against [th]e word of God; then [th]e Arch-Bishops place above Dukes, his Title Grace, other Bishops Count-Palatines, all Barons, & take place of temporall Barons.

[*Left margin:* 2:] The Bishops by [th]e Law have sole power of Iurisdiction; they may alone excommunicate, absolve, deprive &c. a thing which all [th]e old Canons are against: *vide spatat: de Ecclesia* 1.5.c.7.no.37. & plainly against scripture, & in [th]e Primitive church the Bish[op] was onely [th]e Præses of [th]e Assembly, & did nothing without [th]e rest of [th]e Clergy. Feild 1.5.c.30./49. Iunius de Clericis c.15. nota: 16. Tilen: Parænes: c.9. Whitaker de Pontifice qu: 1.c.3. sec: 29. Calvin Instit .1.4.c.4. sec:2. Bilson de Gubernat: cap:11. p.202 &c. shew it at large. & cap:12. Ambr: Basil: Cyprian, Tertullian in Apologet: Irenæus 1.4.c.42.43. & Gratian: Decret: causa 15. qu.7. c.5 alledging [tha]t [th]e Bishops might doe something *solus* in governing his owne Clergy, saith Bolus is for [th]e excluding other Bishops, not his owne Clergy; *sine quorum præsentia, sententia ejus erit irrita:* soe allsoe Bilson c.11. Dr Feild *ubi supra:* Bacon even in [th]e Papacy the Pope hath his Colledge of Cardinalls, &

looke what sole power [th]e Bishop useth in his Iurisdiction, [th]e same useth [th]e Arch-Deacon in his, yea [th]e chancellour, & Officiall in Excom[municati]on, & Absolution.

[Left margin: 3:] By [th]e Lawes their Diocesses are exceedinge large, some 200 myles in length, some 7. or 800 parishes at least, then to them belongs [th]e

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sole power of dedicating Churches, Church-yards, confirmation of children, Pro-bats of wills, power of disposing administrations, to take part of mens goods intestate to pious uses, to take Oaths of obedience to themselves, to divorce in divers cases for frigidity incurable, & for severity to se-parate *a toro et mensâ*, though not *a vinculo*, to have prisons for Heretiques, & men [tha]t stand excommunicated 40 dayes,

Deputing it to Chancellours, & Officials.

Bacon saith in all Lawes in [th]e world those Offices, which require skill, & faithfullnes cannot be deputed to others, unlesse it be expressly contained in [th]e originall Writt. What judge in any court may ap-point one to judge for him, [th]e beginning of these Offices, & Officers Concil: Toletan:4. sub Honorio. 633. [th]e Bishop was every yeare to visit Parish-Churches, & if he was hindred by sicknes, or businesse, then to send *Præsbyteros probabiles, aut Diaconos, qui in Reditus Basili-carum, et Reparationes, et vitam Ministrantium inquirant*. Quære whether this be not *Ortus Archi-Diaconorum*. Mention is made of them in 2d booke of Nice Councell Binius but they are suppositions{ious.} Chancellours mention is made of them Can:2. Chalcedon about yeere 450. but quære, whether those Ectici were Governours in [th]e church, whether they were any other then Advocates, but after [th]e synode of Chalcedon, & Carthage their power encreased; yet in Gregories time none but Clergy-men ruled in Church-matters, *ut Iohannes Diaconus.*/

Officialls long after *Huiusmodi officiales non ab Officio nomine, sed ab officio verbo nomen mutuantur.*/

Now by [th]e Law these have power of Iurisdiction, Excom[municati]on, Absolution, both over Clergy, & people, & [tha]t for mony-matters & being meere Lay-men: which [th]e Bishop of Winchester in his *Concio ad Synodum Act: 20. Attendite vobis* shewes to be most abominable, & what-ever arguments strike at Lay-Elders, cut of them more strongly.

In every Cathedrall there are likewise established a Deane, & Chapter, Canons, Prebends, Residentiaryes, Epistolers, Gospellers, Vi-cars, Choralls, Choristers, whoe most of them are by their place by [th]e Law enabled to hold Livings, & be non-Resident, & [th]e worke they are tyed to is [th]e Cathedrall Mattens, & Evensong. What word of these in scripture many 100 yeeres after?

[Left margin: 1:] By [th]e Law [th]e Bishop may give orders to any man, whoe is a Graduate, or can render his faith in Latine, if he hath a Title.

[Left margin: 2:] By [th]e established Government a Minister is to use [th]e Ceremonies Toties-quoties, quære whether not perjured if omitt them after this Oath is taken?

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[*Left margin: 3:*] By the established Government a Pastour is not soe much as advised within [th]e censuring of his flocke, onely to publish [th]e Orders of [th]e Court, though [th]e Court should excommunicate all his flocke./

[*Left margin: 4:*] No established Law requires [tha]t a Pastour should be a preacher, or able to preach./

But suppose all things were tolerable; yet they are mutable which stand *jure humano*; & if God shew me reason, why I should consent to an alteration, shall I be bound by an Oath not to yeeld to it? what Church did ever call men to swear [th]e perpetuity of [tha]t which themselves grant not to ^{be}*Iure divino*, & their publike doctrine saith is changeable with times, & mens manners?/

And how this will stand with our Oath of Supremacy to [th]e King, & his successours whoe may enjoyne an alteration./

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<https://mpese.ac.uk/t/SMChurchGovernment1640.html>