

OE C O N O M I E:  
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S H O R T S V R V E Y  
O F  
T H E R I G H T M A N N E R O F  
E R E C T I N G A N D O R D E R I N G  
a Family, according to the  
S C R I P T V R E S.

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L O N D O N,  
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A short

# SURVEY OF

## THE RIGHT MANNER

of erecting and ordering a Family, according  
to the Scriptures.

### CHAP. I.

## Of Christian Oeconomie, and of the Family.

**C**hristian Oeconomie is a Doctrine of the right ordering of a Family.

The only rule of ordering the Family, is the written Word of God. By it David resolved to govern his House: when hee saith, *I will walke in the uprightness of my heart in the midst of my house*, Psal. 101. 2. And Solomon affirmeth, that *through wisdom an house is builded: and with understanding it is established*, Prov. 24. 3.

A Family is a naturall and simple society of certaine persons, having mutuall relation one to another, under the private government of one. These persons must bee at the least three; because two cannot make a society. And above three under the same head, there may be a thousand in one family, as it is in the households of Princes; and men of state in the world.

### CHAP. II.

## Of the household service of God.

**A** Family, for the good estate of it selfe, is bound to the performance of two duties; one to God, and the other to it selfe.

The duty unto God, is the private worship and service of God, which must be established and feeded in every family. And the reasons hereof are these.

First, because this duty standeth by the expresse commandment of God, who by his Apostle willemeth men *to pray every where lifting up pure hands, without wrath or doubting*, 1 Tim. 2. 8.

Again, it is confirmed by the custome and practice of holy men in their times: I know faith

**A** the Lord touching Abraham that hee would command his sonnes and his household after him; that they keepe the way of the Lord, to doe righteousness and iudgement: that the Lord may bring upon Abraham that which hee hath spoken to him, Gen. 18. 19. To the same purpose speaketh Ioshua, If it seeme evil unto you to serve the Lord, chuse this day whom you will serve: whether the gods whom your fathers served (that were beyond the flood) or the gods of the Amorites in whose land ye dwell: But I and my house will serve the Lord, Iosh. 24. 15. And Cornelius is reported to have beene a devout man; and one that feared God with all his household, Act. 10. 2.

**B** Thirdly, common reason and equitie sheweth it to bee a necessarie duty: for the happy and prosperous estate of the family, which consisteth in the mutuall love and agreement of the Man and Wife, in the dutifull obedience of children to their parents, and in the faithfull service of servants to their Masters, wholly dependeth upon the grace and blessing of God: and this blessing is annexed to his worship: for 1 Tim. 4. 8. *Godliness hath the promises of this life, and the life to come*. Psal. 127. 1. *Except the Lord build the house, they labour in vaine that build; except the Lord keepe the city, the keeper watcheth in vaine*. Ver. 2. *It is in vaine for you to rise early, and to lye downe late, and eat the bread of sorrow: but he will surely give rest to his beloved*. Ver. 3. *Behold, children are the inheritance of Iehovah, and the fruit of the wombe his reward*. Psal. 128. 1. *Blessed is every one that feareth the Lord, and walketh in his wayes*. Ver. 2. *When thou eatest the labors of thy hands, thou shalt be blessed, and it shall be well with thee*. Ver. 3. *Thy wife shall bee as the fruitful Vine upon the sides of thy house, and thy children like the Olive plants round about thy Table*. Ver. 6. *Yea, thou shalt see thy childrens children, and peace upon Israel*. 1 Sam. 1. 27. *I prayed (saith Hannah) for this child, and the Lord hath given me my desire which I asked of him*.

The household service of God hath two parts; the first, is a conference upon the Word

of God, for the edification of all the members thereof to eternall life. The second is, Invocation of the name of God, with giving of thanks for his benefits; both these are commended in the Scriptures. Deut. 6. 6. *These words which I command thee this day, shall be in thy heart. V. 7. And thou shalt whet them upon thy children, and talk of them when thou sleepest in thine house, and as thou walkest by the way, and when thou liest downe, and when thou risest up. V. 20. When thy son shall kee thee in time to come, saying, What meane these testimonies, and ordinances, and lawes, which the Lord our God hath commanded you? V. 21. Then thou shalt say unto thy son, We were Pharaohs bondmen in Egypt, but the Lord brought us out of Egypt with a mighty hand. V. 24. Therefore the Lord hath commanded me to doe all these ordinances, and to feare the Lord our God. Psal. 14. 1. The foole hath said in his heart, There is no God, verily. They call not upon God.*

The times of this service are these: The morning, in which the family comming together in one place, is to call upon the name of the Lord, before they begin the workes of their callings.

The evening also is another time to be used in prayer, because the family hath scene the blessing of God upon their labours the day before, and now the time of rest draweth on, in which every one is to commend his body and soule into the protection of the Lord; for no man knoweth what shall befall him before he rise againe, neither knoweth any whether ever hee shall rise againe or no: it is therefore a desperate boldnesse without praying to goe to rest.

Besides this, there be other times also wherein to performe this duty, as before and after meales: For meates and drinks are blessed to the receivers, by the word and prayer. 1 Tim. 4. 4. *Whatsoever God hath created is good, neither is any thing to be refused, if it be taken with thanksgiving: for it is sanctified by the Word of God and prayer.*

Now these times, the Word of God approveth. Deut. 6. 6. *Thou shalt talk of them, when thou liest downe, and when thou risest up. Psal. 55. 18. Evening and morning, and at noone, I will pray and make a noise, and he will heare my voice. Psal. 127. 1. It is in vaine to rise early, and to lie downe late, and eat the bread of sorrow, except the Lord vouchsafe a blessing, who will surely give rest to his beloved.*

To these may sometimes be added the exercise of fasting, which is (as occasion serveth) to be used both publicly and privately, especially when they of the family be thierunto called by some present or imminent calamitie. Hest. 4. 16. *Goe and assemble all the lewes that are found in Shusan, and fast ye forme, and eat not, nor drinke in three daies, day nor night: I also and my maids will fast likewise, and so will goe in to the King, which is not according to the Law, and if I perish, I perish. Zach. 12. 12. And*

*in that day shall there be a great mourning in Ierusalem, and the land shall bewaile every family apart, the family of the house of David apart, and their wives apart, the family of the house of Nathan apart, and their wives apart, &c.*

Wherefore, those families wherein this service of God is performed, are (as it were) little Churches, yea, even a kinde of Paradise upon earth. And for this purpose S. Paul writing to Philemon, greeteth the Church that is in his house, Philem. 1. 2. And in like manner he sendeth salutations to the Church of Corinth, from Aquila and Priscilla, and the Church which was in their house, 1 Cor. 16. 19. On the other side, where this duty of Gods service is not used, but either for the most part, or altogether neglected, a man may tearme those families no better than companies of prophane and gracelesse Atheists, who as they deny God in their hearts, so they are knowne by this note, that they doe not call upon the name of the Lord, Psal. 14. 4. *Yea, such families are fitly compared to an heard of swine, which are always feeding upon the Mast with greedinesse, but never looke up to the hand that beateh it downe, nor to the tree from whence it falleth.*

The other duty concerning the house it selfe, is, That every member in the family, according to their abilitie, employ themselves in some honest and profitable businesse, to maintaine the temporall estate and life of the whole. Gen. 3. 19. *In the sweat of thy face shalt thou eat bread, till thou returne to the earth, for out of it wast thou taken; for dust thou art, and to dust shalt thou returne. 1 Cor. 7. 20. Let every man abide in the same vocation wherein he was called. Now if any one in the family stayerth aside out of his calling, and inticeth another to idolatry, he is to be revealed, Deuter. 13. 6. And againe, their case is very fearefull that doe nothing in their houses, but goe finely, and fare daintily from day to day. This is the blacke marke that the Scriptures sets upon the rich glutton, Luk. 16. 19. *There was a certaine rich man which was clothed in purple, and fine linnen, and fared deliciously every day.**

### CHAP. III.

### Of married folkes.

A Family is distinguished into sundry combinations or couples of persons.

A couple, is that whereby two persons standing in mutuall relation to each other, are combined together as it were in one. And of these two the one is alwayes higher, and beareth rule, the other is lower, and yeeldeth subjection.

Couples are of two sorts; principall, or lesse principall.

The principall is the combination of married folkes: and these are so tearmed in respect of Marriage.

Marriage is the lawfull conjunction of the two married

married persons; that is, of one man and one woman into one flesh. So was the first institution of Marriage, Gen. 2. 21. which is expounded by our Saviour Christ, Matth. 19. 6. *Therefore they are no more two, but one flesh.* And also by *Paul, Eph. 5. 3. 1. For this cause shall a man leave father and mother, and shall cleave unto his wife, (as two boards are joyned together with glue) and they which were two, shall be one flesh.* Wherefore this is an eternall law of marriage, that two, and not three or foure, shall bee one flesh. And for this cause, the fathers, who had many wives and concubines, it may bee that through custome they sinned of ignorance, yet they are not in any wise to be excused.

Marriage of it selfe is a thing indifferent, and the Kingdom of God stands no more in it than in meats and drinks; and yet it is a state in it selfe, farre more excellent than the condition of single life. For first, it was ordained by God in Paradise, above and before all other states of life, in *Adams* innocency before the fall. Again, it was instituted upon a most serious and solemne consultation among the three persons in the holy Trinity, Gen. 1. 26. *Let us make man in our image, according to our likenesse, and let them rule over, &c.* Gen. 2. 18. *Iehovah Elohim said, It is not good that the man should bee himselfe alone, I will make him an help meet for him.* Thirdly, the manner of this conjunction was excellent, for God joyned our first parents *Adam and Eve* together immediately. Fourthly, God gave a large blessing unto the estate of marriage, saying, *Increase and multiply, and fill the earth.* Lastly, marriage was made and appointed by God himselfe, to be the fountaine and seminary of all other sorts and kinds of life in the Common-wealth and in the Church.

Now if mankind had continued in that uprightness and integrity which it had by creation, the state of single life had bin of no price and estimation among men, neither should it have had any place in the world, without great contempt of Gods ordinance and blessing.

Nevertheless, since the fall, to some men who have the gift of continency, it is in many respects farre better than marriage, yet not simply, but only by accident, in regard of sundry calamities which came into the world by sin. For first it freeth a man from many and great cares of household affaires. Again, it maketh him much more fit and disposed to meditate of heavenly things, without distraction of minde. Besides that, when dangers are either present or imminent, in matters belonging to this life, the single person is in this case happy, because hee and his are more secure and safe, than others be who are in married state. 1 Cor. 7. 8. *Therefore I say to the unmarried and widows, It is good for them if they abide even as I doe.* Ver. 26. *I suppose them this to be good for the present necessity, I meant that it is good for a man so to bee.* Ver. 28. *But if thou takest a wife thou sinnest not, and if a virgin marry she sinneth not: nevertheless*

*such shall have trouble in the flesh.* Ver. 32. *And I would have you without care.*

The end of marriage is four-fold:

The first is, procreation of children, for the propagation and continuance of the seed and posterity of man upon the earth. Gen. 1. 28. *Bring forth fruit, multiply, fill the earth, and subdue it,* Gen. 9. 1. 1 Tim. 5. 14.

The second is the procreation of an holy seed, whereby the Church of God may be kept holy and chaste, and there may alwaies be a holy company of men, that may worship and serve God in the Church from age to age: Mal. 2. 15. *And did not he make one? yet had he abundance of spirit; and wherefore one? because he sought a godly seed.*

The third is, that after the fall of mankind, it might be a sovereigne meanes to avoid fornication, and consequently to subdue and stake the burning lusts of the flesh: 1 Cor. 7. 2. *Nevertheless, for the avoiding of fornication, let every man have his wife, and every woman in her husband.* Ver. 9. *But if they cannot abstaine, let them marry: for it is better to marry, than to burne.* And for this cause some Schoolemen doe erre, who hold that the secret committing to gether of man and wife, cannot bee without sinne, unlesse it be done for procreation of children. *Lombard* the master of the Sentences saith the contrary, namely, *That marriage before the fall was only a duty, but now since the fall it is also a remedy.*

The fourth end is, that the parties married may thereby performe the duties of their callings, in better and more comfortable manner: Prov. 31. 11. *The heart of her husband trusteth in her, and he shall have no need of spoile.* Ver. 13. *She seeketh wool and flax, and laboureth cheerfully with her hands.*

Marriage is free to all orders and sorts of men without exception, even to those that have the gift of continency: but for them which cannot abstaine, it is by the expresse commandement of God necessary. Heb. 13. 4. *Marriage is honourable amongst all men, and the bed undefiled.* 1 Cor. 7. 9. *But if they cannot abstaine, let them marry.*

By which it appeareth to bee a cleare case, that the commandement of the Pope of Rome, whereby hee forbiddeth marriage of certaine persons, as namely of Clergy men, is merely diabolicall; for so writeth the Apostle, 1 Tim. 4. 1. *The spirit speaketh evidently, that in the latter times some shall depart from the faith, and shall give heed unto spirits of error, and doctrines of Devils,* ver. 3. *forbidding to marry.*

But against this doctrine sundry things are alleged.

*Ob. 1.* The Apostle commandeth the married among the Corinthians, to abstaine with consent for a time, that they might give themselves to fasting and prayer, 1 Cor. 7. 5. I answer, that *Paul* speaks not in that place of daily and common service of God in prayer, but of the solemne and

and extraordinary exercise thereof, which was joyned with fasting and abstinency, in common dangers and calamities.

*Object. 2.* 1 Cor. 7. 32. *He that is unmarried careth for the things of the Lord, how hee may please the Lord; but the married person careth for the things of the world.* *Ans.* The place is not generally to be understood of all, but indefinitely of those married persons that are carnall and fleshly. And he that is married, is to bee so carefull for the things of the world, as he ought and may have also a speciall regard of those things that concerne God and his Kingdome.

*Object. 3.* 1 Tim. 5. 11. *The younger widowes (saith the Apostle) will marry, having damnation because they have broken the first faith.* *Ans.* By the first faith, Paul understandeth that promise and vow which they made unto Christ when they were baptized; and they are there said to *beginne to wax wanton against Christ*, by denying or renouncing that faith, and not otherwise.

*Object. 4.* Hee that doth earnestly and from his heart crave the gift of continency, God will give it him, and therefore hee need not marry.

*Ans.* The gifts of God are of two sorts: some are general, some are proper. Generall gifts are such as God giveth generally to all: and these may be obtained, if they be asked according to Gods Word, lawfully: Jam. 1. 5. *If any of you lacke wisdom, let him aske it of God who giveth to all men liberally, and reproacheth no man, and it shall be given him.* Ver. 6. *But let him aske in faith, and waver not.* Proper gifts are those which are given only to some certaine men: of which sort is the gift of continency, and such like; which though they be often and earnestly asked, yet they are seldome or never granted unto some men: as appeareth in Pauls example, who being buffeted by Satan, saith of himselfe, *For this thing I besought the Lord thrice, that it might depart from me; but he said unto me, My grace is sufficient for thee,* 2 Cor. 12. 8, 9.

#### CHAP. IV.

### Of the Contract.

**M**ARRIAGE hath two distinct parts: the first is the beginning; the second, the accomplishment, or consummation thereof.

The Beginning, is the Contract or Espousals; the End or accomplishment, is the soleinne manifestation of the Contract, by that which properly we call Marriage. Deut. 20. 7. *What man is there that hath betrothed a wife, and hath taken her? Let him goe and returne againe unto his house, lest he die in battell, and another man take her.* Mat. 1. 18. *When his mother Mary was betrothed to Ioseph, before they came together, she was found with child of the holy Ghost.*

Betweene the Contract and Marriage, there

ought to bee some certaine space or distance of time. The reasons whereof may be these:

First, businesse of so great importance as this is, would not be rashly or unadvisedly attempted, but should rather be done by degrees in proesse of time, according to that saying, not so ancient as true, \* *Actions of weight before resolution, require mature deliberation.* Secondly, That during such a space inquisition may be made, whether there be any just cause, which may hinder the consummation of Marriage: considering that before the parties come and converse together, what is amiss may be remedied and amended, which to doe afterward will be too late. Thirdly, in these cases, persons espoused must have regard of honesty, as well as of necessity; not presently upon the Contract, seeking to satisfie their owne fleshly desires, after the manner of bruite beasts, but proceeding therein upon mature deliberation.

The Contract is a mention or mutuall promise of future marriage, before fit and competent Judges and Witnesses.

The best manner of giving this promise is, to make it \* *in words touching the present time*, and simply without any exception or condition exprest or conceived. For by this meanes it comes to passe, that the bond is made the surer, and the ground or foundation of future marriage the better laid. And hence alone it is, that the persons betrothed in Scripture are termed man and wife. *Jacob* speaking of *Rahel*, who was onely betrothed unto him, said to *Laban*, *Give me my wife*, Gen. 29. 21. Deut. 22. 23. *If a maid be betrothed to a husband, and a man find her in the towne, and lie with her, then shall ye bring them both out unto the gates of the City, and shall stone them with stones to death: the maid, because she cried not being in the city; and the man, because hee hath humbled his neighbours wife.* Mat. 1. 20. *Ioseph fears not to take Mary thy wife.*

Now if the promise be uttered in words, \* *for time to come*, it doth not precisely bind the parties to performance. For example: If one of them saith to the other; *N. I will take thee*, &c. and not, *N. I doe take thee*, &c. by this forme of speech the match is not made, but only promised to bee made afterward. But if on the other side it be said, *N. I doe take thee*, and not, *I will take thee*; by these termes, the marriage at that very instant is begunne, though \* not in regard of fact, yet in regard of right and interest, which the parties have each in another in deed and in truth. And this is the common opinion of the learned. Yet notwithstanding, if the parties contracting shall say each to other, *I will take thee to*, &c. with intention to binde themselves at the present; the bond is in conscience precisely made before God, and so the Contract indeed made \* *for the present time* before God. True it is, that he which standeth to his promise made as much as in him lyeth, doth well: yet if the promise hath or conceiveth some just cause, why

\* *Dis deliberandum quod tempus statuerimus.*

\* *In verbis de presenti de pœ.*

\* *In futurum.*

\* *Non de facto, de jure.*

\* *De presenti.*

hee should afterward change his purpose, the Contract expressed in earnest for time to come, though it were formerly made, and confirmed by oath, must notwithstanding give place to the Contract made for time present.

Those espousals, which are made upon condition, which is honest, possible, and belonging to Marriage, doe cease or depend, so farre forth as the condition annexed ceaseth or dependeth. For example; If the one party promisseth to marry the other upon condition, that his or her kinsman will yeeld consent to the match; or upon condition of a dowrie, that shee shall bring unto him, such to her education, and the family whereof shee cometh; these conditions being kept or not kept, the promise doth likewise stand or not stand.

Burthoſe conditions which are necessarily understood, or which may certainly be kept and come to passe, doe neither hinder nor suspend Marriage. As this: *I promise thee marriage, if I live; or I promise to marry thee, if the Sunne rise to morrow.*

Againe conditions that are either impossible, or dislike, are not to be accounted as promises annexed in way of marriage. Of which sort are these, *I will be thy wife, if thou wilt take unto thee wings and flye, or if thou wilt bring an untimely bir. b.*

Furthermore, if the parties betrothed, doe lie together before the condition (though honest and appertaining to Marriage) be performed; then the contract for the time to come, is without further controversie, sure and certaine. For where there hath bene a carnall use of each others body, it is alwayes presupposed, that a mutuall consent, as touching Marriage, hath gone before.

#### CHAP. V.

### Of the choice of persons fit for Marriage.

For the making of a contract two things are requisite: first, the choice, and then the consent of the parties.

Choice is an enquire after persons marriageable.

Persons marriageable, are such as be fit and able for the married state.

This fitness or ability is knowne and discerned by certaine signes; which are either essentiall to the contract, or accidentall.

An essentiall signe is that, without which the contract in hand becomes a mere nullity. And of this sort there are principally five.

The first is the distinction of the sex, which is either male, or female. The male is man of a superiour sex, fit for procreation. The female is woman of an inferiour sex, fit to conceive and beare children. 1 Corinth. 11. 7. *The man ought not to cover his head: for as much as hee is*

A *the image and glory of God, but the woman is the glory of the man,* 1 Tim. 2. 12. *I permit not the woman to teach, neither to usurpe authority over the man, but to bee in silence.* By this distinction is condemned that unnaturall and monstrous sinne of uncleaneesse betwene parties of the same sex, commonly termed Sodomie; as also the confusion of the kindes of creatures, when one kinde commits filthinesse and abomination with another.

The second signe, is the just and lawfull distance of blood.

Distance of blood is then just and lawfull, when neither of the persons that are to be married, doe come neere to the kindred of their flesh, or to the flesh of their flesh: for so the Scripture speaketh, Levit. 18. 6. *No man shall come neere to any of the flesh of his flesh: or to the kindred of his flesh.* Where it is to be observed, that by a mans flesh, is meant that substance which is of himselfe, or whereof himselfe consisteth. And by the flesh of his flesh, that which next and immediately issueth out of that flesh whereof he consisteth. Whereupon it followeth that the touching or coming neere of flesh to flesh, is not spoken of strangers, but of those only that are of kindred.

Kindred is of two sorts, consanguinitie, or affinity.

Kindred in consanguinitie, are those which issue from one, and the same common blood or stocke. And there be certaine degrees, whereby kinsmen of this sort are distinguished one from another.

A degree is a generation or descent betwene two persons that are of the same blood. For one person cannot make a degree, unless he be considered relatively in regard of generation.

Now many degrees continued or derived from one and the same head, doe make a Line. And a Line is twofold, the Right line, or the Overthwart, commonly termed collateral.

In the right Line, looke how many persons there are, so many degrees there be, that onely excepted, which upon occasion offered, is in question, and from which we begin the account.

Abraham.

|  
Isaac.

|  
Jacob.

|  
Joseph.

Here Joseph is distant three degrees from Abraham, Jacob, two, Isaac one, or the first.

The Right line is either ascending, or descending.

The Right Line ascending, is the race of all the ancestors; and it hath sundry degrees. Of the first whereof is, the father and the mother: of the second, the grand-father both by the father & mothers side, that is, the father of my father, and the father of my mother; & the grand-mother, that is to say, my fathers and my mo-

Rom. 1. 26.  
\* Species.  
Levit. 18. 23, 24.

\* Ebr. Sheer  
Befaro,

\* In favorem Matrimonij.

thers mother. Of the third, is the great grandfather, or the father of my grandfather; and the great grandmother or the mother of my grandfather. Of the fourth, is the great grandfathers farther, and the great grand-fathers, or grand-mothers mother. Of the fifth is the great grand-fathers grand-father, and the great grandfathers or great grand-mothers grand-mother. Of the sixth, is the great great grand-fathers grand-father and the great great grand-fathers, or great great grand-mothers grand-mother.

The right line descending, is the race of a mans owne posterity. And that also hath sundry degrees. The first whereof is, the sonne and the daughter; the second, the nephew, and the neece; the third, the nephews sonne, and the neeces daughter. The fourth is the nephews nephew, or the sonne in the fourth degree of lineall descent, and the neeces neece, or the daughter in the same degree of descent. The fifth, is he and shee that are three lineall descents from the childes child. And so are the rest in their order, by what meanes soever they be called and knowne.

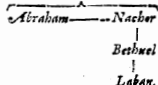
Now in this right line, whether ascending or descending, the person, of whom the case or question is moved, cometh neere to the kindred of his flesh. And therefore marriages in this line are prohibited infinitely without any limitation; so as if *Adam* himselfe were now alive, he could not marry by the law of God, because he should come neer to the kindred of his owne flesh, as *Moses* speaketh. The reason hereof is, because in the right line, superiours and inferiours are to each other as parents and children, and the kindred between parents and children, being the first and nearest of all other, their conjunction in marriage must needs bee most uncleane, and repugnant unto nature.

The collateral or crooked line, is that which walketh by the sides of the right line, whether ascending or descending in the row of the kindred. And it is either unequall, or equall.

The unequall is that whereby the person in question and his kinsman, are unequally distant from the common stocke, or head of the kindred.

And in this line, looke how many degrees the kinsman that is furthest off from the common stocke, is distant from the same, so many is hee and his kinsman in question distant one from the other.

Foreexample,  
There.



Here *Laban* being removed furthest off, to wit, three degrees from the common stocke *There*; is likewise three degrees distant from *Abraham*, his great uncle, and *Abraham* so ma-

ny from him.

Furthermore, kinsmen in this Line are of two sorts; some are Superiours to the person in question, some are inferiours to him.

Superiours are such, as are a kinne to his father, and mother, of some side; and that either neerer, or further off.

Those that are of neere kinne to them, be these. I. The uncle of the fathers side, or the fathers brother; the aunt of the fathers side, or fathers sister. The uncle of the mothers side, or the mothers brother; the aunt of the mothers side, or the mothers sister. II. The great uncle, or grandfathers brother; the great aunt, or grandfathers sister. The great uncle or grand-mothers brother, and the great aunt, or grand-mothers sister. III. The great uncle by the fathers side, or great grand-fathers brother, and great aunt by the fathers side, or great grandfathers sister. The great uncle by the mothers side, or the great grand-mothers brother; and the great aunt by the mothers side, or the great grand-mothers sister. IV. The great grand-uncle by the fathers side, or great grandfathers fathers brother; and the great grand-aunt by the same side; or the great grand-fathers fathers sister. The great grand-uncle by the mothers side, or the great grand-mothers mothers brothers, and the great grand-aunt by the same side, or the great grand-mothers mothers sister.

Now these in regard of their inferiours, are in stead of parents, and therefore doe come neere to the kindred of their flesh.

Those superiours which are of kindred to parents on the one side, a farre off, are these. I. The son and daughter of the great uncle or aunt by the fathers side; or of the great uncle or aunt by the mothers side. II. The nephew and neece of the great uncle or aunt by the fathers side, or of the great uncle or aunt by the mothers side, neere to the cozen germane.

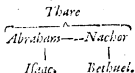
And these as they stand in comparison with their inferiours, doe not come neere to the kindred of their flesh.

The equall collateral line, is that whereby kinsmen are equally distant from their head.

Kinsmen of this line are, I. whole brothers, that is, brothers by the same father & mother, or halfe brothers, that is, brethren by the same father, but not by the same mother. Again, whole sisters by the same father or mother, or halfe sisters by one of them and not by both. II. The brothers children or cozen germans; that is, the uncles sonnes or daughters, or the aunts sonnes or daughters. The sisters children, or cozen germans: that is, the aunts sonnes or daughters, which are the children of two sisters. III. The cozen german, the sonne of the great uncle by the fathers or mothers side, and the cozen german the sonne of the great aunt, by the fathers or mothers side. The cozen german the daughter of the great uncle, by the fathers or mothers side, and the cozen german, the daughter of the great aunt by the same sides.

Subiunctio proprior.

In this line, look how many degrees the partic in question is removed from the common stocke, by so many twice told, is hee removed from his kintman in question. Put the case between *Bethuel* and *Isaac*, as in this example:



Here *Bethuel* being two degrees removed from *Thare*, is four degrees distant from *Isaac*.

Now hee that is in the second degree of this line, comes neere to the kindred of his flesh; and for that cause the marriages of brethren and sisters are unlawfull, and forbidden.

But against this sundry things are alleaged.

**Ob. 1.** The sons of *Adam* who were the first brethren in the world, married their sisters; marriages therefore in this degree may seeme to be lawfull. *Ans.* The case of those persons in those times, was a case of necessity, which could not be avoided, and therupon was warranted by divine dispensation. For God had given them his owne expresse commandement in this behalfe; *Beare fruit and multiply*, Gen. 1. 28. Besides that there were then no other women in the world, by whom they might have issue and posteritie, but onely by their sisters. Whereupon it is manifest, that Gods will was to permit them to take even their sisters to their wives. But now out of this speciall dispensation from God, such matching is utterly unlawfull, being an apparant breach of another expresse commandement given afterward by God himselfe, *Levit. 18. 9. 11.* To this purpose saith *Augustine*, in way of answer to the example propounded; *The practice of those first times, then backed by urgent necessity, the more ancient it was, the more damnable it proved afterwards, when it was restrained by Gods commandement.*

**Obiect. 2.** *Sarah* was *Abrahams* sister, and yet *Abraham* tooke her to wife, *Genes. 20. 12.* Yet in veriedd shee is my sister: for shee is the daughter of my father, but not the daughter of my mother, and shee is my wife, *Genes. 11. 29.* *Abraham* and *Nabor* took them wives, and the name of *Abrahams* wife was *Sarah*. *Asw.* Touching this instance, there are sundry opinions. The Jewes doe grant thus much, that shee was called by a name common to all kins-folke of that sex, to wit, a *Sister*; yet indeed shee was *Abrahams* neece, the sister of *Lor*, and the daughter of *Haran*, *Abrahams* brother, which *Moses* elsewhere calleth *Isaac*, *Genes. 11. 29.* Others thinke that shee was daughter in law to *Thare*, *Abrahams* father; because *Abraham* himselfe saith, *Shee is the daughter of my father, not of my mother.* Others are of opinion, that shee was *Harans* daughter in law, and after his death was translated into the family of *Israh* her grand-father; who was also in stead of her father being dead, and thence shee was tearmed his daughter. Now howsoever in this variety of judgements, it is

hard to find certainty of truth, yet this is out of doubt, that God in those dayes tolerated many things, which notwithstanding he did not altogether approve.

**Obiect. 3.** *2 Sam. 13. 13.* *Thamar* sayes to her brother *Amon*: *Speake I pray thee to the King, and hee will not deny me unto thee.* *Asw.*

The speech of *Thamar* is not simply to be taken as if shee desired that which shee said, or as if it were lawfull to be done, which shee wished him to doe; but only that shee sought to put him off, by giving him this counsell, in respect of her owne deliverance from that present danger wherein shee was. Or at least it may be said, that shee erroneously supposed it was lawfull for the King to grant such a suit, if it had beene made unto him by her brother *Amon*. Whether way soever this speech bee taken, there can no such thing be gathered thence, as is pretended.

Now out of the second degree of the equall collateral line, it should seeme that those who are joyned one to another in marriage, doe not touch the kindred of their flesh: and therefore the Law of God forbiddeeth not consobines or cozen Germanes, that is, brothers and sisters children to marry.

Yea, it examples be of force for this purpose, the Scripture approves such marriages. For thus it is written, that *Isaac* married *Rachel* the daughter of *Laban* his mothers brother, *Genes. 28. 2.* Again, that *Mahla*, *Tirza*, and *Hoglah*, *Milcah*, and *Noah*, the daughters of *Zelophehad*, were married unto their fathers brothers *sons*, *Numb. 36. 1.* And *Othniel* the sonne of *Kenaz*, the cozen of *Caleb*, took *Kiriath-jephers*; and he gave him *Asnah* his daughter to wife, *Jos. 15. 17.*

Howbeit in this case, the rule of the Apostle isto be followed; *That nothing be done, even in things, that are otherwise lawfull, whereby a mans brother may stumble, or be offended, or made weak.* *Rom. 14. 21.* Wherefore it is convenient, that such marriages should not be, because sometimes they may give offence in regard of the Law of the Magistrate; and because they come somewhat neere to the bonds and tearmes of bloud and stocke, which God hath set downe in his word. *Aug. sine* in his 15. booke *De civitate Dei*, chap. 16. saith to this purpose, *experiuntur summi, &c.* that is, in cases found by experience, that in regard of thur neernes of bloud, which cozen germanes have unto the degrees of brothers and sisters, how rarely custome hath admitted those marriages, which were warrantable by laws, because the law of God hath not forbidden them, nor as yet the law of man. Neverthelesse, the practice lawfull in it selfe, was forborne the rather, because it came neere to that which was unlawfull, and therefore marriage with the cozen germane, seemed in a manner to bee marriage with a mans owne brother or sister, &c. Hombeit there is no question, but in these times it hath beene well provided by lawes, that such marriages should not be undertaken. For as the multiplication of alliance is bindred thereby, so this inconvenience also groweth.

eth from them, that friendship and love which is procured by affinity, betwene men that are strangers; cannot be enlarged and increased, where men goe out of the limits, and tearmes of their owne blood. Yea, there is naturally in man a commendable measure of shamefastnes, whereby upon consideration of the neerenesse in blood, he acknowledgeth a due debt of modesty and honour to his next kindred, and consequently restraineth himselfe in regard of them from the occasions and actions of concupiscence, wherunto he is inclinable in respect of others, and hence it is, that generally the modesty that ought to be in those which intend marriage, avoideth as much as may bee, these and such like conjunctions. The same is the judgement of Ambrose in one of his Epistles to his friend Paternus, wherein he dissuadeth him from marrying his sonne with his cozen Germane, upon the grounds before alleaged by Augustine, adding this withall, that though it were in it selfe lawfull, being no where forbidden by God, yet in sundry respects being inexpedient, it ought not to be done, according to the saying of the Apostle, *All things are lawfull for mee, but all things are not expedient.*

But it is avouched to the contrary, that God by expresse law forbiddeth marriage with the aunt, the fathers sister, Levit. 18. 12. and with the mothers sister, vers. 13. and with the fathers brothers wife, which is also the aunt, verse 14. therefore by the law of proportion, hee forbiddeth matching with the children of these persons. For in nature it is a ruled case: If a man may not marry the mother, much lesse may hee marry the daughter.

*As.* The argument is faulty, and concludes nothing to the purpose. For there is not the same reason of both. In the right line of consanguinitie, those which are sisters to father and mother, stand in place and stead of parents; and their nephewes and neeces are to them as children: therefore marriages among them can stand by no law, either of God, of nature, or by the positive lawes of nations. It is not so with cozen germans. For having no such relation, there is net in their marriages by the law of Moses, any discovery of shame or breach of civill honesty. The blessing of God upon some of them mentioned in Scripture, as upon Jacob and Rachel, and such like, doe evidently shew that they were lawfull in themselves, and pleasing unto him. And thus much touching kindred by blood or consanguinity.

Kindred in affinitie is that, whereby the tearmes of two kindreds, are brought into the societie of one and the same family; or whereby persons that are not of blood, are by marriage allied each to other. Hence it is tearmed affinitie, because it maketh an unitie of tearmes in kindred which before were distant.

Affinitie or alliance groweth by mixtion or participation of blood, in the coupling of man and wife together in lawfull marriage. For a bare and simple contract, maketh not alliance

betweene party and party properly, but marriage after the contract finished and consummate.

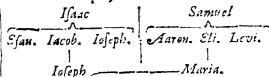
Again, the same alliance cealeth and determineth upon the death of either partie espoused or married; yet so as the prohibition of conjunction remains and stands in force, for the preservation of publike honesty.

Now there is a kinde of resemblance and proportion betweene kindred of blood, and kindred by marriage, not only in regard of degrees and line, but also in respect of the prohibition of degrees.

Those that are of alliance, are commonly reduced to these heads. I. The father in law, or the husbands or wives father. The mother in law, or the husbands or wives mother. II. The mothers husband or step-father to them that come by another man. The fathers wife, or step-mother to those that come by another woman. III. The wives fathers father, or grand-father and the wives mothers mother, or grand-mother; or the grand-father and grand-mother of the wife. IV. The sonne in law, or daughters husband, and the daughter in law, or sonnes wife. V. The neeces husband, and the nephewes wife. VI. The step-sonne, or sonne in law, that is, the sonne of a man by another wife, or of a woman by another husband. The step-daughter, or daughter in law, that is, the daughter of a man by another wife, or of a woman by another husband. VII. The step-sonnes sonne, or his sonne who comes of a man by another woman, or of a woman by another man. And the step-daughters daughter, or her daughter who comes of a man by another woman, or of the woman by another husband. VIII. The husbands or wives brother, and the husbands sister, or brothers wife. IX. The sisters husband, and the brothers wife.

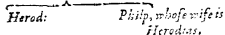
Concerning affinity, I propound these rules.

I. Looke in what degree a man is of consanguinitie to ones wife, in the same degree of affinity he is to the wives husband. And contrariwise: for example,



Here, if *Mary* Josephs wife, be distant from *Esa* Josephs uncle by the fathers side, two degrees, then also is *Joseph* himselfe distant from *Aaron* the brother of *Eli* his father in law, two degrees. If *Mary* the wife, be distant from her own father *Eli* one degree, and from her grand-father *Samuel* two; then also is her husband distant from *Eli* his father in law, one degree, and from *Samuel* his wives grand-father, two.

Another example,  
*Hered.*



Here *Hered* being in the first degree of

confanguinitie with his brother Philip; Herodias his brothers wife is in the first degree of affinity to him.

**II. Rule.** Cousins by marriage within the degrees, both of the right and collateral line, doe come neere to the kinned of their flesh, in the same manner that cosins by blood doe, in the same lines; and the like degrees in both are forbidden. Therefore in the right line of affinity it is as well unlawfull for the father in law to marry the daughter in law, or the sonne in law to marrie the mother in law, as it is for the father to marry the daughter, or the sonne the mother. Again, in the collateral, it is as unlawful for the uncle by the mothers side, to marrie the wife of his sisters sonne, and so in other degrees, as it is for him to match in the same degrees of confanguinitie. The reason is, because in these lines, as well as in those of confanguinitie, superiours and inferiours, are each to others as parents and children.

From hence amongst other things it may be gathered, that it is in no sort lawfull for a man, when his wife is dead to marrie her sister: Lev. 18. 16. *Thou shalt not discover the shame of thy brothers wife; for it is thy brothers shame.* And Levit. 20. 21. *The man that taketh his brothers wife, committeth filthinesse, because he hath uncovered his brothers shame.*

Against this doctrine it is objected. First, that God commandeth not to take a wife with her sister, during her life, Levit. 18. 18. in which place, he doth not simply forbid a man to marry two sisters one after another, but to marrie them both together, and therefore after the wife is dead, a man may marry her sister.

*Ans.* The place is a flat prohibition of the sinne of Polygamie. For to take a wife to her sister in the Hebrew phrase, is nothing else but to take two wives one to another. The like forme of speech is used otherwhere by *Moses*, as Exod. 26. 3. *Five curtains shall be coupled together, [the woman to her sister] that is, one to another; and the other five curtains shall be coupled, [the woman to her sister] that is, the one to the other.* Ezech. 1. 9. *The four beasts were joyed with their wings, [the woman to her sister] that is, the one to the other.* Again, *Moses* himselfe there alleageth two reasons against Polygamie: the one is, because the man is to love, cherish, and comfort his wife; whereas, if he should take unto him another besides her, he should greatly vex his first lawfull wife. The other, because by that meanes he should uncover the shame of his wife; that is, he should play a very dishonest part with her, to whom he was before lawfully married.

**Object. 2.** The Lord commanded by a speciall law, that the brother in case his brother died without issue, should take his wife, and raise up seed unto him, Deut. 25. 5.

*Ans.* The words of *Moses* are a speciall exception of ageneral law propounded in Levit. 18. 16. *Thou shalt not discover the shame of thy*

**A** *brothers wife; for it is thy brothers shame.* And they are peculiarly directed to the Israelites, upon speciall cause; that, when the elder brother died without any seed, the name of the first-borne might not be extinct, but the family might be preserved in that name, by raising up or seed unto him; which being a privilege proper to the Israelites, upon that speciall consideration, it must not be enlarged to any other sort of men whatsoever. Neither is the text to be understood of cosins removed onely, as some thinke, but also of the next of the kinned by blood; as appeareth plainly by the history of Ruth, chap. 1. vers. 11. in these words of *Naomi* to her daughters in law, *Turne again, my daughters: for what cause will you goe with me? Are there any more sones in my wombe, that they may be your husbands? Turne again, my daughters, goe your way, for I am too old to have a husband, &c.*

**III. Rule.** The wives kinsman by blood, is of affinity to her husband only; but unto his kinned by blood, the said kinsman hath no affinity at all. So on the contrary it is true, that though the husbands kinsman by blood, be allied to his wife, yet he hath no alliance to those that are kinsmen of blood unto her. The reason is, because betweene the kinned of blood on the mans side, and the kinned of blood on the womans side, there is no affinity. For the prohibition of the degrees of affinity, hath force in those onely which are the cause thereof, and goeth no further. Now the cause being onely in the married persons themselves, the effect may not in reason be enlarged, to them that are of the same blood with either of them.

From this rule it followeth, that the kinned of both married persons by blood, may lawfully match together. The sonne in law may match with the daughter of his mother in law. The father and sonne by another wife, may marry the mother and the daughter. Two brothers may lawfully match with two sisters.

**IV. Rule.** Kinned of affinity to the wife, are also kinned of affinity to her husband; but how? not properly, but onely after a sort, and as it were, of affinity. So on the contrary. Kinned of alliance to the husband, are as it were of alliance to his wife. For example. The wife of my father in law, which is not my wives owne mother, but her (step-mother is, as it were my mother in law: for she is (as it were) of affinity to me; because she is indeed of affinity to my wife.

Those which are of affinity onely after a sort, cannot conveniently match one with another. And therefore the sonne in law may not marrie with his wives step-mother; because being of affinity to his wife, she is in stead of a mother in law to him. Neither may the daughter in law match with her husbands step-father, because he is (as it were) a step-father to her. Again, my sisters husband may not marrie my brothers wife; for they are after a sort brother

Beza depre-  
dis. 82.

\* Conjugium  
inter non licet.  
ejus nec conjugii  
licet.

and sister each to other. The reason hereof is, because the wife is holden in law a part of her husband, and therefore if affinity hinders marriage with one of the married couples, it hindreth as well in the like case and respect, marriage with the other.

And thus much touching the distance of blood, which in the choice of persons fit for marriage is most necessary to be observed. For in the 18. chap. of *Leviticus* there are sixteen severall sorts of persons with whom marriage is forbidden. The first is the mother. The second is the step-mother. The third, the sister by the same father and mother. The fourth, the half-sister, by one of the parents onely. The fifth, is the neece by the sonne. The sixth, the neece by the daughter. The seventh, the fathers sister. The eighth, the uncles, that is, the fathers brothers wife. The ninth the mothers sister. The tenth, the daughter in law, or sonnes wife. The eleventh, the brothers wife. The twelfth, the wives mother. The thirteenth, the step-daughter, or the wives daughter by another husband, or husbands daughter by a former wife. The fourteenth, is the step-sonnes daughter, that is, his daughter who was the wives son by another husband. The fifteenth, the step-daughters daughter. The sixteenth, is the wives sister. And not onely these, but all other answerable to them, either in the same or like degree, are by equall proportion forbidden to be had in marriage.

It is alleged, that the prohibitions mentioned in that chapter, are meereley Mosaicall, that is, Ceremoniall, and therefore doe not bind us now in the new Testament.

*Ans.* It is a flat untruth; as shall appeare by these reasons.

First, the Cananites long before these lawes were given by *Moses* to the Israelites, were grievously afflicted for the breach and contempt of the same, as may be gathered by that which is written in the same chapter of *Leviticus*. ver. 3. *According to the works of the land of Canaan, ye shall not doe, neither walke in their ordinances.* And ver. 24. *You shall not desire your selves in any of these things; for in all these the nations are defiled, which I will cast out before you.* ver. 25. *And the land is defiled; therefore I will visit the wickedness thereof upon it, and the land shall vomit out her inhabitants.*

Secondly, the Prophets themselves after *Moses*, are wont to count these prohibitions not Ceremoniall, but Morall: *Ezech. 22. 10. In thee have they discovered their fathers shame; in thee have they vexed her, that was polluted in her flowers.* Amos 2. 7. *A man and his father will goe in to a maid, to profane the name of my holynesse.*

Thirdly, the same lawes are also urged in the new Testament, wherein Legall Ceremonies were determined, and had their end. Mark. 6. 18. *Iohn said to Herod, It is not lawfull for thee to have thy brothers wife.* 1 Cor. 5. 1. *It is heard*

A. certainly, that there is Fornication among you, and such Fornication; as is not once named among the Gentiles, that one should have his fathers wife.

Fourthly, Nature it selfe by proper instinct, abhorreth such kinde of conjunctions, and the prohibitions of them, have sufficient ground, even from her principles. For to this purpose it is, that not onely the lawes of the Romane Emperours, but also the civill Canons, and constitutions of men, very skilfull in that kind, have in all ages expressly been made against such persons as have offended in those societies forbidden by the Law of *Moses*.

Fifthly, the Lord himselfe hath denounced many and great punishments to be inflicted upon the breach of the same lawes. *Levit. 20. 11. The man that lieth with his fathers wife, because he hath uncovered his fathers shame, they shall both die, their blood shall be upon them.* ver. 12. *The man that lieth with his daughter in law, they both shall die the death; they have wrought abomination; their blood shall be upon them.* v. 14. *He that takes a wife and her mother, committeth wickedness; they shall burne him and them with fire.* ver. 16. *The man that taketh his sisters, his fathers daughter, or his mothers daughter, and seeth her shame, and she seeth his shame, it is wilkine: therefore they shall be cut off in the sight of their people.* ver. 20. *The man that lieth with his fathers brothers wife, and uncovereth his uncles shame, they shall beare their iniquity, & shall die childles.* Deu. 23. 2. *A bastard shall not enter into the congregation of the Lord even to his tenth generation.* Deu. 27 20. *Cursed be he that lieth with his fathers wife.*

The third essentiall Signe of a person marriageable, is ability and fitness for procreation. And this in an holy and modest sort is alwaies supposed to be in the party contracted, unlesse the contrary be manifestly knowne, and discerned by some apparent infirmity in the body.

Hence I gather, that it is unlawfull to make a contract with such a person, as is unfit for the use of Marriage, either by naturall constitution of body, or by accident. For example; mregard of sicknesse, or of frigidity, or of the palse uncutable, or lastly of the deprivation of the parts belonging to generation. These and such like impediments are of force, though a contract should already be made, yet to make it a mere nullity; considering that God maketh knowne his will in them, that hee approveth not of such epousals, but would have them to be dissolved.

Again, that which is made betweene two persons that are under age, is to be holden and accounted as unlawfull. And though it should be done by consent, or commandement of Parents, yet it is of no moment. This alwaies remembered; except it be ratified by a new consent of the parties after they be come to age; so that they in the meane time have had private and carnall copulation one with another.

Again, put the case two be epoused, where-

\* Impubertati

of the one is under age, the other of full age; the partie that is of full age ought to tarry and expect the time, wherein the issue of the espousals formerly made may be manifested. And the under-aged may not breake off consent, either before, or when they be come to perfect yeares, but must rest in expectation of the accomplishment of the contract when he or she shall be out of their minority.

The fourth essentiall Signe, is a sound and healthfull constitution of bodie, free from diseases incurably contagious.

Whereupon it followeth, that a promise of marriage made between those, whereof the one hath a disease loathsome, as that the other upon good ground cannot possibly endure familiar societie and company with him, though it doe not wholly hinder the use of the body, is utterly unlawfull.

Of this sort is the Leprosie, the French pox, and such like. For seeing there cannot bee any matrimoniall use of them that are tainted with such contagious diseases, without apparent danger of infecting each other, and those also, which have society with them, and others; yea and by this meanes the issue of their bodies, growing of a corrupted seed, are even borne to perpetuall miserie, and to great hurt and hinderance of the Common-wealth; the case is plaine, that such marriages cannot be undertaken with good conscience.

Now if the one party have a disease, though not contagious, yet either incurable, or loathsome, as the other hath just cause to abhorre his company; for example, if he be sicke of a Lethargie, of the falling sicknesse, or such like diseases; then, though it bee lawfull to match with him, because such a contract is not expressly forbidden, neither is it apparently hurtfull to the Common-wealth, yet it is not expedient, because the disease being loathsome to the sound partie, the marriage will also become unprofitable, and the party in danger of breaking the commandement of the Morall law, wherein God forbiddeth to commit adultery.

The fifth essentiall Signe of a person marriageable, is freedome from marriage; whereby both the parties which enter contract, are so at libertie, that neither the man hath in present another wife, or is promised to another; nor the woman hath another husband, or is promised to another. The reason is, because God himselfe esteemeth that marriage only lawfull, wherein one man is joyued to one woman, and they both into one flesh; and consequently judgeth it unlawfull, as for one man to have more wives; so for one woman at the same time to have more husbands.

Hence it followeth, that it is against the law of God, and the first instruction of Marriage, that a contract should be made betwene such persons, whereof the one is formerly betrothed to another. For to long as the first promise

stands in force, the man can no more be betrothed to two women, than he may bee the husband of two wives; because the spouse by the bond of her promise to the man, becomes a wife; and the man by the bond of his promise to the woman, becomes an husband, Deut. 22. 23, 24.

Again, there can bee no sure-making, and consequently no marriage with such an one, as either hath bene divorced without a sufficient cause, or hath wrongfully forsaken and rejected a lawfull mate before. To this purpose saith our Saviour Christ, Matth. 19. 9. *I say unto you, that whosoever shall put away his wife, except it be for whoredome, and marryeeth another, committeth adultery; and whosoever marryeth her which is divorced, committeth adultery.* And S. Paul 1 Cor. 7. 11. *But and if she depart, let her remaine unmarried, or be reconciled unto her husband, and let not the husband put away his wife.*

Hitherto I have treated of essentiall markes, which belong to the being of marriage. Now I come those that are accidental.

An accidental mark of a person fit for marriage, is that; which belongeth not to the being, but to the well being, that is, to the holiness and purity of that estate. And of this sort, there be three that are the principall.

The first is parity or equality, in regard of Christian religion; For in marriage, there is a speciall care to be had, that believers be married with believers, and Christians with Christians; not believers with Infidels, or Christians with Pagans. For the former sort are onely and alwaies to be made and kept, and the latter to be avoided; yea, inhibited by positive lawes and constitutions, the breach whereof in such cases is severely to be punished. The neglect of this point was one; principall cause of the destruction of the old world by the flood. Gen. 6. 2. *The sonnes of God saw the daughters of men, that they were faire, and they tooke them wives of all that they liked.* Abraham observed it in the marriage of Isaac his sonne; and for that purpose tooke an oath of his servants. Gen. 24. 3. *I will make thee swear by the Lord God of heaven, and God of the earth, that thou shalt not take a wife unto my son of the daughters of the Canaanites among whom I dwell.* And in imitation of that holy example, Isaac also gave a charge unto Jacob his son, that he should not take a wife of the daughters of Canaan. Gen. 28. 2. Afterward there was an expresse Law of God given by Moses, touching the Gentiles that lived in that land. Exod. 34. 15. *Be ware that thou make not a covenant with the inhabitants of the land. Beware that thou take of their daughters unto thy sonnes, and their daughters not worshipping after their gods; and make thy sonnes to be a whoring after their gods.* And the same law was urged by Ezra the Priest in his time. Ezra. 10. 11. *Separate your selves from the people of the land, and from the strange wives.* Lastly, S. Paul exhorteth the Corinthians, 2.

Cor.

Cor. 6. 14. *Be not unequally yoked with the Infidels.* And Titus 3. 10. *Reject him that is an heretike, after once or twice admonition.*

But suppose it faileth out, that the espousals be past, & that both parties at the first were believers, or one of them only; or that at first both were unbelievers, and yet afterward one of them is converted to the faith, or further, admit that both were believers at the contract, yet within some time after, the one becomes an Infidell, that is to say, a Jew, a Turke, or an obstinate Heretike, that denies the faith, and yasteth even the very foundation of Religion; in this case what is to be done? Surely even such espousals once made and ended, if there be no other impediments but these, are to stand and continue firme and unchangeable; so long as the unbelieving party doth willingly yeeld & submit him or her selfe to the performance of marriage duties, properly belonging to man & wife. My reason is, the speech of *Paul*, who saith, *If any brother have a wife, that believeth not, if she be content to dwell with him, let him not forsake her.* Again, *The woman which hath an husband that believeth not, if she be content to dwell with her, let her not forsake him.* 1 Cor. 7. 12, 13.

If it be here alleged, that the sinne of adulterie dissolves the bond both of contract and marriage, and therefore much more doth Idolatry or infidelity, which is a sinne farre more detestable than adultery: I answer, that the question is not, whether of these is the greater sin, or more heinous in the sight of God; for Infidelity in both respects farre exceedeth the other; but whether of them is more pregnant to the nature and condition of wedlocke. Now the sinne of adulterie is that alone, which breaks the bond, and renounceth the troth plighted in marriage, and is the proper cause of a divorce, and not Idolatry or Infidelity.

The second note, is parity or equalitie in regard of age and condition.

First of Age; because though the marriage of persons, whose yeares are farre unequal, is not expressly forbidden in the word; yet it is agreeable to the rules of expedience and decentie, that the aged should match with the aged, the younger with the younger.

Reasons are these. First, because the comforts of this societie in likelihood will by this meanes alwaies be equal, and consequently bring the more contentment to either partie. Secondly, these unequal marriages are oftentimes offensive to others. Thirdly, they cannot but in some cases prove offensive even to themselves. For when a man of great yeares matcheth with a woman very young, or a young stripling marrieth an aged woman; the elder partie growing weak and impotent, may the sooner come to be unfit for marriage duties; and the younger being of greater strength and ability, the more in danger being exposed to incontinencie, and that in the highest degree, unless hee be restrained by Gods speciall grace.

For this cause it was a great fault, wherewith one *Apuleius* was justly charged, that being but a very young man, he was married to a wife of sixtie yeares of age.

Secondly, of condition and estate. For this also is answerable unto the Apostles rule, who exhorteth men to thinke of, and to doe those things which are true, just, commendable, and of good report, Philip. 4. 8. Thus it is a seemely and commendable practice, that the Prince, the Noble man, the freeman, the gentleman, the yeoman, &c. should be joyned in societie with them, that are of the same or like condition with themselves, and not otherwise. For this cause are the ancient Romans greatly to be commended, who (as wee read in the stories) had such a carefull respect of their marriages in this behalfe, that they made lawes and constitutions for the restraining of inequality of worldly estate in such societies; by this meanes preventing much confusion and disturbance in families, and other orders of men. Whereunto agrees that of *Tertullian*, who saith, *That if a free-woman had affianced her selfe to him that was a bond-man to another, and being stricken admonished therof, by him that had authority, over her, did notwithstanding persevere in her purpose, shee should according to the law, lose her freedom.*

The third note is, publike honesty and credit, whereby the contract made becomes a matter of good report, well thought and spoken of abroad. *Whatsoever things are of good report, thinke on them*, Philip. 4. 8. From hence I gather,

I. That it is an unseemely thing for a man to make promise of marriage to such a woman, as hath beene formerly deflowred, or hath and is, or may be convicted of adulterie, and uncleanness. Nay, I adde further, that a contract made with such an one, as himselfe hath before deflowred, is by the Law of God unlawfull. For the adulterer and the adulteresse, by divine law should be put to death, and be cutt off from humane societie, Levit. 20. 10.

II. It is altogether inexpedient that a woman should be married to such a man, as hath a concubine, unless he formerly renounce her, and testifie the same by true and unfained repentance. The reason is plaine. Such a marriage cannot be undertaken in the Lord. And the partie himselfe, being before polluted with his concubine, becomes now by marriage to another, an adulterer; & she that is married unto him, by this her act yeelds consent unto his adulterie.

III. That no man professing Christian religion, much lesse a minister of the word, ought to take to himselfe in marriage an harlot, a defamed woman, or one that comes of infamous parents, though she be repentant. Levit. 21. 7. *The Priest shall not take to wife one that is a whore, or prophane; that is to say, which hath an evil name, or comes of ignominious parents. Which law, though it was in part Ceremoniall*

Terrent. ed. 1600.  
lib. 2. c.

and

and Leviticall; and so farre forth abrogate; yet having in it some Morallitie, in as much as the reason thereof to wit, because it is reproachfull to a Christian, but specially to a Minister) is still in force, it is to bee holden perpetuall. For Christian profession, and the Ecclesiasticall Ministry is principally to be respected, and whatsoever may prejudice the dignitie and credit thereof, to be avoided.

**Object. 1.** The Prophet Hosea was commanded to take unto him a wife of fornication; that is, an harlot, Hosea 1.2. **Ans.** Hosea did it not indeed, but in type and resemblance. For God commanded him in his prophesy, to take upon him (as it were) the person of a fornicator, that by this meanes hee might the more effectually charge and convince the Israelites of their uncleane and unchaste conversation.

**Object. 2.** The Lord also forbiddeth the Priest to marry a widow, Levit. 21. 14. it may seeme therefore unexpedient for a Minister so to doe. **Ans.** The law concerning the marriage of a virgin, and not a widow, was not injoynd to all Priests, but onely to the chiefe Priest, Levit. 21. 10. And hee also might Marrie a widow, but such an one onely, as hath bene the widow of a Priest, and not any other, Ezech. 44. 22. Now this was commanded them upon speciall consideration. For the high Priest was a type of Christ, and Christ was in time to come to call his Church the elect, among the Gentiles, and to marry them as a virgin espoused unto himselfe. Yea, hee was also to marry his Church as a widow, but the widow of a Priest onely, because he was to gather to himselfe the remnant of the Church of the Jewes; Howbeit, not all of them, but such onely as came of the holy Fathers, and were Israelites, not according to the flesh, but according to the promise.

IV. That it is not meet for a man to be contracted to the sister of her that is already affianced unto him.

And so much of the first point, required to the making of a contract, namely, the choice of a person fit for marriage.

#### CHAP. VI.

### Of Consent in the Contract.

**T**He second thing required to the making of a contract, is the free and full consent of the parties, which is indeed the very soule and life of the contract. And this consent standeth in the approbation, or (as we commonly call it) the free making of the parties contracted.

Consent in this case is two-fold, either of the man and the woman, or of their parents.

Touching the first: That a man and the woman may yield free consent each to other, it is necessarie that, in respect of understanding,

A their judgement should be sound; and in regard of will, their choice should bee free. And here sundry cases are to be resolved.

**1. Case.** When the contract flowes not from the will and good liking of the parties, but is forced and compelled, what is then to bee done?

**Ans.** If the espousals have bene made through force or feare; I meane, such as may befall a constant, and resolute man, and which hath bene wrought upon good knowledge, and consideration; then are they of no moment, and in truth meer nullities; because there is wanting to them the free and voluntary accord and assent of both parties. Nevertheless if afterward they shall grow to a new consent, or both yeeld to an afteracceptation of that which was formerly made, the espousals shall then stand in force; without further exception, or contradiction.

**11. Case.** But how if consent bee past, and in proesse of time it appears to the espoused persons, that they have erred; either in choice or consent; or both?

**Ans.** There is a threefold error in consent; the one of the person, the other of the ability, or estate of the person, the third of the quality.

Error in respect of the person is, when one person is taken for another; or when the contract is made between two, whereof the one was taken to bee such a party, as afterward he proved not to bee. Now where this error is committed, it is a plaine case, there was no consent; and therefore the contract, upon certaine knowledge thereof is quite frustrate. For the knowledge of the party is the ground of consent, and belongs consequently to the very substance of marriage.

Nevertheless, if the error being once knowne, the parties have had secreet societie one with another; and have either againe consented, or growne to an after-acceptation of the consent before made, the contract may and doth stand in full force. For example; *Jacob* by the deceit of *Laban*, had taken *Leah* for *Rachel*, to his wife: so saith the text, *When the evening was come, Laban took Leah his daughter, and brought her to him, and he went in unto her, Gen. 29. 23. But when the morning was come, behold it was Leah, 25.* Now by the judgment of the best Divines, *Jacob* might justly have renounced *Leah*, if hee would, because *Laban* had given her unto him for *Rachel*, and so deceived him; yet hee would not use extremities, but kept her as his wife.

If it bee said, there was an error in the person, therefore no consent, and so *Leah* was not his lawfull wife, but *Rachel*: I answer, that *Jacob* did renew his contract afterward, and that renewed consent following upon their knowing one of another, made her his wife though in extremities, and rigour shee was not. Again, *Rachel* was indeed the par-

tie to whom hee was espoused, by the former contract: and therefore upon their mutuall agreement afterward, shee also became his wife. So saith the holy Ghost, *verſe 27. Fulfill ſeven yeares for her, and wee will alſo give thee Rachel for thy ſervice, &c. v. 18. Then Iacob did ſo, and Laban gave him Rachel his daughter to bee his wife.*

Error of the ability or eſtate is, when one of the parties to whom conſent was given by the other, being taken for rich and wealthie, in the iſſue proves to have beene very poore, and not ſufficient to maintaine that ſtate of life.

Touching this error, it is to bee conſidered, whether the contract was made abſolute, for the time preſent, and ſo for ever afterward, or conditionall for time to come only. If it were abſolute, that is, conceived in tearmes of the preſent time then, though the deceit be very offenſive to the party deluded, & upon his complaint ought in equity to be puniſhed by the Magiſtrate; yet it is not of force to breake the contract: becauſe the ability of either, or both parties, belongs not to the eſſence of marriage. But if it were for time to come and conditionate, then hee or ſhee that made promiſe upon this condition, is free and not bound in conſcience to fulfill the promiſe; unleſſe the condition expreſſed afore-hand be kept and performed.

Error of the quality of the perſon is, when ſhee which was in the eſpouſals taken to bee a virgin, is afterward found to be with childe by another before they came together. By this error the Covenant is made void, and becomes a meere nullity; for as the man cannot be compelled upon true and certaine knowledge thereof, to marry the woman; but may renounce her, unleſſe both parties come to a new agreement, or have privately knowne each other upon mutuall conſent. For firſt, God did in expreſſe tearmes command the Jewes, that ſuch a woman ſhould bee ſtoned to death: *Deut. 22. 20. If the maid (that was given to wife) bee not found a virgin, verſe. 21. then ſhall they bring the maid to the doore of her fathers houſe, and the men of her city ſhall ſtone her with ſtones to death, becauſe ſhee hath wrought follie in Iſrael, by playing the whore in her fathers houſe.* Therefore it was not the will of God, that ſhe ſhould be retained as a wife, but utterly rejected and forſaken. Again, this was ſo uſuall a practice in Iſrael, upon Gods Commandement, that godly and righteous men, upon the diſcovery of this error, would not in conſcience bee perſwaded to marry them to whom they had beene betrothed, *Matth. 1. 18. Ieſeph her husband (having found, before Mary and hee came together, that ſhee was with childe) being a juſt man, and not willing to make her a publicke example, was minded to put her away ſecretly.*

**III. Caſe.** What ſhall wee thinke of the eſpouſals of ſuch, as are ſuſious, and franticke?

*Ans.* We muſt diſtinguiſh of the diſeaſes.

For madneſſe is either perpetuall, or by fits on-

ly with intermiſſion.

If it bee perpetuall, the caſe is cleare, that whether one of the parties onely, or both bee franticke, the contract made betweene them, is altogether unprofitable and vaine. For ſuch know not what they doe when they make a promiſe, and the conſent which paſſeth betwixt them cannot be free, full, and perfect, but muſt needs bee hindered and prejudiced by the heat and violence of their diſeaſe.

Now although perpetuall madneſſe be a juſt impediment of marriage, and a ſufficient cauſe to diſſolve a contract, yet it is meet that there bee a convenient ſpace of time agreed upon, wherein all meanes may be uſed for the curing of this diſeaſe, to the end that Gods will touching their amendment may bee the more evidently knowne; and both the parties themſelves and their friends may give teſtimonie to the world, that they have had a carefull reſpect of the contract before made.

Again, if it bee not continuall, but by fits, ſo as they have ſome good dayes, and quiet intermiſſion, the caſe is otherwiſe. For the contract ſhall be ratified, and ſtand in force: provided, that it was manifeſtly knowne, that the ſaid parties were both in their right wits, before they plight their troth each to other; and themſelves bee willing afterwards to confirme their promiſe formerly made, by renewing their conſent.

Conſent of the Parents, is that act whereby they give their word and promiſe, to beſtow their children in Marriage, and in regard of right, doe indeed preſently beſtow them.

Therefore private contracts, that are made without free and lawfull conſent of parents, are not onely unprofitable and unlawfull, but even by the law of God meere nullities. Reaſons. I. they are contrary to the expreſſe will and commandement of God: *Exod. 20. Honour thy Father and thy Mother.* II. They are ſo repugnant to naturall equity: which teacheth, that hee who hath not power, nor right over himſelfe, cannot binde himſelfe by promiſe to another. Now children have not power over themſelves, but are under the government, and at the diſpoſition of their parents; therefore the covenants which they make, are not made and appointed of God; and thoſe which God maketh not, are in deed and truth none at all.

#### CHAP. 7.

### Of Rejection, or Refuſall of the Contract.

Contrary to the compicat and lawfull contract is Rejection, whereby the Contract is diſſolved, or broken off.

A lawfull Contract is then diſſolved, when

\* Dilucidat in tervallo.

Gal. 4.

Reſpudium.

some great and heinous fault followeth immediately upon it, in either of the parties espoused. And from hence arise divers and sundry cases to be set downe and resolved.

The first is this: What is to bee done, when some disease befalls one of the parties immediately after the contract made?

*Ans.* Those diseases which take away the use of the bodie, and altogether disable the partie from the performance of the promise made in respect of marriage duties, are very just impediments of marriage, and consequently do break off the Contract. Of which sort are incurable palsies, frigidity, and such like, whereof I have spoken before.

Nevertheless a covenant once made is not suddenly to be renounced for feare of breeding offence. And therefore some longer respite is to be taken from the time of the Contract, in which they are to rest in expectation of amendment, before the said diseases be publickly and solemnly declared to be incurable, and consequently that the covenant made is become void.

Now if the disease doe not for the present take away the use of the body, and yet in time proves incurably contagious, and so loathsome that the one may justly feare to keepe and converse with the other, as it falleth out when one is tainted with leprosie; then the Contract is utterly to bee dissolved, as if God himselfe should have commanded it, though the promise was formerly made, and the parties themselves should bee unwilling. God hath ordained Matrimony to helpe, not to hurt, neither the persons themselves, or others. Where therefore these diseases be, which may infect, hurt, or destroy others, there God hath, as it were, testified from heaven, that the act done is not pleasing unto him, and that presently it ought to bee frustrate.

The contract being thus once dissolved, the soulder partie shall bee at his or her liberty to marry againe. But the diseased is by the Magistrates authoritie to bee forbidden societie with any other in way of marriage, and commanded to leade his life, where he may conveniently from company, for feare of infection. And withall he is for his owne part, to sue unto God by prayer in faith for the gift of continency. For certain it is, that he to whom God hath denied the power of using marriage with good conscience, is thereby even called to continencie and single life.

But if the disease bee not contagious, yet either incurable, or so nasty, that either of the espoused hath just cause to be afraid of the others company; then both are to bee advised, not to claime their right, but willingly to surrender it each to other by mutuall consent, that they may be free againe, and not bound by any former promise to live together as man and wife; considering that they have no hope mutually to converse together, with comfort and con-

tentment, while they so remaine.

Upon this advice given by their lawfull Pastor, or some in his stead; if they both yeeld, or one of them at the least desires to bee at his owne liberty, the espousals are forth-with to be broken off. But if neither wil consent to a separation, but rather proceed as they had begun, and in prohibition the one have no just cause to hold the other in suspition, in respect of contagion; they are not to bee hindered from the consummation of their marriage.

Furthermore, though one of them should have a disease, which is continuall without intermission, and yet curable, or any other inconvenience should befall either of them, after the sure making whereby they become lame, deafe, or dumbe, &c. yet this is not a sufficient cause to move them to renounce, and dissolve the Contract.

A second Case. What if it falleth out that after the finishing of the contract, one of the espoused persons bee long absent from the other, so as the absence be prejudicial to the marriage, that should ensue upon the contract.

*Ans.* Inquiry must be made, whether this absence bee voluntary, or against the will of the party.

If it bee voluntary. For example; if the man upon an honest and just cause, the woman also being privy thereunto, shall goe beyond seas, and being admonished of his dutie beforehand, shall notwithstanding stay a whole yeare or more, and will not returne, but further willfully absent himselfe; then may it be lawfull to the woman, to crave of the publicke Magistrate a dissolution of the covenant made, and consequently marry another man, unless the former to whom shee was contracted, be heard of. If he be, then shall it be lawfull for him to plead for himselfe, and rendering no just cause of his refusal, hee shall bee forced by the Magistrates authority to stand to his promise, and take the woman for his wife. And the same order is to bee taken in the willfull absence of the woman, after she is contracted.

If againe, the man or woman shall upon an evil minde, and with purpose to deceive each other, absent themselves, and depart; meane must be used, that they may be admonished of their dutie. That being done, or at least undertaken, and yet the partie offending will not appeare, if the other that is present, upon certaine knowledge of his or her want in respect of continency, shall sue to the Magistrate; after publicke and solemn notice given, the contract may be broken.

But if on the other side, either of them bee absent against their wil, and intendeth no fraud or deceit, but is violently detained, by captivity, imprisonment, sickness, force, banishment, transporation, and such like; then the partie present being desirous of the consummation of the Marriage, ought either to make means unto him, and expect his returne, or have  
certaine

taine notice of his death, before she promise, or have to doe with any other in way of marriage.

A third case. What if after the contract, one of the parties becomes furious, or mad?

*Ans.* If the disease be continuall, without intermission, in all equity and likelihood, the espousals are to bee dissolved, unless both parties after knowledge and experience of the disease, have knowne one another: yet in this, and all such like cases, it is fit that good meanes bee tried and used, and sufficient time bee given for the restoring of the diseased, to their former good estate, and for the accomplishment of the marriage lawfully begun, as before.

### CHAP. VIII. Of Marriage.

**M**arriage is that, whereby the conjunction formerly begun in the contract, is solemnly manifested, and brought to perfection. Marriage is consummate by three sorts of actions; one of the Parents of the Bride and Bridegroom, the other of the Minister in publique, the third of the persons coupled together.

The action of the Parents is upon the Marriage-day, to bring the Bride, and deliver her to the Bridegroom, that they two may become actually man and wife, and performe each to other all matrimoniall duties.

And where the marriage is complete, in any other manner, so as the Parents upon sound judgement and deliberation, shall deny their full and free consent, either in expresse words, or by connivance and silence, and that upon just and lawfull cause; there though in the civill Courts of men, it may stand, and the children borne therein be legitimate before men, yet the truth is, before God it is of no force, but a meere nullity.

And because this doctrine, touching consent of Parents in these cases, is of great use, and availeth much to the supporting and maintaining of families; I will first open the truth thereof, and then prove it by reasons.

Under the name of Parents are comprehended; First, the Father and Mother. Secondly, all Tutors and Guardians, who have the proper and sole charge of wards, or others under years of discretion. Thirdly, all such as are kindred of blood, who are instead of parents to children; as the uncle by the fathers side, the uncle by the mothers side, and such like.

Now touching the consent of parents, that is of father and mother, I hold it requisite of necessity to marriage; for the authority of parents must not be resisted, or violated. As for Tutors, and such as have the place of Parents, their consent is not required of necessity, but of honesty at least, because the power and authority of the Parent, though it be not taken away, yet it is lessened, when it is either transferred to another person, or in part reiteth in the child al-

ready bestowed.

Secondly, by parents consent, I understand that which they give, not rashly, unadvisedly, or foolishly, but out of good and wise consideration, and upon true and sound judgement of the business in hand: for otherwise, as much as in them lieth, they make the marriage void and of none effect. And they are then thought to carry a right judgement of the thing, when they be able to yeeld a just cause of yeelding, or denying their consent. For example: if a father denies to bestow his daughter *Julia* upon *Sempronius*, because hee knowes him to be an *Arrian*, a *Pelagian*, or of any other sort of Heretikes: hee withholdeth his consent upon a good ground, and hee doth that which hee doth, of judgement.

Yet further I adde, that where the Parents doe dissent, and can yeeld no probable cause thereof; the marriage consummate without their consent, ought to be confirmed and ratified by the authoritie of the Magistrate, who is *Pater Patria*. And this seemes to bee the most equall course, both for the avoiding of greater scandalls, and for the preventing of wrong, that may otherwise be done in some particular case, as to a woman that is deflowred and rejected.

Thirdly, consent of parents is either expresse, or implied: expresse, when it is given by word: Implied, when it is yeelded by silence. For it standeth with most equity and indifference, to thinke that those Parents doe give consent, who doe not by word expresse deny the same.

Fourthly, children are either subject to the authoritie of their parents in the family; or at their owne liberty, and out of their parents subjection. Those that are at liberty, are tied necessarily to subjection in respect of marriage; but the other being still of the familie, and under jurisdiction, are bound to bee ordered by their parents in the bestowing of themselves.

This is briefly the meaning of the question in hand. Now, for proove of this point, I will propound three sorts of arguments, whereof some are drawn from the law of God, some from the light of nature, and some from the judgement of the ancient Church.

For the first sort. According to the law of God, marriage is not onely a civill and politike, but also a divine and spirituall conjunction, the author and ordainer wherof, upon special cause was God himselfe: this our Saviour Christ witnesseth, when he saith, *those whom God hath joyned together, let no man separate*. Mat. 19. 6. That therefore marriages may bee foundly ratified and confirmed, the authoritie and power of God himselfe is necessarily to be interposed.

If it be asked, How God that is in heaven, should bring and joine together man and wife upon earth;

I answer, that he doth it not immediately by himselfe, as he brought *Eve* unto *Adam*, but in and by some solemne and lawfull meanes.

And

And this mean, is that great and ancient power and prerogative of Parents. And the law of God hath given them this power, not in civill contracts and in compositions alone, but even in the beginning and accomplishing of marriages. Deut. 7. 2. *Thou shalt not give thy daughter unto his sonne, nor take his daughter unto thy sonne.* Jerem. 29. 6. *Take wives for your sonnes, and give your daughters unto husbands, that they may beare sonnes and daughters.* 1 Cor. 7. 36. *But if any man thinke that it is uncomely for his virgin, if she passe the flower of her age, and need forwaire, let him doe what he will, he sineth not, let them be married.*

Hence it was, that *Abraham* by right of this authoritie, gave over what wife his servant should provide for his sonne: *Thou shalt not take a wife unto my sonne of the daughters of the Canaanites: But thou shalt goe unto my Country, and to my kindred, and take a wife unto my sonne Isaac,* Genesis 24. 3. 4. *Samson*, though he was inflamed with the love of the woman in Timnath, whom he saw to be beautifull in his eye, yet he durst not take her to his wife, till she was given him of his parents, Judg. 14. It was an expresse law of God, that if a man *inuced a maid that was not betrothed, and lay with her, he should endue her, and take her to his wife:* But how? make in what manner the holy Ghost proceedeth, *If her father refuse to give her to him, he shall pay money according to the dowrie of virgins,* Exod. 22. 16, 17. Deut. 22. 28, 29. In which Text, *Moses* plainly teacheth, that the consent of the two parties is not sufficient, no not though they have had societie together, unlesse they have the free consent of their Parents also. In like manner it was ordained by God, Numb. 30. 5, 6. *That if a woman vowed a vow unto the Lord, being in her fathers house, and her father hearing it, holdeth his peace concerning her, that is, approveth her vow by winking at it, her vow shall stand. But if her father disallow her, that is, give no approbation or consent unto the vow made, it shall be of no value, and the Lord will forgive her, because her father consented not.* Now, if the vow of children made unto God, and pertaining to his worship, cannot be ratified without the Parents approbation; of how much lesse force shall any private contract or marriage be, without their allowance.

The second argument is taken from the light of nature, and it is gathered by proportion, on this manner. A sonne privily alienateth and selleth away his fathers lands, either in whole or in part. The question is, whether this alienation be good in Law, yea, or no? Answer is, No. And why? Because the land did not belong to the sonne, but was part of his fathers substance. In like manner, a sonne alienates himselfe, and is betrothed to a woman, to marrie her without his parents knowledge: Is this act of the sonne warrantable and sound? By no means: for the sonne in respect of his body is part of the fa-

thers goods, and may not be alienated from him without consent. A notable reason hereof we finde in Job 1. For when God had given Satan power to destroy and spoile all *Jobs* goods, and whatsoever he had, the Devil doth not onely touch the wealth of *Job*, but his children also, as a part of his substance. In this respect the Jewes were permitted by God to sell their children, Exod. 21. 7.

Againe, for the accomplishment of marriage, there must needs be a mutual donation, betwene the Spouse and the espoused. And what is that which is mutually given? Surely their persons, or rather their bodies each to other: for so *Paul* saith, 1 Cor. 7. 2. *Let every man have his wife, and let every woman have her owne husband.* But by whom is this donation to be made? by sonnes and daughters that are in the family, under the jurisdiction of their parents? It may not be: For nature her selfe taketh it for granted, that he which is not at his owne libertie, cannot yeeld to the giving of himselfe. The donation therefore remains in the gift of the Parent, in as much as the will and consent of the child ought to depend upon his will and consent, to whom God hath given power and authoritie in this behalfe.

In the third place, let the judgement of the ancient Church be observed. *Ambrose* in his first booke of the Patriarch *Abraham*, Chap. 9. requirerh this consent in marriages, which he saith is so equall and agreeable to nature, that even the Poets acknowledged the same. For which purpose he reciteth two verses out of the Grecian Poet *Enripides*, in his Tragedie called *Andromacha*, wherein when *Orestes* desired to marry *Hermion*, she frames him this answer: That the matter of her marriage wholly depended upon the pleasure and authoritie of her father, and was not in her owne power or libertie. *Innocentius*, who was both a Pope and Martyr, in his decretall Epistles, so strictly requirerh consent of Parents, as where it is wanting, he concludes that marriage to be void. In the Councell of Lateran it was decreed, that clandestine contracts and secret marriages, made and undertaken betwene partie and partie, should be holden as unlawfull, as marriages in those degrees of consanguinitie and affinity, which are forbidden by God. *Terrill* in his 1. *That in this world the sonne cannot rightly and lawfully marry without the allowance of his father.* Basil in an Epistle to *Amphilochius* Bishop of Iconium affirmeth, *That marriages which are made without them which have power over the parties, are fornications, and therefore that they which are joyned together in marriage while their parents or masters live, are in no sort free from imputation of sinne, untill they have approbation from them: for then marriage is ratified and confirmed, when they have yeelded allowance thereunto.*

The second Addition touching the consummation of Marriage, is the action of the Minister. And that is the blessing or sanctification there-

Sub Innoc. 3. canon. 51.

Terrill. l. ad uxorem. 2. ad finem.  
R. de & Turc.  
Basil. Epist. ad Amphil. can. 42.

of, which is a solemne worke, whereby the Minister pronouncing the parties contracted to be man and wife before the whole congregation, commendeth them and their estate unto God by solemne prayer.

This solemne sanctification is grounded upon the practice of God himselfe, who having given *Eve* to *Adam*, blessed them, saying, *Increase and multiply*, Gen. 2.22. & 1.27. For that which God then gave, the Minister standing in his roome, now prayeth it may be given to the man and wife. Yea, it is agreeable to the generall rule of the Apostles, *Let all things be done decently and in order*, 1 Cor. 14.40.

Now that this action is to be approved and used in the Church, appears by these reasons. I. Marriage as it is a publike action, so it is after a sort a spirituall and divine ordinance, whereby it differeth from the contract: For the contract being merely civill, as it standeth by the consent of men, so by the same consent, it may be broken and dissolved, but with marriage it is otherwile. II. Marriage is the seminarie of the Church and Common-wealth. III. It was the practice of the Primitive Church. *Tertullian* speaking of marriage of Christians with Christians, acknowledgeth himselfe not to be able sufficiently to declare the happinell of that *conjunction which is made by the Church, consecrated by prayers and solemne service, witnessed by the Angels, and ratified by God himselfe*. *Nicephorus* reporteth of one *Synesius*, who avouched, *That God, and the Lawes, and the holy band of Timothy had given him a wife*. *Ambrose* saith, *That marriage ought to be sanctified, with the vails where, with the Priest was wont to cover the Bride and the Bride-grome in the publike Congregation, and with his blessing*.

The third and last action belonging to the accomplishment of this estate, is that of the parties themselves, whereby the Bride is in decent and modest manner, brought unto the house and home of the Bride-grome. It is the Law of this estate published by God himselfe in Paradise, that the man, even in respect of habitation, should leave father and mother, and cleave to his wife, Gen. 2.24.

Here question is moved, whether marriage is to be solemized with mirth and feasting. *Answer*. I. It is lawfull and warrantable to use feasting and mirth at marriages, because these be things indifferent, and we have examples thereof in the Scriptures: *Laban* made a feast at the wedding of *Isaac* and *Rachel*, and invited all the men of the place to it, Gen. 29.22. Christ himselfe did approve the resort of people to the marriage at *Cana in Galilee*, both by his presence, and by that honourable gift of six water pots of the best wine, John 2.2, 7, 8. II. It is not onely lawfull, but convenient and fit to be done, if there be abilitie; according to the commendable custome of the place and countrey wherein men doe dwell; so as in the use there-

of, these cautions be observed. First, that in mirth and merrie-making, there be care had that nothing be done which is dishonnest, prophane, or of ill report. *Philip*. 4.8. *Whatsoever things are honest, pure, of good report, think on these things*. Secondly, that joy in them be mixed and moderated with the feare of God, without which, *Laughter* and rejoycing is merre madnesse, Eccles. 2.2. Thirdly, that it be performed in a moderate and sober use of the creatures, without riot and excess. Thus we read that at the great feast of *Aluskenegs*, it was appointed by the King himselfe, that they should *drinke orderly, that none might compell another to drinke more than hee thought convenient*, Esther 1.8. And where weddings are kept contrary to these directions, they are not feasts celebrated unto God, but unto the Devill; which also may bee said of all other festivall meetings.

And so much touching the poin of marriage, in which this is to be remembered for a conclusion, That where there is generally a nullitie in the contract, or a separation following upon it, there is also a nullitie in regard of the consummation of marriage.

## C H A P. IX.

## Of the duties of married persons.

THas farre have we proceeded in the doctrine of marriage; and now we come to the duties which they who be married are to performe each to other.

These are principally two: Cohabitation, and Communion.

Cohabitation is their quiet and comfortable dwelling together in one place, for the better performance of mutuall duties: 1 Cor. 7.10. *And to the married command I, not I but the Lord, let not the wife separate her selfe from her husband: Verse 12. But to the remnant I say, not the Lord, If any brother have an unbelieving wife, and she be content to dwell with him, let him not forsake her. Ve 13. And the wife which hath an unbelieving husband, which is content to dwell with her, let her not forsake him.* 1 Peter 3.7. *Likewise let the men dwell together, as becometh them that have knowledge, giving honour to the woman as to the weaker vessels, even as they which are heires together of the grace of life, that your prayers be not interrupted.*

This dutie must be kept especially the first yeare of marriage: Deut. 24.5. *When a man taketh a wife, he shall not goe on warfare, neither shall he be charged with any business, but shall hee free at home on yeare, and rejoyce with his wife which he hath taken.* And the ground of this commandment no doubt is, that they might learne to know one anothers conditions, and that they might worke a fasted affection one towards

wards another, which afterward upon no occasion might be changed.

Yet they may be absent each from other in two cases: First, upon mutuall consent for a time, for the performing of some businesse, that is requisite for the family. Proverbs 7.19. *For mine husband is not at home, he is gone a farre journey: at the appointed time will he returne againe.* Secondly, the like absence is allowed, when some great and weightie affaires either in the Church or Common-wealth are in hand. Samuel 11.9,10. *But Uriah slept at the doore of the Kings Palace, with all the servants of his Lord, and went not downe to his house.* verse 11. *Then Uriah answered David: The Arke, and Israel, and Iudah dwell in tents, and my Lord Ioaab, and all the servants of my Lord abide in the open field: shall I then goe into my house to eat, and drinke, and lie with my wife? by thy life, and by the life of my soule, I will not do this thing.*

Hence ariseth a question: What if after marriage consummate, there grow upon one of the parties a contagious disease that cannot be cured, but is so loathsome, that the other whole partie cannot endure cohabitation at all?

*Ans.* Both the marriage it selfe, and the dutie of dwelling together, ought to continue firme and sure notwithstanding: yet so as the partie neither may, nor ought in good conscience to desire conjunction with other, whereby he or she may bring infection upon themselves, consequently hurt their children, and indanger the Common-wealth.

But if either of the parties have not the gift of continencie, nor cannot abstaine, they must sue for it unto God in earnest prayer, who will give it unto them.

For there God hath called a man or woman to continencie, where they be necessarily hindered from the use of the ordinary and lawfull remedy of the Contract.

The contrary to Cohabitation is Desertion.

Desertion is, when one of the married folkes, upon a wilfull and obstinate minde of their owne head, departeth from the other, without a just and necessary cause.

Touching this point, there be sundry cases expounded.

*I. Case.* Suppose that an husband which is an unbeliever, or an heretike in the foundation, of his owne accord, upon detestation of true religion, quite forsakes the believing wife, and denies any more to dwell with her: what is to be done?

*Ans.* All good meanes must first be used to bring the infected partie to repentance; and when hope will succed, but the case remaineth desperate, then marriage is dissolved on his part, and the believing wife is free to marry another. So saith the Apostle, 1 Corinth. 9.7.15. *If the unbelieving partie depart, let him depart: a brother or a sister is not in subjection in such things: but God hath called us unto peace.*

**A** In which words observe a two-fold reason: I. He that is at libertie may marry another; now the believing partie forsaken is at libertie, because he is not in subjection in such things; therefore hee may marry another. II. God hath called us unto peace, saith *Paul*, and this peace cannot be kept, if the believing partie forsaken cannot containe unless hee marry.

*Ambrose* upon the place saith, *That marriage cannot stand firme, which is separated from the worship and service of God; and therefore it is no sime in the partie that is forsaken for Gods cause, to bee married to another: and the unbeliever departing, sineth both against God, and against the law of wedlocke, because he denies to remaine in that estate, in regard of religion.*

**B** Therefore he breakes the covenant of marriage, and the other is not bound in this case to keepe touch with him. *Lombard*, the Matter of the sentences saith, *That the believing partie in this case, is not bound to follow the unbeliever when he departeth, but while he lives may marry another.* *Augustine* affirmeth, *that even the wife which is joyued to her husband in lawfull societie, if she will not abide with her Christian husband, because he is a Christian, may be forsaken and left, without sime.* And it is farre better that the covenant should be dissolved, that man and wife have made each with other, than that the covenant which man hath made with God. The people of Israel being in affliction, were constrained to breake the former made with strange women, that they might keepe the latter, *Ezra* 10.11.19.

It is alleaged, that the unbelieving partie may haply repent, and then to make a dissolution is in vaine. But I say, that it is as likely that he will never repent, and therefore there is cause that the knot should be dissolved.

Again, it is lawfull (say some) to make a Divorce out of the case of Adulterie. *Ans.* The believing partie which is forsaken, is not the cause of the Divorce, but is a patient of the separation, wrongfully made by the unbeliever. And Christ where hee mentioneth the case of Adulterie, *Matthew* 19. speaketh of an equall marriage, where *Paul* speakes of an unequall.

**II. Case.** What if there fall out a desertion between two married folkes, which are both believers.

*Ans.* The faultie person, who is the cause of this desertion, is to be forced by courle of Civill, and Ecclesiasticall censure, to personne his, or her dutie. Upon which proceeding, if he remaine obstinate and perverse in will; the other must in patience, and earnest prayer unto God, wait the time, untill his minde may bee changed, and hee made to relent by the order of the Magistrate. But if the one of them, by just occasion of feare, be compelled to depart from the other, and cannot returne againe without apparent danger of life; in this case they are not bound to returne; but the de-

*Ambrosi. in 1 Cor. 7. 5.*

*Lib. 4. dist. 39.*

*Lib. de Fide & opor. c. 16.*

linquent partie is to remaine solitary, till they be instructed and made willing to doe their duties : and in the meane while, the partie innocent must be resolved that God hath called him or her to single life.

Again, be it that the one is resolutely unwilling to dwell with the other, and thereupon flies away without any fault of the other : if the time after a long space be sufficiently knowne before-hand, and all possible meanes have beene used, to reclaim the guiltie person ; yet, being called, he doth not personally appeare before the Judge, to yeeld a reason of the fact ; after publike and solemne declaration made, the Minister upon such desertion, may pronounce the marriage to be dissolved. For he that upon malice flieeth away from his mate, is to be holden in the same termes with an unbeliever, who departs upon detestation of religion, and the service of God, 1 Tim. 5. 8.

Howbeit if the place whither he is fled, be unknowne, and upon his flight there be found some fault in the Plaintiffe, shee is not to be heard, or set at libertie by the Judge in this case, though shee pretend want of the gift of continencie.

But suppose hee that fled come againe unlooked for, and requires his Spouse : then in case the former course hath not beene taken, nor judgement given against him, they may be reconciled and come together againe. If it hath, and matters be concluded, he is not upon his returne to bee heard, but rather severely punished.

Like unto *Desertion*, is malicious and spitefull dealing of married folkes one with the other.

*Malicious dealing* is, when dwelling together, they require each of other intolerable conditions : and when the one doth not regard nor relieve the other, being in danger or extremitie, as is meet. For this is as much as to betray one anothers estate and life to their utter enemies.

Here it may be demanded, what a beleever should doe, who is in certaine and imminent danger, either of losse of life, or breach of conscience, if they both abide together.

*Ans.* I. This certaine danger hath his originall, either from one that is a stranger, or from one of the parties : If from a stranger, then the husband either takes upon him the defence of his beleiving wife, or not ; if he doth, then she ought to abide with him. If not, she may depart and provide for her owne safetie. II. Again, if the husband threatneth hurt, the beleiving wife may flie in this case ; and it is all one, as if the unbelieving man should depart. For to depart from one, and drive one away by threats, are equipollent.

Neither may this seeme strange unto any, that the beleever in such case is allowed to depart. For a husband that is a Christian is married two wayes : First, with Christ ; and secondly,

with his wife. The former marriage is made in Baptisme, and is a more holy conjunction, than is the latter. Therefore when these two cannot stand together, but one of them must needs be dissolved ; the latter must rather be left than the former. Again, if the beleever should remaine with the unbeliever, she should haply be urged sometimes, in case of danger upon infinitie, to deny Christ, and make shipwracke of faith and good conscience ; which may in no sort be done of either partie : and therefore separation is to be made rather in this societie, than that the conjunction with Christ should not stand firme, and continue.

It is alleged, that if this be so, then the beleiving wife forsakes the unbelieving husband, which she may not doe.

*Ans.* She forsakes him not finally, but leaves him for a time. Again, the desertion is not made by the person, which giveth place for the time, but by him in whom is the cause of the desertion ; even as he is not to be termed a schismaticke, which separateth himselfe, but he in whom is the cause of the Schisme.

Again, it is objected, that he which flieeth, leaves his calling ; and every man must abide in his calling, according to the rule of the Apostle, 1 Cor. 7. 20.

*Ans.* There is a double calling : The generall, standing in the worship of God : The particular, as the calling of marriage, or of single life. When these two callings cannot stand together, the latter must give place to the former : Luke 14. 26. *If any man come to me, and hate not his father, and mother, and wife, and children, and brethren, and sisters : yea, and his owne life also, he cannot be my Disciple.*

III. *Case.* When the husband is perpetually absent from the wife, what is to be done ?

*Ans.* If he be absent either because he is in captivitie, or upon malice, or feare, or any such like cause ; the wife must rest in the expectation of his returne, till she hath notice of his death, either by sufficient testimonie, or by apparent likelihoods. Now in the want of testimonies, and conjectures in this behalfe, if the party forsaken cannot certainly determine, that the absence was made upon an evil mind ; some have thought that it behooveth her to expect his coming againe for the space of foure yeares ; others of five, some of seven, some of ten yeares ; after which time, she is free, and may marry another man. And if the party doe haply returne againe after some long space of time, who was probably thought to have beene dead, the latter marriage undertaken upon necessary ignorance of such an event, may be dissolved ; and it shall not be imputed to either party, considering it fell out not by their fault, but only by accident.

Now if the question be of wilfull and affected absence, the same is to be determined concerning that, which hath beene said before touching the point of Desertion.

CHAP. X.

*Of the Communion of married  
folkes, and of due benevolence.*

**T**He Communion of man and wife, is that dutie, whereby they doe mutually and willingly communicate, both their persons, and goods each to other, for their mutuall helpe, necessitie, and comfort: Ephes. 5.28. *So ought men to love their wives as their owne bodies: he that loveth his wife, loveth himselfe.*

This dutie consisteth principally in the performance of speciall benevolence one to another, and that not of courtisie, but of due debt: 1 Cor. 7.3. *Let the husband give unto the wife due benevolence, and likewise also the wife unto the husband.*

Due benevolence must be shewed with a singular and entire affection one towards another; and that three wayes principally.

First, by the right and lawfull use of their bodies, or of the marriage bed, which is indeed an essentiall dutie of marriage.

The marriage bed signifieth that solitary and secret societie which is betwene man and wife alone.

And it is a thing in it owne nature indifferent; neither good nor bad: and so Paul numbrell it among indifferent things, 1 Cor. 7.27. *Art thou bound unto a wife? seeke not to be loosed: art thou loosed from a wife? seeke not a wife.* Wherefore the Church of Rome erreth two contrary wayes. First, in that it maketh marriage to be a Sacrament, and so every action of, to be of it owne nature good. Secondly, in that they prohibe marriage of certaine parties, and the reason of the prohibition may seeme to be this; that they thinke this secret comming together of man and wife to be filthinesse. This was the sentence of *Syriscus*, that filthy Pope of Rome; who determined that marriage was the uncleanness of the flesh, and to that purpose abused the words of the Apostle, Rom. 8.8. affirming, that they which are in the flesh, that is, in the state of Matrimonic, *cannot please God*. Yea, and after that marriage was condemned by them, some began to detest and hate women, as *Ephraim* the Syrian, of whom Ecclesiasticall stories make mention. And the Councell of Trent is of the same judgement. For whereas it opposeth marriage and chastitie; it plainly determineth that in marriage there is no chastitie.

This comming together of man and wife, although it be indifferent, yet by the holy usage thereof, it is made a holy and undefiled action: Hebr. 13.4. *Marriage is honourable among all, and the bed undefiled.* And it is (as all other creatures and ordinances of God are) sanctified by the word and prayer: 1 Tim. 4.2. --- *Forbidding to marrie, &c. verse 4. --- And nothing ought to be refused --- for it is sanctified by the word of God and prayer.* In which place is to be

observed, how the Apostle applyeth the point of sanctification directly to marriage.

The word of God giveth direction to married folkes two wayes. First, by giving them warrant, that they may lawfully doe this action; because whatsoever is not done of faith (which faith must be grounded on Gods word) is a sinne: Secondly, by prescribing the right and holy manner of doing the same.

The holy manner stands in these particulars.

First, that it be done in moderation. For even in wedlocke excess in lusts is no better than plaine adulterie before God. This is the judgement of the ancient Church, that intemperance, that is, immoderate desire even betwene man and wife, is fornication.

Secondly, that it be used in a holy abstinence.

Abstinence from this secret societie, must be used in two cases.

First, while the woman is in her flowers. Levit. 18.19. *Thou shalt not goe to a woman to uncover her shame, as long as she is put apart for her disease.* And it is made one of the properties of a good man, not to lie with a menstruous woman, Ezekiel 18.6.

Secondly, in the time of a solemne fast, when some grievous calamitie is imminent. Then they are to give themselves (by mutual consent) to fasting and prayer: 1 Cor. 7.5. *Desist not one another, except it be with consent for a time, that you may give your selves to fasting and prayer; and againe come together, that Satan tempt you not for your incontinencie.* 2 Samuel 11.11. *Then Uriah answered David, The Arke, and Israel, and Iudah, dwell in tents: and my Lord Iob, and the servants of my Lord abide in the open fields; shall I then goe into mine house to eat and drinke, and lie with my wife? By my life, and by the life of thy soule, I will not doe this thing.* 7. *Behold, children are the inheritance of the Lord, and the fruit of the wombe his reward.* Examples for this purpose are these, Gen. 25.21. *Isaac prayed unto the Lord for his wife, because she was barren, and the Lord was intreated of him, and Rebecca his wife conceived.* 1 Sam. 1.6, 27. *And she said, Oh my lord, as thy soule liveth, my lord, I am the woman that stood with thee here, praying unto the Lord.* v. 27. *I prayed for this child, and the Lord hath given me my desire which I asked of him.*

Next unto the word, this action may be sanctified by prayer, for a blessing upon it. Children are the gift of God, and therefore married folkes are not onely to use the means, but also to pray for the obtaining of them: Psal. 117.9. *He maketh the barren woman to dwell with a family; and to be a joyfull mother of children.* Psal. 127. --- *Behold, children are the inheritance of the Lord, and the fruit of the wombe his reward.* Examples for this purpose are these, Gen. 25.21. *Isaac prayed unto the Lord for his wife, because she was barren, and the Lord was intreated of him, and Rebecca his wife conceived.* 1 Sam. 1.6, 27. *And she said, Oh my lord, as thy soule liveth, my lord, I am the woman that stood with thee here, praying unto the Lord.* v. 27. *I prayed for this child, and the Lord hath given me my desire which I asked of him.*

Now the fruits which are reaped and enjoyed by this holy usage of the marriage bed, are three. I. The having of a blessed seed, Deut. 28.1. *If thou shalt obey diligently the voyce of*

Ambr. lib. de  
Philosop. citat.  
Ab Augst. contr.  
Iulian. lib. 2.

Canon. Propo-  
sitioni, Di. 8. 12.

Secund. l. 3. c. 16.  
Sess. 8. cap. 9. 10.

the Lord thy God, &c. blessed shall be the fruit of thy body, and the fruit of thy ground. Which also is called the seed of God, being begotten in an holy manner, Malac. 2.15. And did not he make one? yet had he abundance of spirit: And wherefore one? because he sought a seed of God; therefore keepe your selves in your spirit, and let none trespass against the wife of his youth. II. The preservation of the body in cleanness, that it may be a fit Temple for the holy Ghost to dwell in: 1 Thes. 4.2.4. This is the will of God, even your sanctification, that every one of you should know how to possesse his vessel in holiness and honour, and not in the lust of concupiscence, even as the Gentiles that know not God. III. The holy estate of marriage is a lively type of Christ and his Church; and this communion of married persons, is also a figure of the conjunction that is between him and the faithful: Hof. 2.19. I will marry thee unto me, for ever: yea, I will marry thee unto me in righteousness, in judgement, in mercy, and in compassions: I will even marry thee unto mee in faithfulness, and thou shalt know the Lord. Eph. 5.2. For the husband is the head of the Church, and the same is the Saviour of his body.

Here some questions are to be resolved.

**I. Case.** Whether may marriage be dissolved in the case of barrenness?

**Ans.** No: For barrenness is an hidden infirmity for the most part, and which God hath many times cured, even when it seemed to be desperate, as in *Sarah*. Again, the fruit of the wombe is Gods blessing, and wholly dependeth upon him. He therefore that in want of children, rejecteth his wife, whom he hath received at the hands of God, offereth wrong even to God himselfe.

**II. Case.** What if either of the married folkes commit fornication, or any sone of the same kinde greater than fornication, as Incest, Sodomy, lying with beasts, or such like?

**Ans.** Adultery and fornication are most grievous and open crimes, which doe breake the very bond and covenant of marriage. Prov. 2.17. and therefore when they are certainly knowne by such persons, they are at no hand to be winked at, but the Magistrate is presently to be informed of them. Howbeit, if the innocent partie be willing to receive the adulterer againe, in regard of his repentance, lest hee should seeme to favour and maintaine sinne, and to be himselfe a practicer of uncleanness, hee is to repaire to the Congregation, and declare the whole matter to the Minister, that he may understand the parties repentance, and desire of forgiveness.

And if the adulteresse hath conceived and is in travell, the husband to avoid the imputation of having an heire in bastardy, is to make relation to the Church of the repentance of the adulteresse; or to acquaint some certaine persons therewith, not to the end that she should be punished for the fact, but that they may take notice

A of a childe conceived in adultery, whom afterward he may lawfully put off, as none of his.

The matter being knowne, the innocent partie may require a divorcement. For adultery is such a sinne as doth quite breake off, not onely the use, but the bond and covenant of marriage. Matth. 19.9. I say therefore unto you, that whosoever shall put away his wife, except it be for whoredome, and marry another, commiteth adultery, &c. And yet the same bond may be continued and grow up againe by the good will and consent of the party innocent, and consequently they may be reconciled, and dwell together still.

1 Sam. 25.14. Now Saul had given Michal his daughter Davids wife to Philisti the sonne of Gath, which was of Gath. 2 Sam. 3.14. Then David sent messengers to Ishbosheth Sauls sonne, saying, Deliver me my wife Michal, which I married for an hundred foreskins of the Philistines. The same course may be taken in like cases by the innocent, specially upon the repentance of the guiltie person. But yet every man must be left to his owne conscience, and none is compelled to take another, from whom he may justly be separated, against his will.

Now in requiring of a divorce, there is an equall right and power in both parties, so as the woman may require it as well as the man, and he as well as she. The reason is, because they are equally bound each to other, and have also the same interest in one anothers body; provided alwayes, that the man is to maintaine his superioric, and the woman to observe that modestie which becometh her towards the man.

C After the divorcement made, it shall be lawfull for the harnesse partie, not having the gift of continencie, upon leave obtained of the Church, and the Christian Magistrate, to marry againe.

But what then shall become of the partie offending?

**Ans.** If upon the hazard of his conscience, any libertie of second marriage be to be granted to the partie offending, by the Church, or civill Magistrate, (as indeed here in England there is not) divers restraints must bee observed. First, no libertie is to be granted him for marriage so long as the matter remains uncertaine, whether they may be reconciled: specially while the partie innocent liveth in single life. Secondly, it must evidently appeare, that he hath earnestly repented him of his sinne, before he can either be received into the Church, or admitted to a second marriage. Thirdly, this libertie is not to be granted him either presently or unadvisedly; but upon frequent and serious admonition, rather to give himselfe to mourning and lamentation, and still to remaine alone, than to desire againe to enjoy the benefit of that estate, which he hath already so shamefully abused.

So much of the first way of performance of due benevolence.

The second way is, by cherishing one another:

other: Ephes. 5. 29. *No man ever loved his own flesh, but nourisheth and cherisheth it, as Christ also doth the Church.* This cherishing is the performing of any duties, that tend to the preserving of the lives one of another. Wherefore they are freely to communicate their goods, their counsell, their labours each to other, for the good of themselves and theirs.

The third way is, by an holy kinde of rejoicing and to lacing themselves each with other, in a mutual declaration of the signes and tokens of love and kindness: Prov. 5. 18. *Rejoyce with the wife of thy youth: verse 19. Let her be as the loving Dove, and pleasant wild-goat: let her breasts satisfy thee at all times, and delight in her love continually.* Cant. 1. 1. *Let him kisse me with the kisses of his mouth, for thy love is better then wine;* Gen. 26. 8. *So after he had bene there a long time, Abimelech King of the Philistims looked out at a window, and loe, he saw Isaac sporting with Rebecca his wife: Then Abimelech called Isaac, and said; Loe, she is of a suretie thy wife. Esay 62. 7. As a young man marryeth a virgin, so shall thy sonnes marry thee: and as a Bride-groome is glad of the Bride, so shall thy God rejoyce over thee.*

This rejoycing and delight is more permitted to the man, than to the woman; and to them both, more in their young yeares, than in their old age.

## CHAP. XI.

### Of the Husband.

**M**ARRIED folkes are either husband or wife. The husband is he which hath authority over the wife; hereupon in Scripture he is called the *guide of her youth*, Prov. 2. 17. and they twaine being but one flesh, hee is also the head over his wife.

The duties of the husband towards the wife, are these:

I. To love her as himselfe: Ephes. 5. 22. *Let every one love his wife even as himselfe.* Genesis 24. 67. *Afterward Isaac brought her unto the tent of Sarah his mother; and he tooke Rebecca, and she was his wife, and he loved her: so Isaac left mourning for his mother.* Note how the love of the husband to the wife mitigates sorrow for the death of the mother.

He is to shew this love in two things; First, in protecting her from danger, Gen. 20. 16. *And unto Sarah he said, behold I have given 1000. shokels of silver unto thy brother: behold he is the covering of thine eyes amongst all that are with thee. Let it be knowne amongst all, and be thou instructed.* 1 Sam. 30. 5. *Dauids two wives were taken prisoners also, Abinoam the Israelite, and Abigail the wife of Nabal the Carmelite: verse 8. Then David asked counsell of the Lord, saying; Shall I follow after this company? shall I overtake them? And he answered him, Follow,*

*for thou shalt surely overtake them, and recover all.* Secondly, in regarding her estate as his owne, and providing maintenance for her, both for his life time, and as much as he may, for time to come after his death. Ephes. 5. 28. *So ought men to love their wives as their owne bodies: he that loveth his wife loveth himselfe: verse 29. For as man ever yet hit his owne flesh, but nourisheth it, &c.* Exod. 21. 10. *If hee take him another wife, he shall not diminish her food, her raiment, and recompence of her virginity.* Ruth 3. 9. *I'mo whom he said, Who art thou? which said, I am Ruth thine hand-maid, spread therefore the wing of thy garment over thine hand-maid: for thou art the kinsman.*

II. To honour his wife: 1 Peter 3. 7. *Giving honour to the woman.*

This honour stands in three things; First, in making account of her as his companion; or yoke-fellow. For this cause, the woman when she was created, was not taken out of the mans head, because she was not made to rule over him; nor out of his feet, because God did not make her subject to him as a servant; but out of his side, to the end that man should take her as his mate. Secondly, in a wife and patient bearing or covering of her infirmities, as anger, waywardnesse, and such like, in respect of the weaknesse of her sex: 1 Pet. 3. 7. *Giving honour to the woman as unto the weaker vessel, seeing ye are heires together of the grace of life, that your prayers be not hindered.* Thirdly, by sustaining himselfe sometimes to be admonished or advised by her. It was Gods commandement to Abraham concerning Sarah his wife; *Let it not be grievous in thy sight, for the childre, and for thy bond-woman: in all that Sarah shall say unto thee, heare her voice: For in Isaac shall thy seed be called,* Gen. 21. 12.

Thus Elkanah was willing to submit unto his wife Anna's advice for her tarrying at home till the childre was weaned: 1 Sam. 1. 27. *And Elkanah her husband said unto her, doe what seemeth thee best: tarry until thou hast weaned him: onely the Lord accomplish his word.* Hereupon the Heathen Philosopher said, *That the Master of the family exerciseth (after a son) a power tyrannicall over his servants, a power Regall over his children, because Kings are fathers of their Common-weales: but in respect of his wife, he exerciseth a power Aristocraticall, not after his owne will, but agreeable to the honour & dignitie of the married estate: and consequently, that he ought not in modestie to challenge the privilege of prescribing and advertising his wife in all matters domestically, but in some to leave her to her owne will and judgement.*

Here question is moved, whether the husband may correct the wife?

Answer. Though the husband be the wives head, yet it seemes he hath no power nor libertie granted him in this regard. For we reade not in the Scriptures, any precept or example to warrant such practice of his authority. He may reprove and admonish her in word onely, if he

hee seeth her in fault. For thus we reade, that *Jacob* censured his wife, being impatient, even in anger, *Gen. 30.2. Am I in Gods stead, which hath with-holden from thee, the fruit of the wombe?* And *Iob* reprov'd his wife, *Job 2.10. Thou speakest like a foolish woman. What? Shall we receive good at the hand of God, and not receive evil?* But he may not chastise her either with stripes or strokes. The reason is plaine: Wives are their husbands mates, and they two be one flesh. And no man will hate, much lesse beat his owne flesh, but nourisheth and cherisheth it, *Ephes. 5.29*. Again, it is the commandement of God, that man should not trespass against the wife of his youth, *Malach. 2.15. Chrysofome* saith, *It is the greatest reproach for any man that can be, to beat his wife. Plinarch* in the life of *Cato* the Censor, affirmeth, *That he which smiteth his wife, doth all one, as if he should lay violent hands upon the sacred images of the gods*, which was counted an high degree of offence among the Heathen.

It is alleaged, husbands are commanded to love their wives, as Christ doth his Church; now Christ chastiseth his Church with strokes: and therefore so may the husband his wife. *Ans.* As Christ doth entirely love his Church, so he may also chastise the same, because he is not onely the husband, but absolute Lord and King of his Church; so is not the husband absolute over the wife.

But his authoritie over his wife, is after a sort civill, as is the authoritie of the Magistrate over his people. *Ans.* It is not so. For the Magistrate hath in his hand the power of the sword, by which power hee inflicteth punishment in case of offence. But the husband can challenge to himselfe no such power: yea, it is flatly forbidden in the civil law, that he should scourge or strike his wife.

Nevertheless, if he grow to extremities, and be desperately perverse, so as there be no hope of amendment, then the Magistrate may be informed; who to prevent scandalls, and to provide for publike peace, both ought and may assigne unto her necessary correction, and punishment according to her desert. Now the husband that hath a wife so stubborn and peevish, must beare it, if it may be borne, as the portion of his crosse laid upon him by God. And in this case if he be impatient, he may in some sort be pardoned and pittied, but he is not wholly to be excused.

## CHAP. XII.

## Of the Wife.

**T**He wife is the other married person, who being subject to her husband, yeeldeth obedience unto him.

Touching the subjection of the Wife, the word of God mentioneth it in sundrie places. *Rom. 7.2. The woman which is in subjection to*

*the man, is bound by the Law to the man while he liveth. Ephes. 4.24. As the Church is in subjection to Christ, even so let the wives be to their husbands in every thing. Colossians 3.18. Wives submit your selves unto your husbands, as it is comely in the Lord. 1 Tim. 2.12. I permit not a woman — to usurpe authoritie over the man. And it was a law established by God immediately after the fall, Gen. 3.16. Unto the woman he said, I will greatly increase, &c. and thy desire shall be subject to thine husband, and he shall rule over thee. Induced the daughter according to the Civill law, even when she is married, is in the power of her father, and not of her husband. But this is directly against the Law of Moses, and crosseth the law of nature, Levit. 22.12, 13. Numb. 30.13.*

Now the duties of the wife are principally two.

The first, is to submit her selfe to her husband, and to acknowledge and reverence him as her head in all things. *Gen. 20.16. Likewise Abimelech said unto Sarah, Behold thy brother; that is, thy husband whom thou callest thy brother, is the vaile of thine eyes to all that are with thee. As if he should say, Thy husband is thy head, and hath power over thee, and thou oughtest to reverence him.* For of ancient times, the wife was covered with a vaile in the presence of her husband, in token of subjection unto him. Thus *Rebecca* at the sight of *Isaac* tooke a vaile, and covered her head therewith, *Gen. 24.65. 1 Cor. 11.2. The man is the womans head. Ephes. 5.22. Wives submit your selves unto your husbands, as unto the Lord: for the husband is the wifes head, even as Christ is the head of the Church.* The reason hereof is good. For the wife enjoyeth the privileges of her husband, and is graced by his honour and estimation amongst men. His Nobilitie maketh her noble, though otherwise she is base and meane; as contrariwise, his baseness and low degree causeth her, though she be by birth noble and honourable, to be by estate base and meane.

The second dutie is, to be obedient unto her husband in all things; that is, wholly to depend upon him, both in judgement and will. For looke as the Church yeelds obedience to Christ her head, and yeelds her selfe to be commanded, governed, and directed by him, so ought the woman to the man. So *Sarah* is said, *to obey Abraham*, and to give him the termes of obedience, *She called him Lord, or Sir, 2 Peter 3.6.* Hence it followeth, that the woman is not to take libertie of wandering, and straying abroad from her owne house, without the mans knowledge and consent, *2 King. 4.22. Then she called to her husband and said, Send with me, I pray thee, one of the young men, and one of the Asses for I will haste to the man of God, and come againe.* Again, that she is to follow her husband when hee sitteth or departeth from place to place, unless hee forsake either her or Christ. To this purpose *Paul* saith, *he had power to lead a-*

• In positive passage.

In 1 Cor. 12. Rom. 16.

L. Confessio. Cede divorit.

This rule is now adays carefully neglected of Parents; and the fruit thereof is dangerous. For hence it comes to passe, that their children oftentimes doe either commit whoredome, or undertake the wicked and ungodly marriages.

In the choice of a husband or wife, the Parents ought to have a greater respect unto pietie and wisdom, than unto beautie and riches, or any other oute and blessings. Yet where they all concur, the partie so qualified is the more thankfully to be entertained. Upon these grounds the Priest or Prince of Midian, gave his daughter Zipporah to Moses, and Moses agreed to take her: Exod. 2. 19. *A man of Egypt delivered us from the Philistins, and also drew us water enough, and watered the sheepe. — And Moses agreed to dwell with the man, who gave unto Moses Zipporah his daughter.* Joshua 15. 16. *Then Caleb said, Hee that smiteth Kiriath-sepher, and taketh it, even to him will I give Achisub my daughter to wife.* Yea, it is a time to marry onely for beautie, without consideration of the better things. Thus the old world sinned, when the fumes of God saw the daughters of men that they were faire, and tooke their wives of all that they liked, Gen. 6. 2. and Samson, who onely upon the sight of the woman in Timnath, of the daughters of the Philistins, without further inquirie, desired that she might be given him for his wife, Judges 14. 7.

Again, it is meet that Parents should deale moderately with their children in this case, and not undertake at any hand to force and compell them to marry this or that partie. This was the just commendation of *Rebeccahs* parents, who though they were Idolaters, yet had that regard of equitie, that they first called her and asked her consent, before they sent her away with *Abrahams* servant, to be married to *Isaac*, Genesis 24. 58. Now in case the Parents faile in their duty in this regard, the sonne or daughter may lawfully declare the matter first to their kinsfolke, and afterward (if need be) to the Minister or Magistrate, and sue for redresse by their means and direction.

### CHAP. XIII.

#### Of the Sonne.

**T**He Sonne is he who is in subjection to his Parents.

The duties of a Sonne to be performed to his Parents, are principally two.

First, to yeeld them obedience, whether they be his naturall Parents or otherwise, as his step-father and stepmother, and that while he liveth. Eph. 6. 1. *Children obey your parents in the Lord: for this is right.* Luke 2. 51. *Then he went downe with them, and came to Nazareth, and was subject to them.* Exod. 18. 19. *Moses father in law said unto him, Heare now my voice, I will give thee counsell, and God shall be with thee.* Ruth 3. 5

*And Ruth said unto Naomi her mother in law, All that thou bidd'st me, I will doe.* Job 1. 5. *And when the doves of their banqueting were gone about, Iob son, and justified them.*

This obedience must shew it selfe in two things,

First, in the choice of a lawfull calling, where-in the child is to be ordered and appointed at the discretion of the Parent.

Secondly, in marriage: For in that, the parent is the principall agent and disposer of the child. Now although his authoritie be not so great as that the child is to be forced and compelled by him; yet the reverent and dutifull respect which the child ought to beare towards him, ought to be a strong inducement, not to dissent, or renounce his advice, without great and weightie cause. Yea, the child must endeavour by all manner of dutifull carriage to overcome, or at least to mitigate his parents severitie in that behalfe.

Now for the daughters: They must yeeld obedience to their Parents in all Domestickall labours, that they may be skilfull in household affaires. Thus did the seven daughters of the Priest of Midian, accustome themselves to draw water, and fill the troughes to water their fathers sheepe, Exod. 2. 16. Thus *Rebeccah* was sent to come out of her fathers house, with her pitcher upon her shoulder, and to goe downe with it to the well to fill it, and give drinke to her fathers Camels, Gen. 24. 16, 17.

The second duty of the sonne, is to recompence his fathers love, and care over him, by relieving him in case of want, if God give ability, with food and raiment, and other necessities. Herein children must deale with their parents, as the brood of the Stork is reported to doe with her, by feeding her when she is old; wherein they do no more but what she before hath done unto them. It is *Pauls* counsell, that children and nephews should recompence the kindeesse of their kinsred in the first place, 1 Tim. 5. 4. and therefore to their parents, the head and foundation of their kinsred. When *Isaiah* was in prosperitie, and his father *Jacob* in want, he first gave him come freely, and afterwards sent for him to Egypt, and there provided for him: in so much as the Text saith of him, that he nourished his father and his brethren, and all his fathers household with bread, *Even as the mother puts meate into the childes mouth.* Gen. 47. 12. When *Naomi* the stepmother of *Ruth* was of great yeares, and her strength spent, *Ruth* gathered come in the harvest for relect of them both. Yea, when *Noah* gave her to eat and to drinke, she reserved part of her victuals, and brought it home with her gleanes, to refresh her mother, Ruth 2. 14, 18.

The necessitie of the performance of these duties is to great, that if the sonne neglecteth them, and doth the contrarie, by ill usage of his Parent, either in word or deed, he is worthy of death, even by *Moses* law: Exod. 21. 15. *He that smiteth his father or his mother, shall die the death.*

The law of the first borne of a mans children, that he should have a greater portion of his fathers goods, than any of the rest of his brethren, is perpetuall, and admits no exception, but onely in the case of notorious wickednesse. Deut. 21. 17. *Hee shall acknowledge the sonne of the bazed for the first borne, and give him a double portion of all that he hath: for he is the first of his strength, and to him belongeth the right of the first borne.* This was the law; yet we read that *Reuben* lost this prerogative, by reason of his incest, and *Issachar* the fourth sonne of *Jacob*, had the dignitie of the first borne: *Genesis* 49. 8. *Thou Issachar, thy brethren shall praise thee --- thy Fathers sonnes shall bow downe unto thee.*

In the Church of the old Testament, the privilege of the first borne was threefold; the first of government and royaltie, the second of Priesthood, the third of the double portion. And it is probable that this was for the most part Ceremoniall, and was accomplished and determined in Christ, who was the *Image of the invisible God, and the first borne of every creature*, *Coloss.* 1. 15.

Here two questions are propounded.

*Quest. I.* Whether is it lawfull for the sonne to make a vow belonging either to religion, or to civill conversation, without the consent of the Parent?

*Ans.* A vow so made is of no force to binde the childe, but by the law of nature and common equitie, is to be made void. For it is a ruled case, that he which is not his owne man, that is to say, at his owne libertie, but under the power of another, cannot bind himselfe. Again, the authoritie of the Parent by the Law of God is great: For it alloweth the Father to make void the vow of the childe pertaining to Gods worship, *Numb.* 30. 6.

*Quest. II.* Whether is the consent of the parents to be required in the second marriages of their children.

*Ans.* I. Of ancient times, both by \* Civill Lawes, and also by Imperiall constitutions, it was provided that no widowes, though made free by their former marriages, should make any contract againe, without the good will of their Parents. II. Consent in this case, though it be not absolutely necessary, yet it is to be thought fit and convenient, because children in some regards exempted from Parents authority, doe owe notwithstanding the dutie of honour unto them, by Gods expresse commandement, *Exod.* 20. 12. and consequently ought to testifie the same by being ordered and advised by them in some sort, even at the after-bestowing of themselves. Hence it is, that latter Divines have holden upon good ground; That the espousalls of widowes, who have some more libertie, than the childe first married, being made without their Parents knowledge, cannot but incurre just reprehension, howsoever they may stand in force without it.

## CHAP. XV.

## Of the Master.

**N**Ext unto Parents and children, whereby the family is increased, is a second sort of couples, which are helps thereunto. And they are masters and servants.

The Master is a member in the family, which hath power, and beareth rule over the servant. And his dutie stands principally in three things.

First, to make a good choice of his servants; which is then done, when he inquireth first after such as feare God, and be willing to serve him. *Paul* makes the service and feare of God the maine ground of true obedience in servants, *Ephes.* 6. 5, 6, 7. *Colos.* 3. 22. It was the rule of *Dauids* choice, *Psal.* 101. 6. *He that walketh in the perfect way, he shall serve me.* *Abrahams* chiefe servant of his house, was a man that feared God, as appeareth in that he made conscience of his oath, *Gene.* 24. 2, 3. and prayed also for successe in the businesse whereabout he was sent, *Gene.* 24. 12. *O Lord God of my Master Abraham, I beseech thee send me good speed this day, and shew mercie to my Master Abraham.* *Cornelius* of *Cæsarea*, the Captaine of the Italian band, had a Souldier that daily attended on him, who feared God; and servants also beside him, to whom he made knowne the heavenly vision which he saw, *Acts* 10. 7.

Secondly, to enjoyne them labour, and not to require more of them than their strength will beare. The Master is to rule over the servant in justice. And then is his commandement unjust, when it will not stand with the course of nature, with the abilitie of his servant, or with the word of God. Therefore hee is to require labour at their hands proportionable to their strength, and yeeld them sometimes intermission and rest. *Levit.* 25. 45. *Over your brethren the children of Israel, ye shall not rule over one another with crueltie.* \* *Peter* 2. 8. *Be pitiful, be courteous, one beare with another.* And for the furtherance of businesse, it is convenient that the Master bee oftentimes present with the servants in their workes. *Prov.* 27. 23. *Be diligent to know the state of thy focke, and take heed to thy herds.* The good Matron oversieeth the wayes of her household, *Prov.* 31. 27. A man of *Libya* being asked, what it was that might make a horie fat, he answered, *The masters eye.*

Thirdly, to recompence the diligence and paines of his servant, and that three wayes.

First, by giving him his due of meat and drinke for the present. The good Matron giveth the portion to her household, and the ordinarie to her maids, *Prov.* 31. 15.

Secondly, by paying him his hire in the end of his service. *The labourer is worthy of his wages*, *Luke* 10. 7. *Well done good servant and faithfull; thou hast beene faithfull in little, I will make thee ruler*

\* C. de Nuptiis  
l. vidua, & l. in  
conjunctione.

\* Bona de repud.  
§ divor. sect. de  
sponsalibus ubiq;  
consensus par.  
tibus.

make thee ruler over much, enter into thy Masters rest, Mat. 25. 21.

Here three caveats are to be observed. I. That the wages be proportionable to the work. II. That it be paid in due time, without deferring. So the Master of the vine-yard, when even was come, called his servants together to give them their hire, Mat. 20. 8. III. That the servant be not defrauded of any part of his due. For this is a crying sin: Deut. 24. 15. *Thou shalt give him his hire for his day, neither shall the Sunne goe down upon it — lest he cry against thee unto the Lord, and it be sin unto thee.* Jam. 5. 4. *Behold, the hire of the laborers which have reaped your fields, which is kept backe by fraud, crieth, and the cries of them which have reaped, are cryed into the ears of the Lord of hosts.*

Thirdly, if the servant in time of his service be sicke, the masters care must be by all means possible to procure his recovery. Equity must be the rule in these cases; and masters are to doe to their servants that which is just and equall, Col. 3. 1. Now the servant haply falls sicke, by and in his service, and his health yeelds not only profit to his master, but in encouragement also to himselfe. The good Centurion in case of his servants sickness, tooke the best courte to have him restored, Mat. 8. 6.

CHAP. XVI.

Of the Servant.

**T**He Servant is a person in the family subject unto his Master.

The duty of a servant is, faithfully and diligently to demean himselfe in the affaires of his master, and to doe service unto him, as unto Christ, though he be froward and hardhearted. Tit. 2. 9. *Let servants be subject to their Masters, and please them in all things, not answering againe.* Eph. 6. 5. *Servants, be obedient to them that are your masters according to the flesh, with feare and trembling, in singleness of your hearts, as unto Christ.* Col. 3. 22. Thus Jacob served Laban, Gen. 31. 38. *This twenty yeares have I bene with thee; thine ewes and thy goats have not cast their young, and the rams of the flocks have I not eaten, &c.*

Contrariwise, the servant must take heed that he doe not his masters business negligently or for fashion sake, or with eye-service as a man please; that in case of rebuke or controulement, he answer not againe: lastly, that he be trusty, and with-hold his hands from picking, and his heart from deceiving his master.

Servants are of two sorts; either free, or bond-servants.

A free-servant is he, whom his master hireth for wages to doe him service. To him belongs the just payment of his hire; and in case of offence the master hath authority to censure and

correct him, provided that in the execution thereof respect be had unto his age, and the correction be used without irritation, as if hee were his sonne.

A bond-servant, is a servant bought for money, and is commonly called a slave. Touching this sort, a question is moved, whether a Christian may with safe conscience, have and use a man as his slave.

*Ans.* The power and right of having bond-men, in those countries where it is established by positive lawes, may stand with good conscience, if it be used with moderation, wherein these two caveats be observed.

I. That the master have not over his servant the power of life and death; for this takes away the lawfull power of the Magistrate, to whom chiefly the Lord hath committed the sword of justice.

II. That there be not liberty granted him, to use his servant at his owne will and pleasure in all things; for this was not granted by the law of God to his owne people: Exod. 21. 26. *If a man smite his servant or his maid in the eye, and hath perished it, he shall let him goe free for his eye: Also if he smite o t his servants or his maids tooth, he shall let him go forth free for his tooth.*

III. That the power be not enlarged to the commanding of things against piety or justice: for in these cases a man must rather obey God than man, Act. 4. 19.

IV. That masters doe not take liberty to make separation of those their servants that be married, the one from the other, or of those that be parents from their children: considering that God himselfe hath made these societies, and joynd such persons together, and therefore man may not separate them.

V. That the masters doe not take liberty to put over their servants to ungodly and unbelieving masters: for that is an unkind and cruell liberty, and may be an apparent occasion to make the servant fall away from religion, and renounce the true God.

VI. That they doe not bind them to perpetual slavery, and never make them free. Exo. 21. 5. *But if the servant say thus, I love my Master, my wife and my children, I will not goe out free.*

VII. That the servitude be not procured and retained by force; for it is a more grievous crime to spoyle a man of his liberty than of his riches.

Now that the same power limited with these cautions, is lawfull and warrantable in conscience, it appears by these reasons:

I. God hath ordained and allowed it, even by warrant of his owne law: The posterity of Cham was cursed by Noah, and condemned to slavery, Gen. 9. 25. *And hee said, Cursed bee Cham, a servant of servants shall hee be to his brethren.* So were the Gibeonites by Joshua. Jos. 9. 22. *Now therefore ye are cursed, and shall all none of you be free from being bond-men, and hewers of wood, and drawers of water, for*

the house of my God. So was the theefe, Exo. 22. 3. If he had not wherewith to make restitution, then he shall be sold for his theefe. Again, those that are overcome in warre may be held captive, and it is lawfull for the conqueror to kill them, and therefore to make them slaves; and if being taken, they be saved from death, they owe all that they have to them by whom they are saved.

II. The law of God gave liberty to any man that would, to make sale of himselfe to another. Levit. 25. 45. *Of the children of the strangers that are sojourners among you, of them shall ye buy, & of their families that are with you, which they begat in your land, these shall be your possession, Deut. 15. 12. If thy brother an Hebrew sell himselfe to thee, or an Hebrewesse, and serve thee six yeares, even in the seventh yeare thou shalt let him goe free from thee: and v. 17. Thou shalt take an awle, and pierce his eare thow against the doore, and he shall be thy servant for ever.*

III. The man that is ransomed from his enemy, is bound to serve as a slave in lieu of thankfulness.

IV. The examples of the godly in the Scriptures. Abraham had servants whom he bought for silver, Gen. 17. 12. *Every man child of eight daies old among you, shall be circumcised in your generations, as well hee that is borne in thine house, as hee that is bought with money of any stranger, which is not of thy seed. Gen. 34. 35. The Lord hath blessed my Master Abraham wonderfully—for he hath given him sheepe, and beeves, and silver, and gold, and men-servants, and maid-servants, and camels, and asses.*

V. The Apostles doe not disallow of such servants, but command them being servants, and called to the profession of Christianity in that state, not to change, but to abide in their calling. 1 Cor. 7. 22. *Art thou called being a servant? care not for it.*

It is alleaged, that such servitude is against the law of nature. *Ans.* It is indeed against the law of entire nature, as it was before the fall, but against the law of corrupted nature since the fall it is not.

But Christ hath purchased liberty to beleivers, Col. 3. 11. *Ans.* Onely a spirituall liberty in this life, and a corporall onely in the life to come. For though the servant in regard of faith and the inner man be equal to his master, because in Christ Jesus there is neither master nor servant, bond nor free, yet in regard of the outward man, and civil order amongst men, the master is above the servant, and the servant is and must be subject to the master. Nevertheless where this kinde of servitude is abolished, it is not to be againe received or entertained among Christians, specially considering it is a far more mild & moderate courle to have hired servants.

If it be said againe, that the heathen Philosopher holdeth servitude to be natural, whereby someare by birth bond, and others free; I answer, That servitude proceedeth not of nature,

but hath his originall from the lawes of Nations, and is a consequent of the fall. For all men by nature are equally and indifferently free, none more or lesse than others.

## CHAP. XVII.

### Of the Master of the Family, or Good-man of the house.

Thus much touching the divers and severall combinations or couples belonging to the state Oeconomical. From which doe arise two persons of a mixt or compounded nature and condition, commonly called the Goodman and the Goodwife of the house.

The Goodman or Master of the Family, is a person, in whom resteth the private and proper government of the whole household, and he comes not unto it by election, as it falleth out in other states, but by the ordinance of God, settled even in the order of nature. The husband indeed naturally beares rule over the wife, parents over their children, masters over their servants: but that person, who by the providence of God, hath the place of an husband, a father, a master in his house, the same also by the light of nature, hath the principality and sovereignty therein, and he is *Paterfamilias*, the father and chiefe head of the Family: to him therefore the true right and power over all matters domestically, of right appertaineth. The duties of the master of the Family are specially five:

I. To beare the chiefe stroke, and to be the principall agent, director, and furtherer of the worship of God within his family. Jos. 24. 15. *I and my household will serve the Lord.* And this he doth, partly by praying for and with his household, and partly by instructing them in the holy Scriptures, and in the grounds of religion, that they may grow in knowledge, and reape benefit by the publique ministry. Thus God commanded the men of Israel to walke in their families, Deut. 6. 7. *Thou shalt rehearse them continually unto thy children, and shalt talke of them when thou carriest in thine house, — and when thou liest downe, and when thou risest up.* Again, vers. 20. *When thy sonne shall aske thee, — What mean these testimonies, and ordinances, and lawes, which the Lord our God commanded you? Then shalt thou say unto thy son, We were Pharaohs bond-men in Egypt, but the Lord brought us out of Egypt with a mighty hand.* This testimony God gave of Abraham before the Law was given. Gen. 18. 19. *For I know Abraham that he will command his sons, and his household after him, that they keep the way of the Lord.* And this household of Abraham was very large, for the holy Ghost sayes long before, that he had three hundred and eigheteene; that were born and brought up in his house, Gen. 14. 14. It was in likelihood the courle of Salomon,

\* (Ethiopian)  
(his situation).

which he had received of his father David, and given for a rule to all masters of families, Prov. 4. 1. *Heare, O children, the instruction of a father, and give care to learne understanding.* — For I was my Father's son, deare and tender in the sight of my mother, when he taught me, and said unto me, Let thine heart hold fast my words. The company of the Disciples were the household of Christ, and he himselfe did administer all parts of the service of God with them, and among them, Luk. 12. 15. To this purpose Augustine saith, *That the Master of the family doth after a sort, and in his measure, performe the duty of a Church-man or Bishop within his house.*

II. To bring his family to the Church or Congregation on the Sabbath day, to looke that they doe religiously there behave themselves, and after the publicke exercises ended, and the Congregation is dismissed, to take account of that which they have heard, that they may profit in knowledge and obedience, Act. 10. 24. *The day after they entered into Cesarea: Now Cornelius waited for them, and had called together his kinsmen and speciall friends.* V. 32. *Now therefore (saith Cornelius to Peter) are we all here present before God, to heare all things that are commanded thee of God.* Job 1. 5. *And when the daies of their banqueting were gone about, Iob sent and sanctified them, and rose up early in the morning, and offered burnt offerings, &c.* 2 King. 4. 23. *And hee said, Wherefore wilt thou goe to him to day? It is neither new Moone, nor Sabbath.* For this very cause the fourth Commandement is given first of all and principally to the master of the family, that he might see the Sabbath kept, and be a principall doer in all parts of Gods worship therein. Exod. 20. 10. *In it thou shalt not doe any worke, thou, nor thy sonne, nor thy daughter, thy manservant, nor thy maid, nor thy cattell, nor thy stranger that is within thy gates.*

Neither is this his care tied only to the Sabbath, but upon other daies besides it, he ought to cause them of the household, as much as in him lieth, to repair to places where the Word of God is preached. Commendable was the practice of Mary the sister of Martha, in this case, who when Christ came to her house, is said to sit at his feet and to attend unto his preaching, Luk. 10. 39.

III. To provide for his family meat, drinke, and cloathing, and that they may live a quiet and peaceable life, 1 Tim. 5. 8. Prov. 27. 26. *The limbs are for thy cloathing, and the goats for the price of the field.* V. 27. *And let the milke of thy goats be sufficient for thy food, for the food of thy family, and for the sustenance of thy maids.* 1 Cor. 9. 9. *Thou shalt not muzzle the mouth of the Ox: that treadeth out the Corne: doth God care for Oxen? either saith hee it not altogether for our sakes?* Matth. 23. 52. *Every Scribe which is taught unto the Kingdome of Heaven, is like unto an householder, that brings*

forth out of his treasure things both new and old.

IV. To keepe order, and to exercise discipline in his house, and that in this manner:

In case of offence, when a capitall crime is committed, which incurreth publique censure, he is not to punish it himselfe, but to bring the offender to the civill Magistrate, to informe of his fault, that he may have his desert: It was a course established by the Iudiciall Law, which God gave unto Moses for his direction in causes criminall among the Israelites, Deut. 21. 18. 19. 20. *If any man hath a sonne that is stubborn and disobedient, which will not hearken unto the voice of his father, nor the voice of his mother, and they have chastened him: then shall his father and his mother take him, and bring him out unto the Elders of the City, and unto the gates of the place where he dwelleth, and shall say to the Elders of his City: This our son is stubborn and disobedient, and he will not obey our admonition: he is a rioter, and a drunkard.* Again, Deut. 13. 6. *If thy brother the sonne of thy mother, or thine owne son, or thy daughter, or thy wife thou liest in thy bosome, or thy friend which is as thine owne soule, entice thee secretly, saying, Let us goe and serve other gods, (which thou hast not knowne, thou, I say, nor thy fathers) thou shalt not consent unto him, nor heare him, neither shalt thine eye pity him, nor shew mercy, nor keepe him secret.* Zach. 13. 3. *And when any shall yet prophesie, his father and mother that begat him shall say unto him, Thou shalt not live; for thou speakest lies in the name of the Lord: and his father and his mother that begat him, shall thrust him thorow when hee prophesieth.*

If the fault be of an inferior nature, and lesse in comparison; the master of the Family ought to proceed by private censure upon the delinquent party, sometimes by admonition, otherwhiles by correction and chastisement, according to the quality of the offence, and the condition and state of the person: Levit. 19. 17. *Thou shalt plainly rebuke thy neighbour, and not suffer him to sinne.* Matth. 18. 15. *If thy brother sinne against thee, goe and tell him his fault betweene him and thee alone: If he heare thee not, take yet with thee one or two. Prov. 29. 17. Correct thy sonne, and he will give thee rest, and will give pleasures unto thy soule.*

When admonitions and corrections will not prevaile, the party must be brought before the Ministers and Governours of the Church, that they may censure him. Matth. 18. 17. *If he will not heare them selfe it unto the Church.* And the Apostle James giveth order that the Ministers of the Church should come to those that are sicke, and pray for them, James 5. 14. which if they doe in case of infirmity, then they are also to be sought unto, in case of error and offence committed, for redresse.

But when none of all these means will doe good, if the party be a servant, his master may and ought to remove him: Psal. 101. 7. *There shall*

In Ismael 28. 51. in ano.

*shall no accursed person dwell within mine house; he that telleth lies shall not remain in my sight.* Joh. 8. 35. *The servant abideth not in the house for ever.*

V. To give entertainment to those that are strangers and not of the family, if they be Christians and Believers: but specially to the Ministers of the Word. Rom. 12. 13. *Giving your selves to hospitality.* Heb. 13. 2. *Be not forgetfull to lodge strangers: for hereby some have received Angels into their houses unawares.* This duty the woman of Shunem and her husband performed unto the Prophet *Elisha*, 2 King. 4. 10. *Let us make him a little chamber, I pray thee, with walls, and let us set him a bed there, and a table, and a steele, and a candlestick, that he may turne in thither, when he cometh to us.* These are the duties.

Here if it be demanded, whether the Master of a family is alway, and necessarily bound in his owne person to doe all these things;

I answer, that if there be just and necessarie cause, either in respect of his owne inability, or in regard of publike imploymēt, upon a lawfull calling, whereby he is hindered, so as he cannot doe any of them himselfe at some times; it is lawfull for him to have and use a deputy. This our Saviour Christ teacheth in effect, when hee saith, *Who then is a true full servant, and wise, whom his master hath made ruler over his household, to give them meat in season?* Matth. 24. 25. Thus *Abraham* had a steward of his house, *Eliezer* of *Damascus*, Gen. 15. 2. and he performed the weightiest matters that concerned the establishment and continuance of a Family, not by himselfe, but by his Steward, as namely, the choice of a wife for his sonne *Isaac*, Gen. 24. 2. *Therefore Abraham said unto his eldest servant of his house, which had the rule over all that he had: Put now thine hand under my thigh. &c.* Thus *Pharaoh* King of Egypt had *Joseph*, Gen. 39. 5. *So Joseph found favour in his sight, & served him, and he made him ruler of his house, and put all that he had in his hands.*

#### CHAP. XVIII.

### Of the Mistresse of the Family, or Good-wife of the house.

THE Good-wife or Mistresse of the house, is a person which yeeldeth helpe and assistance in government to the Master of the family. For he is, as it were, the Prince and chiefe Ruler; shee is the associate, not only in office and authority, but also in advice and counsell unto him. 1 King. 17. 17. *And after these things,*

*the sonne of the woman, which was wife or mistresse of the house, was sicke.*

Her duty is two-fold:

First, to governe the house, as much as concerneth her, in her place. 1 Tim. 5. 14. *I will therefore that the younger women merry and govern the house.* And that shee doth three waies. I. By exercising her selfe in some profitable employments, for the good of her charge: Prov. 31. 13. *Shee seeketh wool and flax, and laboureth cheerfully with her hands.* II. By appointing her maids their worke, and overseeing them therein. Ver. 15. *She riseth while it is yet night, and giveth the portion to her household, and the ordinary to her maids.* III. By ordering her children and servants in wisdom; partly by instruction, partly by admonition, when there is need. Ver. 26. *She openeth her mouth with wisdom, and the law of grace is in her tongue.* ver. 28. *Her children rise up and call her blessed, &c.* Tit. 2. 5. *That they bee discreet, chaste, keeping at home, &c.* Act. 18. 26. *Priscilla* in her house, with *Aquila*, instructed *Apollos*, in that wherein hee was wanting, exounding unto him the way of God more perfectly. *Gregory Nazianzen* in an Oration made for his father, saith, *That his mother was not only an helper, but also a teacher or instructor, and guide unto his father in matters of religion and godlinesse.*

The second duty is, to give the portion of food unto her family, or cause it to be given in due season. Prov. 31. 15. *She riseth while it is yet night, and giveth the portion, or meat to her household.* Thus did *Rebecca* in her house, Gen. 27. 6. *Get thee now to the flocks, and bring me thence two good kids of the goats, that I may make pleasantment of them for thy father, such as he loveth.*

Quest. Whether may the good-wife, without the consent of the good-man, give and bestow the goods belonging to the family?

Ans. I. There are some things which are proper to her selfe, and not part of her dowry which shee brought unto her husband. And these shee may claime as her owne, because either they were reserved upon the match made betweene them, or else are peculiar unto her by their mutuall consent; and of these shee may lawfully give, without her husbands knowledge. II. The goods which are common to them both, are of another nature; and these shee may not bestow, without his allowance, either expresse or at least generall and implicite, specially when the giving of them doth or may grow in likelihood, to the hinderance and prejudice of the state of the Family.

FINIS.