

The Westminster Assembly & *Jus Divinum Regiminis Ecclesiastici*

By Chris Coldwell

Of the untold number of books written about biblical church government, perhaps none has had the accolades and reputation, certainly among English works, as *Jus Divinum Regiminis Ecclesiastici* (JDRE), by sundry ministers of London.¹ Thomas Smyth, a Belfast born import to the Southern Presbyterian Church (PCUS), himself the author of several notable books on Presbyterianism, called it “a work of admirable and overpowering argument.”² When serving as chaplain to Charles I, the Scottish minister Robert Blair after debating with the king at length about the worship and government of the church, rather than recommending a work penned by a fellow Scot, obtained the king’s promise to read this English work.³ William M. Hetherington, the mid-nineteenth century historian of Scottish Presbyterianism and of the Westminster assembly, and editor of the *Works of George Gillespie* (an author of several famous presbyterian books and a presbyterian champion in debates at the Westminster Assembly), nevertheless calls this then 200 year old English work “the most complete and able defence of Presbyterian Church government that has yet appeared, and places its divine right on a foundation which will not easily be shaken.”⁴

ENGLISH PURITAN PRESBYTERIANS

From its beginning the puritan movement in England had its presbyterian element. “From their first appearance in the 1570s, presbyterians emerged as leaders of a puritan movement for further reformation of the Elizabethan religious settlement. They posed a threat to its episcopally organized hierarchy by insisting on a model of government based on the equality of ministers and the inclusion of lay elders in the oversight of the Church.”⁵ In 1592 the ecclesiastical/state authorities crushed the movement. However, rather than killing it for good as was long thought, such convictions merely

went underground. From her work with the manuscripts of the Elizabethan proponent of presbyterianism, Walter Travers, whom Whitgift forbade to preach in 1586 but who lived until 1635, Polly Ha shows that while not a broad movement, presbyterians did continue working for reform; functioning in secret, concealing papers, writing in code, still maintaining that episcopacy was unbiblical. “Despite their cryptic nature, presbyterian manuscripts informed the printed debates over church government and provide a key to interpreting the polemical literature of the early Stuart period. Even before the reign of Charles I and the rise of Laud . . .” it “was during these years of apparent silence that they made a concerted effort to argue that episcopacy was unbiblical, unlawful, un-English and unnatural.”⁶ Thus contrary to prior historical consensus, the reappearing of English Presbyterianism in the 1640s was not simply due to “political expediency and Scottish influence.”⁷

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1. This text of this article with little revision appears as the introduction to the new critical edition of *Jus Divinum Regiminis Ecclesiastici*, the second volume in the new book series, Naphtali Press Special Editions, copublished with Reformation Heritage Books (2020).

2. Thomas Smyth, *Complete Works of Rev. Thomas Smyth, D.D.*, Volume 2, *Presbytery and Not Prelacy, The Scriptural and Primitive Polity* (Columbia, S. C.: Reprinted by The R. L. Bryan Company, 1908), Index IV: Works on Presbyterianism, page 562.

3. *The Life of Mr. Robert Blair*, ed. Thomas M’Crie (Edinburgh: Printed for the Wodrow Society, [1848]), 190.

4. William M. Hetherington, *History of the Westminster Assembly of Divines* (Edinburgh: Johnstone, 1843), 288; (fourth ed., 1878; New York: Randolph, 1890), 272.

5. Polly Ha, *English Presbyterianism, 1590–1640* (Stanford University Press, 2011), 1.

6. *English Presbyterianism, 1590–1640*, pp. 2, 3.

7. *English Presbyterianism, 1590–1640*, p. 1.

ENGLISH PRESBYTERIANISM AT THE TIME OF THE WESTMINSTER ASSEMBLY

When Edmund Calamy accepted the call to be pastor of St. Mary Aldermanbury in 1639, he became part of a network of London ministers led by William Gouge (1575–1653), who was the “father” and elder statesman of the group. Gouge was a young man when Presbyterianism was driven underground in 1592, and began his ministry four years after the rejection of any concessions to moderate Puritanism at Hampton Court in 1604. Calamy brought considerable organizational skill to the group, which led the campaigns against prelacy of the early 1640s.⁸

With the outbreak of war between Charles I and the Scots in the Bishops’ Wars, while many saw it as an opportunity in England simply to restore a pre-Laudian episcopacy, “for the London ministers and the more zealous members of the laity a chance was seen to carry on the work of reform that had halted in Elizabeth’s reign.”⁹ This network subsequently took over the premises of Sion College, and its members became leaders in the London Provincial Assembly, parliament’s grant of an experiment in Presbyterianism, albeit hampered by Erastian imperfections.

Many of these same ministers meeting at Sion College were appointed members of the Westminster

Assembly of Divines, called by parliament to sit and determine what would be the doctrine and practice for the three kingdoms of England, Scotland and Ireland, as outlined by the Solemn League and Covenant. The history of the assembly and a detailed history of this book cannot be given here, nor does one need to know the history of the period of the 1640s to appreciate *JDRE* as one of the significant early full orb ed defenses of the Presbyterian system of church government. However, some resources can be suggested before discussing some specific matters related to the creation of the sundry ministers’ *Jus Divinum Regiminis Ecclesiastici*.¹⁰

Of histories appearing before the publication of the Mitchell-Struthers volume of the minutes of the Westminster Assembly,¹¹ William M. Hetherington’s history is still useful,¹² as is A. F. Mitchell’s history published afterward.¹³ As we transition to twentieth century works, Dr. Carruthers’ many studies about different aspects of the assembly and its productions remain relevant, such as his *Everyday Work of the Westminster Assembly* (1943).¹⁴ Additional ground breaking studies began with John R. de Witt’s *Jus Divinum: The Westminster Assembly and the Divine Right of Church Government* (1969), which was followed by other still standard works on the Westminster Assembly by Wayne Spear (1976) and R. S. Paul (1985).¹⁵ These should be supplemented with Chad Van Dixhoorn’s introductory volume to his critical edition of the full minutes and many of the papers of the assembly (2012).¹⁶

The Sion College men brought their *jure divino* Presbyterianism with them to the Westminster assembly and from the beginning led a majority to agree or at least align with the choice of Presbyterianism over Erastianism and Congregationalism of the three views represented in the assembly. Amongst these newly minted Presbyterians were men who as noted likely initially were open to a limited episcopacy, such as that advocated by James Ussher. But,

they all agreed on an Augustian conception of the Church as defined by the credal notes and the Reformed marks. Two views stand out in particular: firstly, that the Church must be the uniform and universal body of Christ and, secondly, that ecclesiastical authority resided only in the ministry. Both were foundational to the moderate Puritan understanding of ecclesiastical polity. From these points of consensus, the Scots and the Sion College ministers, could successfully argue to their no[n]-Congregationalists colleagues that the Church polity *nearest to the Word* was

8. Elliot Vernon, “The Sion College Conclave and London Presbyterianism during the English Revolution” (Ph.D. dissertation, University of Cambridge, 1999), 29, 32.

9. Vernon, 48.

10. See also for more historical background, David W. Hall’s introduction in *Jus Divinum Ecclesiastici Regiminis* (Naphtali Press, 1995).

11. *Minutes of the sessions of the Westminster Assembly of Divines while engaged in preparing their Directory for Church Government, Confession of Faith, and Catechisms (November 1644 to March 1649)*, ed. Alex. F. Mitchell and John Struthers (Edinburgh: William Blackwood and Sons, 1874).

12. Hetherington, *History of the Westminster Assembly of Divines*, *ibid.*

13. A. F. Mitchell, *The Westminster Assembly its History and Standards*, second edition (Philadelphia: Presbyterian Board of Publication and Sabbath-School Work, 1897).

14. S. W. Carruthers, *The Everyday Work of the Westminster Assembly* (Philadelphia: The Presbyterian Historical Society [of America] and the Presbyterian Historical Society of England, 1943).

15. J. R. de Witt, *Jus Divinum: The Westminster Assembly and the Divine Right of Church Government*. R. S. Paul, *The Assembly of the Lord* (Edinburgh: T. & T. Clark, 1985). Wayne Spear, *Covenanted Uniformity in Religion: The Influence of the Scottish Commissioners on the Ecclesiology of the Westminster Assembly* (1976 dissertation; publ., Reformation Heritage Books, 2013).

16. “Introduction,” in *The Minutes and Papers of the Westminster Assembly 1643–1652*, ed. Chad Van Dixhoorn, 5 vols. (Oxford: Oxford University Press, 2012), volume 1.

the Presbyterian government. It was from these foundation points that the Westminster Assembly’s Presbyterianism emerged.¹⁷

PARLIAMENT’S ASSAULT AGAINST DIVINE RIGHT
PRESBYTERIANISM

Despite this Presbyterian majority, the Westminster Assembly was hampered by the stalling tactics of the congregationalist minority (the independent Brethren) and ultimately by the unwillingness of the parliament to cede any power and maintain an Erastian establishment. This eventually precipitated the greatest crisis faced by the assembly. When the House of Commons made it clear by an ordinance with regard to the Lord’s Supper, that a creature of parliament would decide cases of suspension from the sacrament and not the church, the assembly filed a protest in objection, maintaining what they would ultimately state in the Confession of Faith, “The Lord Jesus, as king and head of His Church, hath therein appointed a government in the hand of church officers, distinct from the civil magistrate.”¹⁸ The assembly told the Commons that what it proposed was “so contrary to that Way of Government which Christ hath appointed in His Church, in that it giveth a Power to judge of the Fitness of Persons to come to the Sacrament unto such as our Lord Christ hath not given that Power unto.”¹⁹ The House of Commons was not pleased,²⁰ and charged the assembly with breach of privilege. They sent “and demanded that the assembly answer nine queries about the divine right of church government (see Session 627),” and “then printed its queries in a public effort to discredit the claim that Presbyterian discipline was required by Scripture....”²¹

With biblical church government and Christ’s prerogatives at stake, the assembly set about to answer parliament’s demands to answer their questions, and worked on the matter with other business from May 4, 1646 through July 22, 1646 (Sessions 633 through 677), with the last work in Session 676 being on the preliminary question for answering the queries pertaining to the Lord’s Supper, whether, “notorious and scandalous offendours should be kept away.”²² However, the controversy was causing serious delay in the necessary work of the assembly and Scottish Commissioner Robert Baillie, through contacts, convinced parliament to send an order to get back to work on finishing the confession of faith and catechism.²³

The work of the Assemblie, these bygone weeks, hes been to answer some very captious questions of the

Parliament, about the clear scripturall warrant for the punctilioes of the Government. It wes thought it would be impossible to us to answer, and that in our answers there should be no unanimitie; yet, by God’s grace, we shall deceave them who were waiting for our halting. The committee hes prepared very solide and satisfactorie answers already, almost to all the questions, wherein there is like to be ane unanimitie absolute in all things materiall, even with the Independents. But because of the Assemblie’s way, and the Independents miserable unamendable designe to keep all things from any conclusion, it’s like we shall not be able to perfyte our answers for some tyme; therefore, I have put some of my good friends, leading men in the House of Commons, to move the Assemblie to lay aside our questions for a time, and labour that which is most necessar, and all are crying for, the perfecting of the Confession of Faith and Catechise.²⁴

The assembly would come back to attempt an answer to the queries two years later, but the political circumstances having changed and parliament no longer demanding an answer from the divines, the topic was dropped again for good.²⁵

However, two years prior, the subject had not actually been dropped. Three weeks after the assembly obeyed the order to essentially cease work on answering the Commons’ nine queries and get back to work on the confession and catechisms, the following entry appeared in the Stationers’ Register under the date for August 13, 1646, for an intended publication: “The 13th

17. Vernon, 130.

18. Westminster Confession of Faith 30.1. The text of chapter thirty was approved on November 26, 1646. Van Dixhoorn, 4.342–3. *JDRE* would come out in print one week later.

19. John R. de Witt, *Jus Divinum*, 194. See the text in document 104, “Protest to both houses of parliament against its ordinance for suspension from the Lord’s supper 20 March 1646,” in Van Dixhoorn, *Minutes*, volume 5, “Calendar of papers of the Westminster assembly, p. 301.

20. The city ministers also complained as did the Scottish commissioners, in as plain words. *Jus Divinum*, 195.

21. Van Dixhoorn, 1.78. The Commons’ nine queries are given in Appendix 14, *ibid.*, 1.214–216. The crisis and the nine queries are discussed at length in de Witt, “Chapter V Church Censures and Excommunication,” 169–208.

22. The session of July 22nd was also the day the death was announced of the Prolocutor of the assembly, William Twisse. Van Dixhoorn, *Minutes*, 4.102–211. Session 676, July 17, 1646.

23. John R. de Witt, *Jus Divinum*, 227.

24. “For Glasgow. London, July 14th 1646,” *The Letters and Journals of Robert Baillie*, ed. David Laing, 3 vols. (Edinburgh: Printed for Robert Ogle, [1841–2]), 2.378–9.

25. John R. de Witt, *Jus Divinum*, 223–224.

of Augusti 1646 Entred ... under the hands of Master Cranford and Maſter Seile warden a booke called *Jus divinum regiminis eccleſiaſtici, or the divine right of church government* [sic] &c [Maſter Hunſcott and Geo. Calvert].²⁶ According to Robert Baillie, the work appeared in print on December 1, 1646.²⁷ “The Miniſters of London have put out this day, a very fine book, proving from Scripture, the Divine Right of every part of the Presbyterianall Government.”²⁸

It is not impossible that Hunſcott and Calvert had in hand ſome ſort of manuſcript from the London miniſters juſt three weeks after aſſembly work had ceaſed. Entry in the Stationers’ Register represented the licensing of a title or the idea for a book,²⁹ or that the work at leaſt was “ſeriously contemplated at the date of entry.”³⁰ At the time of entry the book might exiſt in ſome form, or actually be in print and regiſtered after publication; there did not ſeem to be a hard and faſt rule, which makes it difficult to deduce the ſtate of any particular title juſt from the date of regiſtration.³¹ In this caſe it is not hard to imagine that the controversy would intereſt the publiſhers, even if no work on it had actually commenced.

It cannot be ruled out that ſome form of manuſcript was uſed to engage the publiſhers; however, that it took four months to complete ſeems like a long time if the printers had a full manuſcript. The printers ſtate in the errata, “Kinde Reader, The Authors of this Book being by multiplicity of imployments detained from meeting

together to reviſe the whole before the impreſs was finiſhed, the Errata ſwell to a greater number then may ſtand with the credit of the Book....”³² It may be at regiſtration the printers only had at moſt part one of *JDRE*, which parallels the ſummertime work of the aſſembly, and that it was a work in progress through the months to completion and was printed in pieces as the printers received more text and the writers continued to expand the work to finiſh the answer from where the aſſembly ceaſed work.

Regrettably there is little internal evidence to date portions of the book to any time between Auguſt and December 1646. There are no ſpecific hiſtorical references and there are only two books publiſhed in this period that might inform the dating. In theory between the time the aſſembly ceaſed working on an answer and the publication of the ſundry miniſters’ book on December 1, 1646, any books referenced that were firſt publiſhed within that period would help define how late work was being done on the book. Unfortunately, the two in queſtion only define broad boundaries. The firſt work was publiſhed between the time the aſſembly ceaſed working and the recording of *JDRE* by the Stationers in Auguſt. George Gillespie’s magnum opus, *Aaron’s Rod Blossoming*, is referenced ſeven or eight times. The work was in print and Gillespie himſelf handed out copies in the aſſembly on July 30, 1646.³³ In the body of the work, the firſt reference to *Aaron’s Rod* appears on page 63 (part 2, chp. 7) in the original work of 240 pages. While all theſe references are of the “ſee for more information” form, generally publication juſt two weeks prior tends to align with moſt of the work on *JDRE* commencing after the date of regiſtration.

The ſecond book is not cited by *JDRE*. Anthony Burgess’s *Vindiciae Legis* was publiſhed on October 12, 1646. In works important to determining the aſſembly’s original intent,³⁴ *Vindiciae Legis* is ſecond in importance only to *JDRE*. Burgess’s work was ſtrongly connected to the London Miniſters, who had requeſted the lectures and had them publiſhed. Given that Burgess’s work has chapters on natural law and its ſtrong connection to the *JDRE* authors, it is plausible that if it could have been cited early in part one where natural law is diſcuſſed, it would have been. This may indicate that at leaſt the early parts of the book were completed before mid October 1646.

JDRE AS THE ASSEMBLY’S REPLY TO THE COMMON’S NINE QUERIES

However the work of printing unfolded, the recording

26. *A Transcript of the Registers of the Worshipful Company of Stationers; From 1640–1708 A.D.*, ed. G.E. Briscoe Eyre, 3 vols. (London: Priv. Print, 1913), 1.242.

27. Thomason dated his copy December 2, 1646. *Catalogue of the Pamphlets, Books, Newspapers, and Manuscripts Relating to the Civil War, the Commonwealth, and Restoration, Collected by George Thomason, 1640–1661*, 2 vols. (British Museum, 1908), 1.478.

28. “[To George Young.] December 1st 1646,” *The Letters and Journals of Robert Baillie*, 2.411.

29. “Furthermore it is perfectly clear that what was being held as copyright” [by entry in the Stationers’ Register] “was not a ſpecific ſtate of a text ... but the title of the work, not a document but an idea....” *Shakespeare’s Stationers: Studies in Cultural Bibliography*, edited by Marta Straznicky (Philadelphia: University of Pennsylvania Press, 2013), p. 65.

30. Ronald B. McKerrow, *An Introduction to Bibliography for Literary Students*, edited by David McKitterick (1927; New Caſtle: Oak Knoll Press, 1994), p. 137.

31. McKerrow, *ibid.*

32. *Jus Divinum Eccleſiaſtici Regiminis* (1646), page facing “An Advertiſement....”

33. Thomason dated his copy as purchased on Auguſt 3, 1646 (1.455).

34. See Chris Coldwell, “The Weſtmiſter Aſſembly & the Judicial Law: A Chronological Compilation and Analysis, Part 1,” *The Confessional Presbyterian* 5 (2009), 42.

of the intent to publish just three weeks after the assembly “moved on” from answering the nine queries is significant. Historians have long supposed that the London presbyterians that met at Sion College, with some level of support took the work of the assembly and in some form used or built upon it to craft an answer to the House’s nine “captious” queries and defend a church government “by the will and appointment of Jesus Christ.” Not even having the benefit of the assembly minutes, which he supposed had been lost, Hetherington opined,

Judging from internal evidence, in matter, manner, and style, it appears almost certain that this work at least embodies the substance of the answer prepared by the Assembly, somewhat enlarged and modified by the city ministers, in whose name it was published.... We do not mean to assert, that the work published by the city ministers was the identical production of the Assembly; but that so much of the one was transfused into the other as to render them to all practical intents one work, and to relieve us from any cause to regret that the Assembly’s answer was not published.³⁵

Other nineteenth century historians who wrote after the discovery and publication of the minutes essentially concurred, including Mitchell, who believed the material the assembly drafted in May through June of 1646 was contained in parts of *JDRE*. “This work, however, there is reason to believe, was not lost, but supplemented and expanded by some of the London ministers, it made its appearance before the close of the year in certain parts of the *Jus Divinum Regiminis Ecclesiastici*, much to the indignation of several members of the House of Commons.”³⁶

In a later edition of his history of the assembly, Hetherington adds in a chapter on the works of the assembly,

The *Jus Divinum* of the city ministers appears to me to be both virtually and substantially the Assembly’s Answer to the Parliament, containing actually that very Answer as prepared by them; but with such additional amplifications in statement and illustrations, by the city ministers themselves, as might both render it more complete and fit for publication as a distinct work on the subject, and at the same time entitle them to publish it on their own responsibility.³⁷

Of modern historians, Dr. de Witt took essentially Hetherington’s view, as does David W. Hall.³⁸ After the work on the assembly by Spear and Paul, Dr. de Witt later

conceded his view of the uniformity of views amongst the presbyterians of the assembly required some nuance.

It is essential that one pay heed to the composition of the Assembly. Here a word of caution may be in order. Much of what has been written on this subject has frequently been more than a little hagiographical in nature. I too have in the past been inclined to minimize the sometimes quite far-reaching divergences which existed among the divines and to underestimate the extent to which factors having little to do with biblical interpretation and theological conviction affected their work. The members of the Assembly were Puritans all, and united in their commitment to reformed doctrinal orthodoxy—the divines at Westminster were Calvinists to a man—but distinct differences of conviction existed among them on questions relating to the church.³⁹

In conformity to the work done by Paul and Spear after his 1969 thesis, Dr. de Witt noted the early ambivalence toward if not advocacy of a limited episcopacy by some of the assembly.⁴⁰ Yet while he does not address *JDRE* in this later briefer paper, one may deduce his view had not really changed, that the book reflected the assembly’s views. In discussing the Form of Government he goes on to briefly cover the controversy over the House’s queries, noting, “To these divines of Westminster, the powers of the state are *circa sacra*, not *in sacris*. They

35. John R. de Witt, *Jus Divinum*, 229. Hetherington (1843), 287; (1890), 272.

36. Mitchell, *History*, 329. Charles A. Briggs and William Beveridge wrote similarly. See David W. Hall, “The Original Intent of Westminster as Clarified by *Jus Divinum Regiminis Ecclesiastici* (1646)” in *Jus Divinum Regiminis Ecclesiastici* (1995), xx–xxii.

37. Hetherington (1890), 371. Hetherington added material for the third edition of his history in a sixth chapter (Edinburgh: Johnstone and Hunter, 1856), where this statement is found. This is chapter ten in the fourth edition edited by Robert Williamson, who reorganized and added material (Edinburgh: Gemmell, 1878; fifth edition, 1890). An American edition lacking the additions was often reprinted (New York: Newman, 1843, repr. New York: Carter, 1853, 1868, and 1875), 311 pp.

38. David W. Hall, “The Original Intent of Westminster,” *ibid*.

39. John Richard de Witt, “The Form of Government,” in *To Glorify and Enjoy God: A Commemoration of the 350th Anniversary of the Westminster Assembly*, ed. John L. Carson and David W. Hall (Edinburgh: Banner of Truth Trust, 1994), 150–151.

40. John Richard de Witt, “The Form of Government,” 151. “One may also speak of a group of divines who were strongly Puritan in their doctrinal views, but more or less undecided with regard to the details of church polity—at least during the early stages of the Assembly’s life. Some of these men may very well have had an inclination toward the kind of ‘primitive episcopacy’ advocated in this period by ... Ussher...”

are extrinsic, not intrinsic. And that is the point of the whole quarrel” (over the nine queries).⁴¹ For this statement in the endnote he directs the reader to *JDRE* where this is addressed, indicating he still viewed *JDRE* as expressing the assembly’s views.

It seems clear that the statement by Hetherington is too strong, that the work of the assembly is essentially indistinguishable from *JDRE*. While they may have agreed with general statements regarding divine right, the Independents and Erastians would certainly not have approved of the chapters discrediting their respective systems.⁴² And even amongst the presbyterian majority there were disagreements on some points of church polity. This may best be illustrated by noting the revisions in the second edition of *JDRE*, which appeared rather quickly four months after the first edition.

THE MARCH 1647 REVISION OF *JDRE*

While the scholarship is substantial, it is clear the work on *JDRE* was not something to which the writers could

devote full or as much time as needed. This would not be a surprise if common consensus is correct that the sundry ministers were not only full time pastors, but were additionally weighed with service in the assembly of divines. This is clear from the printer’s notice to the errata page already cited. Also, the substantial revision put out only four months later evidences this.⁴³ The authors offer an apology at the end of the appendix of the revised edition, that “the candid reader will please to excuse our castigations [*revisions*] in this edition, of divers passages in the first [edition], as being no way corruptive but perfective, both in reference to our book and principles.”

In these four months the authors would have marked up a first edition and given it to the printers to set the type anew by hand and print off the revised second edition.⁴⁴ The authors probably were working on the text as late as the end of February and early March; or at least they had finished by then and had time to have the printer print an appendix containing an answer to some queries directed at the first edition, which appeared on February 27, 1646/47.⁴⁵ As far as the evidence of revision, this is documented throughout the current text. Some of these are minor and may have been author revisions or arbitrarily or erroneously committed by the printer. For example, in the otherwise unchanged part one, the first variation noted in this new collation of the editions of *JDRE* is the revision’s omission of some incidental Greek.⁴⁶ In part two there are minor changes but also many significant and more substantial revisions. Some of these are simply refining the presentation of an argument. For example, various syllogistic arguments have had the major and minor premises explicitly delineated which had not been the case in the first edition.⁴⁷ There is evidence throughout the work of refinement by reorganizing, adding or omitting sections. For instance there is a paragraph on the collection and the office of deacon that was dropped in the revision for apparently uncontroversial reasons.⁴⁸ However, other parts of *JDRE* may have been controversial amongst the English presbyterians, to which some editing draws our attention. In the following first edition text, the second point in braces was removed from the revised 1647 edition, along with the section addressing it, and the points renumbered.⁴⁹

The end or scope intended by Christ in instituting, and to be aimed at by Christ’s officers in executing of church government, in dispensing the Word, Sacraments, censures, and all ordinances of Christ, is (as the description expresses) *the edifying of the church of Christ*. This

41. John Richard de Witt, “The Form of Government,” 163, 324 n11.

42. See Van Dixhoorn’s comments on this below.

43. After the first edition available on December 1, 1646, a second edition appeared four months later with substantial revisions, on March 29, 1647, going by Thomason’s date (1.502).

44. The printer was the same for both editions (J.Y. for Joseph Hunscoot and George Calvert). There is no evidence the type was left standing for a quick second edition; rather the contrary. The title page is clearly a new sitting with some variation in the size of print and the boarder, though using the same fleur-de-lis, is set differently at the corners. While it is clear the printers used the first edition, variations in spacing and line breaks in the unchanged text exhibit that the text was a fresh setting of the type. It is most likely the decision for a revised text and another printing was made once the authors did have time to review the text as printed in the first edition and after the type would have been redistributed for other projects from whatever wood forms filled with set type may have remained from the end of the printing of the first edition. For instance, part two chapter fifteen begins a fresh page on signature page Kk2 in the 1647 revision, which shared a page with the end of chapter fourteen on Gg3 in the first edition.

45. W. A. [William Allen], *Certaine Queries touching the Ordination of Ministers propounded to the Consideration of those Ministers in London, Authors of a booke entituled Jus Divinum Regiminis Ecclesiastici* (Printed by Mathew Simmons for Henry Overton). See Thomason, 1.496–7. This tract has been in this writer’s opinion misattributed by Donald Wing, *A Short-Title Catalogue of Books Printed in England, Scotland, Ireland, Wales, and British America and of the English Books Printed in Other Countries, 1641–1700*. See the editor’s preface appended to the *Reply to Certain Queries* in *Jus Divinum* (2020), 301.

46. Part one, chapter seven, note 5. This was the only wording change noted in part one.

47. See throughout starting in part two, chapter nine.

48. See the note at the end of part two, chapter seven.

49. See part two, chapter eight, page 116.

end is very comprehensive. For the fuller evidencing whereof, these three things are to be proved: I. That Jesus Christ our Mediator has under the New Testament one general visible church on earth. {II. That the oracles, ministry, government, and all the ordinances of the New Testament are chiefly given by Christ for this one general visible church.} III. That the edification of this church of Christ is that eminent scope and end why Christ gave the power of church government and other ordinances unto the church.

UPSTAIRS, DOWNSTAIRS ENGLISH PRESBYTERIANS

In the debates in the Westminster assembly and at that time regarding what form of church government is prescribed in the Scriptures (i.e. of divine right, *jure divino*), one of the key questions was and is to whom Christ has granted and “committed, in the first instance, the gift of ecclesiastical power, and in whom the right to such power primarily resides.”⁵⁰ James Bannerman identifies three views in his magisterial work, *The Church of Christ*. 1. That church power is given “in the first instance, and properly, to the office-bearers” and not to the “community of believers”. 2. That it has been granted to the general body of believers. 3. Church power has been given to both church officers and the church in general “in accordance with their respective characters and places in the Christian society.”⁵¹ The first view was held by prominent presbyterians of that time and others, such as Samuel Rutherford and Robert Baillie, and by the authors of *JDRE*. It is also the view taken by the hierarchical churches and with all “High Churchmen,” and while not of necessity, does lend itself to such errors as “apostolical succession,” even, if rarely, in some singular and “outré” presbyterians.⁵² The second view is that taken by congregationalists and was defended at the Westminster assembly by the independent Brethren. The third view, which Bannerman defends, can be found in contemporary continental Reformed theologians such as Voetius and Apollonius. It was also the view taken by George Gillespie in his *Dispute Against the English Popish Ceremonies*, but through Rutherford’s or other influence and/or having experienced the anarchy of the sectarians in London, Gillespie was driven to take up the first view in his 111 Propositions as the surer safeguard against the consequences of the second view.⁵³

We take the time to delineate these views, first, to point out that these older works such as *JDRE*, should be supplemented with later writers such as Bannerman, who sift through the earlier works, noting some of the controversies, less soundly founded ideas, etc. Second,

it lays the ground for explaining the revision of the section of text in question.

For the English presbyterians, who held that church power was primarily and at the first instance granted to church officers, the question became important as to whether this flowed from the officers of a congregation upward through the church courts (presbyteries, synods, councils), or downward from the courts of the church to the individual congregation. The Scots such as Samuel Rutherford saw this as a needless question, simply resolving the matter by contending that church power is given by Christ to all parts of it immediately; “there is no derivation either by climbing up stairs, or going downe.”⁵⁴

In this question, the *JDRE* authors and the presbyterians of the London Provincial Assembly were drawn to the newly articulated view of Samuel Hudson.⁵⁵ This view stated that Christ granted church power to the officers as officers of a general visible church. This was anathema to congregationalists and also opposed by the Scots. This came up in the assembly debates in March 1644 as described by Hunter Powell.

Goodwin specifically raised the question of the universal visible church in March 1644 when the Assembly debated the proposition that “There is one general visible church held forth in the New Testament.” According to Lightfoot, “Mr. Goodwin suspected there might be some snare in this proposition.” Goodwin pointed out that some “rise to church-government, ‘ascendendo’, from particular congregations to the church universal, some ‘et contra descendendo’; ergo, there may be some scruple or entanglement” in the debate over this proposition.

50. James Bannerman, *The Church of Christ: A Treatise on the Nature, Powers, Ordinances, Discipline, and Government of the Christian Church*, 2 vols. (Edinburgh: T. & T. Clark, [1868]; 1869; rpr., Banner of Truth Trust, 1960; rpr., 1974), 1.262.

51. See the discussion in Bannerman, 1.262–275.

52. Bannerman, 1.438.

53. See Bannerman, n2, pp. 273–274.

54. Samuel Rutherford, *Due Right of Presbyteries* (1644), 383. See the discussion in Hunter Powell, “October 1643: The Dissenting Brethren and the Proton Dektikon,” in *Drawn into Controversie: Reformed Theological Diversity and Debates Within Seventeenth-Century British Puritanism*, ed. Michael A. G. Haykin and Mark Jones, *Reformed Historical Theology*, v. 17. (Göttingen: Vandenhoeck & Ruprecht, 2011), 52–82.

55. Samuel Hudson, *The Essence and Unities of the Church Catholike Visible, And the priority thereof in regard of particular churches discussed* (London: 1644 [i.e. 1645]). Cf. Hudson, “The Essence and Unity....” *An Anthology of Presbyterian & Reformed Literature*, volume 5 (Dallas: Naphtali Press, 1992), 15–43. Thomason’s copy is dated March 8, 1645 and Hudson says that he had circulated the text amongst friends the year prior. Powell notes that this places his views as circulating at the time the assembly was debating the church universal. Powell, p. 74.

Interestingly, it was Rutherford who responded to Goodwin with two views of the church universal. Whereas the English presbyterians debated amongst themselves as to the first subject of all church power, the universal or the particular church, Rutherford offered a third option. The “ecclesia presbyterialis” (meaning the elders in a particular church) is “ecclesia prima” and “the church catholic[us]” is “totem integrale,” and what power is given to it was neither “ascendendo,” nor “descendendo,” but immediately from Christ on every part.⁵⁶

This clearly was one of the controversial views at the assembly, even amongst Presbyterians, and that may be the reason *JDRE* was revised in the second edition. It is true, if one searches *JDRE*, the authors did not remove all evidence of this view. In part two, chapter fourteen, in the revision, the authors neglected to omit a reference back to the previously noted deleted text. “3. That all Christ’s ordinances, and particularly church government, primarily belong to the whole general church visible for her edification (secondarily to particular churches and single congregations as parts or members of the whole) has been manifested [in] part two, chapter eight.” And similarly in part two, chapter ten, the text remains: “Then, not any particular congregation, but the whole general visible church is the object for which all officers and officers with their gifts and power are primarily given (1 Cor. 12:28; Eph. 4:8–12).” The first was clearly missed in the editing and the second perhaps as well, though it may also have been deemed a less blatant defense of this view and therefore retained.

The authors of *JDRE* also published *Jus Divinum Ministerii Evangelici, or, The Divine Right of the Gospel-Ministry* (1654). This has long been viewed as a sister

volume, and the authors themselves clearly intended it as a follow up work, as they allude twice in the 1647 revised edition of *JDRE*.⁵⁷ In the sister work the view the authors sought to diminish in the revision of *JDRE*, is even more pronounced. This indicates that there was motivation to remove the text from *JDRE* at the time only months after the first edition, which was likely not an issue and not a bar to the London ministers doubling down as it were on their particular view in the sister volume seven years later, two years after the dismissal of the Westminster Assembly. This may be as some have suggested, because the political winds had shifted in favor of a softer presbyterianism and because of holding out hope still that the congregationalists would still join a united church and not be separatists, and thus in 1647 the *JDRE* authors were accommodating to this change in the political winds.⁵⁸ Additional references and one long section of text from John Cotton were also added in the revision which could also lend support to this hope. It may also be, if *JDRE* was some way perceived as representing the views of the assembly or the presbyterian majority in it, that disapproval of the text, if not some pressure brought to make the change, caused the revision.

For our purposes the reason for the omission of the text is not as important to determine as to note that the view was controversial. It illustrates that it is too simplistic to view *JDRE* as essentially the assembly’s reply to the queries as Hetherington maintained. On the other hand, this does not mean the divines were not in substantial agreement and otherwise content with *JDRE*, and that the volume is not some way useful to fill out questions of intent of the assembly’s work, as perhaps the one work external to the assembly that is most closely associated with it. So in general it is nevertheless not too strong simply to modify Hetherington’s view just a bit and conclude that *JDRE* generally represents the view of the presbyterian majority, and perhaps even of the assembly on broader points not exclusively presbyterian.

RECENT CONSENSUS THAT *JDRE* REPRESENTS THE ASSEMBLY’S VIEWS

This seems to be the consensus of those writing after de Witt’s 1969 work. Paul, who presents the view of a pragmatically presbyterian majority in the assembly,⁵⁹ nevertheless concluded regarding *JDRE*, compared to another work of the period attributed to Thomas Bakewell also addressing the nine queries,⁶⁰ that, “It is more probable, however, that *Jus Divinum Regiminis*

56. Powell, 77–78.

57. In their revision, the authors announce the intention to publish a book defending the gospel ministry of the New Testament and of the Church of England specifically in part two, chapter eleven, and at the end of the book in their reply to the queries (pp. 54 and 314).

58. Correspondence with Hunter Powell, Chad Van Dixhoorn, and Elliot Vernon (via Hunter Powell), July 24–25, 2018.

59. Paul in part relies on Neal’s assessment a century after the assembly that political expediency due to the Scots Commissioners’ insistence on their own system, and pragmatic considerations drove a majority to the presbyterian camp. Robert S. Paul, *Assembly of the Lord*, 114ff.

60. Thomas Bakewell (or Bathwell), *An Answer to those questions propounded by the Parliament to the Assembly of Divines, touching jus divinum in matter of church-government* (London: William Ley, 1646). See de Witt, page 230, n64, for his assessment and rejection of this 20 page pamphlet as directly connected to the assembly. Thomason has written on his copy: “by Thomas Bathwell”; “by Tho: Bathwell woolmonger in [illegible]”; “June 17th”. Vernon describes Thomas Bakewell

Ecclesiastici, written by the London ministers and published from Sion College in December 1646, represents a much closer identification with the views of the presbyterian majority in the Assembly;” and is “more likely to have corresponded to the Assembly’s views.”⁶¹ And Chad Van Dixhoorn, in ruling out *JDRE* as an assembly work, writes (*emphasis* added):

There can be no doubt that *Jus divinum regiminis ecclesiastici* is intended, in part, as a response to parliament, and its open discussion of the nine queries has naturally led to speculation that it is an unacknowledged assembly text or that it incorporates the substance of the assembly’s response. Nonetheless, there is sufficient reason to doubt assembly authorship of *Jus divinum regiminis ecclesiastici*. In the first place, the first edition of the book was printed in November or December of 1646, and the second on 29 March 1647, but, although an answer had been produced by a committee, the assembly itself had not yet approved of an answer to the queries by 1648. Indeed, the minutes suggest that the assembly’s answer never made it out of committee (see Session 1080, 13 June 1648) and was only completely abandoned on 21 June 1648 (Session 2086). Second, while contemporary accounts of the work variously attribute authorship, the assembly is on no one’s short-list. Some attribute the work to Edmund Calamy alone; Robert Baillie mentions that it was produced by the ‘London ministers’; and the errata of the 1646 edition speaks of multiple authors that could not meet to check the text at the time of printing. Finally, the work is lengthy for an assembly response, and its robust presbyterian assertions would have raised an outcry from the assembly’s congregationalists that could not have failed to have been recorded. ***It could more safely be concluded that most of the assembly’s members were probably content with the book.*** The assembly did not pursue its responses to the nine queries with enthusiasm and, during the brief time that a response was considered by the assembly, it was willing to give some individuals prominent roles: something said by Anthony Tuckney seems to have led to Calamy’s appointment to the assembly’s first drafting committee (see Session 1069, 25 May 1648), and Stephen Marshall suggested that individual divines bring their contributions to the assembly, perhaps knowing that some of them had played a part in writing on the subject at another time (Session 1080, 13 June 1648), or would be doing so soon, since the Provincial Assembly of London, of which many members were a part, would continue to address the subject for the next few years.⁶²

DETERMINING ORIGINAL INTENT

Why is any of this important? Often, and more likely than not, we lack information on the assembly’s decisions and deliberations because the minutes of the assembly are not a full record of everything said in the debates. So writers often go to outside sources to inform and confirm the “original intent” of the Westminster Assembly for a fuller understanding of the final words of their work (Confession of Faith, Catechisms, etc.). The more strongly a non assembly work can be tied to any of the members and to the time period that specific questions were under debate in the assembly, the more significant that work may be in helping to define the intent of the assembly or providing further nuance or background to their words. For instance, this way of working with historical material first came to my attention when David W. Hall asked me to find and compile works relative to what the Westminster Assembly meant by “in the space of six days” to discern their original intent as far as it related to the debate at that time (1998) in the Presbyterian Church of America about what views of creation should be acceptable according to their version of the confession of faith and catechisms.⁶³ In 2010 I examined original intent of the Westminster assembly regarding the judicial law, with a first time study containing a chronological survey, ordering the source material by “release” date around a time line of the work of the assembly on the Law of God, using Thomason and other official publication dating records.⁶⁴ Of all the publications examined, *JDRE* had the strongest connection to the assembly because of the authorship, purpose, and the dating.

as a ruling elder and presbyterian pamphleteer, whose writings were “theologically sophisticated pamphlets attacking heresy and defending *jure divino* Presbyterianism.” Vernon, p. 157. A perhaps different Thomas Bakewell is described by Calamy (the son) as taking M.A. in 1641 and ejected for nonconformity in 1661. Calamy notes one work on baptism also attributed to the first Bakewell, so this man if one and the same must have subsequently taken a pastoral charge. Edmund Calamy, *The Nonconformist’s Memorial*, vol. 2, second ed. (1778), 391–393.

61. Paul, *Assembly of the Lord*, page 513, and note 87. Spear did not address or discuss *Jus Divinum Regiminis Ecclesiastici*.

62. Van Dixhoorn, 1.78–79. My thanks go to Dr. Van Dixhoorn for giving his permission to cite this portion of text in full.

63. See J. Ligon Duncan, David W. Hall et al., *The Genesis Debate: Three Views on the Days of Creation* (Crux Press, 2001).

64. Coldwell, “The Westminster Assembly & the Judicial Law: A Chronological Compilation and Analysis, Part 1,” pp. 7, 46 and 55.

COMPARING THE ASSEMBLY MINUTES WITH *JDRE*

Yet this is not quite the end of the subject. William Hetherington did not have the benefit of the assembly’s minutes when he made his conclusion that *JDRE* drew upon the assembly’s work to craft their answer. What is most likely to have caught Hetherington’s eye was that in the first six queries each returns the phrase “by the will and appointment of Jesus Christ.” The Commons picked this up from the assembly’s protest, the strength of which had clearly struck some nerves, which reads, “Wherefore your Petitioners in discharge of their fidelity to God, to his church, & to your Honours, do humbly pray, That the several Elderships may be sufficiently inabled to keep <backe> all such as are notoriously scandalous from the Sacrament of the Lords Supper, of which wee must, as formerly <in our pet[it]ion> we have done, say expressly, It belongs unto them by Divine Right, & by the Will and appointment of Jesus Christ.”⁶⁵ Given that *JDRE* is an answer to the nine queries, this phrase

occurs several times in part one, and in the first chapter of part two. This is in addition to the fact, as Dr. de Witt noted, that *JDRE* restates the substance of the nine queries and proceeds to answer them.

But more evidence can be deduced now that we have the Westminster Assembly’s minutes in full.⁶⁶ A comparison of entries in the assembly minutes and the text of *JDRE* may strengthen support for the long held view that in their *JDRE* the ministers of Sion College built upon what was done in the assembly during those summer months of 1646.

To begin, the House of Commons in their nine queries, in presenting the questions to be answered, did not bifurcate the subject as *JDRE* does into two questions. But in order to answer the Commons, the question obviously had to be addressed, what is divine right? In this they follow the Westminster Assembly’s initial work, which divided the matter into three questions.⁶⁷

As Baillie makes clear in seeking to divert the assembly back to work on the confession and catechisms,

JDRE	Minutes of the Assembly
<p>I. “Of the Nature of a jus divinum, or a divine right, and how many ways a thing may be jure divino, or of a divine right.” This is the first part of <i>JDRE</i> (p. 53).</p> <p>Of the nature of a jus divinum, or a divine right in general. Part one, chapter two, page 57.</p> <p>II. “The nature of that church government, which is jure divino, of divine right according to the Scripture.” This forms the larger part of <i>JDRE</i> (p. 85).</p> <p>III. “Of the proper receptacle and distinct subject of all this power and authority of church government, which Christ has peculiarly entrusted with the execution thereof, according to the Scriptures. And I. Negatively,” [not the magistrate, nor body of the people, but II.] “Christ’s own officers” [are] “the proper subject of this power.” Part two, chapter nine (p. 120), ten (p. 146), and eleven (p. 169).</p>	<p>Session 632: “Resolved upon the Question: to debate the nature of a Jus Divinum on Munday morning.” Minutes, p. 98.</p> <p>The assembly assigned questions to three committees, “That the nature of Jus Divinum in Reference to Church Government in Generall shall be Considered by the first Committee.” Sess. 637, p. 120.</p> <p>“The nature of Church Government and wherin it doth consist shall be considered by the second committee.” Sess. 637, p. 120.</p> <p>“whether this Church Government be in the hands of church officers only, shall be considered by the 3rd committee” (ibid., p. 120) “Report was made from the 3rd Committee of Church Government in church officers only” (Sess. 643, p. 136).</p>

65. Van Dixhoorn, 5.302. Arrow braces indicate interline text.

66. These entries also appear in the Mitchell-Struthers minutes. I am not aware that such a collation with the minutes has been done before with respect to *JDRE*.

67. To simplify the presentation, the session and page numbers all refer to Van Dixhoorn, *Minutes*, volume four, and to the text of *JDRE* now published. *Emphasis* added.

while the assembly made good progress, with the specifics of biblical church government coming up, the independent Brethren were going to start stalling the work and nothing would get done. Thus, the bulk of the larger part two of *JDRE* (on synods, etc.) does not have as much correlation in the minutes, because the assembly work had ceased. Nevertheless, there are many parallels to much of *JDRE* that can be noted.

JDRE	Minutes of the Assembly
<p>Chapter 2: Of the nature of a <i>jus divinum</i>, or a divine right in general.</p> <p>“What the nature of a <i>jus divinum</i>, or a divine right is.... And generally, a thing may be said to be <i>jure divino</i>.... And whatsoever matters in church government can be proved by Scripture to have this stamp of divine warrant and authority set upon them, they may properly be said to be <i>jure divino</i>, and <i>by the will and appointment of Jesus Christ</i>, to whom God has delegated all power and authority for government of His church.... For a <i>jus divinum</i> is equally obligatory to one church as well as to another. And it is so obligatory to all persons, states and degrees, that none ought to be exempted from that church government which is <i>jure divino</i>, nor to be tolerated in another church government, which is but <i>jure humano</i>....” JDRE, Page 57.</p> <p>Chapter 3: Of the nature of <i>jus divinum</i>, a divine right in particular. How many ways a thing may be of divine right....</p> <p>I. By light of nature. Chp. 3.</p> <p>II. By obligatory Scripture examples. Chp. 4. What examples, and how they bind as obligatory to obey.</p> <p>III. By divine approbation. Chp. 5.</p> <p>IV. By divine acts. Chp. 6. Page 60.</p> <p>V. By divine precepts or mandates. Chp. 7. Necessary consequence is discussed in this chapter. For the validity of arguing from necessity JDRE simply refers the reader for proof in Cameron’s “Controversia inter Reformatos et Pontificios agitata, De Verbo Dei.” In the place referenced, the only proof matching the assembly’s is from Matthew 22. JDRE, page 81.</p>	<p>Session 633: The Assembly entred upon the debate of the <i>Jus Divinum</i>. Upon debate it was Ordered to inquire how many wayes the will and appoyntment of Jesus Christ is set out in Scripture.” <i>Minutes</i>, page 102.</p> <p>Debate of the nature of a <i>jus divinum</i>. Dr Burgis ... I think by the order by <i>jus divinum</i> they [parliament] mean that which is the will & apoyntment of Jesus Christ. Dr Gouge: <i>Jus divinum</i> will be taken in opposition to that which is <i>jus humanum</i>.... What is the will and apoyntment of Jesus Christ concerning church government.” <i>Minutes</i>, page 103.</p> <p>“Ordered: To inquire how many wayes the will & apoyntment of Jesus Christ <is set> out in Scripture <Res. neg.:> in reference to Church government.”</p> <p>The assembly had debated the light of nature and what it teaches in relation to the Sabbath before this (April 6, 1646, Session 615, p. 48) and in relation to liberty of conscience afterwards (October 7, 1646, Session 772, p. 310), but nothing is recorded in relation to answering the queries regarding church government.</p> <p>“Precepts, consequences, examples.” Page 103. “express words”; “necessary consequence” (Sess. 634, p. 104). “Debate about precepts. Exprese Scriptures. Debate of consequences” (p. 105). Necessary consequence was debated, Session 636, 640, 641.</p> <p>Proofs for the validity of consequence: Matthew 22, John 10, Acts 13:34, and Hebrews 1:6. Session 640, p. 128. In Session 641 the assembly waved off any further proofs of the validity of necessary consequence, “Ordered: And this may be cleared by sundry other Instances, many more of the articles of faith being proved by Christ and his Apostells, out of the Old Testament, only by consequence.</p>

JDRE	Minutes of the Assembly
<p>II. By obligatory Scripture examples. Chp. 4 .</p> <p>“3. Those examples in Scripture are obligatory, whose ground, reason, scope or end are obligatory, and of a moral nature, and as much concern one Christian as another, one church as another, one time as another, etc., whether they are the examples under Old or New Testament.” <i>JDRE</i>, p. 72.</p> <p>Part two, chapter two, “but of the visible church of Christ, for which Christ has provided a visible polity, a visible government by visible officers and ordinances, for the good both of the visible and invisible members thereof, which is that church government spoken of here.” <i>JDRE</i>, p. 90.</p> <p>In <i>JDRE</i> part two, chapter one, the authors give their description of church government which provides the outline for part two. Page 87. “Church government may be thus described: church government is a spiritual¹ power or authority,² revealed in the holy Scriptures,³ derived from Jesus Christ our Mediator,⁴ only to His own officers⁵ and by them exercised in dispensing of the Word,⁶ seals,⁷ censures,⁸ and all other ordinances of Christ,⁹ for the edifying of the church of Christ.¹⁰”</p> <p>1. Matt. 16:19 & 18:15–18, 1 Cor. 5:4–5, 2 Cor. 10:8 & 13:10.</p> <p>2. 1 Cor. 4:20–21 & 2 Cor. 10:8 & 13:10.</p> <p>3. 2 Timothy 3:16–17, 1 Timothy 3:14–15, along with all places that mention anything of government.</p> <p>4. Eph. 4:8, 11–12, 1 Cor. 12:28, Matt. 28:18–20, John 20:21–23, Matt. 16:19, 2 Cor. 10:8.</p> <p>5. Matt. 16:19, 28:19, John 20:21, 23, 2 Cor. 10:8 & 13:10.</p>	<p>The assembly developed how examples bind over several sessions, 642, 643, 647, 649, 650 653, 654. The Sabbath was given as an example (Session 647) and other examples at more length as well as a general argument (Session 649), but none equate to text in <i>JDRE</i>, chp. 4.</p> <p>“Those examples either of <the> Apostells, evengelists or of the churches planted and ordered by them, which are recorded in the New Testament, and are noe wher dissalowed, and the perticular Reason wherof still abides, doe shew a Jus Divinum and the will and apoyntment of Jesus Christ, soe as still to Remaine.” Session 654, p. 158. Cf. Session 650, p. 150.</p> <p>The assembly moved on to the second question, given the second committee, which handled the nature or description of the church government prescribed by Scripture. “The Assembly entred upon the debate of the Report of the second Committee concerning Church government. Resolved upon the Q.: to goe on with the Report as it is brought in by parts. Resolved upon the Q.: Church government is that power and authority which Christ hath appoynted to be exercised in his Church for the good therof.” 2 Corinthians 13:10 is brought as a proof. Session 655, p. 160. This proof is adduced in the description of church government in <i>JDRE</i>.</p> <p>Session 656, June 10, 1646, p. 162. While the proofs vary, and this was a work in progress, the parallels and similarities with the final description in <i>JDRE</i> are striking.</p> <p>“The Assembly proceeded in the debate of Church Government and upon debate it was Resolved upon the Q.: This government is not civill, but spirituall, Math. 20:25, 26, 27; John 18:36</p> <p>... not originall but derivative, John 20:21</p> <p>... not supreme but subordinate to Jesus Christ, 1 Cor. 4:1</p> <p>... not lordly but ministeriall, 2 Cor. 1:24; 1 Pet. 5:3; not arbitrary but limited by the word of God, Math. 28 ul., ‘teaching them, &c.’”</p>

JDRE	Minutes of the Assembly
<p>6. Matt. 28:18–20, Acts 6:4, 2 Tim. 4:2. 7. Matt. 28:18–20, 1 Cor. 11:24. 8. Matt. 18:15–17, Titus 3:10, 1 Tim. 5:20, 1 Cor. 5:4–5, 13, 2 Cor. 2:6, 1 Tim. 1:20, 2 Cor. 2:7–8, etc. 9. 1 Cor. 4:1. 10. 2 Cor. 10:8 & 13:10.</p> <p>“This description of church government may be thus explained and proved. Three things are principally considered herein, viz.,” Page 87.</p> <p>“I. The <i>definitum</i>, or thing defined, or described, viz., church government.” Part two, chapter. two (page 89): “I. The <i>definitum</i>, or thing defined, or described, viz., church government [chapter 2]. “And here we are further to consider that church government is either: 1. Magisterial, lordly and supreme; and so it is primitively and absolutely in God... 2. Ministerial, stewardly and subordinate. And this power, Jesus Christ our Mediator has committed to His church guides and officers in His church (2 Cor. 10:8, 13:10).”</p> <p>“II. The <i>genus</i>, or general nature of this government which it has in common with all other governments, viz., power or authority [chapter 3].” Page 87.</p> <p>Part two, chapter three, “1. What is meant by power or authority. The word chiefly used in the New Testament for power or authority is ἐξουσία, which is used not only to denote Christ’s supreme power (as Luke 4:36, Mark 1:17 with Luke 6:19), but also His officers’ derived power (as [1 Cor. 4:20–21] with 2 Cor. 10:8 and 13:10).” Page 92.</p> <p>“III. The <i>differentia</i>, or the <i>specific difference</i> whereby it is distinguished from all other governments whatsoever [chapter 4, page 87]. Herein six things are observable: 1. The <i>special Rule</i>, wherein it is revealed, and whereby it is to be measured, viz., <i>The Holy Scriptures</i> [chapter 4].</p> <p>Part two, chapter four, “The rule or standard of church government is only the holy Scriptures. Thus, in the description, church government is styled a <i>power or authority revealed in the holy Scriptures</i>. For clearing hereof, take this PROPOSITION: <i>Jesus Christ our Mediator has laid down in His Word a</i></p>	<p>“... this government doth consist not only in Preaching of the word and administring the sacrament (by virtue of an office), Math. 28:19–20; Rom. 10:15; Heb. 13:7, but also in the ordaining of officers, 1 Tim. 4:14; 1 Tim. 5:22, and in dispensing of censures, 1 Cor. 5:12; 2 Cor. 2:6.”</p> <p>Each of the above entries in the minutes, also has parallels or similarities in the chapters noted by the outline in <i>JDRE</i>.</p> <p>... not originall but derivative, John 20:21 ... not supreme but subordinate to Jesus Christ, 1 Cor. 4:1. ... not lordly but ministeriall, 2 Cor. 1:24; 1 Pet. 5:3; not arbitrary but limited by the word of God, Math. 28 ul., ‘teaching them, &c.” <i>Minutes</i>, p. 162.</p> <p>“... not lordly but ministeriall, 2 Cor. 1:24; 1 Pet. 5:3; not arbitrary but limited by the word of God, Math. 28 ul., ‘teaching them, &c.” <i>Minutes</i>, p. 162.</p>

JDRE	Minutes of the Assembly
<p><i>perfect and sufficient rule for the government of His visible church under the New Testament, which all the members of His church ought to observe and submit unto till the end of the world.”</i> Page 98.</p> <p>“2. The proper author, or fountain, whence this power is derived, viz., from Jesus Christ our Mediator, peculiarly” [chapter 5]. Page 87. See also the chapter’s opening paragraph. Also,</p> <p>Part two, chapter five: “as, preaching the Word (Matt. 10:7, 1 Cor. 1:17, Matt. 28:18–20, Mark 16:15); administering of the sacraments: Baptism (John 1:33 with Matt. 3:13 and 28:18–19), the Lord’s Supper (1 Cor. 11:20, 23 etc., Matt. 26:26 etc., Mark 14:22 etc., Luke 22:19–20); dispensing of censures (Matt. 16:19 with 18:15–18 etc.)” “ordaining and appointing of His own church officers by whom His ordinances shall be dispensed and managed in His church.” “(Eph. 4:7–11. Compare 1 Cor. 12:28; 1 Thess. 5:12; Acts 20:28).” Page 102.</p> <p>“3. The <i>species</i>, or special kind of this power or authority, viz., It is a spiritual power; it is a derived power; it is an exercised power” [chapter 6]. Page 87.</p> <p>Part two, chapter six, “1. It is a spiritual power or authority. 2. It is a derived power...” John 20:21 is cited several times, but the Mathew 20 passage is not cited. Page 103.</p> <p>“4. The various parts or acts wherein this power puts forth itself: viz., in dispensing the Word, seals, censures, and all other ordinances of Christ [chapter 7].” Page 87.</p> <p>“5. The special end or scope of this power, viz., the edifying of the church of Christ” [chapter 8]. Page 87.</p> <p>“6. The proper and distinct subject or receptacle wherein Christ has placed and entrusted all this power, viz., only His own officers [chapter 9–15].”</p>	<p>“... this government doth consist not only in Preaching of the word and administring the sacrament (by virtue of an office), Math. 28:19–20; Rom. 10:15; Heb. 13:7, but also in the ordaining of officers, 1 Tim. 4:14; 1 Tim. 5:22, and in dispensing of censures, 1 Cor. 5:12; 2 Cor. 2:6.” <i>Minutes</i>, p. 162.</p> <p>“This government is not civill, but spirituall, Math. 20:25, 26, 27; John 18:36.... not originall but derivative, John 20:21</p> <p>... this government doth consist not only in Preaching of the word and administring the sacrament (by virtue of an office), Math. 28:19–20; Rom. 10:15; Heb. 13:7, but also in the ordaining of officers, 1 Tim. 4:14; 1 Tim. 5:22, and in dispensing of censures, 1 Cor. 5:12; 2 Cor. 2:6.</p> <p>Church government is that power and authority which Christ hath appoynted to be exercised in his Church for the good therof.”</p> <p>Session 657. June 11, 1646, p. 164. “This Government doth consist in ordaining of Ministers for the preaching of the word, and for administration of the sacraments and in dispensing of church censures by church officers.” Proofs, 1 Timothy 4:14 and 1 Timothy 5:22.”</p>

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<p>“All these things are comprehended in this description and unto these various heads the whole nature of church government may be reduced. So that these being explained and confirmed by Scriptures, it will easily and fully be discovered what that church government is, which is <i>jure divino</i> and by the will and appointment of Jesus Christ our Mediator.” Page 87.</p>	<p>Session 658 (p. 166): The words “by church officers” dropped,¹ 1 Corinthians 5 and 2 Corinthians 2:6 added for proofs and debate ended on the proposition. “Resolved: “That Church Government is in the hands of Church Officers only as contradistinct to the civill magistrate.” Proofs were approved for “in the hands of church officers only” in the next session and debate ended.”</p>

In session 659 the assembly ran into some dissent from Thomas Goodwin that led to a debate about voting on the issues which resulted in a “noe more shall be said to this businesse.” In session 660 the assembly broke off from debating the nine queries until session 667 and the first committee was assigned to “prepare something for the Assembly in answer to the Questions propounded by the House of Commons” (p. 182). In session 668 the committee presented a paper answering the first query but only as from the portion of the members who drew it up, as there was not full agreement on the committee. Those of the first committee that had drawn it up were made a committee to answer the eight other queries. It is hard to say if there is a connection between this ad hoc subcommittee and the writing of *JDRE*. Those associated with early 1640s Presbyterianism such as Stephen Marshall, Edmund Calamy, Thomas Young, Matthew Newcomen, William Spurstow (the authors of works under the name Smectymnuus [1641]), William Gouge,

Lazarus Seaman and others, were spread throughout the three standing committees of the assembly: Marshall and Gouge were on the first committee, Calamy, Young, and Seaman on the second committee, Newcomen and Spurstow on the third. So while the work of this group of men from the first committee may have somehow evolved into writing *JDRE*, it is difficult to deduce this from the makeup of the first committee. See the member lists of the three committees in Van Dixhoorn, 1.182–184.

The paper was debated in Session 669 which again devolved into a discussion of how members would subscribe to the answers. In Session 670 the assembly debated the preface to the answer to the first query and it was decided to wave this till the answers to the nine queries were completed in full. Debate over the “first branch of the first Question” was debated and then put off for “further consideration.”

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<p>Part one, chapter one. “General Proposition”: “The Scriptures declare that there is a government <i>jure divino</i> in the visible church of Christ now under the New Testament.</p> <p>Added hereto [for consideration] is 2 Corinthians 10:8. “Of our authority, which the Lord has given to us for the edification, and not for the destruction of you...” <i>JDRE</i>, page 54.</p> <p><i>JDRE</i> distinguishes the nature of civil power and the power of the church in part two, chapters six and nine, when denying the civil magistrate any government in the church.</p>	<p>Session 671. Resolved without dissent: “that Jesus Christ as King and head of his church hath himself appointed a church Government” ... “Distinct from the civill”. <i>Minutes</i>, page 192.</p> <p>Session 672. R: “this Church government stands not in any power of externall coertions in Inflicting bodily punishments, fines or mulcts upon mens persons...”</p> <p>Session 673, “But it consists in apply spirituall meanes for the better ordering of the spirituall life and preventing and Removing of scandalls, and the end of it is for edification, 2 Cor. 10:8, ‘for though I should boast somewhat more of our Authority which the Lord hath given us for edification and not for your destruction’ ... and 1 Cor. 5:5...”</p>

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<p>Part two, chapter nine. “Ecclesiastical power consists of the ‘keys of the kingdom of heaven’—preaching the Word, dispensing the Sacraments, executing the censures, admonition, excommunication, absolution, ordination of presbyters, etc.; but magistratical power consists in the exercise of the secular sword, in secular statutes, fines, mulcts, imprisonments, confiscations, banishments, torments, deaths. {Magistratical power is merely temporal; ecclesiastical merely spiritual.}” The braced text was dropped in the 1647 revision. <i>JDRE</i>, page 141.</p> <p>Part two, chapter seven, Of the various parts or acts of this power of church government, wherein it puts forth itself in the church. “3. Admonition and public rebuke of sinners is a divine ordinance of Christ. “If thy brother trespass against thee, go and tell him his fault between thee and him alone ... if he will not hear thee, then take with thee one or two more ... and if he shall neglect to hear them, tell it unto the Church” (Matt. 18:15–17). “Whosoever sins ye bind on earth shall be bound in heaven” (John 20:23). One way and degree of binding is by authoritative convincing reproof. “Admonish the unruly” (1 Thess. 5:14). ... (Titus 3:1)... (1 Tim. 5:20)... Titus 1:13)... (2 Cor. 2:6)” Page 110.</p> <p>“4. Rejecting, purging out, or putting away wicked and incorrigible persons from the communion of the church is an ordinance of Christ. “And if he will not hear them, tell the church...” <i>JDRE</i>, page 111.</p>	<p>Session 674. R: ... “the Government which we conceive this Question aims at stands in the due application of the censures which Christ hath appoynted, which are to be dispensed as the nature of the fault or scandall doth Require.”</p> <p>Re: “Admonitions are first to be used (according as is further expressed in the Answer to the 7th Question) wherein this order is to be observed: if the offence or fault be private, the method appoynted [in] Math. 18:15–16 is to be followed...” “If publique, that method is not necessary, 1 Tim. 5:20...” <i>Minutes</i>, pages 203, 204.</p> <p>Session 675. To debate: “That it is the will and appoyntment of Jesus Christ that notorious and scandalous offendours should be kept away from the Sacrament of the Lords Supper.” This passed without opposition in the previous session, but Goodwin, Burroughs and Carter, Jr. did not vote, “till they see the scope of it.” <i>Minutes</i>, Page 206.</p> <p>It was resolved to vote on the proofs of this proposition in the session 676, but the order from the Commons to essentially drop the queries and take up the work of the confession and catechisms was delivered in Session 677, July 22, 1646 (p. 210).</p>

As one may see, the parallels are striking between the assembly’s minutes and the *JDRE* of the London Provincial Assembly. Not only is there some common language (beyond that found in the nine queries), but the sundry ministers adopted the Westminster divines’ main outline of the questions to be answered. Thus, while it may not be as strongly associated to the assembly as William Hetherington thought, as to be essentially their

work, *Jus Divinum Regiminis Ecclesiastici* is nevertheless so closely associated that it is perhaps, more than any other work not by the assembly itself, clearly reflective of its views and useful in determining the original intent of the Westminster Assembly, at least of the presbyterian majority, and perhaps of the majority of the assembly on more general questions of establishing a *jus divinum* from Scripture. ■